

Recommendation: **GRANT TPO CONSENT**

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 D Guest - St Faith's

Councillor J Branson - St Faiths

Councillor T Pike - St Faith's

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: 11

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 5

Comment	Officer Comment
1. No reason is stated for wanting either height reduction or removal. 2. The applicant is Remus Management, not an individual occupant potentially affected. 3. There has been a previous application which was rejected and nothing has changed to warrant a change of decision. 4. The sketch attached to the applicant is too basic to support consideration. 5. The trees are on land not owned by	1. Reasons for the work are provided on the application. 2. The address of application has been modified to reflect that the trees do not appear to belong to 7 Windrush Close. 3. Each application received is assessed and based on its own merits. 4. Sketch plan has been updated

the applicant and there is no indication of the owner's position on the matter. 6. Height reduction and removal would be an expensive process with no indication that the applicant would be required to pay. It would be unreasonable for the cost to fall on general ratepayers. 7. Height reduction would be an extremely noisy and disruptive process in a small, confined area resulting in significant disturbance to residents. 8. There are a reasonable number of other properties in close proximity, none of which have seen fit to request any similar work. 9. The trees provide a natural screen and barrier beneficial to residents in Blenheim Gardens. 10. The affected houses in Blenheim Gardens have existed since 1975 without any problems with these trees. The new houses have only been built in the last 4 or 5 years, and only 1 (non-occupant) is wanting a TPO to be ignored.	5. The Council assess and make a decision on the application. The ownership of the land is not relevant in making the decision however the necessary permission of the landowner is required if the applicant is not the owner. 6. Comments noted. 7. Comments noted. 8. Comments noted. 9. Comments noted. 10. Comments noted.
I have lived in this area for over 30 years and these magnificent, tall poplar trees have always been safe. They have many benefits and greatly enrich our neighbourhood. This has never been so more than at the present time, when there is much more noise due to new housing developments and extra roads, as well as the roar from the ever busier A27 (set to increase with plans for a new slip road to it between Denvilles and Emsworth). The sound of the wind blowing through the leaves and branches of the poplars, so supple that they bend and yield and sway unharmed through all weathers, significantly helps to mitigate this. In addition, having such tall trees is a considerable asset when it comes to creating resilience against climate change: there is a priority to plant more and more trees, but these poplars take up little ground space in relation to surface area for the important job they do! They similarly help absorb pollution from traffic and other chemicals, they form a screen between the houses so	Comments noted.

that lights, including new streetlights and security lights, are partly concealed; they are a haven for wildlife and consequently we are blessed with abundant and soothing birdsong far and wide. These trees are clearly not only vibrant and healthy themselves, their health-giving and aesthetic benefits are simply innumerable. It was somewhat surprising that new houses were built in close proximity, but the developers stated emphatically, in agreement with the Council, that there were no safety issues in doing so and that the trees would continue to thrive in their position, presenting no risks to neighbouring properties. Nothing has changed since that time nor is there any likelihood of such. Therefore these majestic, much-valued trees must remain untouched. If their height is reduced, their manifold benefits to the community would be lost and this would be quite honestly devastating. Please continue to protect our beloved poplars!	
Unless there is a safety concern I fail to see any justification to butcher these trees. As for the total removal this is totally unacceptable. 1. Why has this application been lodged, after 40 years why now? 2. The houses were built with the trees in place 3. We have lost any feel of a rural environment this will exacerbate the situation (save some green space) 4. The wildlife created by their presence will be lost	Comments noted.
Upon reading the application for planning permission for the cutting and removal of these trees there are many points which are incorrect. Firstly trees labelled T12 and T11 are part of the land conveyed to 5 Windrush close. They inhabit our garden and are within our boundaries. Hence they belong to 5 Windrush close. Please feel free to check Land Registry. We do not give permission for either of these trees to be touched in anyway, and if it	Comments noted. Trees numbered 11 and 12 have been removed from the application. The Council assess and make a decision on the application. It is then the responsibility of the applicant, if they are not land owner, to obtain permission from the owner before undertaking any work.

transpires that someone accesses our property and removes any part of these trees legal action will be taken immediately on the grounds of trespassing and criminal damage. Secondly, the application request from 7 Windrush close has been made by the owner of the property not the resident. The owner lives in America and never has anything to do with the property. With that in mind we feel that the decision upon how to maintain these trees be left in the hands of those of us that actually live there. The other trees do not belong to number 7 nor Remus but in fact are on estate land that is supposed to managed by Remus, whom have failed to discuss this with the people that live on Windrush close. Also in the summer these trees are home to a whole host of animals including bats and it is my understanding that bat roosts are a protected part of the natural ecosystem.	
See Representation in Documents: Object - Dated 24/12/19	Comments relates to the trees environmental benefits, wildlife habitat and public amenity value.

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 My inspection related specifically to assessing the proposed works rather than generally inspecting the tree's health and condition in any great detail. I visually inspected the tree from ground level and the following report deals with the relevant issues that have been raised on site, in the application form and from my site observations.
- 7.3 This application to undertake work to trees subject to a Tree Preservation Order relates to the proposed felling and pruning of a row of Poplars located on land

adjacent to 7 Windrush Close and to the rear of properties in Blenheim Gardens.

The applicant wishes to fell three small suppressed Poplars growing amongst the larger trees and reduce the height of the remaining 7 mature trees to leave a height of approximately 10m.

The agent's reasons for the proposed work are as follows:

The three Poplars to be felled are poor specimens, overcrowded by neighbouring trees.

The seven Poplars to be reduced have grown excessively tall and are in close proximity to neighbouring properties.

The agent also states that removal of the weaker trees will benefit the health of the remaining trees.

Arboricultural Officer comments:

When dealing with an application to undertake works to trees protected by a Tree Preservation Order, consideration is given to the effect of the proposed works in terms of public amenity value and whether the trees are healthy and structurally sound.

While the trees do provide a screen, green barrier, possible wildlife habitat and environmental benefits, these reasons cannot be considered as part of the decision. Bats are a protected species under the Wildlife & Countryside Act 1981, and this legislation is enforced by the Police.

Lombardy Poplars are fast growing, brittle, tall and short lived trees. Some of the row appear to have been heavily reduced in the past. There is now significant regrowth which can lead to further weaknesses and decay from the old pruning wounds if left unmanaged.

A crown reduction of the seven mature trees will enable their retention, while also reducing the risk of failure. They will also continue to provide some public amenity value.

The three Poplars scheduled for removal are small suppressed specimens which will not make good specimens of their kind given the close proximity to the others. Their removal will not have a negative impact in the street scene.

8 Conclusion

The works proposed are considered to be appropriate and proportionate given the trees species and location in close proximity to a number of dwellings, therefore permission should be granted.

9 RECOMMENDATION:

That the Head of Neighbourhood Support be authorised to **GRANT TPO CONSENT** for application APP/19/01207

(A)

(B) for the following reasons/subject to the following conditions

- 1 The tree works for which consent is hereby granted shall not be carried out otherwise than in full accordance with all relevant content of BS 3998 (2010).
Reason: In the interests of tree health and safety.

- 2 The tree works for which consent is hereby granted shall be carried out and completed no later than 30/01/2021.
Reason: To control the timing of the works