

Planning Committee Report	
Planning Ref:	TP/2019/0470
Site:	191 Oldfield Road
Ward:	Whoberley ward
Proposal:	Sycamore (T1) - Crown reduce to 15.0m height and 12.0m spread. Oak (T2) - Remove
Case Officer:	Robert Penlington

SUMMARY

Consent is sought for works to a protected Sycamore and Oak tree at the site. The tree is not within a Conservation Area. The trees to which the application relates is located between the applicant's rear garden boundary and Guphill Lane.

KEY FACTS

Reason for report to committee:	Receipt of over 5 comments in objections
Current use of site:	Residential.
Proposed use of site:	Residential. Application relates to works to protected trees only.

RECOMMENDATION

Planning committee are recommended to grant a split-decision,

- a) to refuse the works to T1 Sycamore; and,
- b) to grant the felling of T2 Oak tree.

REASON FOR DECISION

- The proposed works to T1 Sycamore are not acceptable in principle and will have an adverse impact upon health of the tree and to the amenity of the area.
- The proposed works to T2 Oak are acceptable in principle and are necessary in order to reduce or prevent the continued subsidence to the applicant's dwelling.
- The proposal accords with Policies GE3, GE4 and HE2 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The application seeks consent to Crown reduce the Sycamore (T1) to the dimensions of 15.0m height and 12.0m spread. The Oak (T2) is proposed to be removed.

SITE DESCRIPTION

The trees are identified as (T1) Sycamore and (T2) Oak and forms part of City of Coventry (Guphill Lane No.1) Tree Preservation Order 1995. The trees are located to the verge and the boundaries of the public footpath and sunken lane known as Guphill lane. The area is predominantly residential, with Glendower Lane to the south and Oldfield Road to the north. On either side of the site are residential dwellings and gardens.

PLANNING HISTORY

There have been no recent planning applications on this site.

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF published in March 2012 and updated in February 2019 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF promotes sustainable development and good design is recognised as a key aspect of this.

The National Planning Practice Guidance (NPPG) 2014, this adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policies relating to this application are:

Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation

Policy GE4: Tree Protection

Policy HE2: Conservation and Heritage Assets

CONSULTATION

Immediate neighbours and local councillors have been notified and a site notice was posted on 14th February 2019.

At the time of writing the report, 32 comments have been received in total, 7 in support and 25 in objection. If any further comments are received, they will be reported within the late representations document.

Seven letters have been received in support of the application raising the following material planning considerations:

- a) The trees have scientifically been proven to be causing significant damage to properties within the area. This includes threatening the structural integrity of a number of properties due to the spread of tree roots
- b) The Sycamore should be pollarded and maintained.
- c) The city has a strong need for larger family homes. The provision and retention of family homes are very precious to families and must take priority over trees.

In objection to the proposals the council have received 32 objections raising the following material planning considerations:

- a) Our green spaces within urban areas deserve protection for the benefit of the people, the wider environment and ability to reduce airborne pollution within the City.
- b) Will the tree be replaced in the same area?
- c) A root barrier would be an engineering solution to cutting down the Guphill Oak.
- d) Sympathy for the home owner, the cracks are alarming, a solution is required with some urgency.
- e) Wildlife concerns for the area.

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- a) The removal of the Oak will negate future damage claims against the Council who are financially challenged due to funding cuts.
- b) The Oak was there long before houses were built.
- c) Its removal makes a mockery of tree preservation orders and setting a poor precedent that preserved trees can readily be removed.

APPRAISAL

The main issues in determining this application are the principle of how the proposed tree works will impact upon the local amenity, the health of the trees and the impact of the tree root system on the applicants dwelling at 191 Oldfield Road. The impact of the tree roots relates specifically to preventing the trespass of roots and the abatement of nuisance caused by the roots influential activity of desiccating (drying) the clay subsoils located under the foundation depths of 191 Oldfield Road.

The statutory protection of a TPO tree becomes exempt in accordance with the TPO (2012) Regulations section 14. (1), (ii) in compliance with any obligation as may be necessary for the prevention or abatement of a nuisance.

Tree Specifications and Principle of works

T1 Sycamore is approximately 19m in height and 18m in crown spread. The tree has an upright symmetric crown supported upon a single distinct trunk of approximately 0.9m in diameter. The tree is approximately 100 years of age and in good overall health with declining vitality. The tree is located at approximately 21m from the applicant's dwelling. The reference book Tree Roots and Buildings (1989) Cutler & Richardson identifies that

in 90% of tree related subsidence cases the Sycamore was within 12m from the failed building, and that the typical rooting morphology of this species upon clay soils is of a deep-rooted nature, and that this species can attain heights up to 24m in shrinkable clay urban areas. The Sycamore species is categorised as a moderate water demander within the National House Building Council (NHBC) Chapter 4.2 tables.

T2 Oak is approximately 13m in height and 18m in crown spread. The tree has a spreading symmetric crown supported upon a single distinct trunk of approximately 0.8m in diameter. The tree is approximately 180 years of age and of good health and vitality. The tree is located at approximately 18m from the applicant's dwelling. The reference book *Tree Roots and Buildings* (1989) Cutler & Richardson identifies that in 90% of tree related subsidence cases the Oak was within 18m from the failed buildings, and that the typical rooting morphology of this species upon clay soils is of a deep-rooted nature, and that this species can attain heights up to 23m in shrinkable clay urban areas. The Oak species is categorised as a high-water demander within the National House Building Council (NHBC) Chapter 4.2 tables.

The trial hole/bore hole identified to the TH/BH1 in the Arboricultural Appraisal Report (AAR) is located to the rear of the property. This is where the subsidence cracks are at their widest with readings of 5-15mm (BRE Cat3) in addition to lowering of floors to the rear elevation of the dwelling as identified in the Technical Report. The Geo-Serve Monitoring data identifies that a level monitoring survey has been undertaken over a 2 year period where the levels had been read at quarterly intervals in line with the seasons.

The resulting level monitoring indicates rehydration (swelling through the re-wetting of soils, resulting in the raising of levels) of the plastic clays during the seasonal wet periods of late autumn, winter and spring, and also in-line with the dormancy of the trees. The results also show the periods when the soils start to dry out and become dehydrated/desiccated and where the levels are lower. This is also in-line with the month of May when Oak species start to grow. The seasonal illustrations are in-line with the results recorded by the on-line Bablake Weather Station.

The Site Identification Report identifies the foundation depths at BH1 to be 500mm deep (made up of 350mm brick and 150mm poured concrete strip). A band of medium to high plastic clay soils were found within bore hole BH/TP 1 from foundation depths to 700mm below ground level. Within depths of 700mm below ground level non-woody roots of both Sycamore and Oak were discovered and identified under lab conditions.

The drains were defective, but satisfactorily repaired prior to the monitoring.

The Moisture Content Profile for the area identifies a period during the end of August 2016. This is a period when Oak species is still active in evaporation of their surrounding soils. The monitoring results show the moisture content of the soil and its related depths in line with trial pit bore hole 1 located to the rear elevation, and the control bore hole 2 (BH2) located to the front elevation. The results show that the soils located to the rear garden are approximately 5% dryer than BH2 to the front when read at the same depths. The Oak tree's roots were discovered at the foot of the foundations.

Due to the other specimens of Sycamore tree within the immediate area, a DNA test would be required in order to substantiate that T1 is a contributory influence to the subsidence of the applicant's dwelling. At present this cannot be proven.

The Arboricultural report remarks on the possibility of constructing a root barrier at approx £25k. However even if funding could be found, its construction would need agreement from both neighbours to both sides. If the council were to refuse the felling and the damage were to continue then the estimated underpinning substructure repairs would be approximately £80k which the Council may then be liable for.

The Sycamore tree is mature in years and of a species and age class unlikely to tolerate such heavy reduction works. Such heavy pruning is likely to stress the crowns to decline due to the sudden alterations to its ratio between woody mass: and photosynthetic leaf surface area, and the exposure of the large surface pruning wounds following the works. The resulting large surface area pruning wounds would act as pathogen entry points for fungal inoculation into the tree's xylem vessels, which at the trees' age would be less likely to efficiently defend against.

The works to the Sycamore will make a negative impact to the visual forms of the symmetric crowns, and upon the tree's long term health and their contributions to the surrounding area.

As specified by the TPO (2012) Regulations section 14. (1), the protective status of a TPO tree becomes exempt when a tree becomes dangerous or at risk to a dwelling.

Impact on visual and neighbouring amenity

These trees considerably contribute towards the local amenity of the area and to the historic landscape and local wildlife. There is also likely to be some benefit to local air quality. They line the publically accessible ancient sunken lane of Guphill Avenue, which forms an attractive footpath linking Broad Lane and Glendower Avenue with Whoberley Avenue.

Whilst the felling of the Oak is accepted as being exempt from ongoing protection due to the apparent evidence associated with the impact on the applicant's property, a replacement tree would help mitigate the loss of this amenity value, at least in part.

The Sycamore also provides such amenity value and whilst insufficient evidence exists to justify the proposed works it is not possible to exclude the tree from its TPO status. As such, the proposed works are considered to be contrary to the policies GE3 and GE4 of the Local Plan 2016.

CONCLUSION

The proposed felling of the subject Oak tree is considered to be acceptable in order to prevent the abatement of Oak tree roots damaging the applicant's dwelling. A replacement tree of low water demand would be required in order to continue amenity contributions for the local amenity of the area.

The proposed works to the sycamore however are not deemed appropriate and would have a negative impact on the amenity of the local area. There is also insufficient

information to demonstrate that the sycamore is contributing towards the damaging of the applicant's property.

Therefore, Planning Committee are recommended to GRANT consent for the works to the T2 oak subject to conditions which secure the replacement tree but REFUSE the proposed works to the T1 Sycamore.

The reason for Coventry City Council granting permission for the Oak is because the proposed felling is in accordance with the TPO (2012) Regulations section 14. (1), (ii) and therefore Policies GE3, GE4 and HE2 of the Coventry Local Plan 2016, together with the aims of the NPPF.

The reason for Coventry City Council refusing permission for the Sycamore is because there is currently no evidence supplied that the tree is influential to the foundation movement of the property, and that the proposed pruning works would be contrary to Policies GE3, GE4 and HE2 of the Coventry Local Plan 2016 together with the aims of the NPPF.

Sycamore (T1) - Crown reduce to 15.0m height and 12.0m spread.

Oak (T2) - Remove.

CONDITIONS/REASON - Removal of (T2) Oak only.

1. The works hereby permitted shall be carried out only in strict accordance with the details shown on the approved plans and in the application documentation.

Reason: *To ensure that any works are carried out only in accordance with the terms of this permission in the interests of visual amenities of the area in accordance with Policy GE3 of the Coventry Local Plan 2016.*

2. The works hereby permitted shall only be carried out in strict accordance with British Standard BS3998 - Tree Work Recommendations or any equivalent standard.

Reason: *To ensure that the work is undertaken to an acceptable level of competence in the interests of the vitality and viability of the tree(s) in accordance with Policy GE3 of the Coventry Local Plan 2016.*

3. Within six months of the felling of the subject tree hereby approved replacement planting shall be undertaken as follows:
a tree(s) of a size, species and location to be agreed in writing by the local planning authority and shall be maintained in strict accordance with a schedule of maintenance for the tree(s) until successfully established to be agreed in writing by the local planning authority. All trees shall be planted in accordance with British Standard BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). If within a period of five years from the date of planting the tree(s) (or any other tree(s) planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree(s) of the same size and species as that originally planted shall be planted at the same place within the first

planting season following the removal, uprooting, destruction or death of the original tree(s), or in accordance with any variation for which the local planning authority give their written consent.

Reason: *In the interests of the visual amenities and natural environment of the area in accordance with Policies GE3, GE4, HE2 of the Coventry Local Plan 2016.*