
Site Address: Hall Place Cottage, South Street, Havant, PO9 1DA

Proposal: Fell 1No. Holm Oak (T1), subject to TPO 1973.

Application No: APP/16/00933

Expiry Date: 08/11/2016

Applicant: Mr C Dodd

Agent: None

Case Officer: Jamie Gargett

Ward: St Faiths

Reason for Committee Consideration: At the request of Councillor Guest

HNS Recommendation: **GRANT TPO CONSENT**

1 Site Description

1.1 Hall Place Cottage is a two storey dwelling house located in South Street Havant. It is a Grade II Listed Building situated within St Faiths Conservation Area.

1.2 The application proposes to fell one mature Holm Oak tree (Circa 80 years old) which occupies a prominent position to the front of South Street Havant. The tree is highly visible in the street-scene. It is owned and maintained by the owners at Hall Place Cottage.

2 Planning History

04/63885/000 - Change of use from office (A2) to residential dwelling. Permit 11/10/2004.

09/63885/001 - Fell 1No. Oak tree and 1No. Sycamore tree, both within St Faiths Conservation Area. TPO made 12/11/2009.

APP/12/00451 - Raise crown of 1No. Holm Oak (T1) to 6m, subject to TPO 1973. Reduce eastern sector of 1No. Sycamore (T1) by 2m, subject to TPO 1694. Permit 19/06/2012.

APP/12/00469 - Fell 3No. Sycamores, remove south limb over wall and west limb roof of 1No. Sycamore and deadwood; fell 1No. Ash. All trees within St Faiths Conservation Area., Raise No Objection 06/06/2012

APP/12/00614 - Conversion of garage to living accommodation; replacement front porch; erection of new timber framed summerhouse. Permit 23/08/2012.

APP/12/00617 - Listed Building Application for conversion of garage to living accommodation; replacement front porch; erection of new timber framed summerhouse. Permit 23/08/2012.

APP/15/00250 - Listed building application for conversion of existing store to form carport. Permit 06/05/2015.

APP/15/00251 - Conversion and extension of existing store to form carport. Permit 06/05/2015.

3 Proposal

- 3.1 This report considers the application to remove one mature Holm Oak tree, which is the subject of Tree Preservation Order (TPO) 1973. The tree is linked to damage of a front boundary wall at Hall Place Cottage. It is proposed to remove the tree on the grounds that the wall can not be successfully rebuilt with the tree in situ.
- 3.2 The applicant has not submitted an arboricultural report in relation to the damage as there have been a number of meetings on site between Havant Borough Council's Building Control, Conservation Planning and Arboricultural Officers where observations and assessments of the situation have been discussed.

4 Policy Considerations

National Guidance

National Planning Policy Framework 2012
Tree Protection Orders: A Guide to the law and good practice 2009 and addendum 2009/2012.

Havant Borough Local Plan (Core Strategy) 2011

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

5 Statutory and Non Statutory Consultations

Senior Building Control Officer

Following our site visit on the 7 September 2016 in response to a dangerous structure report regarding the condition of the pillar and wall at Hall Place Cottage South Street Havant, I can confirm that the pillar at the end of the wall and the wall itself are being affected by the tree and its root system.

Due to the tree continuing to grow, pressure is being applied directly to the pillar and wall which has worsened its condition. This has led to further cracking and loose brick work needing to be removed.

During the writing of this report it is noted that the tree has a TPO and the wall is part of a conservation area street scene of high importance

In my view either the tree or wall need to be removed to make the area safe. My reasoning for this is below:

Tree remains.

The tree is applying pressure onto the wall directly - if the wall was to be taken down and rebuilt this would need to be considered in the design of the new wall. The amended design would mean the wall would lose its character, as the new design would need to leave a hole approximately 800mm – 1m high and least 1m long within its construction to allow for the tree. This may make the location of the pillar different to maintain in its current street scene.

The roots of the tree will continue to grow and undermine the wall on South Street and the opposite side into The Parchment as this appears to be their main direction of root growth on site due to the wall. This has been discussed in JG report. This root growth is expected to limit the life expectancy of the tree and its resistance to strong winds.

Tree removed.

The wall and pillar would both need to be rebuilt so as to repair cracked areas and make safe using existing materials.

It is my opinion that the tree should be taken down and replaced with a suitable replacement tree for this location and then the wall and pillar taken down and repaired.

Principal Conservation Planner

This is one of those situations where there are competing and potentially irreconcilable objectives. Where significant trees and historic walls co-exist but are mutually incompatible the objective is to find a balanced solution. At the two ends of the spectrum is either the partial removal of the wall or loss of the tree. In between, sometimes it is possible to modify the design of the wall in a way that does not compromise its integrity but allows the tree to grow and develop.

I have previously viewed the site in connection with the proposals for the house. My comments relate to the wall, its historical significance, context and relationship to the tree. It is not my place to comment on the amenity value or relative importance of the tree.

Red brick boundary walls are a strongly defined feature of the conservation area and particularly this part of South Street to the western side. Many of the walls delineate the former grounds of Hall Place and as such I would normally recommend their retention. In this case the brick piers with capping are historically significant and appear to be original boundary features. The curved boundary wall is a newer construction which can be identified from its construction and the mortar used. However, it is a positive feature in the street scene that enhances the appearance of the conservation area.

The displacement of the wall is attributable to the Holm Oak. It was clear from the site visit that cracking and displacement has taken place and if no action is taken a larger section of wall will collapse. Even as it currently stands a section of wall will need to be rebuilt (planning permission required) as I do not envisage the tree can be removed without the wall partially collapsing. If the tree is retained I believe there is no way of constructing a replacement that will be in keeping with the character of the area whilst also ensuring that it is not undermined again by the tree.

The removal of the Holm Oak would allow the integrity and completeness of the wall to be maintained, accepting partial reconstruction where badly effected by the tree. Should the felling of the tree be agreed the applicants should protect as much of the wall as possible from collapse limiting the section that may have to be rebuilt

Senior Landscape Architect

From a landscape perspective, it is clear that removal of the tree or indeed the wall will be deemed a loss.

The existing Holm Oak is of significant size and prominently located at the corner of South Street and The Parchment. Despite a rather unbalanced canopy, the tree is a notable and attractive feature of the local street-scene. Purely in landscape terms, there is no doubt that it contributes significant amenity value.

Similarly, the boundary wall is an important character component of Havant's historic core. The Havant Borough Townscape, Landscape and Seascape Character Assessment identify 'Red brick and flint walls are featured as boundaries within the historic core.' (LCA14 Havant Historic Core p.193). Removal of this wall to facilitate retention of the tree will also open up views of the parking driveway to the detriment of the street-scene character.

The boundary wall damage is attributed to root buttress compression against the base of the wall and major limb compression against the upper wall. It is reasonably anticipated that should the tree be retained, compression movement would continue to affect a reconstructed wall in the current location or indeed in nearby proximity.

On a related matter that is not made apparent within the application, the boundary wall has constrained normal tree root extension growth pattern to the north and eastern aspects. Given the proximity of dwellings and public highway, any tree instability ascertained by the Arboricultural Officer that is found to present a risk of harm is deemed appropriate and reasonable grounds for felling regardless of any landscape concerns.

If tree felling consent is to be granted, replacement tree planting would be strongly supported. Since Holm Oaks are a large, broad canopy species best suited to open parkland and large gardens, it is recommended that a more suitable replacement species of reasonable size is sought e.g. *Ulmus* 'New Horizon' (disease resistant, columnar type of Elm) or *Quercus robur* *Fastigiata* 'Koster' (columnar form of Cypress Oak) with the inclusion root protection barrier.

Arborist – NORSE

I refer to a mature multi stemmed *Quercus ilex* on the front boundary of Hall Place Cottage.

The tree is dislodging a listed brick pier.

I have noted that the root system of the tree is malformed. At the north side, what appears to be a primary root has been deflected west by a structure which is no longer in situ, probably a wall. It appears to me that the root started to be deflected when the tree was young.

It seems then to be the case that the root, which is possibly the main primary root on that side of the tree and should be extending northwards, is not providing the anchorage that is required of it. In the absence of evidence to the contrary I am of the view that the tree is not sufficiently well anchored on the north side.

To compound this, the tree is not symmetrical but is significantly weighted to the south and south east. The root that is malformed should be bracing the tree against movement to the south.

The tree cannot be reduced significantly, because of its species and its particular form.

I am concerned that there is a significantly elevated risk of the tree being uprooted in a southerly direction, by gales.

There is no practicable way of determining how well the tree is actually supported by roots to the north, so I can only consider what is visibly clear from the surface.

I am not aware of any practicable means of assessing the stability of the tree. Equipment is available for load-testing trees but I cannot vouch for its reliability and so far as I am aware load-testing has only reached an experimental/research stage. In my view it would not be practicable in terms of cost and the location of the tree, in any case, to load-test this particular tree.

My advice is that the only way to guarantee the tree does not catastrophically uproot, is to remove it.

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

Number of representations received: 1

- 6.1 I am writing on behalf of Havant Civic Society to object to the proposed felling of the Holm oak referred to in APP/16/00933. The society considers the tree to be a significant and distinctive feature of South Street, which is part of the St Faith's Conservation Area. There is no suggestion in the application that the tree is in anyway diseased, therefore, we can see no good reason why the tree should be felled.

Comment: The tree represents a significant feature in the street scene, and the tree is not showing signs of disease. However it has a reduced level of sustainability due to its compromised rooting.

- 6.2 The only reason offered by the applicant is that it is damaging the listed wall and pillar. Whilst the gate pillars are mentioned in the listing, the wall does not appear to be. Furthermore, it would appear that the wall, in its present form, might only date from when The Parchment estate was developed. Given its size, the tree has obviously been in place for a considerable number of years, so we would suggest, that it is equally as important as the gate pillar and whilst that could be conserved by repair/rebuilding, felling the tree is terminal.

Comment: Noted and addressed within the Conservation Planner and Building Control Officer's report.

- 6.3 We note from HBC's records, that there was a previous request to fell this tree in 2009 (HBC ref. 09/63885/001). This request was denied and both the Holm Oak and a Sycamore, also proposed for felling, were given Tree Preservation Orders at that time. We would suggest that there have been no significant changes since then, to justify a different outcome from the current application.

Comment: Since application 09/63885/001 the rooting pattern of the Holm Oak has

now become apparent after a clearing of the area surrounding it. This has revealed a compromised rooting area that poses a risk to the stability of the tree.

- 6.4 We have received confirmation that the curved wall, forming part of the south boundary of the property, does, indeed, only date back to the development of The Parchment. So whilst attractive, it is in no sense historic and could, no doubt, be rebuilt.
Comment: The Conservation Planner acknowledges this and it is discussed within the following paragraph of his report. *“Red brick boundary walls are a strongly defined feature of the conservation area and particularly this part of South Street to the western side. Many of the walls delineate the formers grounds of Hall Place and as such I would normally recommend their retention. In this case the brick piers with capping are historically significant and appear to be original boundary features. The curved boundary wall is a newer construction which can be identified from its construction and the mortar used. However, it is a positive feature in the street scene that enhances the appearance of the conservation area.”*
- 6.5 Whilst noting the comments made regarding the tree and recognising that the officers concerned have to point out the potential problems, this tree obviously survived the "Great Storm of 1987". Consequently their concerns may be overstated.
Comment: Whilst the tree has indeed survived a 'great storm', the current condition and physiology of the tree cannot be considered safe based on an event that occurred almost 30 years previously. Trees are dynamic living structures that should be regularly inspected for safety as no tree can ever be considered safe. In this instance it has been revealed that a large portion of the root plate has been deflected giving little to no support on the northern aspect of the tree, now that this has been discovered it is important to reduce the potential for potential failure.

7 Planning Considerations

- 7.1 The main planning considerations include:
- i. Amenity value and condition
 - ii. The basis for proposed removal
- i. Amenity Value and Condition
- 7.2 The mature Holm Oak is a singular specimen in the street scene and has been pruned and maintained in the past, and currently presents a fine specimen with the exception of having an unbalanced asymmetrical canopy.
- 7.3 The Holm Oak is highly visible from the street, and surrounding area, growing well above the roof to a height exceeding 14m.
- 7.4 The tree is a long-standing feature in the landscape, and contributes significantly to the amenity of the area. The tree appears to be displaying a condition of normal health and vigour, and in terms of amenity value and health, it is considered worthy of continued preservation; notwithstanding the compromised rooting system.
- ii. The Basis for Proposed Removal
- 7.5 Felling is proposed due to the connection between the tree and damage to the

boundary wall at Hall Place Cottage South Street. The application has been submitted the owner.

- 7.6 The pillar at the end of the wall and the wall itself are being affected by the tree and its root system. Due to the tree continuing to grow, pressure is being applied directly to the pillar and wall which has worsened its condition. This has led to further cracking and loose brick work needing to be removed – this was undertaken due to the wall being highlighted as a dangerous structure by the Council's Building Control Section.
- 7.7 The view of the Building Control Surveyor is that either the tree or wall need to be removed to make the area safe as the tree is applying pressure onto the wall directly and if the wall was to be taken down and rebuilt this would need to be considered in the design of the new wall. An amended design would mean the wall would lose its character, as the new design would need to leave a hole approximately 800mm – 1m high and least 1m long within its construction to allow for the tree and this may make the location of the pillar different to maintain in its current street scene.
- 7.8 The roots of the tree will continue to grow and undermine the wall on South Street and the opposite side into The Parchment as this appears to be their main direction of root growth on site due to the wall.
- 7.9 Recent shrub clearance within the area beneath the tree has highlighted historic root plate disturbance whereby the root growth has been compromised by the tree's position adjacent to the boundary wall, this has led to adaptive rooting patterns with minimal to no structural roots on predominantly the northern aspect of the tree and significantly reduced rooting to the eastern aspect.
- 7.10 This reduced root pattern leads to a belief that the tree has the potential to fail in the future and its long term sustainability is questionable with the potential for failure.
- 7.11 Should the tree fail then the target area is considered to be high risk as the tree is adjacent to the foot path and highway. It should also be noted that the foot path is a well used route to the primary school at the bottom of South Street.
- 7.12 The owners at Hall Place Cottage have also received a notice from Hampshire Highways to prune back the tree so as to give clearance under the Highways Act in relation to a street light. This pruning would be achievable but would at the same time negatively affect the appearance of the tree.

Summary

- 7.13 In summary, notwithstanding the unbalanced root plate growth, the Holm Oak is a good example of its kind and offers high degree of public amenity value to the local area.
- 7.14 Due to the compromised root plate the tree has a limited amount of sustainability; it is difficult to quantify how long the tree will remain standing as external factors such as storms will play a role. The tree is now presenting as having a reduced rooting pattern to a significant portion of the tree and as such highlights the potential for failure. The tree could be pruned so as to reduce the sail area of the canopy thus placing less stress on the roots and reducing the potential for failure, however there are two factors that restrict this option;

1. The Holm Oak does not lend itself well to a heavy reduction and a management practice such as this will significantly reduce the visual amenity that it offers to the street scene; and
2. Pruning the tree will not resolve the relationship between the wall or rebuilding the wall.

7.15 The reality of this situation is a direct choice between keeping a mature tree that significantly impacts positively on the street scene, albeit has a reduced level of sustainability and poses a risk to health and safety, or allowing for the wall within the Conservation Area to be rebuilt successfully and made safe. The competing issues are finely balanced, but ultimately the fact that the long term stability of the tree is compromised means that the most appropriate approach now is considered to be to accept its removal and plan for a more sustainable future with a suitable replant.

7.16 Should permission be approved for the tree to be felled then a condition for a nursery standard class tree to be replanted in place of the Holm Oak will be stipulated so as to ensure tree cover is maintained in the area. Either an Ulmus 'New Horizon' (disease resistant, columnar type of Elm) or Quercus robur Fastigiata 'Koster' (columnar form of Cypress Oak) is suitable for this area and could offer a high level of public amenity and sustainability. The size of the new tree can be conditioned at 3m giving an immediate positive impact following the loss of the Holm Oak.

8 **Conclusion**

8.1 For the reasons discussed throughout this report and summarised above, it is recommended that the current application be permitted.

RECOMMENDATIONS:

That the Head of Neighbourhood Services be authorised to **GRANT CONSENT** for application APP/16/00933 subject to the following condition:

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.

Appendices:

- (A) Site Location Plan
- (B) Photographs

