

Report to District Development Control Committee

Date of meeting: 3 June 2008

**Subject: Confirmation of Tree Preservation Order
TPO/EPF/02/08 – Centric Parade, Loughton**



**Officer contact for further information: Christopher Neilan
Committee Secretary: S Hill Ext 4249**

Recommendations

That Tree Preservation Order TPO/EPF/0208 be confirmed without modification.

Report Detail

Background

1. Tree Preservation Order EPF/02/08 became effective on 24 January 2008 (Plan attached). It was made to protect 3 Robinia trees standing at Centric Parade, Loughton. The reason for the order was to prevent further loss of trees as a result of the highway improvements to the High Street and Centric Parade and to ensure long-term retention of the three remaining trees.

Objection

2. An objection was received on 18 February 2008 on behalf of the owners of premises at 188-192 High Road. In response to a query regarding the grounds of the appeal a letter of clarification was received 10 April, but the grounds of the objection were not changed. The objection requests that the order as a whole is not confirmed and that it is thereby allowed to lapse.
3. The basis of the objection is as follows, falling into two categories:
 1. Physical nuisance: the tenants of the retail units fronting the High Road object to the leaves and seeds from the trees, which enter the shop and cause a nuisance, particularly in the autumn; and
 2. Commercial losses, the retail unit tenants reporting that the branches and leaves of the trees, being very dense in the summer, obscure their shop signage. They feel that this affects the commercial visibility of their premises.

In the original letter of the 18th it is also pointed out that the trees are of poor quality. As a result the objector feels that the Local Planning Authority is unable to demonstrate that a reasonable degree of public benefit would accrue from the retention of the trees and accordingly the confirmation of the order would be contrary to Section 198(6) of The Town and Country Planning Act of 1990.

Issues and Considerations

- 4.** In respect of commercial losses the losses are un-quantified and in fact liable to be small. They also need to be set against the general benefit to the public, and indeed to the commercial viability of the centre of Loughton that accrues from an attractive and well-treed environment. There is good evidence to show that town centres that are well treed and attractive are more likely to be well used and therefore the shops are likely to be more viable. Permission could, in any event, be given for minor pruning of the trees, such that any harm could be mitigated.
- 5.** In relation to the condition of the trees if it were accepted that S 198(6) (a) applies (i.e. that removal of one or more trees were required as being dead, dying or dangerous) then if the order were to be confirmed it would be possible for the Planning Authority to insist on a replacement under S 206 (1) (b). It is recognised that not all are in first class condition. However, it is an acceptable objective for a Tree Preservation Order to be made to secure replacement planting. In other words the Tree Preservation Order is still valid if its main intention is to ensure that even if the current trees were removed that they would be replaced. It is considered that the importance of these trees is such that should the owners choose to remove them then it would be essential for the Planning Authority to be able to insist on a replacement, which would continue to give the same benefits to the public in general.

Conclusion

- 6.** That because of the importance of there being a well treed environment in the High Street and the general benefits of trees in public locations, priority should be given to tree retention in this instance. Tree Preservation Order TPO/EPF/02/08 should therefore be confirmed without modification.