

NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS COMMITTEE

**Minutes of a meeting held in the Council Offices, Gernon Road, Letchworth Garden City
on 24 April 2007 at 7.30p.m.**

MINUTES

PRESENT: *Councillors: David Barnard (Chairman), Gary Grindal, Joan Kirby and Marilyn Kirkland..*

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

ALSO PRESENT: Objectors: Mr & Mrs de Fraine, 15 The Gardens, Baldock and Mr & Mrs Charlton, 17 The Gardens, Baldock.

1. APOLOGY FOR ABSENCE

An apology for absence was received from Councillor Julian Cunningham.

2. ELECTION OF CHAIRMAN

Upon being proposed and seconded, it was

RESOLVED: That Councillor David Barnard be elected as Chairman for the meeting.

3. PROCEDURE

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

4. TREE PRESERVATION ORDER REF. NO. 168 (2007) – 15 THE GARDENS, BALDOCK

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

Objectors to the Tree
Preservation Order

Mr & Mrs de Fraine
Mr & Mrs Charlton

Officers:

Richard Tiffin – Area Planning Officer
Paul Stevens – Landscape Architect

The Licensing and Appeals Committee received a report of the Planning Control and Conservation Manager presented by the Area Planning Officer (Baldock) which summarised the background to the making of the Tree Preservation Order. A provisional Tree Preservation Order (TPO) was made in respect of one lime tree on 12 February 2007 at 15 The Gardens and that the six month period available to the Local Planning Authority for the confirmation of a TPO would expire on 12 August 2007. The Area 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 Area Planning Officer advised the Committee of the representations made to the local planning authority in terms of an objection to the TPO submitted by the land owners and their immediate neighbours. The Area Planning Officer referred to a late representation from the Baldock Society, which all parties agreed would not be circulated and therefore would not form part of the Committee's determination of the matter.

In support of the Area Planning Officer, the Landscape Architect stated that it was the purpose of Tree Preservation Orders to protect trees which made a significant impact on their local surroundings, for the public's enjoyment. This was particularly important where trees were in immediate danger. Local planning authorities were able to make a TPO if it appeared "expedient in the interests of amenity", and it could be shown that a reasonable degree of public benefit would result from the TPO. The tree, or at least part of it, should normally be seen from a public space such as a public road or footpath.

The Landscape Architect commented that the visibility, or extent to which a tree could be seen by the general public, should inform the assessment of whether its impact on the local environment was significant. In the case of TPO 168, he considered that the lime tree was very visible from a public place ie. the nearest public roads. The individual impact of the tree should also be taken into account, and the tree's appearance needed to be assessed by reference to its size and form, or its future potential as an amenity. This lime tree was of good size and form and its future potential as an amenity tree was high since it was a large, with long life expectancy.

The Landscape Architect explained that the final criterion was the matter of expediency. In his opinion, it was expedient to confirm TPO 168 since there was a risk of the tree being cut down or pruned in ways which would have a significant impact on the amenity of the area.

The Landscape Architect advised that an evaluation of the lime tree had been carried out, in accordance with the "Guidance notes for the visual amenity valuation of trees and woodlands" published by the Arboricultural Association, the results of which were as follows:

1. The size of the tree was large.
2. The tree had a relatively long useful life expectancy, 40 -100 years .
3. The tree was an important individual roadside tree, and prominent garden tree.
4. The "visual area" in which the tree was growing was not easy to define - there were some other trees present along the street (Norton Road), but there were just two remaining large mature trees on the side opposite Avenue Park (the one in question and one at the end of Pond Lane).
5. The relation of the species to its setting was probably the most difficult factor to define. As a very general rule, one should aim to have the largest and densest tree, or groups of trees, that the available space would conveniently contain. This tree was fairly suitable for its setting. Common Lime was a frequently planted tree in avenues and on roadsides.
6. The form of a tree may be difficult to define precisely, though it was evident that this tree was of good form for the species type. The tree would be able to accommodate crown lifting and crown thinning and still retain a good form.
7. There were no special factors regarding the tree, such as great rarity or historical association.

In summary, the Landscape Architect commented that the lime tree provided good amenity value, and warranted a TPO. He had inspected the tree, in the company of the Council's Tree Officer, and had evaluated it as safe. It was a characteristic of lime trees to attract aphids, but this was harmless to the tree. When honeydew deposited by aphids (which was clear) was left untreated, it could become mouldy and turn black. However, this was able to be removed with the use of proprietary household detergents. It was not considered appropriate or practical to replace the tree with smaller trees for a number of reasons.

The Chairman, Members of the Committee and objectors of the TPO then put questions to the Area Planning Officer and Landscape Architect.

The objectors presented their case, and re-iterated the concerns set out in their letter of objection regarding the size of the tree and the potential danger it posed to their properties, particularly in high winds; and the aphid infestation and consequent dropping of honeydew deposits, which they had been advised could not be treated. They also expressed concerns about the danger to young people swinging on the low branches of the tree which overhung Norton Road.

The Chairman, Members of the Committee, Area Planning Officer and Landscape Architect then put questions to the objectors. In response to the objectors' comments, the Landscape Architect confirmed that the aphid infestation could not easily be treated for a tree of this size, but that issues relating to the size of the tree and overhanging branches could be dealt with by the crown lifting and crown thinning he had referred to earlier in the meeting.

The Chairman then gave the Area Planning Officer, the Landscape Architect and objectors the opportunity to make a final statement to the Committee in support of their views.

Members of the Licensing and Appeals Committee gave their views and decision regarding the application in open forum. Whilst sympathising with the objectors' plight, Members considered that the lime tree made a significant contribution to the visual amenity of the area and was worthy of TPO status. Whilst it was acknowledged that the funding of any agreed works to the tree was the responsibility of the land owners, Members requested that appropriate officers advise them on potential sources of grant aid to assist them in the funding of such works.

RESOLVED: That Tree Preservation Order No. 168 (2007) – 15 The Gardens, Baldock, be confirmed.

The meeting closed at 8.27p.m.

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Chairman