

Section '2' – Applications meriting special consideration

Application No: 19/04627/TPO **Ward:** Shortlands
Address: 68 Shortlands Road, Shortlands,
Bromley, BR2 0JP
OS Grid: E:538899 N: 168791
Applicant: Subsidence Management Services **Objections:** No

Description of Development:

Corsican Pine (T1 of TPO/T5 on site plan) - Fell.
SUBJECT TO TPO 2658 (18.01.2019)

Proposal

This application is made in respect of the pine tree (T1) of TPO 2658.

The application site is comprised of a detached building converted into two self-contained properties. The property is located within the local conservation area and is therefore subject to sensitive planning restrictions, including tree protection.

The proposed felling of the tree is required by the advising insurance agent to stop the tree's influence on the soil and provide long term stability. The tree is identified as T5 within the bundle of documents supplied in support of the application.

Location

The tree is situated to the right hand side of the driveway, adjacent to the boundary with 66 Shortlands Road. The tree is positioned 13m from the front flank of the applicant's dwelling.

Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

Building Control was consulted and the following feedback has been received:

"Underpinning will be required regardless of tree retention"

Considerations

Last year a conservation area notification was received under reference 18/05244/TREE. This submission related to an ongoing subsidence case at the neighbouring property, 66 Shortlands Road. The Officer's evaluation revealed that a Tree Preservation Order (TPO) was merited. The above TPO was made on 18th January 2019 to secure protection to the two pine trees fronting Shortlands Road. Both trees are highly visible in the local street scene and are awarded high amenity value.

Officers visited both the application site and neighbouring 66 Shortlands Road. Access was made inside both properties to view internal damage. Both protected pine trees are within the calculated zone of influence. Historic maps indicate the dwelling was constructed after 1910 and not before. The original dwelling is believed to be Victorian with the extension being Edwardian.

Tree survey data has been submitted in support of the application, along with the following documents:

- Engineer's Original Subsidence Statement
- Engineer's Addendum Report
- Arboricultural Report
- Geotechnical Report
- Soil Analysis
- Root Identification
- Drainage Investigation Report
- Level Monitoring
- Crack Monitoring

Two trial pits were excavated as part of the subsidence investigation. The trial pits were positioned along the front extension of the applicant's dwelling. Foundation depth was revealed at 0.55m.

Pine tree roots were identified in the trial pit.

Level monitoring results indicate movement associated with seasonal soil moisture loss.

CCTV investigations carried out in respect of the drains reveal a void or soakaway is situated adjacent to the front extension.

A heave assessment has been included in the investigation and free surface heave of 7.8mm could be expected once soil rehydrates.

Costs of repair have been estimated at £41,500 if the tree is retained.

Conclusion

The damage witnessed by officers is evident of subsidence related activity. The location of cracking indicates a weakness on the front extension and separation from the remainder of the dwelling.

The foundations are shallower than what is required to withstand the influence of the subject trees within the zone of influence. The required foundation depth has been calculated to be a minimum of 1m on the basis of the actual soil plasticity index. The age of the property at 66 Shortlands Road dates back to the early 1990s. The trees are a similar age to the property and could therefore have existed at the time of construction.

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 subject pine tree has been valued at £67,225. T2 of the TPO was not valued, but is of similar dimensions. The overall value of both trees would be in excess of £100,000. This is relevant as both trees are within the zone of influence.

The consistency and stability of the foundation design is questioned. The foundation depths of the original dwelling have not been commented on as part of the appraisal. Damage associated with the subject trees would be limited to the front extension of the dwelling. The failure of the foundations is the ultimate reason why movement is occurring. Underpinning is considered a necessary action regardless of the influence of surrounding trees and vegetation.

The defective drainage may have caused excess swelling beneath the extension. This would need to be ruled out as a contributing factor.

Members are recommended to refuse the application for the reasons stated.

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 reminded of the officer costs involved in defending against a compensation claim.

RECOMMENDATION: REFUSAL

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REASON:

The application has failed to acknowledge the adequacy of the dwelling's foundations and the construction design. Defective drainage has not been ruled out as a contributing factor. Underpinning is required irrespective of tree retention or removal. The proposals would negate the objectives of the TPO and therefore conflict with Policies 43, 73 of The Bromley Local Plan (adopted January 2019), Policy 7.21 of The London Plan (adopted March 2016) and The London Borough of Bromley Tree Management Strategy (2016-2020).

INFORMATIVE

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