

REPORT SUMMARY

CASE REFERENCE: 22/502529/TPOA		
ADDRESS: 'Holtye Cottage', Headcorn Road, Staplehurst TN12 0BU		
PROPOSAL: TPO application to reduce one Oak to 9.0m in height and reduce lateral branch system by 1.0m to 1.5m balancing the crown. Remove re-growth triennially; remove one Oak (fell) to near ground level. Owner to physically remove any regrowth (no chemical treatment due to translocation risk).		
RECOMMENDATION: Permit – subject to CONDITIONS and INFORMATIVES		
SUMMARY OF REASONS FOR RECOMMENDATION: On the evidence submitted, the proposed works are considered necessary arboricultural operations for the mitigation of subsidence.		
REASON FOR REFERRAL TO COMMITTEE: Cllr John Perry has requested the application be taken to committee due to the sensitivity and complexity of the proposal and its reasons		
PARISH: Staplehurst	WARD: Staplehurst	
APPLICANT: Crawford and Company	AGENT: MWA Arboriculture Ltd	
CASE OFFICER: Paul Hegley	SITE VISIT DATE: 06/07/22 & 02/02/23	
DATE VALID: 18/05/22	CONSULTATION EXPIRY: 14/06/22	DECISION DUE: 13/07/22

MAIN REPORT

1. DESCRIPTION OF TREES

1.01 The two Oak trees subject to this application are growing within the rear garden of 'Holtye Cottage' which is a detached property situated to the north of Headcorn Road at the junction with Hurst Close. However, the applicant and property affected by the two trees lives at no 2 Hurst Close which flanks the western boundary of Holtye Cottage.

2. PROPOSAL

2.01 The works proposed are as follows:

2.02 T2 – English Oak:

- Reduce to 9 metres in height and reduce lateral branch system by 1 to 1.5 metres, balancing the crown.
- Remove re-growth triennially.

2.02 T3 – English Oak:

- Remove (fell) to near ground level. Owner to physically remove any regrowth (no chemical treatment due to translocation risk).

3. REASONS FOR WORK

3.01 The above trees are considered to be responsible for root induced clay shrinkage subsidence damage to the neighbouring property of 2 Hurst Close, Staplehurst which adjoins the western boundary of Holtye Cottage.

4. PLANNING CONSTRAINTS

4.01 Tree preservation Order no. 14 of 1997, Oak trees designated as individuals T2 & T3

5. POLICY CONSIDERATIONS

Government Policy:

- 5.01 National Planning Policy Framework (2021)
- 5.02 Planning Practice Guidance Tree Preservation Orders and trees in conservation areas, March 2014.
- 5.03 The Town and Country Planning (Tree Preservation)(England) Regulations 2012

Compensation:

5.04 A refusal of consent to carry out works on trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal.

6. LOCAL REPRESENTATION

6.01 The owner of the trees at Holtye Cottage strongly objects to the proposal made by the applicant and wishes to express that they have never experienced subsidence issues despite being just as close to the tree as the applicant.

6.02 The daughter of the tree owner also objects to the applicant's proposal, but also adds that she feels that the applicant's building alterations (extension) could be the cause of the movement.

7. CONSULTATIONS

7.01 Staplehurst Parish Council expresses concern over the loss of a healthy mature Oak.

8. BACKGROUND PAPERS & PLANS

8.01 Arboricultural report

8.02 Level monitoring survey/Results

8.03 Site investigation report

8.04 Technical report

8.05 Reasons for the works and remedial work costings.

8.06 Root Barrier costings

9. APPRAISAL

9.01 Oak T2 on application form (T3 in TPO).

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Good – no significant defects noted

Useful life expectancy:

Very Long - with an estimated remaining life expectancy of at least 40 Years

9.02 Oak T3 on application form (T2 in TPO).

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Good – no significant defects noted

Useful life expectancy:

Very Long - with an estimated remaining life expectancy of at least 40 Years

10. CONSIDERATIONS

- 10.01 At the time of inspection both Oak trees revealed no significant defects to suggest they are either unhealthy or unsafe. Both trees are of early mature size and clearly visible from surrounding public roads and as such are considered to contribute positively and significantly to the mature and verdant landscape of the area and to its character and appearance.
- 10.02 The proposed felling of one of the Oak trees and reduction of the other Oak would erode the mature and verdant landscape of the area by a marked degree and would thus give rise to significant harm to its character and appearance. Consequently, the justification needs to be robust.
- 10.03 The evidence provided by the applicant indicates that the damage being caused to their property 2 Hurst Close' is attributed to soil desiccation causing a downward rotational movement of the central rear elevation of the property. This movement has resulted in visible open cracks (up to 10mm wide) both inside and outside the property as replicated in the photos below, taken from the submitted technical report by Crawford Ltd.



Crack above rear door.



Crack on rear wall.

- 10.04 In structural terms the damage falls into Category 3 of Table 1, Building Research Establishment5 Digest 251, which describes it as "**moderate**".

Category 0	"negligible"	< 0.1mm
Category 1	"very slight"	0.1 - 1mm
Category 2	"slight"	>1 but < 5mm
Category 3	"moderate"	>5 but < 15mm
Category 4	"severe"	>15 but < 25mm
Category 5	"very severe"	>25 mm

Extract from Table 1, B.R.E. Digest 251
Classification of damage based on crack widths.

10.05 In cases where it is suspected that trees may be the primary cause of the damage there are three pieces of evidence which are essential, these are:

1. Evidence of soil desiccation
2. Proof of seasonal movement
3. Live roots have been found underneath the foundations.

10.06 In this case the submitted site investigation report by Auger Site Investigations Ltd confirms the depth of the house foundations in the area of damage to be 1m, with the underlying subsoil made of Weald Clay that has a high plastic index of 50% or above and suffers volumetric changes in relation to its moisture content. The results of the soil testing appear to indicate a change in moisture content through desiccation and root samples taken during the ground investigations confirms the presence of live Oak roots to a depth of 3m (as seen in the extract below taken from the root sample results from Richardsons Botanical Identifications).

Root ID

The samples you sent in relation to the above have been examined. Their structures were referable as follows:

TH1, 1.0m		
3 no.	Examined root: QUERCUS (Oak).	Alive, recently*.
TH1, 1.5m		
1 no.	Examined root: most referable to QUERCUS (Oak). This was a very IMMATURE sample.	Alive, recently*.
BH1, 1.0m		
2 no.	Examined root: QUERCUS (Oak).	Alive, recently*.
BH1, 1.5m		
2 no.	Examined root: although attempted, it was unfortunately too THIN and decayed to identify.	Dead*.
BH1, 3.0m		
1 no.	Examined root: as above, also too POOR in condition to identify with confidence.	Dead*.

10.07 The property has been monitored at regular intervals since 2020 and the most recent set of crack monitoring and leveling results are attached to this report at Appendix A. These results show the movement of the building to be confined to the central rear elevation of the property in the area that shows the most visible cracking as shown in the photos at section 10.01 above. The results would also indicate a pattern of seasonal movement consistent with the drying and rehydrating of the underlying clay subsoil soil.

10.08 Taking the above site investigations into consideration the submitted results would appear to confirm soil desiccation, seasonal movement and the presence of live Oak roots below the foundations to implicate the subject trees as a contributable cause of the subsidence damage to 2 Hurst Close, Staplehurst. Therefore, it would be difficult to defend the retention of the Oak tree at an appeal, so on balance the proposed works are justified.

10.09 In terms of compensation as previously detailed in section 5.04 a refusal of consent to carry out the works on the trees can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. Only damage caused by the tree roots after the date of deemed refusal would be relevant except in so far as it could be evidenced that the refusal had necessitated more costly

works than would have been needed if consent were given. In this case, the applicant has confirmed that the projected costs for repairs to the property if consent for the tree works is permitted is estimated to be 9k, compared with alternative estimated mitigation costs of 75K for underpinning and 42k for the installation of a root barrier. Consequently, there could be potential claims for costs of 66K should consent for the works be refused.

- 10.10 In any event, as the applicant is not the owner of the subject trees consent from the tree owner will be required before commencing any works permitted by the council.

11. CONCLUSIONS

- 11.01 In light of the evidence submitted with this application the proposed works are considered necessary arboricultural practice to help mitigate subsidence related damage to the property of 2 Hurst Close and are therefore considered acceptable on arboricultural grounds.

12. RECOMMENDATION

GRANT CONSENT- Subject to the following CONDITIONS / REASONS and INFORMATIVES.

- (1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

- (2) The re-growth resulting from the permitted reduction works on T2 - Oak, shall be carried out no more frequently than once every 3 years, until the tree no longer exists.

Reason: To allow multiple operations and to remove the two-year time limit on consents, in accordance with section 17(2)(d) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012.

- (3) One replacement Silver Birch (*Betula pendula*) shall be planted on or near the land on which the tree/s stood during the planting season (October to February) in which the tree work hereby permitted is substantially completed or, if the work is undertaken outside of this period, the season immediately following, except where an alternative proposal has been submitted to and approved in writing by the local planning authority one month prior to the end of the relevant planting season. The replacement tree/s shall be of not less than Nursery standard size (8-10cm girth, 2.75-3m height), conforming to the specifications of the current edition of BS 3936, planted in accordance with the current edition of BS 4428 and maintained until securely rooted and able to thrive with minimal intervention;

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area

- (4) Any tree planted in accordance with the conditions attached to this permission, or in replacement for such a tree, which within a period of five years from the date

of the planting is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, shall, in the same location, be replaced during the next planting season (October to February) by another tree of the same species and size as that originally planted, except where an alternative proposal has been submitted to and approved in writing by the local planning authority prior to that planting season;

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area

INFORMATIVES

- (1) The Council's decision does not override the need to obtain the tree owner's consent for works beyond your boundary.
- (2) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.
- (3) The material generated from the tree work hereby permitted should be disposed of, or processed as necessary, to leave the site in a safe and tidy condition following each phase/ completion of the work.
- (4) The Council's decision does not override the need to seek appropriate professional advice to avoid any potential adverse impacts (such as heave) before commencing permitted tree work.

Case Officer: Paul Hegley **Date:** 7th March 2023

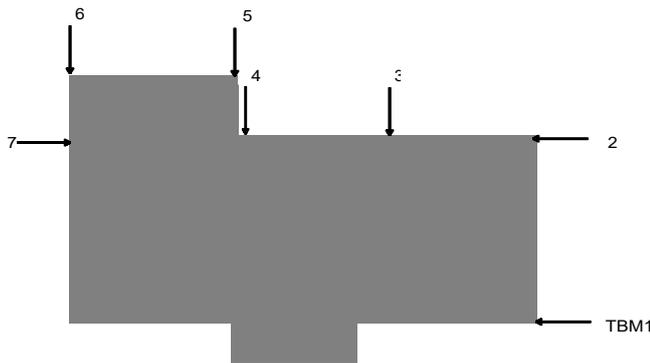
NB – For full details of all papers submitted with this application, please refer to the relevant Public Access Pages on the Council's website.

APPENDIX A – Crack Monitoring and Levelling Results

LEVEL MONITORING - RELATIVE SURVEY READINGS

Provider Details		Client Details			Risk Address	
Name:	Knight Associates Ltd	Insurance Co.:	Axa		Occupier:	
Our Ref:	SU1904933	Client Name:	Crawford		Address:	
		Technical Mgr:	D Knight		Address:	
		Email:			Town:	
		Client Ref:			County:	
		Address:	National Subsidence Unit		Post Code:	
		Address:	4th Floor 30 St Pauls Square		Tel Home:	
		Town:	Birmingham		Tel Work:	
		County:			Mobile:	
		Post Code:	B3 1QZ		Other:	
		Other Email:	subsidence.monitoring@crawco.co.uk		Other:	

		Target Date:													
		Reading Date:		9/11/20	18/1/21	17/3/21	24/5/21	28/7/21	2/10/21	17/11/21	19/1/22	20/6/22	23/8/22	20/2/23	
		Issue Date:		10/11/20	19/1/21	18/3/21	25/5/21	29/7/21	4/10/21	18/11/21	20/1/22	20/6/22	24/8/22	21/2/23	
Row No.	Point Name	X Co-ordinate	Y Co-ordinate	1	2	3	4	5	6	7	8	9	10	11	12
1	TBM1	0.00	0.00	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	10.0000	
2	2	0.00	5.20	9.7620	9.7620	9.7630	9.7630	9.7630	9.7620	9.7630	9.7620	9.7620	9.7610	9.7620	
3	3	-6.00	5.20	9.7120	9.7150	9.7160	9.7170	9.7180	9.7180	9.7180	9.7190	9.7190	9.7090	9.7160	
4	4	-12.00	5.20	9.7400	9.7460	9.7510	9.7500	9.7520	9.7510	9.7520	9.7530	9.7510	9.7320	9.7480	
5	5	-12.00	8.00	9.6800	9.6870	9.6920	9.6920	9.6920	9.6930	9.6930	9.6940	9.6930	9.6750	9.6890	
6	6	-19.00	8.00	9.4340	9.4360	9.4380	9.4370	9.4380	9.4390	9.4380	9.4390	9.4370	9.4340	9.4370	
7	7	-19.00	5.20	9.5490	9.5510	9.5520	9.5530	9.5530	9.5530	9.5530	9.5530	9.5530	9.5490	9.5510	
8		-19.00	0.00												
9		0.00	0.00												
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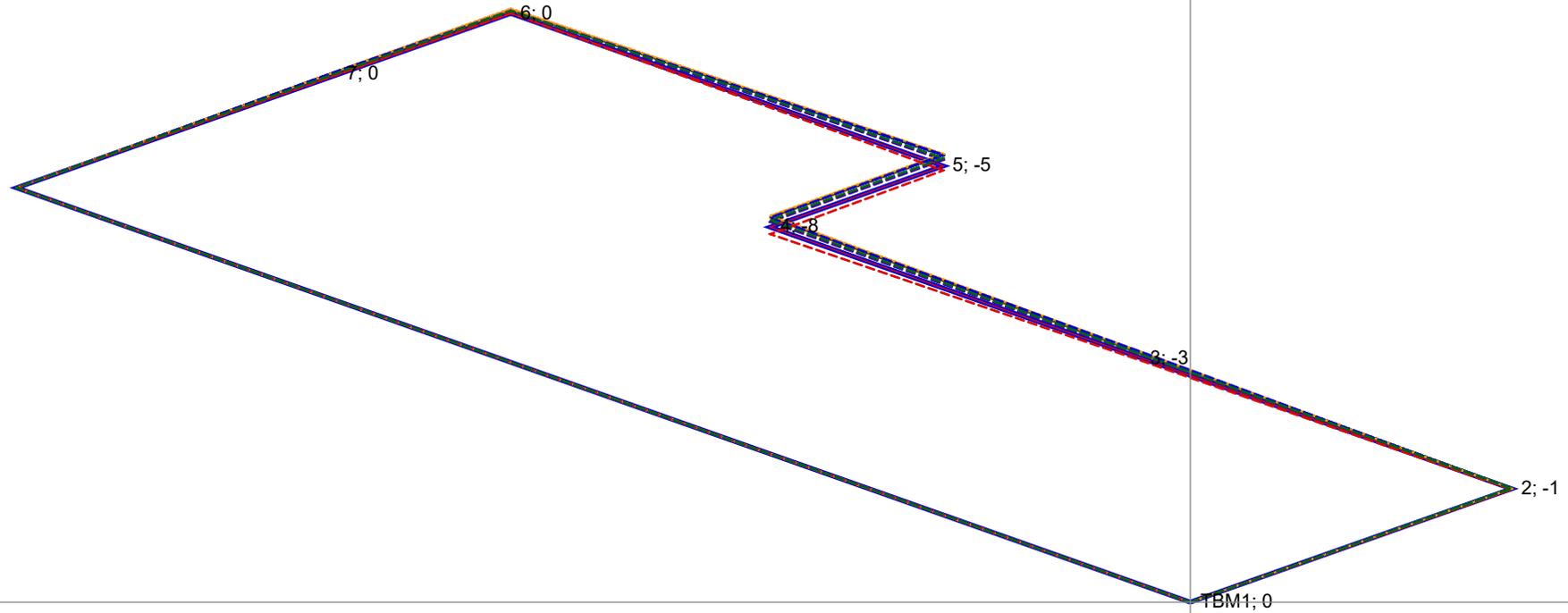
FRONT.

- 20/02/23 Readings taken.
- A common brickcourse could not be followed, subsequently relative data only.
- No further readings are planned

LEVEL MONITORING - RELATIVE MOVEMENT SKETCH

Client: Crawford

Client Ref: 0



— Datum Reading	— Reading 1 (9/11/20)	- - - Reading 2 (18/1/21)	— Reading 3 (17/3/21)	— Reading 4 (24/5/21)
- - - Reading 5 (28/7/21)	- - - Reading 6 (2/10/21)	- - - Reading 7 (17/11/21)	- - - Reading 8 (19/1/22)	- - - Reading 9 (20/6/22)
- - - Reading 10 (23/8/22)	- - - Reading 11 (20/2/23)	- - - Reading 12 (0/1/00)		

Notes:
Vertical distorted scale 1: 20

Point labels give level difference of last reading from original datum in mm.

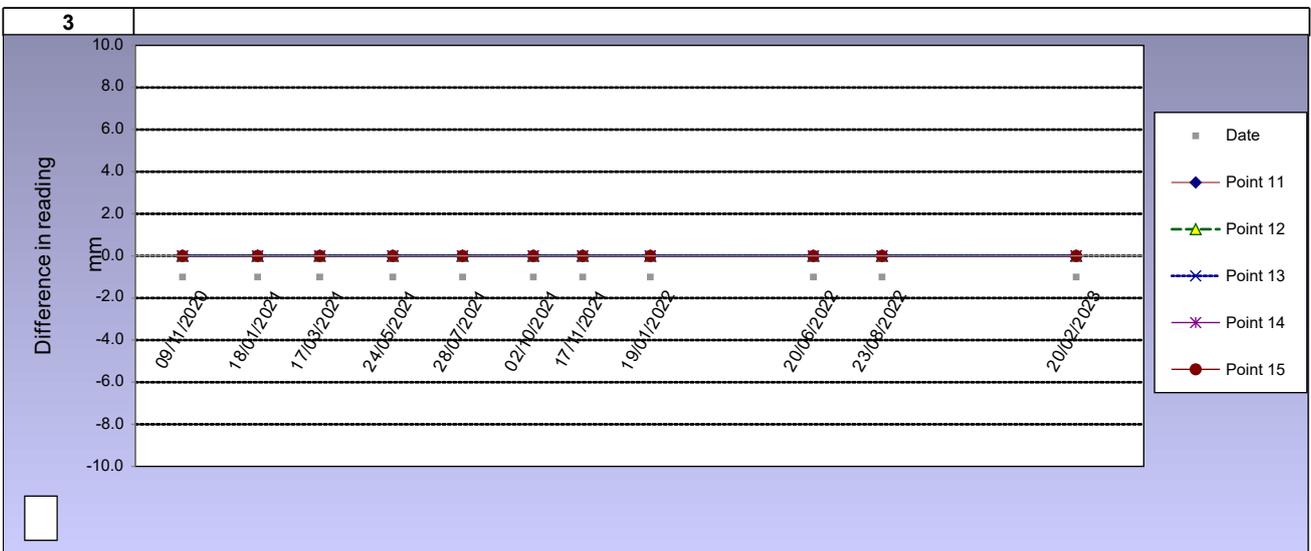
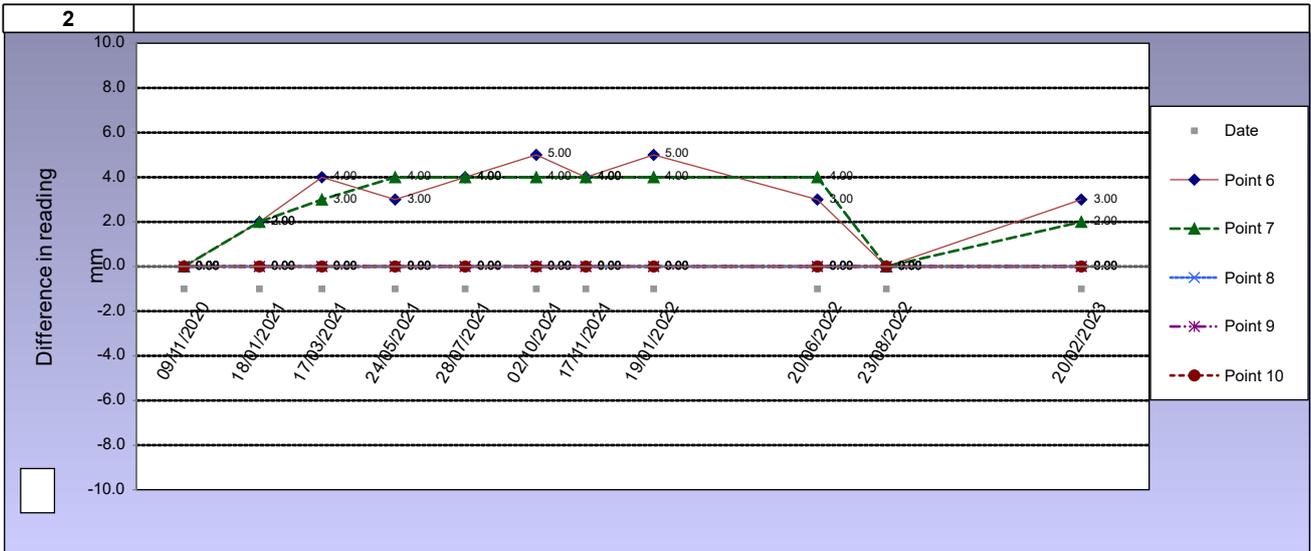
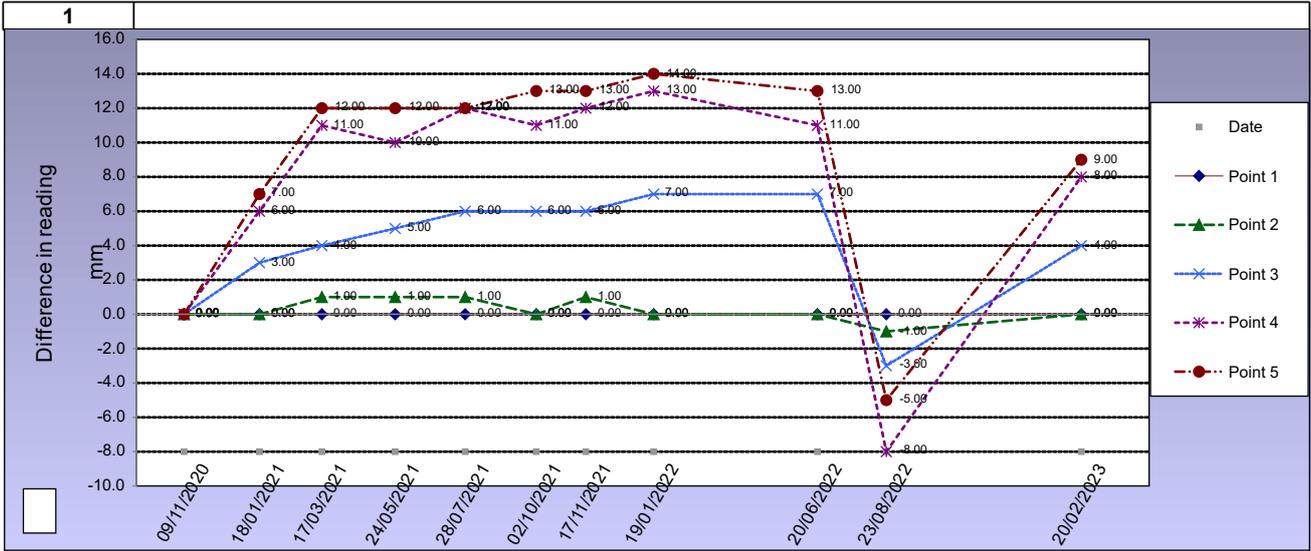
LEVEL MONITORING - RELATIVE SURVEY READINGS

Client: Crawford

Client Ref: 0

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Chart Scale 1:1000



Standard Comments for selection in Readings and Sketch Worksheets
User may edit these as appropriate

Standard Comments	
No Comment	
Standard Comment 1	A further visit is due in
Standard Comment 2	No further readings are planned
Standard Comment 3	The Insured requested an update.
Standard Comment 4	Points fitted and readings taken.
Standard Comment 5	

Standard Bullet
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