
Site Address:	27B Durley Avenue, Waterloooville, PO8 8XA		
Proposal:	Fell 1No. Oak (T1) subject to TPO 1508.		
Application No:	APP/15/00431	Expiry Date:	16/06/2015
Applicant:	Subsidence Management Services	Team:	Team 2
Agent:	Greener Environmental Services	Case Officer:	Jamie Gargett
Ward:	Cowplain		

Recommendation: **GRANT TPO CONSENT**

1 Site Description

Rear garden of a residential dwelling located behind the applicants garden.

2 Planning History

None relevant

3 Proposal

Fell 1No Oak (T1) Subject to TPO 1508. The reason given for the application is to stop the influence of the tree on the soil below foundation level and provide long term stability to the adjacent property at 10 Linda Grove to the south.

4 Policy Considerations

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 to advise by the Planning Department on the technical aspects of this planning application to remove an oak tree that is currently under a TPO.

In providing this advice I have carried out a desk top review as well as a site visit to visually inspect the tree, its location and the extent of the damage to the property.

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 major contributory factor to the movement of the house identified in the report.
- The report appears to be technically accurate and I do not disagree with any of its conclusions.
- Where any tree is removed in clay subsoil there is a risk that the soil may increase in volume and cause additional damage through heave. Heave potential calculations have been carried out and the long term risk of heave has been identified as low.

Legal Services:

From the evidence I have seen (subject to the usual caveat that I am not an arboricultural expert, nor am I an expert in building regs) it does seem that, on balance, the Oak tree currently covered by TPO 1508, on the balance of probabilities, is the cause of the damage.

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: 5

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2

Summary: I am in agreement that the large oak tree in next doors garden should be removed, because it endangers all surrounding neighbours due to sticks falling on the gardens and conservatories! even the roots will get too much eventually and start to protrude up through the foundations of our conservatory. i believe this as the tree is taller in height than the distance in length it is away from our houses! i would confidently back the case to get rid of this tree. thank you

Comment: Noted. However sticks falling from a tree canopy can be remedied to a degree by tree management rather than felling thus reducing the risk.

Summary: I am in full support to remove the TPO on this oak tree and remove it once and for all.. It is nearly 70ft tall and is too big and dangerous to have in such an enclosed residential area. Especially as it is only 40ft away from our home! Branches have fallen from it in high winds countless amounts of times, thankfully no children have been playing outside at the time because of this weather. But risk of injury is very high in my opinion if one was the break off and land on a human being! this case would 100% have my backing.

Comment: Branches falling from a tree can be managed via tree surgery rather than felling. There is no technical information submitted suggesting that this tree is dangerous.

7 Planning Considerations

The main planning considerations in this case include:

- i. Amenity value and condition of the tree; and
- ii. The basis for proposed removal

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 application submitted in support of the felling of this TPO Oak tree is comprehensive and contains the level of information required in relation to the HBC protocol for tree related subsidence cases:

- Tree Identification
- Root identification
- Level monitoring
- Soil type including structure and PI
- Bore holes
- Description of damage
- Arboricultural and Engineering report

The tree is a good quality Oak offering high public amenity value and its removal will be detrimental to the streetscene and surrounding area. From my site visit I can find no sound arboricultural reason for the removal of the tree.

In this instance it appears that the reason for this application falls outside of arboricultural merit and relates directly to the contributory factor that the Oak plays in affecting the ground conditions (persistent moisture deficit) and on the balance of probability thus impacting on the built structure at 10 Linda Grove in terms of indirect damage.

The Council's Building Control Officer confirms that the engineering report is accurate and that the tree is a material consideration in relation to the damaged reported at the property.

The Council's Legal Advisor confirms that on reviewing the case information that the balance of probability falls in favour of the tree being culpable in the damage reported. Should the application be refused then this would place the council at risk should a Lands Tribunal Case be raised.

In this instance due to the evidence submitted and peer reviewed, it is acknowledged that the tree subject of this application is linked by a 'reasonable' degree to the damage at the insured property. This considered to provide a compelling justification for the Council to allow the felling of the tree in this instance.

An important factor to note is that cases such as this that have been referred to Development Management Committee have been recommended for approval and all excepting one have been passed as per officer recommendation.

The decision notice will be conditioned to provide details of a replacement tree to ensure a level of sustainability is achieved for the area.

8 Conclusion

Recommend permission.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT TPO CONSENT** for application APP/15/00431 subject to the following condition:

- 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.