



ETHICAL
ARBORICULTURE

Review of information provided regarding the removal of a Mature Oak at 9 Barnards Way

Application reference 20/00652/TRE

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03/11/2021

Having been approached by a resident concerned over the removal of the tree that was protected by TPO 06/00004 and subsequently met the individual, along with a number of other residents that are concerned over this matter, I have been asked to review the information provided and what is available online within the application and provide an overview/critique of the process that could be used in a meeting with Peterborough City Council to discuss and review this decision and its process.

I have not received and remuneration for this work and have attempted to remain impartial at all points.

Inaccuracies within the Arb Report

Tree diameter is 1.64m at 1.5 m height not 1000mm as specified. While this may seem insignificant it does raise concerns over the accuracy of any further measurements taken or detail included.

Moisture demand and zone of influence has been left out of the report. In a situation where subsidence is theorized the moisture demand of all species would normally be included, along with the zone of influence of all species, especially those planted post construction. As an example, an Immature eucalyptus is not included within the report, it may possibly be a spelling error and recorded as Euonymous in SG2, but is clearly visible from the adjacent path. This species is of high moisture demand with a zone of influence of approximately 22.5 metres in diameter.

That the Oak is at fault. While a large tree is commonly blamed, and in some circumstances rightly so, it should be noted that this mature tree was present at the time of planning and construction and should have had a foundation designed to reflect its presence. It is clearly illustrated on the planning application no 98/01011/FUL drawing no 520/SB and Drawing no 520:1, which does not illustrate a conservatory. The Moisture demand is highly unlikely to have significantly increased during this time and given the species and age it is highly unlikely that the tree has vastly increased in size.

Condition C9

It also seems that Condition C9 of the planning approval 98/01011/FUL has not been complied with the construction of the conservatory. Condition C9 clearly states "Notwithstanding the provisions of The Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), No garage, carport or domestic enlargement or building or enclosure shall be constructed within the curtilage of plots 4 or 5 other than those expressly authorised by this permission. 9 Barnard way is recorded as plot 4 on the drawing no 520:1 and there is no recorded application for planning permission, or visible record with building control for the construction of this additional domestic enlargement, therefore it would appear that the structure has been erected illegally.

While this may not be the fault of the current homeowner, we would expect this issue to have been noticed when searches for the purchase of the property were carried out and the issue surrounding the building movement arisen.

It should also be noted that because of this condition, before any below ground repairs or replacement structures are erected a planning application must be made to satisfy this condition.

Subsidence

While I am not a qualified structural engineer, I have consulted with an engineer regarding this matter and have also acted as an independent Arboricultural advisor for several disputed subsidence claims. As such I have reviewed the evidence from level monitoring and have an understanding of the figures presented.

The level monitoring clearly indicates a **positive** figure across all 16 points, although these figures are greater to the points contained to the rear of the property. A positive figure usually indicates heave rather than subsidence. As clay soil rehydrates it expands, the volume of which is defined by the plasticity index. By plotting the dates with the highest increase in height against the rainfall obtained from the Cambridge NIAB weather station via the met office website, it would appear that these changes are in line with rehydration from rainfall in both the month prior and during the month of the level monitoring visit.

While there are differences in height increases from the front of the property to the rear, the rear being where there are the largest changes in height, these are greater on the conservatory than the actual house. This would be in line with the difference in loadings between foundations, the house foundation bearing more weight and being more substantial, rather than a difference in volume change potential, as indicated in the GSTL Liquid limit, Plastic Limit and Plasticity index report dated 05/03/2019 whereby TH1 test results indicates plasticity index of 23% at 0.85m depth and 21% at 1.35 while TH2 indicates at plasticity index of 40% at 1.3, 38% at 1.8, nothing recorded for 2.3 with 27% at 2.8

Conclusions

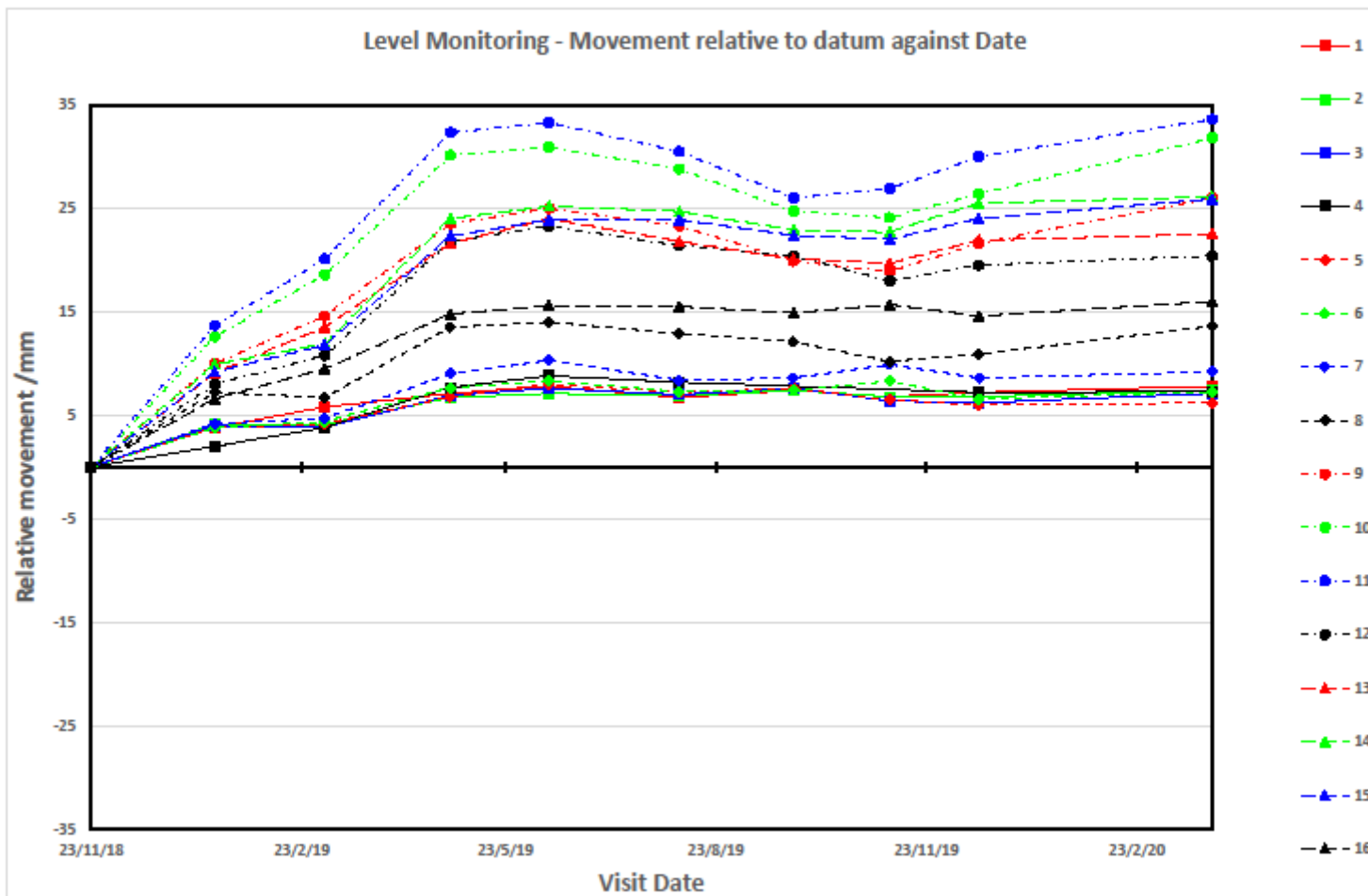
With the points raised above I struggle to see the justification behind the removal of the protected tree and believe that before any decision is made further investigation into whether this is a case of subsidence or heave, as removal of the tree would result in further issues if heave were found to be the cause, should be carried out by an independent structural engineer.

I would also question as to whether the justification for removal is sufficient, considering the conservatory is technically an illegal structure that would appear to not be compliant with building regs regarding foundation depth, and whether the Council would technically be liable for any issues with a structure that shouldn't be there.

- C9 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no garage, carport or domestic enlargement or building or enclosure shall be constructed within the curtilage of plots 4 or 5 other than as those expressly authorised by this permission.
- R9 In order that the Local Planning Authority can assess the impact of proposed future developments on protected trees.
- C10 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows shall be inserted at first floor level into the rear elevation of the building on plot 6 or into the west flank elevation of the buildings on plot 1 and plot 5, other than those shown in the approved drawings.
- R10 In the interests of residential amenity.
- C11 No development shall take place until a scheme for the provision of fire hydrants has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- R11 In the interests of the safety of future residents.

The notes on the following sheet should be read in conjunction with this decision notice.


Head of Planning Services



Level Monitoring illustrating a POSITIVE movement rather than negative

Tree No	Common Name	Age Class	Condition	Height (m)	Crown Spread (m)	Stem diam. (mm)	Dist to bldg. (m)	Roots Implicated	Pruning history	Recommendation	Tree work constraints	Notes	Owner address	Owner
T1	Oak	Mature	Fair	12.3	8*	730	8.9	Y	Subject to past management	Fell and treat stump			9 Barnard Way, Bretton, Peterborough, PE3 9YZ	PH
T2	Oak	Mature	Fair	17.5	14*	1000*	14.9	Y	Subject to past management	Fell and treat stump		Large limb had recently fallen onto the garden and caused damage to the neighbours' fence	Peterborough City Council	LA
SG1	Mixed species group	Mature	Fair	1.8	0.5	10	1.8	N	Subject to recent management	No work required		Species include Rose, Dogwood, Maple and Honeysuckle	9 Barnard Way, Bretton, Peterborough, PE3 9YZ	PH
TG1	Mixed species group	Mature	Fair	4.1	2.5	50	4.8	N	Subject to recent management	No work required		Species include Dogwood, Birch, Pittosporum, Fatsia and Mespilus.	11 Barnard Way, Bretton, Peterborough, PE3 9YZ	P3P
SG2	Mixed species group	Mature	Fair	2	1.0*	30	6.9	N	Subject to recent management	No work required		Species include Dogwood, Ivy, Euonymous, Rose,	9 Barnard Way, Bretton,	PH

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