
Site Address: 4 and 5A Mill Lane, Langstone, Havant, PO9 1RX
Proposal: Prune the width of a Cypress hedge to 30 cm maximum at a height of 3.6 metres (hedge located to the western side of Mill Lane (behind Harbourside) private access drive to properties 4 and 5A).
Application No: APP/15/00466
Applicant: Mr D Holland
Agent: Mr D Holland
Ward: St Faiths

Expiry Date: 10/06/2015
Team: Team 1
Case Officer: Jamie Gargett

Recommendation: **RAISE NO OBJECTION**

1 Site Description

Access to a private road leading to numbers 4 and 5a Mill Lane, backing onto Harbourside and located within Langstone Conservation Area.

2 Planning History

None relevant.

3 Proposal

Prune the width of a Cypress hedge to 30cm maximum at a height of 3.6 metres (hedge located to the western side of Mill Lane (behind Harbourside)) private access drive to properties 4 and 5A).

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: Mill Lane (Langstone)

5 Statutory and Non Statutory Consultations

Langstone Harbour Board: No objection

Landscape Team: No objection

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: 1

Summary: We object on the following grounds:

- a. There will be a loss of established greenery in order to accommodate a short term build window (which has taken 30 years to grow in an area specifically deemed conservation in order to maintain the flora).
- b. The nature of the trees affected will mean that they cannot naturally return to their condition prior to any work requested.
- c. The trees were planted in the first place to form a barrier between our house and that to our east when our house was developed. Part of the approval for development was to create the conservation area to protect the trees and green barriers so planted.
- d. 30 years of conservation and care will be lost for a project which should have considered the width of access before its inception.
- e. The need for the type of access must be driven by economic grounds as smaller vehicles could be used (at obvious extra cost to the applicant) thus losing an economy of scale. Should short term saving be allowed to destroy the longer term stability of the area? Smaller vehicles would negate the need for any application. The other new house built using exactly the same access, required no work on the trees and caused no damage whatsoever. The new house therefore can be built without the loss of a major area of greenery on the trees
- f. The barrier also provides an excellent security factor to our house as there is a small wall in the access drive which would allow an intruder to step on and look over into our kitchen window. Mrs Lancaster is greatly concerned that should she be at her sink and a face appear at the window it would cause a great shock and concern

Comment:

- a. There may be some loss of greenery on the hedge, however this will be in the private access road only.
- b. The hedge should return in part to a reasonable state although it is agreed that there may be some what different to its current condition. However, the LPA can not TPO this hedge and legislation does not allow for it to be classed as defensible.
- c. Noted.
- d. The hedge has not been well maintained over the years and is now considered to be in severe decline, its longevity and sustainability is limited.
- e. The impact these works is considered very minimal in relation to the conservation area.
- f. External hedges are not in place to provide security for third parties.

7 Planning Considerations

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.

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 hedge subject to this Section 211 notification is currently identified as a barrier to a permitted planning application in that it restricts access to lorries removing rubble from the site and also for delivery of materials for the project.

The proposed works are identified as a lateral reduction (facing up) of a small part of the hedge - 30 cm maximum at a height of 3.6 metres. These works are considered to be minimal and should not drastically detract from the amenity value offered by the hedge. The hedge itself is in a mixed condition where by some parts are in severe decline and other parts are exhibiting a greater degree of vigour and vitality.

The Council does not have the provision to make a TPO in this case and reason is given in part from Section 2.3 of Tree Preservation Orders - A Guide to Good Practice - "A TPO may only be used to protect trees and cannot be applied to bushes or shrubs, although in the Secretary of State's view a TPO may be made to protect trees in hedges or an old hedge that has become a line of trees of a reasonable height and is not subject to hedgerow management": This implies that if a row of trees has been regularly maintained as a hedge or the individual components have no realistic potential of becoming individual trees, they should not be included in a TPO.

It should also be noted that the Harbour Board and HBC Landscape Team have raised no objections to this notification.

Arboriculturally it is noted that the hedge offers a degree of important screening for residents on the eastern aspect of Harbourside, and that it provides 'greenery' in the local area. However the hedge is not a good specimen in terms of form or biotic health and as such it is not considered to be sustainable in terms of longevity for the future.

8 Conclusion

Current legislation does not allow for a hedge of this condition to be made subject of a TPO and as such the Council has no other option than to Raise No Objection to this Section 211 Notification.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **RAISE NO OBJECTION** for application APP/15/00466.