



Report to Area Plans West Sub-Committee

Date of Meeting: 13 October 2010

Subject: CONFIRMATION OF TREE PRESERVATION ORDER EPF/82/10 The Thatched House, Harlow Road, Roydon, Essex.

**Officer contact for further information: Robin Hellier (01992 56 4546).
Democratic Services Officer: Mark Jenkins (01992 564607)**

Recommendation :

That Tree Preservation Order 82/10 is confirmed.

Background :

This Tree Preservation Order has been served to protect the most important trees in the garden of the above property, following a notification to remove T3, Maple and T4 Ash due to alleged implication in a minor episode of subsidence. It also includes two further trees considered worthy of protection that are not implicated in the damage claim.

Objection to the Tree Preservation Order :

An objection to the Order has been received from arboricultural consultants acting on behalf of engineers representing the owner's claim. The objection is made on the grounds that :

- 1 – No information detailing tree amenity assessment in making the Tree Preservation Order has been provided.
- 2 – The value of T3 Maple is less than the compensation amount potentially payable due to the additional repair works required with T3 retained.
- 3 - The negative environmental impact of increased concrete use in T3's retention.
- 4 – That the retention of additional trees within influencing distances, T4 in particular, leaves a high risk of future damage occurring, which may require an additional engineering solution to be employed.

Head of Planning Services Comments

1 – The Government advice about the creation and serving of Tree Preservation Orders does not provide a rigid framework to assess trees for inclusion within an Order. It states that the amenity value of the trees should be taken into account in the form of their visibility, individual or group impact, and wider impact. The justification for making this order was based on the assessment that the landscape character of this part of Roydon is strongly influenced by the presence of mature trees, of which the selected four are the most notable on this property. Other trees within the garden have been deliberately disregarded because they do not fulfil the criteria set out above, thus a process of assessment and selection seeks to preserve, only the most valuable trees. The Order enables detailed assessment of

engineering investigations in relation to the alleged implication of the trees in the damage to the house.

In making this Order, the Council is acting in accordance with Policy LL7 of the Adopted Local Plan and Alterations (adopted 1998 and 2006).”

It is considered that this justification does follow the Government guidance.

2 – Until a full body of evidence is produced the issue of a Section 203 compensation is irrelevant. It is considered necessary, in the public interest, to maintain planning control over these valuable trees until such time as sufficient information is submitted to justify their felling.

3 – The environmental impact of increased concrete use relies on the assumption that the tree, T3, in particular is retained despite evidence to show its influence in the damage to the house. This consideration is, therefore, not relevant to the serving of the Order, which is designed to facilitate a full assessment of the case and the most effective remedy thereof.

4 - That other trees may be involved in the damage to the house requires proof in the form of live roots, at the very least. A dangerous precedent would be set if the felling of good and important trees were to be allowed on the basis of a theoretical influencing distance of tree roots alone.

Conclusions

This is a strategic Order, served to ensure the protection of four selected trees until or unless evidence is provided to link them to the damage occurring to the house. It allows the council to balance the value of the trees against the justification given in any application made under the Order. No evidence has been submitted to show that the amenity value of the trees is insufficient to warrant protection. Additionally, should the council give consent to any tree felling agreed to in the future, the Order will allow suitable provision to be made for replacement planting to retain a robust tree presence at this prominent location within the village Conservation Area.

It is therefore recommended that the Order is confirmed without modification.