

Recommendation: **GRANT TPO CONSENT**

Councillor Clare Satchwell - Hayling West

Councillor I Scott Hayling West

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: 8

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

Statutory advertisement: Not applicable.

Number of representations received: 3

Comment	Officer Comment
I am writing to formally comment on TPO 1870 (Number T1,T2 & T3) on 35 Victoria Ave. Hayling Island. PO11 9AJ For the purposes of background, the trees themselves were self-seeded and therefore are obviously positioned without consideration of the impact to our property. For the avoidance of doubt, I support the tree husbandry proposed. T1 This tree is very clearly in a very poor state and it's location means that it represents a potential serious danger to users of the pavement in Alexandra Avenue. T2 & T3 My primary concerns in relation to these trees is the danger of falling trunk & branches onto our property. These trees overhang our garden and represent an obvious danger to users of our garden. Tree T2 is in danger of falling due to its acute angle of growth and it is close to a wall which it is lifting	Comments noted. T3 has been removed from the application with the applicant's agreement as there has been insufficient justification submitted at this time to warrant its felling. The safe upkeep and maintenance of the tree remains with the landowner

- this also represents a real risk to our heavyweight wall which is next to the tree. T3's proximity to our boundary is under one metre and to the house two metres. Should this tree fall, or a large branch of many tons fall, it is likely to fall onto the bedroom occupied by ourselves and the bedroom often occupied by our Grandchildren. T4 The trunk of this tree is clear of our property although there is a large overhang over our drive. We support the planned tree husbandry for this tree. Risk, Liability & Accountability The house owner of 35 Victoria Avenue is clearly approaching this in a responsible manor however, they are seriously constrained by the TPO's. Should the council insist that the TPO's and therefore the trees remain (regardless of their condition) the council must take responsibility for future damage. Having conducted some initial research, and following advice from my insurance company, it is clear that the Council have a duty of care. Should the Council insist that the trees detailed in this comment remain we will hold the Council liable for damage to property, injury or potentially in the most extreme situation loss of life.	
No application form has been uploaded to this application, and therefore no rationale is provided for felling 3no Oak trees protected by a TPO. Surely this application should be rejected if there is not good reason provided for approval.	The application form was uploaded shortly after this
As I understand it the applicant needs to provide evidence from an independent arborist regarding the "disease" the trees are suffering and a	Independant arborist advice has been sought. A structural report was not considered necessary on this occasion because the Holm Oak (T2) is a poor

structural engineer re the cause of damage to the wall. As neither of these has been provided the application must fail.	quality tree and has sufficient justification to be removed regardless of damage to the wall. Oak T3 has been removed from the application.
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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 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 works to trees protected by a Tree Preservation Order relates to the proposed felling of one English Oak, one Holm Oak and the pruning of one English Oak.

English Oak T1 is in an extremely poor condition the canopy is declining and it is possible, as the tree surgeon states, that the tree is suffering from Acute Oak decline given the decay to the stem. This tree is not in a condition that can be retained.

Holm Oak T2 has been severely reduced in an unsympathetic manner. These works were during lockdown and were unauthorised works however no action was able to be taken as there was no evidence gained as to who carried out the work. Regardless of this, the tree is a category C tree at best given its poor stem form. It is also in contact with the masonry boundary wall. This tree is not a specimen which should be retained and it would be more appropriate to plant a replacement tree in a better suited location.

English Oak T3 has been removed from the application with the applicant's agreement.

English Oak T4 is in a fair condition. The canopy is uneven given that it has, until recently, been suppressed by other trees. The intention to undertake a light reduction to rebalance the crown will not negatively impact on its health or amenity value.

8 **Conclusion**

For the reasons given the application should be permitted and a condition applied that two replacement trees be planted.

9 RECOMMENDATION:

That the Head of Neighbourhood Support be authorised to **GRANT TPO CONSENT** for application APP/21/01211

(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 one year from the date of this decision notice.
Reason: To control the timing of the works

- 3 In the first planting season following the date of felling; 2 replacement trees are planted. The trees should be a minimum 1.2 metres tall at the time of planting and should comply with BS3936:Part 1:1992. They should be planted at or near the site of the existing trees to be removed. They should also be selected from the following species:

1. *Quercus robur*
2. *Quercus ilex*
3. *Pinus radiata*

or such other size, species, location or period of time as may be agreed in writing with the Council.

If within a period of three years any tree planted as a replacement is cut down, felled, uprooted, removed, or die, or becomes in the opinion of the Council seriously damaged or defective:

- a) the Council shall be notified as soon as is reasonably practicable; and
- b) another tree of the same species and size shall be planted in the same location at a time agreed in writing with the Council unless the Council agrees to dispense with or vary the requirement.

Reason: To conserve and safeguard the visual amenities of the locality.