

EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 5 DECEMBER 2018

REPORT BY EXECUTIVE MEMBER FOR DEVELOPMENT MANAGEMENT
AND COUNCIL SUPPORT

CONFIRMATION OF TREE PRESERVATION ORDER NO.3 2018 P/TPO
613 AT LAND ADJACENT THE POPLARS, EAST END GREEN, HERTFORD
HERTS, SG14 2PD

WARD(S) AFFECTED: HERTFORD CASTLE

Purpose/Summary of Report

- To consider the objections to the making of the tree preservation order (TPO) received by the adjacent property owner of 'The Poplars' Mrs Seiler.
- Considering the objections and reasons for making the TPO, to decide whether Tree Preservation Order No.3 2018 P/TPO 613 should be confirmed.

<u>RECOMMENDATION FOR DECISION: That</u>	
(A)	Tree Preservation Order No.3 2018 P/TPO 613 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 remove four field maples growing on parish council land to the front of the property 'The Poplars' was received by East Herts Council on 8 May 2018. The application came from the householder at The Poplars. The council has six weeks from that date to decide whether it objects to work and make a TPO.

1.2 The trees are on land owned by the parish council. The trees have been pruned following previous notification from the resident with no objections from the council.

1.3 The parish council were consulted during the serving of this order and submitted no comments.

1.4 The reasons given by Mrs Seiler, the householder in their notification for wishing to remove the trees are:

- The trees are too close to the property and they are afraid of subsidence, and lack of light
- Would like to replant further away with smaller trees

1.5 The council objected to the notification to fell the trees and on 2 July 2018 made a provisional TPO to protect them. The council has six months from that date to decide whether to confirm the TPO.

1.6 The reason for making the TPO is:

The council has received a S211 notification from the resident of The Poplars wishing to remove 4 x field maple trees located to the north of the property due to concerns regarding risk of subsidence and lack of light.

The trees are visually prominent from the main access road leading to properties within East End Green; they make a positive contribution to the local rural landscape character and are appropriate species for their setting.

According to the British Geological on line web site the soils in the locality are mainly sands and gravels and therefore the risk of subsidence from these trees to the property is likely to be low.

The trees can be pruned rather than removed, to assist with concerns over lack of light / shading.

There is an imminent threat to these trees, their loss would have a detrimental impact on public amenity, they score highly on the TEMPO (tree evaluation method for tree preservation orders) and therefore a tree preservation order is justified.

Trees make a significant contribution to the environment, they contribute visually, help to absorb pollution, help alleviate the effects of climate change as well as provide wildlife benefits, where there is a threat and when they provide public amenity, the council has a duty to make tree preservation orders to protect trees.



TC1. (19.07.18) Trees viewed from the west, property to the right hand side

2.0 Report

- 2.1 The four field maple trees are mature and healthy, located to the north of the property at a reasonable separation distance. They make an important contribution to the rural landscape

character of the local area, and their loss would have a detrimental impact.

- 2.2 Previous consent has been given to reduce the crowns of the trees by 30% to manage concerns with lack of light.
- 2.3 At a site meeting held with the resident on 19 July 2018 to discuss their concerns, it was evident that various areas of the brick pavements around the house have moved, and that some areas of the front step / pathway had dropped away from the main building, but it was not clear the reasons for this happening, for example this could be due to a number of other factors and not just trees including leaking drains, natural slope slippage or substandard construction. A site visit held in 2015 by the council's tree officer where this was previously raised concluded that the movement was likely to be due to settlement and insubstantial foundation construction rather than influence by the trees.
- 2.4 The resident has been invited to provide technical evidence to support their concerns of subsidence risk but they advised that they had no such evidence. The council has therefore recommended they seek the advice of their insurers to take matters forward in a formal investigative way so that the cause of the movement can be clarified.
- 2.5 If, following appropriate investigations the trees are considered the cause / contributory to the problem, this can be dealt with in the normal TPO tree work application process.
- 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.3) 2018 P/TPO 613 Plan

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