

ITEM NO:

<u>Location:</u>	Land To Rear Of Bus Stop F, Corner Of Gernon Road And Commerce Way Letchworth Garden City Hertfordshire
<u>Applicant:</u>	Valad European Diversified Fund (Jersey) 19 Ltd
<u>Proposal:</u>	Individual Tree - Horse Chestnut
<u>Ref. No:</u>	18/02910/TCA (TPO/00196 (2018))
<u>Officer:</u>	Sam Dicocco

Date of expiry provisional TPO: 12.06.2019

Submitted Plan Nos: N/A

Extension of statutory period: N/A

Reason for referral to Committee: The provisional TPO has been objected to by the applicant, and in line with paragraph 8.4.5 (l) of the Constitution, the considerations as to whether or not to confirm the TPO must be made by committee.

1.0 **Relevant History**

1.1 18/02910/TCA - Horse Chestnut – Remove – Objection 03/12/2018

2.0 **Policies**

2.1 None relevant

3.0 **Representations**

3.1 An objection has been received to the provisional TPO from the agent for the application for the removal of the tree. The objections (received 08/01/2019 and 22/01/2019) have regards to taking a proactive approach to health and safety as the roots of the tree are lifting the surrounding paving, making it impossible to lay the slabs flat. The objection does state that alternative solutions have been explored, such as relaying the paving, but this does not deal with the primary cause. The objection also considers that the tree is too large for its location. Images were provided showing the surrounding paving slabs and showing the tree in its context.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The site lies with Letchworth Garden City Conservation Area. This tree in question is located at the exit of Commerce Way onto Gernon Road. The sites surroundings, on the north side of Gernon Road, are commercial, on the back edge of Letchworth Town Centre. The south side of Gernon Road is characterised by residential premises.
- 4.1.2 To the east of the site, Gernon Road hosts large trees either side of the street, indicating its importance and age in the development of Letchworth Garden City. To the west of the site, the trees within Gernon Road are more sparsely and sporadically distributed.

4.2 Proposal

- 4.2.1 The application seeks consent for the removal of a Horse Chestnut tree. The Horse Chestnut is considered to be a young tree, at approximately 6m tall.

4.3 Key Issues

- 4.3.1 Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. 'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.
- 4.3.2 There is guidance in relation to what Local Planning Authorities may take into account when considering amenity value. One of these guides is visibility, in that the extent to which the tree can be seen by the public can inform the assessment of amenity. Further considerations may be size and form; future potential as an amenity; rarity, cultural or historic value; contribution to the landscape; and contribution to the character and appearance of the conservation area.

Visibility

- 4.3.3 The tree is significantly visible, located adjacent to a pedestrian access to Letchworth Garden City Town Centre. The tree is also visible, and an identifiable feature, when travelling along Gernon Road by vehicle. The tree is considered highly visible.

Individual, collective and wider impact

- 4.3.4 The tree is not as large as those to the east framing the street, however, is of a good size, form and health proportionate to its species. Given its location in close proximity to built form, it has grown seemingly without restriction in terms of its form, and could continue to do so. The trees health has been inspected by the Councils Tree Officer, with the conclusion that the tree is in good health.

- 4.3.5 There are no restrictions to the potential future value of the tree as an amenity. Whilst it is close to built form, the built form has not restricted its current growth and form, and does not pose a substantial threat to its natural lifeline.
- 4.3.6 The Horse Chestnut species is not uncommon in the country, or the locality. They are usually found in parks or wide open spaces, so the tree is, to a limited extent, rare in its context, however, this holds little value. The tree has no strong cultural value in the wider or local context. The tree is relatively young, and was likely planted as a replacement of a tree which gave way as part of the redevelopment of Garden Square in 1970. Thereby, it is considered that the tree has some historic value in its siting, by reason of its likely replacement of a tree which would have lined Commerce Avenue.
- 4.3.7 The tree is set back from the tree lining either side of Gernon Road to the east. As a result, it is not considered that the tree contributes to this part of the landscape of the trees surroundings. Notwithstanding this, the tree nods towards a historic junction from Gernon Road onto Commerce Avenue, thereby contributing to the historic character of the Conservation Area. It is also considered that the tree contributes to the appearance of the Conservation Area by breaking up the hard backdrop of the Town Centre.

Expediency

- 4.3.8 There is a clear risk of the tree being felled, as evidenced by the application which informed the process of the making of this TPO.

Justification provided by the agent for the removal of the tree

- 4.3.9 As covered within the objections, and the original application for the removal of the tree, the roots of the tree are considered to be lifting the surrounding paving slabs causing a trip hazard. Following receipt of the initial objection, the case officer guided the agent that further justification would be required, in terms, potentially, of a list of reported accidents, and consideration of alternatives to the removal and replacement of the tree.
- 4.3.10 The subsequent objection has confirmed that no accidents or trips have been reported, and that the applicant is acting pro-actively. Further evidence showing the surrounding paving slabs has been provided showing a slightly un-even surface. In terms of alternatives, the only alternative that has been considered was the re-laying of the paving slabs.
- 4.3.11 The alternative of re-laying the paving slabs is agreed to be an temporary fix which does not deal with the primary issue. It is also considered that the proposed replacement of the tree with a new tree does not deal with the primary issue, rather kicking the can down the road. It is also agreed that the applicants should take a pro-active stance on dealing with potential trip hazards.

4.3.12 Other alternative remediation of the primary cause of the issue have not been explored. The primary causes are a mix of both the presence of the tree and its roots, alongside the use of paving slabs and surface type in close proximity of the tree. Changing the surfacing around tree, giving more soft surface space around the trunk or changing the type of hard surface around the base of the trunk to a more flexible surface has not been explored, and would be a more suitable resolution.

4.3.13 The objection also considers that the size of the tree in its context is unsuitable. The size, and future size of the tree was considered upon the original application for removal of the tree. There are no objections to the continued management of the tree to retain a suitable size not dissimilar to the trees current crown. Whilst the works would require consent if the TPO is made, it should be known that there are no concerns about the active management of the size of the tree in its current location so long as the tree is not reduced to an extent which would threaten its health.

4.4 **Conclusion**

4.4.1 The Horse Chestnut tree is considered a good quality specimen in regards to size, form and health in a key location with high public vantage softening a hard and architecturally unpleasant backdrop within Letchworth Garden City Conservation Area. As such it is recommended that the temporary Tree Preservation Order is confirmed on the basis of its high amenity value and it being considered expedient to do so.

5.0 **Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

6.1 That the temporary Tree Preservation Order is **CONFIRMED** without modifications.