
Site Address:	31 Middle Park Way, Havant, PO9 4AB		
Proposal:	Fell 1No. Oak Tree Subject to TPO 1791		
Application Type:	Works to TPO Tree		
Application No:	APP/23/00678	Expiry Date:	09/11/2023
Applicant:	Mr R Ovet		
Agent:	Mr S Briggs	Case Officer:	Peter Slegg
Ward:	Barncroft		

Recommendation: **REFUSE TPO CONSENT**

1 Site Description

31 Middle Park Way, Havant, PO9 4AB

2 Planning History

07/72175/000 - Application for 30% crown reduction of a Common Oak (T1) subject to TPO 1791., PERM,24/07/2007

3 Proposal

Fell 1No. Oak Tree Subject to TPO 1791

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Pamela Crellin - Barncroft

Councillor Yvonne Weeks - Barncroft

6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 10

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
I support the felling of this tree because the roots are causing subsidence of my property and the sewer pipes are being damaged	The comments received are welcomed and considered within the planning considerations.

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- Whether the degree of pruning works requested would undermine the amenity value of these trees and whether this could also be harmful to their ongoing health and vitality.

7.2 The report relates specifically to assessing the proposed works drawing upon the information submitted with the application.

7.3 When considering the application the local authority is guided by the national guidance 'Tree Preservation Orders and trees in conservation areas'.

7.4 The national guidance advises authorities when determining an application to protected trees to consider a range of criteria, which include the amenity value of the tree and the likely impact of the proposal on the amenity of the area; whether the proposal is justified, having regard to the reasons and information put forward in support of the application and potential loss or damage likely to arise if consent is refused.

7.5 The tree is a mature oak tree in the front garden of 31 Middle Park Way and clearly visible from the surrounding public areas. The tree has a high amenity value to the local area.

7.6 The reasons for the removal of the tree, provided by the applicant, is due to damage to a wall, which is presumed to be the adjacent low rise boundary wall on the eastern side of the trunk. Comments submitted in support of the removal of tree highlight the damage the tree is causing to sewer pipes and subsidence.

7.7 When submitting an application for works to a protected tree the applicant or agent should submit appropriate evidence describing any structural damage to the property or issues in relation to tree health and safety.

7.8 The government guidance note (available to view at [Tree Preservation Orders and trees in conservation areas - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/tree-preservation-orders-and-trees-in-conservation-areas) recommends that issues of subsidence will include a report by a structural engineer and /or a chartered surveyor and be supported by technical analysis from other experts e.g. root and soil analysis.

7.9 The report must include:

- A description of the property, including a description of the damage and the crack pattern, the date that the damage first occurred/was noted, detail of any previous underpinning or building work, the geological strata for the site identified from the geological map.
- Details of vegetation in the vicinity and its management since discovery of the damage. Include a plan showing the vegetation and affected building.
- 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 consistent with the presence of the impacted tree(s)
- A profile of a trial/bore hole dug to identify foundation type and depth and soil characteristics
- The sub soil characteristics including soil type (particularly that on which the foundations rest), liquid limit and plasticity index
- The location and identification of roots found. Where identification is inconclusive, DNA testing should be carried out.
- Proposals and estimated cost of options to repair the damage.

7.10 Technical evidence in respect of other structural damage e.g. garden walls, drains, paving, drive surfaces) should be provided by a relevant engineer, building/drainage surveyor or other appropriate expert. No evidence in relation to structural damage or issues of subsidence have been submitted with the application and there is no consideration of alternative options, which could retain the tree.

7.11 In conclusion, there appears no concerns of the health and condition of the tree and insufficient evidence has been provided to justify the removal of the tree.

7.12 The proposed works would have a detrimental impact on the amenity value of the area, and wildlife, and would not be in accordance with Policy CS16 and DM8 of the Core Strategy (2011).

8 Conclusion

It is recommended that the works to the tree should be refused consent.

9 RECOMMENDATION:

That the Head of Neighbourhood Support be authorised to **REFUSE TPO
CONSENT** for application APP/23/00678 for the following reason:

1. The tree is an important feature in the local landscape and appears to be in adequately sound and healthy condition. The proposed works would result in undue loss and detriment to the visual amenities of the locality and local wildlife. It is therefore contrary to policy CS16 and DM8 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework.