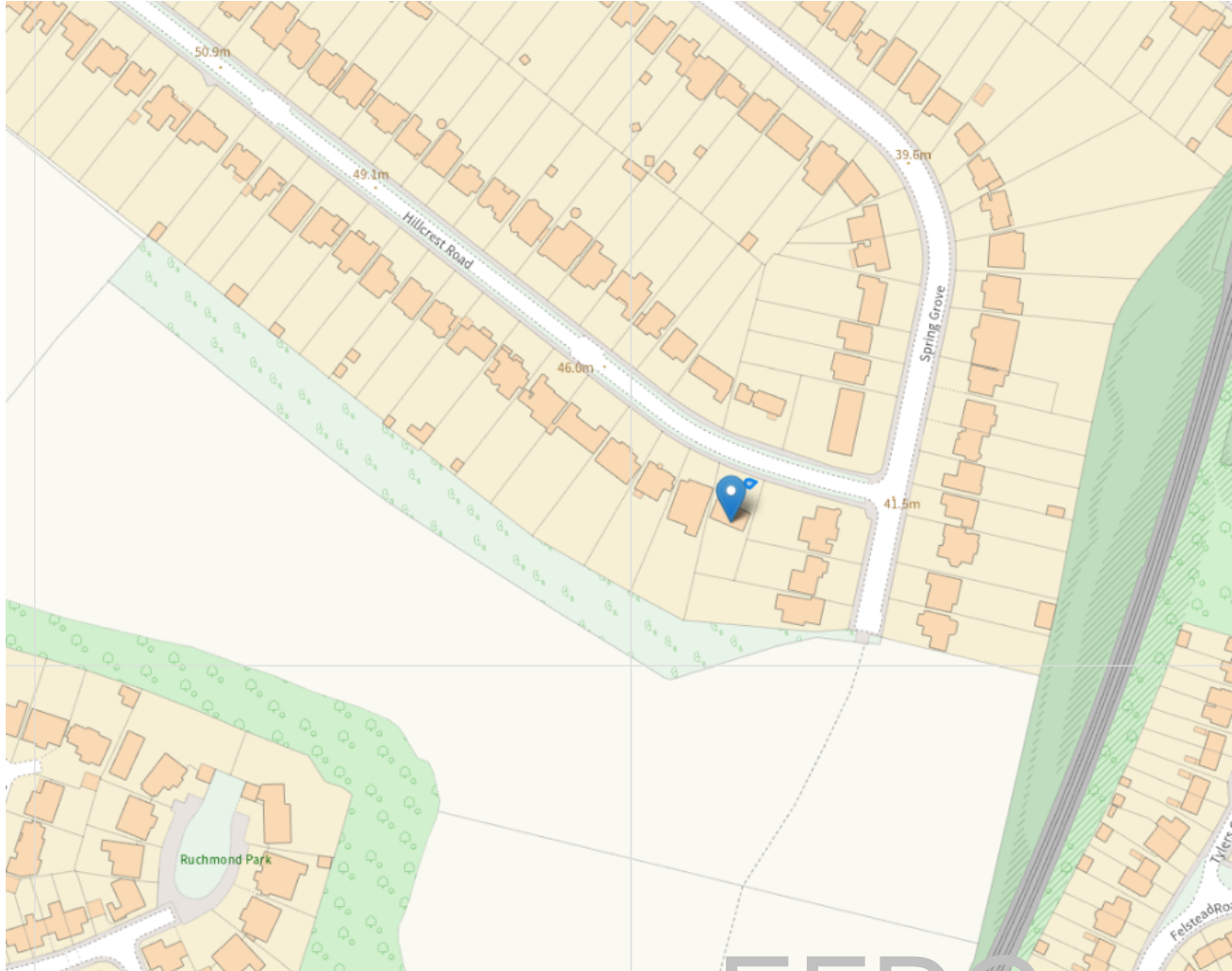




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Application Number:	EPF/2453/22
Site Name:	47 Hillcrest Road Loughton IG10 4QH

OFFICER REPORT

Application Ref: EPF/2453/22
Application Type: Consent under Tree Preservation Orders
Applicant: Mrs Janet Barton
Case Officer: Robin Hellier
Site Address: 47, Hillcrest Road, Loughton, IG10 4QH
Proposal: TPO/EPF/10/21
T1: Oak - Fell, as specified.
Ward: Loughton Forest
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001USvR>
Recommendation: Approve with Conditions

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Delegated report : TRE/EPF/2453/22

Description of Proposal:

T1. Oak. Fell and replace.

Description of Site:

The tree stands at the front boundary of a mid-twentieth century detached dwelling. It is a highly visible veteran tree and the most prominent feature in this hilltop location. This large tree stands about 12 metres in height and a similar distance from the front elevation of the property.

Relevant History:

TPO/EPF/10/21 was served on the tree following calls to the Council planning team to enquire if the tree was preserved. There appeared to be a clear intention to fell it and many other trees in order to clear the site of natural constraints to maximise the site's development potential. This threat and the tree's amenity both visual and historical, justified the service of the order.

Policies Applied:

Epping Forest District Local Plan 2011-2033:

DM3 Landscape Character, Ancient Landscapes and Geodiversity

A. Development proposals will be permitted where applicants are able to demonstrate that the proposal will not, directly, indirectly or cumulatively, cause significant harm to landscape character, the nature and physical appearance of ancient landscapes, or geological sites of importance.

DM5 Green and Blue Infrastructure.

A. Development proposals must demonstrate that they have been designed to:

(i) retain and where possible enhance existing green and blue infrastructure assets, including trees, hedgerows, woods and meadows, green lanes, wetlands, ponds and watercourses and improve connectivity of habitats;

B. Development proposals must be accompanied by sufficient evidence to demonstrate that:

(i) the retention and protection of trees (including Veteran Trees), landscape features or habitats will be successfully secured in accordance with relevant guidance and best practice;

Epping Forest District Local Plan and Alterations:

LL09 Felling of preserved trees.

'the Council will not give consent to fell a tree protected by a TPO unless it is satisfied that this is necessary and justified. Any such consent will be conditional upon appropriate replacement of the tree'.

SUMMARY OF REPRESENTATIONS:

Loughton Town Council objected to the loss of this important tree and believed it should be appropriately maintained and retained.

Following case officer requests to the agent for technical information in respect of discounting other trees that had been removed, an updated set of monitoring readings was provided and the evidence-based interpretation was passed to the Town Council who responded with the following comment, made on 6th February:

"The Committee considered the update provided; however, it was not willing to waive its objection to this application, believing that everything possible to maintain and retain the oak tree should be done."

Issues and Considerations:

Background

The applicant has applied to fell the tree for the following reason:

Issues

1. Subsidence damage to the house.

Technical investigations in support of the claim include:

Soil assessments for structure and desiccation.

Crack and level monitoring across the building and over a year of readings.

Root samples to identify tree species.

Drain investigations to assess leaks.

Assessment of the reason and planning considerations and requirements

1 Evidence Assessment

The Oak stands at approximately 12 metres from the front elevation of the property. The house is in a generally poor and dilapidated state of repair.

The crack and level monitoring results show that there has been considerable building movement in the form of downward rotation and recovery during the months that correspond to root activity and dormancy, at depths that could only be accessed by tree roots, as identified in the samples drawn from trial pits around the building.

The shrinkable nature of the clay found beneath the foundations of the house is very high. The soil at depths that only roots can reach is noticeably dried and the degree of movement shown both in cracks and the building's level changes is, in some parts, over 30 mm of movement and more than enough to cause structural damage.

Discussion

Following the receipt of the Town Council's objections and in line with the Council landscape policy above, a request was made to the agent to ascertain the future plans for the house in light of its current

vacant and derelict condition. The size of the plot and salubrious location is attractive to developers, who would maximise their return on the plot by demolishing the existing house to replace it with a modern scheme, using modern foundation designs that account for existing and recently removed vegetation. A new scheme would negate the justification for felling the tree.

The following response was provided by the agent acting on behalf of the owner on 27th February 2023:

“Until the new year it had been [owner’s name] desire and intent to return to her house once the subsidence issue had been addressed and sufficient repairs had been done to return the property to a habitable condition. However due to a number of factors including [owner’s name] age and health, the length of time taken to deal with the subsidence, and the continued deterioration to the condition of the house [owner’s name] has had to face the conclusion that the only course of action is to put the property up for sale. The cost of repairs would be way beyond [owner’s name] current means and the property would need considerable adaptations to be suitable for [owner’s name] needs. This is a very recent change to the aims everyone has been pursuing on [owner’s name] behalf, so the property has yet to be placed on the market. Initial discussions with an estate agent suggest that the condition of the property makes it more likely to be of interest to a developer than someone buying to renovate and live in the house. So, although [owner’s name] has no plans to demolish the house, whoever buys the property will naturally have their own plans and agenda. Obviously, this new development will probably have an effect on the works your company is currently undertaking and planning for the future including the issue of the protected oak tree. I will of course keep you updated as the new situation develops. If you need any further information or need to update me with regard to your company’s plans then please do not hesitate to get in touch.”

The Town Council objection must accept the possibility that the above statement is only a speculative view and that liability might yet fall onto the Planning Authority for not addressing the damage issue, if an appeal is lodged and the geotechnical data provides compelling evidence of the tree’s influence on the house. The Council’s Insurance Team have been notified of the potential claim and await confirmation of cover from their insurer for this type of financial risk.

3 Replacement options

No specific suggestions have been offered for the replacement of this fine tree. It has been suggested that a new, semi mature Beech be planted at an appropriate location to provide a legacy replacement and landscape value.

Conclusion:

The proposal, based on the technical evidence that the tree is contributing to structural damage, would justify its removal. Despite the stated aim to offer the property for sale and the inevitable redevelopment of the site that would demolish the existing house, allowing the retention of the tree, the planning case must consider a claim against the Council for refusing to allow the tree to be felled. It is therefore recommended to grant permission for the removal of the tree, subject to the replanting of a suitable replacement specimen. The proposal, based on the submitted evidence, accords to Local Plan Landscape Policy LL9.

Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546

or if no direct contact can be made please email: contacttrees@eppingforestdc.gov.uk

Conditions: (2)

- 1 A replacement Beech tree at 16-18cm stem diameter at 1 metre above ground level, in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the existing tree or trees is maintained by the provision of adequate replacement, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy LL11 of the adopted Local Plan and Alterations 1998 & 2006.

- 2 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990, so as to ensure that the Local Planning Authority is made aware in advance of the intention to carry out works in accordance with this permission, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy LL9 of the adopted Local Plan and Alterations 1998 & 2006.

Informatives: (1)

- 3 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission.