

Report Item No: 3

APPLICATION No:	EPF/1969/08
SITE ADDRESS:	Moorlands Bury Road Waltham Abbey Essex E4 7QL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr Richard Speller
DESCRIPTION OF PROPOSAL:	TPO/EPF/11/02 T4 Oak - Fell.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 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, and shall be inspected by the Local Planning Authority and agreed to be in accordance with the details prior to implementation of the felling hereby agreed, unless varied with a 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, 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, 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

Felling of oak in consequence of subsidence damage to property, with replacement planting of a different species at another location.

Description of Site

The tree is situated to the front of the detached property, within a hedgerow, and in the grounds of Moorlands. It may be seen from the main road, but is set back and partially screened by other trees and hedgerow. The application is from the owners of the neighbouring property, Montal.

Relevant History

None Relevant

Policies Applied:

LL9

“The Council will not give consent to fell a tree...protected by a tree preservation order 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

WALTHAM ABBEY TOWN COUNCIL: No objection

I property was consulted and no response was received.

Issues and Considerations

Tree Preservation Order TPO/EPF11/02 was made to protect a number of the trees in the grounds of Moorlands as a result of a claim of subsidence damage to that property, allegedly related to trees. The aim of the order was to ensure that no trees were lost without adequate information being available.

An application was received to fell T4 (Oak) as a result of damage to the neighbouring property, Montal, in June 2007. In April 2008 the felling application was withdrawn. Pollarding was carried out shortly after as an agreed exempt operation.

The current application is on the basis of recurring damage, following substantial repairs and strengthening of the building. Independent engineers have been appointed by the Council to review the case documents and advise on the following issues:

1. Does the evidence suggest an involvement of the Oak tree at Moorland with the past subsidence event?
2. Does the evidence provided support the case of felling of the Oak tree?
3. Is there an alternative explanation for the current cracking of the property...?
4. Assuming that the current minor cracking is not root related would cyclical re-pollarding of the tree be a viable alternative to felling and likely to be successful in avoiding re-occurrence of root related subsidence?

The tree in question is around 60-80 years old; it has been pollarded in the past and is not a prominent tree. It has some value in the street scene and could have a long life expectancy were management to be continued.

The current application is made on the basis that, even after repairs and strengthening to the house (without deepening of the foundations), damage has continued. The Council's independent engineer suggests there may be other causal factors; however based on supporting evidence and his own inspection his opinion is that the Oak is the primary cause.

In relation to the questions above he reports as follows:

- 1 The front right hand side of the building (i.e. that closest to the tree) has been subject to a subsidence event and the Oak tree is the most likely cause. Some of the damage is

unlikely to be related to the Oak and probably results from the root activity of the hedges on either side of the property.

- 2 There is sufficient evidence to support felling of the Oak, particularly due to the limited heave that could be expected following the wet summers of 2007/2008.
- 3 The damage that occurred to the kitchen, hall/WC and some of the lounge were undoubtedly due to the Oak.
- 4 While pointing out that this question is partly an arboricultural question as well as one for himself he suggests that were the trees to remain, even with continued management, there may well be a risk of future movement and consequential damage.

The application received was supported by the original documents supplied with the 2007 application, plus a further report from the Richard Jackson Partnership, with the same conclusions.

Taken together officers believe that felling of the Oak has been demonstrated to be justified and necessary, and also reasonable. It should be noted that the owners of Montal are willing to plant another tree on their own property (which can be conditioned) adjacent to the highway where the new tree will be more publicly visible.

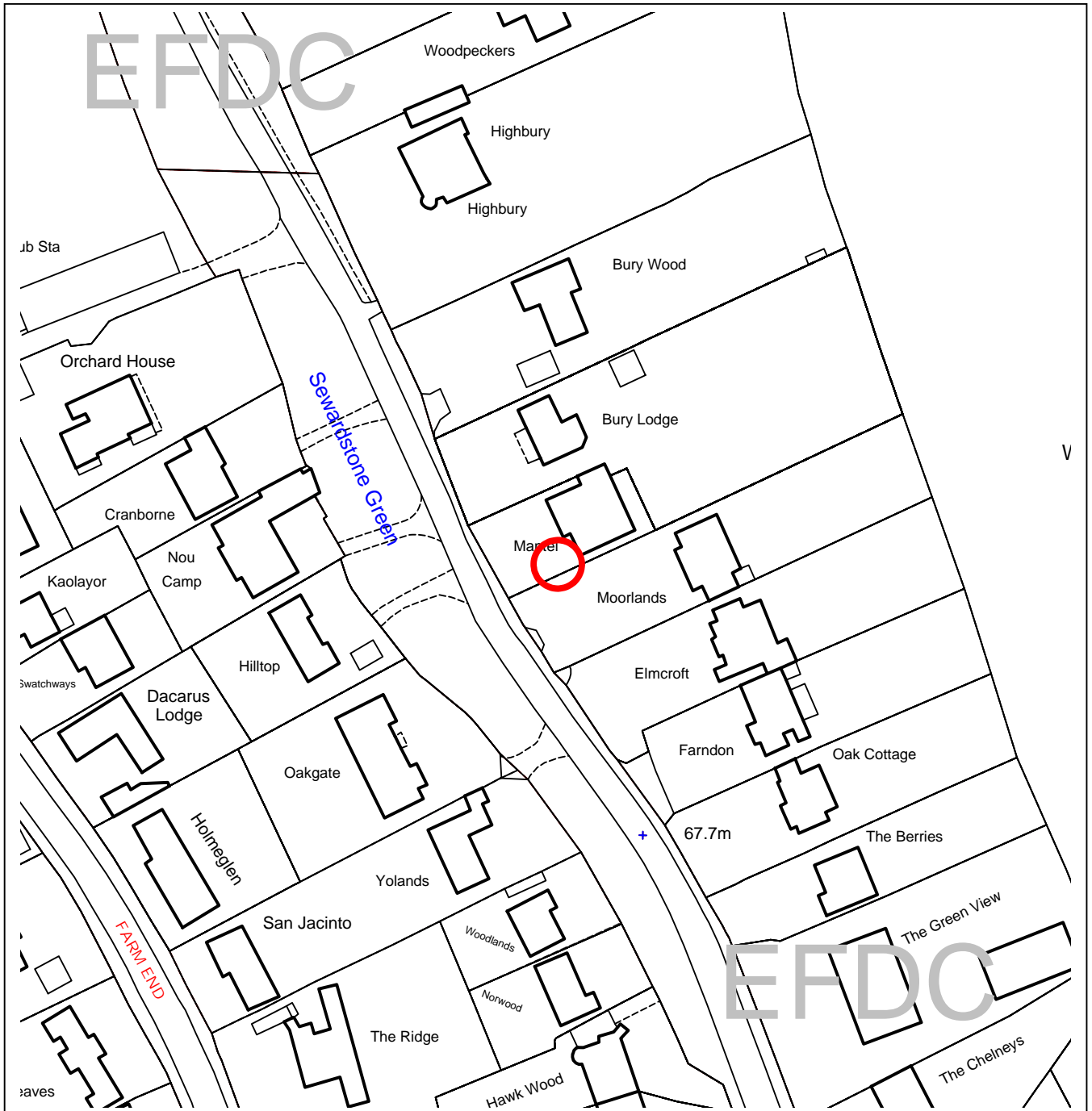
Conclusion:

It is recommended that felling of the TPO Oak should be allowed subject to a condition requiring replacement with an alternative species to be planted adjacent to the front edge of the property.



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	3
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Site Name:	Moorlands, Bury Road, Waltham Abbey, E4 7QL
Scale of Plot:	1/1250