

## REPORT TO AREA PLANS EAST COMMITTEE

Date of Meeting: 22<sup>nd</sup> April 2015

### CONFIRMATION OF TREE PRESERVATION ORDER EPF/24/14

Garnon Mead, Coopersale, Essex.



#### **1.0 Recommendation :**

1.1 That Tree Preservation Order 24/14 is confirmed with modifications.

#### **REPORT DETAIL**

#### **2.0 Background :**

2.1 TPO/EPF/24/14 was made on 12<sup>th</sup> of November 2014 to selectively protect 4 groups of Black pine, 5 individual Black pines, a Scots pine and 7 large oaks. All trees are of high visual amenity on the modern residential estate.

2.2 Several mature conifers had been felled within the estate and unsympathetic pruning to other trees was evident. A precedent had been set, likely to lead to more extensive tree loss and further lopping

2.3 This private residential estate, set adjacent to ancient woodland and an extensive planting of pines that accompanied the preceding Brickfields residential estate, provides a significant forest edge landscape feature and contributes greatly to the wooded character of this locality.

#### **3.0 Objections and representations to the Tree Preservation Order :**

3.1 There have been 5 objections to the Order received. They are summarised, as follows:

32 Garnon Mead. T13 and G1 block light into garden and take moisture from it, which prevents grass growth. The TPO is unnecessary due to many pines in the area.

37 Garnon Mead. G3 is causing damage to the fabric of the house, partly due to shade but mainly due to debris in gutters and on the roof. Previous hard pruning has controlled their size.

T11 has waste material built up around its stem and it leans towards Parklands.

53 Garnon Mead. Object to the stated intention of the council not to maintain the selected trees preserved by the new order.

60 Garnon Mead. G4 blocks light into property. It is expected that the council will take responsibility for maintenance of and resultant damage to property from the trees.

116 Parklands. G4 is too tall and presents a risk to life and property because they are susceptible to wind throw. The trees are not native and were only grown for timber.

They should have been removed at the time of Garnon Mead's construction. The trees block light from the garden and drop debris such that growth of plants and turf is nearly impossible. Shade reduces the effectiveness of solar panels by up to 50%.

#### **4.0 Head of Planning Services Comments :**

The objections are addressed in turn, as follows:

**4.1** 32 Garnon Mead enjoys a 17 metre long garden, which while narrow, will not suffer to the same degree the shaded and poor growing conditions experienced by many properties with large trees.

A proven threat exists to most trees on this estate. Without protection this is likely to result in considerably reduced numbers in the future.

**4.2** 37 Garnon Mead has three large pines at less than 4 metres from the front of the house, two of which comprise G3. There is evidence of damage to the house caused by these trees. Their natural appearance has been greatly affected by the hard pruning works undertaken to them in recent years. This has diminished their amenity value and whilst they still form an effective screen it is considered that due to the evident damage they are causing, which pruning is likely to be unable to overcome, it is appropriate to remove these two trees from the order..

T11 shows no signs of instability but it is difficult to assess when so much material is piled around the stem base.

**4.3** 53 Garnon Mead has been advised that, as with all TPOs on private land, it will not be the council's responsibility to maintain the trees. The TPO does not prevent an application for the removal of or works to the tree(s) should structural or other problems subsequently occur.

**4.4** 60 Garnon Mead suffers shading from this tall group of trees and scope may exist for selective side reduction pruning to alleviate this issue. However, the group's effect as a screen and a backdrop feature to the estate outweighs any loss of light issues to the house when at a 15 metre remove. This separation is considered adequate given the aspect of the hedge in relation to the property.

**4.5** 116 Parklands consider the trees in G4 present a risk to property at less than 9 metres from the house but pine in general have strong root plates and none of the trees assessed show indications of decay or root plate instability. Their dominance alone does not warrant their removal from the order.

Being non native is secondary to the value such trees have as effective screening between the residential developments.

The trees stand to the north and east of this property. Shading and loss of direct light to solar panels will be relatively minor at this orientation.

The issue of debris might be managed and will be significantly less than that suffered by the neighbouring property directly abutting the line of trees.

**4.6** Before making this TPO a structured assessment procedure was followed, modelled on the key criteria set out in the blue book guide, to ensure that its justification was objectively based.

**4.7** The order is justified in protecting selected, publicly visible and dominant features throughout this estate. The mature oak trees are highly appropriate in merging with the entrance to wooded SSSI Garnon Bushes. They soften the impact of over 60 houses on this local wildlife and conservation nature reserve. While there are reasonable concerns over the pines being seen to be too large for this location, the assessment has eliminated most such trees close to properties but has viewed their effect from the wider setting of Brickfields, where they contribute considerable landscape character into the built environment.

**4.8** The recent tree removals place many good trees under threat. It is a duty under Section 197 of the Act that the LPA ensure that such trees are retained. If trees had

to be removed then the TPO would serve to ensure that adequate replacements would be made.

## **5.0 Conclusion :**

**5.1** It is recommended that, in the interests of public amenity, the order be confirmed with the modification of removing G3. Black pine x 2 from the order. This is due to the damage caused by shade and debris to gutters and roof of 37 Garnon Mead caused by their close proximity to the front of the house. In addition, these trees have lost much of their intrinsic beauty following the harsh pruning undertaken to constrain their size.

**5.2** The new order will allow the council to ensure that any future planning permission to prune or remove trees takes full account of the trees and safeguarding their amenity value; in accordance with Council local landscape planning policy LL7.