

Appeals Panel

Agenda

Date

Friday 20 November 2020

Members of the Appeals Panel

The Panel will comprise the 3 Members highlighted in bold below

Cllr S Lawn
(Chairman)

Cllr A D Adams
(Vice Chairman)

Cllr S J Catchpole
Cllr K Lawrence
Cllr M L Murrell
Cllr S M Prutton
Cllr M D Snowling MBE
Cllr J L Thomas

Time and Place:

10:00 am
To be hosted remotely

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.



@BDCDemServices

Public Attendance

This meeting will be live streamed for public viewing via the following link:

<https://www.youtube.com/channel/UCZciRgwo84-iPyRlmsTCIng>.

If a member of the public would like to attend to speak, please email your request to committee.services@broadland.gov.uk no later than 5.00pm on Wednesday 18 November 2020

A G E N D A

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| 1 | To receive declarations of interest under Procedural Rule no 8 | |
| 2 | Apologies for absence | |
| 3 | Minutes of meeting held on 20 January 2020 | 5 |
| 4 | The Broadland District Tree Preservation Order 2020 (No 5)
66 Charles Close, Wroxham | 14 |
| | To hear and determine objections to the making of the Order | |
| | A copy of the procedure to be followed is attached – please note that
due to COVID restrictions, there will be no site meeting before the
Hearing and, instead, photographs of the tree will be shared at the
Hearing. | 12 |

Trevor Holden
Managing Director

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?

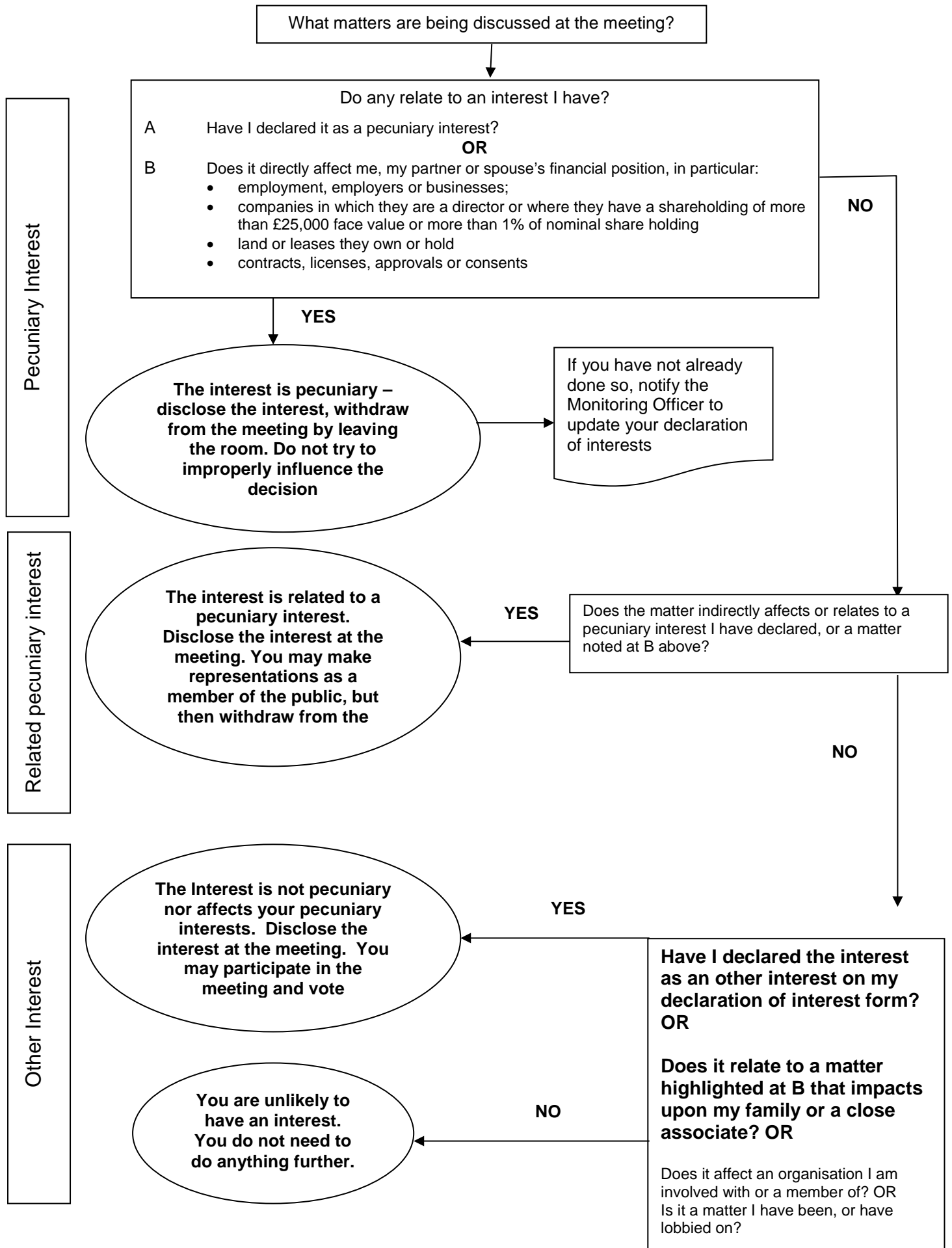
If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

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



Ms S Catchpole

Mrs S Prutton

Also in attendance were:

Thorpe St Andrew site visit and hearing		Spixworth site visit and hearing
(1)	Mr McNaught - 1 South Avenue, Thorpe St Andrew – objecting	Ms M Holmes – 47 Rosa Close, Spixworth
(2)	Ms Carrie Twinn – 10 Chapel Avenue, Thorpe St Andrew – (attended site visit only)	
(3)	Mr A Coombes – A T Coombes Associates Ltd – the Council’s appointed Arboricultural Consultant (attended meeting only)	
The Conservation Officer (Arboriculture and Landscape) – presenting the case for the Orders		
The Committee Officer (DM) – advisor to the Panel		

The Minutes of the meeting held on 24 July 2019 were confirmed as a correct record and signed by the Chairman.

The Panel had previously visited the site at 9:30am to inspect the trees shown as T1, T2 and T3 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.

Members viewed the trees from within the garden of 1 South Avenue and from points along South Avenue. They also viewed the trees from Gt Yarmouth Road and from within the rear garden of 10 Chapel Avenue.

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

The Panel noted that the Council had decided to make the TPO after the Council received a S211 Notification on 16 July 2019 to fell four conifers (trees A,B,C and D on the application form) and to remove a section of conifer hedge (trees E on the application form). Following a tree evaluation method for preservation orders (TEMPO) assessment undertaken by the Council's contractor, A T Coombes Associates Ltd, consent was given for the felling of Tree B and trees E. It was considered that removal of trees A, C and D would have a negative impact on the landscape and it was expedient that they be protected. The Council decided therefore to make the TPO to protect three of the individual Cypress trees to safeguard the significant visual amenity and biodiversity value offered by the trees to the immediate and the wider environment.

Two formal objections to the Order had been received from Mr Cole and Ms Twinn, of 10 Chapel Close (whose rear garden formed a boundary with No 1 South Avenue on which tree T1 was located) and from Mr and Mrs McNaught of 1 South Avenue, owners of the trees.

The Panel then heard from Mr McNaught who stated that Tree T1 was a large tree which blocked light from his dining room, lounge and bedroom. He wished to extend his property and a pond in the rear garden prevented a rear extension so he had to extend to the front which would necessitate removal of the tree. The tree was unsightly, particularly the severed stem. He also had an issue with nearby drains that he needed to resolve. With regard to tree T2, if it continued to grow would continue to damage the retaining wall which he believed was supporting the tree. This tree also blocked much light from the garden. The location of tree T3 prevented him from carrying out works to extend and improve his driveway which was currently narrow and caused concerns for safety when entering and leaving his property into South Avenue. He wished to create a double width drive.

In response to questions, Mr McNaught confirmed he had lived at his house for 2 years and had not as yet taken any advice regarding options for maintenance of the retaining wall and the impact of tree T2 because of the costs of expert advice.

The Panel then heard from the Conservation Officer who explained the reasons for the making of the Order as set out above. He added that the Council's appointed arboricultural contractor had used the TEMPO method of assessment to help assess the value of the trees and determine if the order should be made. Mr A Coombes then outlined his responses to the objections raised. He commented that all three trees were Cypress trees and that these trees were first introduced to the area in the Victorian period and now formed a feature of the Thorpe St Andrew conservation area. With regard to tree T1, it was estimated that the tree was between 80 – 100 years old and was large in size which added to its visual appeal in the wider area. With regard to the concerns about the roots, he commented that tree roots could potentially move light structures but that it was possible to accommodate this and take remedial action which did not necessitate removal of the tree. Whilst these trees had a tendency to split and

shed dead wood, there was no evidence of any weakness in the trees which was likely to be of concern. The tree was clearly visible from Gt Yarmouth Road. The large stem remaining from a previous felling did not add to the aesthetic value of the tree and could be removed with permission and subject to it being undertaken without harming the remaining stems. With regard to tree T2, it was possible the roots may have contributed to the lean of the retaining wall over a number of years but remedial works were possible to the wall to avoid removal of the tree. With regard to tree T3, Mr Coombes stated that, whilst not as significant as tree T1, this tree had amenity value; in particular, it complimented the other two trees as part of the wider environment. With regard to the proposed works to the driveway, enquiries would need to be made as to whether these required planning permission and the Conservation Officer added that, if planning consent was granted and tree T3 had to be removed to facilitate the works, the planning consent would override the existence of the TPO.

In response to questions, Mr McNaught was advised that work could be carried out which would allow roots to be sympathetically trimmed and a root barrier material put in place which would improve the situation with the retaining wall. It was unlikely this work would have to be repeated every 5-7 years as Mr McNaught feared. Mr McNaught raised concerns that a full visual assessment of the trees had not been undertaken, as Mr Coombes had not viewed tree T1 from with the garden of No 10 Chapel Avenue. The view from within this garden was unsightly. The Conservation Officer and Mr Coombes commented that the overall amenity value of the tree which could be seen from a wide area was significant albeit that the portion of the tree visible in the garden of no 10 was less significant. This could however be enhanced by the removal of the remaining large stump and dead wood. Mr McNaught added that the tree cast significant shadowing to the garden of no.10 prevented them from growing other plants and dropped a lot of dead wood. Mr Coombes then went through the TEMPO assessment to explain how the tree had been "marked".

Mr McNaught stated that the situation regarding planning permission for the works to the driveway was confusing as prior to the serving of the TPO he did not believe he needed planning permission for works to his driveway. The Conservation Officer re-affirmed that if planning permission was needed and removal of the tree was necessary to facilitate the works, the planning permission would override any TPO made.

In response to a question, Mr McNaught confirmed that he was aware when he purchased his house that it was within a conservation area which would affect the management of the trees.

In summing up, the Conservation Officer invited the Panel to confirm the Order without modifications. A proper assessment of the amenity value of the trees had been undertaken and the required processes for making the Order had been complied with. He acknowledged that there may have been a lack of maintenance of the trees in the past and that remedial work could help enhance some elements of tree T1.

Mr McNaught confirmed that he wished to see the trees removed and was concerned regarding health and safety. He was now left with trees which had not been properly maintained.

With the exception of the three Panel Members and the Committee Officer, all present then left the room whilst the Panel considered the objections 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 modification to remove tree T3 from the Order.

The reasons for the decision to confirm the Order in relation to trees T1 and T2 were that the provisional TPO had been implemented and served in a just and appropriate manner, the criteria for making the Order had all been met together with a satisfactory TEMPO assessment. 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. The reasons for the decision to modify the Order to remove tree T3 were that this tree did not make a significant enough contribution to the local and wider environment and it presented a nuisance which was impracticable and unacceptable.

Accordingly, it was

RESOLVED:

to confirm the Broadland District Tree Preservation Order 2019 (No. 8) with modification to exclude tree T3.

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.

6 THE BROADLAND DISTRICT TREE PRESERVATION ORDER 2019 (NO: 9) 43 AND 45 ROSA CLOSE, SPIXWORTH, NORWICH, NR10 3NZ

The Panel had previously visited the site at 10.00am to inspect the trees shown as G1 (two multi stemmed Lime trees) 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. Members viewed the trees from various points along Rosa Close, from within the rear garden of no 47 Rosa Close and were able to view the trees from the B1150 North Walsham Road.

The Panel then convened at 11:55am at Broadland District Council offices to consider the representations made to the TPO. Those listed above were present.

One formal objection to the Order had been received from Mr D South of 45 Rosa Close, Spixworth, and one letter of support had been received from Ms Holmes of 47 Rosa Close. Mr South was unable to attend the hearing and had sent in the following submission:

"I'm unable to attend tomorrow as I'm at work. I dispute the claims about this being a bat run as these are stand-alone coppice limes. The laurel hedge I have planted and would continue, would be of greater benefit to the small wildlife and insects that would make their home there. The trees at the moment starve the surrounding area of moisture and cut out a lot of light into the house and garden. The trees have almost doubled in height in the time we have lived here and need to be replaced with something more manageable, and preferably evergreen. I think the scrappy trees look a mess during the winter months and do nothing to enhance the area."

The Panel noted that the Council had decided to make the provisional TPO after the Council received a TPO suggestion form as it was believed the trees at 45 Rosa Close were at risk of being removed. The Order was made to protect the two multi stemmed Lime trees due to their close proximity to each other with the two trees combining to form a distinct group feature and to safeguard the significant visual amenity and biodiversity value offered by the trees to the immediate area and the wider environment.

The Panel then heard from the Conservation Officer who stated that, following a visual assessment of the trees from the surrounding area, he had considered that they were worthy of protection and he was not aware at this time of any issues with the condition of the trees. There were very few mature trees in the area and the Lime trees offered an important visual amenity on entering Rosa Close and from the nearby A1150. The trees also had historical significance in that they formed part of a line of trees shown as a boundary feature on the 1st edition Ordnance Survey maps produced between 1879 and 1886. He was aware of concerns about the overshadowing caused by the trees but he felt that this was not justification for their removal.

In supporting the making of the Order, Ms Holmes referred to the recent loss of mature trees in the area and that the presence of established broad-leaved trees in the area was rare. The trees offered a visual amenity and could be seen from a wide area. The trees were in situ before the properties were occupied and,

indeed had been one of the reasons Ms Holmes chose her property. One of the mature Lime trees within the curtilage of no 45 had already been removed and she had at that time endeavoured to encourage the protection of the remaining trees along the boundary. When she became aware of the imminent plan to remove the two remaining trees at no.45 she had believed they were already protected and was concerned to discover they were not.

In response to the submission read out at the hearing from Mr South regarding his objection to the Order, the Conservation Officer stated he had no evidence of the existence of a bat run but Ms Holmes confirmed that she had regularly seen bats in her garden and in neighbouring gardens which foraged on the many insects in the trees. In addition, a range of other wildlife including owls and woodpeckers were regularly seen in the gardens. With regard to Mr South comment that the laurel hedge would be of greater benefit to wildlife, the Conservation Officer commented that, whilst the additional planting would contribute to the habitat, it would not be a replacement for or compensate for the loss of the trees. He accepted that the trees had an impact on removing moisture and limiting light to the garden but felt these factors did not warrant removal of the trees. He did not believe the trees were likely to have doubled in height in recent years, as they had been mature specimens for some considerable time. He did not support the view that the trees were a scrappy mess as the trees had excellent form and made a positive contribution to the local landscape and environment.

With the exception of the three Panel Members and the Committee Officer, all present then left the room whilst the Panel considered the representations 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 that the trees were under threat, they 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; they had a life span in excess of 10 years, 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. 9).

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 12:20pm

DRAFT

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.

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 2020 No.5)

Address: 66 Charles Close, Wroxham, Norwich, Norfolk.

BACKGROUND TO THE MAKING OF TPO (2020 No.5)

No.66 Charles Close is located to the south east of the close and west of The Avenue, with the tree in question being significant to the visual amenity of the immediate and surrounding landscape and contributing to the verdant setting of the Wroxham Conservation Area (CA).

The Provisional Tree Preservation Order (PTPO) was made on 26 May 2020 after the Council received, on 24 March 2020, a s211 Notification (No.20200686) to fell an Atlas Cedar tree (*Cedrus atlantica*) located in the front garden of 66 Charles Close.

This notification was made on behalf of the tree owners Mr & Mrs Page by their agent, Mr Piers Ranson of P Ranson Tree Service.

This tree work notification was passed to the Council's Conservation & Tree Officer for consideration. The works applied for were discussed with the tree owner's agent Mr. Ranson.

Due to the COVID 19 lockdown restrictions, which were in place at that time, no site visit was undertaken, and the assessment of the works applied for and consideration of the trees suitability for protection was undertaken using the information and photographs provided for the s.211 Notification, the Council's Geographic Information System (GIS) and also by viewing images of the location shown on Google Street View and online maps. It should be noted that the Google Street View images were taken in August 2008 and whilst they gave an indication of the trees setting and location, are twelve years out of date.

The Council decided to make the PTPO in order to protect the Atlas Cedar for the reasons stated within the Regulation 5 Notice shown below:

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

THE CASE FOR MAKING TPO (2020 No.5)

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

How does the tree, subject of this report, make a significant contribution to the local environment?

The Cedar tree at 66 Charles Close is significant due to its location and size and is a prominent feature at the front of the property, being clearly visible, when viewed from the public footpaths and highway.

Its age and form contributing to the maturing landscape, which is in keeping with the setting of the Wroxham Conservation Area and which complements the layout of Charles Close.

Whilst it is acknowledged that sometimes Cedar trees can shed limbs, when heavily laden with snow or ice, *Cedrus atlantica* are '*considered to be relatively wind-firm*' (Department of Transport & Local Government and the Regions publication - Research for Amenity Trees No.7 – by David Lonsdale)

No compelling evidence to show that this tree would be considered to be in a poor structural or physiological condition or any diagnostic information to demonstrate that it would be considered dangerous, has been provided.

What is the expected lifespan of the tree, barring unforeseen circumstances?

At the present time the tree would be considered as early mature and if maintained appropriately should have a remaining life span of between 70 to 100 years.

Does the tree, in their present location, show signs of causing a nuisance in the future which is unacceptable or impractical?

The tree is located within the front garden of the property, with the tree's centre being approximately 14 m (46 ft.) from the front elevation. It appears to be of a relatively compact form and not causing any significant encroachment or overshadowing to No.66 or any neighbouring properties.

I would envisage that this situation can be maintained by the sympathetic pruning or crown lifting of any longer or low branches through a Tree Work Application to seek consent to undertake such remedial pruning works and that the future management of the tree will not be the cause of a nuisance that is unacceptable or impractical.

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

Whilst the Atlas cedar is not a native species of the UK, it would be considered an established component of the local flora.

With the tree's canopy having the potential to provide nesting sites for many species of garden birds, especially as the tree ages and the bark and branches start to form crevices, which in turn also creates habitat for invertebrates, providing a food source for our native birds.

OBJECTIONS AND SUPPORT TO THE MAKING OF THE TPO AND TREE OFFICERS RESPONSE:

The Council has received one formal objection letters to TPO (2020 No.5) from Mr. & Mrs. Page the owners of 66 Charles Close, Wroxham.

The objections of Mr & Mrs Page are detailed below.

Firstly, it is our view that this tree is now not enhancing to the area, or to our home and garden. It now measures approximately 60 ft. by 40 ft. and prevents us from managing our garden in the way that we would wish.

More importantly, it appears that the branches have become so brittle that they break off whenever a wind prevails, so much that the tree is now totally out of shape.

However, of significance, is that we consider it to be unsafe in the event of a strong wind or storm and I wish to site a scenario in February 2017 during storm Doris when a tree of the same species in our neighbour's garden lost the top 20 ft. coming down into our back garden and damaging our fence.

We feel that if the same happened with this tree which is far nearer than that of the tree that broke off and fell, it would fall directly onto our house if it fell in one direction, onto our cars in a second direction, and onto the pavement if in another direction, which could seriously injure passers-by.

We appreciate the Council's desire to conserve this lovely area and are aware of its history, but the trees planted by and under the guidance of Colonel Charles were intended for parkland and not as a residential area. This particular tree is native to morocco and not the United Kingdom. As an aside we are surrounded by native Beech and Oak Trees.

Tree Officer Responses to these objections are:

The main points of Mr. & Mrs. Page's objections focus on if the tree is safe, it's suitability for the location and the constraints the tree poses to the management of their front garden.

During my recent site visit to photograph the tree, I also measured the tree, using a Trupulse Laser measuring device and can confirm that the tree is 16 m (52 ft.) in height and has an approximate canopy spread of 13m (42 ft.).

Having inspected the tree from the public footpath (at a distance of approximately 8m), I could not identify any significant structural defects, which would raise concerns that the tree would be considered dangerous.

I did observe some dead wood within the trees canopy, this appears to be mostly tertiary branches of a small diameter and would not be considered a hazard. The removal of dead wood is exempt works and doesn't require consent from the Council.

Concerns have been raised about the consequences if the tree should totally fail and be blown over. This appears very unlikely as there is no evidence that the tree's stability has been compromised, which would result in a catastrophic event of the tree being blown over.

Whilst it must also be acknowledged that even healthy and structurally sound trees do get blown down during extreme weather events, the risk of death or serious harm from trees in the UK has been calculated by the Centre of Decision Analysis & Risk Management at Middlesex University as an overall risk of approximately one in ten million (National Tree Safety Groups publication).

When compared with other risks we all take, going about our daily lives, it is evident that the risk of harm from falling trees or branches is very low and the removal of healthy and structurally sound trees *"just in case they fail"*, would be a disproportionate action and would also remove the many benefits that trees provide.

The failure of another Atlas cedar has been raised, this was located in the rear garden of a neighboring property, No.48 the Avenue and was an individual tree (T140) protected by Tree Preservation Order 2009 No.43 (858).

This tree lost a section of the upper canopy due to the extreme weather experienced across the UK at the time of Storm Doris passed through Norfolk.

I can confirm this tree was damaged in Storm Doris in March 2017, and that a formal Tree Work Application was made (No.20180703) on 26th April 2018 to fell the tree.

Consent was given for the removal, with a condition to plant a replacement tree (copy of decision attached).

The unbalanced form of the trees canopy and its suitability for the location has also been raised.

In my opinion having inspected many Atlas Cedars over the last thirty-six years working in Arboriculture, this particular tree has a compact form and the canopy doesn't appear excessively unbalanced. If in the future remedial pruning was required to reshape the canopy and lessen the loading, due to excessive end weighting and following an application for tree works being made, consent could be given.

It cannot be disputed that the Atlas cedar is not native species of the UK, as it originates from the North African Atlas Mountains of Algeria and Morocco.

However it has been widely planted as a decorative ornamental garden and parkland tree within the British Isles and is a familiar species found in gardens, within the Conservation Areas of Broadland.

As the native tree species of the UK are increasingly being colonized by imported pests and diseases and pressured by a changing climate, it is widely accepted that the planting of non-native species, which are adapted to a warmer climate, is a sensible action, to help towards an aim of '*future proofing*' our tree populations.

The trees location within the front lawn of the property will constrain the type of plants that can be grown, due to the shade and water intake of the tree, and it will be a decision for the Appeals Panel to consider if this outweighs the visual amenity benefits the tree provides to the wider environment.

CONCLUSION

The Atlas Cedar tree identified within the Provisional Tree Preservation Order (PTPO) contributes to both the visual amenity and biodiversity of the Wroxham Conservation Area.

The tree is not considered to be in an unsafe condition at this time.

The tree should have a remaining lifespan exceeding ten years, barring any unforeseen circumstances.

I do not believe the tree 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.

Considerations may also be made by the members of the Appeals Panel that the tree is not worthy of protection and the Panel may decide that the tree should not continue to be protected and allow the order to lapse and the tree to be removed.

Date: 09 November 2020

Mark Symonds – Conservation & Tree Officer (Majors Team)

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 2020 (No.5)

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 2020 (No.7)

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 26 day of May 2020

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


Lm Mockford
Deputy Monitoring Officer



SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Atlas Cedar	TG 30418 17159

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

Reference on map	Description	Situation
NONE	NONE	NONE

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

Reference on map	Description (including number of trees in group)	Situation
NONE	NONE	NONE

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
NONE	NONE	NONE

BROADLAND DISTRICT

Tree Preservation Order

2020 No.5

Key

Individual Trees T1 etc.



T1 Atlas Cedar



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



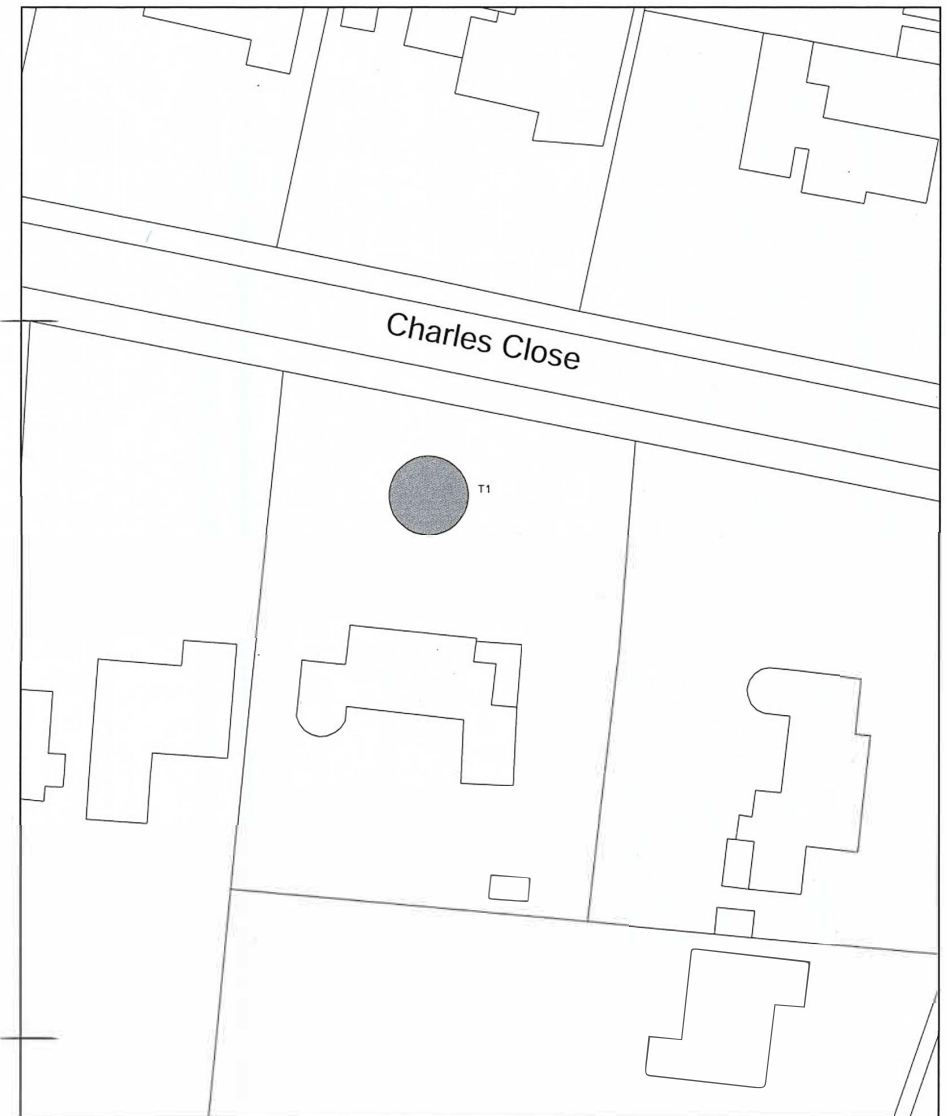
Deputy Monitoring Officer

8030

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Wroxham



Tree Preservation Order 2020 No. 5

66 Charles Close, Wroxham, NR12 8TT

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 2020 (No. 5)
Broadland District Council

To: Owner/Occupier, 66 Charles Close, Wroxham, NR12 8TT

THIS IS A FORMAL NOTICE to let you know that on 26 May 2020 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 tree to the immediate area and the wider environment.

The Order took effect, on a provisional basis, on 26 May 2020. 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 26 June 2020. 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) 430509.

Dated this 26 day of May 2020

Helen Mellors
Assistant Director 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

Ask for: Conservation
Direct Dial: (01603) 430509
Email: conservation@broadland.gov.uk
Our ref: TPO 2020 No.5 (1307)
Date: 26 May 2020

Owner/Occupier
66 Charles Close
Wroxham
NR12 8TT

26 May 2020

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir/Madam

Town and Country Planning Act, 1990
Town and Country Planning (Tree Preservation) (England) Regulations 2012
The Broadland District Tree Preservation Order 2020 (No. 5)

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 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 attached Order, to ensure their protection.

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. A copy of the Order is enclosed, 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.

Yours sincerely

Helen Mellors
Assistant Director of Planning



www.broadland.gov.uk

Ask For :
Direct Dial :
Email :
Our Ref :

P Ranson Tree Services

Mr Piers Ranson
146a Spencer Street
Norwich
NR3 4PQ

Application Number

20200686

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear P Ranson Tree Services

Town and Country Planning Act 1990

Town and Country Planning (Tree Preservation)(England) Regulations 2012

**The Broadland District Tree Preservation Order 2020 No.5, protecting a Cedar tree (T1) at
66 Charles Close, Wroxham, NR12 8TT**

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 acting as the agent for the owners and/or occupier on which the tree stands.

It is deemed necessary to serve a Preservation Order to cover a tree as set out in the First Schedule and Map of the Order, to ensure their protection.

The tree in question have been made the subject of a Tree Preservation Order under Section 198 of the Town and Country Planning Act 1990.

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.

Yours sincerely

Assistant Director – Planning
Broadland District Council,
Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU

20200686

24 MAR 2020

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:



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

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:	DES
Last name:	PAGE		
Company (optional):			
Unit:		House number:	66
		House suffix:	
House name:			
Address 1:	CHARLES CLOSE		
Address 2:	WROXHAM		
Address 3:			
Town:			
County:	NORFOLK		
Country:	ENGLAND		
Postcode:	NR12 8TT		

2. Agent Name and Address

Title:	Mr	First name:	PIERS
Last name:	RANSON		
Company (optional):	P RANSON TREE SERVICES		
Unit:		House number:	146A
		House suffix:	
House name:			
Address 1:	SPENCER ST		
Address 2:			
Address 3:			
Town:	NORWICH		
County:	NORFOLK		
Country:	ENGLAND		
Postcode:	NR3 4PQ		

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):		
<input type="text"/>		

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.

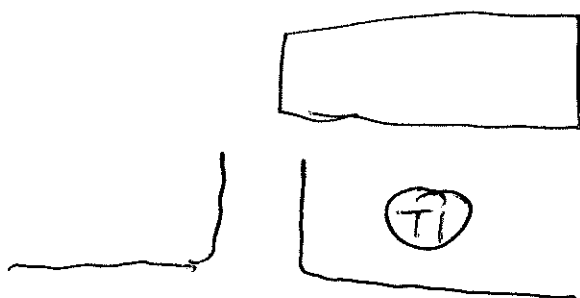
7. Identification Of Tree(s) And Description Of Works

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.

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

I intend to remove the Atlas Cedar at the front of the house as requested by the householder. They intend to plant some more suitable trees once the stump has been removed.



T1 - ATLAS CEDAR

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 an 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:

Date (DD/MM/YYYY):

20/03/20

(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):
pransontreeservices@gmail.com



www.broadland.gov.uk

Application Number
20180703

P Ranson Tree Services
FAO: Mr Piers Ranson
146a Spencer Street
Norwich
NR3 4PQ

Date Of Consent : 01 June 2018
Tree Works : T1 Cherry - Remove
T3 Cherry - Remove as decayed
T4 Blue Atlas Cedar - Remove due to extensive storm damage

Location : 48 The Avenue, Wroxham, NR12 8TR
TPO Reference No: TPO 2009 No 43 (858)
Applicant : Mr Karl Unsworth
Application Type: Works To TPO Trees

Broadland District Council **GRANTS CONSENT** to carry out the tree works referred to above in accordance with the details on the application form and subject to the following conditions:-

Conditions:-

- 1 The works to which this consent relates must be begun not later than TWO years beginning with the date of this decision.
- 2 All works to conform to British Standard 3998:2010 "Tree work - recommendations" and recognised good arboricultural practice.
- 3 Replacement planting to be carried out as specified below. Tree planting shall be carried out at, or close to, the same location as the tree/s removed.

Plant No.1 Prunus Tai haku 12-14 cm girth containerised or No.1 Prunus Umineko 12-14 cm girth containerised to replace Cherry T1(T137 on TPO Schedule).

Plant No.1 Prunus x schmittii 12-14 cm girth containerised or No.1 Prunus sargentii Rancho 12-14 cm girth containerised to replace Cherry T3 (T139 on TPO Schedule).

Plant No.1 Cedrus Atlantica 'Glauca' 1.5-2 m height containerised to replace Cedar T4 (T140 on TPO Schedule).

All works for replacement planting shall be carried out to British Standard 8545:2014 Trees from nursery to independence in the landscape – Recommendations.

Should the replacement trees be removed, die or become severely damaged or diseased, within 5 years of planting, it shall be replaced, with another of the same size and species, of that originally planted.

- 4 The Council should be notified within 28 days of the date of this decision of the choice of species, size, planting position and timetable for carrying out the required replacement planting. Once the replacement planting has been carried out the Council should be notified. You may be eligible for a grant to help with the costs of replacement planting, for more information about the grant please see Broadland District Council's website or phone 01603 430520.

The reasons for the conditions are:-

1. The time limit is imposed in compliance with the requirements of Section 17 of part 4 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012.
2. To ensure the works are carried out to the industry best practice.
- 3 & 4. In the interests of amenity.

Informatives:-

Please give the Council's Conservation team three working days notice as to when the works are to be carried out and by whom.

Under the Wildlife and Countryside Act 1981, The Habitat Regulations 1994, The Countryside and Rights of Way Act (Natural Habitats) (Amendment) Regulations 2007 it is an offence to:

- Intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built;
- Intentionally or recklessly disturb any wild bird while it is nest building, or at a nest containing eggs or young, disturb the dependent young of such a bird;
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats;
- Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time).

In the light of this legal protection, it is recommended that any works to trees where birds and/or bats are known to, or are likely to, nest/roost, be avoided during the bird nesting season (usually March to August) and/or the advice of a bat specialist is obtained.

Before employing an arboricultural contractor or consultant you are advised to ask for evidence of Public Liability (third party), Employers Liability and professional Indemnity insurance.

Signed

Mr P Courtier
Head of Planning
Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich,
NR7 0DU
Cc – Mr Karl Unsworth, 48 The Avenue, Wroxham, Norwich, NR12 8TR.

Information relating to appeals against the decision of the Local Planning Authority

If you are aggrieved by this decision to refuse consent for tree works or to grant it subject to conditions, then you can appeal to the Secretary of State under the provisions in Regulation 19 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Any appeal must be made within 28 days of the date of receipt of the Authority's decision.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel: 0303 444 5584 or via the Planning Portal at <https://www.gov.uk/appeal-decision-about-tree-order>

Compensation

If you suffer any loss or damage which is caused or incurred in consequence of this decision or consent subject to conditions, you are entitled to recover from the Council compensation in respect of such loss or damage. If you wish to make a claim you must do so within 12 months from the date of this decision (or, if you appeal to the Secretary of State for the Environment, within 12 months from the date of decision). Claims should be submitted in writing to the Head of Planning, Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU.

Hi Sarah,

Photos as requested but the tree looks a lot better in the pictures than the flesh as you can't really see the damaged parts and the die back

Regards

Piers

On Mon, 18 May 2020 at 16:03, Piers Ranson wrote:









Cedar at 66 Charles Close
looking South



Cedar tree in
neighbouring garden
at 64 Charles Close

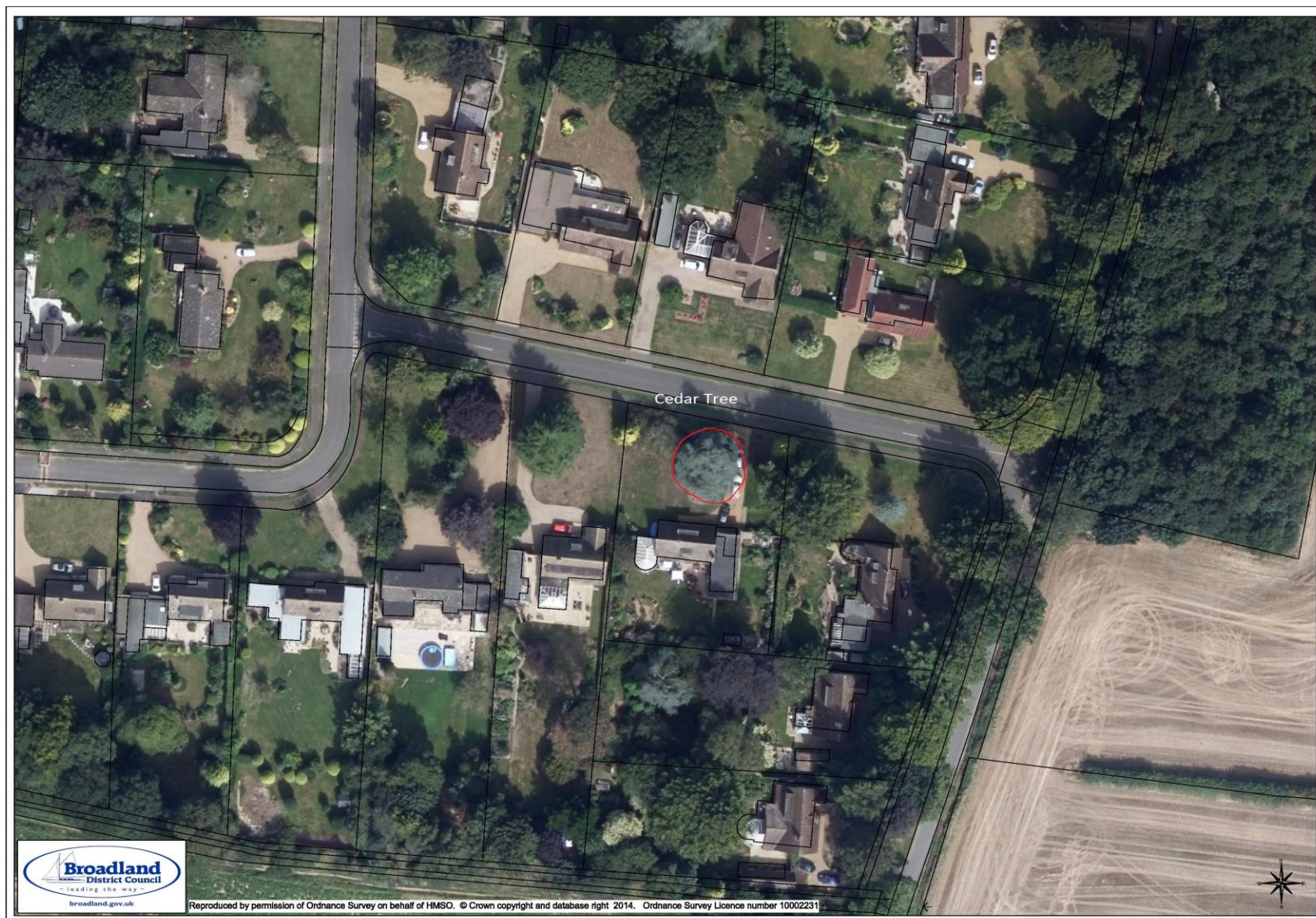




Cedar viewed
from the east

Cedar viewed from the west





66 Charles Close

Wroxham, Norfolk

NR12 8TT

2 June 2020

FAO: Mr P Coutier

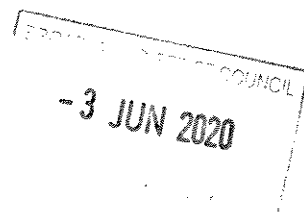
Head of Planning

Thorpe Lodge

1 Yarmouth Road

Thorpe St Andrew

Norwich NR7 0DU



Dear Mr Coutier

Re: Tree Preservation Order 2020 No. 5 – 66 Charles Close, Wroxham NR12 8TT

I write further to a communication by Ms Helen Mellors, Assistant Director of Planning, which informs us that a TPO has now been placed on an Atlas Cedar Tree situated in the front garden of the above property.

Whilst I fully appreciate the Council's wish to preserve the 'visual amenity value' and the 'value trees offer to the immediate area', I would like to bring to the attention of the Council the following points, and in that connection, invite a member of your team to meet with us to discuss the points raised.

Firstly, it is our view that this tree is now not enhancing to the area, or to our home and garden. It now measures approximately 60 ft by 40 ft and prevents us from managing our garden in the way that we would wish.

More importantly, it appears that the branches have become so brittle that they break off whenever a wind prevails, so much so that the tree is now totally out of shape.

However, of significance, is that we consider it to be unsafe in the event of a strong wind or storm and I wish to site a scenario in February 2017 during Storm Doris when a tree of the same species in our neighbour's garden lost the top 20 ft coming down into our back garden and damaging our fence.

We feel that if the same happened with this tree which is far nearer than that of the tree that broke off and fell, it would fall directly onto our house if it fell in one direction, onto our cars in a second direction, and onto the pavement if in another direction, which could seriously injure passers-by.

We appreciate the Council's desire to conserve this lovely area and are aware of its history, but the trees planted by and under the guidance of Colonel Charles were intended for parkland and not as a

residential area. This particular tree is native to Morocco and not the United Kingdom. As an aside, we are surrounded by native Beech and Oak Trees.

We would be only too pleased to replant another tree which would continue to enhance the garden and area if the Council would allow us to remove this one.

May we, therefore, ask if you would arrange for a Council member to telephone us when we could arrange to have some dialogue and we could be given the opportunity to discuss our concerns.

Yours sincerely

Desmond and Christine Page

Dear Mark

Thank you for your email and please accept our apologies for the short delay in replying.

Unfortunately, whilst we are available on the 20th November, we don't have the required equipment to enable us to participate in a Zoom meeting. However, we would like to reiterate the points we made in our letter dated 2nd June, and the following additional points, and ask if you would present them on our behalf.

The tree is very large at approximately 60' x 40' and we consider it to be quite brittle and probably coming towards the end of its lifespan. Branches break off during high winds and as previously mentioned in our letter a tree of the same species did actually lose the top 20ft during Storm Doris in February 2017. This will be recorded in Council records we think as it was eventually allowed to be removed because of the damage, with permission by the Council. For information, it was in the garden of No 48 The Avenue, which runs parallel to ours, hence it falling into our garden. The tree in our front garden which we are requesting permission to remove is much nearer the house than the tree mentioned.

Also as mentioned in our letter, it is not a tree that is 'pleasing to the eye' and has become very out of shape as a result of losing branches. It is within a short distance of large Beech trees and also another Cedar Tree of a different species in our next-door neighbour's garden which is significantly even larger than ours.

The tree causes us considerable problems in managing our front garden and as we are now aged 77 and 71, we find this demoralising and very difficult in practical terms.

Lastly, and again as previously mentioned, we would be happy to replace the tree with another and would be pleased to liaise with you regarding the choice. We are sure it would be much more visibly enhancing to the area.

We look forward to a favourable outcome.

Yours sincerely

Christine and Desmond Page
66 Charles Close, Wroxham