
Site Address:	30 Oakmont Drive, Waterlooville, PO8 8TH		
Proposal:	Fell 1No Oak (T1), subject to TPO 0429.		
Application No:	APP/18/00852	Expiry Date:	18/10/2018
Applicant:	Mr B Tee		
Agent:		Case Officer:	Maria Stewart
Ward:	Hart Plain		

Recommendation: **GRANT TPO CONSENT**

1 Site Description

30 Oakmont Drive, Waterlooville, PO8 8TH

2 Planning History

94/53073/001 - Reduce height and spread by 15%, raise to 6m and thin by 20% crown of Oak (T6) covered by TPO 429., PERM,04/10/1994
06/53073/002 - Application to fell an Oak tree T5 subject of TPO 0429., REF,13/06/2006

3 Proposal

Fell 1No Oak (T1), subject to TPO 0429.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 5

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
My property is adjacent to applicant requesting to fell the Oak Tree. Having looked carefully at their applicant together with drawings and photos and I am in full support of their request.	Support from a neighbour is noted.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- Whether the degree of pruning works requested would undermine the amenity value of these trees and whether this could also be harmful to their ongoing health and vitality.

7.2 My inspection related specifically to assessing the proposed works rather than generally inspecting the tree's health and condition in any great detail. I visually inspected the tree from ground level and the following report deals with the relevant issues that have been raised on site, in the application form and from my site observations.

7.3 This application to undertake work to a tree protected by a Tree Preservation Order relates to the proposed felling of a mature Oak tree located in the rear garden of the property and adjacent to the London Road. Because of its size and position it is considered to have public amenity value when viewed from London Road and Oakmont Drive.

The tree sits in a small brick built border and is located 12 metres from the dwelling and 6 metres from a brick built conservatory attached to the dwelling.

The application has been made of the grounds that the tree is causing / contributing to subsidence at the property and a report supporting this has been included to support the application. Other reasons for applying to fell include the damage by roots to the patio, dwarf walls and fish pond and during the site visit it was explained that during the summer months large cracks appear in the lawn causing a severe health and safety risk to the grandchildren that play in the garden as the cracks are large enough for their feet to go into.

The report submitted by Geotechnical dated 15th August 2017 demonstrates that trial pits were dug to establish the depth of foundations of the conservatory and soil samples taken which show "medium-high plasticity ie. Capable of significant volumetric change potential in response to moisture content". Roots were also found and identified as *Quercus spp.*

The cracks in the conservatory are very clearly visible all around the conservatory, internally and externally, and it is also appears that the structure is sinking towards the tree. Cracks were also observed in the dining room and kitchen however this has not been investigated at this point in time.

Advice has been sought from Sara Bryan (Lead Solicitor, Company, Commercial and Property) and Robin Seamer (Building Control Manager) on the application before making a recommendation. Their comments are below:-

Sara Bryan :-

"I am assuming that as the report was done on August 2017, the root movements have been monitored and the oak tree is the cause.

If so, then as I'm sure you know, if we refuse the application then all of the losses from the refusal sits with us, and we don't have insurance that covers it."

Robin Seamer:-

- "The information provided in the application does not provide a comprehensive assessment of the likely causes of the damage to the property (for example there is no information to substantiate if there are any other causes for the movement such as leaking drains or overloading of the existing foundations.)*
- However, irrespective of the point above the tree is highly likely to be major contributory factor to the movement of the house identified in the photos attached to the application.*
- The borehole information presented shows the foundations to be very shallow – 600 mm onto clay at BH1. Based on current guidance for foundations such as NHBC Practice Note 4.2 and Approved Document A of the Building Regulations, the foundations will still be at risk of future movement even if the trees are removed. Foundations in clay subsoils, even when there are no trees present, should be a minimum of 1m deep. If and once the trees are removed a further period of monitoring of movement will be need to carried out by the insurance company and if further movement is noted then additional work, which ultimately could include underpinning, may need to be carried out.*
- Where any tree is removed in clay subsoil there is a risk that the soil may increase in volume and cause additional damage through heave. There is no information with the application enabling me to assess if an assessment of potential heave has been carried out or not.*

In summary – whilst the tree is highly likely to be a major contributory factor to the damage caused by the property, its removal does not guarantee that there will not be further movement and further monitoring / remedial work may be required."

The Council has received one letter supporting the application and there have been no objections to the removal of the tree.

In Arboricultural terms the tree is a mature specimen which contributes to the street scene. However, given the significant subsidence occurring, in which the tree is a significant contributing factor, my recommendation is to approve the application to fell and condition a replacement tree.

If the Council were to refuse permission the Council may be liable to pay the costs for rebuilding and repairing the damage which would be a significant amount.

8 Conclusion

Based on advice from Legal and Building Control and my own review of the arboricultural information, if the Council were to refuse this application there is a very strong possibility of opening the Council up to significant financial cost and no guarantee that in the future the tree will not be linked to further damage, therefore permission should be granted.

The applicants are also instructing specialists in relation to persistent crack within the main dwelling that maybe coincident with subsidence and linked to the tree.

9 RECOMMENDATION:

That the Head of Neighbourhood Support be authorised to **GRANT TPO CONSENT** for application APP/18/00852

(A)

(B) for the following reasons/subject to the following conditions

- 1 The tree works for which consent is hereby granted shall not be carried out otherwise than in full accordance with all relevant content of BS 3998 (2010).
Reason: In the interests of tree health and safety.

- 2 In the first planting season following the date of felling; 1 replacement tree is planted. The tree should be a minimum 1.8 metres tall at the time of planting and should comply with BS3936:Part 1:1992. It should be planted within 2 metres of the tree to be removed. It should also be selected from the following species:

1. *Betula pendula* (Silver Birch)
2. *Sorbus aucuparia* (Rowan)

or such other size, species, location or period of time as may be agreed in writing with the Council.

If within a period of three years any tree planted as a replacement is cut down, felled, uprooted, removed, or die, or becomes in the opinion of the Council seriously damaged or defective:

- a) the Council shall be notified as soon as is reasonably practicable; and
- b) another tree of the same species and size shall be planted in the same location at a time agreed in writing with the Council unless the Council agrees to dispense with or vary the requirement.

Reason: To conserve and safeguard the visual amenities of the locality.

- 3 The tree works for which consent is hereby granted shall be carried out and completed no later than 31/12/2021.

Reason: To control the timing of the works