

NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS COMMITTEE

**Minutes of a meeting held in the Council Offices, Gernon Road, Letchworth Garden City
on 12 March 2007 at 7.30p.m.**

MINUTES

PRESENT: *Councillors: Peter Burt (Chairman), David Barnard, Tom Brindley,
and Michael Weeks.*

IN ATTENDANCE: *Senior Lawyer, Principal Planning Officer, Senior Tree Officer,
Planning Officer and Committee and Member Services Officer.*

ALSO PRESENT: Appellant's representatives: Roger Griffin, Mary Catzeddu and Leo
Heap.

Supporters of the Tree Preservation Order: M. Clark, R. Cracknell,
J. Langrish, D. Leal-Bennett, Alan Holbrook, Paul and Sharon Scard.

Hitchin - Highbury Ward Councillors Paul Clark and Lawrence Oliver.

4. APOLOGY FOR ABSENCE

An apology for absence was received from Councillor Lorna Kercher.

5. PROCEDURE

The Chairman ascertained that all parties present were satisfied to adhere to the
suggested procedure as circulated with the agenda for the meeting.

**6. TREE PRESERVATION ORDER REF. NO. 167 (2006) – LAND AT 43 THE
AVENUE, HITCHIN**

In accordance with the agreed procedure, the Chairman established that the following
people were appearing before the Licensing and Appeals Committee:

Appellant' representatives: Roger Griffin, Mary Catzeddu and Leo
Heap.

Supporters of the Tree
Preservation Order

M. Clark, R. Cracknell, J. Langrish,
D. Leal-Bennett, Alan Holbrook,
Paul and Sharon Scard.

Representing Highbury Ward
Hitchin:

Councillors: Paul Clark and Lawrence Oliver.

Officers:

Graham Haerle – Principal Planning Officer
Naomi Gould – Planning Officer
Mick LaRoche – Senior Tree Officer.

The Licensing and Appeals Committee received a report of the Planning Control and
Conservation Manager (PCCM) presented by the Principal Planning Officer (Hitchin)
which summarised the background to the planning permission for a detached dwelling,
a Section 211 Notice for works to trees in a Conservation Area and the subsequent
removal of trees not worthy of a Tree Preservation Order. A provisional Tree
Preservation Order was made in respect of two beech trees, one pine tree and one
larch tree on 3 October 2006 at 43 The Avenue and that the six month period available

to the Local Planning Authority for the confirmation of a TPO would expire on 3 April 2007. The Principal Planning Officer confirmed that the owners of the land and local residents were given notice of the provisional order and advised of the 28 day response period.

The Principal Planning Officer advised the LAC of the representations made to the local planning authority in terms of an appeal by the land owner and local residents who supported the confirmation of the TPO.

The Chairman, Members of the Committee, the appellant's representatives and supporters of the TPO then put questions to the PCCM on the points raised in the report as matters of fact. The appellant's representative from Countrywide Tree Specialists advised the LAC that the appellant queried why a TPO had not been made before and certainly at the time of canopy reduction and that trees in a Conservation Area had good protection. During these discussions there were queries as to the damage done to trees in the garden of 43 The Avenue and remedial work by Marriot Construction Company/Kier Group for a retaining wall. The Principal Planning Officer advised the LAC that there was a condition attached to the planning permission for the new dwelling that trees should be protected during the construction phase. This condition plus the location within the Conservation Area was considered to be adequate protection for trees at this site. The LAC noted that it was considered expedient to make these four trees subject to a TPO when the Local Planning Authority were advised of damage to tree roots in the excavation of a utilities trench and retaining wall.

Another representative of the appellant read out a letter that had been previously provided to the LAC which gave very strong views of the appellant as to why a TPO was not required and that as the trees were located within the Conservation Area that this was adequate protection for the trees at this location and all other trees in The Avenue. The appellant also queried in his letter why there were no other TPOs for trees in The Avenue.

One of the supporters of the confirmation of the TPO gave an account of the observed damage to tree roots and that the contractors had made an alteration to the alignment of a retaining wall as the original plan in his opinion would have caused more damage to tree routes than had actually occurred. The supporter also gave details of other damage to trees and that residents had requested a TPO in 2003 but no action had been taken.

The Chairman then gave the Principal Planning Officer, the Senior Tree Officer, the appellant's representatives and the supporters of the TPO the opportunity to make a final statement to the LAC in support of their views.

Members of the Licensing and Appeals Committee gave their views and decision regarding the application in open forum.

RESOLVED: To determine and confirm the provisional tree preservation order made on 3 October 2006, modified by the Licensing and Appeals Committee to confirm the correct address, and as set out in the report of the Head of Planning and Building Control and as indicated in the following schedule:

Reference Number	Description of Development and location	Decision
TPO 167	<p>LAND AT 43 THE AVENUE, HITCHIN – CONFIRMATION OF TREE PRESERVATION ORDER 167 RELATING TO TWO BEECH TREES, ONE PINE TREE AND ONE LARCH TREE</p>	<p>Confirmed (as per report)</p>

Note: The provisional Tree Preservation Order made on 3 October 2006 applied to 43 and 44 The Avenue, Hitchin. Subsequent to this provisional order, land to the rear of 44 The Avenue has now been placed within the curtilage of 43 The Avenue, Hitchin which includes the four trees listed in the provisional order.

The meeting closed at 8.45 p.m.

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Chairman