
Site Address:	33 Cavendish Drive, Waterloooville, PO7 7PJ		
Proposal:	Fell 1No Oak (T1) subject to TPO 1492.		
Application Type:	Works to TPO Tree		
Application No:	APP/23/01064	Expiry Date:	12/03/2024
Applicant:	IG Environmental Services		
Agent:		Case Officer:	Tree Officer
Ward:	Waterloo		

Recommendation: **GRANT TPO CONSENT**

1 Site Description

33 Cavendish Drive, Waterloooville, PO7 7PJ

2 Planning History

03/59996/005 - Application to crown raise to a height of 8m and crown reduce to previous pruning points an English Oak (T1) subject to TPO 1492., PERM,04/03/2003
02/59996/004 - Application to crown reduce, crown raise and remove a limb from an Oak (T2) subject to TPO 1492., PERM,10/01/2003
98/59996/003 - Crown raise to 6 metres an Oak tree (T2) subject to TPO 1492, PERM,19/03/1998
96/59996/002 - Crown raising to 6 metres and reduction of spread to the western side to 1 metre to 2 Oaks covered by TPO 1492, PERM,08/11/1996
95/59996/001 - Crown reduction of 30-40% of 3 Oaks subject to Tree Preservation Order 1492., PERM,23/10/1995
95/59996/000 - Crown reduction by 30% and 40% of Oak trees covered by TPO 1492, PERM,26/05/1995
06/59996/006 - Application for crown reduction of 20% and crown raise to 4m to 3No. Oak trees (T1, T2 and T3) of TPO 1492., PERM,17/05/2006
APP/10/00333 - Crown reduction of 20% back to where previously cut and crown thin by 10% 2No. Oak trees subject to TPO 1492, and crown reduction of 30%, and crown thin by 10% 1No. Oak tree subject to TPO 1492., PERM,24/08/2010
APP/14/00342 - Crown reduce 2No. Oak trees (T1 and T2) by 4m subject to TPO 1492., PERM,13/05/2014
APP/14/00368 - Fell 2No. Oak trees (T1 & T2) subject to TPO 1492., REF,22/05/2014
APP/15/00201 - Crown reduce to previous pruning points 1No. Oak subject to TPO 1492., PERM,08/04/2015
GEN/15/00397 - Information regarding subsidence and TPO., ,13/04/2015
APP/17/00208 - Reduce height and sides 1No. Oak (T1) by 2m back to previous pruning points and reduce height 2No. Oaks (T2 and T3) by 2.5m and sides by 2m back to previous pruning points. All 3 trees subject to TPO 1492., PERM,27/03/2017

APP/23/00093 - T1 Oak - Reduce crown height and spread by 2 metres, leaving crown height of 15 metres and crown spread of 7 metres. T2 Oak - Reduce crown height by 2.5 metres, leaving crown height of 15.5 metres and reduce crown spread by 2 metres, leaving crown spread of 8 metres. T3 Oak - Reduce crown height by 1.5 metres, leaving crown height of 13.5 metres and reduce crown spread by 1.5 metres, leaving crown spread of 6.5 metres and crown lift the tree to 3 metres.

Subject to TPO 1492

, PERM,03/04/2023

3 Proposal

Fell 1No Oak (T1) subject to TPO 1492.

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 Gwen Robinson

Councillor Mike Sceal

Councillor Peter Wade

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: 9

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 5

Comment	Officer Comment
Cutting down the identified Oak tree seems a travesty in terms of the consideration 'Conservation of buildings, trees and hedgerows'. The tree was growing prior to the construction of the property which should have taken account of future potential issues. My preference would be that the tree remains and construction provision made to future-proof the building . Whilst recognising this is a cost to the occupier I understand this cost would be borne by the insurer. Will any provision be made for the carbon currently absorbed by the tree being accounted for by some other credible method? I would not object but am not happy about the loss of the tree.	These comments are taken into consideration as part of the decision making process.
It is extremely disappointing that the council places a TPO on an ancient oak tree from the former Forest of Bere only to then agree to its destruction without visiting the site and investigating the situation relating to this tree and surrounding trees. Two trees have been completely removed from the neighbouring property at 35 Cavendish Drive and a further four trees on that property have been severely pollarded. This particular tree was itself pollarded as recently as October 2023. There is no conclusive evidence that this particular tree alone is the cause of any subsidence, but it is more likely that the whole line of trees along the rear of Cavendish Drive properties may collectively have created an issue. Considering all of the recent felling and pollarding of numerous trees in neighbouring properties, it is unnecessary to completely fell this particular tree and further reduction to the crown would be more appropriate as a realistic compromise in supporting the Council's environmental policies.	These comments are taken into consideration as part of the decision making process.

Having personally viewed the structural damage the trees have caused to the neighbouring properties, it is imperative that the oak in question, plus any other trees that are found to be causing a safety issue, then they must be felled as soon as possible. The structural damage to one of the houses has created a crack so large, an arm can be easily put into the gap. I am all for supporting green issues, but when properties are at risk, the higher priority is the safety of members of the public.	These comments are taken into consideration as part of the decision making process.
Good Morning, My understanding of the situation is that the arborist (tree specialist) has determined that the tree in question is a direct and unmistakable reason for the subsidence for the houses in Cavendish Drive and needs to be removed, this is a professionals determination and not just neighbourly sniping. I can completely understand why the home owners in Cavendish Drive want the tree removed as it is significantly damaging their properties making them pretty much unsellable until this matter is resolved, even when the matter is resolved and the subsidence caused by the offending tree is rectified, the property will still carry the subsidence notice with it for any future purchases / sales, devaluing the property significantly. If the trees owners had not been so tardy with the pollarding process for their trees, the roots of the tree may not have grown to an unmanageable size and then they may have been able to be saved. I understand that cost may have been a factor in this but I am sure there is some sort of scheme or benefit that the tree owner could get to help with this process.	These comments are taken into consideration as part of the decision making process.

I am guessing if the trees had been closer to the tree owners houses then the pollarding would have been more frequent as to not damage their property. If it was my property, I would be seeking compensation and damages from the owners of the tree for the damage to my property, not only the major subsidence works but to interior finishing as well. I am fully on board with the saving the planet concept but one tree is not going to achieve this and understand fully the Councils Environment Policies but when it comes to damaging people's property and potentially risk to life with subsidence then these policies have to be considered with understanding and empathy. I think under the circumstance the right thing to do is to have the tree in question removed as soon as possible not only for the property damage it is and has already caused but also the amount of light 'said' tree blocks from the Cavendish Drive properties at certain times of the day.	
Good Morning, My understanding of the situation is that the arborist (tree specialist) has determined that the tree in question is a direct and unmistakable reason for the subsidence for the houses in Cavendish Close and needs to be removed, this is a professional's determination and not just neighbourly sniping. I can completely understand why the home owners in Cavendish Close want the tree removed as it is significantly damaging their properties making them pretty much unsellable until this matter is resolved, even when the matter is resolved and the subsidence caused by the offending tree is rectified, the property will still carry the subsidence notice with it for any future purchases / sales, devaluing the	These comments are taken into consideration as part of the decision making process.

property significantly. If the trees owners had not been so tardy with the pollarding process for their trees, the roots of the tree may not have grown to an unmanageable size and then they may have been able to be saved. I understand that cost may have been a factor in this but I am sure there is some sort of scheme or benefit that the tree owner could get to help with this process. I am guessing if the trees had been closer to the tree owners houses then the pollarding would have been more frequent as to not damage their property. If it was my property, I would be seeking compensation and damages from the owners of the tree for the damage to my property, not only the major subsidence works but to interior finishing as well. I am fully on board with the saving the planet concept but one tree is not going to achieve this and understand fully the Councils Environment Policies but when it comes to damaging people's property and potentially risk to life with subsidence then these policies have to be considered with understanding and empathy. I think under the circumstance the right thing to do is to have the tree in question removed as soon as possible not only for the property damage it is and has already caused but also the amount to light 'said' tree blocks from the Cavendish Close properties at certain times of the day.	
I agree and support the removal of the tree especially as it proving damaging to nearby properties. I understand the the tree was there before the properties were built, but with proper care and maintenance this situation would not be in the dire status it is now. Removal of the tree at this stage is the only viable solution for maintaining the nearby properties.	These comments are taken into consideration as part of the decision making process.

I agree that trees should be kept and tpo's are imposed for a reason. But without the correct process of suitable husbandry (if that is the correct term) when things get out of control a drastic solution is required. There is nothing to prohibit the planting of shrubs and bushes to replace the green credentials of the area. The fact that other trees that maybe (or may not) be subject to tpo's have already been removed is irrelevant to this application and raising this as an issue in this case is unruly. Full support of the application is my only fair and just reasoning.	
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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 refusal of consent will place the local authority in a position of risk in refusing works to mitigate indirect damage to a neighbouring property.

7.2 The report relates specifically to assessing the proposed works rather than generally inspecting the tree's health and condition in any great detail.

7.3 T1 is one of a group of eight trees that grow close to the rear of no 5 Cavendish Close. The rear gardens abut each other.

7.4 The group of trees has been reduced in the past, resulting in a rather uniform and dense crown.

7.5 The tree is visible from both Cavendish Drive and Cavendish Close, both above and between the properties.

7.6 Evidence in the form of geotechnical, arboricultural and engineering reports have been submitted to support a claim for indirect damage.

7.7 The reports adequately demonstrate the probability of vegetation-related impact on the neighbouring property, though the actual individual tree is not discerned.

7.8 The degree of damage is slight – category 2 cracking.

7.9 The risk is that tree/s are removed in response to the claim which then are shown not to be the main cause as the damage continues. The liability is that HBC are on notice for tree related damage, and obstruction of remedial works deemed necessary. T1 is within the zone of influence and is one of three closest to the damage site. There is a likelihood that the tree is contributing to the soil water deficit.

7.10 The works will result in a loss of amenity to the area so are not in line with CS16 and DM8.1 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework, but the works do limit the exposure of risk to further claims.

8 **Conclusion**

It is recommended that the works to the trees should be consented.

9 **RECOMMENDATION:**

That the Executive Head of Place be authorised to **GRANT TPO CONSENT** for application APP/23/01064 subject to the following conditions

- 1 The tree works for which consent is hereby granted shall be carried out and completed no later than one year from the date of this decision notice.

Reason: To control the timing of the works.