

Report to the Area Plans Sub-Committee East



**Epping Forest
District Council**

Date of meeting: 9 July 2008.

**Subject: Confirmation of Tree Preservation Order EPF/05/08 –
Threeways House, Epping Road, Ongar, Essex CM5 0BD**

Responsible Officer: Elizabeth Haines (01992 56 4452)

Democratic Services Officer: Mark Jenkins (01992 56 4607)

Recommendation:

That Tree Preservation Order EPF/05/08 is confirmed with modifications.

Background:

1. Tree Preservation Order EPF/05/08 was made to protect several specimen trees within this site. The trees according to the plan and schedule are: T1 Scots Pine; T2 Redwood; T3 Yew; T4 Redwood; T5 Scots Pine
2. The Tree Preservation Order was made as a result of a pre application planning enquiry. The purpose of this order is to ensure that the trees are taken into account should a planning application be received for this site.

Objection to the Tree Preservation Order:

3. An objection to the Order has been received from Mr A. Barrett of Wortley Byers LLP on behalf of Mr and Mrs J.R.M. Walker.

The grounds of the objection are as follows:-

- i) The identification of tree species as identified within the TPO are inaccurate.
- ii) The location of T1-T5 is not clear within the TPO
- iii) T1, T2, T3, and T4 are not substantially visible from a public place.
- iv) The LPA has not used any methodology for serving a TPO and therefore the LPA is acting unfairly.

Comments of the Director of Planning & Economic Development: 4. The detailed response to the grounds of objection is set out below:

- i) It is accepted that due to a drafting error the nomenclature as shown within the Order is incorrect. T1 is a Monterey Cypress not a Scots Pine and T5 is a Corsican Pine, not a Scots Pine. T2 is a spruce, not a Redwood. It is recommended that T1 is amended to Cypress and T5 is amended to Pine.

ii) A resurvey of the site has shown minor inaccuracies in plotting some of the trees on the schedule. However, all of the trees listed within the TPO are easily identifiable within the site and it unlikely that confusion could arise as a result.

iii) For a TPO to be made there has to be a contribution to public amenity, and normally this requires the trees to be publicly visible. The confirmation process allows a review of the original assessment, which necessarily has to be undertaken urgently. In this case the visual importance of the T1,2,3 and 4 has been reviewed in the light of the objection, T1 and T4 are visible from neighbouring back gardens and surrounding roads within the Shelley estate. They are substantially visible from public places, and make an important contribution to the visual amenity of the area. However although T2 (Spruce) and T3 (Yew) are at potential risk from development, it is accepted that their public value is limited. T2 is visible to adjacent neighbours, but not to the general public; T3 is visible to neighbours, and potentially glimpsed by the general public. Therefore, although both trees have merits as specimens on balance it is felt fair and realistic to delete these two trees from the Order.

iv) The methodology used for serving this TPO is in accordance with the DETR's "Tree Preservation Orders – A Guide to the Law and Good Practice".

Conclusion:

5) It is important to ensure, in line with the Council's policies, that the most important trees are retained on sites due to be developed. The trees that have been selected for preservation contribute considerably to the greening and well treed character of the landscape in this area. It is expedient to protect these specimen trees in order to afford them due consideration in the event of a planning application being made on this site. Confirmation of the Order with the suggested modifications is recommended.

6) The trees to be protected , as modified, would be: T1, Cypress; T4, Redwood, and T5, Pine.



Epping Forest District Council
 Planning Services
 Civic Offices
 High Street
 Epping CM16 4BZ

Threeways House
 Epping Road
 Ongar
 TPO/EPF/05/08

Scale : 1:1000

Date : 20 Feb 2008

Time : 05:43:11 PM

Centre X: 554938.000
 Centre Y: 204096.000
 Width : 180.000
 Angle : .000

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