

**Report to Area Planning Sub-Committee
East**



**Epping Forest
District Council**

Date of meeting: 17 November 2010.

Subject: Confirmation of Tree Preservation Order TPO/EPF/93/10 – Land to the rear of 25 - 45 Upland Road, Thornwood.

Responsible Officer: Robin Hellier (01992 564546).

Democratic Services: Gary Woodhall (01992 564470).

Recommendation:

(1) That Tree Preservation Order 93/10 be confirmed subject to a modified site plan.

Report:

Background

1. TPO/EPF/93/10 became effective on 3 June 2010 and was served to protect woodland screening a concrete crushing plant from the rear of the properties along Upland Road. Public views of the plant from Thornwood Road are obscured by the eastern boundary of the woodland. Residents along Upland Road had become increasingly concerned with the loss of privacy they enjoy, following the extensive removal of a large number of trees within the area.

Objection to the Tree Preservation Order

2. An objection to the Order has been received from the owner of the woodland. The objection is made on the grounds that:

- (a) the residents live over 300 metres away from the area of processing and the boundary is screened by a Hawthorn hedge;
- (b) encouragement from the Council's Environment and Enforcement officers was given to clear the area;
- (c) a new building would hide recycling activities and insulate noise;
- (d) there are no broadleaf trees in the woodland;
- (e) an Essex County Council tree officer and an ecologist recommended clearing and reinstating the land with an earth bund, landscaped with new trees and shrubs;
- (f) Highways Officers recommended a new entrance through the adjacent field for vehicle queuing safety reasons; and
- (g) the Tree Preservation Order adds an unnecessary line of bureaucracy before the removal of dead trees rubbish and a boundary fence can be carried out.

3. Representations were made by four local residents, who supported the serving of the Order with the following summarised comments:

- (i) the woodland provides a rich wildlife habitat in the locality;
- (ii) the woodland shields against noise, dust pollution and unsightly views of the plant and its industrial activities, also light pollution from the nearby driving range is reduced by the dense tree presence; and
- (iii) the woodland, as part of the Metropolitan Green Belt, helps to secure boundaries between properties and maintains the value of the houses.

Comments of the Director of Planning and Economic Development

4. The woodland subject of the order is at least partly a derelict orchard with a naturally regenerated mix of native broadleaf species, including Hawthorn, Blackthorn, Goat willow, Ash, Apple, Damson plum and Pear. Understorey plants such as Wild Rose, Elder and Bramble provide the shrub layer with moss and ground ivy dominating the ground or herb layer. The woodland has a closed canopy with a high density of trees at general maximum heights of about 7 metres.

5. The remaining wooded zone is an irregularly shaped southern and western fringe with a right angled northern and eastern boundary approximately 110 metres by 120 metres in length respectively. Originally, this area was broadly rectangular but the extensive clearance has eroded this block to its current shape. The site is contaminated by sporadic layers and piles of fly tipped concrete, glass, appliances and garden waste deposits. There are many dead or dying specimens both standing and collapsed. The crowded natural re growth has given rise to drawn up and often multi stemmed individuals, which appear liable to instability as the clearance works has exposed them. The ground is gently sloping downwards to the south west.

6. In serving this Order the woodland will continue to offer valuable screening from the intensely industrial operation of the concrete crushing plant and mitigate views, noise and dust from the processing. Furthermore, the order will protect the varied wildlife within the closed canopy areas not yet managed. The Order will require the replanting of areas of trees that have been cleared to allow for the erection of boundary fencing and the removal of dumped materials from within the marked area, shown on the amended plan.

7. The issues raised by the objection are addressed in turn, as follows:

(i) The distance from the current recycling activities to the rear of residents' houses is approximately 180 metres. At the time of surveying the site, following the most recent clearance of trees, an area of bare ground extended to within 5 metres of the northern boundary fence of 45 Upland Road. This does expose views into the recycling area to residents of this and the neighbouring property, although both long rear gardens are well planted with screening trees.

(ii) The encouragement to clear all the trees on this part of the site comes from officers whose priorities lie with matters other than trees landscape and wildlife habitat conservation.

(iii) A new building has not yet been built or even proposed in any detail and therefore can carry no weight in the argument to revoke the Order.

(iv) The term broadleaf refers to the general shape of the leaf on mostly deciduous trees, which shed their leaves in autumn, as opposed to the generally needle like leaflets that conifer species more commonly possess. The woodland consists of mixed broadleaf species including Ash Willow, Hawthorn, Blackthorn, Plum, Apple and Pear. It is publicly visible from the main Thornwood Road and screens views into the plant from this aspect.

Distant partial views can be obtained from public footpaths to the south and west of the site.

(v) There is no evidence of a report submitted by the Essex Tree Officer. In any event, the service of the Tree Preservation Order is consistent with a desire to improve the quality of the woodland. More detailed advice can be given by District Council Officers in respect of retention of the most valuable trees and replacement planting. The Order will allow the District Council to influence the replacement planting on the site in the event that further trees are agreed to be removed.

(vi) Highways advice in respect of the new entrance is likely to have a minimal impact on the body of the woodland along its eastern boundary and therefore presents no argument against the confirmation of the order.

(vii) The key issue in relation to the confirmation of the Order is whether the woodland has sufficient public value to justify the protection. In this case the woodland is considered to be worthy of preservation due to the relief it gives to users of Thornwood Road in terms of the screening of views and wildlife benefits it might offer to local residents.

(viii) Although a TPO is a bureaucratic burden to the owner, advice has been offered that the submission of a Woodland Management Plan, which sets out basic short, medium and long term objectives under headings given to controlled operation phases to restore and enhance this area to become a well stocked mixed native woodland. Such a plan should not place an undue burden on the owner, who has asserted that he considers the trees of value.

Amendment of the Site Plan

8. The original service of the order relied on a recent but historical aerial view of the broadly rectangular wooded zone. A detailed site survey achieved some approximate measurements of the remaining areas of standing wood, which have been drawn up subsequently on an amended site plan, which is attached as an appendix to the agenda.

Conclusion

9. It is recommended that in the interests of public amenity the Order be confirmed, subject to the modification of the site plan to show the approximate area of remaining tree cover at the time of the service of the Order.