
Site Address:	Land adj Crest House, Stakes Hill Road, Waterloooville, PO7 5UE		
Proposal:	Fell 1 No. Copper Beech subject to TPO 1363.		
Application Type:	Works to TPO Tree		
Application No:	APP/22/00349	Expiry Date:	27/05/2022
Applicant:	Ms Quick		
Agent:		Case Officer:	Tom Gregory
Ward:	Stakes		

Recommendation: **REFUSE TPO CONSENT**

1 Site Description

Land adj Crest House, Stakes Hill Road, Waterloooville, PO7 5UE

2 Planning History

97/62863/000 - Reduction of crown of Copper Beech and crown reduction of 2 Limes by 6 metres subject to TPO 1363, PERM,15/12/1997
07/62863/001 - Outline application for 1No. 4 bedroom detached house and integral single garage, associated car parking and new access to Khandala Gardens. , PERM,25/04/2007
08/62863/002 - Two storey side extension over garage, modified bays and rear dormer window., WD,20/02/2008
08/62863/003 - Construction of 1No. detached 5 bedroom house with attached double garage with new access to Khandala Gardens., WD,07/04/2008
08/62863/004 - First floor side extension and rear dormer window. (Revised application.), PERM,01/05/2008
08/62863/005 - Erection of a 2m high close-boarded fence with concrete posts fronting Khandala Gardens., UNK,
08/62863/006 - Construction of 1No. detached 5 bed house with attached double garage with new access to Khandala Gardens. (Amended Application.), PERM,22/08/2008
09/62863/008 - Discharge of Condition No. 5, 6, 7 and 8 of Planning Permission 08/62863/006., PERM,26/01/2010
APP/10/00416 - 2No. Lime trees - crown reduction by 20%, crown thin by 15% subject to TPO 1363 and crown raise to 5m. , PERM,29/11/2010
09/62863/007 - Construction of 1No. detached 5 bed house to rear of Crest House with new access to Khandala Gardens., WD,19/10/2009
APP/18/00621 - Fell 1No. Copper Beech and 2No. Lime Trees, subject to TPO 1363., REF,20/08/2018
APP/19/00573 - Crown reduce one Copper Beech (T4) by 2 metres and crown lift to 5 metres; Pollard Limes (T5 & T6) to a height of 12 metres (not back to the original points) and removal of epicormic growth to main scaffold limbs. Subject to TPO 1363. , PERM,23/07/2019

3 Proposal

Fell 1 No. Copper Beech subject to TPO 1363.

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 Diana Patrick

Councillor Elizabeth (formerly Dianne) Lloyd

Councillor S Milne

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: 18

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 12

Comment	Officer Comment
We have recently moved into the area and are now resident on Khandala Gardens with our two children. One of the major reasons for our family decision to move up from the city to this precise area was the greenery and peaceful nature of this area. Indeed, upon turning into Khandala Gardens the first thing that the eye is drawn to are the impressive look of the three trees located on the grass bank on the left-hand side of the road adjacent to Crest House and the clash of colours of the copper beech and the two lime trees is a sight to behold. We were looking forward to seeing the alternating colours of the Copper Beech as the year progresses which we have been made aware is glorious. The previous owners of our home it seems were avid bird enthusiasts and they left behind at our property their substantial bird feeding station and a wide variety of types of seed with instructions on how they used to feed the wild birds in the obvious hope we would continue this practice. Immediately upon living here we were utterly amazed at the wide variety of birdlife and other wild animals including squirrels which we have seen in the garden. We have seen birds up here in Khandala Gardens which even a handful of miles further south nearer the city we have never seen before, and it is wonderful. These have included a wide variety of the tit-family, nuthatches, woodpeckers and we believe jays. Indeed, our youngest daughter, a sensitive soul, has taken an interest in feeding the birds and regularly helps me maintain the bird feeders. The sound of birdsong from the birds who are clearly nesting in the nearby trees is also prevalent at all hours of the day and promotes an aura of calm to the area. Imagine then our shock at receiving news of the attempt by the owners of nearby Crest House to have the nearby Copper Beech tree felled. This tree must be approaching 100 years old if not older. It is clearly in a very healthy	

state, is bolt upright and disease free. The application states it is backed up by a by a building surveyors report of the property at Crest House, but this is conspicuous by its absence in any supporting evidence documents on the planning portal. There does not appear to be any issues around the base of the tree on the path and Khandala Gardens side of the tree and we cannot imagine on that basis that the tree roots are having any significant effect on the property on the other side of the fence. Indeed, further investigation of the previous attempts to have this tree felled have shown a variety of reasons why the owners wish for the tree to be removed including tree sap and falling leaves.

We live at a moment in time when there are concerns over the future of our environment. As we see it, we need more trees, not less. The benefits of having trees nearby are by now well known, including processing of carbon-dioxide, purifying the air, natural noise reduction of man-made noise such as from the nearby road system and supporters of wildlife, not just as mentioned the local birdlife but also supporting numerous varieties of bugs and insects. We are sure that like us you have noticed how there are less and less numbers of insects on your windscreen after a long journey compared to years ago due wholly to the destruction of their habitat.

How, therefore, can we be supportive of this application to have this beautiful tree felled and look our own children in the eye and tell them that we are helping to protect the environment for their future. We cannot have a situation where this issue raises its head every couple of years. It will only cause bad feeling within the neighbourhood. In our view the owners of Crest House need to learn to live alongside the nature that exists on their doorstep.

We also believe that the residents of Khandala Gardens and Crest House also ought to take ownership of this issue and perhaps form some sort of co-operative which would involve an annual or bi-annual payment into a fund which will pay for regular maintenance of all the trees under relevant TPO's in their immediate neighbourhood via a professional tree surgeon. We are certain that if there was widespread agreement the costs of this will be quite small for each household but will continue to maintain the character of the area, which we surely all want. This application to fell the Copper Beech tree must fail. We have messaged Havant Tree Wardens about this. As an aside, we would also be interested to know why Havant Borough Council only found it necessary on this occasion to mailshot 9 households in the area whereas on previous attempts to remove the tree they have mailed more than 20 neighbours? Our immediate neighbours we have been told did not receive any notification. This application will affect the lives of the whole neighbourhood, not just a chosen few. Save the Copper Beech!!!	
We have recently moved into Khandala Gardens and one of the influencing factors for us moving here was because of the look and sound of the beautiful trees; the fact that whilst we are in the thick of suburbia, the trees and the nature that they attract makes it feel less stark and "developed". When we moved in we knew full well what the implications are of living alongside and near to a majestically old tree and I would assume that anyone purchasing a house with an old tree in the vicinity of their house does so with free choice and full understanding of the nature of trees and the associated benefits and risks. A survey at time of purchase would have highlighted these considerations.	

The application alleges that the reason for felling is "Alleged damage to property - e.g. subsidence or damage to drains or drives", yet there is no evidence attached to the application, just a hand drawn picture of where the tree is located in relation to the property.

We cannot be so arrogant as to assume that a tree is "at fault" for encroachment on our houses and land as it grows and transforms in its cycles of life. After all it has grown there for many years before the building began.

This tree is a valuable asset and greatly improves the outlook of the road and the whole area. It is a home to a multitude of birds and insects and a microscopic ecosystem that we cannot even begin to imagine and appreciate.

Studies have shown that having trees and nature around us improves the air quality, and helps to improve the mental and physical health of people living in the vicinity. I certainly feel calmed and joyful whenever I see the wind in the leaves, the to-ing and fro-ing of birds and other creatures as they go about their business.

Trees absorb noise and remove carbon and considering we live in an area surrounded by roads, one of them the busy A3(M), the more trees we can have cleaning our air, the better! ...and of course we are all aware of the the effect of established trees mitigating the increase in global warming.

From what I can gather through speaking with locals and indeed, reading previous testimonies, it sounds like many trees and bushes have been removed with extensive loss of green spaces in this vicinity over the years.

Whilst I understand the need for ecologically well-considered land development for housing etc. every due care and attention should be made to retain, protect and enhance the nature that predates such human expansion and endeavour. The council obviously saw the benefit and value of this tree back in 1991 when the tree protection order was allocated and has upheld the order when further applications to have it felled were made over the years. The TPO is there to protect them from damage and destruction and to preserve their rightful place in our ever decreasing natural landscape - this tree is not dead or dangerous and therefore does not warrant felling. I submit that the Council should unanimously reject this application to fell the tree, to uphold the purpose, meaning and value of the Tree Protection Order but to consider permitting some sensitive, careful, professional and conservative pruning and management.	
It seems a shame to fell this tree. Perhaps a significant reduction could be undertaken instead.	
letter dated 9.5.22	
The ambiance of Khandala Gardens is enhanced by a number of large, mature and beautiful trees, a number of which are subject to TPOs, including one in our own garden. The copper beech TPO 1363 sits outside the boundary of any property and is particularly beautiful. It forms part of a row of trees on public land along the entrance to the cul de sac. It is very obviously inhabited by a wide variety of birds and, no doubt, by large numbers of insects. It seems a very extreme measure to fell the tree if it is not diseased or dangerous since this would result in the loss of valuable wildlife habitat and would be detrimental to the beauty of the cul de sac.	

I therefore oppose the planning application.	
Unless this tree is causing damage to nearby buildings or houses then it should be allowed to stay with no changes. However if its causing a problem safety wise then a reduction may be of benefit	
In this current climate change, we need all the living trees living not felled for no reason, why cannot it be given a full trim by a tree surgeon every year or so, we have one in our front garden subject to TPO with EHDC and the builders who built the houses were only allowed to build if the trees were pruned not destroyed. They are such beautiful trees and the one by Crest House has been there for countless years, please do not destroy it, a good prune is all it needs. Please count up all the costs associated with felling the tree and you may well change your mind plus ask yourselves if you had one in your garden what would you do.	
I have noted comments from Khandalla gardens residents and yes i agree that it is a beautiful tree and we are nature lovers ourselves, we loved the appearance of the trees when we moved into the property but at that time we were unaware that the council did not maintain the trees, i did suggest to all of the residents that perhaps we could share the cost of regular maintainance of the trees but had not one response. we have tried to live alongside the tree but our house is suffering badly and there is a structural engineer report attached to this application including pictutes of the cracks in our house and the floors are all dropping due to subsidance. we would like a harmonious outcome and we are not trying to cause any ill feeling, you are welcome anytime to come and view my house and see for yourselves the problems and damage the tree is causing, please do check out the report attached to the application.	

Assuming this tree was established before the house was built then standard Building regulations would have insisted the footings were excavated to the required width, depth and strength relevant to the growing expectations of the tree, assuming HBC did their job properly with regards to this then without a structural survey you have to assume the footings are capable of withstanding any root growth of the tree so no subsidence should occur, if the tree was going to be a problem in the future then the house would have had to have been built further away on the plot and would not have been granted planning permission so close to an established tree, so again you have to assume the house was built substantially enough to withstand the trees growth. Trimming with communal funding if HBC won't pay is at worst what should happen here using a respectable, recognised trustworthy arborist. Close up pictures of the tree should be taken immediately, especially around the trunk and kept on record.	
I have been a resident of (redacted) for many years and wholly agree and support all the objections to the felling of the stunning copper beech tree. I admit to not understanding why a tree with a TPO attached should find itself in this position or indeed why anyone would wish to end its life. Trees contribute so much to the health and wellbeing of our planet while we humans have selfishly mostly contributed to its present delicate state. Every tree matters and every tree under threat like this is an opportunity for us to do the right thing. In this little corner of the planet, the copper beech tree standing tall in Khandala Gardens is ,given the objections already made, important to the residents who live alongside it. The tree has the moral high ground. While cutting back is a possibility I believe that copper beech trees are not tolerant to topping.	

I see that Crest House is attempting to have the Copper Beech felled again. The trees in our road are of significant interest for wild life, due to the last trim we have lost the flock of starlings and the green woodpeckers. I find it very strange that Crest House empty the contents of there garden over the fence onto Khandale Gardens side. The tree is in good condition and marks boundary of our road.	
See comments under documents tab received 18/5/22	

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 The tree in questions makes a positive contribution to local amenity. Reasons provided for the removal of this tree relate to alleged damage to property. However, the evidence submitted to support this is not considered sufficient to confirm the tree is the cause of damage. The following information would be required in order for an application for the removal of this tree to be considered:

"Subsidence – a report by an engineer or surveyor, to include a description of the damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturalist to support the tree work proposals"

"Other structural damage (e.g. drains walls and hard surfaces) – written technical evidence from an appropriate expert, including description of damage and possible solutions"

8 **Conclusion**

Refuse

9 RECOMMENDATION:

That the Head of Neighbourhood Support be authorised to **REFUSE TPO CONSENT** for application APP/22/00349 for the following reason

- 1 The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. Its proposed felling would result in undue loss and detriment to the visual amenities of the locality. [A more appropriate course of action would be through management of the tree's size and impact through a scheme of approved surgery.] It is therefore contrary to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.