

Decision Maker: PLANS SUB COMMITTEE NO. 2

Date: Thursday 5th February 2015

Decision Type: Non-Urgent Non-Executive Non-Key

Title: TREE WORKS APPLICATION 14/00578/TPO: CONSENT TO REMOVE 1 LONDON PLANE TREE ON LAND ADJACENT TO THE AVENUE, BECKENHAM, BR3 5ES

Contact Officer: Mark Cannon, Principal Tree Officer
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Chief Officer: Chief Planner

Ward: Copers Cope;

1. Reason for report

This report considers a Treeworks Application for the removal of 1 London Plane tree situated within the un-adopted driveway adjacent to 76b The Avenue, Beckenham and the subject of Tree Preservation Order No. 2505A.

The applicants seek to remove the London plane tree as it is considered that it is an influencing or contributing factor in relation to extant clay subsoil shrinkage damage to 76b The Avenue. Officers have studied the supporting evidence submitted by the applicant as well as the analysis provided by the Councils commissioned assessment and concludes that it is very likely that the plane tree is a contributory factor to structural damage at 76b The Avenue. Officers are also of the view that the available alternatives to tree removal are likely to be ineffective as a permanent solution to stabilising soil beneath house foundations. It is therefore recommended that consent to remove the London plane tree is granted.

2. **RECOMMENDATION(S)**

That consent to remove the London Plane tree located on land adjacent to 76b The Avenue is granted.

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment:
-

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning and Renewal
 4. Total current budget for this head: £1.6m
 5. Source of funding: Existing Controllable Revenue Budget
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Staff

1. Number of staff (current and additional): 60 ftes
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those affected by the order.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: None

3. COMMENTARY

3.1 The principal considerations in relation to whether to grant or refuse consent are as follows:

(a) In relation to the London plane tree located in amenity land adjacent to 76B The Avenue:-

- (i) Are the trees of sufficient public amenity value and would their removal have a detrimental effect upon the character and appearance of the area.
- (ii) Is there sufficient evidence to substantiate the claim that structural damage to the foundations of 76b The Avenue can be attributed to the London plane tree.
- (iii) Is there an alternative measure to alleviate subsidence damage other than to remove the London plane tree.

3.2 Background

3.3 The site of 76b The Avenue comprises a 2 storey detached house with landscaped front and rear gardens and is located on the southern side of The Avenue approximately 200m from the junction with Downs Hill.

3.4 Tree Preservation Order No. 2505A was served upon all interested parties on the 9th April 2013 and subsequently confirmed on 19th September 2013 and protects 1 London Plane tree described as ref. T1 within the order document.

3.5 On 17th February 2014 the Council received a Tree Works application ref.14/00578/TPO for consent to remove 1 London plane tree located within land adjacent to 76b The Avenue, Beckenham which the following reasons were given:-

- i) To stop the influence of tree(s) on soils located beneath building foundations (of 76b The Avenue) and to provide long term stability.
- ii) Estimated costs of repair to the building are 20k if the influence of the street tree remain and 11.5k if the proposed tree works are allowed to proceed. Granting permission will limit the costs incurred through Section 202(e)
- iii) It is the expert opinion of both the case engineer and arboriculturalist that on balance of probabilities the supporting information demonstrates the influence of the trees.

3.6 Following de-delegation, the application has now been put before the Planning Sub Committee to decide whether to endorse the recommendation of the Chief Planner to grant consent for the removal of the London plane tree.

3.7 Issues

3.8 The tree the subject of this application comprises 1 mature London plane tree located within the private unadopted land adjacent to 76b The Avenue Beckenham, BR3 5ES.

- 3.9 The tree measures approximately 14m in height and has a radial canopy spread measuring approximately 9.5m as it extends towards 76b The Avenue. The tree is situated within a grass verge located approximately 19m from the building line of 76b The Avenue.
- 3.10 The tree exhibits no serious external signs of disease or structural defect when viewed at ground level. The tree has a relatively well balanced branch structure requiring no significant remedial tree surgery to maintain safety margins. The tree forms part of a line of several mature trees located within the privately owned verge and footpath running the length of The Avenue and is a highly visible feature within the local landscape.
- 3.11 The applicants seek to remove the London plane tree as it is considered that it is an influencing or contributing factor in relation to extant clay subsoil shrinkage damage to 76b The Avenue.
- 3.12 The applicant has submitted evidence in support of the application and in summary it states that in all probability the tree is a contributory factor in relation to clay sub soil shrinkage and in order to stabilise the area of sub soil beneath the house foundation the London plane tree should be removed.
- 3.13 Test results submitted with the application appear to show that foundations have been founded on highly shrinkable clay sub soil.
- 3.14 Tree root samples positively identified as Platanus (London plane) have been found within a bore hole dug in front of the house at a depth ranging between 1.5 and 3.5m.
- 3.15 Level monitoring of the house appears to demonstrate seasonal movement correlating to vegetative desiccation of shrinkable clay sub soils.
- 3.16 A report commissioned by the Council on the evidence submitted by the applicant concluded that although the evidence itself appears not to rule out other possible causal factors such as faulty drains or that the extant damage may be as a result of sub-standard construction of foundations, it states that the likeliest cause of the damage is the London Plane tree. The report however mentions a number of anomalies with the evidence and recommends that all drain repairs should be carried out, and all shrubs identified as possible cause of soil desiccation removed and there after monitored for a further year.
- 3.17 Officers are of the view that the proposed removal of the London plane tree will have a detrimental effect upon the character and appearance of the local landscape.
- 3.18 Alternatives to the removal of the tree have in similar cases comprised either crown reduction of the tree canopy in order to restrict water demand from tree roots, or the laying of a tree root barrier to prevent future root ingress.
- 3.19 In respect to the crown reduction option, the most recent research into the effects of canopy reduction works concludes that the effects of very significant reduction or pollarding (70% of the tree canopy) upon water demand are short lived, and in the medium to long term heavily pruned trees will use more water, triggering larger more denser leaf production to compensate. Such works would also be far beyond good arboricultural practice and would have a detrimental effect the trees visual public amenity value.

- 3.20 Root barriers have been used in similar cases however they are very expensive construction operations requiring typically 4m deep trench digging between the tree and the house. In this case the trench would need to extend across several private properties requiring the agreement of the owners which may or may not be forthcoming.
- 3.21 If the Council were to refuse consent for the removal of the tree it could be held liable for all costs associated with the decision to refuse consent under the relevant sections of the Town and Country Planning Act 1990 (as amended). It is understood that the current estimated cost of repairs to the property to be between £63000 to £85000 without tree removal.

3.22 Conclusion and Recommendation

- 3.23 Officers have studied the supporting evidence submitted by the applicant as well as the analysis provided by the Councils commissioned assessment and concludes that it is very likely that the plane tree is a contributory factor to structural damage at 76b The Avenue. Officers are also of the view that the available alternatives to tree removal are likely to be ineffective as a permanent solution to stabilising soil beneath house foundations. It is therefore recommended that consent to remove the London plane tree is granted.

4. POLICY IMPLICATIONS

This report is in accordance with Policy NE7 of the Councils Unitary Development Plan.

5. FINANCIAL IMPLICATIONS

The applicant is entitled under Regulation 24 of the Town and Country Planning (Tree Preservation) England Regulations 2012 to apply for compensation within 12 months of the date of the Councils decision if the applicant can establish loss or damage as a result of the Council refusing consent. It should be noted there is no specific budget to meet any potential compensation costs within the planning and regeneration budget.

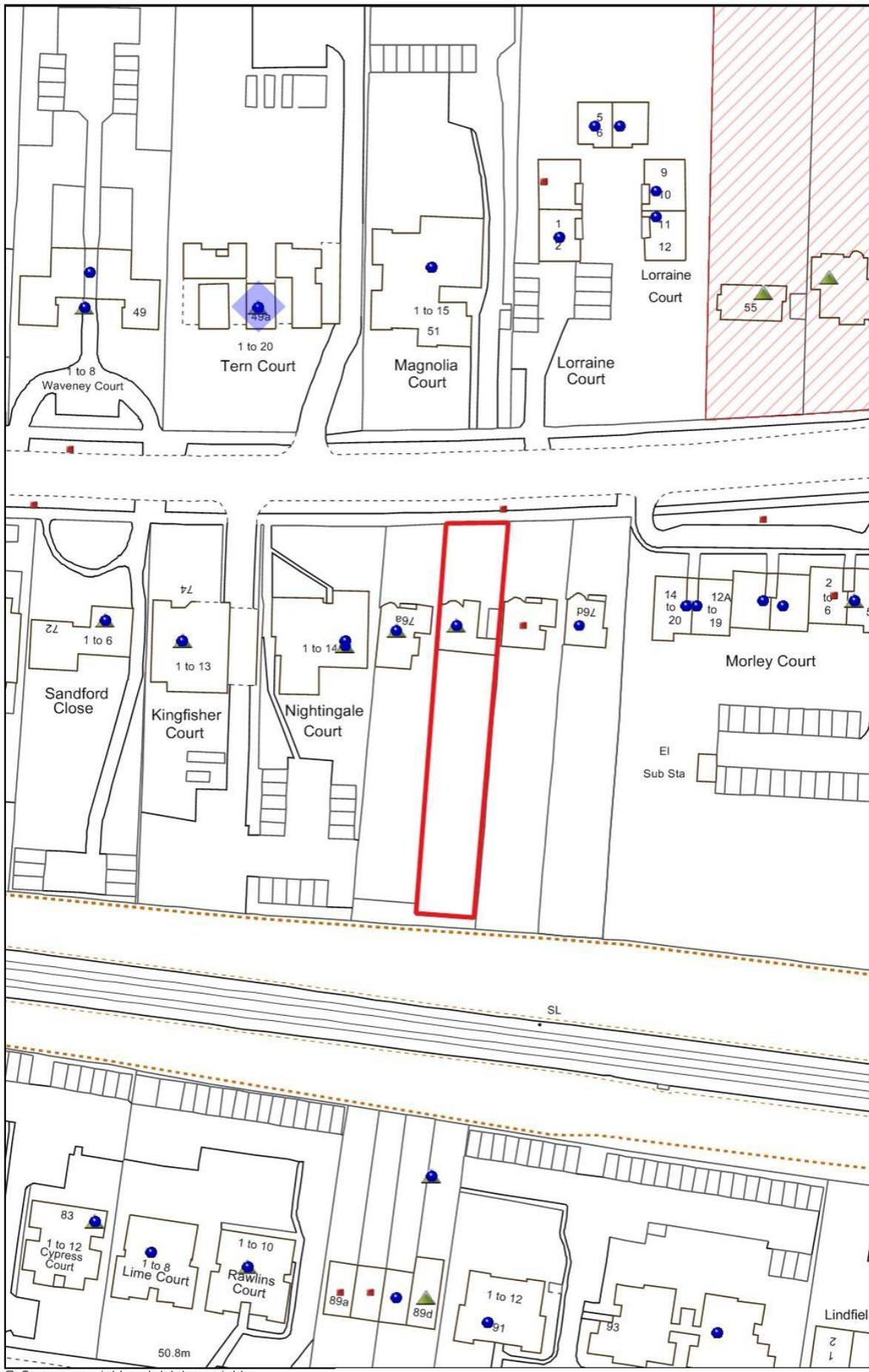
6. LEGAL IMPLICATIONS

None

7. PERSONNEL IMPLICATIONS

None

Non-Applicable Sections:	Finance 2 Ongoing Costs. Staff 2 Staff hours. Legal 2. Call in.
Background Documents: (Access via Contact Officer)	Copy of Tree Preservation Order No. 2505A Copy of the Council commissioned report. (CTP Consulting Engineers).



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