
Site Address:	25 Summerhill Road, Waterloooville, PO8 8XD		
Proposal:	Crown reduction of 1No. Oak (T1) by 2m to northern sector (Summerhill Road gardens) and removal of deadwood, subject to TPO 1724.		
Application No:	APP/15/00508	Expiry Date:	08/07/2015
Applicant:	Mr A Bloor	Team:	Team 2
Agent:		Case Officer:	Jamie Gargett
Ward:	Cowplain		

Recommendation: **GRANT TPO CONSENT**

1 Site Description

The tree is located within the rear garden of a residential property.

2 Planning History

APP/14/00459

3 Proposal

Crown reduction of 1No. Oak (T1) by 2m to northern sector (Summerhill Road gardens) and removal of deadwood, subject to TPO 1724.

4 Policy Considerations

National Planning Policy Framework

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

None.

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: 7

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 3

Summary: I would like to object to the planning application (APP/15/00508) to crown a nearby oak tree that has a preservation order (TPO 1724). There are only a handful of virgin oak trees within the area of Durley Avenue, and they provide a vital ecological role to our

local wildlife. I strongly disagree with the application to crown the tree, even if it is just northern side, as there is no valid reason to do so.

Comment: The tree canopy is encroaching into the applicants garden by approximately one third, the reduction will allow for some of this canopy pressure to be alleviated.

Summary: As stated in APP/14/00459, the whole tree must be crowned; surely the reasons / stipulations from the application in 2014 are still valid one year on? It is my opinion that the reason for the new application is to avoid a civil legal battle over access to the owners land in order to carry out the work granted by APP/14/00459.

Comment: The amount of reduction in meters applied for is considered to be minimal and whilst it would be of benefit to the applicant it will not detriment the tree as a whole.

Summary: There is evidence that bats are residing within the canopy of the tree, which has been confirmed by the owner, and as such any work undertaken on the tree must not breach the protection afforded to bats under the Wildlife and Countryside Act (1981) (as amended); the Countryside and Rights of Way Act, 2000; the Natural Environment and Rural Communities Act (NERC, 2006); and the Conservation of Habitats and Species Regulations (2010).

Comment: The Wildlife and Countryside Act (1981) (as amended); the Countryside and Rights of Way Act, 2000; the Natural Environment and Rural Communities Act (NERC, 2006); and the Conservation of Habitats and Species Regulations (2010) are not regulated by the local planning authority. However informatives covering this area are sent out with all decision notices.

Summary: As owners of 24 Durley Avenue, and by definition therefore, owners of the tree in question, we do not require any reduction in the size of this tree, and will not permit any work of this nature to be undertaken on any part of our property. Indeed, we will actively seek prosecution for trespass and criminal damage of anyone entering upon our property in order to carry out any work on this tree, not authorised by ourselves. The information provided by Mr Bloor as to the tree's ownership is incorrect. Also incorrect is his drawing indicating the location of the tree. Mr Bloor has not, and has never been, granted access to our garden at 24 Durley Avenue, therefore any idea he has as to the location of the tree is conjecture and clearly intended to add weight to his application.

Comment: Noted.

Summary: The tree in question is a magnificent healthy oak of a wonderful shape. Crown reduction of this tree is unnecessary as the tree, including canopy, does not impinge upon any building. Crown reduction would also change the character of the tree, and impact upon its aesthetic appeal. Partial reduction to the Northern aspect would have significant aesthetic effect upon the tree. This was noted in response to a previous application [APP/14/00459] by Mr Bloor to reduce the tree, and it was specifically stated that reduction had to be of the entire canopy or not at all due to reasons of the effect of a partial reduction on the aesthetic appeal of the tree.

Comment: The tree subject to this application has a canopy that overhangs significantly into the garden of the applicant. The reduction works should not detriment the public amenity of this tree.

Summary: Reducing the canopy will destabilise the tree and if it should fall onto our property we will be most upset to say the least. And to whom should we send the bill - Mr Bloor or Havant Borough?

Comment: The reduction by 2m to the northern sector is highly unlikely to destabilise the tree. The tree firmly remains the responsibility of the owner regardless of any management practice undertaken.

Summary: The aesthetics of the tree will be completely ruined and it is we that will have to endure the resultant awfulness.

Comment: On a tree of this size a 2m reduction to the northern sector carried out to industry standard (BS:3998 2010) should not be detrimental to the visual public amenity value of the tree

Summary: The tree is home to many wildlife including bats which we believe are protected by law.

Comment: The Wildlife and Countryside Act (1981) (as amended); the Countryside and Rights of Way Act, 2000; the Natural Environment and Rural Communities Act (NERC, 2006); and the Conservation of Habitats and Species Regulations (2010) are not regulated by the local planning authority. However informatives covering this area are sent out with all decision notices.

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:

My inspection related specifically to assessing the proposed works rather than generally inspecting the trees health and condition in any great detail. I visually inspected the trees 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.

The tree subject to this application is a large sized Oak that appears to be exhibiting normal vigour and vitality. The works applied for are due to the excessive canopy cover within the applicants garden (approx one third of the garden area).

A reduction of the canopy by 2m on the northern sector (not including the height of the tree) should not cause the tree to become unbalanced or lose public amenity value (the tree although large is located within a rear garden and does not offer un restricted views).

Trees within the urban environment will at times require management due to their size and can not be managed in the same way that a countryside tree is able to be left in many instances as a virgin tree with little to no intervention.

These works if permitted should allow for harmony between the tree and applicants improving their quality of life in the garden without detriment to the health or public amenity value offered by the Oak.

8 Conclusion

Recommended Permission

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT TPO CONSENT** for application APP/15/00508

(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 pruning/surgery for which consent is hereby granted shall not exceed the following: Crown reduction of 1No. Oak (T1) by 2m to northern sector (Summerhill Road gardens) and removal of deadwood, subject to TPO 1724.
Reason: To safeguard the health and well being of the tree and its importance in the local landscape.
- 3 The tree works for which consent is hereby granted shall be carried out and completed no later than the 8th July 2016.
Reason: To control the timing of the works
- 4 The tree works for which consent is hereby granted shall not be carried out otherwise than under the supervision of a nominated representative of the Local Planning Authority and at a time agreed beforehand with that representative.
Reason: To safeguard the health and well being of the tree.