

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



**Epping Forest  
District Council**

**Date of meeting: 12 December 2011**

**Subject: CONFIRMATION OF TREE PRESERVATION ORDER  
TPO/EPF/11/11: EMMAUS WAY**

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## **Recommendation(s):**

That the tree preservation order TPO/EPF/11/11 be confirmed without modification.

## **Background**

### **1. Background**

1.1 Tree Preservation Order TPO/EPF/11/11 was sealed on 22 March 2011. It is a re-protection order, designed to replace TPO/CHI/02/71. Because CHI/02/71 was an area TPO it is less helpful to residents, who are unaware of which trees are protected, and also harder to enforce, because the trees are not plotted or recorded individually.

1.2 The order protects 21 trees, mostly oaks, all specified individually. It is a strategically important area of large, old trees, originally part of the convent grounds, and developed in the 1970's.

1.3 The original TPO stays in place, until such time as this replacement be confirmed.

### **2. Objection**

2.1 An objection has been received to the confirmation of the order in respect of one tree only, T8, from the owners of 1 Emmaus Way in respect of an oak in the neighbouring garden, 4 St Mary's Way. The basis of their objection is as follows:

- a) The close proximity to properties;
- b) That it has outgrown its surroundings;
- c) That it is only a matter of time until it becomes dangerous
- d) The fact that a section of the crown overhangs the land of 1 Emmaus Way leads to serious problems, particularly the mess from bird droppings, pollen, debris and falling leaves in autumn. This is a particular issue because the most affected area is the only dedicated car [parking area in front of the garage.

2.2 In conversation the objector stated that he had no desire to see the tree felled, but wanted the comfort that it could be dealt with at any time, without the need for application.

### **3. Director of Planning and Economic Development Comments**

3.1 Specific comments are as follows:

- a) The relationship to adjacent properties should not be unacceptable, subject to minor pruning, consent for which could readily be granted;
- b) It is a large tree in a suburban setting, but its size is related to its considerable local importance. The owner's garden is of a good size, and the location is not inherently unsuitable.
- c) There is no reason to think that the tree is likely to become dangerous, and if it were to happen it could be dealt with as an urgent case.
- d) The problems are recognised, but need to be balanced against the local importance of the tree as part of the landscape. They could in any case be minimised although not eliminated by pruning.

3.2 Control of trees by TPO does impose restrictions, and the need to make applications for consent; however there is strong general support for the TPO system, implied here by the fact that this is the only objection to the order.

3.3 Consent was given for a limited reduction of side branches in 2010, but the Landscape Officer has advised the owner and neighbour that in principle he would support a greater reduction of its all around spread, as a better balance between the public amenity provided by the tree and reasonable limitation of the problems caused.

**Conclusion:**

4.1 It is recommended that Tree Preservation Order TPO/EPF/11/11 be confirmed without modification in line with policy LL7 of the Local Plan.