



Havant
BOROUGH COUNCIL

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To:
Mr Myers
Myers Tree Services
7 Bembridge Drive
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**THE TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER) REGULATIONS
1999
Split Decision**

Application Number: APP/14/01138

Site Address: 4 The Gorseway, St Helens Road, Hayling Island, PO11 0DH

Proposal: Reduce sides by 2-3m (over garden) and remove lowest branch to rebalance 1No. Monterey Pine; fell 1No. Sycamore; pollard 4No. Poplars; reduce side (facing property) by 3 metres; all trees are within Area 1 subject to TPO 0963.

Further to your application received on 29 October 2014 Havant Borough Council, as Local Planning Authority,

(A) Grants Consent for only the following part of the above proposal:

Proposed works to:

T1 - Monterey Pine
T2 - Sycamore
T3, T5, T6 & T7 - all hybrid Poplars

This consent is subject to compliance with:

- (i) That part of the plans and other documents submitted with regard to your application, which relate to the works as described at **(A)** above only and;
- (ii) The following conditions:

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 pruning/surgery for which consent is hereby granted shall not exceed the following:
- T1 Monterey Pine** - the reduction of the limbs to the south side shall vary between 2m to 3m as necessary to achieve a balanced and natural form to the crown, making all final cuts adjacent to living growth points, and must NOT leave stumps or stubs devoid of living foliage. The lowest branch which is to be removed is one of estimated maximum diameter 170mm at its junction with the main branch.
- T2 - Sycamore** - fell in a sectional and controlled manner to avoid damage to other protected trees nearby, and the stump is to be ground out by machine and NOT grubbed out to minimise impact on the roots of the adjacent trees. Given the proximity to the building, and presence of other trees along the road frontage, a replacement planting will not be sought on this occasion.
- T3 - Poplar** - pollard by removing all regrowth down to the level of the 'Poll Head' where previously reduced to - DO NOT cut into or below the Poll Head.
- T5/T6/T7 - Poplars** - pollard by removing all regrowth down to the level of the 'Poll Head' where previously reduced to - DO NOT cut into or below the Poll Head.
- Reason:** To safeguard the health and well being of the trees and their importance in the local landscape.
- 3 The tree works for which consent is hereby granted shall be carried out and completed no later than 19.01.2016.
- Reason:** To control the timing of the works.

(B) Refuses Consent with respect to the proposed works to:

T4 - Macrocarpa

for the following reason:

- 1 The **T4 – Macrocarpa** tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The proposed works further imbalance the trees, it would leave stumps devoid of living foliage (and is unlikely to properly address the alleged safety issues). This would be both visually unacceptable as well as contrary to sound arboricultural practice and industry guidelines BS3998, to the detriment of the visual amenities of the locality. It is therefore contrary to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

In coming to its decision the Council considered the plans and other documents submitted with regard to your application.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning (Trees) Regulations. It does not relate to any other application that may be required under the Town and Country Planning Acts, Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs.

- (3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to action being taken by the Council under the Town and Country Planning (Trees) Regulations 1999. If you wish to depart from the approved details or conditions in any way you should contact the Environmental Services at the Civic Offices or by telephoning 023 9244 6581/2.
- (4) Your attention is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended) which relates to the protection of nesting birds. Any felling of trees, lopping of trees, tree surgery, or ground clearance affecting nesting birds during the months between April and September may be in contravention of that Act. You are advised to contact the local office of English Nature at Lyndhurst for further information (023 8028 3944).
- (5) **Informative:** In respect of the T4 – Macrocarpa tree, a more appropriate course of action would be for the applicant's tree consultant to inspect the main stem for any signs of splits and defects which might undermine the integrity of the lower branch system on the south side facing the house. If found, then removal of any twisted and split limbs may be carried under the Dead/Dangerous provisions of the Tree Preservation Order (in which case it is highly advisable that any such works are advised to the Arborist of the Planning Authority in advance). Subsequently a further for tree works would be required to address the remaining crown in a balanced manner to reduce its overall canopy spread if so desired, to a lesser degree than currently applied for, bearing in mind that cutting back past the last signs of living foliage will not be acceptable.
- (6) In accordance with paragraphs 186 and 187 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
- Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions.

In this instance:

- You were updated about issues after the initial site visit,
- Your application has been partly approved, with advice (Informative above) regarding the tree for which consent has been refused at present.



Julia Potter
Executive Head - Economy and Planning

19 January 2015