

# Appeals Panel

## Agenda

### *Members of the Appeals Panel*

The Panel will comprise the 3 Members in bold /underlined below:

Miss S Lawn  
(Chairman)

**Mr A D Adams**  
(Vice Chairman)

**Ms S J Catchpole**

Dr K Lawrence

Mr M L Murrell

**Mrs S M Prutton**

Mr M D Snowling MBE

Miss J L Thomas

## Date

Wednesday 29 January 2020

## Time and Place

09:30 am – Thorpe St Andrew – site visit only

10:00 am – Spixworth – site visit only

10:30 am – Broadland District Council  
Offices - Hearings

(Please see schedule overleaf for detailed  
timings and locations)

## Contact

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If any member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Director / Assistant Director.



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### The Openness of Local Government Bodies Regulations 2014

Under the above Regulations, any person may take photographs, film and audio-record the proceedings and report on all public meetings. If you do not wish to be filmed / recorded, please notify an officer prior to the start of the meeting. The Council has a protocol, a copy of which will be displayed outside of each meeting room and is available on request.

**The Chairman will ask if anyone wishes to  
film / record this meeting**

	<b>A G E N D A</b>	<b>Page No</b>
<b>1</b>	<b>To receive declarations of interest under Procedural Rule no 8</b>	<b>3</b>
<b>2</b>	<b>Apologies for absence</b>	
<b>3</b>	<b>Minutes</b>	
	To consider the minutes of the meeting held on 24 July 2019	<b>5</b>
<b>4</b>	<b>The Broadland District Tree Preservation Order 2019 (No 8) 1 South Avenue, Thorpe St Andrew, Norwich, NR7 0EY</b>	<b>17</b>
	To hear and determine objections to the making of the Order	
	A copy of the procedure to be followed is attached	15
<b>5</b>	<b>The Broadland District Tree Preservation Order 2019 (No 9) 43 and 45 Rosa Close, Spixworth, Norwich, NR10 3NZ</b>	<b>64</b>
	To hear and determine objections to the making of the Order	
	A copy of the procedure to be followed is attached	15

Trevor Holden  
Managing Director

	<b>Schedule – 29 January 2020</b>
<b>09:30 am</b>	Meet on site outside no: <b>1 South Avenue, Thorpe St Andrew, Norwich, NR7 0EY</b> to inspect the trees.
<b>10:00 am</b>	Meet on site outside no: <b>45 Rosa Close, Spixworth, Norwich, NR10 3NZ</b> to inspect the trees.
<b>10:45 am</b>	Convene at Broadland District Council Offices, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU to determine the <b>Thorpe St Andrew Order</b>
<b>11:45 am</b>	Convene at Broadland District Council Offices, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU to determine the <b>Spixworth Order</b>

## DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. Affect yours, or your spouse / partner's financial position?
2. Relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

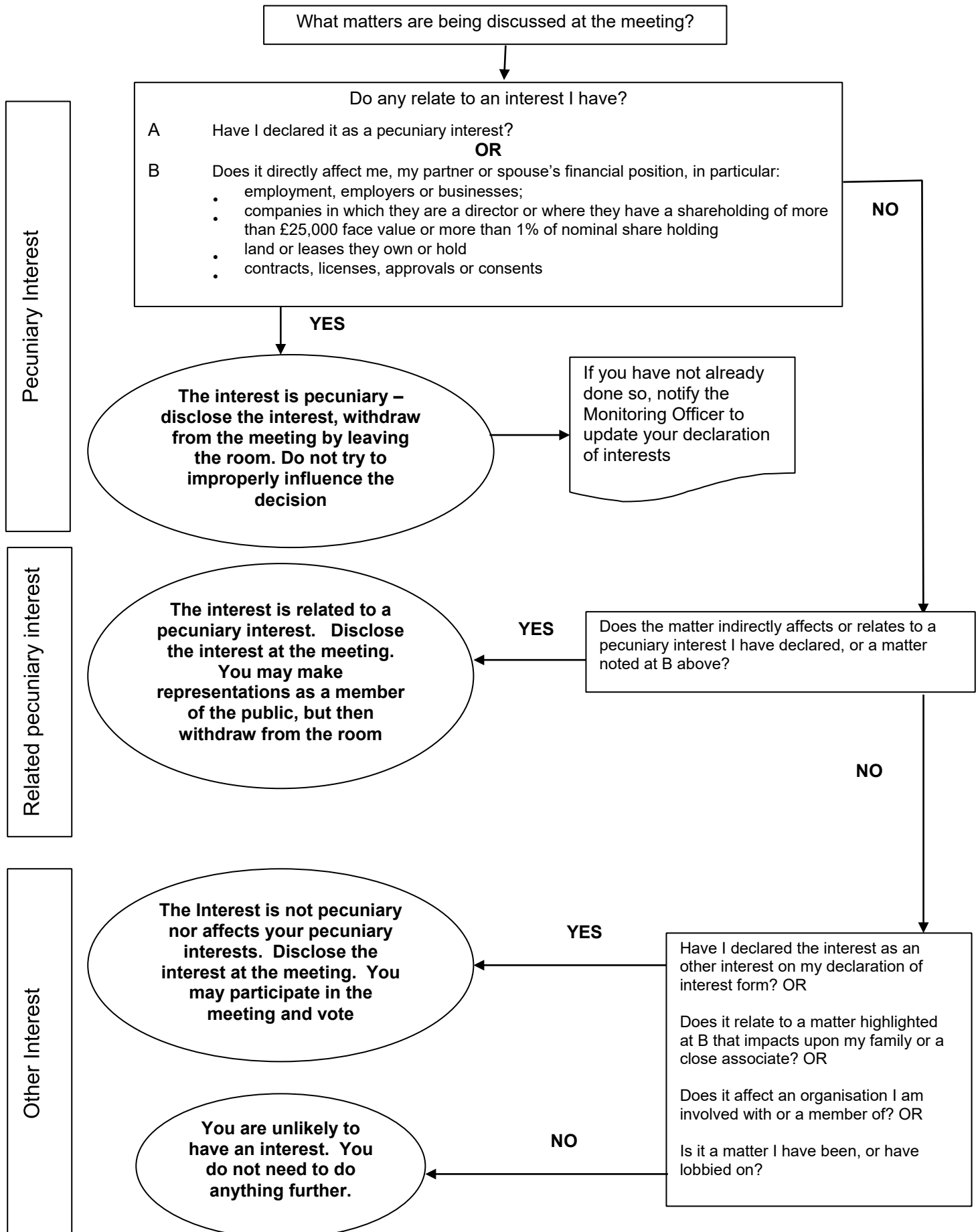
Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF**

**PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE**

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



Minutes of a meeting of the **Appeals Panel** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew on **Wednesday 24 July 2019** at **9:20am** when there were present:

Miss S Lawn– Chairman  
Mr A Adams Dr K Lawrence

Also in attendance were:

- (1) Mr S Bennett – Vice-Chairman of Cantley Parish Council (for the Cantley Order)
- (2) Mr R Holmes – 4 Oak Tree Close, Cantley – Objecting (for the Cantley Order)
- (3) The Conservation Officer (Arboriculture and Landscape) – presenting the case (for the Cantley Order)
- (4) The Assistant Conservation Officer – presenting the case (for the Brundall Order)
- (5) The Committee Officer (DM) – advisor to the Panel

## **1 MINUTES**

The Minutes of the meeting held on 21 November 2018 were confirmed as a correct record and signed by the Chairman.

## **2 THE BROADLAND DISTRICT TREE PRESERVATION ORDER 2019 (NO: 6) 33 CHURCH ROAD, CANTLEY, NORWICH NR13 3SN**

The Panel had previously visited the site at 9:20am to inspect the trees included in the Area Provisional Tree Preservation Order shown as A1 on the map attached to the Tree Preservation Order (TPO). Following introductions, those present (as listed above) were invited to point out anything they wished the Panel to observe whilst on site but not to discuss the merits or otherwise of the making of the Order as this would take place at the hearing. The Conservation Officer (Arboriculture and Landscape) drew attention to the modified plan which had been prepared since the serving of the initial Area Order and following a further inspection of the site to identify those trees within the Area Order which should remain in the Order those which did not warrant protection and could be excluded from the Order.

Members viewed the trees from within the garden of 33 Church Road. They noted the location of all the individual trees identified on the modified plan and the location and appearance of the 5 Lime trees which were the subject of the objection. The site was generally overgrown and unmaintained. The objector

pointed out the location of debris and logs from a fallen tree on the site, the new gravel boards he had erected on the boundary of his property and the extent of rapid growth of vegetation along the boundary. Members then viewed the 5 Lime trees from within the objector's garden at 4 Oak Tree Close where the objector drew attention to the condition and form of some of the trees, the location of soakaways in his garden and the repaired fence along the boundary.

The Panel then convened at 10:45am at Broadland District Council offices to consider the objection to the TPO. Those listed above were present. The Chairman invited those present to introduce themselves, explained the purpose of the Hearing and outlined the procedure to be followed.

The Panel was aware that the Council had decided to make the Area TPO after the Council received planning application No 20190731 for nine self-build dwellings. The proposed site was heavily constrained by the existing trees and it was considered expedient to protect the group of mature mixed leaved trees located on the north, east, south and west boundaries to safeguard the significant visual amenity and biodiversity value offered by the trees to the immediate area and the wider environment.

One formal objection to the Order had been received from Mr R Holmes, of 4 Oak Tree Close whose property backed onto 33 Church Road.

The Panel then heard from Mr Holmes who handed round additional information following a meeting on 22 July 2019 (copy attached at Appendix 1 to the signed copy of these Minutes). Mr Holmes then went through the points raised in his additional information in detail and the Conservation Officer and the Chairman endeavoured to respond to the issues raised.

In summary, Mr Holmes raised the following matters which were responded to as detailed:

- The meeting on 22 July was organised without warning or notice and those attending did not have permission to enter the land. He was disappointed with the way the matter had been managed that day. Following clarification, it was noted that this meeting had been arranged by the Parish Council. He had had similar concerns about a visit by the Conservation Officer in the past and that, whilst the Conservation Officer had left messages for Mr Holmes saying he had tried to make contact with Mr Holmes to visit him, the Conservation Officer had still visited the site and had taken photographs which had led to Mr Holmes making a complaint.
- No formal survey had been carried out of the trees and a proper assessment had not been undertaken. A simple statement that the trees were not considered unsafe was not sufficient and there was no supporting evidence of this. It was a simple statement repeated in all cases of TPOs. The Conservation Officer explained that, in this case, an Area Order had been

made without a visual inspection in response to the potential threat to the trees. He had, however, had sight of the tree survey undertaken as part of the planning application to get a feel for the situation. He had then undertaken a further survey which included a visual assessment on site of individual trees and their form and condition in order to identify which trees were appropriate for inclusion in the modified Group Order. Any trees with issues were not included in the modified Order. There was no requirement as part of the Order making process to undertake any further detailed assessment of the trees. There had been nothing visible to suggest the trees were unsafe and no incidents had occurred since the assessment in 2012 other than a normal degree of dead wood. Mr Holmes felt 12 years was insufficient to judge the situation.

- The tree roots of tree L1 (Mr Holme's reference) had been cut and rendered the tree vulnerable and this had not been assessed. Mr Holmes did not agree with the view that, because the tree had not suffered a catastrophic failure in the last 12 years, it was not dangerous. He felt the tree was dangerous and could not therefore be the subject of a TPO. He felt this matter did not just go away after 12 years. The Conservation Officer commented that, as a living structure, the tree and its roots would have adapted to any root cutting by producing new root growth to compensate. This only tended to fail if the rate of decay / loss out-paced the rate of regrowth. Evidence of any damage would be visible and the trees had withstood a number of exceptional weather events over the last 12 years. An element of risk of failure and damage to people or property was attached to any tree but this was considered to be in the region of a 1 in 10 million chance. It was not proportional to remove trees all trees growing adjacent to areas of habitation on the basis of this level of risk.
- A health and safety report had indicated that tree L2 was of poor form and this tree had not been assessed fully because it had previously covered in Ivy.
- Tree L3 suffered a lot of dead wood falling and a soakaway existed 2.5m away which would have implications for the future management of the soakaway. Mr Holmes questioned how this could be managed. With regard to the dead wood, the Conservation Officer commented the dead wood was at a level expected for a tree of that age and could continue to be removed without requiring permission even if the Order was confirmed.
- Tree L4 was imbalanced, had poor form and was also close to a soakaway. With regard to the soakaway, the Conservation Officer commented that, when the soakaway was installed, precautions regarding the tree roots would have been required and should have been taken into account. Mr Holmes confirmed the soakaway was constructed of brick and rubble with pipes leading to it. The Conservation Officer stated this would therefore be porous and that the roots would not damage intact pipes. Any maintenance work necessary to the soakaway could include the trimming of roots if necessary.

An arboricultural method statement would be required to ensure any work was undertaken in sympathy with the trees. Mr Holmes commented that an officer of the Council had not been able to attend on site at the time of the installation of the soakaway and had told Mr Holmes to put the soakaway where building control had requested. The Conservation Officer commented that the soakaway had been installed over 12 years ago and the tree roots would have adapted to any interference. Mr Holmes commented that there was a cost implication in obtaining a method statement for maintenance of the soakaway if the trees were subject to a TPO.

- Tree L5 was close to L4, was of poor form and in the past was being killed by Ivy but this had now been resolved.
- Mr Holmes questioned the consistency of the Council's approach, as the findings of some reports had been considered relevant whereas others had not.
- Mr Holmes commented that there was no public support for the making of the Order, as claimed by the Parish Council. Their meetings were poorly attended and the public was not interested. His neighbours were not aware of the TPO and the notification of the TPO had been limited to the immediate neighbours. The Conservation Officer confirmed that the required notices about the making of the Order had been served on all interested parties as required by the legislation. Any views of the Parish Council would be given due weight by the Panel in considering its decision.
- Mr Holmes was very concerned that the trees had not been properly surveyed and the Council could not put a TPO on a dangerous tree or a tree with poor form. The Conservation Officer reiterated that, following his assessment, he believed the trees satisfied the criteria for making an Order and they formed an important backdrop to the development. Mr Holmes was advised that there was no obligation on the Council to undertake or provide a detailed survey of the condition of each tree. Should evidence be provided to them which demonstrated that there was a real concern about the condition and safety of a tree within the Order if confirmed, this would be taken into account in deciding how if the tree needed remedial work or removal. Mr Holmes stated he had not had time to approach the landowner to see if such a survey could be done and he asked the Panel to defer the meeting to give him time to do this. He felt it was important to get a second opinion. It was noted that the Order had been made in May and Members felt sufficient time had been available for such a survey to be undertaken. The Panel agreed to continue with the meeting to determine the matter. In response to a question, the Conservation Officer confirmed that, if any of the Lime trees were diseased there would be some form of evidence of this on visual inspection possibly in the form of dieback in the upper crown. There was some degree of minor dead wood in the trees but no evidence of anything else. The trees gave the appearance of being very healthy with vigorous growth.



The Panel then heard from the Vice-Chairman of the Parish Council who confirmed that the meeting held on 22 July had been instigated by the Parish Council. They could not contact the owner but wanted to view the site to form an opinion. He commented on the jungle like appearance of the area and the challenge of identifying the trees worth protecting. In his view, several of the species were multi stemmed and needed chopping down. The Parish Council had raised the matter initially having seen the proposed planning application which was void of any trees. They were concerned about this and so had raised the issue of a potential TPO. They were not aware of Mr Holmes' concerns at that stage. He welcomed that the Area Order was being modified to identify those trees worthy of protection. He felt it was unfortunate that the trees had not been better maintained by the owner. He confirmed that the Parish Council was supporting the inclusion of the 5 Lime trees along Mr Holmes' boundary in the Order.

A question was raised about the duty of care on owners of trees and the Conservation Officer commented that there was a duty of care on the owner of any tree to ensure it did not cause injury to people or damage to property with or without the presence of a TPO. A TPO did not provide for owners to be instructed to undertake works to their trees but the Miscellaneous Provisions Act did allow for intervention if a tree was imminently dangerous and an owner was unwilling to act. The existence of the TPO meant that any works proposed (other than the removal of dead wood) would require consent. The Conservation Officer commented that, having regard to the work previously carried out by Mr Holmes to maintain the trees overhanging his garden, he did not foresee any issue with consent being granted for works of a similar nature / standard.

The Panel then heard from the Conservation Officer who, mindful of the matters already discussed, added that there was no evidence at the present time that the trees in the Order were dangerous. The trees made a significant contribution to the local environment and had amenity value. The trees were at risk from the development of the site. There was no evidence the trees were dangerous and he felt they needed to be protected.

With the exception of the three Panel Members and the Committee Officer, all present then left the room whilst the Panel considered the objection and made its decision. They subsequently re-joined the meeting and were advised that, having listened carefully to all the evidence put before it and having regard to the criteria for making the Order, the Panel had decided that the Order should be confirmed with modifications as detailed on the modified plan which identified each of the trees to be protected in Group 1.

The reasons for the decision were that the criteria for making the Order had all been met. The trees were under threat, they made a significant contribution to the local and wider environment, there was no reason to believe they were dangerous, they had a life span in excess of 10 years, they did not present an unacceptable or impracticable nuisance and they contributed to the biodiversity of the immediate area and offered a wildlife habitat.

Accordingly, it was

**RESOLVED:**

to confirm the Broadland District Tree Preservation Order 2019 (No: 6) with modifications to include the trees specified on the modified plan.

All present were advised that if any person was aggrieved by a local authority's confirmation of a Tree Preservation Order, they may, within 6 weeks of that confirmation, apply to the high court under section 288 of the Town and Country Planning Act 1990, for an order quashing or (where applicable) suspending the order, either in whole or in part. The grounds upon which such an application may be made are that the order is not within the powers of that Act or that any relevant requirements have not been complied with in relation to that order.

**3 THE BROADLAND DISTRICT TREE PRESERVATION ORDER 2019 (NO: 1)  
11 STATION NEW ROAD, BRUNDALL, NORWICH NR13 5PQ**

The Panel arrived on site at 10:05 am and remained until 10:25 am. No other interested parties were present at the site. Attempts were made to contact the objectors at the property and by telephone without success. Members were able to view the trees and noted their form and their location within the garden of the property and within the local setting.

The meeting to determine the objections to the making of the Brundall Order commenced at 10:45am. None of the interested parties were present. Attempts were again made to contact the objectors, the tree warden and the parish council with no success. The Committee Officer confirmed that notification of the date of the meeting had been circulated to all interested parties on two occasions. Members were concerned that they were unaware as to why no interested parties had attended and that they would adjourn the meeting to reconvene again to enable a further opportunity for the interested parties to attend. It was agreed that the meeting reconvene on Thursday 1 August 2019 at 10:00 am without the need for a second site visit. The matter of the objections to the making of the Order would be determined at that meeting based on written submissions even if any of the interested parties were not in attendance.

*The meeting adjourned at 1:00pm*

*The meeting reconvened on Thursday 1 August 2019 at 10:00 am with the following present:*

	Miss S Lawn– Chairman	
Mr A Adams		Dr K Lawrence

Also in attendance were:

- (1) Mr Clarke of 11 Station New Road – objector (for the Brundall Order)
- (2) Mr R Farley – Brundall Tree Warden (for the Brundall Order)
- (3) The Assistant Conservation Officer – presenting the case (for the Brundall Order)
- (4) The Senior Committee Officer (SU) – advisor to the Panel

The Chairman invited those present to introduce themselves, explained the purpose of the Hearing and outlined the procedure to be followed.

The Panel was aware that the Council had decided to make the provisional TPO to protect 11 Douglas Fir trees to the front of 11 Station New Road in Brundall following the refusal of outline planning permission for the erection of a self-build dwelling to the rear of the property (ref: 20181885). One of the main reasons for the refusal had been the potential impact on trees as well as concerns about backland development and the character of the area. The planning application had been submitted with an Arboricultural Impact Assessment which highlighted the tree constraints. It was noted that the applicant had lodged an appeal with the Planning Inspectorate against the refusal of planning permission (as yet undetermined).

One formal objection to the Order had been received from Mr & Mrs Clarke of 11 Station New Road, Brundall, the owner/occupiers of the site in question.

Mr Clarke presented his objections to the TPO, referring to his letter dated 4 March 2019. He referred to a further letter dated 9 June which he had submitted following the recent high winds which had caused some damage to the trees. The Assistant Conservation Officer responded that as this letter had been received after the period for objections had expired, it had not been included within the agenda papers. Mr Clarke was of the view that the TPO added no value as he currently cared for and nurtured the trees. None of the trees were grade A: just B or C. He emphasised that the trees were not under any danger or pressure of being removed. In submitting his planning application, he had followed the due processes 100% and provided the required Arboricultural reports etc. They had lived at the property for between 7 and 8 years and had cared for the trees all that time. The TPO was an unnecessary bureaucracy which went against what he was trying to achieve. None of his neighbours supported the TPO – they lived on a nice private road where everyone cared for their own trees. In his opinion, there were better specimens of tree at nos: 14, 16 and 18 but none of these were protected by a TPO.

The Chairman responded by advising Mr Clarke that it was an automatic process – as the Council felt the trees could be threatened through the planning application, the TPO had been served. The Panel had witnessed on site how well he had looked after the trees and felt there was no reason why this could not continue in the future.

Mr Clarke continued that he felt the bureaucracy was pointless as it was unlikely he would get planning permission. It was in his own interests as well to follow any Arboricultural advice as the trees were next to his own (original) property. The serving of the TPO implied that he would jeopardise the trees which he considered to be an insult to his integrity and the trees were not under any threat. He was concerned that he would now have to speak to Council officers before he could do anything to the trees.

Mr Clarke then referred to the damage which had been caused by recent high winds, providing the Panel with a copy of a photograph as evidence. He stated that a 10m branch weighing 250kg had fallen onto his drive in early June which was subsequently followed by a 12ft branch the day after. He had concerns that the trees were a risk, being 100ft in height and the branches could fall in any direction posing a health and safety risk. He added that the planning application was irrelevant to the TPO as even if the Inspector did allow the appeal, it was unlikely he would go ahead with it. The process of applying for the outline planning application had been a nightmare.

The Panel then heard from the Assistant Conservation Officer who advised that the TPO was as a result of the outline planning application for one dwelling in the rear garden at no: 11 with the Fir trees located on the proposed access drive which would have an impact on the roots of those trees. He had raised his concerns with the Planning Officer and requested revisions to the Arboricultural Impact Assessment. However, despite some revisions being made, his concerns remained and the officer recommendation was to refuse the planning permission, with the impact on the trees being one of the main reasons. The trees were a significant part of the landscape and the TPO had been served as a precautionary measure as it was considered the trees would be at risk. The trees could have been removed which would have completely changed the dynamics of the planning application. As part of the appeal, the Planning Inspector would look at the tree issue and give weight to the TPO.

The Assistant Conservation Officer reiterated that six of the trees would be impacted by the proposed access drive and the services to be provided around the root protection area of two of the trees would require excavation works. The trees were a feature as a group and therefore, the best approach had been to protect all of them and not just pick out individual trees.

In response to Mr Clarke's concerns about consent for tree works, the Assistant Conservation Officer advised that consent would not be required for clearing away branches which had fallen in the wind; the removal of dead wood or the removal of dangerous branches (eg cracked and hanging in the canopy). In the

latter instance, it was suggested that a photograph be emailed to the officer, just for information. Consent would be required for work on live branches but this did not attract a fee.

Mr Clarke responded to the officer's comments stating that he would not go through the roots – his solution was for a permeable surface on top of the root system which was something used for all old, traditional houses. Although it was an expensive system, he would look after the trees and repeated that he would not cut through the roots. In terms of the provision of services, these were on the East side and gas, water, electricity etc all currently ran down through that side now. The provision of new services required them to be 8m outside of the root protection area of the trees. In his opinion, the main reason for the refusal of planning permission had been an issue of backland development and the trees had only been raised at the eleventh hour by the Planning Officer. There had been misinterpretation about the surface – it would be a permeable membrane covered in gravel which would allow the trees to receive 100% of any nutrients, water etc. Regarding any tree works, a measure of communication would still be needed, even to undertake minor works. Mr Clarke concluded that he would 100% look after the trees and the TPO was against his philosophy and what local government was about.

In response to a question by a member of the Panel about the safety concerns raised by Mr Clarke, the Assistant Conservation Officer stated that there were no particular concerns. Some branches had fallen but any semi-mature / mature tree would drop branches in high winds. This was a natural process and not a reason not to protect trees. It would be permissible to reduce some of the branches which were near to the house – any application for works would be considered based on the proximity of the tree to the house.

In response for clarification on the membrane issue, the Assistant Conservation Officer advised that he had raised concerns as part of the planning application process as the membrane would cover the top of the root protection area of the Firs. The degree to which the root areas would be covered would be too much, with the guidelines and the British Standard stating no more than 20% should be covered. A number of assessments had needed to be made to be certain of the figure in this case and the conclusion was that over 20% of all six trees would be covered by hard surfacing. In addition, the area concerned was at a higher level by approximately 200mm which would increase the total height. Some contractors then had to dig in because the solution to place the membrane on top did not always work, which would result in damage to the tree roots.

When asked if the membrane was classified as a soft surface, the Assistant Conservation Officer responded that it was considered to be a hard surface. He reiterated that backland development had been one of the reasons for refusing planning permission but the trees had also been a key factor. As a precautionary measure the TPO had been served.

Mr Clarke responded that it was brave of the Assistant Conservation Officer not to be concerned about the health and safety risks. He considered that he had made a flippant statement, bearing in mind it was a busy road and there was a definite risk. The Assistant Conservation Officer responded that all trees posed a risk to some degree. Numerous pieces of research had shown that it was an extremely low risk (1 in 10 million) of a fatal incident involving a tree; 55 accidents to A&E compared to 200,000 accidents related to football. Good management helped alleviate any potential risk.

The Panel then heard from Mr Farley, the local Tree Warden. He considered the trees to be a lovely feature and well-presented. His concern was that the current owner / occupier could move on and any new occupier could take the trees down, if unprotected.

With the exception of the three Panel Members and the Senior Committee Officer, all present then left the room whilst the Panel considered the objection and made its decision. They subsequently re-joined the meeting and were advised that, having listened carefully to all the evidence put before it and having regard to the criteria for making the Order, the Panel had decided that the Order should be confirmed.

The reasons for the decision were: the trees added significantly to both the visual amenity and biodiversity of the local area; they were not considered to be in an unsafe condition at this time; it was not believed the trees would cause an increase in nuisance which would be considered unreasonable or impractical to manage in the future and the provisional TPO had been implemented and served in a just and appropriate manner.

Accordingly, it was

**RESOLVED:**

to confirm the Broadland District Tree Preservation Order 2019 (No: 1).

All present were advised that if any person was aggrieved by a local authority's confirmation of a Tree Preservation Order, they may, within 6 weeks of that confirmation, apply to the high court under section 288 of the Town and Country Planning Act 1990, for an order quashing or (where applicable) suspending the order, either in whole or in part. The grounds upon which such an application may be made are that the order is not within the powers of that Act or that any relevant requirements have not been complied with in relation to that order.

*The meeting closed at 10:52am*

## **Quasi-judicial procedure rules**

### **Appeals lodged against the making of tree preservation orders (TPOs)**

The panel comprises three district councillors. At least two members of the panel must be present at each hearing.

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#### **Notes on procedure**

##### **1. Site Visit**

- 1.1 On the day of the hearing, members of the appeals panel visit the site to inspect the trees subject of the appeal.
- 1.2 Members of the public, local parish council/district council ward representatives, council officers directly involved in the preparation of the TPO, and the objector may attend this site inspection, but may not make representations to members of the panel.

##### **2. The Hearing**

- 2.1 The hearing itself is informal and the order for proceedings is as follows:
  - (1) All parties assemble at the council offices.
  - (2) The chairman of the panel formally opens the hearing.
  - (3) The objector is asked to put his case for appealing against the making of the order and to call any witnesses in support of his case.
  - (4) The objector (if he gives evidence as opposed to an opening address) and/or any witnesses called, are then questioned on their statements by the officer representing the council as an advocate.
  - (5) The chairman of the panel invites members of the panel to ask the objector or his witness any questions which they consider relevant to the appeal, having heard the objector's case for appealing against the order.
  - (6) The council's advocate introduces the council's case for the making of the order and then calls other officers as witnesses, who can then be questioned by the objector.
  - (7) The chairman of the panel invites members of the panel to ask the council's witnesses any questions they consider relevant to assist them in deciding whether or not the order should be confirmed, modified or not confirmed.
  - (8) The chairman then asks if any parish council representative, or any district councillor (who is not a member of the panel) or member of the public present, wishes to say anything to the panel. If a parish council representative, district councillor (who is not a member of the panel) or member of the public does make a statement then he can be questioned by the representative of the party to whom that statement is adverse and then by members of the panel. Each statement will be fully dealt with, including questioning of its maker, before the next statement is dealt with.
  - (9) The council's advocate and then the objector are requested to make their respective closing statements.
  - (10) The panel then deliberates in private.

- (11) During its deliberations the panel will be advised on procedural matters by the chief executive or his appointed representative.
- (12) Once the deliberations are concluded the panel's decision is formally announced to interested parties.
- (13) The chairman will advise the objector of rights of appeal, as follows:

If any person is aggrieved by a local authority's confirmation of a Tree Preservation Order, they may, within 6 weeks of that confirmation, apply to the high court under section 288 of the Town and Country Planning Act 1990, for an order quashing or (where applicable) suspending the order, either in whole or in part. The grounds upon which such an application may be made are that the order is not within the powers of that Act or that any relevant requirements have not been complied with in relation to that order.



## **STATEMENT OF CASE**

### **Tree Preservation Order (TPO 2019 No.8)**

**Address: 1 South Avenue, Thorpe Saint Andrew, Norwich, Norfolk.**

### **BACKGROUND TO THE MAKING OF TPO (2019 No.8)**

No.1 South Avenue is located to the south west of the avenue and north of Yarmouth Road, with the trees in question contributing to the visual amenity of the immediate and surrounding landscape and to the setting of the Thorpe Saint Andrew Conservation Area (CA).

The Provisional Tree Preservation Order (PTPO) was made on the 23 August 2019 after the Council received a S211 Notification, No. 20191137 on 16 July 2019, to fell four conifers (trees A, B, C & D on the application form) and also to remove a section of conifer hedge (trees shown as E on the application form).

Tree Work Notification No.20191137 was passed to the Council's appointed Arboricultural Consultants, A.T.Coombes Associates Ltd, who undertook the site visit and assessed the works applied for and considered the trees suitability for protection.

They applied the '*Tree Evaluation Method for Preservation Orders*' (TEMPO) produced by Forbes-Laird Arboricultural Consultancy whilst on site and attributed the following TEMPO scores:

T1 Monterey Cypress, score of 18 and T2 & T3 Lawson Cypress, scores of 16.

The TEMPO decision guide shows that trees with scores 16+ definitely merit a TPO.

Consent was given for the removal of Tree 'B' Cypress and Trees 'E' Cypress Hedge.

As it was considered the proposed felling of three of the conifers (A, C & D) would have a negative impact on the landscape, it was considered expedient to protect them.

The Council decided to make the TPO in order to protect three of the individual Cypress trees, for the reasons stated within the Regulation 5 Notice shown below:

*The Council has made the order to safeguard the significant visual amenity and biodiversity value offered by the trees, to the immediate area and the wider environment.*

## **THE CASE FOR MAKING TPO (2019 No.8)**

Taking the above points into consideration, please note the following:

### **How do the trees, subject of this report, make a significant contribution to the local environment?**

The trees at 1 South Avenue are all conifer species which are significant due to their collective form and size, being prominent on the skyline when viewed from Yarmouth Road and to a lesser extent from Chapel Lane.

Their age creates a feeling of maturity in keeping with the setting of Thorpe St Andrew Conservation Area, complementing the layout of the buildings.

### **Is there a reason to fear the trees may be dangerous?**

No evidence has been provided to show that the trees within the site are in a poor structural or physiological condition and no diagnostic information to show that they would be considered dangerous has been made available.

### **What is the expected lifespan of the trees, barring unforeseen circumstances?**

At the present time the trees would be considered as mature (T1 & T2) and semi-mature (T3) and if they are maintained appropriately should have a remaining life span of between 10 to 40 years.

### **Do the trees, in their present location, show signs of causing a nuisance in the future which is unacceptable or impractical?**

The protected trees are located adjacent to the boundaries of the site with T1 on the curtilage and overhang the garden of the neighbouring property at 10 Chapel Court, it is evident that in the past, some overhanging branches have been removed or pruned back to reduce encroachment or overshadowing.

I would envisage that the continued pruning or crown lifting of overhanging branches, proven to be causing a nuisance to the residents living adjacent to the trees, could be resolved through a Tree Work Application to seek consent to undertake such remedial pruning works and the trees will not be the cause of a nuisance that is unacceptable or

**How do the trees contribute to the biodiversity of the immediate area and/or offer a habitat for wildlife?**

The Cypress trees within the site are a component of the local biodiversity.

With their dense foliage providing nesting sites for many species of garden birds and habitat for insects which provide a food source for the birds.

**OBJECTIONS AND SUPPORT TO THE MAKING OF THE TPO AND TREE OFFICER'S RESPONSE:**

The Council has received two formal objection letters to TPO (2019 No.8) one from Jim Cole and Carrie Twin the owners of 10 Chapel Close and another from Mr. & Mrs. McNaught the owners of the trees.

One letter of support for the making of TPO (2019 No.8) was received from the Thorpe St Andrew Parish Tree Warden, Dr. Joanne Collins.

**The objections of Jim Cole, Carrie Twin and Mr & Mrs McNaught are detailed within their letters, Andrew Coombes of A.T.Coombes Associates Ltd has addressed those objections in the attached report.**

**CONCLUSION**

The three individual Cypress trees identified within the Provisional Tree Preservation Order (PTPO) add to both the biodiversity and visual amenity of the local area.

The trees are not considered to be in an unsafe condition at this time.

I do not believe the trees will cause an increase in nuisance which would be considered unreasonable or impractical to abate in the future.

This PTPO has been implemented and served in a just and appropriate manner. Therefore, I recommend that the order is confirmed without modification.

Considerations may also be made that not all the trees are worthy of protection and the Appeals Panel may decide to request modification, removing some of the trees from the order or that none of the trees should be protected and allow the order to lapse.

Mark Symonds – Conservation & Tree Officer (East Area)

# Appendix

- THE CASE FOR MAKING A TREE PRESERVATION ORDER (TPO)
  - Within Chapter 8, Part VIII, Special Controls, Chapter I under Sections 197, 198 & 201 of the Town and Country Planning Act 1990 the Council has powers to protect and plant trees where it appears 'expedient in the interest of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order'.
  - 'Amenity' is not defined in law, so authorities need to exercise judgement when deciding whether it is within their powers to make an order.
  - However, in March of 2014 the Department for Communities and Local Government (DCLG) issued a guide to all LPAs on TPOs entitled – Tree Preservation Orders and trees in conservation areas. This guide indicates that:
    -
- A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interest of amenity.
- An order can be used to protect individual trees, trees within an area, groups of trees or whole woodlands. Protected trees can be of any size or species.
- Local Planning Authorities (LPAs) should be able to show that a reasonable degree of public benefit in the present or future would accrue before TPOs are made or confirmed. The trees, or at least part of them, should normally be visible from a public place such as a road or footpath.
- The risk of felling need not necessarily be imminent before an Order is made. Trees may be considered at risk generally from development pressures or changes in property ownership, even intentions to fell are not often known in advance, therefore precautionary Orders may be considered to be expedient.
- The guidance also indicates that LPAs are advised to develop ways of assessing the 'amenity value' of trees in a structured way, taking into account the following criteria:
  - Visibility
  - Individual & collective impact
  - Wider impact
  - Other Factors
  - Size and form;
  - Future potential as an amenity;

- Rarity, cultural or historic value;
  - Contribution to, and relationship with, the landscape; and
  - Contribution to the character or appearance of a Conservation Area.
- Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change.
  - The guidance further indicates that it is important to establish a consistent approach, therefore the following points are considered before recommending a TPO:
    - Does the tree that is the subject of this report make a significant contribution to the local environment?
    - Is there a reason to fear that any of the trees may be dangerous?
    - Can the trees be expected to live for longer than ten years, barring unforeseen circumstances?
    - Do the trees in their present locations show signs of causing a nuisance in the future which is unacceptable or impractical?
    - Do the trees contribute to the biodiversity of the immediate area and/or offer a habitat for wildlife?



## **TOWN AND COUNTRY PLANNING (Tree Preservation) (England) REGULATIONS 2012**

### **Town and Country Planning Act 1990 The Broadland District Council Tree Preservation Order 2019 (No.8)**

The Broadland District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

#### **Citation**

1. This Order may be cited as the Broadland District Tree Preservation Order 2019 (No.8)

#### **Interpretation**

2. (1) In this Order “the authority” means the Broadland District Council.  
(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, 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 23<sup>rd</sup> day of August 2019

The Common Seal of the Broadland District Council  
was affixed to this Order in the presence of—



7963

## **SCHEDULE 1**

### **SPECIFICATION OF TREES**

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

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
T1	Monterey Cypress	TG 6196 8458
T2	Lawson Cypress	TG 6207 8454
T3	Lawson Cypress	TG 6209 8449

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

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
NONE	NONE	NONE

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

<b>Reference on map</b>	<b>Description (including number of trees in group)</b>	<b>Situation</b>
NONE	NONE	NONE

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

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
NONE	NONE	NONE

# BROADLAND DISTRICT

Tree Preservation Order

2019 No.8

## Key

Individual Trees



T1 Monterey Cypress

T2 Lawson Cypress

T3 Lawson Cypress



Scale as shown



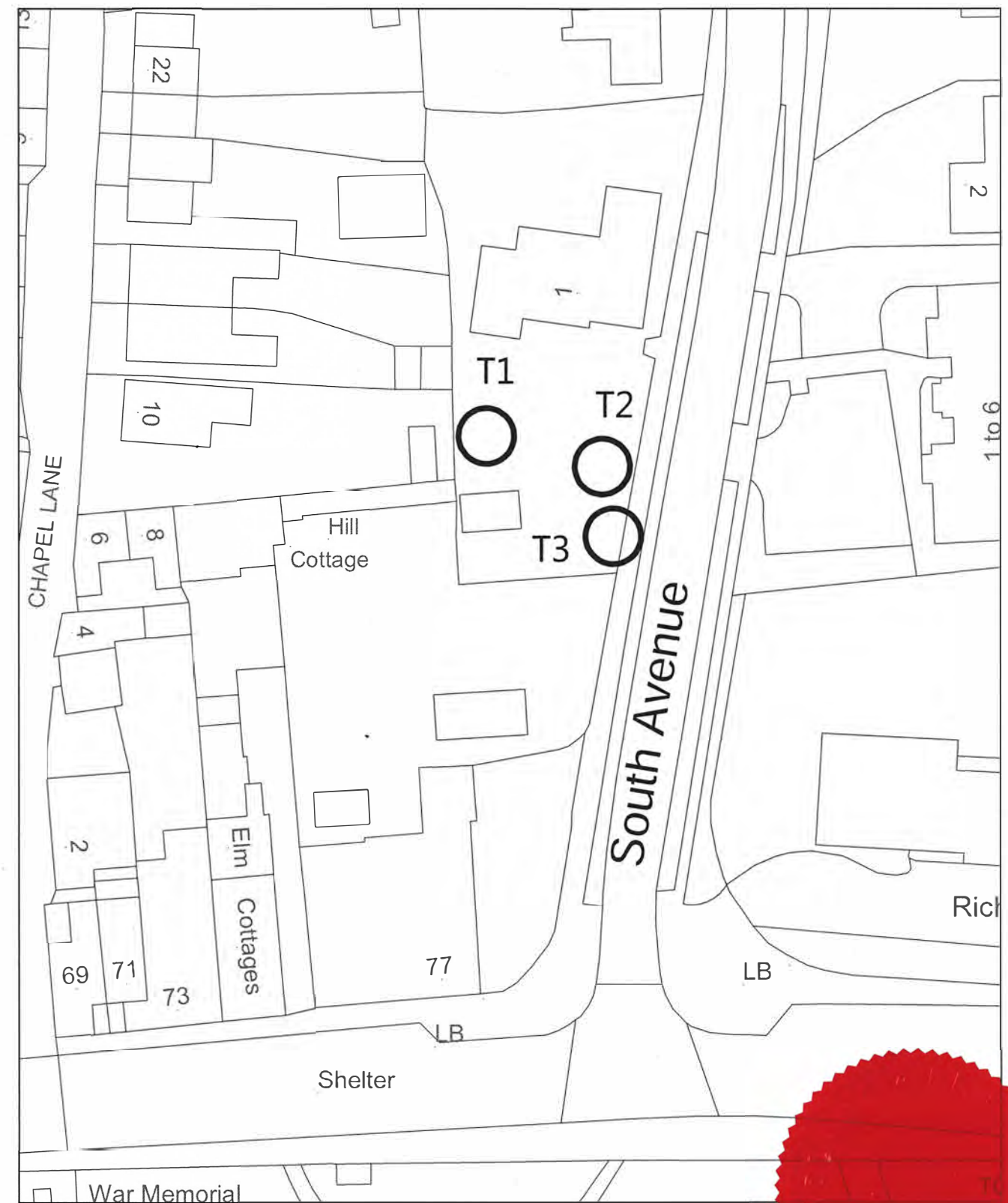
Thorpe Lodge, 1 Yarmouth Road  
Thorpe St Andrew, Norwich, NR7 0DU.  
Tel (01603) 431133  
E-mail conservation@broadland.gov.uk

Tree Preservation  
Order

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## Thorpe St Andrew



Tree Preservation Order 2019 No. 8

1 South Avenue, Thorpe Saint Andrew, NR7 0EY.

7963

Scale 1:500

C





www.broadland.gov.uk

Ask For :  
Direct Dial :  
Email :  
Our Ref :

Immaculate Tree Services

Attention: Mr Chris Staff  
18 Island House  
Main Road  
North Burlingham  
NR13

**Application Number**

20191137

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

Dear Mr Staff (Immaculate Tree Services)

**Town and Country Planning Act 1990  
Town and Country Planning (Tree Preservation)(England) Regulations 2012  
The Broadland District Tree Preservation Order 2019 No.8  
1 South Avenue, Thorpe St Andrew, NR7 0EY**

The Council, as Local Planning Authority, has decided that it is expedient in the interests of amenity to ensure the preservation of certain trees on land of which you are the agent for the owner and/or occupier, or an owner and/or occupier of adjoining land on which the trees stand.

It is deemed necessary to serve a Preservation Order to cover trees as set out in the First Schedule and Map of the Order, to ensure their protection. It protects Monterey Cypress tree A, Lawson Cypress, tree C and Lawson Cypress, tree D as detailed in your tree work notification.

The trees in question have been made the subject of a Tree Preservation Order under Section 198 of the Town and Country Planning Act 1990. You have been sent a copy of the Order, together with a formal Notice of its making.

The Order is of immediate effect. You have the right to object or endorse the Council's actions in protecting trees within your Parish. Particulars are given in the formal Notice.

**Note**

The Council has no objections to the works proposed to tree B (Lawson Cypress) or Hedge, tree E (Lawson Cypress) as detailed in your tree work notification.

Yours sincerely

Mr P Courtier  
Head of Planning

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012**

**The Broadland District Tree Preservation Order 2019 (No. 8)**  
**Broadland District Council**

To: Mr McNaught, 1 South Avenue, Thorpe Saint Andrew, NR7 0EY.

THIS IS A FORMAL NOTICE to let you know that on 23<sup>rd</sup> August 2019 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 First 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 Procedures*, produced by the Department of Transport, Local Government and the Regions.

The Council has made the order to safeguard the significant visual amenity value offered by the trees to the immediate area and the wider environment.

The Order took effect, on a provisional basis, on 23<sup>rd</sup> August 2019. It will continue in force on this basis for a maximum of 6 months or until the order is confirmed by the Council, whichever first occurs.

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 (*including your support*) 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, please make sure we receive them in writing by 21<sup>st</sup> September 2019. Your comments must comply with regulation 6 of the Town and Country Planning Act (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to Mr P Courtier (Head of Planning) at the address given below. All valid objections or representations are carefully considered before a decision on whether to confirm an order is made. Any comments you make will be available for public inspection. Therefore please be advised that any letter received could not be treated in confidence.

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 Mark Symonds at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU. Telephone (01603) 430452.

Dated this 23<sup>rd</sup> day of August 2019

**Mr P Courtier**  
Head of Planning

**COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING ACT  
(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 3(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 the objections or representations are made; and
- (c) in the case of an objection, shall state the reasons for the objection.

6(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

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012**

**The Broadland District Tree Preservation Order 2019 (No. 8)**  
**Broadland District Council**

To: Owner/Occupier, 10 Chapel Lane, Thorpe Saint Andrew, NR7 0EX.

THIS IS A FORMAL NOTICE to let you know that on 23<sup>rd</sup> August 2019 the Council made the above tree preservation order.

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Dated this 23<sup>rd</sup> day of August 2019



**Mr P Courtier**  
Head of Planning

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012**

**The Broadland District Tree Preservation Order 2019 (No. 8)**  
**Broadland District Council**

To: Owner/Occupier, 12 Chapel Lane, Thorpe Saint Andrew, NR7 0EX,.

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Dated this 23<sup>rd</sup> day of August 2019



**Mr P Courtier**  
Head of Planning

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012**

**The Broadland District Tree Preservation Order 2019 (No. 8)**  
**Broadland District Council**

To: Owner/Occupier, 14 Chapel Lane, Thorpe Saint Andrew, NR7 0EX.

THIS IS A FORMAL NOTICE to let you know that on 23<sup>rd</sup> August 2019 the Council made the above tree preservation order.

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Dated this 23<sup>rd</sup> day of August 2019



**Mr P Courtier**  
Head of Planning

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012**

**The Broadland District Tree Preservation Order 2019 (No. 8)**  
**Broadland District Council**

To: Owner/Occupier, 77 Harleys Barber Shop, Yarmouth Road, Thorpe Saint Andrew, NR7 0SG.

THIS IS A FORMAL NOTICE to let you know that on 23<sup>rd</sup> August 2019 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 First Schedule and shown on the map without the Council's consent.

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Dated this 23<sup>rd</sup> day of August 2019



**Mr P Courtier**  
Head of Planning

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012**

**The Broadland District Tree Preservation Order 2019 (No. 8)**  
**Broadland District Council**

To: Owner/Occupier, 1 South Avenue, Thorpe Saint Andrew, NR7 0EY.

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Dated this 23<sup>rd</sup> day of August 2019



**Mr P Courtier**  
Head of Planning



12 JUL 2019

RECEIVED

# Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area.

## Town and Country Planning Act 1990

### Privacy Notice

This form is provided by Planning Portal and based on the requirements provided by Government for the sole purpose of submitting information to the Local Planning Authority in accordance with the legislation detailed on this form.

Please be aware that once you have downloaded this form, Planning Portal will have no access to the form or the data you enter into it. Any subsequent use of this form is solely at your discretion, including the choice to complete and submit it to the Local Planning Authority in agreement with the declaration section.

Upon receipt of this form and any supporting information, it is the responsibility of the Local Planning Authority to inform you of its obligations in regards to the processing of your application. Please refer to its website for further information on any legal, regulatory and commercial requirements relating to information security and data protection of the information you have provided.

### Local Planning Authority details:

20191137



[www.broadland.gov.uk](http://www.broadland.gov.uk)

### Planning Department

Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU

Tel: (01603) 431133 (switchboard) Fax: (01603) 430591

E-mail: [planning.administration@broadland.gov.uk](mailto:planning.administration@broadland.gov.uk)

### Publication of applications on planning authority websites

Information provided on this form and in supporting documents may be published on the authority's planning register and website.

Please ensure that the information you submit is accurate and correct and does not include personal or sensitive information. If you require any further clarification, please contact the Local Planning Authority directly.

When printed, please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes and help text as incorrect completion will delay the processing of your application.

### 1. Applicant Name and Address

Title:	MR	First name:	
Last name:	MCNAUGHT		
Company (optional):			
Unit:	House number:	1	House suffix:
House name:			
Address 1:	SOUTH AVENUE		
Address 2:			
Address 3:	BROADLAND COUNCIL		
Town:	NORWICH	16 JUL 2019	
County:	NORFOLK	PLANNING CONTROL	
Country:	UK		

### 2. Agent Name and Address

Title:	MR	First name:	CHRIS
Last name:	STAFF		
Company (optional):	IMMACULATE TREE SERVICES		
Unit:	House number:	18	House suffix:
House name:	ISLAND HOUSE		
Address 1:	MAIN ROAD		
Address 2:	NORTH BURLINGHAM		
Address 3:			
Town:	NORWICH		
County:	NORFOLK		
Country:	UK		

### 3. Trees Location

If all trees stand at the address shown in Question 1, go to Question 4. Otherwise, please provide the full address/location of the site where the tree(s) stand (including full postcode where available)

Unit:	<input type="text"/>	House number:	<input type="text"/>	House suffix:	<input type="text"/>
House name:	<input type="text"/>				
Address 1:	<input type="text"/>				
Address 2:	<input type="text"/>				
Address 3:	<input type="text"/>				
Town:	<input type="text"/>				
County:	<input type="text"/>				
Postcode (if known):	<input type="text"/>				

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to the rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Description:

### 4. Trees Ownership

Is the applicant the owner of the tree(s): ☒ Yes ☐ No  
If 'No' please provide the address of the owner (if known and if different from the trees location)

Title:	<input type="text"/>	First name:	<input type="text"/>
Last name:	<input type="text"/>		
Company (optional):	<input type="text"/>		
Unit:	<input type="text"/>	House number:	<input type="text"/>
House name:	<input type="text"/>		
Address 1:	<input type="text"/>		
Address 2:	<input type="text"/>		
Address 3:	<input type="text"/>		
Town:	<input type="text"/>		
County:	<input type="text"/>		
Country:	<input type="text"/>		
Postcode:	<input type="text"/>		

Telephone numbers

Country code:	National number:	Extension number:
<input type="text"/>	<input type="text"/>	<input type="text"/>
Country code:	Mobile number (optional):	
<input type="text"/>	<input type="text"/>	
Country code:	Fax number (optional):	
<input type="text"/>	<input type="text"/>	

Email address (optional):

### 5. What Are You Applying For?

Are you seeking consent for works to tree(s) subject to a TPO? ☐ Yes ☒ No

Are you wishing to carry out works to tree(s) in a conservation area? ☒ Yes ☐ No

### 6. Tree Preservation Order Details

If you know which TPO protects the tree(s), enter its title or number below.

N/A .

### 7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below : tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

E.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

REMOVE 3 CONIFERS IN FRONT GARDEN  
REMOVE CEDAR IN FRONT GARDEN  
REMOVE CONIFER HEDGE



7. Identification Of Tree(s) And Description Of Works continued ...

8. Trees - Additional Information

Additional information may be attached to electronic communications or provided separately in paper format.

For all trees

A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

For works to trees covered by a TPO

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. Condition of the tree(s) - e.g. it is diseased or you have fears that it might break or fall:
- ☐ Yes    ☐ No
- If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

2. Alleged damage to property - e.g. subsidence or damage to drains or drives.
- ☐ Yes    ☐ No
- If YES, you are required to provide for:

Subsidence

A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

Other structural damage (e.g. drains, walls and hard surfaces)

Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Documents and plans (for any tree)

Are you providing separate information (e.g. an additional schedule of work for Question 7)? ☐ Yes    ☐ No

If YES, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application. If they are being provided separately from this form, please detail how they are being submitted.

9. Authority Employee / Member

It is an important principle of decision-making that the process is open and transparent. For the purposes of this question, "relating to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the local planning authority.

- Do any of the following statements apply to you and/or agent? ☐ Yes    ☒ No
- With respect to the authority, I am:
- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

If Yes, please provide details of their name, role and how you are related to them.

10. Application For Tree Works - Checklist

Only one copy of the application form and additional information (Question 8) is required. Please use the guidance and this checklist to make sure that this form has been completed correctly and that all relevant information is submitted. Please note that failure to supply precise and detailed information may result in your application being rejected or delayed. You do not need to fill out this section, but it may help you to submit a valid form.

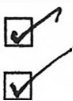
Sketch Plan

- A sketch plan showing the location of all trees (see Question 8)



For all trees  
(see Question 7)

- Clear identification of the trees concerned
- A full and clear specification of the works to be carried out



For works to trees protected by a TPO  
(see Question 7)

Have you:

- stated reasons for the proposed works?
- provided evidence in support of the stated reasons? in particular:
  - if your reasons relate to the condition of the tree(s) - written evidence from appropriate expert
  - if you are alleging subsidence damage - a report by an appropriate engineer or surveyor and one from an arboriculturist.
  - in respect of other structural damage - written technical evidence
- included all other information listed in Question 8?



11. Declaration - Trees

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant:

Or signed - Agent:

C. R.

Date (DD/MM/YYYY):

09/07/2019

(This date must not be before the date of sending or hand-delivery of the form)

12. Applicant Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

13. Agent Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 09/08/19

Surveyor: AT Coombes

### Tree details

TPO Ref (if applicable):

Tree/Group No: A

Species: Monterey cypress

Owner (if known):

Location: 1 South Avenue, NR7 OXY

### 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              |

#### Score & Notes

3

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

##### 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      |

#### Score & Notes

2

\*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

##### 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  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view 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

4

#### 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:

37 18

#### Decision:

## SURVEY DATA SHEET &amp; DECISION GUIDE

Date: 09/08/19 Surveyor: ATC

## Tree details

TPO Ref (if applicable):

Tree/Group No: C Species: Lanson cypress

Owner (if known):

Location: 1 South Avenue, NR7 OEY

## REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

## Part 1: Amenity assessment

## a) Condition &amp; suitability for TPO

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

## Score &amp; Notes

3

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

## b) Retention span (in years) &amp; suitability for TPO

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

## Score &amp; Notes

1

\*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

## c) Relative public visibility &amp; suitability for TPO

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view 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 &amp; Notes

3

## 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                    | Score & Notes |
| 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                  | 4             |

## Score &amp; Notes

4

## Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

## Score &amp; 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:

16

38

## Decision:

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 09/08/19 Surveyor: ATC

### Tree details

TPO Ref (if applicable):

Tree/Group No: D Species: Lawson cypress

Owner (if known):

Location: 1 South Avenue, NR7 OEY

### 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              |

#### Score & Notes

3

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

##### 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      |

#### Score & Notes

2

\*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

##### 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  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view 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

2

##### 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

4

#### 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:

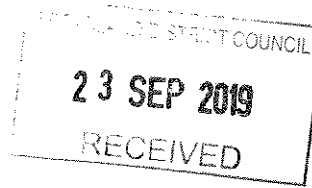
39 16

#### Decision:

Site	1 South Avenue, NR7 OEY
Species	1 x Monterey cypress (Tree A) 3 x Lawson cypress (Tree B, C and D) 1 x Leyland cypress hedge (Tree E)
Physiological condition	Good
Structural condition	Tree A: multi-stemmed. Bark inclusion at 1 m with adaptive growth. One stem previously topped at 4-5 m. Minor deadwood. Some yellow foliage in places, possibly Seiridium canker. Tree B: multi-stemmed. Tree damaging adjacent retaining wall. Growing over garage. Competing with Tree A. Large pruning wounds from stem removals. Tree C: multi-stemmed. Large pruning wounds from stem removals. Tree D: slight lean towards road Tree E: overhanging pavement
Other notes	
Conclusion regarding tree work application	Tree A: recommend TPO (TEMPO score: 18) Tree B: recommend approval of tree work Tree C: recommend TPO (TEMPO score: 16) Tree D: recommend TPO (TEMPO score: 16) Tree E: recommend approval of tree work



Mr & Mrs C McNaught  
1 South Avenue  
Norwich  
Thorpe St Andrew  
Norfolk  
NR7 0EY



Broadland District Council  
Head of Planning  
Thorpe Lodge  
1 Yarmouth Road  
Norwich  
Norfolk  
NR7 0DU

19th September 2019

Your Ref: TPO 2019 No.8

**OBJECTION TO TREE PRESERVATION ORDER: TPO 2019 (No. 8)**

Dear Mr Courtier,

We thank for you letter dated 23<sup>rd</sup> August 2019, advising us of Broadland Districts Councils decision to apply TPO's to three trees on our property.

We note nothing in the order nor the covering letter from Broadland council explaining or justifying why the TPO have been served, other than the statement "The Council have made the order to safeguard the significant visual amenity value offered by the trees to the immediate area and the wider environment" It is hard to understand what this statement means and is not an explanation or justification why these particular trees are in need of protection. We request a copy of the three TEMPO evaluations. Once the evaluations have been received, we will write to you again, within 7 days if we have any further points to make, based on the subsequent information provided

**Objection: Monterey Cypress Tree (T1)**

Our assessment of tree T1 is that the tree appears to be in good condition, apart from visible browning of the leaves on the higher branches. The tree has experienced previous damage, to which the cause is unknown (Appendix A).

The reasons for our application to fell the tree are as follows

- This tree has not been maintained by the previous owner and has grown out of control.
- According to the internet (pfaf.org) the tree (which is not native to the UK and comes from USA) can grow up to 82ft x 82ft (25 x 25m) tall. We estimate the tree is currently 14-16m tall, so it has the potential to grow a further 10m in height, which will heighten the issues

given in this letter. In addition a tree 25m tall would be completely disproportionate in size compared to the size of our house and front garden

- Our property is South facing and was purposefully built for the high amenity view overlooking Whitlingham Broad. This view is now obscured due to poor maintenance of T1 & T2 by the previously owner. (Appendix B)
- We are planning to extend the front left-hand side of the property to within close proximity to T1, to give us more floor space to have an open plan living area. The tree will impact on planning permission due to roots / building foundations
- The roots of the tree are pushing up the paving to the left-hand side of the property and causing a trip hazard. (Appendix C)
- The tree is South of the property and as the property is also South facing, very little natural light is allowed to enter the garden and the front of our property.
- Our neighbours at Number 10 Chapel Lane, who would also like the tree to be felled, have said felling the tree would allow natural light to the rear of their property. At present they are unable to grow plants / shrubs at the end of their garden due to the natural light being blocked by the tree
- Both ourselves and number 10 Chapel Lane believe the tree has low amenity value to our properties. We do not believe A T Coombes viewed the tree from our neighbour's garden and this should have been taken into consideration before the TPO was awarded. Appendix D

My husband and I have agreed that if we can fell this tree, we are more than happy to plant deciduous tree in its place, but its position would be further towards our garage.

**Objection: Lawson Cypress Tree (T3)**

- Our key reason why we want this tree to be removed, is to change our driveway from a single entrance driveway, to a double entrance driveway. At present we are a two-car family and each day, one car needs to be reversed out the driveway to allow another car out. Whilst reversing out of the single driveway, the drivers view is limited by the trees to the left (T3) and the right of the entrance (including T2). Tree T3 is a safety concern, as it increases the risk of harm to pedestrians, oncoming vehicles and ourselves whilst reversing (Appendix E1)
- T3 as shown in Appendix E2 is leaning towards the road at an approximate angle of 19 Degree off vertical. This was measured at three places up trunk of the tree and on either side. The tree will be a safety hazard in due course, as it will fall into the road
- It is also evident from Appendix E3, the retaining wall is being pushed out onto the footpath. We have further concerns that during high winds, the tree will exert pressure onto the wall which could lead to the tree falling over onto the pathway and road. This could result in damage to vehicle or injury to a member of the public.
- We feel the tree contributes a low amenity value to us or the local residents of River Green. We were extremely surprised that a TPO was served on this tree due to its size and position in our garden

### **No Current Objection: Lawson Cypress Tree (T2)**

Although we would like this tree to be removed, we have decided on reflection that we have no objection (currently) to a TPO being awarded on this tree. We do however, have concerns that this tree is also becoming quite large and is supported by a retaining wall (Appendix F). Although there are no visible signs of damage to the wall at present, we will continue to monitor the trees growth. We will inform you if we believe there are any safety concerns with this tree going forwards

### **General Objection to the 3 TPOs**

We strongly feel the decision to apply 3 TPOs to trees in our property is unjust. According to the online records from Broadland District Council Planning Explorer, no TPOs have been awarded to trees in South Avenue since 2011 and you have given our property three TPOs. Since 2017, eight tree felling applications from residents of South Avenue have been submitted. A total of fifteen trees from all eight applications have been granted 'No Objection' to be felled. We believe many of the trees already felled have greater stature and amenity value than the Monterey Cypress and Lawson Cypress trees in our garden. For example

- Maple and Oak trees were felled from 14A South Avenue (2019)
- Sycamore tree felled from 8A South Avenue (2018)
- Oak and Sycamore trees felled from 8B South Avenue (2017)

We trust you will consider the details above and reconsider the TPO's awarded to our trees

If you would like to discuss any of the points or need for us to provide any further information, please feel free to contact us.

Your Sincerely,

Mr & Mrs C McNaught

## **Appendix A**



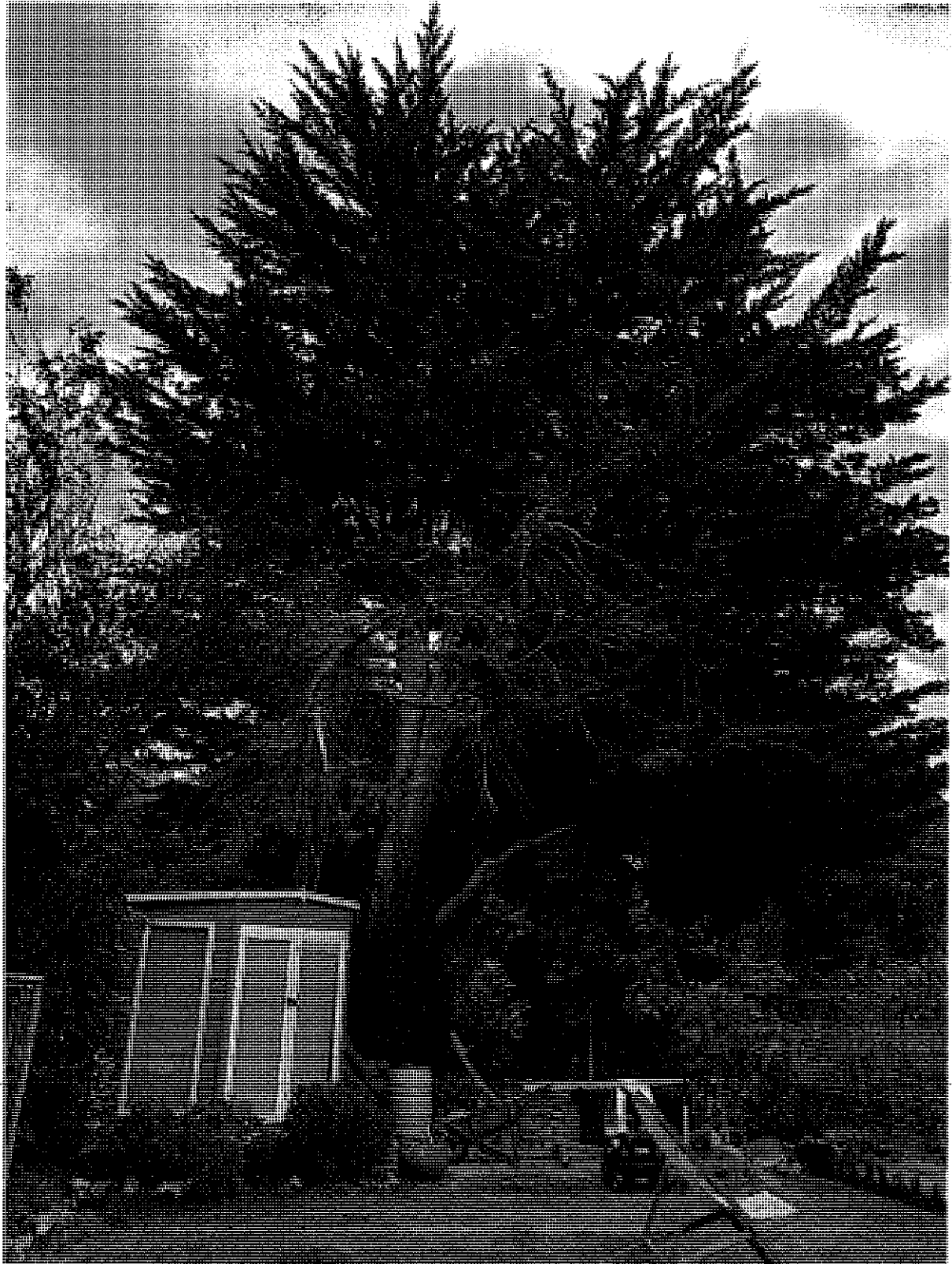
## **Appendix B**



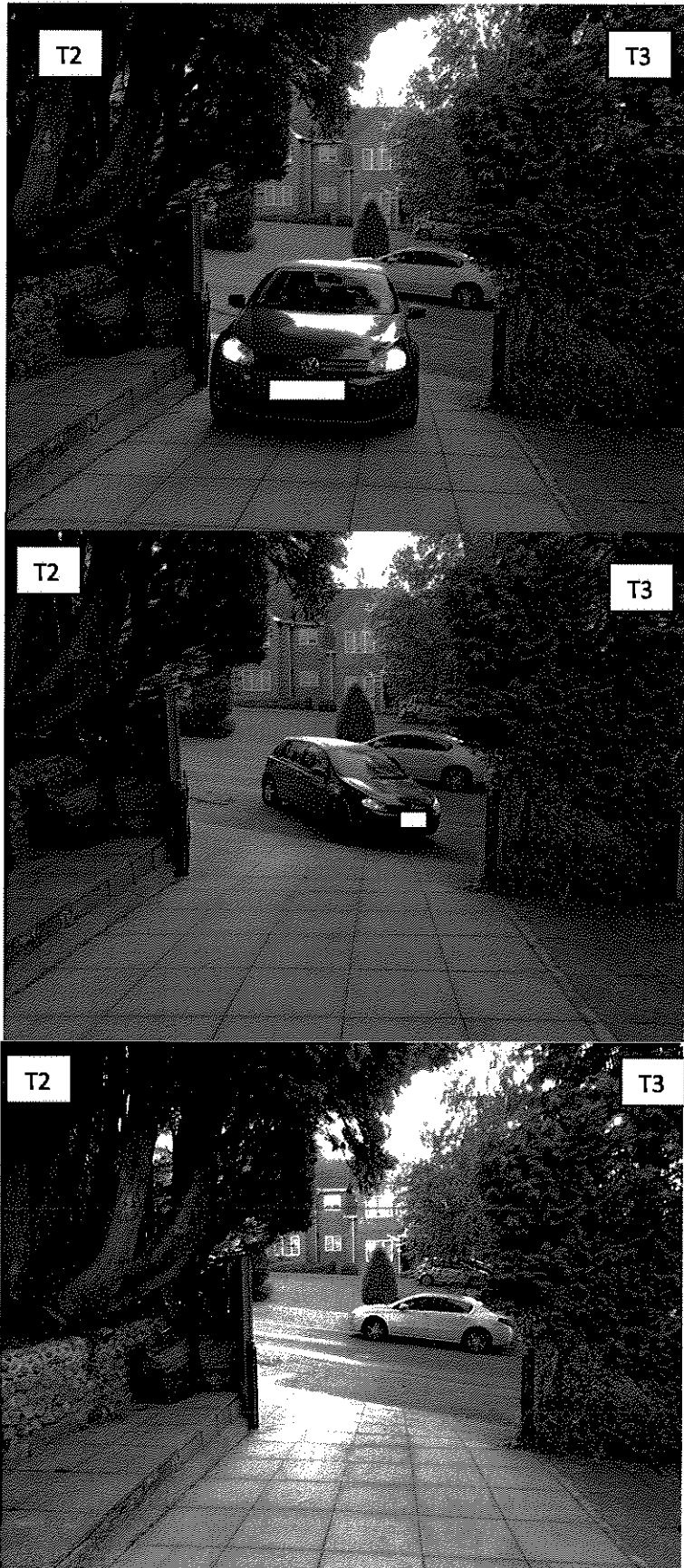
## **Appendix C**



## **Appendix D**



## Appendix E1





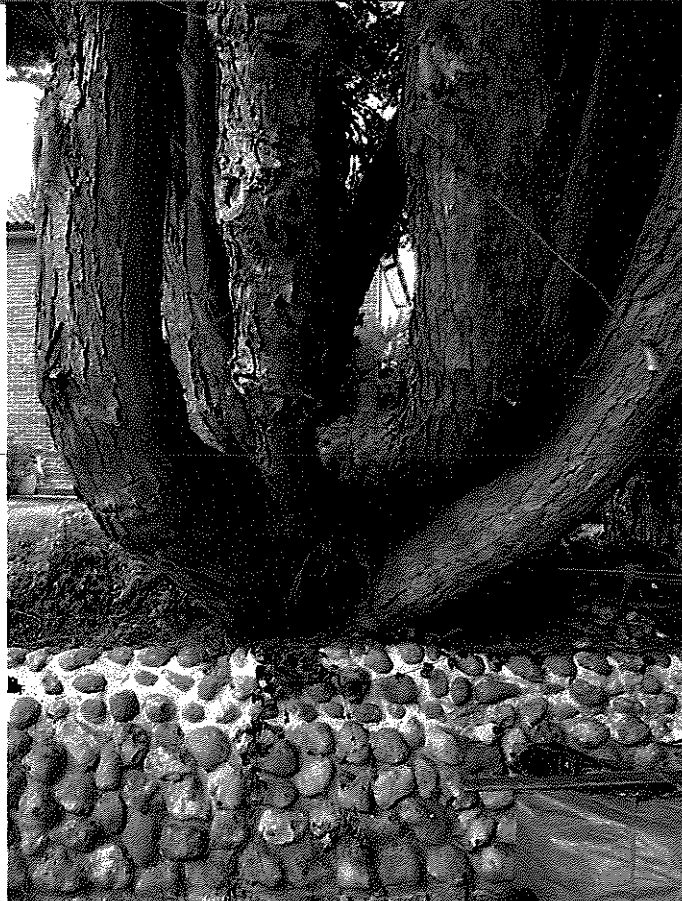
## Appendix E2



## **Appendix E3**



## **Appendix F**





10 Chapel Lane  
Thorpe St Andrew  
Norfolk  
NR7 0EX

Dear Mr P Courtier,

We write in response to correspondence regarding TPO 2019 No.8, dated 23/08/2019. As owners of number 10 Chapel Lane we wish to submit our strong objection to the TPO made upon the tree identified as T1 Monterey cyprip.

T1 is not a tree which significantly defines the communal aesthetic and it is not a tree of which a TPO would provide a reasonable degree of public benefit in the future. It is primarily seen by 10 Chapel Lane and 1 South Avenue, and was part of planning application 20191137 (recorded as tree A) to fell, which we happily support.

T1 is so large and its crown has spread south/south-west so much following the sun that it is unmanageable. Monterey Cyprus are the most massive of their genus maturing at 25m and are characterised by a "broadly spreading" crown. It is a tree suited to exposed headlands, not establish suburban gardens. As such, branches frequently snap and fall into our garden when the wind is strong. Others break and hang there, risking falling off, dead and far too high to safely do anything about (see image 3 and 5 but best seen in person as hard to photograph in the sunlight). The RHS notes that whilst young Monterey cyprip are columnar and therefore suitable for its original hedging application, upon maturation though they become wide-spreading and irregular. The bulk of this tree is therefore not even visible to the public from anywhere, only 10 Chapel Lane and 1 South Avenue. Many branches are clearly dying through its oversize and it not being able to sustain its own growth in a hugely sunny aspect. Being the tree at the south-most end of the hedging it has grown rampantly from complete lack of maintenance for decades.

There are four outbuildings/sheds on three properties which would be seriously damaged if the continued falling branches landed upon them, and 1 South Avenue park two cars, daily underneath it on their driveway. I have attempted previously to remove dead branches and struggled significantly to stop them falling onto 77 Yarmouth Road's glass roofed shelter running the length of the eastern-most aspect of the south wall of 10 Chapel Lane. We have a young child who often plays in the garden and it does worry us (see image 3 note A, again best seen in person).

T1 is also casting a shadow upon a huge area of land which after the row of trees forming the aforementioned hedge, included as a retrospective application in 20191137, were cut back last year, means we will struggle to plant anything that regains us needed privacy, screening from wind, and affords wildlife opportunity to (re)establish (see image 4). As a keen environmentalist I relish the opportunity to correct this inappropriate selection and bring back appropriate, mature greenery. We have already under professional advisement purchased a 2m Thuja plicata red cedar – a fast growing medium sized tree of similar appearance currently sitting in a barrel waiting for planting in place of T1, it is a more narrowly conical tree suitable for its location.

T1 does not significantly impact the local environment or enjoyment by the public. Gulls perch on the branches, there are many, many other branches for gulls to perch on in the immediate vicinity, including a wealth on river green. There are three TPO trees which we are fond of on our own land which provide habitat to wildlife.

The release of carbon from felling would be unfortunate however T1 has already caused the perishing of its immediate neighbour leaving an unsightly mess, this indicates how inappropriate T1 is. We already have plans to correct trees on the boundary between 10 Chapel Lane and 1 South Avenue, and 1 South Avenue have mentioned potentially planting something more manageable as well, so carbon release would certainly be offset over time.

T1 is not publicly visible from Chapel Lane unless standing in front of the driveway of number 10 and there it is barely visible (see image 1). One cannot stand in front of the driveway of number 10 for more than a minute or two most of the day without vehicles driving up or down this deceptively busy lane. T1 is not visible on Yarmouth Road from South Avenue junction upwards, it is obscured by a wealth of other trees, including more manageable trees on 1 South Avenue, and number 77 Yarmouth Road who have kept their trees at a manageable size. T1 is barely visible west of 4 Angels Hair and Beauty between the roofs of the houses. T1 is not in any way important when on the River Green area, and barely noticeable from River Green itself opposite Harley cafe. The only place it is observable is standing at the junction with South Avenue where brown spots and dead hanging branches are clearly visible. T1 is not even noticeable outside 1 South Avenue nor visible until one gets to number 4 South Avenue. When walking down from the top of South Avenue it is only knowing specifically which tree I am looking for that it is noticeable at all, let alone significantly impactful were it felled. South Avenue is defined by the beautiful view of the landscape across the River Yare on the farside of Whitlingham Broad and a scattering of mature trees all the way down which grow in the roadside gardens of its houses. River Green is obviously defined by the trees on its side of Yarmouth Road.

We argue strongly that T1 be allowed to be felled, for safety, for the environment, for the visual quality of a tree which is suffering, and for the quality of life of the two households.



Yours sincerely,

Jim Cole and Carrie Twinn (owners)

Appendices:

Image 1)

T1 not clearly visible from Chapel Lane



Image 2)

T1 barely noticable from South Avenue



Image 3)

B) shows dead neighbouring tree

A) shows boundary with 77 Yarmouth Road and 1 South Avenue and extent of dangerous spread into both above garden buildings (continuing out of photo)



Image 4) Where hedgerow was and where T1 shadows preventing successful regrowth, dead neighbour tree highlighted



Image 5)

South Avenue junction, dead branches and brown spots. Only place that tree is visible. Surrounded by better maintained trees.





## Response to objection to TPO at 1 South Avenue, Thorpe

Objection	Response
<b>T1</b>	
Grown out of control and potential size	Pruning could remediate this
Obscured view of Whitlingham Broad	Pruning could remediate this
Intention of extending dwelling	BS5837 states "5.3.1 The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s) (see Clause 7)."
Roots pushing up paving causing trip hazard	Could possibly be remedied by reconstructing the area of paving
Blocking sunlight	Pruning could partially remediate this
Tree doesn't define communal aesthetic	Arguably it does, as the tree is one of many large conifers currently present in the Thorpe St Andrew Conservation area. Many of these are a legacy of the expansion of large residential properties in the Victorian and Edwardian era and lend considerable character to the area.
Falling branches	Regular deadwood removal would reduce this risk
Not visible	It is clearly visible from the bottom of South Avenue on Yarmouth Road (Fig1), and to a lesser extent from Chapel Lane.
<b>T3</b>	
Intention to extend driveway entrance from single to double	BS5837 states "5.3.1 The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s) (see Clause 7)."
View is reduced when reversing out of drive	Reverse into driveway instead
19-degree lean	A leaning tree does not necessarily pose a threat. Consider taking and recording measurements to determine whether the lean is increasing.
Damage to retaining wall	Seek advice of structural engineer
Tree provides little amenity value	Small trees provide a contribution to amenity as part of the wider environment. Removal of small trees on this site would result in significant loss of amenity value.



It might be considered suitable to remove T3 given that T2 is to be retained, particularly given intention to extend the driveway entrance.



Figure 1: View of T1 from Yarmouth Road

## **Email of Support**

I am writing to support the TPO 2019 No.8 protecting 1 Monterey Cypress and 2 Lawson Cypress.

1 South Avenue, Thorpe St Andrew, NR7 0EY

Yours sincerely,

Dr Joanne Collins

Tree Warden for Thorpe St Andrew



Tree A



20191137

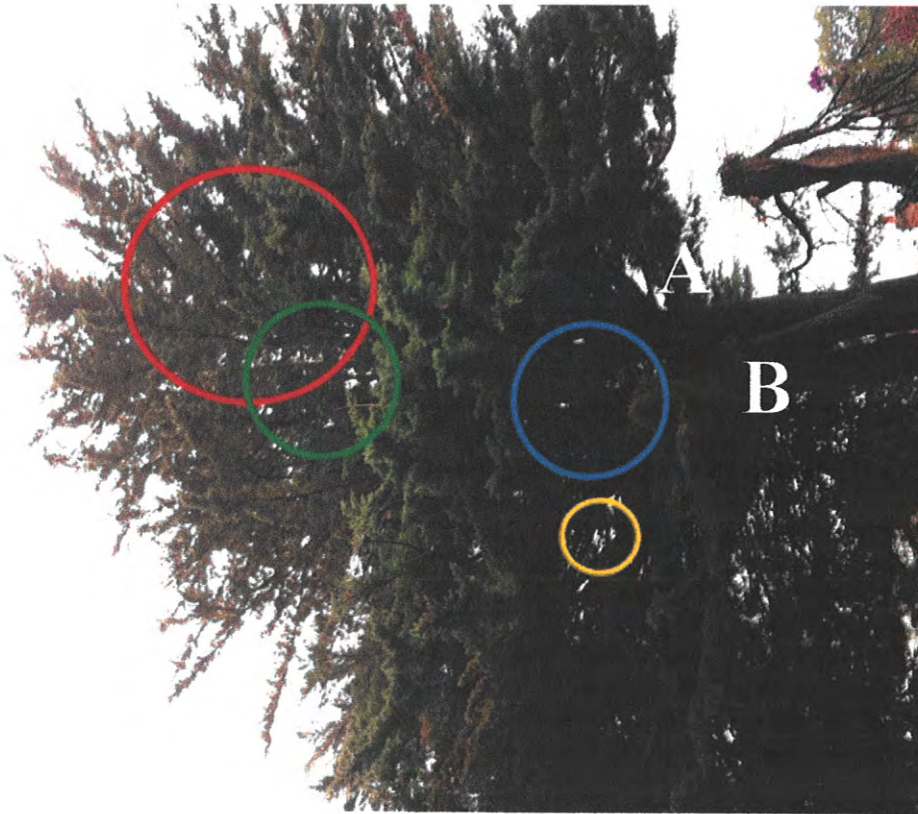
BROADLAND COUNCIL

16 JUL 2019

PLANNING CONTROL



Tree A



Tree B



20191137

BROADLAND COUNCIL

16 JUL 2019

PLANNING CONTROL

Tree C



TREE C



Tree D



20191137

BROADLAND COUNCIL

16 JUL 2019

PLANNING CONTROL

Tree D



TREE D



Trees E



20191137

BROADLAND COUNCIL

16 JUL 2019

PLANNING CONTROL

TREE E



## **STATEMENT OF CASE**

### **Tree Preservation Order (TPO 2019 No.9)**

**Address: 43 & 45 Rosa Close, Spixworth, Norfolk.**

### **BACKGROUND TO THE MAKING OF TPO (2019 No.9)**

Nos. 43 & 45 Rosa Close are located to the east of Rosetta Road and to the north west of North Walsham Road, with the trees in question contributing to the visual amenity of the immediate and surrounding land, being significant features to the setting and landscape of Rosa Close and the agricultural land beyond.

The Provisional Tree Preservation Order (PTPO) was made on 17 October 2019 after the Council received a TPO suggestion form, as it was thought the tree at No.45 Rosa Close was at risk of being removed.

The Council decided to make the group TPO in order to protect both multi-stemmed Lime trees due to their close proximity to each other, with the two trees combining to form a distinct group feature, and for the reasons stated within the Regulation 5 Notice shown below:

*The Council has made the order to safeguard the significant visual amenity and biodiversity value offered by the trees, to the immediate area and the wider environment.*

### **THE CASE FOR MAKING TPO (2019 No.6)**

Taking the above points into consideration, please note the following:

**How do the trees, subject of this report, make a significant contribution to the local environment?**

Having referenced the Ordnance Survey 1<sup>st</sup> Edition maps, using the County Council's historic maps website, the line of trees is a historic boundary feature, which was in existence when the maps were produced between 1879 and 1886.

The two multi-stemmed Lime trees which form part of this boundary feature are significant due to their collective form and size, being prominent on the skyline when viewed from Rosa Close and being visible across the arable farmland to the south.

They also contribute to the screening of both the recently constructed Broadland Northway roundabout and North Walsham Road (B1150), by reducing the effects of air, noise and light pollution caused by the significant volume of traffic that uses these transport routes.



**Is there a reason to fear that any of the trees may be dangerous?**

No evidence or information has been provided to establish that either of the trees are in a poor structural or physiological condition and that they would be considered dangerous.

**What is the expected lifespan of the trees, barring unforeseen circumstances?**

At the present time the trees would be classified as mature and, if they remain healthy and free from any serious structural issues, should have an expected additional life span of 40 plus years.

**Do the trees, in their present location, show signs of causing a nuisance in the future which is unacceptable or impractical?**

The trees are located on the southern boundaries and within the rear gardens of 43 & 45 Rosa Close. The trees are visible and appear well established on the Norfolk County Council aerial photograph survey of 1988 and they would predate the building of the properties.

If proven to be causing a nuisance to the residents living at the properties, I would envisage that remedial pruning or crown lifting of branches could be granted through a formal Tree Work Application, as long as the works applied for followed the recommendations within BS 3998 'Tree Work' and were sympathetic to the health and appearance of the trees.

**How do the trees contribute to the biodiversity of the immediate area and/or offer a habitat for wildlife?**

The Lime trees are an important component of the local biodiversity forming part of a corridor used by the local wildlife as they move between gardens and the open farmland beyond.

The trees' leaves provide food for many species of moth caterpillars and the flowers provide a pollen and nectar source for insects, being especially attractive to bees.

As the trees age they provide nesting and roost holes for birds and mammals such as bats, with the dead wood being a valuable habitat for wood-boring beetles.

## **OBJECTIONS TO THE MAKING OF THE TPO AND TREE OFFICER'S RESPONSE:**

The Council received one formal objection letter on 28 October to the making of TPO (2019 No.9), the objection was made by Mr. D South the owner of No.45 Rosa Close, Spixworth.

One letter of support for the making of TPO (2019 No.9) was received on 15 November, from Ms. M Holmes of 47 Rosa Close.

### **Objections of Mr David South**

**'I do object to this TPO as the only people it affects are myself and my neighbour at No.43, the trees back on to open farmland, out of sight of the people in the village'**

**'The trees in question are nearly twice the height of the house and cut out a lot of light into the house and garden'**

**Have all the trees that back onto open farmland south of Spixworth had TPO's placed on them, or is it just me and my neighbour at No.43?'**

Tree Officer's response to these objections are:

*The Council has a duty under the Town & Country Planning Act to ensure that significant trees and woodlands are protected. Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient' in the interests of amenity to make provisions for the preservation of trees or woodlands in their area.*

*Both the Lime trees provide significant visual amenity value to the location, being visible on the skyline, when viewed from the public highway and footpaths.*

*It cannot be disputed that the trees cause overshadowing to the rear elevations and rear gardens of both properties, due to their location and height. This would have been the situation for many decades and since the properties were constructed, as the trees appear to be well established and are visible on the County Council's colour aerial photographs, taken in 1988.*

*If tree works were required to help abate some of the effects of the overshadowing and can be undertaken following the recommendations within British Standard 3998 Tree Works, the works would be consented if a formal Tree Work Application was made. The process of gaining consent is free of charge.*

*The Council at this time has only protected the two multi-stemmed Lime trees covered by TPO 2019 No.9, which are located on the land that backs on to the open farmland south of Spixworth. This is because the only tree which is known to be at risk of removal is located at No.45 Rosa Close. If the Council was made aware of other trees that were at risk and they had significant visual amenity, we would also consider protecting them with a TPO.*

## **CONCLUSION**

The group of two multi-stemmed Lime trees identified within the Provisional Tree Preservation Order (PTPO) add significantly to both the biodiversity and visual amenity value of the local area.

The trees appear healthy and I am not aware they would be considered to be in an unsafe condition at this time.

I do not believe the trees will cause an increase in nuisance which would be considered unreasonable or impractical to abate in the future.

This PTPO has been implemented and served in a just and appropriate manner.

Therefore, I recommend that the Order is confirmed without modification.

Considerations may also be made that both of the trees are not worthy of protection and the Appeals Panel may decide to request the order is modified, removing one of the trees from the order or that none of the trees should be protected and allow the order to lapse.

Mark Symonds – Conservation & Tree Officer (East Area)

# Appendix

- THE CASE FOR MAKING A TREE PRESERVATION ORDER (TPO)
  - Within Chapter 8, Part VIII, Special Controls, Chapter I under Sections 197, 198 & 201 of the Town and Country Planning Act 1990 the Council has powers to protect and plant trees where it appears 'expedient in the interest of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order'.
  - 'Amenity' is not defined in law, so authorities need to exercise judgement when deciding whether it is within their powers to make an order.
  - However, in March of 2014 the Department for Communities and Local Government (DCLG) issued a guide to all LPAs on TPOs entitled – Tree Preservation Orders and trees in conservation areas. This guide indicates that:
    -
- A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interest of amenity.
- An order can be used to protect individual trees, trees within an area, groups of trees or whole woodlands. Protected trees can be of any size or species.
- Local Planning Authorities (LPAs) should be able to show that a reasonable degree of public benefit in the present or future would accrue before TPOs are made or confirmed. The trees, or at least part of them, should normally be visible from a public place such as a road or footpath.
- The risk of felling need not necessarily be imminent before an Order is made. Trees may be considered at risk generally from development pressures or changes in property ownership, even intentions to fell are not often known in advance, therefore precautionary Orders may be considered to be expedient.
- The guidance also indicates that LPAs are advised to develop ways of assessing the 'amenity value' of trees in a structured way, taking into account the following criteria:
  - Visibility
  - Individual & collective impact
  - Wider impact
  - Other Factors
  - Size and form;
  - Future potential as an amenity;

- Rarity, cultural or historic value;
  - Contribution to, and relationship with, the landscape; and
  - Contribution to the character or appearance of a Conservation Area.
- Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change.
  - The guidance further indicates that it is important to establish a consistent approach, therefore the following points are considered before recommending a TPO:
    - Does the tree that is the subject of this report make a significant contribution to the local environment?
    - Is there a reason to fear that any of the trees may be dangerous?
    - Can the trees be expected to live for longer than ten years, barring unforeseen circumstances?
    - Do the trees in their present locations show signs of causing a nuisance in the future which is unacceptable or impractical?
    - Do the trees contribute to the biodiversity of the immediate area and/or offer a habitat for wildlife?



## **TOWN AND COUNTRY PLANNING (Tree Preservation) (England) REGULATIONS 2012**

### **Town and Country Planning Act 1990 The Broadland District Council Tree Preservation Order 2019 (No.9)**

The Broadland District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

#### **Citation**

1. This Order may be cited as the Broadland District Tree Preservation Order 2019 (No.9)

#### **Interpretation**

2. (1) In this Order “the authority” means the Broadland District Council.  
(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, 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 17<sup>th</sup> day of October

The Common Seal of the Broadland District Council  
was affixed to this Order in the presence of—

DEPUTY MONITORING OFFICER



7977

## **SCHEDULE 1**

### **SPECIFICATION OF TREES**

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

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
NONE	NONE	NONE

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

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
NONE	NONE	NONE

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

<b>Reference on map</b>	<b>Description (including number of trees in group)</b>	<b>Situation</b>
G1	2 Multi-stemmed Lime (L)	TG 5236 4955

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

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
NONE	NONE	NONE

**BROADLAND DISTRICT**  
Tree Preservation Order  
**2019 No.9**

**Key**

Group G1  
2 Multi-stemmed  
Lime (L)



Scale as shown



Thorpe Lodge, 1 Yarmouth Road  
Thorpe St Andrew, Norwich, NR7 0DU.  
Tel (01603) 431133  
E-mail conservation@broadland.gov.uk

**Tree Preservation  
Order**



*L M Mockford*  
*DEPUTY MONITORING OFFICER*

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**Spixworth**



**Tree Preservation Order 2019 No. 9**

**No.43 & 45 Rosa Close, Spixworth, Norwich, NR10 3NZ.**

Scale 1:500



**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012**

**The Broadland District Tree Preservation Order 2019 (No. 9)**  
**Broadland District Council**

To: Owner/Occupier, 43 Rosa Close, Spixworth, Norfolk, NR10 3NZ

THIS IS A FORMAL NOTICE to let you know that on 17<sup>th</sup> October 2019 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 First 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 Procedures*, produced by the Department of Transport, Local Government and the Regions.

The Council has made the order to safeguard the significant visual amenity value offered by the trees to the immediate area and the wider environment

The Order took effect, on a provisional basis, on 17<sup>th</sup> October 2019. It will continue in force on this basis for a maximum of 6 months or until the order is confirmed by the Council, whichever first occurs.

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 (*including your support*) 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, please make sure we receive them in writing by 15<sup>th</sup> November 2019. Your comments must comply with regulation 6 of the Town and Country Planning Act (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to Mr P Courtier (Head of Planning) at the address given below. All valid objections or representations are carefully considered before a decision on whether to confirm an order is made. Any comments you make will be available for public inspection. Therefore please be advised that any letter received could not be treated in confidence.

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 Mark Symonds at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU. Telephone (01603) 430560.

Dated this 17<sup>th</sup> day of October 2019

**Mr P Courtier**  
Head of Planning

**COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING ACT  
(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 3(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 the objections or representations are made; and
- (c) in the case of an objection, shall state the reasons for the objection.

6(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

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012**

**The Broadland District Tree Preservation Order 2019 (No. 9)**  
**Broadland District Council**

To: Mr David South, 45 Rosa Close, Spixworth, Norfolk, NR10 3NZ

THIS IS A FORMAL NOTICE to let you know that on 17<sup>th</sup> October 2019 the Council made the above tree preservation order.

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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 Mark Symonds at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU. Telephone (01603) 430560.

Dated this 17<sup>th</sup> day of October 2019



**Mr P Courtier**  
Head of Planning

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012**

**The Broadland District Tree Preservation Order 2019 (No. 9)**  
**Broadland District Council**

To: Ms Micaela Holmes, 47 Rosa Close, Spixworth, Norfolk, NR10 3NZ

THIS IS A FORMAL NOTICE to let you know that on 17<sup>th</sup> October 2019 the Council made the above tree preservation order.

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Dated this 17<sup>th</sup> day of October 2019



**Mr P Courtier**  
Head of Planning

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012**

**The Broadland District Tree Preservation Order 2019 (No. 9)**  
**Broadland District Council**

To: Owner/Occupier, 43 Rosa Close, Spixworth, Norfolk, NR10 3NZ

THIS IS A FORMAL NOTICE to let you know that on 17<sup>th</sup> October 2019 the Council made the above tree preservation order.

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Dated this 17<sup>th</sup> day of October 2019



**Mr P Courtier**  
Head of Planning

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012**

**The Broadland District Tree Preservation Order 2019 (No. 9)**  
**Broadland District Council**

To: Mr Michael Alan Dewing, Red Hall Farm, Beeston, Norwich, NR9 5HU.

THIS IS A FORMAL NOTICE to let you know that on 17<sup>th</sup> October 2019 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 First Schedule and shown on the map without the Council's consent.

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The Council has made the order to safeguard the significant visual amenity value offered by the trees to the immediate area and the wider environment

The Order took effect, on a provisional basis, on 17<sup>th</sup> October 2019. It will continue in force on this basis for a maximum of 6 months or until the order is confirmed by the Council, whichever first occurs.

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 (*including your support*) 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, please make sure we receive them in writing by 15<sup>th</sup> November 2019. Your comments must comply with regulation 6 of the Town and Country Planning Act (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to Mr P Courtier (Head of Planning) at the address given below. All valid objections or representations are carefully considered before a decision on whether to confirm an order is made. Any comments you make will be available for public inspection. Therefore please be advised that any letter received could not be treated in confidence.

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 Mark Symonds at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU. Telephone (01603) 430560.

Dated this 17<sup>th</sup> day of October 2019



**Mr P Courtier**  
Head of Planning

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012**

**The Broadland District Tree Preservation Order 2019 (No. 9)**  
**Broadland District Council**

To: Hilary Anne Barrett, Peacock Lodge, Barford Road, Marlingford, Norwich, NR9 5HU.

THIS IS A FORMAL NOTICE to let you know that on 17<sup>th</sup> October 2019 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 First 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 Procedures*, produced by the Department of Transport, Local Government and the Regions.

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Dated this 17<sup>th</sup> day of October 2019



**Mr P Courtier**  
Head of Planning

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**TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012**

**The Broadland District Tree Preservation Order 2019 (No. 9)**  
**Broadland District Council**

To: Jason Waterman & Nicola Waterman, Red Hall Farm Cottage, North Walsham Road, Crostwick, Norwich, NR12 7BZ.

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Dated this 17<sup>th</sup> day of October 2019



**Mr P Courtier**  
Head of Planning



**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012**

**The Broadland District Tree Preservation Order 2019 (No. 9)**  
**Broadland District Council**

To: Clerks Well Developments Limited, 290 High Street, Aldeburgh, IP15 5DQ.

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Dated this 17<sup>th</sup> day of October 2019



**Mr P Courtier**  
Head of Planning

28 OCT 2019  
RECEIVED

45 Rosa Close

Spixworth

Norwich

NR10 3NZ

25. 10. 2019.

Ref: TPO 2019 No9

Dear Mr Courtier

I do object to this TPO as the only people it affects are myself and my neighbours at No 43, the trees back onto open farmland, out of sight of the people in the village. The trees in question are nearly twice the height of the house and cut out a lot of light into the house and garden.

Have all the trees that back onto open farmland south of Spixworth had TPO's placed on them, or is it just me and my neighbours at No 43?

Your Sincerely

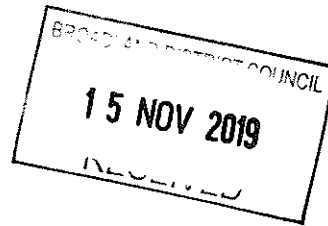
DAVID SOUTH

12th November 2019

Your ref: Mr P Courtier

Head of Planning

Broadland District Council.



Dear Mr Courtier,

**The Broadland District Tree Preservation Order 2019 (No.9)**

I would like to register my support for this order – for the following reasons:

- 1) These trees provide a visual amenity to the immediate area and can be seen from the pavement and roads on the Close, as well as from the B1150.
- 2) They have environmental importance – with bats and owls and other wildlife benefiting from these trees.
- 3) It is part of a 'wildlife corridor' enabling birds and mammals to move between 'The Plantation', on the other side of the B1150 and the housing along the edge of Spixworth.
- 4) They are mature trees and therefore invaluable – as we have lost a significant number of trees and other foliage during the construction of the nearby Broadland Northway.
- 5) They provide a barrier for residents from air, noise and light pollution from both the B1150 and the Broadland Northway.

I would be keen to attend any meeting where the future of these trees is being decided – please advise me of any such meeting.

Yours sincerely,

Ms M Holmes  
47 Rosa Close  
Spixworth  
NR10 3NZ



[www.broadland.gov.uk](http://www.broadland.gov.uk)

Mr David South  
45 Rosa Close  
Spixworth  
Norwich  
NR10 3NZ

Ask for : Mark Symonds  
Ext : 2452  
Direct Dial : 01603 430452  
Email : [mark.symonds@broadland.gov.uk](mailto:mark.symonds@broadland.gov.uk)  
Fax : 01603 430591  
Our ref : TPO 1302  
Your ref :  
Date : 30/10/2019

COPY

Dear Mr. South

**The Broadland District Tree Preservation Order (TPO) 2019 No. 9**

Thank you for your letter dated 25<sup>TH</sup> October 2019, addressed to Mr. Courtier, which has been passed to me for reply.

Your letter has been recorded as a formal objection to the making of the order.

If this is not resolved then the Appeals panel will be convened before the provisional TPO lapses (six months after service of the order).

If you would like to meet to discuss the TPO to try to resolve your objection to the making of the order and the requirement to hold a formal Appeals Panel Hearing, please contact me on my direct line phone number or via the e-mail address at the top of this letter.

Yours sincerely

**Mark Symonds**  
Conservation Officer (Arboriculture and Landscape)