

P/14/0617/TO

ELLIPTA LIMITED

FAREHAM EAST

AGENT: INNOVATION GROUP
ENVIRONMENTAL

(A) FELL TWO OAKS (T6 AND G1.1 OF THE TPO) AND (B) FELL ONE OAK (T5 OF THE TPO). THE TREES ARE PROTECTED BY TPO601

46 PARK LANE FAREHAM HAMPSHIRE PO16 7LB

Report By

Paul Johnston - extrn.4451

Site Description

This application relates to trees situated within the curtilage three detached properties, 44a, 46 and 48 Park Lane adjacent to each other and on the east side of Park Lane.

Description of Proposal

Consent is sought to fell three oaks protected by TPO 601 which have been implicated in subsidence.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

Fareham Borough Local Plan Review

DG4 - Site Characteristics

Relevant Planning History

The following planning history is relevant:

P/95/0346/TO

PRUNING OF ONE OAK TREE COVERED BY HTPO41

REFUSE

14/06/1995

Representations

One representation has been received objecting to the works due to the impact on the street scene. It was also commented that the roots of the trees may be drawn to the high moisture level at the property.

Planning Considerations - Key Issues

Government guidance suggests that in considering applications the Local Planning Authority are advised:

(1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and

(2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

They are advised also to consider whether any loss or damage is likely to arise if consent is

refused or granted subject to conditions.

In general terms, it follows that the higher the amenity value of the tree or woodland and the greater the impact of the application on the amenity of the area, the stronger the reasons needed before consent is granted. On the other hand, if the amenity value of the tree or woodland is low, the impact of the application in amenity terms is likely to be negligible.

Tree preservation orders seek to protect trees in the interest of public amenity; therefore it follows that the removal of a protected tree should only be sanctioned where its public amenity value is outweighed by other considerations.

Fareham Borough Council has received an application to remove three mature oak trees situated at 44a Park Lane, 46 Park Lane and 48 Park Lane, Fareham on the grounds that they are causing subsidence to the dwelling at 46 Park Lane. Damage first occurred in 1993 and in 1996 underpinning and superstructure repairs were undertaken, which involved deepening the foundations to 2.5 metres.

During the summer of 2012 the current owner of the property reported additional damage to the property to his buildings insurers. Following more significant damage during the following year the insurers agreed an engineering solution to deepen the foundations further and the work commenced in February 2014. Shortly after work began exceptionally high ground water levels were encountered, which prevented the excavation works taking place and the additional underpinning was abandoned.

In June 2014 the buildings insurers arboriculturist and engineer proposed the removal of three oak trees situated to the front of the property citing them as the primary influence on the soil beneath the original 1996 underpinning.

Several trial pits have been excavated and boreholes sunk around and beneath the dwelling, which identified a highly shrinkable clay subsoil. In one of the seven boreholes (borehole no 4) situated in front of the garage to the north west of the building, roots identified as oak were recovered at a depth of 3 metres.

The three application trees predate 46 Park Lane, which was built in 1954 and form part of a significant treed frontage along the eastern side of Park Lane. These trees make a significant contribution to the character and public amenity of Park Lane due to their size and prominence in the landscape. One of the application trees situated to the front of 48 Park Lane is a very old and large specimen, arguably approaching veteran status.

In this instance it is concluded that the supporting evidence is not conclusive in terms of identifying all three trees as a material cause of damage to the property. This case seems to be complicated, even by subsidence standards, due to the failure of previous underpinning, a high water table and an initial proposal to undertake further underpinning as part of the current claim.

In light of the foregoing, officers can only sanction the removal of the two closest oak trees (A) Application Tree 2 - TPO 601 T6 and Application Tree 3 - TPO 601 G1.01 which are within 16 metres of the dwelling. Officers are unable to justify the removal of the most significant oak, as per (B) Application Tree 1 - TPO 601 T5, which is furthest from the damaged building approximately 22 metres away.

Recommendation

CONSENT: Works to be undertaken within 2 years and work to accord with BS3998:

A) Fell Application Tree 2 (T6 of the TPO) and Application Tree 3 (G1.01 of the TPO).

REFUSE: Insufficient arboricultural evidence, harmful to visual amenities and character of the area:

B) Fell Application Tree 1 (T5 of the TPO).

Notes for Information

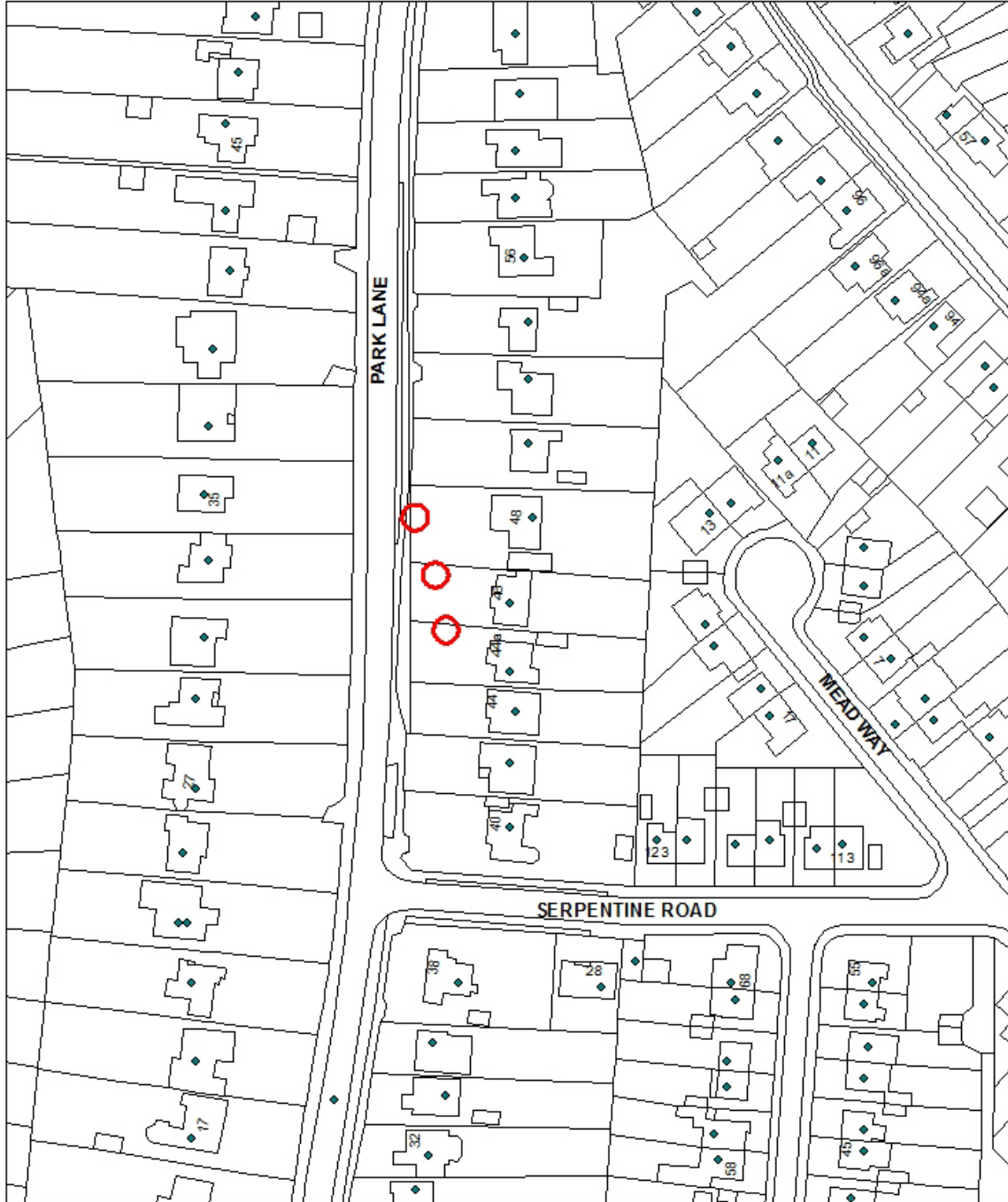
Notice of work commencement; Right to carry out work over property other than applicant's own; Terms as BS3998 and work in accordance with recent arboricultural research; Care to wildlife and bat protection.

Background Papers

Please see Planning history above, letter from Ellipta date 13 June 2014 and accompanying report reference T.18899.RE/HM.

FAREHAM

BOROUGH COUNCIL



46 PARK LANE
SCALE: 1:1,250

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