

**Application No:** 18/05329/TPO

**Ward:**  
Farnborough & Crofton

**Address:** 89 Woodcote Drive,  
Orpington, BR6 8DT

**OS Grid:** E:545051 N: 166514

**Applicant:** Miss Vicky Ironside

**Objections:** Yes

**Description of Development:**

**T1 Maple – Fell to ground level and treat stump.  
SUBJECT TO TPO 1101**

**Proposal**

The application has been made on behalf of the neighbouring property owners at 101-105 Woodcote Drive. The subject maple tree (T1) is proposed to be felled in accordance with recommendations issued by those acting on behalf of the insurance company. The tree is protected under the above mentioned Tree Preservation Order (TPO).

**Location**

The application site is comprised of 9 flats, private gardens and communal grounds associated with 89-105 Woodcote Drive. The properties are typical in design and take the appearance of terraced townhouses. The site is located at the end of the cul-de-sac and backs onto the railway to the east.

A number of trees across the development have been protected by way of TPO.

**Consultations**

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- Two supporting representations were received.

**Considerations**

The officer made a site visit to the application site on 15<sup>th</sup> January 2019. Access was only available internally to the flat occupying the first and second floor. The officer concurs with the data tabled in Appendix 1 of the Arboricultural Assessment Report. The maple tree (T1) is not in the zone of influence for Nos. 101-105 where the damage has been reported. This is calculated by multiplying the height of the tree with a factor of 1.25 for a high water demand tree, 0.75 for a moderate water demand tree and 0.5 for a low water demand tree. Maple trees are moderate water demanding tree species.

The tree has been reduced in the past consistent with application 94/02714/TFL. Applications 99/03731/TPO, 01/03895/TPO and 03/03021/TPO have resulted in refusals for similar reduction specifications. A maple tree on the opposite side of the turning circle, adjacent to 85 Woodcote Drive, has been reduced in accordance with

application 17/05105/TPO. Trees in the street scene are awarded high amenity value and remain an important attribute to the development.

The proposed felling of the subject tree has been recommended by the insurance company and consulting arboriculturist acting on behalf of the policy holder. The following supporting documents have been appended to the application:

- Engineering Appraisal Report
- Arboricultural Assessment Report
- Level and Crack Monitoring
- Root Identification
- Site Investigation Report, including soil analysis and foundation detail

External damage was not noticeable from the publicly accessible aspects of the properties. Access was not available to the private garden space. Internal cracks were being repaired during the site visit and have appeared along the window frames and internal walls. The cracks take a horizontal/vertical fashion along the ceiling, wall and window frames. Damage is categorised as slight in accordance with Building Research Establishment (Digest 251). Crack width is a maximum of 5mm on this basis.

Two trial pits were excavated as part of the subsidence investigation. Trial Pit 1 (TP1) was excavated adjacent to 89-93 Woodcote Drive on the western aspect of the terraced block. Trial Pit 2 (TP2) was excavated on the eastern aspect of the block where the insured properties are located. Foundations were revealed to a depth of 1.1m in TP1 and 80cm in TP2. Roots discovered within TP1 have been identified as maple (*Acer*).

Foundations revealed in both trial pits have been installed at different depths. Trial pit 2 revealed shallower foundations to a depth of 80cm. Historic subsidence appears to have taken place at this end of the block and has been addressed by applying underpinning to the existing foundation. Building Control reference 05/00956/OTHBN6 relates to Pile Cap and Beam underpinning. Pile depths appear to be 60cm.

The results of crack monitoring carried out on behalf of the policy holder conclude that the influence of trees is responsible for cyclical movement of the properties as a result of soil moisture loss.

A heave assessment has not been included in this application.

The estimated costs of repair range from £22, 000 to £100,000.

## **Conclusion**

The foundations of the rear extension are considerably shallower than what is required to withstand the influence of mature trees at this distance. The required foundation depth has been calculated to be a minimum of 1.65m based on the highest reading of soil plasticity. This calculation is only in respect of the presence of the subject tree. The property dates back to the 1970s. It is likely the subject maple tree was planted in the street scene planting as part of the developments landscaping.

A monetary value has been applied to the tree adopting the CAVAT (Capital Asset Value for Amenity Trees) system. CAVAT provides a method for managing trees as public assets rather than liabilities. It is designed not only to be a strategic tool and aid to decision-making in relation to the tree stock as a whole, but also to be applicable to individual cases where the value of a single tree needs to be expressed in monetary terms. CAVAT is recognised in the English court system.

The value applied to the maple tree is £64, 809.

The effect of other trees to the east of the block on the surrounding ground would have been foreseeable at the time of construction. The foundations would therefore have needed to be excavated to a level where the water table is uninfluenced by root activity. Underpinning applied between 2005 and 2007 appears to be shallower than what is required to extend beneath the soil influence of nearby trees.

The subject maple tree is outside of the zone of influence in respect of 101-15 Woodcote Drive and would only be in the zone of influence of 89-93 Woodcote Drive. No evidence has been submitted as part of this application to prove damage is occurring to the western aspect of the building. Evidence of damage is only demonstrated for the eastern side of the building (101-105 Woodcote Drive).

The internal cracking was noted to be horizontal and vertical mainly on the northern flank of the building and partially within in the centre of the upper bedroom. As underpinning has been applied to the eastern flank of the building to the above mentioned specification, the movement appears to be associated with the northern flank that was not addressed with underpinning. The adequacy of foundation depth and underpinning is therefore questioned and requires further assessment. The investigation needs to explore the reasons why underpinning has not been successful, why underpinning to greater depth is not a viable solution and why underpinning was not applied to the northern elevation. The investigation remains inconclusive as stated within the Engineering Appraisal Report.

A heave assessment has not been included in the supporting evidence. An argument would therefore need to be presented to the Council with regard to ruling out underpinning as a practical solution or consideration of alternative mitigation efforts.

This application has not fully demonstrated the case for removing the subject tree. The costs of repair are predicted to be significantly lower than the value of the trees based on the other mature trees that have been implicated in the claim. The trees are high amenity features, contributing to the wider local landscape. The removal of protected trees would have a damaging impact on the character of the area and negate the objectives of the TPO.

It is recommended that committee members refuse the application.

#### Financial Implications

Attention is drawn to section 202E of the Town and Country Planning Act 1990. This allows the applicant to make a compensation claim in respect of a refused decision.

Members are informed that no budget has been allocated to the defence of a compensation claim, should the application be refused. A claim may include and is not restricted to any further damage from the date of the decision, costs incurred in respect further repairs, costs incurred in further monitoring and legal costs.

Members are also informed of the officer costs involved in defending against a compensation claim.

#### **RECOMMENDATION: REFUSAL**

T1 Maple - Fell to ground level and treat stump.

**REASON:**

The application has failed to acknowledge the adequacy of the building's foundations and adequacy of existing underpinning. No consideration has been given to potential heave or future risk of instability. Mitigation efforts with trees retained have not been demonstrated or explored. Tree value is predicted to outweigh the estimated cost of repairs. The proposals would negate the objectives of the TPO and therefore conflict with Policy 73 of the Bromley Local Plan (adopted January 2019).

**INFORMATIVES**

1. You are advised that formal consent is not required for the removal of deadwood, dangerous branches and Ivy from protected trees.