Planning Department

Havant Borough Council

Civil Centre Road

Havant

PO9 2AX

6 Record Road

Emsworth

PO10 7NS

9.5.24

Your Ref: APP/24/00245

For the Attention of Mr D. Evans

Dear Sirs

Letter of Objection to be submitted to the Planning Committee

Site Address: Land south of Furlong House, Emsworth House Close, Emsworth PO10 7JR

Proposal: Proposed erection of a detached three-bedroomed house

I refer to your letter concerning the above dated 12 April 2024.

My wife and I wish to object to the above application, which relates to the erection of detached house on land the borders our rear garden. Of particular concern to us is the risks posed to our very large 350-year-old oak tree which is subject to a Tree Preservation Order. That tree is situated immediately adjacent to the fence separating our two properties.

The oak tree is very much a local landmark and much appreciated by the local residents. As such we regard ourselves as being its custodians for future residents of the area.

The Havant District Tree Preservation Officer recently inspected the tree. As a result, she is going to recommend that it be **upgraded to a Class A tree**, warranting the highest level of protection. She considers it to be in good health. The Tree Officer emphasised that the tree is an important part of the visual amenity of the area.

We have commissioned a report by Bernie Harverson, a well-regarded local arboricultural consultation, on the potential impact of building on the land adjacent to Furlonge House might have on the oak tree (a copy of which is enclosed).

The key phrase in his report states "This development would lead to the undermining of the amenity value of this oak tree and very probably have a significant effect on its ongoing health and viability"

He has considered the terms of the Arboricultural Impact Appraisal submitted by the developer as part of his Application and makes the following points:

- The tree will dominate the garden space surrounding the proposed new house and as such the proposed development **constitutes over-development**.
- If the proposed development is to go ahead then the tree must be pruned back. That places the tree under threat. The Tree Preservation Officer commented that the request for consent

to prune up to a height of 6 metres is inappropriate. **Such heavy loping would be detrimental to the visual amenity of the tree.**

- The Application does not address how the development will ensure the continued viability of the tree given **the intrusion into the root system**.
- The proposed excavation on the site **will cause considerable damage to the tree and server roots.**

Also please note the planning application also proposes the cutting down two smaller sycamores and an ash tree - **further impacting on the area's visual amenity**. Such action would not be not in keeping with the advice of the National Planning Policy Framework (2023) which states 'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change…. existing trees are retained wherever possible'.

On the basis of the above we would ask the Planning Committee to reject the Application as currently framed.

Yours faithfully

Martin Black

1357.bjh.let

2nd May 2024

Mr M Black
6 Record Road
Emsworth
Hampshire

Dear Mr Black,

Ref: Development Application for land adjacent to 6 Emsworth House Close, Emsworth

You have instructed me to undertake a 'desk study' review of the arboricultural information which has been submitted to Havant Borough Council in support of the above referenced planning application.

The author of the report is Fallen&Found Arboriculture Ltd. [*FFA Ltd.]* who act for the applicant Mr Shakir Ali and it is headed – Arboricultural Impact Appraisal & Preliminary Arboricultural Method Statement – 4th February 2024. The Planning Application Number is not referenced within the report nor is there a reference to whether or not any trees are covered by a Tree Preservation Order. The appendices to the report include Appendix A - Tree Survey Schedule and Appendix B - Tree Protection Plan [Q0367\EmsworthHouseClose\TPP_V1 2024].

At 2.1.1 of the report it states that '*All off site tree measurements were estimated from the property boundary based on what tree structure components can be viewed*.' Thus it can be assumed that the diameter measurement for the off site T2 Common Oak that FFA Ltd. quote in the Tree Survey Schedule at Appendix A of 1185mm, although precisely specified, may well be inaccurate given that it was estimated by eye and is not an accurately measured diameter. I can however confirm that an 1185mm diameter would attract a radially measured protection zone of 14.2m.

At 3.2.1 of the report there are three tables specifying Vegetation to be Retained (Table 1); Vegetation to be Removed (Table 2) and Vegetation to be Pruned (Table 3). The Oak T2 is listed as being off site and shown in Table 3 to be retained but pruned back to facilitate development as proposed. Thus the proposed development cannot be accommodated without this tree having to be pruned back. This does not sound like appropriate thought and planning has been applied to the layout and one might conclude that showing two units on this small area of land could be constituted as over development. Notwithstanding this the need to have to prune this Oak tree back to facilitate the layout places it under immediate threat both now and in the future. The canopy of this tree is shown on the Tree Protection Plan to cover the entire rear garden to the northernmost plot and overhangs approximately half of the roof area. This means that it will dominate the open space and leave the new owners with no useable garden space. If we actually consider the high probability that not only will the new owners wish to fully utilise this space but they are highly likely to want a Patio Area; Conservatory and have a designated area for drying their washing, this tree will be under significant pressure in the immediate future to be even more heavily lopped back to facilitate same. This would in my opinion be detrimental to its visual amenity value as well as its ongoing health and vitality in contravention of sound arboricultural practice and contrary to industry standards contained within **BS3998:2010 Tree Work Recommendations.**

If we now turn our attention to consideration of what threat this development represents to the below ground rooting system of the T2 Oak tree there is yet more pressure being applied. The report states that it complies with **BS5837:2012 Trees in relation to Design, Demolition and Construction-Recommendations** which states that :–

'5.3 Proximity of structures to trees

5.3.1 *The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s) (see Clause7). If operations within the RPA are proposed, the project arboriculturist should :*

a) demonstrate that the tree(s) can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA;

b) propose a series of mitigation measures to improve the soil environment that is used by the tree for growth.'

To the best of my knowledge the applicants have by design placed the plot within the RPA of this tree without specifying any overriding justification for construction within that RPA. Furthermore, they have ***neither*** - demonstrated that the tree can remain viable and that the area lost to encroachment can be compensated for elsewhere contiguous with tis RPA, ***nor*** - proposed a series of mitigation to improve the soil environment that is used by the tree for growth. Therefore in my opinion their report does not comply with the basic industry recommendations contained within BS5837:2012.

I am deeply concerned having read the Preliminary Method Statement that at Section 4.4 Hand Digging of Pile Locations that FFA Ltd. refers to '*The first 600mm of topsoil shall be excavated by hand using hand tools or air displacement technology. All roots under 250mm diameter may be pruned back to the hole edge using a sharp set of bypass secateurs.*'

Firstly, why are they excavating through the primary rooting zone of this tree when technology allows for above ground pile head formation without the need for excavation?

Secondly, roots of 250mm are ten times the maximum diameter that is specified within BS5837 -

7.2.3 Roots smaller than 25mm diameter may be pruned back, making a clean cut with a suitable sharp tool (e.g. bypass secateurs or handsaw), except where they occur in clumps …'

They could cause considerable damage to the tree if they excavate and sever roots in this way.

In my opinion the FFA Ltd. report Conclusions at 3.8 are undermined and contradicted by the above points and do not comply with industry standard recommendations within both BS3998 & BS5837. Therefore, I have serious concerns that if approved by Havant Borough Council Planners in its present state this development would lead to the undermining of the amenity value of this Oak tree and very probably have a significant detrimental effect on its ongoing health and viability.

I trust that the information contained within this letter will allow you to effectively challenge the arboricultural evidence which has been submitted in support of the planning application.

Yours sincerely,

Bernie Harverson

Arboricultural Consultant

10 Southleigh Road, Hayling Island, Hampshire PO11 0SH

- mob: 07875 520881 - email: bernieharverson@gmail.com -

QUALIFICATIONS AND EXPERIENCE

- My name is **Bernie Harverson** and I am a self employed independent arboricultural consultant in private practice. I take instructions primarily in the South of England but also on occasions work nationwide and abroad and have offices at : –

  10 Southleigh \|Road, Hayling Island, Hampshire PO11 0SH

- I hold the following arboricultural qualification – **National Diploma in Arboriculture** (***Royal Forestry Society – 1976***)
- I have **fifty-three (53)** years of practical and managerial experience in the arboricultural industry including periods in both the public and private sectors.
- My Local Government sector experience comprises one year as a tree surgeon with Brighton Parks and nine years spent in Arboricultural Officer posts with both Westminster City Council and Portsmouth City Council
- My past practical experience in the private sector includes two years at Tilhill Forest Nursery and over ten years for various companies as a Climbing Arborist/Tree Surgeon.
- Managerial work in the private sector includes two years as manager of Beechings Tree Surgeons and twelve years with the CBA Tree Consultancy Practice as Managing Director and Senior Arboricultural Consultant.
- As an independent self employed Arboricultural Consultant [since January 2006] I now provide a comprehensive range of services :-
  tree surveys, appraisals, assessments and inspections with particular reference to planning and development and tree safety audits with a service offered as a climber to undertake full climbing inspections to better understand the condition of a given tree before prescribing a management strategy.
- I also occasionally undertake litigation work appearing as an Expert Witness in Court Actions and at Planning Appeals, Hearings and Local Inquiries.

10 Southleigh Road, Hayling Island, Hampshire PO11 0SH

- mob: 07875 520881 - email: bernieharverson@gmail.com -