
Site Address: 193 Havant Road, Hayling Island, PO11 0LG
Proposal: 1No Oak (T1 on plan / within G1 of TPO 1696) reduce limbs on south side of tree by up to 5m. Reduce limbs overhanging highway by up to 3m. Reduce the remainder crown of tree by up to 3m. Fell 1No. Oak (T2 on plan / within G1 of TPO 1696). 1No. Yew (T3 on plan / within G1 of TPO 1696) Reduce limbs on south side overhanging footpath by up to 2m and reduce remainder crown by up to 2m. Fell 1No. Pine (T4 on plan / T1 of TPO 0995). 1No. Oak (T5 on plan / T1 of TPO 1696) Crown reduce by up to 3m.
Application Type: Works to TPO Tree
Application No: APP/23/00298 Expiry Date: 22/05/2023
Applicant: Mrs M Smith
Agent: Ms Helen Baldwin Case Officer: Peter Slegg
Bailey Bros (Southern) Ltd
Ward: Hayling West

Recommendation: **SPLIT DECISION**

1 Site Description

193 Havant Road, Hayling Island, PO11 0LG

2 Planning History

99/50836/004 - Two storey side extension to form additional single garage with store over, PERM,06/12/1999
98/50836/003 - Demolition of existing bungalow and construction of detached 5 bedroom house and double garage, PERM,27/04/1998
97/50836/002 - Outline application for the demolition of existing dwelling and construction of detached 4 bedroom chalet bungalow, PERM,02/09/1997
GEN/10/00005 - Various uses., UNK,
GEN/10/00069 - Are there any planning restrictions on this plot land., ,22/04/2010 14:42:59
GEN/10/00083 - Planning possibilities for land., ,22/04/2010 15:42:26
GEN/14/00540 - TPO and Woodland order check., ,02/06/2014 11:04:58
GEN/15/00140 - Proposed use of land., ,15/04/2015 12:26:21
GEN/15/00984 - Use and history check., ,07/10/2015 15:48:23
APP/21/00845 - Tree works subject to G1 of TPO 1696, UNK,
APP/22/00769 - Erection of two dwellings with new access drive to the rear of existing dwelling at 193 Havant Road, Hayling Island., WD,02/11/2022
GEN/22/01080 - Pre-Planning Application to demolish the existing store and garage and replace with a 4 bedroom detached Chalet house with its own separate drive and dropped kerb., ,11/01/2023 17:01:53
GEN/22/01081 - Pre-application., UNK,

3 Proposal

1No Oak (T1 on plan / within G1 of TPO 1696) reduce limbs on south side of tree by up to 5m. Reduce limbs overhanging highway by up to 3m. Reduce the remainder crown of tree by up to 3m. Fell 1No. Oak (T2 on plan / within G1 of TPO 1696). 1No. Yew (T3 on plan / within G1 of TPO 1696) Reduce limbs on south side overhanging footpath by up to 2m and reduce remainder crown by up to 2m. Fell 1No. Pine (T4 on

plan / T1 of TPO 0995). 1No. Oak (T5 on plan / T1 of TPO 1696) Crown reduce by up to 3m.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

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

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Brenda Linger - Hayling West

Councillor Clare Satchwell - Hayling West

Councillor Julie Richardson

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: 2

Comment	Officer Comment
Support the works to the trees overhanging the road as these have been dangerous for a number of years as well as causing damage to cars and property surrounding.	Noted
Lorries hit the tree branches coming on and off the Island causing debris in the road and neighbouring properties.	
The trees already taken down also need looking at as a number of these	

have already been removed in preparation for the development of the two houses in the back garden.	
The only reason they want to do this is because they are proceeding with the work despite the proposed application being withdrawn from APP/22/00769.	Noted
Please before any consideration of taking back these trees review the work they are completing without permission in a flood zone and destroying hedges and habitat on the hayling billy trail beyond their boundaries	
They are only doing this as they are still building two dwellings in the rear garden, despite the planning being withdrawn for this. APP/22/00769. Other trees in the woods adjacent in Stoke Common have also been cut down with no approval.	

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:

- 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.

7.2 The report relates specifically to assessing the proposed works rather than generally inspecting the tree's health and condition in any great detail.

7.3 When determining the application, the local authority should assess the impact of the proposal on the amenity of the of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.

7.4 Policy DM8 of the Core Strategy (2011) seeks to protect natural features of amenity importance and would permit development where these features are protected and enhanced.

7.5 The government guidance 'Tree Preservation Orders and trees in conservation areas' advises that the higher the amenity value of a tree and the greater any negative impact of the proposed works on amenity, the stronger the reasons needed before consent is granted.

7.6 The British Standard for Tree Work BS3998:2010 advises that 'While tree work can be desirable to accommodate people's requirements from the tree and the land around it, any work that exposes the woody tissues is a form of damage that can be detrimental to the tree in the long term'. On this basis the approach to determining if tree works are appropriate must be based upon reasons, which on balance, would not

unnecessarily increase the stress and risk of infection leading to potential adverse impact to the tree and its amenity value.

- 7.7 The works to T1 are split between those to reduce branches overhanging the highway, an overall crown reduction and a reduction of limbs on the south side of the tree, overhanging the neighbour's driveway (191 Havant Road), who has submitted comments in support of the proposal.
- 7.8 T1 is a mature oak tree with no indication of ill health. When considering the proposed works the local authority should consider the amenity value of the tree in question, how the amenity value would be affected by the proposed work and the reasons given for the application.
- 7.9 T1 has a high amenity value and therefore the reasons for works to the tree would need to be justified based on the information put forward in support of it. The proposed works to reduce the crown and reduce the branches on the south side of the tree to prevent debris falling in the neighbour's driveway are not considered acceptable reasons to prune the tree.
- 7.10 In the case of T1, providing a safe clearance of 5m above the highway would be acceptable and therefore the proposed reduction by a maximum of 3m to branches overhanging the highway would be acceptable.
- 7.11 Pruning works on the south side of the tree by a maximum of 5m to reduce debris dropping onto the neighbour's property is not an acceptable reason for the works. The removal of debris is likely to be deadwood that can be removed without consent from the local authority and would still safeguard the amenity value of the tree to the area. The pruning works would result in exposing woody tissues of main branches without strong reasons to justify the works and would not be in accordance with Policy DM8 of the Core Strategy (2011).
- 7.12 T1 does not appear to have been previously reduced across its whole crown and the proposed crown reduction of 3m is not supported. The impact of the crown reduction to a tree that has not previously been reduced, across its whole crown, would be to reduce the shape and form of the tree. Whilst the works would retain the tree, its amenity value would be diminished as a result of the works and its natural form would be irretrievably damaged. Without strong reasons for the work, the detrimental impact on the amenity value of the tree and the increased risk of weakening the tree, the proposed works to reduce the crown of tree by up to 3m would not be in accordance with Policy DM8 of the Core Strategy (2011).
- 7.13 The reasons to fell T2 are due to it being in a poor condition, included bark in the main union and a hazard to road and driveway. There is a lack of supporting information to justify the removal of the tree. T2 has an amenity value worthy of protection, being a mature specimen, clearly visible from the highway and making a strong contribution to the landscape character as part of the tree group. Due to the recognised amenity value of the tree there is a greater expectation that the supporting information would justify the works to remove the tree, which would obviously have a detrimental impact on its amenity value to the area. Whilst the shape and form of the tree has been impacted by the growth of T1 there is insufficient information to justify the removal of T2 and the proposed works would not be in accordance with Policy DM8 of the Core Strategy (2011).

- 7.14 The reason for the proposed works to T3 are to allow for sufficient clearance of branches overhanging the footpath which are justifiable on the basis of safety to those using the footpath and road and this element of the proposed works to T3 would be in accordance with Policy DM8 of the Core Strategy (2011).
- 7.15 However, the proposed reduction in the height of the yew would not be supported as it would reduce the amenity value of the tree and there are no reasons to support the works and this element of the works to T3 would not be in accordance with Policy DM8 of the Core Strategy (2011). A 1.5m reduction of the south facing crown would appear acceptable to improve access into the driveway without the tree causing a nuisance, but these works would need to be subject to a future application.
- 7.16 T4 has been badly affected by an area of decay on the stem. Whilst the tree might be able to recover and compartmentalize the decay and provide additional support around it, the tree will be weakened and given the target area of the tree, it is acceptable to remove the tree. The loss of the tree will have an adverse impact on its amenity value to the area, but in accordance with The Town and Country Planning Act (1990), a replacement will need to be planted and in time, it will grow to a mature age and mitigate the loss of the existing tree. The proposed works would be in accordance with Policy DM8 of the Core Strategy (2011).
- 7.17 T5 does not appear to have been previously reduced and the proposed crown reduction of up to 3m is not supported. The reason for the crown reduction would be to achieve a balanced crown and allow additional light into the property. Rather than apply a reduction of the whole crown an alternative description of works to reduce specific branches to retain the structural integrity and achieve a balanced crown would be preferable and would need to be subject to a future application.
- 7.18 A reduction of the whole crown would reduce the amenity value of the tree in the area, compromising its natural and well developed crown and increase the risk of future harm to the tree. The increase of light to the property, in this instance, does not have sufficient weight as a reason to justify the works when determining the overall detrimental impact on the amenity value of the tree to the local area. Target pruning could help increase light into the property without such a broad impact on the whole crown. The proposed works to reduce the crown of tree by up to 3m would not be in accordance with Policy DM8 of the Core Strategy (2011).

8 **Conclusion**

Split Decision

That the Head of Neighbourhood Support be authorised to **GRANT TPO CONSENT** for the following works listed in application APP/23/00298:

- i. T1 – 1No Oak (T1 on plan / within G1 of TPO 1696) Reduce limbs overhanging highway by up to 3m;
- ii. T3 – 1No. Yew (T3 on plan / within G1 of TPO 1696) Reduce limbs on south side overhanging footpath by up to 2m;
- iii. T4 – Fell 1No. Pine (T4 on plan / T1 of TPO 0995).

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 works for which consent is hereby granted shall be carried out and completed no later than one year from the date of this decision notice.
Reason: To control the timing of the works
3. One replacement *Pinus nigra* tree is required to be planted to retain the integrity of the Tree Preservation Order 995. The tree should be a minimum heavy standard with a stem girth of 12-14 cm at the time of planting. The location for replanting of the replacement tree is to be agreed in writing with the local authority, within 3 months after the tree's removal, with tree planting being undertaken in the first available planting season following removal. The replacement tree shall be planted in accordance with BS8545:2014 'Trees: from nursery to independence in the landscape-Recommendations', BS:3936:1992 Part 1 of Part 4: 'Nursery Stock-Specification for trees and shrubs' and BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations'.
Reason: To conserve and safeguard the visual amenities of the locality having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.
4. If within a period of 5 years from the date of the planting of a replacement tree, or any further tree planted in replacement, is removed, uprooted, destroyed, dies or becomes, in the opinion of the local authority, seriously damaged or defective, another tree of the same species as that originally planted, pursuant to condition 'Tree Replacement'; shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
Reason: To conserve and safeguard the visual amenities of the locality having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

That the Head of Neighbourhood Support be authorised to **REFUSE TPO CONSENT** for the following works listed in application APP/23/00298:

- a) T1 – 1No Oak (T1 on plan / within G1 of TPO 1696) reduce limbs on south side of tree by up to 5m. Reduce the remainder crown of tree by up to 3m.
- b) T2 – Fell 1No. Oak (T2 on plan / within G1 of TPO 1696).
- c) T3 – 1No. Yew (T3 on plan / within G1 of TPO 1696) reduce remainder crown by up to 2m.
- d) T5 – 1No. Oak (T5 on plan / T1 of TPO 1696) Crown reduce by up to 3m.

for the following reason:

1. The trees are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The proposed works would result in undue loss and detriment to the visual amenities of the locality. It is therefore contrary to policy DM8 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework.

9 RECOMMENDATION:

That the Head of Neighbourhood Support be authorised to **SPLIT DECISION** for application APP/23/00298 for the following reasons/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 One replacement *Pinus nigra* tree is required to be planted to retain the integrity of the Tree Preservation Order 995. The tree should be a minimum heavy standard with a stem girth of 12-14 cm at the time of planting. The location for replanting of the replacement tree is to be agreed in writing with the local authority, within 3 months after the tree's removal, with tree planting being undertaken in the first available planting season following removal. The replacement tree shall be planted in accordance with BS8545:2014 'Trees: from nursery to independence in the landscape-Recommendations', BS:3936:1992 Part 1 of Part 4: 'Nursery Stock- Specification for trees and shrubs' and BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations'.
Reason: To conserve and safeguard the visual amenities of the locality having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.
- 3 If within a period of 5 years from the date of the planting of a replacement tree, or any further tree planted in replacement, is removed, uprooted, destroyed, dies or becomes, in the opinion of the local authority, seriously damaged or defective, another tree of the same species as that originally planted, pursuant to condition 'Tree Replacement'; shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
Reason: To conserve and safeguard the visual amenities of the locality having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.
- 4 The tree works for which consent is hereby granted shall be carried out and completed no later than one year from the date of this decision notice.
Reason: To control the timing of the works