

EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 20 JUNE 2018

REPORT BY EXECUTIVE MEMBER FOR DEVELOPMENT MANAGEMENT  
AND COUNCIL SUPPORT

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CONFIRMATION OF TREE PRESERVATION ORDER NO.1 2018 P/TPO  
611 AT ST ANDREWS C OF E JMI SCHOOL, TOWER HILL, MUCH  
HADHAM, HERTS, SG10 6BZ

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WARD(S) AFFECTED: Much Hadham

**Purpose/Summary of Report**

- To consider the objections to the making of the tree preservation order (TPO) received by Mr and Mrs Devonshire who are the neighbours residing at the adjacent property to the school - Schuberts Tower Hill, Much Hadham, SG10 6DL
- Considering the objections and reasons for making the TPO, to decide whether Tree Preservation Order No.1 2018 P/TPO 611 should be confirmed.

|                                                 |                                                                                       |
|-------------------------------------------------|---------------------------------------------------------------------------------------|
| <b><u>RECOMMENDATION FOR DECISION: That</u></b> |                                                                                       |
| <b>(A)</b>                                      | Tree Preservation Order No.1 2018 P/TPO 611 should be confirmed without modification. |

1.0 Background

1.1 Under section 211 of the Town and Country Planning Act 1990, a written notification to reduce the crown of a maturing oak tree in Much Hadham Conservation area within the school nursery grounds by 30%, was received from school on 04 January 2018. The council has six weeks from that date to decide whether it objects to work and make a TPO.

1.2 The reasons given by the school for their notification to heavily prune the tree are:

- 30 % crown reduction to reduce the size of the tree

1.3 It is understood this was to address a request to prune the tree from their neighbours.

1.4 The council visited site on 22 February 2018 and objected to the notification to prune the tree. On 9 March 2018 the council made a provisional TPO to protect it. The council has six months from that date to decide whether to confirm the TPO.

1.5 The reason for making the TPO is:

- The council has received a conservation area notification on 4 January 2018 for a 30% crown reduction of an oak tree in the school grounds. The specification is considerable, appears to be unjustified, and would harm the natural shape and appearance of the tree.
- The tree is healthy with no significant defects and given its species it has the potential to last several hundred years, it is publicly visible from several locations and its loss or damage from heavy crown pruning would have a significant impact on the public amenity it provides.
- The tree has sufficient space around it such that it is unlikely to cause a nuisance as it continues to grow and being a native tree and located in a school grounds, it has the potential to provide an excellent natural habitat for local wildlife, and welcoming shade for the children in the playground during the warmer summer months.
- Given the recent notification to heavily prune the tree and for the above reasons it is expedient in the interests of amenity to make a tree preservation order.

1.6 Before deciding to make any tree preservation order, the council uses a system called TEMPO (Tree Evaluation Method

for Preservation Orders) for assessing the amenity value of trees. Using that system, the oak scores highly and merits a TPO.

## 2.0 Report

2.1 The oak is in the early stages of maturity, with at least 80-100 years remaining life expectancy but could be considerably more, it appears to be in good health and structural condition.

2.2 The council met with the neighbours on 26 April 2018 at their property to discuss their concerns about the tree.

2.3 The neighbours have listed their main objections to be:

- If the tree is blown over there is a high risk of it crashing into the master bedroom, and the direction of the property generally with a risk to lives
- Risk of damage to the property if branches fall off and hit the fence
- Excessive size of the tree in proximity to the house
- The influence the tree roots have on the house and can cause subsidence, it is very large and close to the property
- There is a risk to the life of the children at the school from falling branches
- Risk to the life of any persons using the school as a cut through as there is a public footpath that runs by the tree in the grounds of the school
- Risk to the buildings of the school from the tree

2.4 Before deciding whether the tree was worthy of a TPO, it was inspected, and no significant faults were found that would render it dangerous and likely to fall over, or branches likely to fall off. Any potential risk from the tree to people or buildings can be dealt with if the need arises by the normal tree work application process or if an imminent danger without the formal process.

- 2.5 The boundary of the neighbouring property is approximately 8m from the stem of the tree, the crown of the tree does not fully extend to the property boundary, and although it does have growth potential, this relationship is unlikely to change significantly in the short – medium term because it is already mature.
- 2.6 The council has recently received an application for a minor reduction in the spread of the tree from the neighbour and is likely to recommend approval for the works as they are unlikely to harm the health and appearance of the tree and is considered a reasonable compromise.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

TPO (No.1) 2018 P/TPO/611 Plan

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