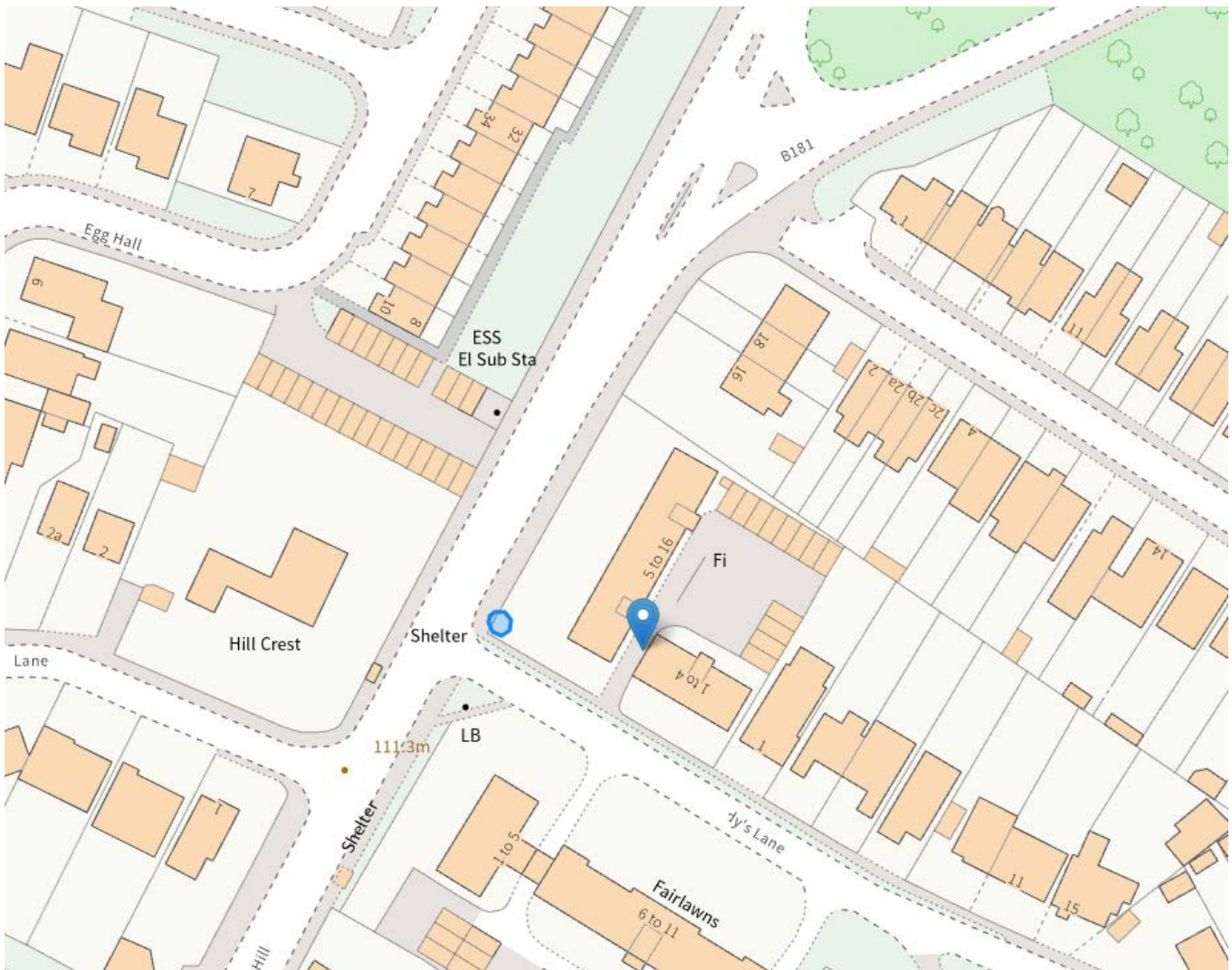


# OFFICER REPORT

**Application Ref:** EPF/0691/24  
**Application Type:** Consent under Tree Preservation Orders  
**Applicant:** Langham Property Management  
**Case Officer:** Robin Hellier  
**Site Address:** Fir Trees, Tidys Lane, Epping, CM16 6SJ  
**Proposal:** TPO/EPF/07/98 (Ref: T24)  
T2: Redwood - Fell and replace, as specified.  
**Ward:** Epping Lindsey and Thornwood Common  
**Parish:** Epping  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv000000502b>  
**Recommendation:** Approve with Conditions



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***This application is before this Committee since the recommendation is contrary to at least five contrary representations received on grounds material to the planning merits of the proposal (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).***

Description of Proposal:

T1. Wellingtonia. Fell and replace.

Description of Site:

The tree stands at the front boundary of a mid-twentieth century three storey block of flats. It is the most visible of 3 tall conifers when viewed from the main road travelling from the south through Palmers Hill. It is located at the junction with Tidy's Lane and, with its sibling and a Cedar form a screen of dominant skyline features at this point in the locality, which falls just beyond the Epping Conservation Area. This landmark Redwood tree stands about 20 metres in height and about 10 metres from the corner of the building.

Relevant History:

TPO/EPF07/98/T24

TRE/EPF/2571/14 – T3 Wellingtonia & T4 Blue Atlas Cedar – Fell – Withdrawn December 2015.  
Purple plum felled within last year – not preserved.

Policies Applied:

Epping Forest District Local Plan and Alterations:

*To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033,*

DM5 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'*

DM3 Landscape Character, Ancient Landscapes & Geodiversity

NPPF 2023.

*Chapter 15. Conserving and enhancing the natural environment.*

*Paragraph 180. Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*(a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*

*(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*

### *Habitats and biodiversity*

*185. To protect and enhance biodiversity and geodiversity, plans should:*

*(a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity<sup>65</sup>; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation<sup>66</sup>; and*

*(b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity*

*186. When determining planning applications, local planning authorities should apply the following principles:*

*(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*

*(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>67</sup> and a suitable compensation strategy exists; and*

*(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

### SUMMARY OF REPRESENTATIONS:

Epping Town Council objected to the loss of this important tree and listed the reasons, which have been summarised, as follows:

1. The Committee do not want the removal of this historical tree, which would damage the street scene and should be retained.
2. The Committee are not satisfied by the reasons given by the applicant which are not sufficient for its removal.

### The Epping Society

1. The last application was in October 2014 – 2571/14. Was this refused under delegated powers?
2. T3 in 2014 is now T2 in the current application.
3. The trees in the application predate the flats by over 100 years. They are a prominent feature of our street scene and are less than 200 metres from the Epping Conservation Area.
4. They are probably around 150 years old, store many tons of carbon and make a significant contribution to combating climate change.
5. The building is named after the Fir Trees.
6. There are remedial measures available to the applicant without the need to remove these veteran trees.

97 Theydon Grove, Epping.

1. It has stood for about 150 years and predates the flats. It is absolutely essential that it is protected for at least another 150 years.
2. Remedial work can be carried out without felling this iconic tree.

7 Redgrove House, Stonards Hill, Epping

1. It would be a tragedy to cut down this large historic tree. I understand that it may need some work and trimming back but the tree itself should be preserved.

89 Lindsey Street, Epping.

1. As an Epping resident I object in the strongest possible terms to this on Environmental and Aesthetic grounds.

### Response to representations

1. The tree is historic and is marked on maps dating from 1862. Its removal would be a considerable loss to the street scene.
2. The reasons provided for justifying the felling provide evidence that roots from Sequoia species trees are present beneath foundations, the soil is shrinkable clay and that seasonal changes in the level of this part of the building broadly correspond with patterns associated with a vegetative induced subsidence.
3. An application to fell this same Wellingtonia was submitted in 2014 under: TRE/EPF/2571/14 but lacked essential information required to determine the case. An invitation to withdraw the application was sent to the agent and in December 2015 a response from the client's Loss Adjuster confirmed that the ongoing movement was sufficiently minor that superstructure repairs and redecoration would, at that time, provide a remedy.
4. The survey conducted in support of the 2014 claim listed the tree as T3. The survey carried out in this application listed the tree as T2 but is the same tree preserved as; T24 of TPO/EPF/07/98.
5. All four large trees standing on the roadside boundary are prominent and contribute significantly to the landscape character of this part of Epping.
6. Trees of this size will provide considerable carbon storage, which is accepted to be key in slowing climate change.
7. The flat block built beside the trees takes its name from them, but subsidence claims do not consider a property's name but simply focus on the likely cause of damage.
8. There are pruning options available to the three closest trees to Flat 5 . Requests were made to the agent to consider the possibility of heave in the event of the felling of the tree, since the flat was built around 10 metres from the tree. Pruning would not induce such a large amount of ground recovery but was rejected by the agent. The heave assessment showed that there was potential for 20mm of ground recovery. The report concluded, however, that the likelihood of heave to be sufficiently low as to not be a serious risk.
9. I refer the objections from Christine Burt and Holly Whitbread to my answer above.

### Issues and Considerations:

The agent for the applicant has applied to fell the tree based on the allegation that T2 Wellingtonia is causing subsidence damage to flat 5 of the main building. Supporting evidence is listed, as follows:

#### Evidence

Arboricultural survey provided by agent.  
Soil assessments for composition, structure and desiccation.  
Crack and level monitoring across the building and a year of readings.  
Root samples to identify tree species.  
Drain survey to check for leaking pipework.

## Evidence Assessment

The Wellingtonia stands at approximately 10 metres from the front corner elevation of the damaged property. The greatest amount of movement is occurring at point 7 which is 17.5 metres from the subject tree. There are no external cracks but internally there are visible signs of uneven flooring, jamming doors across the flats, cracks, infills and instances of kitchen wall tiles falling off the surrounds to the kitchen sink. New cracks are now visible in areas that have undergone recent repair and redecoration.

The tenant has provided recent photographs of damage prior to remedial repairs.

The level monitoring results show 11.5 mm of building movement in the form of seasonal downward movement followed by upward recovery across a period of monitoring from June 2023 to September 2024. The latest figures show a late return to a downward trend at point 7. The level and crack readings do not directly correspond to those periods of root activity and dormancy but do indicate root activity and influence.

Roots identified as Taxodiaceae were found beneath the foundations to a depth of 2600mm. were drawn from the trial pit at the corner of the building.

The highly shrinkable nature of the clay found beneath the foundations of the house is. The soil at depths of 2500mm that only roots can reach is noticeably dried and the degree of movement shown both in cracks and the building's level changes is enough to cause structural damage.

A root barrier is an alternative remedy to felling the tree but is estimated to cost £40,000.

The engineering alternative to stabilise the house would be traditional underpinning at an estimate cost of £96,000 + VAT.

## 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 withdraw the application and resubmit with a pruning proposal to all three trees. This was in part due to the potential for heave damage to the building following the removal of such a large tree, so close to a building. A proposal for the more reasonable mitigation action of pruning to all three trees listed was put forward but was rejected.

An engineered resin injection ground stabilization procedure or conventional underpinning would negate the need to fell the tree and all the amenity it provides to the locality. No costing was provided for the resin injection solution.

Due to the highly valued landscape status of the tree, which demands the highest level of scrutiny to justify its removal, a specialist loss adjuster advisor with expertise in negotiation in tree related subsidence cases assessed the data and considered that the pruning option might be viable as a reasonable management strategy to mitigate the ongoing damage to the building.

A calculation was made of the nominal capital value the three trees have using the Capital Asset Valuation of Amenity Trees system, CAVAT, which is based on the physical size of each tree and considers health, previous management and appropriateness of location. The results provided figures, as follows:

T2. Wellingtonia £ 230,673.

T3 Cedar £ 40,779

T4 Wellingtonia £ 313,971

It must be anticipated that all three trees will be subject to proposals for their removal in the future, due to the shallow foundations the building is based on.

A total amenity asset financial valuation produces a total figure of £585,423.

The option of amending the application to granting a pruning specification is not possible without the agreement of the applicant, who has stated their desire to fell this tree only. No clear reason has been given by the applicant for selecting T2 and not T4, which is a bigger, more vigorous and closer tree to the location of greatest movement at Point 7.

Councillors must accept that liability will fall onto the Local Planning Authority for not addressing the damage issue to Flat 5 in the event of a refusal to allow the tree to be felled. The high amenity value of the tree must be set against the potentially high cost of stabilising the damaged building.

No specific suggestions have been offered for the replacement of this fine tree. It has been considered that a semi mature Dawn redwood or Chinese Swamp Cypress is be planted at an appropriate location on site, 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.

The possibility a pruning solution offers to the subsidence remains a reasonable strategy but would only be considered in the event of members refusing to permission to fell the tree.

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 for felling has been met by the applicant in accordance with government guidance and our recommendation is therefore, regrettably, to recommend that consent be granted.

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](mailto:contacttrees@eppingforestdc.gov.uk)

### **Conditions: (2)**

- 1 A replacement Dawn redwood or Chinese Swamp Cypress tree or trees, of a semi mature size and in a position as agreed in writing by the Local Planning Authority, shall be planted and inspected and agreed to be in accordance with the details prior to 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, or dies, or becomes seriously damaged and defective another tree of the same species and size of 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.

- 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.