

**Report to** Planning applications committee

**Item**

8 September 2016

**Report of** Head of planning services

**Subject** Tree Preservation Order [TPO], 2016. City of Norwich Number 505; 3 Ampthill Street, Norwich, NR2 2RG

5(P)

**Reason for referral** Representations for and objections to confirmation of tree preservation order 505

|                     |  |
|---------------------|--|
| <b>Ward:</b>        | Town Close   |
| <b>Case officer</b> | Stephen Hayden – tree consultant for Norwich City Council<br>tel: 07850 167400 |

| <b>Proposal</b>   |         |         |
|---|---------|---------|
| To confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 505; 3 Ampthill St, Norwich, NR2 2RG without modifications |         |         |
| <b>Representations</b>  |         |         |
| Object  | Comment | Support |
| 1   |         | 0       |

| <b>Main issues:</b>       | <b>Key considerations:</b>   |
|---------------------------|--|
| 1 Amenity                 | Impact on visual amenity of site and surrounding area  |
| 2 Climate change          | Trees increase resilience to climate change and contribute to mitigate against flash flooding. |
| 3 Air quality             | Trees improve air quality  |
| 4 Biodiversity & wildlife | Trees aid biodiversity and wildlife  |
| TPO Expiry date           | 31 November 2016   |
| <b>Recommendation</b>     | Confirm TPO 505 without modifications  |



**PLANNING SERVICES**

Norwich City Council, City Hall,  
Norwich, NR2 1NH  
Telephone 0344 980 3333

Date : 23/05/2016

Scale : 1:500

Drawn by : SRB



## Introduction

1. The mature crab apple tree is situated in the garden of 3 Ampthill St, at the junction of Woburn Street. A healthy specimen with high amenity value, a key landscape feature in the immediate area.
2. The location of the tree is shown on the attached plan.
3. The tree is owned by 3 Ampthill St.
4. Tree Preservation Order No 505 was served on the tree on the 31<sup>st</sup> May 2016.

## The site, surroundings and content

5. The tree is a medium sized, mature specimen. Located at the junction of Ampthill St and Woburn St, its visual presence contributing to the attractive nature of the immediate vicinity. Its retention, particularly in the absence of much larger trees, is seen as highly desirable in order to preserve the character of the area.
6. A conservation area notification was received on 22 April 2016, informing Norwich City Council of the intention to remove the tree. The tree was then inspected by the acting Tree Protection Officer.
7. The Council's tree consultant assessed the tree using the Tree Evaluation Method for Preservation Orders (TEMPO). The assessment has the following classifications:

| <b>TEMPO score:</b> | <b>TEMPO Decision guide</b> |
|---------------------|-----------------------------|
| 0 - 11              | Does not merit a TPO        |
| 12 -15              | TPO defensible              |
| 16 - 25             | Merits a TPO                |

The assessment resulted in a score of 15 for T1, crab apple tree, which indicated that a Tree Preservation Order was defensible.

8. Tree Preservation Order [TPO], 2016. City of Norwich Number 505; 3 Ampthill St, Norwich, NR2 2RG. The Order was provisionally in effect for 6 months from the date on which it was served, 31<sup>st</sup> May 2016.

## Representations

9. Notice of the Order was served on the owners of the property and neighbouring properties. In response 1 letter of representation has been received objecting to the Order. Full details of this letter are available on request. The issues raised and the Tree Consultants response are summarised below:

| Representation  | Response  |
|---|---|
| The owner wishes to remove the tree, and use the space for off street parking.              | Although parking may be problematic in this area, the tree is a well-established, healthy specimen, and it is the view of the officer that this is an unacceptable reason to remove the tree.   |
| The tree is a nuisance, its proximity to the house means that it requires constant pruning. | The tree is a mature specimen, with limited growth potential. Pruning to achieve and maintain an acceptable size and shape would only be required on an occasional basis, eg. every 2-3 years. A TPO would not prevent this pruning.  |
| Fruit fall is unsightly and poses a threat to users of the public footpath.                 | <p>The dropping of fruit is not considered an acceptable reason for the removal of mature trees. It is part of living with trees within urban environments and considered to be a reasonable burden upon landowners given the overriding benefit trees afford to the public and city in general.</p> <p>Pruning the tree, as detailed in paragraph 6.2, would reduce the amount of fruit fall, in addition, Norwich City Council would be willing to work with the owner of the tree in this respect, and look into the possibility of providing extra street cleaning services, at the appropriate time, if the fruit fall is deemed a hazard.</p> |

## Main issues

### Issue 1

10. The loss of a mature tree in good condition with high visual amenity would have a detrimental impact on the visual amenity of the site and surrounding area.

## **Issue 2**

11. The loss of this tree would also contribute to the impacts of climate change. Through photosynthesis trees naturally absorb CO<sub>2</sub> a key greenhouse gas and act as a carbon sink by sequestering it. Also, by a combination of reflecting sunlight, providing shade and evaporating water through transpiration trees moderate the local microclimate and temperature.

Amphill Street is located adjacent to the Nelson and Town Close Critical Drainage Area. Tree canopies are proven to slow rates of precipitation and increase infiltration. Every tree within the critical drainage area contributes to slow flash flooding.

## **Issue 3**

12. The tree has a positive effect on air quality by cutting levels of airborne particulates and removing air pollutants.

## **Issue 4**

13. The tree enhances biodiversity by providing habitats for a variety of species and thereby contributing to providing a healthy food chain that is of benefit to birds and mammals.

## **Conclusion**

The tree is a mature specimen, in good condition. It is a key landscape feature, in-keeping with the surrounding area. The Objection to the Order has been taken note of, and whilst officers appreciate the issues raised, it is their opinion that the tree in question not only makes a positive environmental contribution, but its significant amenity value, and remaining life expectancy, validates its continued protection by the confirming of the Tree Preservation Order.

## **Recommendation**

To confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 505; 3 Amphill Street, Norwich, NR2 2RG without modifications.

**THE CITY COUNCIL OF NORWICH**

**FORM OF TREE PRESERVATION ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**

**THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 505, 2016**

The City Council of Norwich, in exercise of the powers conferred on them by Section 198 of the Town and Country Planning Act 1990 hereby make the following Order –

**Citation**

1. This Order may be cited as Tree Preservation Order, 2016  
City of Norwich Number 505, 3 Amptill Street Norwich NR2 2RG

**Interpretation**

2. 1. In this Order “the authority” means the City Council of Norwich
2. In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3. 1. Subject to article 4, this Order takes effect provisionally on the date on which it is made.
2. Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

DATED this 31<sup>st</sup> day of May  
two thousand and sixteen.

THE CORPORATE SEAL of THE )  
CITY COUNCIL of NORWICH )  
Was hereunto affixed in the )  
Presence of )



*Am. B. U.*  
.....

Authorised by the Council

**SCHEDULE**

**Article 3**

**SPECIFICATION OF TREES**

**Trees specified individually  
(encircled in black on the map)**

| Reference on Maps | Description     | Situation  |
|-------------------|-----------------|--|
| T1.               | Crab Apple tree | 3 Ampthill Street, in the North-eastern corner of the garden<br>Grid ref – 622200 : 308267 |

**Groups of Trees  
(within a broken black line on the map)**

| Reference on Map | Description | Situation |
|------------------|-------------|-----------|
| None.            |             |           |

**Trees specified by reference to an area  
(within a black dotted line on the map)**

| Reference on Map | Description | Situation |
|------------------|-------------|-----------|
| None.            |             |           |

**Woodlands  
(within a continuous black line on the map)**

| Reference on Map | Description | Situation |
|------------------|-------------|-----------|
| None             |             |           |



**IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended).**

**TOWN & COUNTRY PLANNING (Tree Preservation) (England) REGULATIONS 2012**

**TREE PRESERVATION ORDER 2016**

**THE CITY COUNCIL OF NORWICH NUMBER 505**

**ADDRESS: 3 Amphill Street Norwich NR2 2RG**

**THIS IS A FORMAL NOTICE** to let you know that on **31 May 2016**, the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the Schedule and shown on the map without the Council's consent. Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, **Protected Trees: A Guide to Tree Preservation Orders**, produced by the Department of Communities & Local Government.

The Council has made the Order *in response to a notification of intention of proposed works which will undermine the visual amenity of the area and future viability of the tree*

[The Order took effect, on a provisional basis, on **31 May 2016**. It will continue in force on this basis for a further 6 months until the Order is confirmed by the Council, or if the Council decide not to confirm the order, the date on which the Council decide not to confirm the order, whichever occurs first.] The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, we must receive them in writing by **30 June 2016**. Your comments must comply with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to the **Tree Protection Officer, Norwich City Council, City Hall, St Peter's Street, Norwich NR2 1NH** or you can email: **planning@norwich.gov.uk** All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made. The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact: **The Tree Protection Officer, Norwich City Council, St Peter's Street, Norwich, NR2 1NH (Tel: 01603 212546) email: planning@norwich.gov.uk**

DATED this **31 May 2016**.

Signed



Stephen Hayden  
Acting Tree Protection Officer  
On behalf of Norwich City Council, City Hall, Norwich, NR2 1NH

**COPY OF REGULATION 6 OF The Town and Country Planning (Tree Preservation)(England) Regulations 2012**

**Objections and representations**

**6.—(1)** Subject to paragraph (2), objections and representations—

(a) shall be made in writing and—

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 26/4/14 Surveyor: SH

Tree details  
 TPO Ref (if applicable): \_\_\_\_\_ Tree/Group No: T1 Species: Crab Apple  
 Owner (if known): \_\_\_\_\_ Location: \_\_\_\_\_

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous\* Unsuitable

\* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes  
Good condition - No P.D. 3

**b) Retention span (in years) & suitability for TPO**

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10\* Unsuitable

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes  
Mature tree 2

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees <sup>SH 26/4</sup> Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) ~~Medium trees, or large trees visible with difficulty only~~ Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes  
4

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes  
1

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s 211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes  
5

**Part 3: Decision guide**

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:  
15

Decision:  
No TPO -

SH 26/4

10  
SH 26/4