
Site Address:	22 Fairmead Walk, Waterloooville, PO8 9AL		
Proposal:	Fell 3No. Oak (T2, T3 and T4) subject to TPO 1507.		
Application No:	APP/15/00864	Expiry Date:	07/10/2015
Applicant:	Infront Innovation	Team:	Team 2
Agent:	Mr Greener	Case Officer:	Jamie Gargett
	Innovation Group Env.		
	Services		
Ward:	Cowplain		

Recommendation: **GRANT TPO CONSENT**

1 Site Description

The trees subject of this application are located in a rear garden adjacent to the applicants client.

2 Planning History

None

3 Proposal

Fell 3No. Oak (T2, T3 and T4) subject to TPO 1507.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

Introduction

I have been asked by the Planning Department to advise on the technical aspects of this planning application to remove 3 no. oak trees.

In providing this advice I have carried out a desk top review as well as a site visit to visually inspect the trees and their location.

Comments

Having carried out this review I make the following comments

- The trees location and type has been verified on site as being in accordance with the details submitted and is highly likely to be the reason for the damage identified in the report.
- The report appears to be technically accurate and I do not disagree with any of its conclusions.

Legal Services

On the basis of all of the evidence on file, including the report prepared by Robin Seamer, the experts in this area are confident on the balance of probabilities that the Oak Tree TG3 is implicated in the subsidence being experienced at the property.

As you will no doubt appreciate, I can only advise from a legal perspective, but given the history of the site and the comments made by the relevant experts, I have to accept that the legal standard in civil matters, ie on the balance of probabilities is met.

Following the felling of TG3, were permission to be granted, the insurer would meet the costs of £3,432.84 plus professional fees, and no liability would attach to Havant Borough Council.

However, if the application to fell TG3 were to be refused, then the Council would be responsible for any additional costs that would flow from the refusal. The estimated cost of works were the tree to remain in situ would be £15,000 plus professional fees. So, at the very least a cost to HBC of £11,568.16.

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: 8

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Summary: The application to fell the oaks is made purely on economic grounds and an other solution - underpinning could be undertaken.

Comment: Noted and agreed, however Insurance companies look to the most cost effective solution in settling claims.

Summary: The documents supporting the application only state the trees are causing damage based on the balance of probability.

Comment: The court will in these cases look at balance of probability when making a

decision. Beyond all reasonable doubt is not the guidelines for a civil case.

Summary: The loss of these trees will be significantly detrimental to the loss of public amenity value.

Comment: Noted and agreed.

7 Planning Considerations

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.

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 trees subject of this application are mature Oaks demonstrating normal vigour and vitality, contributing well to the street scene.

The evidence provided by the applicant has met with the procedure required documentation for subsidence cases:

Arboricultural Report
Site Investigation Report
Engineers report
Level monitoring
Trial pits
Root analysis

Consultation has also been undertaken with HBC Building Control who have substantiated that the engineering report is accurate. Legal Services have been consulted and confirm that the balance of probability test for civil matters has been met. HBC Arboriculturalist confirms that the evidence provided meets arboricultural standards.

Reluctantly based on the damage to the building and the legal position of the insurance company and despite there being there not being a justifiable arboricultural reason for the trees to be felled the recommendation in this case is to permit.

8 Conclusion

Recommend permission.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT TPO CONSENT** for application APP/15/00864, subject to the following conditions:

- 1 The tree felling for which consent is hereby granted shall not commence until a detailed scheme and specification for replacement tree planting on an adjacent part of the site has been submitted to and approved in writing by the Local Planning Authority; such specification shall include details of the species and size of such replacement planting.

Reason: To conserve and safeguard the visual amenities of the locality.