

Report to Area Plans Sub-Committee South



**Epping Forest
District Council**

Date of meeting: 11 June 2014

**Subject: CONFIRMATION OF TREE PRESERVATION ORDER
TPO/EPF/07/14 – 117 High Road, Loughton**

**Officer contact for further information:
Democratic Services:**

**Melinda Barham (Ext 4120)
Mark Jenkins (Ext 4607)**

Recommendation(s):

That tree preservation order TPO/EPF/07/14 is confirmed without modification.

Background

1. This Tree Preservation Order was made following receipt of a planning application for a change of use from a dwelling house to NHS doctors surgery, including extensions to the building and the creation of a car park in the rear garden. The submitted plans showed the loss of all trees on site and minimal space for compensatory planting. Given its location the property and trees are considered to be highly visible to those passing on the High Road and make a significant contribution to the street scene of both the High Road and Meadow Road.
2. The order protects six pollarded lime trees, two being along the front boundary, the remaining four are on the side boundary adjacent to Meadow Road.
3. The planning application (EPF/0091/14) was refused.

Objections / Representations

4. The owner of the property raised an objection to the four limes (T3-T6) facing Meadow Road. The reasons for the objection are as following;
 - a) No prior notice of the Council's intention to make the Order was given.
 - b) Essex County Council refused to provide the owner with a resident parking permit for Meadow Road, as they considered that the property was nothing to do with Meadow Road, yet in the justification for the TPO its states that the trees are an important part of Meadow Road. The owner does not consider it is right that Essex County Council and 'its subsidiary local council department' (ie EFDC) can take different stances according to their requirements.
 - c) The property owner has 4 cars and because ECC will not provide parking permits they are considering removing T3 to allow for a larger car parking area.
 - d) The owner does not agree that the trees facing on to Meadow Road are 'highly visible to those passing on the High Road' nor that they 'make a significant contribution to the street scene.'

e) Whilst not an objection the owner also comments that the trees are regularly pollarded, but due to financial difficulties is unable to have the work undertaken. They assume that as they are now protected that EFDC will maintain them.

The Director of Governance comments as follows:

4. These trees were under a direct threat of being felled as a result of the planning application, albeit that the application was made by a third party who had an interest in purchasing the property. Our Local Planning policy LL10 states that the 'Council will refuse to grant planning permission for any development which it considers makes inadequate provision for retention of trees'. The only way to ensure retention of trees in such a situation is to protect them by a Tree Preservation Order. One of the ways in which they are assessed for suitability for protection is their public amenity value. Given the location of the trees, either facing to the High Road, or Meadow Road, they are highly visible within the street scene, appropriate for their setting and have a high amenity value; as such the making of this order is in accordance with Council policy. Taking each of the objections in turn;

a) It is not appropriate to give prior notice of the Council's intent to make a Tree Preservation Order, as this would undoubtedly lead to trees being removed prior to an order being made, nor is there any legal requirement to do so.

b) Essex County Council and EFDC are different organisations, the fact that the property is not entitled to residents parking permits is not an issue for EFDC to pass comment on.

c) Should the owner of the property wish to remove one of the trees in the future the mechanism for this would be for a TPO application to be made. At that time the application would be considered in line with our Local Plan policies regarding removal of trees.

d) Whilst it is accepted that the limes on the High Road have greater visual impact when passing on the High Road, those in Meadow Road have no less visibility or importance when in Meadow Road. All the trees have significant public visibility and make an important contribution to the street scene of the High Road and Meadow Road respectively.

e) When a TPO is made it does not mean that the responsibility/ management of the tree would be taken over by the Council. It would remain with the owner of the trees. It does mean that prior to undertaking any work to the tree the Council's consent would be required. In this instance the trees have been maintained as pollards and it is difficult to see why we would not allow for such a management regime to continue – subject to it being in accordance with Local Plan policies.

Conclusion:

5. This order was made as a result of a planning application where the trees were shown to be under threat of being removed to allow for extensions to the property, including the loss of the rear garden for car parking. The TPO is still necessary to ensure retention of these important trees. In confirming the order it will ensure that careful consideration is given prior to any tree works (including felling) being undertaken and that such works are undertaken for good arboricultural

reasons. It is therefore recommended that the order is confirmed without modification.