
Site Address: 77 Nutwick Road, Havant, PO9 2UQ
Proposal: Crown reduce 1No. Oak by 2m, and re-shape; crown reduce 1No. Oak by 1.5m and crown lift by 1m, both within G2 of TPO 0625.
Application No: APP/14/00207 Expiry Date: 22/04/2014
Applicant: Mr Horsley Team: Team 1
Agent: Mr L Glasspole Case Officer: Jamie Gargett
 Urban Tree Care
Ward: St Faiths

Recommendation: **GRANT TPO CONSENT**

1 Site Description

Rear garden to a two story dwelling located within a residential area of north Havant.

2 Planning History

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3 Proposal

Crown reduce 1No. Oak by 2m, and re-shape; crown reduce 1No. Oak by 1.5m and crown lift by 1m, both within G2 of TPO 0625.

4 Policy Considerations

Core Strategies 2011 forming part of the HBLDF

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

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

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: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 1

Summary: In the documents Mr Horsey or 'Mr Horsley' has provided to you, he states that T1 Oak is in decline, but he fails to specify how. It doesn't look in decline to us and we can supply a photograph.

Comment: T1 is an over mature Oak clearing in a state of decline the tree is exhibiting 'stag horning' visible both in the photo supplied and also on inspection at the site visit. There is also sporadic dieback and dead wood throughout the canopy.

Summary: Also in the diagram supporting his application, he represents T1 Oak as being clearly inside the boundary of his garden, it is not, at best it is on the boundary, maybe he should be asked to provide Land Registration documents to prove ownership?

Comment: The LPA do not become involved with tree ownership during an application process, due to the fact that any person may make application for tree works regardless of the tree ownership. Works may only be carried out by the tree owner or where permission is sought from a third party owned tree. (overhanging branches are exempt)

Summary: We have to tell you that we had a solicitor who specialises in boundary disputes visit the site in November 2007 when the residents of Nutwick Road wanted to extend their gardens. He also looked at our Land Registration documents, and said it looked to him from these documents as if the ancient hedgerow and ' T1 Oak 'were in Swallow Close and had always been meant to be an amenity for the residents of Swallow Close.

Comment: This is not a matter for this application when recommending a decision for tree works.

Summary: The two trees in question are at the approach end of Swallow Close, so are an important focal point. Since we moved here in 2004 one tree has been felled in this garden after being lobbed a number of times, we wouldn't like to see these two trees follow the same fate. The tree that was felled in 2011 was the subject of a replacement order, but we can't see any sign of the replacement in the garden now.

Comment: The previous tree works in the area are not relevant to this application. HBC Arb has now twice visited the site and noted that a replacement Oak has been planted as mitigation for the previously removed Oak.

Summary: We would also like to draw your attention to The Wildlife and Countryside Act 1981 nesting birds (as amended), as when the tree was felled in 2011 the ground was covered with birds eggs.

Comment: HBC Arb has spoken with the applicant and tree surgeon who both categorically state this was not the case and no birds eggs were smashed.

Summary: These trees seem to be a habitat for many forms of wildlife, supported by the ancient hedgerow we are lucky to have in Swallow Close. Also trees are needed in urban areas as they release oxygen into the atmosphere, hence they are good for the environment.

Comment: Noted and agreed.

Summary: These two trees survived the recent storms, we think they should be appreciated and protected for future generations. Please see attached photographs.

Comment: Noted and agreed.

Summary: Also no notices of this application have been posted in Swallow Close, as of 13.03.14 .

Comment: A site notice was posted in Nutwick Close for this application and it has been publicised on the Council's web site in accordance with standard practice for Tree Applications.

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 (T1 & T2) 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.

T1 This tree is a large over mature Oak in declining health. There is a stags head retraction of foliage in the top of the tree canopy and sporadic die back throughout the crown is visible. In addition to this there is a high percentage of deadwood present. The works outlined in this application are considered reasonable management practice for a tree of this age and condition within the urban environment.

T2 This tree is a large mature Oak exhibiting what appears to be normal vigour and vitality. Due to its position in a residential rear garden it is reasonable to approve the light, sensitive management applied for in this application to reduce and manage the size of this large tree.

Both trees contribute well to the street scene and larger area in general. The proposed works should not detriment either the health of the trees or impact negatively on the public amenity value that they offer.

8 Conclusion

Recommend permission.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT TPO CONSENT** for application APP/14/00207 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 reduce 1No. Oak by 2m, and re-shape; crown reduce 1No. Oak by 1.5m and crown lift by 1m, both within G2 of TPO 0625.

Reason: To safeguard the health and well being of the tree(s) and its/their importance in the local landscape.

- 3 The tree works for which consent is hereby granted shall be carried out and completed no later than 22/4/15

Reason: To safeguard the health and well being of the tree(s).