
Site Address:	30 Christopher Way, Emsworth, PO10 7QZ		
Proposal:	Fell 1No Oak (T1). Subject to TPO 0475.		
Application Type:	Works to TPO Tree		
Application No:	APP/23/01005	Expiry Date:	05/01/2024
Applicant:	Mr Haskell		
Agent:	Mr Fazackarley	Case Officer:	Tree Officer
	Michael Reed & Co Tree		
	Service Ltd		
Ward:	Emsworth		

Recommendation: **REFUSE TPO CONSENT**

1 Site Description

30 Christopher Way, Emsworth, PO10 7QZ

2 Planning History

01/59516/003 - Crown reduce by 15% and crown thin by 10% an Oak tree (T1) at 30 Christopher Way subject to TPO 475., PERM,19/12/2001

99/59516/002 - Crown thin by 25% and removal of 2 branches on the eastern sector overhanging the greenhouse of an Oak tree (T1) subject to TPO 475

, PERM,29/03/1999

97/59516/001 - Thinning of Oak (T1 of TPO No 475) by 15%, PERM,19/09/1997

94/59516/000 - Crown lifting of lowest tier of branches and reduction by 25% max of Oak covered

by TPO 475., PERM,07/11/1994

09/59516/004 - Crown reduce by 20% and crown thin by 15% 1No. Oak tree, subject to TPO 0475., PERM,18/09/2009

APP/13/01034 - Crown thin 1No. Oak (T1) by 20% subject to TPO 0475., PERM,28/11/2013

GEN/14/00530 - TPO 353, ,19/05/2014

APP/18/00264 - Crown reduce 1No.Oak tree by 2m to previous pruning points, subject to TPO 0475., PERM,19/04/2018

APP/20/00911 - 1No.Oak crown thin by 20% by removal of epicormic growth, subject to TPO 0475., PERM,09/12/2020

3 Proposal

Fell 1No Oak (T1). Subject to TPO 0475.

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 Grainne Rason

Councillor Lulu Bowerman

Councillor R Kennett

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: 6

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
We write in support of this application. We fully support this application due to a number of reasons: 1) In this residential area, this mature oak tree has outgrown its position and now impacts our property in terms of loss of light and the high water absorption drying out the land around it. We believe that this has caused cracking in the pathway at the side of our house and there are also cracks	Your comments are welcomed and condiered wwithin this report.

within the house of the left-hand side nearest the tree. 2) Health and Safety considerations - due to the size and span of the tree it is now home to, or a visiting place, for a large number of pigeons. In the garden the bird mess is now ever-present and it has become challenging to be in the garden without sustaining a direct hit! This is obviously of great concern in terms of health and safety. 3) The size, height and spread of the tree also causes anxiety when there are high winds (of which there have been a great number recently). The span of the tree is now extremely close to our property, particularly our upstairs windows. Were branches to separate from the tree, they could cause significant damage to any of the surrounding properties and this is a cause of stress and anxiety.	
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7 **Planning Considerations**

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

- 2 The report relates specifically to assessing the proposed works rather than generally inspecting the tree's health and condition in any great detail.
- 3 T1 is an oak apparently in good health.
- 4 The applicant has submitted a report stating the tree must be felled to mitigate damage to the property 30 Christopher Way. However, the level of evidence falls short of that necessary to demonstrate the tree is continuing to cause damage.
- 5 Slight damage was recorded, and repairs were done under insurance during September 2019. It is not clear if the damage reported in the supplied document (no reference, 25/10/23, author Mr M Flanagan) is the same damage that pre-existed the repairs or new damage since the repairs.
- 6 Regulation 16(1) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 states "*appropriate evidence describing any structural damage to property or in relation to tree health or safety, as applicable*", is to be supplied with the application. Therefore, written arboricultural advice or other diagnostic information from an appropriate expert should be submitted with the application where the applicant believes work is required on safety grounds. The evidence provided does not meet the standard required.

- 7 Under the Joint Mitigation Protocol, levels of evidence required to demonstrate tree-related indirect damage are laid out. These primarily consist of three elements: evidence of seasonal movement, evidence of tree roots present at or below the foundation in the area being damaged and evidence of shrinkable clay soil.
- 8 No level monitoring has been conducted or supplied to demonstrate seasonal movement
- 9 No evidence of live oak roots at the foundation at the point of damage has been presented.
- 10 No evidence of shrinkable clay soil has been presented – though it is known that there are areas of clay in the region.
- 11 The loss of the tree would have an adverse and permanent impact on the local amenity.

8 **Conclusion**

- 1 It is recommended that the works to the trees should be REFUSED.

9 **RECOMMENDATION:**

That the Executive Head of Place be authorised to **REFUSE TPO CONSENT** for application APP/23/01005 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.