

Supplementary Committee Agenda



**Epping Forest
District Council**

Area Planning Subcommittee West Wednesday, 22nd September, 2010

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.30 pm

Democratic Services: Mark Jenkins - The Office of the Chief Executive
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6. ANY OTHER BUSINESS (Pages 3 - 6)

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

The following items have been accepted for inclusion on the agenda by the Chairman:

- (i) EPF/71/10 Tree Preservation Order Grange Court, Waltham Abbey; and
- (ii) EPF/74/10 Tree Preservation Order Honeylands, Honey Lane, Waltham Abbey

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Report to Area Plans West Sub-Committee

Date of Meeting: 22 September 2010

Subject: CONFIRMATION OF TREE PRESERVATION ORDER EPF/71/10 Grange Court, Waltham Abbey, Essex

**Officer contact for further information: Christopher Neilan (01992 56 4117).
Democratic Services Officer: Mark Jenkins (01992 56 4607)**

Recommendation:

That Tree Preservation Order EPF71/10 is confirmed subject to the deletion of T7 Horse Chestnut from the schedule 1 and the plan of the Order.

Background:

This is a re-protection order, aiming to protect trees previously covered by a County order dating from 1953. The new Order is based on a consultant's survey, assessing (from a distance) those trees of most public visual amenity. Several of the trees are modestly sized, pollarded Horse Chestnuts, included for their collective addition to the character of the area. They are visible from the adjacent open space, as a boundary feature. A Poplar is included in the order. This is also a lapsed pollard; having grown unchecked for 30 years or so it is now very large.

The Grounds of Objection/ observations made ;

Following the service of this Order observations, amounting in part to an objection have been received, in respect of four of the seven trees, from the owner of 25 Grange Court. Three are in his own garden, and one the Poplar, is next door, in No 27. They are as follows:

T2 Black Poplar has grown to a great height through lack of maintenance. Annually, in July, the foot long seed floss drops and covers the vicinity to a depth of a foot. Doors and windows cannot be left open due to the airborne fibres. 2009 was particularly bad and prompted an inspection from an Essex County Council Tree Officer, who granted permission for 65% of the crown to be removed. To date no work has been carried out and this presents a health and safety issue to persons and property.

T5 and T6 Horse Chestnut have been pollards for more than 10 years and show signs of foot decay and Bleeding Canker. They will need felling in the near future for safety reasons.

T7 Horse Chestnut no longer exists having been felled in late 2009 after inspection by Essex County Council, on the grounds that it was severely diseased, and therefore exempt from the order.

The Director of Planning & Economic Development comments:

The comments on the Poplar T2 are aimed at the difficulty in having the tree pruned, rather than objecting to the TPO. The owner of the tree has been granted a recent consent for a 50% reduction; it is hoped that this will be undertaken shortly. The TPO assists, in the sense that it gives officers a reason to be involved, and to encourage proper management. The reduction will help with, although not eliminate, the nuisance of the seeds, and should resolve the genuine fears in respect of safety.

T7 Horse Chestnut has been confirmed as felled, due to infection by Honey Fungus and Bleeding Canker. It appears that this was before the current TPO was made; the order therefore does not have any effect in respect of the tree, and so should be deleted from the Order. In respect of T5 and T6, also Horse Chestnut, an inspection has shown that they are indeed affected as described, T5 being rather worse than T6. The importance of the order is therefore only to secure replacement planting. The owner will wish to remove T5 shortly, and this can be done under an exemption; subject to Members' decision Officers will write to require replacement and suggest a species resistant to Honey Fungus.

Conclusions :

It is recommended that the Order is confirmed subject to the modification of removing T7 Horse Chestnut from the First Schedule and Plan of the Order, and on the understanding that Officers will encourage the reduction of T2, and use the Order in respect of T5 and 6 as described, to secure replacement planting.

Report to Area Plans West Sub-Committee

Date of Meeting 22 September 2010

**Subject: Confirmation of Tree Preservation Order EPF/74/10
Honeylands, Honey Lane, Waltham Abbey**

**Officer contact for further information: Christopher Neilan (01992 56 4117).
Democratic Services Officer: Mark Jenkins (01992 564607)**

Recommendation:

That Tree Preservation Order TPO/EPF/74/10 be confirmed without modification.

Background

Tree Preservation Order EPF/74/10 was made on the 30th March 2010. It seeks to protect 30 trees individually designated, mostly oaks, and several groups of trees, largely in open land at the rear of Honeylands, and the Leverton County Primary & Infants School, Honey Lane, Waltham Abbey. The order was made as part of the Essex County Council Tree Preservation Order re-protection programme. It was a selective order, protecting the best and largest trees found to be present, but together with trees that it was considered would be of importance in the future.

The Grounds of Objection:

An objection has been received from the owner of 262 Roundhills, Waltham Abbey in respect of an oak, T1 on the schedule. The main reason given for the objection is that the owner of 262 Roundhills is pursuing an insurance claim in respect of subsidence caused by this Oak to his property. He states that he wishes to have the Oak tree felled, his house having already been underpinned once before due to the impact of the tree, damage now having re-occurred. He also points out that the tree has continued to grow, and has not been managed, to the extent that the branches now touched his property.

Following on from this an application under the TPO has recently been received to fell the tree; it has not yet been registered because it lacked necessary information. The prospective application however, alleges that the particular Oak tree is causing substantial damage to the property. The application was made on behalf of the Highways Agency, as owner of the land.

The Director of Planning and Economic Development comments as follows:

The Oak tree is a fine specimen, in good health, with a potentially long life expectancy, forming an important visual back drop to properties in Roundhills. Minor issues, of overhanging branches etc, could readily be resolved by pruning, if the owners were willing to fund it. Alternatively the ends of the branches could be cut back by the property owner, subject to consent.

The decision on the planning application, if and when the necessary details should be received, would come to committee for decision. The recommendation would then be made as a result of a balancing operation between the value of the tree and the strength of the evidence linking the tree to damage to the property, and any other issues.

At this stage it would be premature to undertake that balancing operation. The objector gives no background to his claim that the tree was implicated in the damage. The application is recent; and because it was incomplete the ability to query the data has not yet come about.

Therefore, it is concluded that it would be premature to allow the tree to be removed, which would be likely to be the result of a failure to confirm the Tree Preservation Order in respect of this particular tree.

Members should be aware that applications under Tree Preservation Orders do give rise to the ability to claim compensation. On the other hand, compensation would only be payable were the Council to withhold consent, and were evidence be presented that the tree was indeed causing the problem, and that the refusal to give consent had led to a financial loss. There is no ability to claim compensation as a result of confirmation of the order as such.

Recommendation:

That TPO/EPF/74/10 be confirmed without modification.