
Site Address:	8 Northlands Park, Emsworth, PO10 7EY		
Proposal:	Fell 24No. trees within W1 of TPO 1838.		
Application No:	APP/21/01060	Expiry Date:	10/11/2021
Applicant:	Mrs Millers Merco Place Ltd		
Agent:		Case Officer:	Maria Stewart
Ward:	Emsworth		

Recommendation: **GRANT TPO CONSENT**

1 Site Description

8 Northlands Park, Emsworth, PO10 7EY

2 Planning History

GEN/10/01001 - Proposed Extension, ,18/01/2011 12:05:37
GEN/11/01054 - Change of use of bedrooms to use for a Bed and Breakfast. Is Planning Permission required?, ,24/08/2011
APP/11/01588 - Variation of Condition 12 of Planning Permission No. 04/62243/003 for use of garage as ancillary living accommodation to used as gym/sauna. , WD,10/12/2012
GEN/12/00293 - Conversion of 6 bedroom house and detached ancillary living accommodation to 6 room B&B detached utility/laundry and managers accommodation., ,04/04/2012 16:14:26
GEN/12/00484 - Proposed conservatory., ,18/05/2012 11:08:59
APP/12/01194 - Change of use and conversion of dwelling to allow 4 bed Bed and Breakfast guest accommodation to operate, with remaining rooms to remain in residential use., PERM,22/02/2013
GEN/12/01230 - Proposed erection of sign to advertise B & B., ,19/12/2012 10:29:57
APP/15/00638 - Construction of 1No. detached 3 bed house and 2No. semi-detached 3 bed houses with integral garages with access from private drive (approved 13.8.16). Request to Discharge Condition No. 12 (6.1.16). Request to Discharge Condition No. 13 (4.1.17). , PERM,13/08/2015
APP/15/00901 - Fell 1No. Maple (T11) subject to TPO 1838., PERM,08/10/2015
APP/15/00918 - Erection of 1 detached 3 bed house with access from private drive., PERM,02/10/2015
APP/15/01036 - Discharge of Condition Nos. 11,12 and 13 of Planning Permission APP/15/00638., SPL,04/12/2015
GEN/15/01045 - tree works, ,14/08/2015 08:58:52
APP/15/01238 - Discharge of Condition No. 1 of Planning Permission APP/15/00901., PERM,03/11/2015
APP/15/01237 - Discharge of condition No. 12 of Planning Permission APP/15/00918., PERM,06/01/2016
GEN/16/00252 - Enquiry re maintenance of Leylandii trees., ,26/02/2016
APP/16/00649 - Change of use of the land adjacent to the east of No 8 Northlands Park from woodland area to residential garden; retention of washing/drying structure; erection of composter; replacement shed/log store; extension of parking area and turning head., PERM,12/08/2016

GEN/16/00866 - Regular bonfires at the site. Trees cut from woodland on site. ,
,05/08/2016
GEN/16/00916 - Original app - APP/15/00918 - erection of 3 bed detached house.
If possible to convert this house to 2 semi-detached detached houses., ,16/09/2016
11:58:13
APP/17/00029 - Validation report with laboratory test results etc, UNK,
GEN/17/00384 - Is planning permission required to increase height of approved shed
from 2.5m to 3.8., ,10/04/2017 15:02:44
APP/17/00386 - Increase height of existing approved shed from 2.5m to 3.8m with
associated facilitation pruning works to adjacent TPO trees., PERM,08/06/2017
GEN/17/00731 - Installation of gates, ,20/06/2017
APP/18/00077 - Retention of merging 2No. sheds into 1No. timber outbuilding to be
used as a gym, utility room and shed/store., PERM,07/03/2018
GEN/21/01123 - Dead & Dangerous tree removal., UNK,01/11/2021

3 Proposal

Fell 24No. trees within W1 of TPO 1838.

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 Julie Thain-Smith

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: 11

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
Objection - see representation under documents - received 01/11/21	
This is application will not only benefit the garden of 8 Northlands Park which needs increased light levels but also my own property. For 6 months of the year my garden only has 1-2 hours of direct sunlight and the other 6 months only 3-4 hours. This is due to the dense immature woodland between my house and the A27 road which the sun has to rise above to reach my property. The removal of these straggly trees in the garden of 8 Northlands Park will allow a little more dappled light to reach my house especially just after dawn in the summer months. This application is fully supported.	
Objection - see representation under documents - received 21/10/21	

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 24 trees within the garden of 8 Northlands Park.

The applicant has applied to fell the trees for the following reasons:

- The land is now residential garden
- The trees cause overshadowing and they limit the use of the garden
- No public amenity benefit and no future potential as an amenity

The applicant's have not suggested replacement planting as there are already a number of trees still standing and to be retained and they have already planted trees when the house was built along with hedging.

The Arboricultural Officer comments that the trees to be felled consist mainly of Field Maple. Because of the lack of light and space they are suppressed and drawn up specimens of poor quality. The trees to be removed are highlighted on a map submitted with the application and this shows them to be within the more central part of the applicant's garden. Trees around the perimeter of the garden are shown to be retained and this includes, mature Lime Oak and Sycamore and a number of Field Maple.

This development is a gated community with no public access. 3 properties on Westbourne Avenue back onto the northern boundary of the applicant's garden and the trees in question have no public amenity from Westbourne Avenue. To the east of the property is a public footpath, however from this viewpoint the subject trees are not visible. The mature trees which can be viewed are to be retained so there is no loss of public amenity from this angle.

Two letters of objection have been received and one letter of support.

A summary of the objections are as follows:

- Lack of mitigation planting - at least twice the number of trees should be replanted and this could be achieved throughout the borough.
- The trees were planted to mitigate for noise from the A27
- No grounds for removal such as tree health safety or risk to property
- No assessment on impact of tree removal on biodiversity or ecology

The Arboricultural Officer comments that replacement planting was considered during the site visit to the property, however as there is no public amenity benefit to the trees being removed, it is unreasonable to condition replacement planting for trees which again, will have no public amenity value and therefore will not meet the TPO criteria. Given the trees already remaining, any new tree will be suppressed under the existing canopies. It is not appropriate or reasonable to condition that replacement trees are planted elsewhere in the borough. Each application is based on its own merits so on this occasion it is agreed that replacement planting is not to be conditioned.

While the trees may have been planted as mitigation for noise this does not mean that the trees do not warrant felling under the TPO legislation. There are still a number of trees to remain in the applicant's garden and the neighbouring garden which will continue to mitigate for noise.

The applicant has provided sufficient grounds for removal as listed above. Applications do not have to be purely on safety grounds or risk to property.

Biodiversity and ecology reports are not something which is required to be included within a tree work application. This is a matter which the applicant should explore privately to ensure that protected species are not affected.

8 Conclusion

The trees to be removed hold no public amenity value and are now preventing the applicant from being able to reasonably enjoy their garden. It is not appropriate or justifiable to refuse this application purely due to the fact that they hold no public amenity value. All the trees around the perimeter of the garden are being retained along with a more mature Field Maple towards the central part of the garden other large mature trees which do hold public amenity value. For the reasons given within this report it is recommended that permission should be granted.

9 RECOMMENDATION:

That the Head of Neighbourhood Support be authorised to **GRANT TPO CONSENT** for application APP/21/01060

(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