

<u>Location:</u>	Sollershott Hall, Letchworth Garden City, Hertfordshire
<u>Applicant:</u>	-
<u>Proposal:</u>	Group of 25 Pine
<u>Ref. No:</u>	TPO/00205 (2022)
<u>Officer:</u>	Henry Thomas

1.0 **Proposal**

- 1.1 Confirmation of Tree Preservation Order TPO/00205 (2022) – G1 – Group of 25 Pine trees at Sollershott Hall, Sollershott East, Letchworth Garden City, SG6 3PN.

2.0 **Site History**

- 2.1 In accordance with The Town and Country Planning Act 1900 (as amended) and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 North Hertfordshire Council served a provisional Tree Preservation Order dated 5 December 2022 in respect of the above which provides for a period of 6 months for the Local Planning Authority to confirm the Order.

3.0 **Representations**

- 3.1 A period of 28 days from the date of service of a provisional Tree Preservation Order provides for comments to be made. In this case, two letters of objection have been received, one on behalf of Sollershott Hall Management Ltd and one from the Owner/Occupier of Flat 30, Sollershott Hall raising the following concerns:

- Trees are damaging the fabric of Sollershott Hall
- Deadwood falling in high winds causing damage to cars and potentially dangerous to people.
- Trees are lifting concrete drive
- Lifting of concrete has caused damage to vehicles
- Damage to original drainage systems, allowing for rats into the property
- A structural engineer report has shown one tree is leaning closer to flats 34-39 each year and causes a health and safety issue.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 Sollershott Hall is a Grade II listed block of flats building located on the corner of Spring Road and Sollershott East. The site is located within the Letchworth Conservation Area.

4.1.2 The group forms part of a cohesive row of trees located on the verge between the private access road for Sollershott Hall and the neighbouring private property boundary to the east. At the northern end, this row adjoins a separate row of predominantly black pines mixed with some Scots pines, which runs to the west along the north boundary of Sollershott Hall. Both rows provide significant landscape and amenity value to the residents of Sollershott Hall and the local area due to their cohesive nature and size

4.2 Key Issues

4.2.1 When considering whether to confirm the TPO, it is essential that the following points be considered such as: any impact on the local environment in terms of loss of amenity if the tree was to be removed; any benefit in its retention for the present and the future and other relevant factors such as wildlife.

4.3 Consideration

4.3.1 Trees represent an important environmental, economic and amenity resource within the built and natural environment. They are recognised within the England Trees Action Plan 2021-2024; Tree Preservation Orders and Trees in Conservation Areas 2014 and the North Hertfordshire Council Tree Strategy 2017 and Climate Change Strategy 2020-2025. In addition to these, Section 14 (Meeting the challenge of climate change, flooding and coastal damage) of the NPPF and Policies SP12 – Green Infrastructure, biodiversity and landscape and NE1 – Landscape, all seek to support the contribution trees make to the natural environment.

A Tree Preservation Order is made by a local planning authority to protect specific trees, groups of trees or woodlands in the interests of amenity. An order prohibits the cutting down, topping, lopping, uprooting, wilful damage, or destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed.

4.3.2 Prior to the making of the provisional TPO, a visual assessment of the tree was undertaken by Maydencroft. The assessment looked at the tree condition at that time (November 2022) and the following findings were recorded:

At the time of the assessment, all five trees were in good condition, presenting signs of good vitality and no significant structural defects. Three of these trees were smaller and of slightly poorer quality when compared to the remaining thirteen trees in the wider group. The reduction in quality is due to these trees having small, suppressed crowns in relation to their tall stems, asymmetrical crown forms weighted to the west over the access road, and moderately leaning stems.

4.3.3 This assessment has concluded that not only the five trees identified by NHC but the entire row is suitable for the statutory designation of a Tree Preservation Order. This recommendation was based on the condition of the trees at the time of the survey, further validated by the trees historical, landscape and amenity value.

4.3.4 In terms of the objections received, it is accepted that there may be some impact upon the ability for residents to maintain the trees. However, the Local Planning Authority can and will consider cases on their merits and would incorporate submitted evidence as part of the decision. This evidence can comprise a tree report prepared by an arboriculturist. This is unlikely to impede the ability of residents to maintain the trees as an application for works to a protected tree is free and incorporates a time

limit. It is acknowledged that this would result in the introduction of further requirements for maintaining the trees, but the process is not significantly time consuming or requiring of significant effort from landowners and officers.

- 4.3.5 The report provided by Maydencroft does not address the objections towards the structural damage the trees cause towards the buildings and the road. Whilst it can be seen that the trees have caused uplifting to the private road, the damage to buildings or drainage system is less apparent. In my opinion, without evidence in the form of a structural report the benefit the trees provide to the visual amenity and biodiversity of the locality outweighs the harm.

5.0 **Environmental Implications**

- 5.1 Trees contribute a key role in helping to tackle the climate emergency and creating a greener district. They not only directly remove carbon dioxide from the atmosphere and provide us with oxygen but also deliver many other benefits including: providing visual public amenity; softening or complementing the effect of the built environment; displaying seasonal changes and providing opportunities for biodiversity; making places more comfortable in noticeable ways by contributing to screening and shade; reducing wind speed and turbulence; reduce flooding by intercepting snow and rainfall and reducing sun glare.

- 5.2 Trees are also a key element of the green infrastructure network, contributing to urban cooling and providing microclimate effects which help reduce energy demands on buildings. They therefore represent a key resource that can significantly contribute to climate change adaptation.

6.0 **Legal Implications**

- 6.1 There are no financial implications for the council at this stage. Compensation is potentially payable only where sufficient evidence has been provided by an applicant to support an application to carry out works to a protected tree and where that application is refused.

7.0 **Human Rights Act Implications**

- 7.1 The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy his possessions, but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the tree) and subject to the conditions provided for by The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and by the general principles of international law.

8.0 **Alternative Options**

- 8.1 If the Provisional Tree Preservation Order (TPO/00205) is not confirmed then the tree is only afforded the protection of a conservation area.

9.0 **Conclusion**

- 9.1 Mature trees such as this group of Pine trees play a key role in helping to tackle the climate emergency and create a greener district. They directly remove carbon dioxide from the atmosphere and convert this to stored carbon. Additionally, they are

important for biodiversity both in their own right and as a habitat for other species. Therefore, if the provisional TPO is confirmed, the protection of this tree will not only retain the contribution it makes to public amenity value, but it will help contribute towards the Council's objective to reduce the effects of global warming and carbon emissions.

9.2 Should the TPO be confirmed, it does not mean that no future works to the tree can be undertaken, it purely means that any works would be the subject of a TPO application which the Local Planning Authority would need to consider and issue a decision on accordingly.

10.0 **Recommendation**

10.1 That the provisional Tree Preservation Order (TPO/00203) be **CONFIRMED**.