

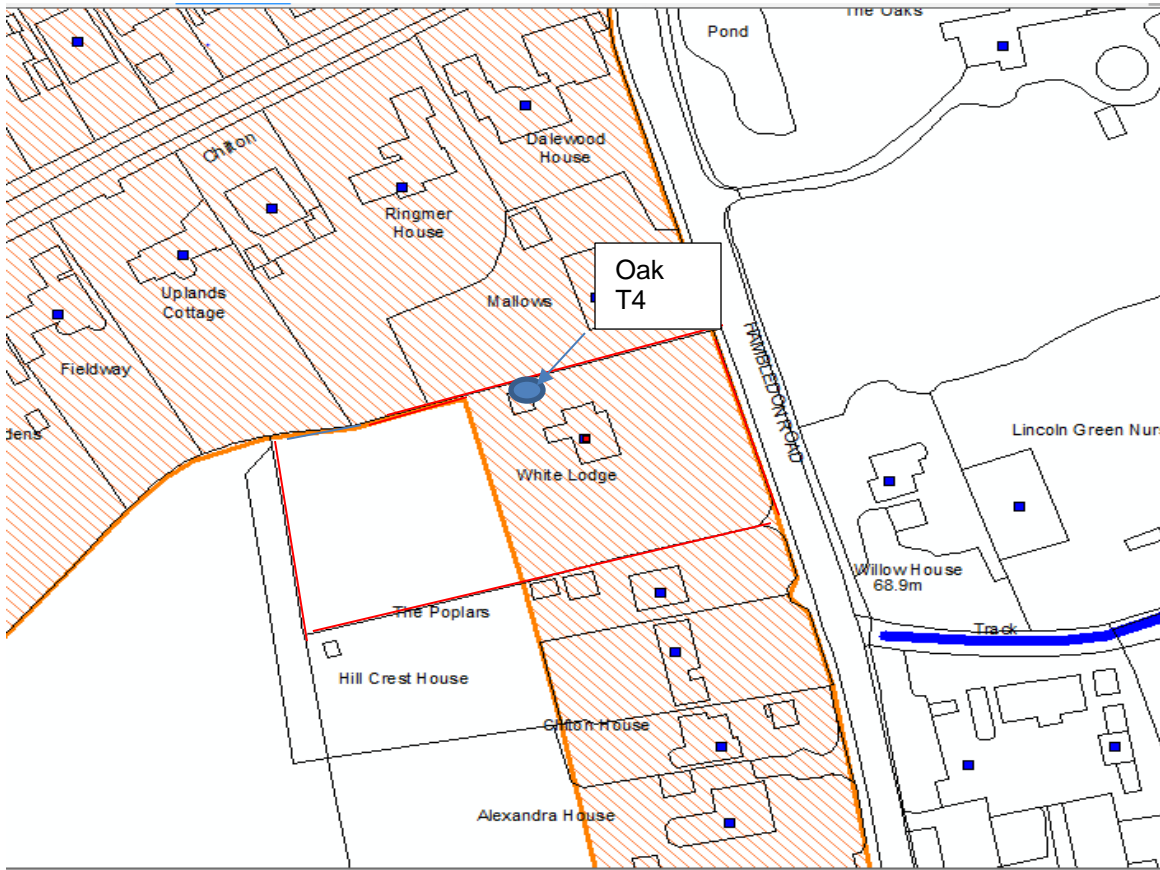
WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 22/02430/TPO
Proposal Description: Oak tree (T4) - fell and treat stump
Address: White Lodge Hambledon Road Denmead Hampshire PO7 6ES
Parish, or Ward if within Winchester City: Denmead Parish Council
Applicants Name: Emma Whytefield
Case Officer: John Bartlett
Date Valid: 31 October 2022
Recommendation: Permit Application
Pre Application Advice No

Link to Planning Documents

[Link to page – enter in reference number 22/02430/TPO](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>

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Reasons for Recommendation

This application is recommended for approval because the Oak tree (T4) has been implicated as a material cause of subsidence damage to the property of White Lodge. A tree works application to fell the tree and treat the stump has been submitted by the property's insurers.

General Comments

Denmead Parish Council have requested that this application be determined by Planning Committee. A copy of their letter is attached to this report (Appendix 1) .

Site Description

The tree is located in the side garden area of White Lodge Hambleton Road Denmead and can be partially seen from the public standpoint of Hambleton Road. The tree is a mature large English Oak specimen of average form which appears to be in an average overall condition.

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Proposal

Oak tree (T4) - fell and treat stump

Relevant Planning History

This Oak tree (T4) is protected by TPO 1092 (G2) which was made in 1992 and protects a group of three Oak trees.

A previous tree works application:- 22/01430/TPO was submitted to fell Oak tree (T5) which was also implicated in a subsidence claim. This application was permitted with a condition to replant with a suitable new tree in the planting season which is between November and February.

Consultations

None.

Representations:

Denmead Parish Council

- Removal of ancient trees in a climate emergency should be a last possible resort after methods such as underpinning have taken place.
- The proposal goes against Winchester City Council's Carbon Neutrality Action Plan 2020-2030 which states that the local plan must "promote low carbon development and transport while protecting heritage and the natural environment, which include policies designed to secure development and the use of land contribute to the mitigation of and adaptation to climate change" and "safeguard our district's extensive natural habitats and precious ecosystems by delivering the actions in our Biodiversity Action Plan".
- Ancient trees cannot be replaced.

Objections have also been received from different local addresses citing the following reasons:

- Removal of such an ancient tree would be a tragic loss of a beautiful and valued.
- Against current directions in protecting the environment in global warming prevention.
- Proposed offsetting of carbon does not replace the natural beauty and aesthetic value and importance of such a tree to local wildlife.

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Has there been any support ? Please say whether or not.

Relevant Government Planning Policy and Guidance

Tree Preservation Orders and trees in conservation areas

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

CP13, CP15, CP16 & CP20

Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM 24

Denmead Neighbourhood Plan

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Air Quality SPD September 2021

Other relevant documents

CLIMATE EMERGENCY DECLARATION CARBON NEUTRALITY ACTION PLAN 2020 – 2030

Statement of Community Involvement 2018 and 2020

Planning Considerations

This Oak tree can be clearly seen from the public standpoint of Hambledon Road and has a good public visual amenity value, so its removal will have a detrimental impact on the landscape. However, sufficient evidence has been provided that this tree is a material cause of notable soil desiccation which has led to subsidence damage to this property.

If consent to this application is granted a planning condition will be included in the consent to plant a suitable replacement tree in the next available planting season between November and February.

Principle issues

This Oak tree (T4) has been implicated in a subsidence related insurance claim. Sufficient evidence has been provided by the Insurers in the form of level monitoring results which confirm seasonal movement associated with the influence of this Oak tree. The most significant movement has been found to be on the far right corner of the building and level monitoring data is showing readings of up to 20mm of downward movement. This downward movement is located on the side of the building that is adjacent to the Oak tree.

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An independent structural engineers report in addition to the property owner's insurers levelling monitoring report has been submitted with this application that indicates significant soil desiccation underneath the foundations of the property which is the main cause of the subsidence to the dwelling. The structural engineer's report also gives factual evidence to show that the tree is an influence on the structural integrity of the dwelling and is likely to be the material cause of damage.

It is anticipated that the costs of underpinning the house would be in the region of £45,000. However, experience of these type of cases indicates that these costs could increase significantly if the Council were to refuse this application. This is due to the length of time it can take to carry out this type of work, and deeper specialist foundations often being required.

The expert reports referred to establish that the Oak tree is causing damage to the house therefore, if this application is refused, the council will be immediately exposed to this financial liability as underpinning would be the only other option available.

The council's liability arises under Regulation 24 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which states that if it is established that loss or damage has been caused or incurred as a result of the refusal of any consent under these Regulations; that person shall, subject to other factors, be entitled to compensation from the authority.

Impact on character and appearance of area.

The removal of this tree will have a significant impact on the public visual amenity value of the area.

Ecology and Biodiversity

If permission is granted, there will be a short term negative impact. However, a condition will be added to replace this tree with a suitable species.

Recommendation

Permit application subject to the following condition(s):

Conditions

1. The approved work(s) shall be carried out in accordance with the British Standard 3998 : 2010 Tree Work Recommendations, Chapter 7. Pruning and related work

REASON- To minimise the impact and ensure the work carried out is to the long term well-being and visual amenity of the tree(s) and; to satisfy Policy DM15 of the adopted Winchester District Local Plan Part 2 2017.

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2. The permitted work shall be completed within two years and carried out only once from the date of this consent.

REASON- To accord with part 4, regulation 17 (4)(a) and (b) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012.

3. Following the removal of the tree hereby consented - an extra heavy standard of 14/16 cm girth size shall be planted within the area of land near to the tree being removed and within a period of 9 months from the date that full planning permission is granted. The species to be planted will be agreed in writing with the LPA. Planting of the new tree shall take place in the next available planting season between November and February.

The replacement tree shall be selected from the following tree types:

1. Common Beech - *Fagus sylvatica*
2. Common Hornbeam - *Carpinus betulus*
3. Tulip Tree - *Liriodendron tulipifera*

The precise size, species, location or period of time may be varied under an agreement made in writing with the council.

If, within a period of 2 years from the date of planting, the tree (or any other trees planted in replacement for it) are removed, uprooted, destroyed or dies, another two trees of the same size and species shall be planted at the same place, or in accordance with any variation for which the local planning authority give their written consent.

Reason - To maintain the tree cover and the contribution that trees make to the character and amenity of the area.

Informatives:

Your application will determine whether the proposed tree works are acceptable in planning terms. Please be aware that this will not automatically override your responsibilities under other legislation and in particular your attention is drawn to the Wildlife and Countryside Act 1981 as amended, the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2017. This legislation Protects ALL wild birds, their nests (whether in use or being built) and eggs and other wild animals including bats and their roosts in or adjacent to trees. In simple terms, you should make sure that there are no wild birds nesting in or bats roosting in or adjacent to the tree(s) that you are proposing to work on. It is a criminal offence to harm or destroy any bird, its nest or its eggs or any bat or its roost (even if the roost is not occupied at the time).

This decision notice, along with any observations that have been made on the application file, does not constitute a tree safety inspection. Neither does this decision indemnify the tree owner against any future damage caused by the tree. The tree has been assessed only as far as is necessary to determine the suitability of the proposed work. In the absence of any supporting technical evidence, submitted from an appropriate expert, which relates to the trees condition, the decision is based on the assumption that the tree is in good health and structural integrity. If you have concerns about the condition of the tree, you are advised

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to contact the Arboricultural Association at www.trees.org.uk for independent advice (a fee may be applicable).

An extra heavy Standard is defined as having 14-16 cm girth at planting and having a height between 4 and 4.5 metres at planting. Replacement of trees is enforceable in law and failure to comply with the condition could result in the issue of a tree replacement notice and prosecution if the local planning authority believes that the criteria of the condition has not been met.

Trees make an important contribution to the character of the area creating a green environment which we all enjoy. Winchester City Council encourages the planting of new trees to replace any that are felled in order to maintain the positive benefits that trees provide

Appendix1

Comments for Planning Application 22/02430/TPO

Application Summary

Application Number: 22/02430/TPO

Address: White Lodge Hambledon Road Denmead Hampshire PO7 6ES

Proposal: Oak tree (T4) - fell and treat stump (See original application)

Case Officer: John Bartlett

Customer Details

Name: Denmead Parish Council

Address: Denmead Parish Council, The Old School, School Lane, Denmead Waterlooville, Denmead PO7 6LU

Comment Details

Commenter Type: Parish Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Denmead Parish Council raises A STRONG OBJECTION, again with a request that the proposal is put before Winchester City Council Committee, on the following grounds: Denmead Parish Council (DPC) has noted that a previous application to remove Oak T5 (22/01430/TPO) was recently permitted despite a strong objection from DPC. DPC's request for the application to go before Winchester City Council's planning committee was ignored.

This application is for Oak T4 to be removed. It would appear that poor house footings are the cause of the issue, and the removal of ancient trees that were there prior to the house being built will not necessarily solve the issue. It was also noted that several other houses in the immediate vicinity have already been underpinned, and removal of trees in a climate emergency should be the last possible resort after methods such as underpinning have taken place.

Winchester City Council declared a climate emergency in June 2019. Its Climate Emergency Carbon Neutrality Action Plan 2020-2030 states that the Local Plan must "promote low carbon development and transport while protecting our heritage and natural environment, including policies designed to secure that development and the use of land contribute to the mitigation of and adaptation to climate change" and "safeguard our district's extensive natural habitats and precious ecosystems by delivering the actions in our Biodiversity Action Plan". This proposal is contrary to those policies and goals.

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Ancient trees cannot be replaced. No facts have been presented by the applicant to justify the removal of any trees. The removal of one tree at a time will have no effect on the claim that the trees are causing subsidence to the property.

There is a strong precedent of the underpinning of house foundations in the immediate vicinity and this alternative to tree removal should be used in the first instance.