

## **Report to Area Plans Sub-Committee East**

**Date of meeting: 22 April 2009**



**Epping Forest  
District Council**

**Subject: Confirmation of Tree Preservation Order TPO/EPF/48/08 - Burwins, Teasels and Charwood, The Street, Sheering.**

**Responsible Officer: Chris Neilan (01992 564117).**

**Democratic Services: Gary Woodhall (01992 564470).**

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### **Recommendation(s):**

**That the tree preservation order TPO/EPF/48/08 should be confirmed but subject to the following modifications:**

- (a) omission of one Sycamore in G2, G2 therefore reading Sycamore and Hawthorn; and**
- (b) omission of T9 Hawthorn.**

### **Report:**

#### Background

1. Tree Preservation Order TPO/EPF/48/08 was made on 6 November 2008. It was made as a re-protection order in respect of trees previously protected by an Essex County Council Order of a general nature on the site. It is one of a number of re-protection orders being made prior to the County Council withdrawing protection for the trees.
2. The Tree Preservation Order is based on information collected during a survey funded by Essex County Council. The aim is to continue the long-term protection of the trees that the County Council Order has afforded. It protects a total of 11 individual trees, several Hawthorns, Poplars and Silver Birch, Ash and Larch. It also protects two groups, a group of 5 Sycamore and a group of 2 Sycamore and 1 Hawthorn (G2).

#### Objections

3. Two objections have been received from the owners of Teasels and Burwins.
4. The owner of Teasels has pointed out that T3 (Hawthorn) is, in his opinion, a bush and therefore should not form part of a Tree Preservation Order. If T3 remains part of the order he requests permission for pruning outside the order because the tree obstructs the adjacent footpath and vehicular access to the site and required regular pruning. Letters have been sent to him requiring such pruning from the Highway Authority (N.B. The letter sent refers to T4; however it has been ascertained and agreed that the objection in fact relates to T3).
5. The objection from the owner of Burwins is as follows:
  - (a) the Hawthorns are in principle bushes and should not be included in the Order;

- (b) that those designated T8 and T9 are in fact In Green Acres and not as shown on the plan;
- (c) that of the several Hawthorns designated T6 and T7 in particular have the size of bushes and are smaller than, for example, an adjacent Elderberry;
- (d) the group designated T2 is already congested;
- (e) the Sycamore to the west of the group is a relatively poor specimen, its under the shadow of T4, a larger and better Ash, and has no significant public value.

#### Comments of the Director of Planning & Economic Development

6. In relation to the objection from the owner of Teasels it is accepted that T3 should be excluded from the Order. The tree is growing on the southern bank of a deep ditch, which runs inside a small verge area. The tree has collapsed across the ditch and is supported by the further bank. It is noticeable in the street scene but it also impedes clear views along the grassed area. If it were removed the better trees to the rear would be less cluttered visually.

7. In relation to the comments of the owner of Burwlns it is not accepted that Hawthorns are necessarily bushes and not trees. It is a matter of expert evidence as to whether a particular Hawthorn is a tree or not, in accordance to its form, but in principle it may be a tree and so Hawthorns cannot be excluded wholesale from Tree Preservation Orders.

8. In that respect the objection to the inclusion of T6 and T7 (and indeed the other Hawthorns) necessarily fails. It is considered that these do add to the general amenity; they are visible from the street, are reasonable specimens at present but have the capacity to grow and therefore contribute more to the street scene in future.

9. In relation to T8 and T9, the plan in relation to T8 shows it situated on the fence line. While the tree is in fact immediately beyond the fence line, as seen from Burwlns, the map is not inaccurate in showing it. However, it is accepted that T9 is inaccurately plotted and in fact is shown in the position of an Elder, there is a further Hawthorn some 5m further away, and in the garden of Green Acres, but it is not considered that the surveyors would have wished to have included this tree because of its limited public value. It is also not considered safe or necessary to preserve the Elder. Elders have relatively short life expectancy and should only be preserved in exceptional circumstances. In respect of this location the more important tree is the Hawthorn T8.

10. In relation to the comments on T2 it is accepted that the Ash tree is a relatively poor tree and will in future have an adverse impact on the more important tree T4. It is therefore accepted that this tree could be excluded from the order without loss of amenity.

#### Conclusion

11. The objections are detailed objections to particular aspects of the Tree Preservation Order but not objections to the Tree Preservation Order as a whole. However, the surveyors have included a number of trees of relatively low value and in one case appear to have misidentified a tree. For the reasons given in the report it is recommended that these are excluded and the Tree Preservation Order therefore revised by the omission of one Sycamore in G2, G2 therefore reading Sycamore and Hawthorn; and omission of T9 Hawthorn.