

Report to Area Plans Sub-Committee East

Date of meeting: 9 December 2015

**Subject: CONFIRMATION OF TREE PRESERVATION ORDER
TPO/EPF/22/15 – Former Carpenters Arms, High Road,
Thornwood, Epping**



**Epping Forest
District Council**

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This item has been brought to this Committee for a decision as the making of this Order was at the request of Councillors.

Recommendation(s):

That tree preservation order TPO/EPF/22/15 be confirmed without modification.

1. Background

1.1 This Tree Preservation Order protects 3 horse chestnut trees and an oak tree situated within the car park to the rear of the former Carpenters Arms, High Road, Thornwood. They front on to Carpenters Arms Lane

1.2 Planning application EPF/2670/14 was refused (and is currently going through the appeal process) for the demolition of the existing buildings and the construction of five dwellings. In order to develop as proposed all the trees would need to be removed. Given the layout proposed, it would not be possible to replace them with ones that could develop to a similar size or prominence within the street scene. Although officers raised no objection to the proposal in terms of tree loss, when the application was discussed by Councillors at District Development Committee (8th April 2015) it was commented that the trees '*made the area looker greener and were important within the street scene*'. The only way to ensure their retention was by the making of this order.

2.0 Objections / Representations

2.1 Four representations have been received, two in favour of the TPO and two objections.

2.2 The two letters in favour of the TPO comment ;

- a) That the trees '*...provide a valuable contribution to the street scene. It (the TPO) benefits the residents by giving a more rural outlook which is in keeping with a village ambience.*'
- b) '*We see this as a completely positive action.....the trees are significant in their standing and aesthetic contribution throughout the seasons. The trees seem to be in perfect condition and are absolutely stunningly beautiful when at their*

summer peak. They offer a beautiful country contrast to what would otherwise be a concrete covered, semi-industrial looking lane.”

2.3 The reasons given in the two objection letters are as follows ;

- a) Planning application EPF/2670/14 included the removal of these trees in order to develop the site. The application was refused, but did not include any reference to the loss of the existing trees and therefore their loss was considered acceptable to the Council. There was not a specific tree reason for refusal in the refusal notice.
- b) The committee report for application EPF/2670/14 stated that *‘the proposed development would involve the removal of the existing trees along the boundary of the existing car park and Carpenters Arm Lane. These have been assessed by the Council’s Tree and Landscape Officer and are not considered to be of significant amenity value to warrant protecting or retaining. Therefore the removal of them is considered acceptable.’*
- c) They are damaged as a result of cars hitting them.
- d) They are not maintained or cared for in any way.
- e) Falling branches (due to the trees poor health) are likely to damage cars.

3.0 The Director of Governance comments as follows:

3.1 Taking each of the objections in turn ;

a and b) These trees were assessed during the planning application, and the objector is correct that it was concluded by the Council’s Tree & Landscape Officer that the removal of these would be acceptable. However, irrespective of the officers comments, during the debate at Committee, elected Councillors made it clear that they considered that the trees did have public amenity value and warranted preservation. But they did not impose the loss of the existing trees as a reason for refusal.

c , d and e) It is noted that the trees do not appear to be under a regular maintenance programme. However, when a TPO is made it does not mean that the responsibility / management of the trees is taken over by the Council, this remains with the owner of the trees. It does mean that prior to undertaking any work to the trees the Council’s consent would be required. Any application would be considered, and if in accordance with our Local Plan Policies, permission would be granted.

4.0 Discussion and Conclusion :

4.1 Whilst these trees are not without their faults, they are considered to have a minimum of 40 years safe life expectancy remaining. They are dominant features within the road and provide a valuable contribution to the street scene. As such, they have high amenity value. In confirming this order it ensures that these visually significant trees are retained, or replaced with suitable specimens should the site be

developed in the future. However, it should be noted that if the Planning Inspector considers that the proposal currently being appealed is acceptable, then that decision would override this Order. The trees would be removed and given the proposed layout, replacement trees would not be possible

4.2 This order was made at the request of Councillors to ensure the retention of these trees. It is therefore recommended that the order is confirmed without modification.