

Report to Area Plans Sub-Committee West

Date of meeting: 8th May 2013

**Subject: CONFIRMATION OF TREE PRESERVATION ORDER
TPO/EPF/23/12 – Knolly's Nursery, Pick Hill**



**Epping Forest
District Council**

**Officer contact for further information: Melinda Barham Ext 4120
Committee Secretary:**

Recommendation(s):

That tree preservation order TPO/EPF/23/12 is confirmed with modification

1. Background

1.1 A planning application was received to redevelop the area of the existing house and derelict glasshouses, and to extend development into the adjacent field. The proposal was an outline application with some matters reserved to provide a mix of 2,3 and 4 bedroom dwellings (114 dwellings), a 50 unit 1 bedroom extra care apartments building, and a new health centre.

1.2 As part of the application process a tree survey was submitted by the applicant which categorised a number of the trees as 'B' quality. These trees were suitable for retention and consideration should have been given to designing the development around them. The submitted layout plans did not appear to have taken the retention of any of the surveyed trees into account and indeed the majority of the trees on the whole site were shown to be removed. The trees were considered to be under a direct threat of being felled hence the making of this order on those trees deemed suitable for legal protection.

1.3 The planning application was subsequently refused.

2.0 Objections / Representations

2.1 One objection has been received from David Archer Associates acting on behalf of the applicants – Waltham Abbey Developments Ltd.

2.2 There are six reasons for objecting, they are –

a) the trees on site are under good arboricultural management and will continue to be managed to appropriate standards. Therefore it is not expedient to make this order.

b) the authority has failed to demonstrate how the assessment of the 'amenity' these trees has been undertaken.

c) the majority of the trees within the site are not clearly visible from a public area.

d) the majority of the trees within the site fail to make any individual impact, none of the trees are rare species.

e) the trees have limited landscape value when assessed within the wider landscape.

f) some of the silver birches in group 1 are dead, dying and diseased and should not have been included in the order.

3.0 The Director of Planning and Economic Development comments as follows:

Taking each of the objections in turn –

a) The current good management of the trees is not in question, it is the clear threat to the management of the trees by the new owners which is of concern. The planning application for the development of the site would have resulted in the loss of these trees altogether – and the retention of any of them does not appear to have been positively considered by the applicants. For this reason it is considered that it was expedient to make the order, in order to prevent the unacceptable felling of these trees.

b) 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. The tree and landscape team have devised an assessment pro forma to be used as part of the decision making process, which assesses the trees on - potential threat of being removed ; visual contribution ; suitability to the location ; life expectancy and importance of the location. It is intended that the pro forma is adopted by this council and will be presented to the appropriate committee in due course. The pro forma was used on this occasion and the justification for the order was –

“This order seeks to protect a number of trees within the garden of Knollys House, and in the area of the derelict glasshouses of Knollys Nursery.

The trees within the garden are good specimens, and they are important visually when driving up Pick Hill from Paternoster Hill. The field maples, oak and ash are important trees along the northern boundary of the site which has few trees within it.

A planning application has been received for the redevelopment of both of these sites and the adjacent field. As part of the application process a tree survey has been submitted by the applicants which categorises a number of the trees as ‘B’. As such they are considered worthy of retention, and consideration should be given to designing a development around their retention. The submitted layout plans do not appear to have taken the retention of any of the surveyed trees into account and show that they would be felled. Hence they are under a direct threat of being felled. Given the size of the site and the location of the trees protected by this order, it should be possible to redesign the layout and retain these trees.

In making this order, the Council will be 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 government guidance.

c) The majority of these trees are visible from a public place, either from Pick Hill, or when walking the public right of way leading up to Dallance Farm. However, these trees were also considered in terms of the future amenity value that they would have if the site were to be developed. Clearly, if development were allowed on any part of this site the trees amenity value would be increased.

d & e) Trees do not need to be ‘rare’ species when assessing whether they should be included in a tree preservation order. Government guidelines do not give this directive. In terms of the individual impact of the trees and when assessed within the wider landscape, it is not just the current impact that the trees have but also the

enhanced impact should the site be developed in the future. It is considered that any development of the site would increase the amenity value of these trees.

f) The silver birches have been protected because of the group amenity that they provide. The tree survey undertaken by the applicant's consultants does not highlight any issues with their structural condition, and comments that their physiological condition is rated fair as a result of the restricted crowns of the trees due to their close planting. It is considered that the trees within the group have a safe useful life expectancy of at least 20 years, and are therefore considered suitable for protection. If however, the owner considers that the trees should be removed, an application for felling could be submitted for approval. If found necessary any felling could be conditioned upon appropriate replacement(s).

4.0 Conclusion :

4.1 Although the planning application has been refused, these trees still require legal protection by this order. Not to confirm the order would be likely to result in the trees being felled. In making the order it highlights to the applicants the important trees on site, and should they choose to submit further applications for development this should assist them in designing a new layout, with the retention of these trees. It is therefore recommended that the order is confirmed with modification.