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Date: 31 January 2025
My ref: TF/TPO/789/1996/242894



WOKINGHAM BOROUGH COUNCIL

Mrs Jackie Gumsley
MWA Arboriculture Ltd
Unit 8 Stephenson House
Horsley Business Centre
Horsley
NE15 0NY

Place and Growth
Development Management Team
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000

Dear Mrs Gumsley,

TREE PRESERVATION ORDER NUMBER: 789/1996

APPLICATION NUMBER: 242894

SITE ADDRESS: 1 BADGERS SETT, CROWTHORNE, WOKINGHAM, BERKS, RG45 6EY

I am writing to you regarding your application to carry out works to a tree located on land at 1 Badgers Sett, Crowthorne, which was received and validated on 18 November 2024.

Wokingham Borough Council **refuses consent** to the following work being carried out to tree(s) included in the aforementioned Tree Preservation Order (TPO):

You have applied to undertake the following works within Area 1 of TPO 789/1996:

T4, Oak (of the MWA Arboricultural Report)

- Remove (fell) to near ground level. Owner to physically remove any regrowth (no chemical treatment due to translocation risk).

Reasons stated for works:

Clay shrinkage subsidence damage at 2 Greenside, RG45 6EX

This application is supported by the following documentation:

- MWA Arboricultural Report 22/07/2024
- Crawco Add Arb Report 15/11/2024
- Crawco Tech Report 02/03/2023
- Fastrack SI Report 08/11/2022
- Crawco Crack Monitoring 13/12/2022 - 24/09
- Knight Level Monitoring 14/10/2022 - 24/09/2024

Reasons for refusal:

When setting out the reasons for the proposed works to trees an applicant is required to provide sufficient evidence to support the application. Applications that would endanger the health or condition of a tree or greatly reduce its amenity value to the local environment, and thereby undermine local landscape character, are unlikely to be approved unless there are strong reasons to do so. The reasons stated for the removal of T4 (Oak) currently fail to demonstrate that the works are proportionate and justified in the interests of health and safety or structural damage, at this time.

The Planning Portal application guidance notes for applications to prune/remove trees due to subsidence issues (ref: Sc31 V1.1 England) advise that reports by a structural engineer with technical analysis from other experts (e.g. trees and soil) should provide the following information:

1. A description of the property including a description of the damage and crack patterns, details of any previous underpinning or building works and the geological strata for the site identified from the geological map.
2. Measurement of the extent and distribution of vertical movement using level monitoring. Where level monitoring is not possible, state why and provide crack-monitoring data. Data provided must be sufficient to show a pattern of movement confident with the presence of the implicated tree(s).
3. Proposals and estimated costs of Options to repair the damage.

The applicant has not provided conclusive data in relation to the requirements 1 to 3 listed above. The Council makes the following observations below:

The application states the damage was first noticed in July 2022. There are no details of any previous underpinning or building works and only limited geological strata information has been included. The geology is noted as Bracklesham in the Technical report (ref: SU2203515) P.4 and states, *'The solid geology appears to outcrop in this location, although we cannot rule out the presence of superficial deposits at shallow depth'*.

Level Monitoring Data

The Level Monitoring Data (ref: SU2203515) provides level monitoring from monitoring dates 14/10/2022 to 24/09/2024.

The control (datum) point 'TBM1' used in the level monitoring data is shown to be located on the property itself, adjacent to the trees which the Arboriculture report states are implicated in causing subsidence. Level monitoring points are referenced to a static datum point, therefore the datum point chosen should have been a stable point in an unaffected area of the building you are monitoring. For example, a sewer drain of a good depth, or a purpose installed deep datum at a minimum of 6-8m below any root network. Failure to choose a stable datum will bias the data. The level monitoring data in this case, is therefore considered to be compromised.

With regards to the Level Monitoring Data the Addendum Arboricultural Report (ref: 12557645B) states :

'Damage was observed to worsen during summer 2022 during a time of year when soil moisture deficits due to tree root activity would be reaching their peak'.

'The area of movement and damage is consistent with the locations of the subject trees'.

*'The **pattern of movement is entirely consistent with the seasonal, cyclical influence of tree roots on soil moisture, foundations moving down during summer months when roots are active and extracting soil moisture, then returning to recovery and uplift as soil moisture increases during winter when tree roots are inactive'.***

The statements above are incorrect, Fig 1. below from this report does not show any level monitoring during summer 2022 as it starts in October 2022 and shows an apparent 7 or 8mm initial rise in ground levels in late 2022 with further rising in the summer months leading up to July 2023. The pattern then follows what could be described as consistent with seasonal movement but from an elevated position with another rise in levels again leading up to March 2024, which shows all level readings remaining above the initial reading. This irregularity has not been explained.

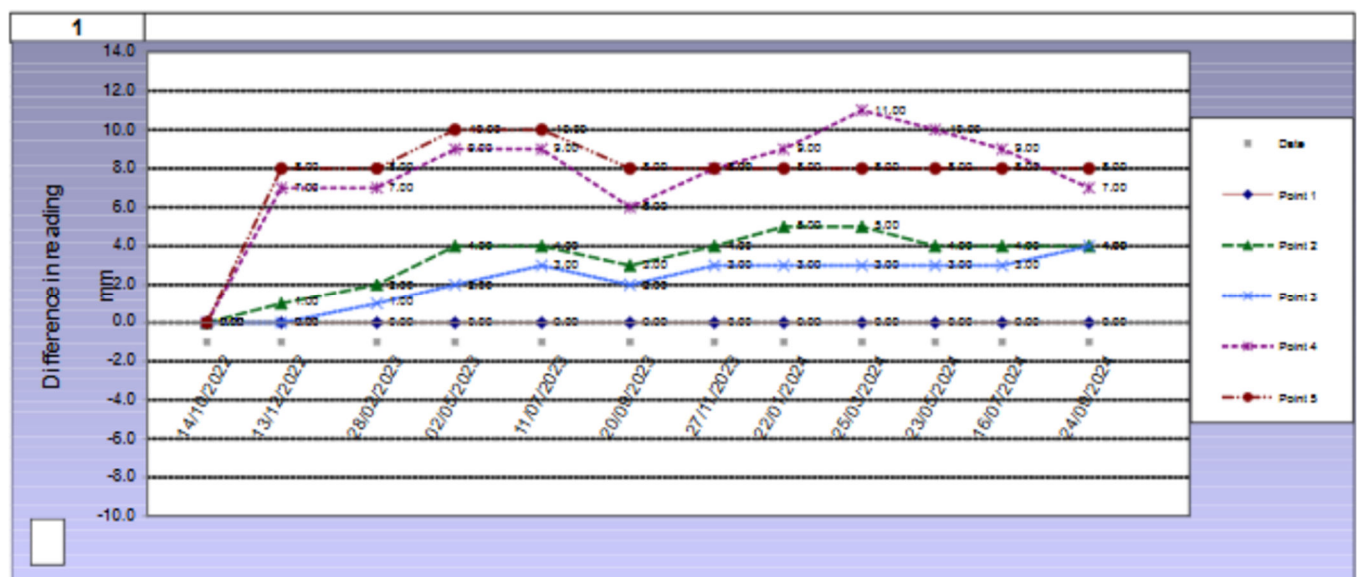


Fig. 1: Level monitoring data points 1-5.

There are a few factors which can cause cracking in a property, some examples are listed below:

- Water ingress i.e., from a drainage system causing the clay to swell.
- Ground disturbance could reduce the density of the ground - adjacent to TP/BH2 there looks to be a relatively new fence line, which was not mentioned in the report. Disturbance of the soil can affect the soil's ability to support (push against) the foundations, during foundation movement (vertical uniform settlement). Disturbance creates voids and less dense areas allowing soil from above or foundations to slip into them causing differential settlement and accompanying cracking.

- Installation of a membrane could increase soil moisture over a longer period allowing the upper layer to slide.
- Differential Foundation Movement
 - Differential settlement can be caused by differences in the type of soil beneath a foundation. For example, sand will settle more than clay.
 - A foundation that is too heavy or is supporting too much weight will settle more than a lighter foundation.
 - A shallower foundation will settle more than a deeper foundation.
 - A foundation that is not level or has an irregular shape will settle more than a level foundation with a regular shape.

The reports fail to demonstrate that other structural issues with the property, particularly the shallow foundations, have not affected the structural integrity of the building. Furthermore the quote of £60K given for underpinning works appears to be too high, especially considering only a section of foundation would need underpinning and not the whole building.

Foundations

The Arboriculture Report (ref: 12557645B) shows the location of the trial pits (TP) and bore holes (BH). Both TP/BH's are located within the area of suspected influence and show the same soil profiles and slight drying at 1.5-2.0m. Because of this there is effectively no control TP/BH. The foundation thickness in Trial Pit (TP) 1 is 300mm and TP2 it is 550mm, both are surrounded by '*Dark brown silty SAND containing gravel*' and '*Grey/brown silty sandy CLAY containing gravel*' at the base/beneath the (concrete) foundation. The foundation types have not been specified.

The foundation depths vary and due to the proximity of TP/BH1 to TP/BH2 and the associated differing foundations sizes, it is hard to determine if there is potential movement caused by structural issues associated within the building and/or differing pressures on the foundations. It is not clear why the foundations are of such varying depths but certainly any variation in the foundations may itself contribute to subsidence.

In addition, with foundation thicknesses of 300mm and 550mm and an underside depth of 600mm and 800mm, the depth of the foundations is insufficient to provide any assurance that there would not be movement due to shrinkage and/or heave. The foundation depths fall significantly short of the recommendations from the National House Building Council (NHBC Chapter 4.2 Building near trees).

The Geotechnical Survey Report (ref: 25253) shows a profile of a trial pit/bore hole and states the foundation type as 'concrete'. There are however two 'TP/BH2' noted on the report plan. Also, the geotechnical surveyors were also unable to perform soil suctions for Bore Hole (BH) 1 at 2.00m and 3.00m and for BH 2 only one value was taken at 0.8m, due to the samples being too dry at the time of assessment. The one value taken for BH2 is 1.55.14 kPa, which indicates moderate severity of desiccation.

The submitted reports indicate that bore hole logs were taken on the 08/11/2022 – Autumn boreholes will show the maximum desiccation, but do not distinguish between seasonal and persistent desiccation.

A control borehole needs to be located on or near the site and remote from the influence of any vegetation, to enable the results to be compared.

There are trees within the Arboriculture report which predate the property (T2, T3 and T4). If trees are older than an adjacent building and the building was constructed on desiccated soils, there is a risk of heave which may cause damage to the building. No heave assessment has been submitted.

Drainage Issues

The Arboricultural report states on page 3, *'The drains have been surveyed and no significant defects identified'*.

The Technical Report states, *'The drain survey has not revealed any damage or defects to the underground drainage system in the area of subsidence damage. Therefore, an escape of water has been dismissed as a possible cause'*.

The Technical (Engineers) Report and the Arboricultural Report both dismiss the drains as being a possible cause.

However, the Drainage Survey in the Geotechnical Survey Report (ref: 25253) states on page 11, *'Root infiltration noted in MH1. Unable to access drain RWG2 to survey'*. The Drainage survey also states,

- *Is the system failing to discharge normal household flows to the sewer system? **Yes**.*
- *Is there intermittent storm-water flooding? **Undetermined**.*
- *Has a hydraulic leakage test failed? **N/A**.*

RWG2 is located on the corner next to TP/BH2, in the location of the proposed subsidence damage. No rainwater pipes have been marked on the site plans in any of the reports. No information relating to RWG2 has been noted on the plans and the associated underground pipework. The drainage survey has therefore failed to test the section of drain at RWG2. The only section of the drains which seem to have been tested (from the information received) are to the rear right hand side of the property adjacent to RWG1.

The Geotechnical Survey Data (ref: 25253) refers to the soils to both TP/BH's at 0.1m-0.7m as containing silty SAND containing gravel. Pipes and drainage systems should always be checked for leaks, due to such soils being easily displaced and this displacement being a likely cause of subsidence.

Planning context

Section 15 of the NPPF (Dec 2024) states that:

187. Planning policies and decisions should contribute to and enhance the natural and local environment by:

(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Section 12 of the NPPF (Dec 2024) states that:

136. Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

The proposal to fell the tree does not contribute to and enhance the natural and local environment by protecting and enhancing the valued landscape and does not look to retain existing trees wherever possible. It therefore fails to meet criteria for approval under section 15 - 187(b) and section 12 - 136.

In addition, the proposal fails to meet criteria for approval under Local Plan Policies: CC03 which, among other things, seeks to protect existing trees, TB21(1) and (2) which seeks to preserve or enhance the condition, character and features or the landscape and Core Strategy policies CP1(1) which seeks to maintain or enhance the high quality of the environment.

Summary

T4 (Oak) makes a significant contribution to the amenity of area and the local landscape character. At this stage insufficient information has been provided to confirm whether T4 is the sole contributory factor to property damage at 2 Greenside. The application has therefore failed to justify the proposed tree removal.

Allowing trees to be removed for these reasons would set an unacceptable precedent for dealing with similar applications in the future and would threaten the retention of many urban trees growing close to the built form throughout the Borough.

The proposals would not meet criteria for approval under NPPF 136 and 187(b); Core Strategy policies CP1(1); CP3(c) and (f); and MDD Local Plan policies CC03(2)(d) and (e) and TB21(2).

Wokingham Borough Council declared a climate emergency in July 2019 which commits us to playing as full a role as possible in reducing our carbon footprint to be net carbon zero by 2030. As part of our response to climate change, the Council aims to increase the levels of carbon sequestration through greening the environment. The preservation and enhancement of tree canopy cover in the Borough will play an important role in this.

Removing the subject Oak tree may not resolve the building subsidence issue because the roots of surrounding trees, which have been identified as '*Future Risk*' will continue to extract moisture from the soil, leading to ongoing shrinkage and movement. Tree roots seek out moisture, and once the Oak tree is removed, nearby trees and vegetation will extend their root systems further into the affected area, perpetuating the soil desiccation and instability.

Additionally, soil conditions may not recover quickly after tree removal, as moisture levels can take years to stabilize, and the damage caused by previous drying may have already compromised the inadequate foundations. Without proper intervention, subsidence could persist or even worsen due to continued soil movement and the Council will likely receive further requests to remove additional mature trees from in and around the subject site.

From the information so far provided, the Council considers that the likely most effective long-term solution would be underpinning the effected section of foundations. This would stabilise the structure independently of tree and/or seasonal related soil changes. This approach ensures the building is supported on a more stable subsoil layer, mitigating further movement caused by fluctuating moisture levels resulting from whatever cause.

The information provided in this application to remove T4 currently fails to highlight any reasons to conclude that the works are proportionate and justified in the interests of health and safety or structural damage. Further, the information provided fails to demonstrate that the proposed tree removal would remedy any damage. For the reasons stated above, the application to fell T4 has therefore been refused.

Any future applications submitted will be considered on their merits. The Council would seek to remind the applicant to provide clear, unambiguous, and complete evidence in support of any tree works and/or removal.

Informative:

If you are aggrieved by this decision (refusal) you may appeal to The Planning Inspectorate (PINS). Because of coronavirus (COVID-19), you currently can only make a planning appeal online. You cannot currently apply by post.

For more information go to:

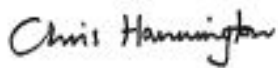
<https://www.gov.uk/government/publications/tree-preservation-order-appeal-form>

Telephone: 0303 444 5570 or e-mail it to: treeandhedgeappeals@planninginspectorate.gov.uk

Your appeal should be received within one month of receipt of this decision or any such longer period as the Planning Inspectorate may allow.

If we can be of any further assistance, please contact the Tree and Landscape Officer via development.control@wokingham.gov.uk

Yours sincerely,



Chris Hannington
Trees and Landscape Team Manager

cc. Applicant: McMurdie, Crawford and Co., Cartwright House, Tottle Road, Nottingham,
NG2 1RT

The Owner/Occupier: 1 Badgers Sett, Crowthorne, Wokingham, Berks, RG45 6EY