

Recommendation: **REFUSE TPO CONSENT**

5 Statutory and Non Statutory Consultations

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: 1

Statutory advertisement: Not applicable.

Number of representations received: 2

Summary: We are writing to object to the removal of the oak tree in the neighboring property. We have lived in our property for approx. 26yrs and the tree has given us a degree of privacy and a great outlook. Also it is home to a number of bird & wildlife which will be lost if the tree is felled. We have read the survey document regarding the trees health and do not believe the oak tree is in decline and decaying therefore we propose the oak tree is pruned as suggested in the final comments in the report to reduce overhanging branches and to be maintained in future years. It is also proposed in the report that a new oak tree should be planted at the end of the property bordering our property we also object to this as this will reduce the light into our garden therefore we would like to propose if the decision is made to fell the tree the new tree is planted in the felled trees position away from the boundary of our property. Please note there is an existing tree that sits on the center of the boundary between our property and the neighbors property, are the owners planning to fell this tree also? Strangely this tree has yet to come into leaf which seems strange given that it has been perfectly healthy for the last 20 or more years? This tree originally sat on the boundary but the fencer that we employed some years ago placed the new fence on the nearside of the tree to our house for ease of access. In view of this we believe that our boundary line actually extends beyond our fence and would not therefore permit this tree to be removed. We would appreciate the council using their own tree experts to validate any assessment of the oak tree as from our garden it appears to be very healthy and is in fact thriving. We hope that the planning department will not agree to this trees removal merely to satisfy the commercial gain of property developers at the sacrifice of people who have lived in this neighborhood for years and enjoy the green, mature surroundings.

Comment: The option of pruning to stabilise the tree put forward by the Arboricultural Consultant is the preferred option and recommended by the Council.

Summary: I am writing to submit out formal objection to this application for the following reasons. The application states that the reason for the request to fell the tree is due to basal decay and safety reasons. As you know, the TPO 2040 was only confirmed in December 2015. I would have thought that if the tree was that dangerous you would not have gone through with the TPO?

You will recall that it was me that put in the request that the tree be inspected with a view to having a TPO put on it. There were several reasons why I thought that the tree should be protected. The main reason being the amount of water that the tree soaks up; on research, I have discovered that a mature oak tree can absorb 50 gallons of water in a day (more on a hot day). Our garden at the moment is unusable 6 months of the year due to the amount of water on the grass. However, if this tree is removed this would become considerably worse.

The second reason for requesting the TPO was because at the time, the property (75 Hulbert Road), was on the market and we understood that it was being sold for development and I was concerned that there was a possibility that any developer would maybe try and build a property in the rear garden. Once the new owners had purchased the property my husband had a conversation with Mr Spurway in which my husband asked what their plans were for the property and the response was "we are not sure as we cannot touch the tree at the back". Our thoughts, therefore, are that if they are successful in getting this tree removed, their next course of action would be to apply for permission to build in the garden and we believe this to be the real reason for wanting the tree removed.

We moved here in 2013 and the rear garden/surroundings (trees) were the one of the major factors for moving here. I'm obviously no expert but the tree appears to be a lovely specimen (and I am attaching a recent photograph from our rear bedroom window). I would hope that you would be doing a site visit to compile your own report on the trees' condition.

I refer to the letter from Mr Haverson following his visit to the site. The letter states that although he does have some concerns, he states that the "tree is not in imminent danger". I note that if successful, the applicants said that they will plant a standard sized oak at the bottom of the garden. This would in no-way replace the existing tree as it would take 100's of years to get to its size.

The Oak Tree is also a rich habitat for wildlife. There have been many occasions where we have sat and just watched the squirrels chasing each other up and down and along the branches. We have also seen several different unusual garden birds in and around the tree (ie Greater Spotted Woodpeckers and Tree Creepers).

Surely it would be better to treat such a fine specimen than to fell it.

Comment: The option of pruning to stabilise the tree put forward by the Arboricultural Consultant is the preferred option and recommended by the Council.

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 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.

The tree subject of this application is a mature Oak tree in the rear garden of a residential dwelling. The tree has a large, dense canopy appeared to be showing signs of normal vigour and vitality.

The consultant who inspected the tree states that a cavity opening of 1M tall and 0.5M wide on the East side of the trunk at ground level where a probe of 500mm length could be pushed into the soft decay in places. Although a lot of the decay was solid

with woodworm attacking it.

The consultant noted the following: The main stem was sounded with a rubber headed mallet to reveal a cone of decay of 2M height from ground level ,however no imminent danger of structural failure was raised. The tree has large buttress roots at the base of the main stem which imply stability and could compensate for the loss of the central core strength of the tree.No bootlaces were observed indicating active decay from a pathogenic fungi such as Honey fungus.

The consultant states that the tree does not pose an imminent danger of structural failure and that one option to manage the tree would be to prune the tree to reduce the risk of failure by reducing the stresses on the basal area. In this instance a reduction of the tree would be acceptable.

The Oak tree contributes well to character of the area in terms of offering public amenity to the street scene and it can be managed successfully whilst reducing any risk of future failure then this option should be pursued in this instance.

In this instance the consultant's report does not state that the tree must be felled due to health and safety concerns and he offers a solution that will reduce the risk of potential failure in the future by pruning the tree and reducing the stresses in the basal area.

The level of evidence provided within this application does not justify the felling of the tree when the consultant himself identifies that the tree could be reduced.

8 **Conclusion** Recommend refusal.

9 **RECOMMENDATION:**

That the Head of Neighbourhood Support be authorised to **REFUSE TPO CONSENT** for application APP/16/00406

(A)

(B) for the following reasons/subject to the following conditions

- 1 The tree is a significant feature in the local landscape. 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 2012.