

Supplementary Committee Agenda



**Epping Forest
District Council**

Area Planning Subcommittee South Wednesday, 5th January, 2011

Place: Roding Valley High School, Brook Road, Loughton, Essex
IG10 3JA

Time: 7.30 pm

Democratic Services: Mark Jenkins (The Office of the Chief Executive)
Tel: 01992 564607 Email: mjenkins@eppingforestdc.gov.uk

7. DEVELOPMENT CONTROL (Pages 3 - 8)

(Director of Planning and Economic Development) To consider the attached Tree Preservation Order

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Report Item No: 5

APPLICATION No:	EPF/2076/10
SITE ADDRESS:	36 Tomswood Road Chigwell Essex IG7 5QS
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mr K Ly
DESCRIPTION OF PROPOSAL:	TPO/EPF/27/04 T3 - Oak - Fell
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=522055

CONDITIONS

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
- 2 A replacement tree or trees, of a number, species, size and 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, unless varied with the written agreement of the Local Planning Authority. 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, unless the Local Planning Authority gives its written consent to any variation.

This application is before committee since all applications to fell preserved trees are outside the scope of delegated powers.

Description of Proposal:

T3..Oak. Fell.

Description of Site:

T3 stands approximately 14 metres tall, directly in front of this detached residential dwelling, which has two entrances linked by a block paved wide driveway and parking area. The tree is a notable landscape feature, set centrally amongst a mature group of mixed broadleaf trees, which are

characteristic of the strong tree presence that continues along the front gardens of Tomswood Road.

Relevant History:

TPO/EPF/27/04 was served on this and other nearby trees in response to the threat posed by a proposal to introduce metal gates and railings to enclose the boundary with a re designed front driveway lay out.

The applicant was successfully prosecuted earlier this year for illegally felling two trees and having unauthorised pruning works undertaken to several other preserved trees within this group. The works occurred on 21st October 2009.

The loss of one of these trees, a Hornbeam, which stood at close range to the house has not been considered by the applicant's agent in his arboricultural report. It should be noted that the felling of this particular tree occurred at a similar time to the commencement of crack monitoring and other geotechnical investigations at the property.

Policies Applied:

Epping Forest District Local Plan and Alterations:

LL09 Felling of preserved trees.

SUMMARY OF REPRESENTATIONS:

Three immediate neighbours were notified but no representations were received.

CHIGWELL PARISH COUNCIL objected to the application but was willing to waive their objection should the Arboricultural Officer deem the application acceptable

Issues and Considerations:

The case has been gathering evidence of building distortion monitoring for the last ten months in response to a claim made by the applicant to his insurer in respect of internal structural damage to the superstructure of the house in the form of internal cracks in structural walls in the front central part of the building.

The main reason put forward to fell the Oak tree is the allegation that the tree is taking moisture from shrinkable clay soil beneath the footings of the central part of the front elevation and this has caused the left hand return wall of the front single storey projection of the house, and part closest to the tree, to subside.

The body of evidence submitted in respect of the felling of the tree has been considered, as follows:

Examination of evidence to support the subsidence allegation.

The applicant's appointed agent has submitted a statutory requirement level of technical information designed to establish a causal link between the damage occurring to the house and the roots of this particular tree.

The interpretation of the data received is summarised below.

- a) A trial pit dug near the area of damage revealed the presence of live oak roots beneath the building's footings. There are other oaks present within the group of trees on the front lawns but the expert's opinion, set out in his Arboricultural Appraisal Report, is that the roots are most likely to originate from T3 rather than these other, smaller trees.
- b) The report explains the ability of the roots from T3 to extract moisture from the sub soil to a depth of 2.45 metres in this zone of damage and links them to a rotational pattern of movement of the left hand return wall of the front single storey projection of the house.
- c) Trial pits were dug to a depth of 4.5 metres and the soil was found to be a highly shrinkage clay subsoil with the potential to undergo volumetric changes in relation to changes in soil moisture.
- d) The soil moisture content was tested and showed evidence of being significantly desiccated in the area of damage.
- e) Engineers considered drain leakage as a potential cause of the damage. Numerous defects in gullies and drain runs were identified during a drain investigation, with root ingress in all the runs. Despite this, there is no evidence of soil saturation. Furthermore, level monitoring results show seasonal soil volume recovery, ruling out the action of drain leakage, which erodes and washes away supporting sub soils to cause a progressive form of subsidence.
- f) Building movement has been shown graphically and on a level distortion diagram over a 10 month period from January 2010. The level monitoring recordings at pin 5, in particular, located closest to the seat of damage, show an overall drop in level of almost 10 millimetres over a five month period from May to October 2010, a time of root growth and high water demand. Prior to the May reading, the graph traced a 6 mm rise in Pin 5's level from January to May 2010. This corresponds to the dormancy period and low root water demand. This explains why rise and fall movements can be linked to tree roots rather than from leaking drains, as described above. It is generally accepted that such cyclical movement is attributed to a vegetative influence; in this case Oak roots from T3.

Planning considerations

i) Visual amenity

T3, Oak has high public amenity. It is central in view from the busy Tomswood Road as the dominant tree amongst a group of broadleaf individuals. The tree contributes significantly in landscape terms with its height and broad crown. The loss of the Oak will open up a noticeable gap between the two remaining groups of smaller Hornbeam and Oak on either side of the main drive.

ii) Tree condition and life expectancy

The tree has a good form and appears vigorous. Its condition would be described as normal with a foreseeable life expectancy exceeding 20 years into the future.

iii) Suitability of tree in current position

In terms of landscape suitability the tree contributes as the dominant individual within this group of broadleaves. It appears highly suitable and not unduly close to the house. It is worth noting that the tree is a Turkey Oak, of which there are mixed arboricultural and conservation opinions. For example, it is not a native species and can dominate native oak population in woodlands. This and

the fact that this species has weaker wood structure, which increases susceptibility to fungal infection, may reduce its long term suitability.

iv) Heave potential

Given the high amenity value of this tree, specialist engineering advice was sought to analyse the data, and inspect the building externally and internally. The engineer's conclusion agreed that the Oak appeared to be causing movement in the house. However, he recommended a thorough heave assessment prior to removing the tree. This is based on site observations of what appeared to be historical cracks and floor level distortions that point towards more long term and extensive movement patterns. Repairs that have been carried out by superficial filling of cracks may cause unacceptable levels of further damage should ground recovery cause the building to return to its original levels.

v) Replacement planting

There is ample space within the front grassed area for a suitable replacement tree to be planted and a written agreement has been given by the applicant's agent to undertake this duty. Suggested species include; Field Maple, Hawthorn, Rowan, Whitebeam and Holly. All of these would have less demanding root systems and would grow well amongst the remaining group of shading trees.

Conclusion:

The submitted technical evidence does appear to indicate that there is justification to remove this Turkey Oak, T3, on grounds of root induced subsidence to the front of the house. Advice has been given to the applicant to instruct his specialists to conduct a full heave assessment before the tree is felled. The Council will not accept liability for subsequent damage to the building due to the removal of this tree.

Therefore, it is recommended to grant permission to fell T3 Oak. The proposal accords with Local Plan Landscape Policy LL09.

In the event of members agreeing to allow the felling, it is recommended that a condition requiring a suitable replacement and prior notice of the works to remove it must be attached to the decision notice.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

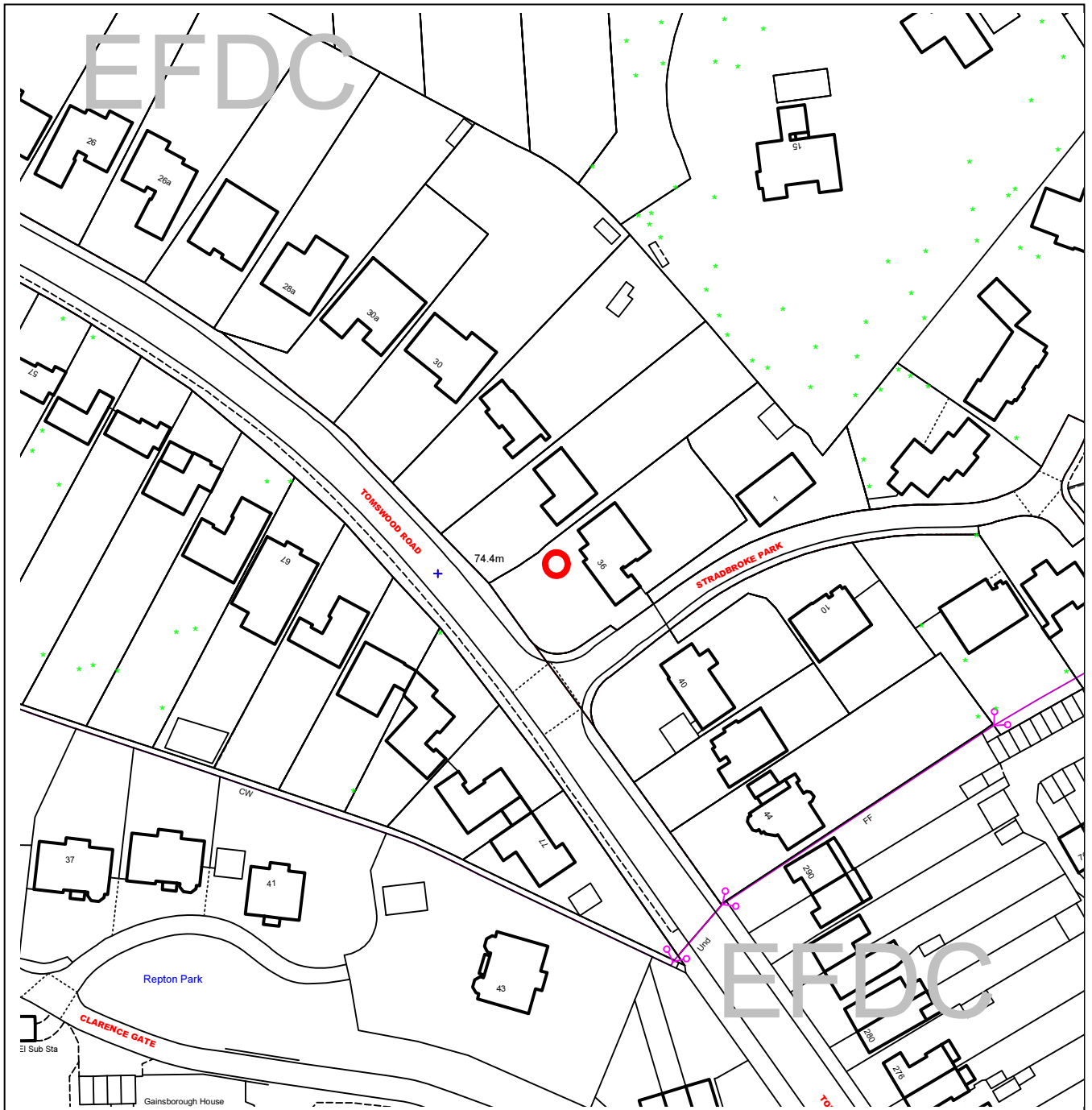
**Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546**

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



Epping Forest District Council

Area Planning Sub-Committee South



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Application Number:	EPF/2076/10
Site Name:	36 Tomswood Road, Chigwell IG7 5QS
Scale of Plot:	1/1250

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