
Site Address:	5A Mill Lane, Langstone, Havant, PO9 1RX		
Proposal:	Removal of Condition 4 of Planning Permission APP/13/00493 relating to trees.		
Application No:	APP/15/00541	Expiry Date:	07/07/2015
Applicant:	Mr B Holton	Team:	Team 1
Agent:		Case Officer:	Rachael McMurray
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

The property is a domestic residential 3 bedroom house constructed in 1998 with brick walls under a clay tiled roof. Part of the property has attractive vertical clay tiling above first floor level which is typical of the Hampshire area. The property is sited within the Mill Lane Conservation area. The property is served by its own tree lined private drive from Mill Lane which also serves an adjacent property to the south "Tidelands" and provides access to part of 5 Mill Lane. The front garden to the south extends for approximately 100 metres to the foreshore of Langstone Harbour, and the foreshore for the width of the southern boundary down to the mean high water mark is also part of the property.

The house is not easily visible due to the amount of mature tree cover, mainly leylandii, and the high walls, fences, and mature shrubbery that surrounds it. The grounds border the Hayling "Billy" Trail along their entire eastern side. The property was originally constructed under a planning condition to raise the ground floors by just over 1 metre as a precaution against flooding although there is no history of flooding on the site.

2 Planning History

APP/13/00249

Part two storey, part first floor side extension incorporating conversion of garage and store into living accommodation. Withdrawn 16/05/13

APP/13/00493

Part two storey, part first floor side extension incorporating conversion of garage and store into living accommodation. (Revised Application).
Approved on 16/7/2013

3 Proposal

Removal of Condition 4 of Planning Permission APP/13/00493

Condition 4 of PP APP/13/00493 reads as follows:

The proposed development shall be carried out strictly in accordance with Arboricultural Impact Appraisal and Method Statement prepared by Kevin Cloud and dated May 2013.

Reason: To protect the trees within the site and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National

Planning Policy Framework 2012.

The Arboricultural Impact Appraisal made a recommendation that some minor pruning will be required to facilitate the installation of the proposed upper floor. However, since Planning Permission APP/13/00493 was granted, the trees proposed for minor pruning, have since been lawfully removed from the site. Therefore if Planning Permission APP/13/00493 were to implemented, the Arboricultural Impact Appraisal would not be correct or relevant. Therefore it is proposed to removed this condition so that the development would not be in breach of this condition if it were to be implemented.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Mill Lane (Langstone)

5 Statutory and Non Statutory Consultations

Arboriculturalist:

As the trees have now been removed from the site the condition is no longer relevant in this instance.

Once development has been undertaken, the new tree planting will be undertaken.

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: 13

Number of site notices: 1

Statutory advertisement: 29/05/2015

Number of representations received: 4

Summary:

i. The applicant is in breach of Condition 4 by having removed the trees before any

work commenced. This has resulted in a loss of privacy to the neighbouring properties.

Comment: The Tree Officer has confirmed that the trees were lawfully removed from the site.

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:

(i) Impact upon the conservation area

As the Arboricultural Impact Appraisal submitted with the application is now irrelevant as a result of the removal of the trees, it would be unreasonable to enforce Condition 4 of Planning Permission APP/14/00493. The Arboricultural Impact Appraisal did propose the removal of other trees on the site however at the time of the application, the Council's Arborist confirmed that these could be removed without the consent of the Council as they are classed as Dead, Dying or Dangerous. The application does include a proposal to plant a screen of 6no. silver birch trees along the boundary where the removed trees were situated. This is shown on the submitted block plan. Overall it is considered that there would not be an adverse impact on the conservation area if Condition 4 were removed.

8 Conclusion

The application is considered to be acceptable and is recommended for approval.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00541

- 1 The semi-mature Silver Birch trees shown on Drawing No. 2015/01 shall be provided in the first planting season following the first occupation of the extension permitted under planning application reference APP/13/00493. Any such tree which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure that the appearance of the development is satisfactory in the Conservation Area and in the interest of amenity having due regard to policies CS11, CS16 and DM8 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Number: 2015/1 - Block Plan

Reason: - To ensure provision of a satisfactory development.