

Report to Area Plans Sub-Committee South



**Epping Forest
District Council**

Date of meeting: 30 October 2013

**Subject: CONFIRMATION OF TREE PRESERVATION ORDER
EPF/13/13 Gable Lodge, 108 Church Hill, Loughton, Essex.**

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Democratic services: Gary Woodhall (01992 564470)**

Recommendation(s):

That Tree Preservation Order 13/13 is confirmed without modification.

Background

1. TPO/EPF/13/13 was made on 7th of June 2013 to protect 3 Western Red Cedar, a group of 7 lime pollards, one Red Horse chestnut and a cedar. All trees are of high visual amenity on the road side boundary of this site.
2. A pre application proposal plan for a new apartment complex with associated car parking was presented to officers showing the removal of some trees on the site in order to accommodate the development. This potential redevelopment placed all trees at risk of damage from development activities and selected trees under threat of removal.
3. This substantial private dwelling, set amongst a mature planting design, has increased in size due to change of use, with additional areas for refuse storage and car parking. The setting of the main building has not altered but some areas have already been subjected to increased pressures from hard surfacing and vehicle movements in close proximity
4. The trees were judged to be of significant landscape importance, prominently positioned near the main road and intersection leading from it.

Objection and representations to the Tree Preservation Order:

5. An objection to the Order has been received from Bupa Care Homes. The objection is made on the grounds that:
 - a) The TPO does not take into account the poor quality of some of the preserved trees. Specifically, T2 Red Horse chestnut and T4 Western Red cedar are in decline and unlikely to survive as landscape features over the longer term.
 - b) The value of trees within the group G1; seven pollarded lime trees, is limited. They have been managed as pollards, are small and located on a side road boundary. They make a limited landscape contribution and could be replaced by new planting.
 - c) The guidance book; 'The Blue Book' should be given considerable weight when assessing the value of a TPO.

Director of Planning and Economic Development Comments

6. The objections are addressed in turn, as follows:
- a) The poor quality and state of decline of T2 Red Horse chestnut and T4 Western Red cedar is not supported by an arboricultural report. However, the officer's ground level inspection found good crown vigour and no major problems. Their future life expectancy could be reasonably expected to exceed twenty years.
 - b) T2 grows close to and under the canopy of T1 cedar, which has affected its crown development, reducing its spread. It has only one small bark deformity on its trunk, commonly found on this variant of the species. It has a good form, is free from leaf miner damage and is of sufficient size and quality to perform a good landscape function. Its protection ensures future replanting at this location should it fail
 - c) T4 forms part of a group of three Western Red cedars. It is vigorous, has a good conical form and plays an important landscape role in strengthening the group, ensuring future replanting in the event of its removal.
 - d) Growing next to other large trees both T2 and T4 contribute to a wider landscape impact in the locality.
7. G1: row of 7 pollarded limes is well established and vigorous. Their value is as a group – hence the group designation. They add character to the locality.
8. These pollarded trees have taken time to develop as a dense screen and could not be easily replaced by new tree planting even if it were accepted that replacement was necessary.
9. Considerable weight should be given to the blue book; 'Tree Preservation Orders: A Guide to the Law and Good Practice.'
10. Before making this TPO a structured assessment procedure was followed, modelled on the key criteria set out in the blue book guide, to ensure that its justification was objectively based.
11. The justification for this order is to protect selected, publicly visible and dominant features at this busy road junction. These mature trees, planted as an original landscape scheme, soften and screen the road frontage of this site, contributing considerable landscape character to the local treescape.
12. The development proposal would either remove or place the trees under threat. It is a duty under Section 197 of the Act for the LPA to ensure that such trees are retained. .If some trees had to be removed then the TPO would serve to ensure that adequate replacement would be made.

Conclusion

It is recommended that, in the interests of public amenity, the order be confirmed without modification. The new order will allow the council to ensure that any future planning permission to develop the site will be designed, taking account of the trees and safeguarding their amenity value; in accordance with Council local landscape planning policy LL7.