

11 September 2009

Our Ref: LAC – TPO – 179
Your Ref:
Contact: Ian Gourlay
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To: Councillors: Alan Bardett, T Brindley, Melissa Davey, Lorna Kercher
and M Kirkland.

You are invited to attend a meeting of the

**LICENSING AND APPEALS COMMITTEE
TREE PRESERVATION ORDER - 179
(39 Grays Lane, Hitchin)**

to be held at

**COMMITTEE ROOM 1 , COUNCIL OFFICES, GERNON
ROAD, LETCHWORTH GARDEN CITY**

on

MONDAY 28 SEPTEMBER 2009

at

7.00 p.m.

Yours sincerely,



David Miley
Democratic Services Manager

AGENDA
PART I

ITEM		PAGE
1.	PROCEDURE To consider and determine a procedure for Item 2.	1
2.	39 GRAYS LANE, HITCHIN, HERTFORDSHIRE - TREE PRESERVATION ORDER 179 RELATING TO ONE CEDAR TREE. REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL	3

**LICENSING AND APPEALS COMMITTEE
28 SEPTEMBER 2009**

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

1

NORTH HERTFORDSHIRE DISTRICT COUNCIL LICENSING AND APPEALS COMMITTEE

**SUGGESTED PROCEDURE FOR THE DETERMINATION OF OBJECTIONS RELATING TO
TREE PRESERVATION ORDERS (TPOs)**

1. The Chairman to ask who appears on behalf of planning control and whether any person wishes to speak or read out a statement as an objector to the proposed TPO. The time allowed for invited speakers to address the Committee will be at the discretion of the Chairman.
2. The parties involved should be asked if they are in agreement with the recommended procedure. Any reasonable request for a revision should be agreed with all involved.
3. The Chairman to invite the officers appearing in support of their recommendation (i.e. Planning Officer) to present their reasons for proposing to make a TPO.
4. The Chairman, Members of the Committee, the objector or the objector's representative to ask any questions of the officer on their presentation [Cross examination is not permitted and all questions will be asked through the Chairman].
5. The Chairman to invite any objector or objector's representative to speak or read out a statement setting out their objection to the to the proposed TPO.
6. The Chairman, Members of the Committee and officer to put any questions to the objector/s [Cross examination is not permitted and all questions will be asked through the Chairman].
7. The Chairman to give the objector or objector's representative and the officer the opportunity to make a final statement.

[If a Legal Advisor is present, the Committee can ask the Legal Advisor to provide clarification on any legal matters and state the criteria on which the Committee is to make a decision].
8. The Committee to make their decision in public.
9. The Sub Committee may pass one of the following resolutions:

- That the Tree Preservation Order be confirmed without modification, or
 - That the Tree Preservation Order be confirmed with modifications, or
 - That the Tree Modification Order be not confirmed
10. The Chairman to notify all parties present of the Committee's decision.

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ITEM NO:	<u>Location:</u>	39 Grays Lane, Hitchin
	<u>Applicant:</u>	Ms S. Willmott & Mr A. Fisher
	<u>Proposal:</u>	Confirmation of Tree Preservation Order No. 179
	<u>Ref.No:</u>	TPO 179
	<u>Officer:</u>	Tom Rea

Title of Report: Confirmation of TPO 179

1.0 Purpose of Report

- 1.1 The report sets out the background to TPO 179 and includes a summary of responses and the professional advice received by the Local Planning Authority.

2.0 Background

- 2.1 In March 2009 planning officers were asked to provide pre-application advice concerning a proposal to demolish No. 39 Grays Lane, Hitchin and replace it with a detached dwelling. Planning Officers considered that an atlantic cedar tree located within the front garden of the property was of high public amenity value and may be adversely affected or lost as a result of redevelopment of the site. The Council's Tree Strategy officer confirmed that the tree was a nice specimen, in good general health and worthy of a Tree Preservation Order. A provisional order was duly served dated 7th May 2009 (a copy of the Order is attached at Appendix A to this report)
- 2.2 A copy of the responses to the Provisional Tree Preservation Order No. 179 is attached at Appendix B
- 2.3 In April 2009 a planning application (ref: 09/00785/1) for the demolition of the dwelling at No. 39 Grays Lane, Hitchin and its replacement with a larger dwelling, was received by the Local Planning Authority and registered on 12th May 2009. Following the submission of amended plans on 14th July 2009 which showed the proposed dwelling moved 2 metres further back into the site, a second driveway access deleted and the atlantic cedar tree the subject of this provisional TPO retained, planning permission was granted for the development on 14th August 2009. The Planning Officers' delegated report is attached as Appendix C to this report. Also attached is a copy of the approved plan no. 19185A 104 Rev C.

3.0 Representations

- 3.1 The Local Planning Authority has received a formal objection from the owners of 39 Grays Lane to the provisional TPO and a request that it is withdrawn. A full copy of the owners letter which includes a landscape report by Choros landscape architects and representations from 4 local residents all opposed to the TPO are attached as Appendix B to this report. The objections to the confirmation of the TPO can be summarised as follows:

- The cedar tree is too large for a domestic dwelling and has outgrown its environment
 - The tree is affecting the growth of a flowering cherry tree located in the footpath at the front of the property
 - The tree is adversely affecting the existing property, adjoining property and telephone lines
 - Consultants advice is that within 10 years the tree will outgrow its allotted space and root run
 - The tree is an inappropriate specimen in a domestic situation and is more suited to a parkland setting
 - The retention of the tree would place an unnecessary financial burden on the occupiers of the property through constant professional maintenance
- 3.1.1 In view of the comments received from the owners of the property, their professional agents and other residents the Local Planning Authority has commissioned and obtained an independent report from a professional arborist, Mr Henry Girling M. Arb. (RFS).. F. Arbor. A., C. Env. and a copy of this report is attached at Appendix D to this report. Members are asked to note the addendum to the report concerning the issues of life expectancy of the tree and tree maintenance issues.
- 3.1.2 Members will note the firm conclusion drawn by Arborist Mr Henry Girling that TPO No. 179 should be confirmed.
- 3.1.3 Whilst the issues raised by the owners of the property and local residents are acknowledged it is clear that with professional maintenance of the cedar tree its amenity value would be expected to continue for at least 20 years (ref: H. Girling report, 2/7/09).

4.0 Recommendation

- 4.1 It is recommended that the Planning Control Committee confirm TPO No. 179.

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 Appendices

- 6.1 Appendix A: TPO No. 179 (Provisional)
- 6.2 Appendix B: Responses to Notice served and Consultation
- 6.3 Appendix C: Copy of planning officers delegated report and approved plan
- 6.4 Appendix D: Report on TPO No. 179 by Mr Henry Girling M. Arb. (RFS).. F. Arbor. A., C. Env.. Girling