
Site Address: 5A Mill Lane, Langstone, Havant, PO9 1RX
Proposal: Fell 4No. Cypress trees (T1 - T4) situated within Mill Lane Conservation Area.
Application No: APP/14/00120
Applicant: Mr B Holton
Agent: Mr K Cloud
Ward: St Faiths

Expiry Date: 18/03/2014
Team: Team 1
Case Officer: Jamie Gargett

Technical Arboriculture Limited

Recommendation: **RAISE NO OBJECTION**

1 Site Description

Side garden area to a detached residential dwelling where the four trees sit adjacent to a narrow access road.

2 Relevant Planning History (Summary)

APP/11/01466 - Reduce hedges Approved 2011
APP/13/00249 - Part 2/st & s/st extension Withdrawn 2013
APP/13/00493 - Part 2/st & s/st extension Approved July 2013

3 Proposal

Fell 4No. Cypress trees (T1 - T4) situated within Mill Lane Conservation Area.

4 Policy Considerations

Core Strategies 2011 forming part of the HBLDF

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

Conservation Officer - No comments received.

HCC Ecologist

The ecological value of such vegetation is likely to be very low/negligible. If I understand correctly, these 'trees' are in fact very tall western red cedar/Leyland cypress-type specimens which are frequently used to provide a fast-growing screen between properties. Such plants are not likely to support roosting bats due to an absence of any significant woody growth (branches).

There may be some potential for nesting birds to be present and therefore every precaution should be taken prior to their removal to assess the presence of bird

nests. If present, any works should cease until nesting activity has concluded naturally. Alternatively, the works could be timed to avoid the nesting season altogether by avoiding the period March-August.

Landscape Team

These trees form a small part of a large network of garden trees, however their species is not considered appropriate to the area. I refer to the Havant Landscape Character Assessment for the borough, this area - LCA 27 .

Langstone Harbour Board - 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: 12

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 6

Summaries:

5 letters of objection:

Strong objection to removal of screening. This will result in total invasion of privacy, looking directly into several habitable rooms and whole of rear garden

There will not be sufficient space to replant and replace screening- there will not be enough space, moisture and light once the extension (at no 5a) is built.

House at no 5a is over 1 metre higher than Harbourside properties, loss of the screen will cause it to dominate neighbouring homes

Felling without good reasons is unacceptable and inconsistent with policies for this environment.

Owner has previously obtained permission in 2013 to extend subject to a planning condition of to retain these trees as a screen but has drastically reduced their height and volume under a 2011 consent. He will therefore be unable to comply with that condition if the trees are felled.

This application cannot be evaluated in isolation from the 2013 permission to extend no 5a.

Object vehemently. Serious loss of habitat. Village design statement has endorsed concern for loss of habitat along the track

Site is in conservation area and adjoins harbour with Ramsar designation. The Harbour Conservancy and Natural England should be consulted.

Ongoing carnage to mature trees in the conservation area. Council has lost sight of conservation area's unique value in granting previous permissions. A stand should be taken.

Permission should be refused and the Authority is requested to identify for the neighbour what planning issues have been created by this latest application.

Recent work to trees was drastic and would have been less under proper supervision

but they still provide some screening to neighbouring properties in Harbourside. Felling will prevent the owner from complying with a planning condition of the 2013 permission for an extension to the property and this will exacerbate impact of building work on neighbours; it is understood that other neighbours have forthcoming development proposals.

Objector urges that Councilors see the objection so that the bigger picture can be perceived. Some recent applications have changed the ambience of the area, although others have been good husbandry.

In cases where a large number of neighbour objections have been made, they have been unsuccessful.

Concern that newly moved in residents remove trees to detriment of existing residents.

Those dealing with building fail to communicate with those dealing with trees.

1 letter of support:

Full support. Planting of these trees was a serious mistake.

Comments are considered among the planning considerations below.

7 Planning Considerations

- 7.1 Having regard to the relevant policies of the development plan, especially CS11 and Government guidance 'Tree Preservation Orders and trees in conservation areas' it is considered that the main issues arising from this application include: the amenity value of the trees, with particular consideration of public amenity and impact on the conservation area, also and the form and condition of the trees and ecological importance. In summary, these considerations inform whether or not a tree preservation order (TPO) should be made or whether a 'no objection' response be given.

Amenity value and impact on the conservation area

- 7.2 The trees subject of this Section 211 Notice have been assessed with regards to impact that the proposed works may have on the amenity value/street scene of the area. They have not been inspected for health and safety. Three of the trees have been pruned previously, following the Section 211 Notice in 2011 (APP/11/01466). Other trees in the garden have been removed during 2013, following notification under Dead/Dangerous exemptions.
- 7.3 Whilst the four trees are visible from outside 5A Mill Lane, the narrow nature of the lane is such that this vantage is limited. From Harbourside the trees offer a very restricted view from two points - between numbers 1&2 and 2&3. They do not contribute significantly to the street scene or offer a substantial backdrop. There are numerous more prominent and good quality trees in the vicinity, located in many of the front gardens of Harbourside and on the corner of the road where it meets Mill Lane. The trees provide a degree of screening, neighbour comments refer to the extent of overlooking which they currently mitigate, involving the privacy of several habitable rooms and the garden, they also consider that as no.5a is set at a greater height than the houses in Mill Lane, that the removal will cause the existing house (5a) to become overbearing. However, these benefits relates to neighbouring houses in Harbourside rather than the public domain and whilst these points are clearly of importance to these residents, the weight which can be attached in assessing

whether a Tree Preservation order should be made, is very limited.

- 7.4 Another point of objection relates the recent planning permission APP/13/00493 of July 2013 for an extension to the side of no.5a Mill Lane. Condition 4 of this permission requires adherence to an Arboricultural Method Statement. Following recent pruning works, this condition can no longer be complied with, nor would it be if the trees are felled. However, the permission is currently unimplemented and the condition has no current effect. The owner has been advised that an application/permission to vary this condition would be needed if it is still intended to implement this permission and an informative would be attached to the Council's letter of response to this current notification application. The process of variation which provides opportunity for other planting solutions to be considered and would be the subject of publicity and consultation, enabling residents to respond to any such proposals.
- 7.5 It is noted that although the applicant is not bound by law to replant following any tree removal subject of a Section 211 Notification, he has offered mitigation planting of more appropriate species in this instance but this would not affect the need for consent under the variation of condition process above. The existing trees could be considered to have a negative effect on the amenities of the site occupier, due to their size and effect on the garden area but in considering their contribution to the character of the area, the weight which can be attached to this is also limited.
- 7.6 Mill Lane & its environs is one of two conservation areas in Langstone, the other being the Langstone Conservation Area to the east of Havant Road. The Mill Lane Conservation Area Statement of 1993 refers to the hedgerows and trees, retaining the character of a rural lane and that houses have well landscaped gardens which contribute to the rural character. It states that the importance of the contribution of trees to the Conservation area is: *"reflected by the number of Tree Preservation Orders made within the Conservation Area."* This document acknowledges the importance of trees and policy CS11 of the Local Plan *protects and where appropriate enhances* the heritage of the Borough, including conservation areas. However, as explained in 7.3 above, the limited visibility of these particular trees and the presence other more prominent good quality trees, some covered by TPOs is such that the contribution of the four in question is very limited. The Council's Landscape architect comments that the Langstone Report Key Characteristics recommend that should be to "Maintain and enhance the broad leaved woodland, replacing when appropriate with broad leaved species."

The Form and condition of the trees and ecological importance.

- 7.7 An assessment of the condition and suitability of the trees has been undertaken using the 'TEMPO' evaluation method. The poor form of the trees and their limited longevity (estimated to be 10-20 years), contributes to a very low score. Furthermore, three of the trees has been affected by pruning. They score no additional points for group value, cohesion, historic, rarity or habitat importance (see below) and score a value of 6, where 12 or more points would indicate the making of a TPO as defensible.

- 7.8 The site is not within the Langstone Harbour Site of Special Scientific Interest (SSSI) / Ramsar site, which lies 100m to the south of the trees, and the proposal is not a matter for Natural England. However, consultation with the County Ecologist has advised that the ecological value of such trees is likely to be very low or

negligible, but that precautions should be taken to assess the presence of birds nests (covered by the Wildlife and Countryside Act). An informative would be attached to any decision alerting the applicant to this legislation.

8 **Conclusion**

- 8.1 In summary, although the trees provide screening to immediate neighbours, in consideration of their contribution to the public realm and the character of the conservation area, they are not considered to be so significant as to warrant the making of a TPO. Wildlife contribution is also very low or negligible and there are no other factors which weigh in favour of a preservation order.
- 8.2 In conclusion it is recommended that no objection be realised to the notification of felling.
- 8.3 In terms of procedure, the application is determined under delegated authority and has involved notification of Councillors at the beginning of the public consultation period, and following the receipt of objections, in accordance with the Council's adopted scheme of delegation.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **Raise No Objection**

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 10/3/14	Surveyor: J Gargett	
Tree details		
TPO Ref (if applicable):	Tree/Group No:	Species: Cypress
Owner (if known): Mr Holton	Location: 5a Mill lane	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

** Relates to existing context and is intended to apply to severe irremediable defects only*

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

**Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

Score & Notes

1 (A point for poor pruning could be deducted)

Score & Notes

2

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes

3

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)

Score & Notes

NA

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes**Part 3: Decision guide**

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:

6

Decision:

TPO indefensible