

East Malling & Larkfield **569551 159720** **15 September 2009** **TM/09/01329/TPOC**
Larkfield North

Proposal: Oak Tree - Dismantle to ground level due to damage to drains and possible foundation damage to neighbouring property (T.P.O. 12.09.24)
Location: 5 Springfield Road Larkfield Aylesford Kent ME20 6JE
Applicant: Mrs June Smith

1. Description:

1.1 The proposal is to remove a mature Oak tree.

2. Reason for reporting to Committee:

2.1 Local opposition reported through the PC.

3. The Site:

3.1 The tree stands between no 5 and no. 3b Springfield Road.

4. Planning History:

TM/98/00907/TPOC Grant With Conditions 20 November 1998
remove boughs from oak tree (T.P.O. 12-09-24).

TM/04/03210/TPOC Grant With Conditions 13 October 2004
Reduce crown of Oak tree by 20% (T.P.O. 12-09-24).

5. Consultees:

5.1 PC: This is a substantial tree which appears to be in good condition. The bungalow was built in the 60's and the new bungalows built at a later date to the north. The Council recalls that there were discussions about the tree when the 'new' bungalows were built and local concern that these would affect the tree. Felling of the tree is likely to cause local concern and its complete removal should only take place if the Borough Council is satisfied that there is no alternative.

6. Determining Issues:

6.1 This is an apparently healthy Oak tree which stands approximately 15-20 m high. It stands between two bungalows and is approximately 3m from the side wall of 5 Springfield Road.

- 6.2 The owner wishes to fell the tree due to damage to drains and possible future foundation damage. Roots have been cleared from the adjoining bungalow at 3b Springfield Road. There is also an expressed concern about a health hazard from bird droppings and the excessive amount of leaf fall and acorns in the autumn making it dangerous underfoot.
- 6.3 A structural report has been submitted which indicates that there is no structural damage to the main building at present. However, there is damage to surrounding hard standing and a retaining wall. It is alleged that the roots of the tree were cut when the adjoining bungalow was built approximately 20 years ago. The planning application was approved in August 1988 (TM/88/12043/FL). The adjoining bungalow stands approximately 4m from the tree. I understand that Building Regulations were not dealt with by this Council but by the NHBC.
- 6.4 Any new development would not now be allowed to be constructed so close to the tree bearing in mind the provisions of B.S. 5837:2005. (The previous British Standard B.S.5837 come into force in 1991 after the bungalow at 3B was built. However, the Standard at that time, was not as rigorous as the 2005 Standard).
- 6.5 The crown of the Oak was reduced approximately 5 years ago and has regenerated well.
- 6.6 The sheer size of the tree in such close proximity to both properties is of concern.
- 6.7 I believe that it is inevitable that the roots would have been damaged by construction of foundations to 3b Springfield Road. Although the crown of the tree has recovered well from being cut back, it is questionable where the main structural roots actually go if they are restricted on each side. Under these circumstances I believe there is some concern over its stability in high winds.
- 6.8 The tree will have developed other smaller roots and feeder roots in an attempt to compensate for damage. However it is unlikely that these will be of any substantial size.
- 6.9 The tree towers above the bungalows and as a consequence any fall of acorns and any dead wood has a significant impact on the roofs of both buildings.
- 6.10 Due to the exceptionally close proximity to both buildings and very likely damage to roots in the past I consider the proposal to remove the tree to be acceptable. The owner has offered to supply other Oak saplings to be planted elsewhere on public open space.

7. Recommendation:

- 7.1 **Grant Consent** in accordance with the following submitted details: Site Plan dated 02.06.2009, Other validation checklist dated 02.06.2009, Letter dated 03.09.2009, Letter dated 03.09.2009, Other drainage report dated 02.06.2009, Block Plan dated 15.09.2009.

Contact: Liz Guthrie