**PLANNING COMMITTEE – 20 April 2017**

**PART I - DELEGATED**

**5. Consideration of Objections and Confirmation of Three Rivers (Sarum, Templepan Lane, Chandlers Cross, No.2) Tree Preservation Order 2017**

 (DCES)

1. **Summary**

1.1 To consider objections made in respect of the Three Rivers (Sarum, Templepan Lane, Chandlers Cross, No.2) Tree Preservation Order 2017. This report sets out the officer’s recommendations to defer confirmation of this Order to allow a new Tree Preservation Order to be made protecting the two Walnut trees on the site.

2. **Details**

2.1 On 1February 2017 Three Rivers District Council was contacted by a resident of Chandlers Cross who was concerned that trees were being felled at ‘Sarum,’ Templepan Lane. An emergency ‘Area’ Tree Preservation Order (TPO871) was made on 2 February 2017 protecting all trees within the grounds of ‘Sarum’. On the morning of 3 February 2017 a copy of TPO871 was served on the workmen on site. Most of the large trees within the grounds of ‘Sarum’ had already been felled, with some trees remaining in the northern quarter of the grounds.

 On 8 February 2017 a second Tree Preservation Order (TPO872) was made protecting the group of trees which remained on the site. The emergency ‘Area’ Tree Preservation Order (TPO871) was revoked. The group of trees was incorrectly identified as 5 Hazel, 1 Walnut, 1 Elm. It should have been identified as 5 Hazel, 2 Walnut.

 ‘Sarum’, Templepan Lane is situated within the Metropolitan Greenbelt. One of the adjacent properties, ‘The Apiary’ is identified as a Hertfordshire County Wildlife Site. ‘Sarum’ is accessed via the private road ‘Templepan Lane’. The most recent planning history for the site dates from the 1980’s. On 31 March 2017 an application for pre-application advice (17/0540/PREAPP) was validated with regard to ‘Sarum’. The proposal is for ‘Demolition of existing dwelling and outbuildings and construction of replacement dwelling’.

 Section 2.2 contains a brief summary of the points raised in the objection letters.

Section 2.3 contains the Officer response to each of the sub paragraphs in section 2.2.

2.2 **Officer Summary of Objections**

2.2.1 The trees can barely be seen from the public domain and do not provide sufficient public amenity value to warrant a TPO.

2.2.2 The Common Walnut and Hazel do not have any other features which would be necessary to justify the making of a TPO. They are unremarkable specimens with moderate form. The Black Walnut does have features which would justify the making of a TPO, but it is not publicly visible.

2.2.3 The Hazels are shrubs and consequently cannot be made the subject of a TPO.

2.2.4 There is no Elm on the site as specified in the TPO.

2.3 **Officer Response to Objections**

2.3.1 The group of trees which are protected as G1 are visible to traffic traveling south along Toms Hill. Some of the trees in the group are visible above the roadside hedges when viewed from the public footpath (Sarratt 013) which runs across the field on the west of Toms Hill. The Planning Practice Guidance (PPG) states that ‘The trees, or at least part of them, should normally be visible from a public place such as a road or footpath.’

2.3.2 The PPG advises that in addition to public visibility the authority should also assess the importance of the trees with regard to - size and form, future potential as an amenity, rarity, cultural or historic value and contribution to and relationship with the landscape. The two Walnuts within the group are currently publicly visible and as they grow will make a greater contribution to future amenity.

2.3.3 The Hazels included in this order are 3-4m high and collectively they have limited public amenity. Hazels have been included in TPO’s in the past, however the inclusion of these Hazels at confirmation would be the most difficult part of this TPO to defend. If Members are minded to exclude the Hazels from the TPO then it would be better to prepare a new TPO protecting the two individual Walnut trees. Four of the Hazels are situated between the Walnuts and modifying the order to remove them would make it inappropriate to continue to protect the Walnuts as a group. The new TPO would identify the Walnuts as individual trees T1 and T2.

2.3.4 The schedule of the order could be modified at confirmation to remove the ‘1 Elm’ and change ‘1 Walnut’ to ‘2 Walnut’.

3. **Options/Reasons for Recommendation**

3.1 There are three options available to the Committee:

1. Defer the decision on the confirmation of the Order to allow a new Tree Preservation Order to be made protecting the two Walnut trees on the site. Revoke TPO872 once the new order is made.
2. Confirm the Order subject to modification of the description of Group 1 from ‘5 Hazel, 1 Walnut, 1 Elm’ to ‘5 Hazel, 2 Walnut’.
3. Not to confirm the Order. This would mean that the tree/s would not be provided statutory protection and could be removed or worked on without any further notification requirement.

4. **Policy/Budget Reference and Implications**

4.1 The recommendations in this report are within the Council’s agreed policy and budgets.

5. **Financial, Legal, Staffing, Environmental, Community Safety, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications**

5.1 None specific.

6. **Recommendation**

6.1 That the decision on the confirmation of TPO872 is deferred to allow it to remain in force in its provisional state whilst a new TPO is made protecting the two individual Walnut trees within the site. Once the new TPO has been served, TPO872 should be revoked.

 Report prepared by: Terence Flynn, Landscape Officer

 **Background Papers**

* TPO872 file

