

<u>Location:</u>	<b>4 Coach Drive, Hitchin, Herts</b>
<u>Applicant:</u>	-
<u>Proposal:</u>	<b>1x Common Beech (<i>Fagus sylvatica</i>)</b>
<u>Ref. No:</u>	<b>TPO/00208 (2023)</b>
<u>Officer:</u>	<b>Thomas Howe</b>

## 1.0 **Proposal**

- 1.1 Confirmation of Tree Preservation Order TPO/00208 (2023) – 1x Common Beech (*Fagus sylvatica*), 4 Coach Drive, Hitchin, Herts.

## 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 21 June 2023 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, 4 letters of objection have been received raising the following concerns:
- Queries information on TPO notice relating to tree location, size and layout of boundary lines.
  - The tree does not contribute significantly to local amenity.
  - Disproportionate size of tree crown in relation to nearby dwellings.
  - Shade created by tree affects neighbour amenity.
  - Falling branches and limbs potentially cause safety issues and damage.
  - Pigeon roosting contributes to droppings within gardens.
  - Root system potentially causes subsidence and structural issues.
  - Requests site inspection and report be produced.
  - Audible creaks in the wind together with movement within the crown causes concern to neighbours of the safety of the tree.
  - Tree Preservation Order may impact upon ability to maintain the tree.

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

- 4.1.1 No. 4 Coach Drive comprises a chalet bungalow off Coach Drive, a private road within a predominantly residential area of Hitchin. The Common Beech, the subject of this Preservation Order, is to the rear garden of No. 4 and is adjacent to the boundary

shared to with No. 2 Coach Drive and No. 2 London Road. The boundary line between No. 2 and 2a London Road is in relative proximity to the tree.

## 4.2 Key Issues

- 4.2.1 When considering whether to confirm the TPO, it is essential that the following points be considered:
- any impact on the local environment in terms of loss of amenity if the tree were 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 a Planning Officer and a Tree Officer from North Herts Council in May 2023. The ground-based assessment looked at the condition of the tree at that time (May 2023) and supported the retention of the tree. A further visit was undertaken by Maydencroft arboriculture consultants due to a query from neighbouring residents relating to the safety of the tree. This inspection included observations from the ground and from within the crown. The following findings were recorded:

**Roots, buttresses and trunk** – The base of the tree shows no sign of fungal fruiting bodies or root plate movement. The buttresses and lower stem did not reveal evidence of fungal fruiting, bacterial staining or visible wounds or cavities. No internal hollowing was found.

The trunk is found to split into three main leaders, creating a compression fork. Evidence of an internal crack was found due to the presence of 'ears'. A cavity was noted on the eastern stem at approximately 3m above ground level, measuring approximately 70mm in width, 110mm in height and 190mm in depth horizontally and 400mm in depth vertically. No internal decay was found within the crack. The cavity was not found to contribute negatively to the structural significance of the tree given the dimensions of this cavity, the lack of decay and the lack of fungal fruiting bodies together with the diameter of the stem.

**Crown** – The crown form is typical for Common Beech trees. There is a hole on the western side of the canopy due to the removal of a limb following the fusion of two large branches.

- 4.3.3 The conclusion of the assessment recommended the retention of the tree and recommended a scheme of management of the tree with a phased crown reduction within 6 months to reduce the height and spread by 2m. Following the completion of 2 growing seasons, a further 2m reduction is recommended.
- 4.3.4 Turning to the objections received from neighbouring occupiers, it is accepted there may be some impact upon the ability for residents to maintain the tree. The Local Planning Authority can and will consider cases on their merits and would consider material evidence as part of a decision, such as a structural report or a tree report prepared by an arboriculturist. This is unlikely to impede the residents' ability 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 tree, however, the process is not significantly time consuming or requiring significant effort from landowners and officers.
- 4.3.5 The report provided by Maydencroft does not support the representations that advise of the poor condition or safety of the tree. The contributions made by the tree to absorbing carbon together with the ability for the tree to host animals and other organisms is welcomed given its biodiversity contributions.

## **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 trees) 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 N/A.

9.0 **Conclusion**

9.1 Mature trees such as this Common Beech play a key role in helping to tackle climate change and to create a greener district. This tree would contribute by absorbing carbon dioxide and by providing habitats for a variety of species. Therefore, if the TPO is confirmed, the protection of this tree will not just retain its environmental contributions but also the public amenity values given its visibility within the locality, both on the nearby roundabout and surrounding together with its pleasing shape and scale, but also assist in achieving the council's objectives of achieving net zero carbon emissions by 2040 and maintaining biodiversity.

9.2 Should the TPO be confirmed, it does not result in the inability to maintain the tree and instead requires the submission of a TPO application, with the Local Planning Authority considering the impacts to the trees and any material evidence submitted accordingly.

10.0 **Recommendation**

10.1 That the provisional Tree Preservation Order (TPO/00208) be **CONFIRMED**.