
Site Address: 2 St Peters Avenue, Hayling Island, PO11 0SA
Proposal: 1no. Bay Tree (T1 on plan) - Fell and remove, subject to TPO 1513.
Application No: APP/21/00878 Expiry Date: 15/10/2021
Applicant: Mr R Ball
Agent: Mr Blackman Case Officer: Maria Stewart
 J Blackman Arboriculture
 Services
Ward: Hayling East

Recommendation: **GRANT TPO CONSENT**

1 Site Description

2 St Peters Avenue, Hayling Island, PO11 0SA

2 Planning History

02/56360/009 - Erection of new chalet bungalow and associated parking with access onto St Peters Avenue., REF,15/05/2002

00/56360/008 - Enlargement of garage, previously approved 98/56360/5 but not yet constructed, PERM,21/12/2000

00/56360/007 - Construction of freestanding enclosed swimming pool adjacent to north side of new dwellinghouse under construction pursuant to planning permission 98/56260/5, PERM,28/07/2000

99/56360/006 - Revised siting (retrospective) of new dwellinghouse authorised by planning permission 98/56360/5 and construction on its east side of an attached conservatory, PERM,29/10/1999

98/56360/004 - Crown reduction of Bay tree (T1) by 20%: Crown raise up to 2 metres Silver Birch

trees (T2, T13, T14, T15, T16, T17, T18 & T22), Scots Pine (T6), Larch (T5), Eucalyptus (T20), 4 Silver Birch (Group 3): Crown raise on western side only 21 Corsican Pines (Group 1). All trees subject to TPO 1513., PERM,07/04/1998

98/56360/005 - Demolition of existing buildings and construction of a 4 bedroom detached house

and double garage, PERM,21/01/1999

96/56360/003 - To demolish existing bungalow and ancillary building and erect dwelling house with new vehicular access, NPW,13/03/2003

93/56360/002 - Demolish existing bungalow and ancillary buildings and erect 2 storey dwelling.

, PERM,14/04/1994

91/56360/000 - New vicarage, PERM,09/01/1992

92/56360/001 - Demolish existing bungalow and ancillary buildings and erection of new parsonage house, WD,25/02/1993

03/56360/010 - Application to crown reduce a bay (T1) by 20%, to crown raise to 2m 2 Oaks (T2 & T3), 7 Birch trees (T13,14,15,16,17,18 and 22), a Eucalyptus (T20) and cedar (T21), 6 Monterey Cypress trees (within G2) and 22 Pines (within G1), and to shorten limbs growing into T21 of a Eucalyptus (T20) and fell a Pine (within group G1) all subject to TPO 1513., PERM,16/09/2003

05/56360/011 - Variation of Condition 1 of planning permission 00/56360/007 to allow for an extension of the time period during which the development permitted may commence., PERM,04/04/2005

06/56360/012 - Application to fell 11 x Silver Birch, 6 x Cyprresses, 1 x Larch and 1 x Scots Pine all subject of TPO 1513., REF,24/08/2006

07/56360/013 - Application for crown reduction of 30% to a Eucalyptus tree (T20) subject to TPO 1513., PERM,16/05/2007

07/56360/014 - Fell 6No. Corsican Pine Trees and crown clean and crown lift to 3 metres the remaining trees all within Group 1 subject to TPO 1513. , PERM,18/07/2007

08/56360/015 - Fell 3No. Scots Pine trees within Group G1, subject to TPO 1513., REF,22/10/2008

09/56360/016 - Fell 3No. Birch trees, crown reduce by 30% 1No. Eucaluptus tree, crown lift by 1m 1No. Cedar tree and crown lift by 2m 6 No. Leyland Cypress tree, subject to TPO 0567 and 1513., PERM,28/09/2009

09/56360/017 - Fell 4No. Scots Pine trees, remove 1No. limb from a Scots Pine tree and crown thin by 20% 10No. Scots Pine trees, all subject to TPO 1513 (G1)., PERM,22/12/2009

APP/10/00348 - Crown reduce by 20% 2No. Oak trees and 1No. Birch tree all subject to TPO 0567., PERM,23/08/2010

APP/10/00786 - Fell 5No. Leyland Cypress trees and 1No. Scots Pine tree subject to TPO 1513. , PERM,07/02/2011

APP/12/00496 - Outline application for erection of 1No. chalet bungalow with all matters reserved., REF,30/10/2012

GEN/13/00624 - Leylandii on site of 2 St Peters Avenue, Hayling Island, ,17/07/2013 14:33:25

APP/14/00546 - Fell 1No. Cypress (T9), subject to TPO 1513., PERM,02/07/2014

APP/17/00023 - Fell 3No. Pine. Subject to G1 of TPO 1513., PERM,03/02/2017

APP/17/00738 - Fell 5No. Cypress trees, subject to TPO 1513., PERM,22/08/2017

GEN/19/00489 - Erection of 1No bungalow., ,06/08/2019

3 Proposal

1no. Bay Tree (T1 on plan) - Fell and remove, subject to TPO 1513.

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 Leah Turner - Hayling East

Councillor M Wilson - Hayling West Ward

Councillor R Raines - Hayling East

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: 12

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 4

Comment	Officer Comment
I can see no justification for felling this Bay tree which is subject to a TPO. 1. There is no visible damage to the brick wall close to the tree. 2. The tree acts as an effective screen hiding a rather ugly telegraph pole. It is worth noting that removal of the tree would provide convenient and independent access from the road to the large garden to the West of 2 St Peters Avenue. There have been 2 previous applications to build a bungalow on this land, refused in 2002 and 2012.	Comments noted, see officer report
I totally object to the tree being felled, it is a healthy tree which attracts the bats at dusk and birds throughout the day. The small wall does not appear to be damaged. is there a report from an recognised Surveyor? Are there other solutions?	Comments noted, see officer report.

The TPO is on the tree for a reason, to add green pleasure and to enhance the green character of the area. An area which is next to a conservation area, an area of outstanding natural beauty. Why would a healthy tree be felled whilst the tree wardens are busy on the island planting trees? Is there an ulterior motive to provide an additional entrance?	
This particular Bay Stand is a mature and attractive tree. I don't think it is doing any damage to the very low wall it abuts. Given the current climate concerns over arborial loss, the loss of this tree seems inconsistent with modern planning and should not be allowed.	Comments noted, see officer report.
I object strongly to a perfectly healthy bay tree being felled. This tree has a TPO because it adds amenity value to the green character of St Peter's Avenue, the rural area and contributes to the character of the adjacent conservation area. It provides conservation value to much wildlife in particular the local bats and birds. To remove a healthy tree must surely be against the current local initiative of the tree wardens, tree planting policy on Hayling Island. The damage to the 8 course high wall is minimal and hardly visible on the outside of the property. Could the tree not be pruned to reduce any damage. There is no supporting technical evidence from an expert about damage and possible solutions.	Comments noted, see officer report.

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 work to a tree protected by a Tree Preservation Order relates to the proposed felling of one Bay tree situated along the northern boundary of the applicant's garden and adjacent to St Peters Avenue.

The application to fell has been submitted because of damage the tree is causing to the low brick wall to the western side of the trunk of the tree. Photos have been supplied to try to demonstrate the damage to the wall, along with photos showing the multi stemmed trunks.

Upon inspection of the tree, it was found there was little damage being caused to the brick wall to justify felling the tree on this ground. However this tree is a poor quality specimen not worthy of TPO protection. It has been heavily pruned on the southern side, leaving it unbalanced, it is multi stemmed, with rubbing and crossing trunks, there are pockets of decay where limbs have failed or been pruned, fungal brackets were evident around the base and inside some of the decayed pockets. The canopy is soon to be an issue with the telephone cable above.

Applications for works to trees are not only assessed based on what is supplied with the application but also what is found on site, and in this case the tree is no longer considered worthy of retention. Comments received regarding wildlife and ulterior reasons for removing the tree are not material considerations when assessing a tree work application. The protection of wildlife falls within the Wildlife and Countryside Act and is the responsibility of the person carrying out the work to ensure that no wildlife legislation is breached.

8 Conclusion

For the reasons given above the tree is a poor quality specimen not worthy of TPO protection which should be removed and replaced with a new tree which will in time provide amenity value to the area. Permission should therefore be granted subject to the condition of a replacement tree being planted.

9 RECOMMENDATION:

That the Head of Neighbourhood Support be authorised to **GRANT TPO CONSENT** for application APP/21/00878 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; 1 replacement tree is planted. The tree should be a minimum 1.5 metres tall at the time of planting and should comply with BS3936:Part 1:1992. It should be planted approximately 2-3m south of the tree to be removed. The tree species should be:

1. *Fagus sylvatica dawyck* - Fastigate Beech

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.