

PLANNING COMMITTEE – 6 February 2020

REPORT OF THE OFFICERS

Background papers, if any, will be specified at the end of each item.

AGENDA ITEM NO. 5

5 TREE PRESERVATION ORDERS

5.1 TREE PRESERVATION ORDER NO. 9 OF 2019 LAND AT LITTLE MISSENDEN CHURCH OF ENGLAND SCHOOL, VILLAGE ROAD, LITTLE MISSENDEN HP7 0RA

Contact Officer: Keith Musgrave

Matter for consideration

- 5.1.1 The above Tree Preservation Order was made under delegated powers on 20th August 2019 in respect of a lime tree marked T1 on the map attached as **Appendix FP.01**.
- 5.1.2 The Order was made because:
"The lime is an important amenity tree that makes a significant contribution to the character of the area. It is now at risk in connection with a Conservation Area notification for its removal."
- 5.1.3 A letter of objection, dated 22nd August 2019, has been received from Mrs Jane Elkins, Chair of Governors and there was a meeting between the Tree Officer and a delegation from the school and the Parish Council on 2nd October 2019. This resulted in two further more detailed letters of objection dated 2nd October 2019 from Mrs Elkins and an undated letter received on 11th October 2019 from Little Missenden Parish Council. All three are attached as **Appendix FP.02**.
- 5.1.4 The Council had received a Conservation Area notification PL/19/2380/KA on 9th July 2019 for the felling of a lime tree stating *"excessive shading to class rooms - roots beginning to damage path leading to building and playground"* and a cherry tree stating *"excessive shading to playground - tree now too big for playground - keep shedding debris, deadwood etc."*. The Officer report stated *"Both the lime and the cherry are large prominent trees but the cherry is beginning to decline with old age and has a limited useful lifespan remaining. The lime tree is causing some shading of the school building and there is some very minor cracking of the path but this is not a trip hazard. It is considered that the lime should be retained and protected by a Tree Preservation Order."* No Tree Preservation was made on the cherry tree and it has now been felled.
- 5.1.5 The lime tree is about 20m in height and it is situated about 10m to the north of the school building at the edge of a play area. It is a healthy mature tree that has previously been reduced and has an upright balanced shape. It is the only large tree remaining within the centre part of the school grounds and it is prominent in views from the road and some other surrounding viewpoints.
- 5.1.6 The original letter of objection expresses concerns about the tree's roots and trip hazards, and also about a Diocesan safety review. There is some minor cracking of the tarmac surface of the main access path caused by a root but this is not sufficient to cause a trip

hazard. There are raised roots at the base of the trunk of the tree within the play area that could cause trip hazards but there are also many other potential trip hazards within this area unrelated to the tree including path edging and small posts.

- 5.1.7 The Diocesan report expresses concerns about the cherry tree but in relation to the lime tree it only states that the school considers that the tree has come to the end of its life but quotes no supporting evidence for this.
- 5.1.8 Following the discussions at the site meeting the two more detailed letters of objection mentioned previously were submitted. One point relates to shading of the school building and the build-up of moss on roof. The lime tree is situated about 10m to the north of the building and so could not cause direct shading of the building. There is some moss on the north-facing side of the roof of the school building but this appears to somewhat less on the part of the main roof closest to the tree.
- 5.1.9 It was also stated that the roots of the tree are causing problems with the drains. However, it is generally accepted that tree roots do not usually directly cause cracks in drains but they would nonetheless exploit any cracks that they can find and potentially cause significant problems. Consequently, whether or not the tree was removed it would be advisable to repair the drains to prevent leaks and root access.
- 5.1.10 Both letters make some comments about the extensive discussions at the site meeting. Over the years the Council has allowed the removal of various trees within the school site so that now the only large trees remaining are the lime tree and two trees in the front corner of the site. Many of the points raised were general concerns about shading, roots and tree debris which could apply to any large tree rather than being issues specific to the lime tree. Furthermore, there was a comment that the school would like to cut back the boundary trees if they could. The school emphasised its extensive environment awareness programme and the Tree Officer made a comment that perhaps this could include some reference to trip hazards.
- 5.1.11 Overall it appears that the tree is causing some concerns but these do not appear to be sufficient to justify the removal of the lime tree at the present time. Although there are some other large trees in the vicinity these are generally of poorer quality or poorer health than this lime tree within the school grounds.
- 5.1.12 The Council received a planning application, PL/19/4312/FA, for the construction of a single storey nursery building at the school on 12th December 2019 and this was made valid on 14th January 2020 following the submission of further information. This proposes a building of 7.7m by 4.3m situated within the play area between the lime tree and the road boundary of the site. The Design and Access Statement for the proposal shows the loss of a group of small trees in this location. The submitted Base & Build Details document refers to two trees close to the proposed building. These are shown as the lime tree and also the cherry tree removed under the Conservation Area notification PL/19/2380/KA, indicating that the report was written before this work took place. The plans show the retention of the lime tree but the Council's assessment of the impact of the proposal on the tree will be considered at a later stage as part of the evaluation of the planning application. There was no mention of this proposal in any of the letters of objection or at the site meeting at the school.

- 5.1.13 In summary, the lime is an important amenity tree that makes a significant contribution to the character of the area. It appears to be in good health and has considerable potential to provide amenity benefits for many years in the future. Consequently, it is recommended that the Order should be confirmed without modification.

RECOMMENDATION

That the Tree Preservation Order No. 9 of 2019 made on 20th August 2019 be confirmed without modification.

5.2 TREE PRESERVATION ORDER NO. 11 OF 2019 LAND AT FAIRLAWNS, COLESHILL LANE, WINCHMORE HILL HP7 0NT *Contact Officer: Keith Musgrave*

Matter for consideration

- 5.2.1 The above Tree Preservation Order was made under delegated powers on 4th September 2019 in respect of an oak tree marked T1 on the map attached as **Appendix FP.03**.
- 5.2.2 The Order was made because:
"The oak is an important amenity tree that makes a significant contribution to the character of the area. It may now be at risk in connection with extensions to the existing house."
- 5.2.3 A letter of objection, dated 25th September 2019, has been received from DAC Beachcroft in respect of an ongoing claim for subsidence damage at the adjacent property, Webbers Cottage, which is alleged to have been caused by the oak tree. This is attached as **Appendix FP.04**.
- 5.2.4 The Council had received a request for a Tree Preservation Order on the oak tree describing it as a very old tree, which is a very healthy specimen and a significant feature of the road. There was no mention of a subsidence issue.
- 5.2.5 The oak is a large old tree growing on a bank on the front boundary of Fairlawns. It is a healthy mature tree that has previously been reduced and has a fairly full crown. There are several large roadside oaks in this part of Coleshill Lane and two of these trees have previously been protected by Tree Preservation Orders. Permission was granted for various extensions at Fairlawns, including a replacement attached garage at the front, under CH/2016/0069/FA, and this work is now substantially complete.
- 5.2.6 The letter of objection presents evidence about the alleged subsidence problems at Webbers Cottage. This states that Webbers Cottage was built about 1900, has shallow foundations about 400mm deep and that live oak roots have been found under the foundations. The soil below the foundations contains shrinkable clay but at a depth of about 2.4m there is mainly chalk. Cracking damage has been identified around two windows and in two second floor bedrooms. There has been monitoring of the cracks over a period of two years and this appears to show that there has been seasonal movement. The report states that the diagonal aspect of the cracks, together with the fact that they increase in width with height is indicative of subsidence as a result of the shrinkage of the

clay subsoil due to the moisture extracting influence of the nearby oak. It concludes that the oak is causing subsidence damage to the property and that it should be removed. This would allow the property to stabilise and for repairs to take place.

- 5.2.7 However the evidence presented is not completely convincing. Firstly, in most cases of subsidence damage related to trees there is an obvious pattern of cracking with the part of building closest to the tree or trees concerned rotating downwards towards the tree or trees. In this case the pattern of the cracking is not obvious externally on the building and may be partially obscured by the render covering. Secondly, a clay soil would normally be at its driest in late summer and at its wettest in late winter/early spring. Therefore, the size of subsidence-related cracks should follow this same pattern with the cracking increasing to a maximum in late summer. However, in this case the size of the cracks appears to be at its maximum level in January to May and at its minimum level in August to October, which does not appear to be consistent with subsidence damage related to a tree and may indicate that there is some other factor affecting the movement. Furthermore, subsidence damage would not normally occur over shallow chalk, although in this case the chalk is fairly deep and covered with some clay. Another possible influence on the situation could be the recent building work at Fairlawns. The replacement front garage extension has required deep foundations and this is likely to have involved some root cutting. Consequently, it is possible that this work may have affected the movement of Webbers Cottage in some way, whereas the monitoring work has taken place mainly before this construction and would not take account of the work.
- 5.2.8 If the Tree Preservation Order is confirmed, it is likely that there would be an application at some time in the future to fell the oak tree on the grounds that it is causing subsidence damage to Webbers Cottage. If this presents convincing evidence that the tree is the main cause of the damage and the application is refused consent, there could be a claim for compensation from the applicant for the additional costs involved in repairing the damage.
- 5.2.9 At the present time it appears that it is possible that the oak tree could be affecting the cracking at Webbers Cottage but the evidence is not completely convincing. However, the oak is an important amenity tree that is prominent in the street scene. In these circumstances it is considered that the Tree Preservation Order should be confirmed without modification and that the retention of the tree should be reconsidered if there is an application to fell the tree, which would be based on the quality of the evidence submitted at that time.

RECOMMENDATION

That the Tree Preservation Order No. 11 of 2019 made on 4th September 2019 be confirmed without modification.

AGENDA ITEM NO. 6

6 ITEMS FOR NOTING

6.1 APPEAL DECISIONS

CH/2017/1552/FA - Redevelopment of site incorporating a two storey extension to each of two existing dwellings, construction of four additional dwellings with associated car

ports, parking, landscaping and alterations to existing vehicular access, 274 & 274A Chartridge Lane, **Chesham**

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Dismissed (20.12.2019)

PL/18/4107/FA - Demolition of existing dwellings. Erection of six dwelling houses and open fronted carports. Alterations to vehicular access, 274 & 274A Chartridge Lane, **Chesham**

Officer Recommendation: Conditional Permission

Committee Decision: Refuse Permission

Appeal Decision: Appeal Allowed (20.12.2019)

6.2 PRIOR APPROVAL NOT NEEDED

PL/19/3598/PNR - Prior Notification under Class M of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Change of Use of shop (Use Class A1) to one residential units (Use Class C3), 23 Rickmansworth Lane, **Chalfont St Peter**

PL/19/3841/PNE - Notification under The Town and Country Planning (General Permitted Development) Order 2015, Part 1 of Schedule 2 Class A 4 for: Single storey rear extension (depth from rear wall 4.1m, maximum height 3.1m, eaves height 2.375m), 7 Eleanor Road, **Chalfont St Peter**

6.3 WITHDRAWN APPLICATIONS

PL/18/2066/FA - Demolition of existing buildings, erection of three blocks containing 91 dwellings, associated vehicular access, car parking, landscaping and engineering works, Global Infusion Court, Preston Hill, **Chesham**

PL/19/2482/FA - Replacement front porch, Eghams Farm, Forty Green Road, **Knotty Green**

PL/19/2483/HB – Listed Building Consent for replacement front porch, Eghams Farm, Forty Green Road, **Knotty Green**

PL/19/2791/PPR3 - Install a boardwalk made from recycled plastic material along the route of an existing informal footpath through Snells Wood from the car park to the access road to Dr Challoners High School, Snells Wood, Cokes Lane, **Little Chalfont**

PL/19/3087/SA - Certificate of Lawfulness for proposed temporary storage container to rear of shop, First Floor Carpets, 14 Market Place, **Chalfont St Peter**

PL/19/3856/VRC - Variation of Condition 5 of planning permission CH/2016/0034/FA (Replacement of existing garaging with combined garage store and ancillary space, new retaining wall) - to allow changes to the proposed foundation for the new outbuilding, Holly Mount, Penn Road, **Knotty Green**

PL/19/4024/SA – Certificate of Lawfulness for proposed single storey rear extension, Penrhiw, 49 School Lane, **Chalfont St Peter**

PL/19/4045/SA - Certificate of Lawfulness for proposed rear outbuilding, 13 Eghams Wood Road, **Knotty Green**

PL/19/4119/AGN - Notification of agricultural or forestry development under Schedule 2,

Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for: Two barns for storing farming machinery, Middle Field, Land at White End Park Farm, Ashridge Lane, Ley Hill

6.4 INFORMATION REGARDING PLANNING APPLICATIONS TO BE DETERMINED

Appended for your consideration are lists of applications submitted under the Town and Country Planning Act, 1990, and the Planning [Listed Buildings and Conservation Areas] Act, 1990, together with a recommendation from the Head of Planning Services. The forms, plans, supporting documents and letters of representation relating to each application are available for inspection on Public Access on the Councils Website.

Background papers for each of these planning applications, unless otherwise stated, are the application form and related letters, statements and drawings, notices, papers, consultations, and any written representations and comments received.

Reports may be updated at the meeting if appropriate, for example, where responses from consultees or further letters of representation are received.

AGENDA ITEM No. 7

7 REPORTS ON LOCAL AUTHORITY LIST OF APPLICATIONS

AGENDA ITEM No. 8

8 REPORTS ON MAIN LIST OF APPLICATIONS

AGENDA ITEM No. 9

9 EXCLUSION OF THE PUBLIC

That under Section 100(A)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting of the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act
