

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 27 April 2017

Present

Councillor Keast (Chairman)

Councillors Buckley, Hughes, Patrick, Perry, Quantrill and Satchwell

107 Appointment of Chairman

RESOLVED that Cllr David Keast be appointed as Chairman for the meeting.

108 Apologies for Absence

There were no apologies for absence

109 Minutes

RESOLVED that:

- a. the minutes of the previous meeting held on 16 March 2017 be approved as a correct record; and
- b. Minute 92.1b of the meeting held on 2 February 2017 be amended to read:

The proposal would *not* have a detrimental impact on the value of neighbouring residential properties.

(additional text in italics)

110 Matters Arising

There were no matters arising.

111 Site Viewing Working Party Minutes

The minutes of the Site Viewing Working Party held on 20 April 2017 were received

112 Declarations of Interest

There were no declarations of interest

113 Chairman's Report

The Chairman advised members of the committee that the latest E-learning course was available for completion and asked members to do so when possible. It was also advised that a training session on the course would be taking place on 11 May.

114 Matters to be Considered for Site Viewing and Deferment

There were no matters considered for Site Viewing or deferment.

115 Deputations

The following deputation requests were noted by the committee:

- (1) Mrs Sheila Whitaker – TPO 2065/2017 – 26 Bound Lane Hayling Island
- (2) Mr George Fulcher – TPO 2065/2017 – 26 Bound Lane Hayling Island
- (3) Cllr Leah Turner – TPO 2065/2017 – 26 Bound Lane Hayling Island

116 Tree Preservation Order 2065/2017 - 26 Bound Lane, Hayling Island

(The tree subject to the Order was viewed by the Site Viewing Working Party)

The Committee considered objections to the Tree Preservation Order 2065/2017. The Council's Arboriculturist presented the written report by the Head of Neighbourhood Support together with correspondence received.

The Committee was addressed by the following deputees:

- (1) Mrs Sheila Whitaker, who supported the confirmation of the Order for the following reasons:
 - a. The tree has great historical value to the residents of Bound Lane.
 - b. The tree acts as a speed control within the road, making it necessary for passing vehicles to slow down. Increased speed could cause danger to residents, the elderly and children.
 - c. The tree has significant environmental and social value.
 - d. The tree provides a habitat for over 100 different species of animals.
- (2) Mr George Fulcher, who supported confirming the Order for the following reasons:
 - a. There was no certainty that the tree would remain without a TPO and could be at risk of damage or felling.
 - b. Any works done to the tree, such as over pruning would significantly decrease its amenity value and potentially render the tree negligible due to a potential considerable loss of size.

- c. A TPO would mean any works undertaken could allow the tree to remain safe.
- d. It was to the best interest of residents and the community that a TPO be placed upon the tree.

(3) Cllr Leah Turner, who also supported confirming the Order for the following reasons:

- a. There was significant concern that the lack of a TPO could place the tree in significant danger
- b. The tree provided great amenity value to residents and the community.
- c. The tree was healthy, was not damaged or diseased and posed no risk, and therefore should be retained as far as possible.

Following the deputations, the Chairman invited individuals that had contacted the Council during the TPO consultation period to join the meeting to present their cases; Mr A Johns who had objected to the order and Mrs R Webb and Mrs V Seddington who had supported the order.

(Mr A Johns, Mrs R Webb and Mrs V Seddington joined the meeting)

In response to questions raised by the Committee, the Council's Arboriculturalist advised that:

- The tree showed normal vigour for a specimen of its size with no significant visual damage.
- The height of the tree was estimated to be between 7.5m and 7.7m
- The tree surgeon report regarding the tree had been reviewed by the Council's Arboriculturalist and peer reviewed by 2 other arborists. The professional opinion was that the reasons for felling this tree were unsound.
- It was not possible to claim any tree could be deemed completely safe, however other than some necessary deadwooding work, the tree would be deemed perfectly acceptable from an arborists point of view.
- It is possible to manage a tree of its size with a TPO in place. Any necessary deadwooding work could be carried without the need for an application to the Council. Pruning live wood would require an application to the Council, which was free of charge.

In response to questions raised by Mr A Johns, the Council Arborist advised that:

- When subject to the TEMPO test, the tree had achieved a score of over 15, however this test was discretionary.
- The tree had amenity value and was a healthy tree
- The felling of the centre tree of the original three was fair and reasonable.
- The root protection area of the tree was calculated as an 8m circumference, however this was only theoretical as part of the root extended into the adjacent nearby highway.

In response to questions raised by Mrs R Webb, the Council Arborist advised that:

- No habitual studies had been undertaken in relation to consideration of the TPO.

Mr A Johns addressed the committee with the following points:

1. Dead or dying trees should not be covered by TPO. Mr Johns had been contacted and advised to deal with the dangerous nature of the tree subject to the TPO
2. Public pressure to apply a TPO to the tree should be discounted due to its inflammatory, defamatory and incorrect nature.
3. Supporting statements for confirming the TPO should be discounted due to their vagueness and ambiguity.
4. Confirmation of the TPO would put Mr A Johns at risk of prosecution if any work was undertaken to make the tree safe.
5. Mr A Johns was willing to undertake the necessary work on the tree and the surrounding verge at his own expense, without risk or threat of prosecution. Confirmation of the TPO would inhibit Mr Johns' capacity to undertake these works.

Mrs V Seddington addressed the committee with the following points:

6. There had been a gradual removal of trees on Bound lane which had fundamentally affected the amenity value of the area.
7. The removal of the tree would have a further detrimental impact on the visual amenity of the road.

Mrs R Webb addressed the committee with the following points:

8. The fence on the border of 26 Bound Lane had been in situ for over 60 years.
9. The tree has great historical value for Bound Lane and Hayling Island.
10. There was concern that the tree would be felled without a TPO in place.

Following representations, the committee were asked if they had any questions for the invitees.

Arising from questions, Mr Johns advised the following points:

- Mr Johns had contacted both Havant Borough Council and Hampshire County Council regarding the tree and had been advised it belonged to neither authority.
- Mr Johns was able to deal with the first two trees quickly and therefore did.

- The risk of prosecution from conducting works on the tree with a TPO in place was too high.
- The tree surgeon employed by Mr Johns had 22 years experience and was unwilling to conduct work on the tree with a TPO in place, even with any advice provided by the Local Authority that had put the order in place.
- Mr Johns would seek to maintain the verge adjacent to 26 Bound Lane, but could not do this with a TPO in place.

In response to questions raised by the committee, officers advised that Hampshire County Council had been contacted regarding undertaking necessary works on the tree and would be conducting a survey to determine the extent of deadwood to be removed.

The Chairman thanked Mr Johns, Mrs Seddington and Mrs Webb for their contributions.

(Mr Johns, Mrs Seddington and Mrs Webb returned to the public gallery)

The committee discussed the views raised by the deputations and invitees together with the motion to confirm the order. During the debate members discussed that the tree appeared sound and healthy and made an important contribution to the local area. The Committee also considered that confirmation of the order, without modification, would provide a means of safe management for the tree.

RESOLVED that Tree Preservation Order 2065/2017 be confirmed without modification.

117 Nomination of Chairman

RESOLVED that Cllr J Perry be nominated as Chairman for the next meeting of the Development Management Committee.

The meeting commenced at 5.00 pm and concluded at 6.28 pm

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Chairman