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## DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

**Membership:** Councillor

Councillors Buckley, Hughes, Keast, Patrick, Perry, Quantrill and Satchwell

**Meeting:** Development Management Committee

**Date:** 27 April 2017

**Time:** 5.00 pm

**Venue:** Hollybank Room, Public Service Plaza, Civic Centre Road,  
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Nick Leach  
Monitoring Officer

18 April 2017

Contact Officer: Jack Caine 023 92446230  
Email: [jack.caine@havant.gov.uk](mailto:jack.caine@havant.gov.uk)

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### PART A - (Items Open for Public Attendance)

**1 Appointment of Chairman**

To Appoint a Chairman to the meeting.

**2 Apologies for Absence**

To receive and record apologies for absence.

**3 Minutes**

1 - 8

To approve the minutes of the Development Management Committee held on 16 March 2017 and to consider the revision of 2 February 2017 Minute 92.1.B to read:

The proposal would not have a detrimental impact on the value of neighbouring residential properties.

**4 Matters Arising**

**5 Site Viewing Working Party Minutes**

**To Follow**

To receive the minutes of the Site Viewing Working Party held on 20/4/17

**6 Declarations of Interest**

To receive and record declarations of interests from members present in respect of the various matters on the agenda for this meeting.

**7 Chairman's Report**

The Chairman to report the outcome of meetings attended or other information arising since the last meeting of the Committee.

**8 Matters to be Considered for Site Viewing and Deferment**

The Committee are invited to consider any matters they wish to recommend for site viewing or deferment.

**9 Deputations**

To receive requests to make a deputation to Committee.

**10 Applications for Development and Development Control Matters**

**9 - 12**

**Part 1 - Applications Viewed by the Site Viewing Working Party**

**10(1) Tree Preservation Order 2065/2017 - 26 Bound Lane, Hayling Island**

**13 - 30**

Subject: To consider representations received in response to the making of a provisional Tree Preservation Order (TPO) in respect of 1No. Pedunculate Oak (*Quercus robur*)

**11 Nomination of Chairman**

**31 - 32**

To consider the nomination of Chairman for the next meeting of the Development Management Committee in accordance with the rota.

## GENERAL INFORMATION

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### Internet

This agenda and its accompanying reports can also be found on the Havant Borough Council website: [www.havant.gov.uk](http://www.havant.gov.uk). Would you please note that committee reports are subject to changes and you are recommended to regularly check the website and to contact *Jack Caine (tel no: 023 92446230)* on the afternoon prior to the meeting for details of any amendments issued.

### Public Attendance and Participation

Members of the public are welcome to attend the Public Service Plaza and observe the meetings. If you wish to address the Committee on a matter included in the agenda, you are required to make a request in writing (an email is acceptable) to the Democratic Services Team. A request must be received by 5pm on **Tuesday, 25 April 2017**. Requests received after this time and date will not be accepted

In all cases, the request must briefly specify the subject on which you wish to speak and whether you wish to support or speak against the matter to be discussed. Requests to make a deputation to the Committee may be sent:

By Email to: [jack.caine@havant.gov.uk](mailto:jack.caine@havant.gov.uk) or [DemocraticServicesTeam@havant.gov.uk](mailto:DemocraticServicesTeam@havant.gov.uk)

By Post to :

Democratic Services Officer  
Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hants P09 2AX

Delivered at:

Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hants P09 2AX

marked for the Attention of the "Democratic Services Team"



# Havant

## BOROUGH COUNCIL

### PROTOCOL AT MEETINGS – RULES OF DEBATE

#### Rules of Debate

- Councillors must always address each other as “Councillor ...” and must always address the meeting through the Chairman;
- A motion must relate to the business included on the agenda or accepted by the meeting as urgent business
- A motion must be proposed and seconded before it is debated until it is either accepted or rejected by a vote;
- An amendment can be proposed to the original motion and this must be seconded before it is debated;
- The mover of an original motion may, with the consent of the mover of an amendment, incorporate an amendment into the motion;
- Only one amendment may be moved at a time. No further amendments can be moved until the previous amendment has been dealt with;
- Each amendment must be voted on separately;
- If an amendment is carried, the amended motion becomes the substantive motion to which further amendments may be moved;
- If an amendment is lost, other amendments may be moved to the original motion.
- The mover may withdraw an amendment at any time
- After an amendment has been carried, the Chairman will read out the amended (substantive) motion, before accepting any further amendment, or if there are none, put it to the vote.

#### Voting

- Voting may be by a show of hands or by a ballot at the discretion of the Chairman;
- Councillors may not vote unless they are present for the full duration of the item;
- Where there is an equality of votes, the Chairman may exercise a second (casting) vote;
- Two Councillors may request, before a vote is taken, that the names of those voting be recorded in the minutes
- Councillors may not vote unless they are in the meeting for the full debate on any particular item
- A Councillor may request that his/her vote be recorded in the minutes

## **Order of Business**

Please note that the agenda order will be revised so that “uncontested” items are considered prior to 6 pm. The Contact Officer for this agenda can be contacted on (023) 9244 6232) on the afternoon prior to the meeting for details of the revised order, details of which are circulated at the meeting.

## **Who To Contact If You Wish To Know The Outcome Of A Decision**

If you wish to know the outcome of a particular item please contact the Contact Officer (contact details are on page i of the agenda)

## **Disabled Access**

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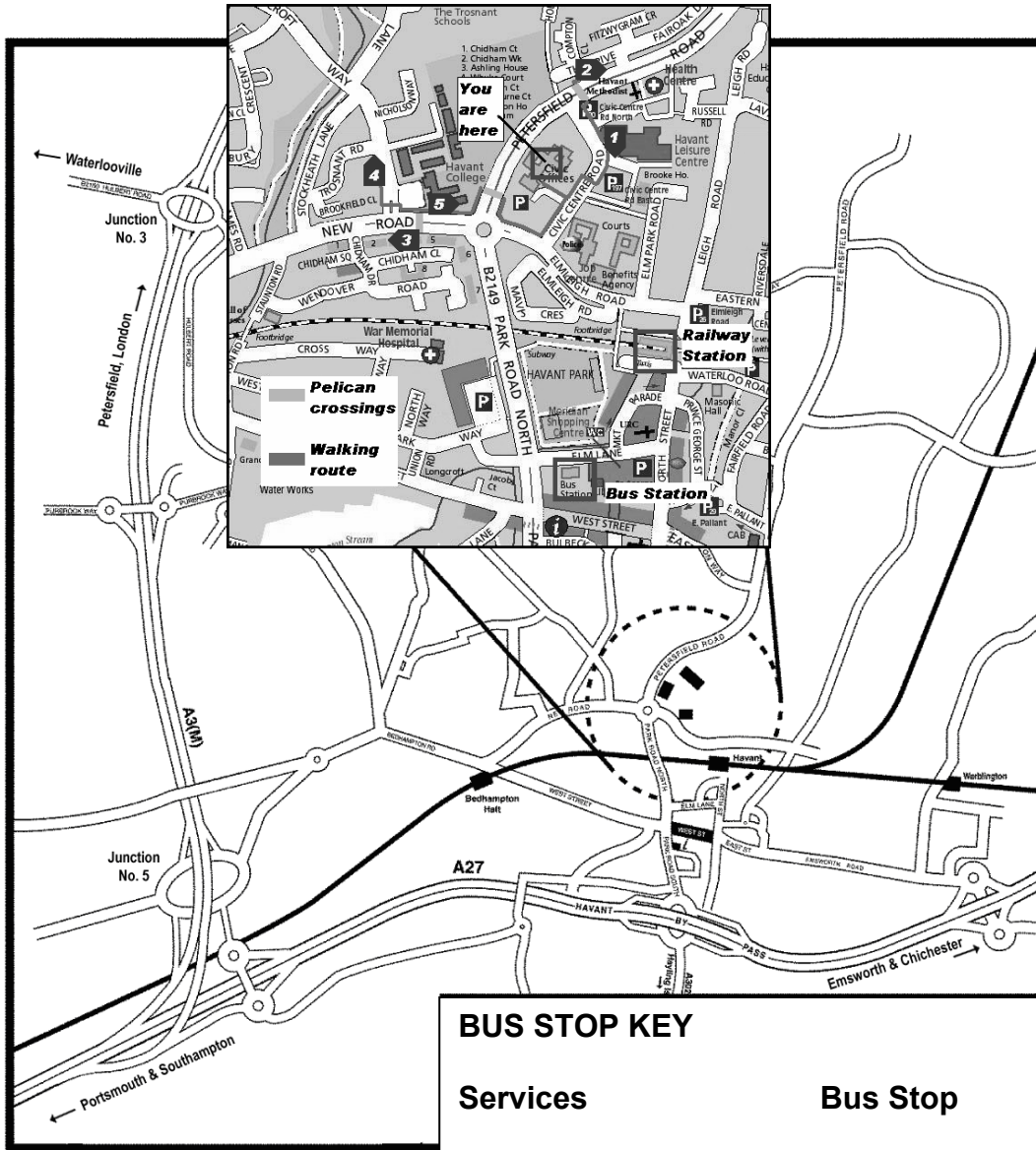
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Pay and display car parking is available in the Leisure Centre car park opposite the Civic Offices as shown on the attached plan.



**BUS STOP KEY**

Services	Bus Stop
20, 21, 39, 63	1
20, 21, 36**, 39	2
23, 36**	3
23, 27**, 37	4
23, 27**, 36**, 37	5

\*\* - also stops "hail and ride" opposite Stop 1 in Civic Centre Road



**Havant**  
BOROUGH COUNCIL

Public Service Plaza  
Civic Centre Road  
Havant  
Hampshire PO9 2AX

## HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 16 March 2017

Present

Councillor Patrick (Chairman)

Councillors Hughes, Perry, Quantrill, Satchwell and Bowerman (Standing Deputy)

### **95 Appointment of Chairman**

RESOLVED that Cllr D Patrick be appointed as Chairman for the meeting.

### **96 Apologies for Absence**

Apologies for absence were received from Cllr D Keast

### **97 Minutes**

RESOLVED that the minutes from the last meeting of the Development Management Committee, held on the 2 February 2017, be approved as a correct record and signed by the Chairman.

### **98 Matters Arising**

There were no matters arising.

### **99 Site Viewing Working Party Minutes**

The Minutes of the Site Viewing Working Party held on the 9 March 2017 were received by the committee.

### **100 Declarations of Interest**

There were no declarations of interest from members present relating to matters on the agenda.

### **101 Chairman's Report**

The Chairman advised members that the Planning E-Learning for Councillors was live and encouraged them to complete the courses available as soon as possible.

Members were also asked to provide feedback on the updated Development Management Committee procedure to the Democratic Services Team Leader.

## **102 Matters to be Considered for Site Viewing and Deferment**

There were no matters considered for site viewing of deferment.

## **103 Deputations**

The following deputation requests were noted by the Committee:

- (1) Mrs C Trafford (objector) – APP/17/00101 – 20 Summerhill Road, Waterlooville PO8 8XE
- (2) Mrs V Wallace-Jones (applicant) – APP/17/00101 – 20 Summerhill Road, Waterlooville PO8 8XE
- (3) Cllr D Keast (Ward Councillor) – APP/17/00101 – 20 Summerhill Road, Waterlooville PO8 8XE
- (4) Mr R Wood (supporter) – APP/17/00070 – Front Lawn Recreation ground, Somborne Road, Havant

## **104 20 Summerhill Road, Waterlooville, PO8 8XE - APP/17/00101**

(The Site was viewed by the Site Viewing Working Party).

The Committee considered the written report and recommendation from the Head of Planning Services to grant permission.

The Committee was addressed by the following deputees:

- (1) Mrs C Trafford who objected to the proposal for the following reasons:
  - a. Whilst not against planning and development in principle, the proposal would result in a significant detrimental impact upon the view and amount of natural light available to the western frontage of the neighbouring property
  - b. The proposal was unsympathetic to the street scene due to its height and bulk



- c. The proposal would have a significant detrimental impact to the amenities of the neighbouring property.

(2) Mrs Wallace-Jones, who supported the proposal for the following reasons:

- d. The design was sympathetic to the character of the area and the street scene
- e. The proposal was necessary to safely meet the specific physical needs of those living in the property
- f. The proposal had no impact upon the amenities to the rear of the neighbouring property
- g. The loss of light had been calculated to be between 3-6% and the light reflecting silicone render that was proposed to be used would mitigate any loss of light to the neighbouring property.

(3) Cllr D Keast, who objected to the proposal for the following reasons:

- h. The proposal would result in a 14ft high frontage facing the neighbouring property which would be both oppressive and depressive
- i. The proposal would have a significant detrimental impact on the natural light available to the kitchen and courtyard of the neighbouring property
- j. The proposal was incongruous to the character of the area due to its height and bulk
- k. The impact on the neighbouring property was subjective and could not be readily quantified
- l. The design and access statement referred to in the officer's report was not wholly accurate
- m. The proposed development would result in excessive building bulk adjacent to an existing residential property, detrimental to the visual outlook and amenities of the occupier of this property. The proposal would therefore be contrary to CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and Planning Policy Statement 1.

In response to questions raised by the committee officers advised that:

- The amount of light loss had not been accurately calculated by officers and the validity of the calculation made by the depute could not be ascertained.
- The proposed render that had been specified would have a significant positive impact upon mitigating light loss to the neighbouring property.

The Committee discussed the application together with the views raised by the deputies.

Members of the Committee raised concerns over the level of light loss caused by the proposal on the neighbouring property. Members also discussed the effect on the street scene, the character of the area and the design of the proposal. Some members were concerned about the excessive impact on the outlook from, and light available to, the adjacent residential property, however it was also expressed that the application was suitable and would successfully mitigate light loss concerns due to the nature of the proposed render.

**The meeting was adjourned from 17.55 and reconvened at 18.04.**

While some members felt that the impact of the proposal on the neighbouring property was too significant, the majority of the committee were satisfied that the proposal was acceptable in planning terms. It was therefore

RESOLVED That the Head of Planning be authorised to grant permission for application APP/17/00101 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 With the exception of the render proposed to the side elevation, the external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.

**Reason:** In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 The render to the side (east) elevation shall be painted and permanently maintained in a white or cream finish.

**Reason:** In the interests of the amenities of the area and the neighbouring residential property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the extension hereby permitted the bathroom window in the first floor on the eastern elevation shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

**Reason:** In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

Drg No. 160806/01 Rev B Location plan and proposed block plan  
Drg No. 160804/02 Rev A Existing ground and first floor plan  
Drg No. 160806/03 Rev A Existing elevations plan  
Drg No. 160806/04 Rev C Proposed ground and first floor plan  
Drg No. 160806/05 Rev E Proposed elevations plan  
Drg No. 160806/06 Rev B Existing and proposed roof plan  
160806 Rev A Jan 17 Design and access statement

**Reason:** - To ensure provision of a satisfactory development.

### **105 Front Lawn Recreation Ground, Somborne Drive, Havant - APP/17/00070**

The Committee considered the written report and the recommendation from the Head of Planning Services to grant permission.

The Committee was addressed by the following depute:

(1) Mr R Wood, who support the application for the following reasons:

- a. The proposal would meet the needs of the community and provide improved sport, health and social provision. The existing facilities didn't meet current standards and are not fit for purpose for user groups.

- b. Growing the provision of activities and facilities on site would mean an increase in the number of users and therefore there would be a requirement for the parking provision to be increased.
- c. The site ground would remain a public open space and would therefore benefit other users including dog walkers and recreational activities.
- d. The new proposed car park would provide double the current number of parking spaces for users.
- e. Engagement with community groups outlined that there is a specific need for these improved facilities in the Leigh Park area.

In response to questions raised by the committee, officers advised that:

- The dimensions for the car parking spaces were in line with standard sizing.
- Any increase in parking facilities could be introduced on a phased basis.

Members discussed the application together with views raised by the deputy. Members noted that the proposal for a phased introduction to increased car parking would be of benefit to the proposal on a whole. It was therefore

RESOLVED that that the Head of Planning be authorised to grant permission for application APP/17/00070 subject to the following conditions:

- 1 The development must be begun by 18 December 2018.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and taking into account the time period given from the original planning permission.

- 2 The floodlights hereby permitted shall not be remain illuminated after hours 21:30 hours.

**Reason:** To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 The two MUGAs and cage cricket hereby permitted shall not be constructed other than substantially in accordance with Sport England Design Guide, Artificial Surfaces for Outdoor Sports 2013. Particular attention is drawn to the need for appropriate fencing and surfacing.

**Reason:** To ensure the development is fit for purpose and sustainable and having due regard to policy DM1 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Before the 3G Artificial Grass Pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The Scheme shall include measures to ensure the replacement of the Artificial Grass Pitch within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3G Artificial Grass Pitch.

**Reason:** To ensure that the new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and having due regard to policy DM1 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The 3G Artificial Grass Pitch hereby permitted shall not be constructed other than substantially in accordance with The Football Association Guide to 3G football turf pitch design principles and layouts 2013 Edition 1, or any superseding design guidance.

**Reason:** To ensure the development is fit for purpose and sustainable and having due regard to policy DM1 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

6. Prior to first use and/or occupation of the development hereby approved the car park as indicated on plan 27973-101 rev D shall be laid out and provided for the parking of vehicles. The area of potential future parking as indicated on the Proposed Site Plan 27973-101 rev D shall not be carried out until full details of the layout and surfacing have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To provide a sufficient level of car parking for the proposed use and to provide flexibility for further parking provision if the need arises in accordance with policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011.

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

Additional Supporting information submitted by Senior Leisure Officer received 5 November 2015  
Planning Statement dated 17th January 2017  
Site Location Plan drwg.no 27973PD-00 received 15 October 2015  
Existing Site Plan drwg.no 27973PD-100 received 15 October 2015  
Proposed Floor Plan drwg.no 27973PD-102 received 15 October 2015  
Proposed Site Plan drwg.no 27973PD-101 rev D received 18 January 2017  
Proposed Expansion to Car Park drwg.no 27973-150 rev D received 18 January 2017  
Proposed Landscape Plan drwg.no 27973-151 rev D  
Elevations - Sheet One drwg.no 27973PD-103 received 15 October 2015  
Elevations - Sheet Two drwg.no 27973PD-104 received 15 October 2015  
Existing Floor Plan and Elevations drwg.no 27973PD-105 received 15 October 2015  
Existing and Proposed Sections drwg.no 27973PD-106 received 15 October 2015  
Topographical Survey drwg.no 27973PD-110 received 15 October 2015  
Artificial Turf Pitch Details drwg.no SSL1982-01 received 15 October 2015  
Artificial Turf Pitch Site Plan drwg.no SSL1982-02 received 15 October 2015  
Artificial Turf Pitch Isometric View drwg.no SSL1982-03 received 15 October 2015  
Artificial Turf Pitch Flood Lighting Scheme drwg.no SSL1982-05 received 15 October 2015  
Artificial Turf Pitch Elevation drwg.no SSL1982-06 received 15 October 2015  
Drainage Proposal - SSL1982 Drwg.01 Revision 00  
Substructure and Drainage Plan drwg.no 27973-106 rev D

**Reason:** - To ensure provision of a satisfactory development

## **106 Nomination of Chairman**

RESOLVED that Cllr D Keast be nominated as Chairman for the next meeting of the Development Management Committee.

**The meeting commenced at 5.00 pm and concluded at 6.30 pm**

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**Chairman**

NON EXEMPT

## HAVANT BOROUGH COUNCIL

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### Development Management Committee

#### APPLICATIONS FOR DEVELOPMENT AND OTHER DEVELOPMENT CONTROL MATTERS REPORT BY THE EXECUTIVE HEAD OF PLANNING AND BUILT ENVIRONMENT

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#### Applications to be determined by the Council as the Local Planning Authority

Members are advised that all planning applications have been publicised in accordance with the Code of Practice for Publicity of Planning Applications approved at Minute 207/25/6/92, and have been referred to the Development Management Committee in accordance with the Delegation Procedure for Determining Planning Applications 'Red Card System' approved at minutes 86(1)/4/97 and 19/12/97.

All views of consultees, amenity bodies and local residents will be summarised in the relevant report only if received prior to the report being prepared, **otherwise** only those views contrary to the recommendation of the Executive Head of Planning and Built Environment will be reported **verbally** at the meeting of the Development Management Committee.

***Members are reminded that all letters received are placed upon the application file and are available for Development Management Committee Members to read on request. Where a member has concerns on such matters, they should speak directly to the officer dealing with the planning application or other development control matter, and if appropriate make the time available to inspect the file and the correspondence thereon prior to the meeting of the Development Management Committee.***

The coded conditions and reasons for refusal included in the recommendations are set out in full in the Council's Manual of Model Conditions and Reasons for Refusal. The standard conditions may be modified to meet the specific circumstances of each individual application. Members are advised to bring their copies to the meeting of the Development Management Committee.

In reaching decisions on the applications for development and other development control matters regard should be paid to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Executive Head of Planning and Built Environment, and where applicable the views of the Site Viewing Working Party.

The following abbreviations are frequently used in the officers' reports:

EHPBR	Executive Head of Planning and Built Environment
HCSPR	Hampshire County Structure Plan - Review
HBLP	Havant Borough Local Plan (comprising the adopted Core Strategy 2011 and saved policies from the District Wide Local Plan 2005. A related emerging document is the Draft Allocations Plan 2012)
HWLP	Hampshire, Portsmouth & Southampton Minerals & Waste Local Plan
NPPF	National Planning Policy Framework 2012
HBCCAR	Havant Borough Council Conservation Area Review
AONB	Area of Outstanding Natural Beauty
CA	Conservation Area
LB	Listed Building included in the list of Buildings of Architectural or Historic Interest
SAC	Special Area of Conservation
SINC	Site of Importance for Nature Conservation
SPA	Site identified as a Special Protection Area for the protection of birds under the Ramsar Convention
SSSI	Site of Special Scientific Interest
FP	Definitive Footpath
POS	Public Open Space
TPO	Tree Preservation Order
HBC	Havant Borough Council
GPDO	Town & Country Planning (General Permitted Development) Order
DMPO	Town & Country Planning (Development Management Procedure)(England) Order 2010 amended
UCO	Town & Country Planning (Use Classes) Order
S106	Section 106 Agreement
Ha.	Hectare(s)
m.	Metre(s)

## RECOMMENDATIONS

To reach decisions on the applications for development and other matters having regard to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Executive Head of Planning and Built Environment, and where applicable the views of the Site Viewing Working Party.

### **Implications**

#### **Resources:**

None unless detailed in attached report.

#### **Legal:**

Details set in the individual reports



**Strategy:**

The efficient determination of applications and making of other decisions under the Town & Country Planning Acts in an open manner, consistent with the Council's planning policies, Regional Guidance and Central Government Advice and Regulations seeks to ensure the appropriate use of land in the public interest by the protection and enhancement of the natural and historic environment; the promotion of the economy; the re-use of existing buildings and redevelopment of 'brownfield' sites; and the promotion of higher densities and good quality design in all new development all of which matters assist in promoting the aims of the Council's Community Strategy.

**Risks:**

Details set out in the individual reports

**Communications:**

Details set out in the individual reports

Background Papers:

Individual Applications with Case Officers

Andrew Biltcliffe  
Head of Planning

Nick Leach  
Monitoring Officer

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## **TREE PRESERVATION ORDER 2065/2017 – 26 BOUND LANE, HAYLING ISLAND, PO11 9HU**

Report by the Head of Neighbourhood Support

Portfolio: Councillor David Guest

Key Decision: No

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### **1.0 PURPOSE OF REPORT**

*(The debate and voting on this application will be in accordance with the procedure and guidance set out in the guidance notes attached at Appendix C)*

- 1.1 To consider representations received in response to the making of a provisional Tree Preservation Order (TPO) in respect of 1No. Pedunculate Oak (*Quercus robur*) at 26 Bound Lane, Hayling Island, PO11 9HU.

### **2.0 RECOMMENDATION**

- 2.1 That Tree Preservation Order 2065/2017 should be confirmed without modification.

### **3.0 SUMMARY**

- 3.1 The tree subject of this TPO is a Pedunculate Oak offering a high degree of public amenity to the local area and contributing positively to the street scene. There is no evidence of actionable nuisance and the tree meets with the Tree Preservation Method for Preservation Orders (TEMPO) guidelines for the TPO to be defensible.
- 3.2 The Oak is a semi-mature specimen that bifurcates into two stems at 1.2m above ground level with an open crown form that has adapted to the prevailing wind pattern. The canopy contains deadwood commensurate with the age and species, however there are a number of these dead branches that pose a threat to the area below and should be removed under the Dead and Dangerous exemption to the planning process.
- 3.3 The Oak tree is situated on land that the owner at 26 Bound Lane is currently seeking Adverse Possession on.
- 3.4 The Tree Preservation Order was provisionally made to protect the amenity value offered by the tree following the recent felling of two mature Oak trees on site. Havant Borough Council was contacted by members of the public and Ward Councillors who stated that they were concerned that the tree was now under threat.

- 3.4 In light of the potential risk to this tree following the felling of other trees in this location, it is important to ensure that the Oak receives adequate protection against such action or inappropriate management as outlined within the Appellant's Tree Surgeon's quote / work schedule. A TPO will ensure that this protection can be managed appropriately.
- 3.5 The Appellant has provided email content from his Arboricultural Consultant who has offered professional advice on the management of the Oak and the verge. This information appears to provide sound management guidance in line with BS 399 (2010) Tree Work - Recommendations and BS 5837 (2012) Trees in relation to design, demolition and construction – Recommendations.
- 3.6 The Appellant has also provided a quote / work schedule from his Tree Surgeon and it is noted that these works do not concur with the Arboricultural Consultant's recommendations. However it is noted that the work schedule was provided prior to the Consultant's involvement and formed part of a management programme for all three Oak trees that were previously on site. The work outlined for the TPO Oak tree is considered excessive and not appropriate in this instance as over-pruning of the canopy will lead to a reduction of the public amenity value offered by the tree. It does however correctly identify the need to remove the deadwood within the canopy.

#### 4.0 FURTHER INFORMATION

- 4.1 On the 31st of January 2017 an objection to the TPO was received from Mr Tony Johns, the owner at 26 Bound Lane, Hayling Island, PO11 9HU. There are a number of areas raised by the appellant; those matters which are relevant to the consideration of whether the tree warrants protection in the public interest are set out below.
- 4.2 *Whilst understanding the need to protect such a beautiful tree on Bound Lane, I feel compelled to write to you and inform you of the real and potential consequences and repercussions of this precipitous and hastily instigated action taken by Havant B.C.*

**Response:** The TPO was given due consideration in accordance with TEMPO guidelines in order to protect the tree from potential threat to the public amenity value it offers to the street scene.

- 4.3 *I need to advise you therefore, directly because of the TPO applied, the tree will continue to remain in its current unsafe state and further, I am informed that this could be additionally amplified should severe winter result in an ice build up on any of its dead limbs.*

**Response:** Trees are living organisms and no guarantees of their stability can be given in any instance. Areas of concern have been raised by the Appellant and advice has been given by the Council and an independent Arboricultural Consultant on how the tree may be managed by the Dead or Dangerous exemption set out in the Town and Country Planning (Trees) Regulations 2012 and by an application for works to a tree subject of a TPO.

- 4.4 *I need to advise you therefore, directly because of the TPO, the excluded verge clearance area 'with its residue' poses an ongoing imminent danger to passing children and animals because under its terms it is not permitted to be cleared by machine.*

**Response:** The issue of clearing litter is not a material consideration with regards to the making of a TPO. While the Appellant's chosen contractor may not wish to conduct litter clearance operations without the use of heavy machinery within the RPA, there are specialist contractors whose services could be employed.

- 4.5 *By placing a TPO on the tree, I strongly believe the consequences of it are counter productive to the well being and safety of adults, children, animals, passing vehicles, property and the tree itself.*

**Response:** Any areas of concern may be managed either under application or by the Dead or Dangerous exemption set out in Town and Country Planning (Trees) Regulations 2012.

- 4.6 *In addition, the placing of a TPO is preventative of the development of an attractive frontage to the property in keeping with most of the other properties in the lane.*

**Response:** The tree itself adds to the public amenity value of the street scene and any development should be considered in harmony with the health of this tree.

- 4.7 On the 31st of January 2017 a letter of support to the TPO was received from Mrs Victoria Seddington who is a local resident. Those matters which are relevant to the consideration of whether the tree warrants protection in the public interest are set out below.

- 4.8 *I live nearby and pass the tree many times in the course of my daily activities and would really regret its loss should it be damaged or removed as several other Oak trees on the same verge were recently.*

*It is part of our neighbourhood landscape and, being an Oak tree, very important for wildlife and as a visual amenity to residents.*

**Response:** Noted.

- 4.9 On the 1st of February 2017 a letter of support to the TPO was received from Mrs. Rosemary Webb, resident of 29 Bound Lane, Hayling Island. Those matters which are relevant to the consideration of whether the tree warrants protection in the public interest are set out below.

- 4.10 *This tree is part of the visual amenity of this lane and is admired and commented on by many people, both living in the lane and passing by.*

*These trees traditionally formed part of the drainage in the lane, in that the excessive roots take up rain water and help to prevent the flooding in this part of the road. This is still the case for this remaining tree. The tree provides shade and wind breaks in*

*this exposed part of the island and Oak trees such as this are part of the larger landscape.*

*As it is a mature tree, such specimens have become important habitats for wildlife. In particular, it holds colonies of the magnificent stag beetle – *Lucanus cervus* – which is a rare species for which Hayling is noted. These are known to be in this tree. Hedgehogs are known to use the leaf litter in hibernation.*

*The ground around the tree has an interesting understory of plants, including Large Cuckoo Pint - *Arum maculatum* - a species confined to the south of England and stinking Iris - *Iris foetidissima*, a feature of the ancient Hayling lanes and fast disappearing.*

**Response:** Noted

- 4.11 On the 1st of February 2017 a letter of support to the TPO was received from an anonymous resident of Bound Lane, Hayling Island. Those matters which are relevant to the consideration of whether the tree warrants protection in the public interest are set out below.
- 4.12 *The tree roots suck up rainwater forming part of the drainage for the lane. The tree also provides shade and important habitats for wildlife, some of which are protected species. There are also rare plants which form part of the character of the lane. The one remaining tree must be preserved at all costs.*

**Response:** Noted

- 4.13 On the 7th of February 2017 an objection to the TPO was received from Mr Keith Peake, resident of 31 Bound Lane, Hayling Island. Those matters which are relevant to the consideration of whether the tree warrants protection in the public interest are set out below.
- 4.15 *I believe Mr Johns did take appropriate actions to fell the trees close to the one in the TPO, to protect passers by and local traffic. The tree which is subject to the TPO is also dangerous as described fully in Mr Johns' letter to yourself.*

*If it is the intention of the council to preserve overhanging trees then it will require traffic height restrictions to be put in place to avoid future accidents. If the owner of a tree is prevented from felling it or cutting away overhang, I imagine any future accidents become the Council's responsibility?*

*Mr Johns has explained his plans to replant with mature Oak trees, further back from the lane to replace those felled. This appears to me to be a most agreeable solution, and that the TPO be lifted.*

**Response:** Whilst it may be possible to agree that one of the removed Oaks was suffering from extensive mechanical damage and an argument put forward for its removal is fair, there is no sound arboricultural reasoning provided to warrant the removal of the second Oak. However, neither tree was subject to a TPO, as such no criminal offence has been committed. The Oak tree subject to the TPO can be

managed either by application to the Council in terms of routine works, and by the Dead or Dangerous exemption of the Town & Country Planning Act (2012) to remove any foreseeable hazards. It is most welcome that there are plans to plant Oak trees in mitigation for those that have been lost.

## 5 IMPLICATIONS

### *Financial*

- 5.2.1 There would be costs involved if an appeal is made to the High Court under 288 of the Town and Country Planning Act 1990 (see legal implications)

### *Legal*

- 5.2 Under Section 288 of the Town and Country Planning Act 1990 any person aggrieved by the Order who wishes to question the validity of the Order on the grounds:

(a) that the Order is not within the powers of the Act

Or

(b) that any of the relevant requirements have not been complied with in relation to the Order

may apply to the High Court within six weeks from the date on which the Order was confirmed.

### *Strategy (Community and Corporate)*

- 5.3 The adopted Havant Borough Local Plan (Core Strategy) 2011 is of relevance – in particular policy DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

### *Equalities/Customers*

- 5.4 None

### *Risk*

- 5.5 None

### *Communications/Public Relations*

- 5.6 None

## Appendices:

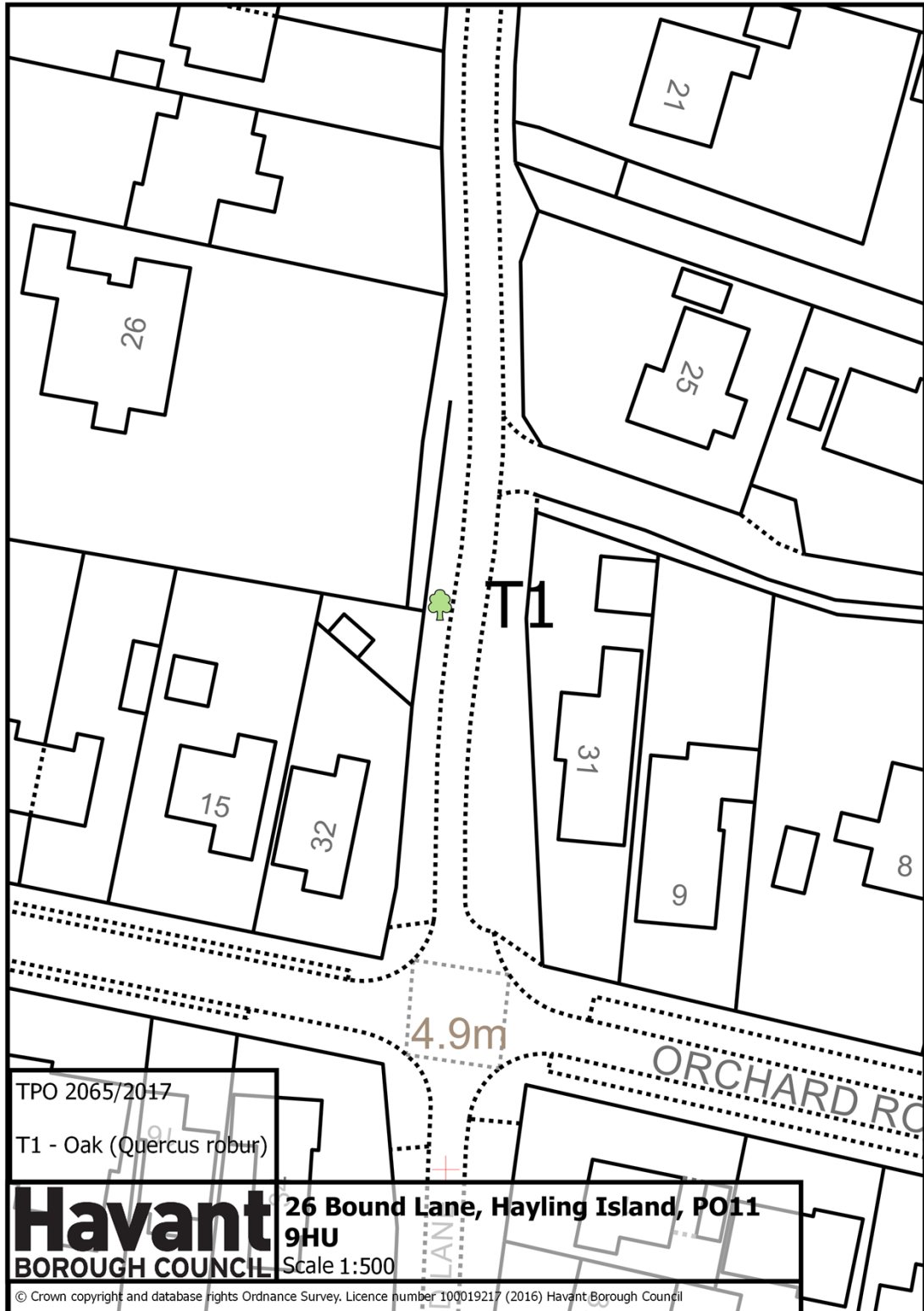
- (A) Site Plan
- (B) Tree Surgeon Report
- (C) Arboricultural Consultant's Report
- (D) Photographs

**Background papers:**

Reports received from the Appellant's Arboricultural Consultant and Tree Surgeon.

**Contact Officer:** Jamie Gargett  
Arboriculture  
Neighbourhood Support  
Havant Borough Council  
Tel: 023 92 446525  
Email: [jamie.gargett@havant.gov.uk](mailto:jamie.gargett@havant.gov.uk)





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 Mobile: 07979 808954

### Quotation

Site Address:  
 26 Bound Lane,  
 Hayling Island,  
 Hants.

Date: 29<sup>th</sup> December 2016

Point of contact: Mr [REDACTED]

Home Phone No: [REDACTED]

Mobile Number: [REDACTED]

#### Description of works:

##### Task 1:

Reduction of 1 off Oak tree to stump level.

On inspection this oak tree has been severely impeded by the angle of its growth predominantly on the leeward side of the tree in a North Easterly direction caused by sustained wind. The resultant brush that has been allowed to grow substantially from self-seeding activity its radial arc is growing out of control and should also be removed. The tree growth and it make it dangerous to access and egress on to Boundary Lane forcing the only option of removal, a reduction cannot be achieved at the height level at which the driver of a car without complete removal of the said tree and brush.

##### Task 2

Reduction of the central Oak tree to stump level.

On inspection of this tree the limbs that are nearest Bound Lane represent a clear and danger to pedestrians, cars and service vehicles. It is clear that these limbs have been on many occasions yet nothing has been achieved to derisk or eliminate the immediate danger.

Concern is raised particularly at this time of year as water ingress into the substantial weight of the limbs freezes and further exacerbates the problem in their respective lateral strength. Again no maintenance has been achieved on this tree ever and to just remove these limbs will substantially unbalance the tree and make the whole tree potentially unstable.

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as you will be cutting a significant quadrant of the tree out by their removal. The tree v  
able to grow in that quadrant once these limbs are removed.

With no maintenance having occurred on this tree at all and thus has been allowed  
completely out of shape, it is also full with a substantial amount of dead wood. As with th  
tree there has been an incredible amount of growth between the line of all the oak tree  
of concern is that the limbs that have been damaged are supporting a very significant ;  
growth from the creepers and removal of these limbs will allow a huge amount of growth  
Bound Lane and that the remaining growth will be unable to support its weight, on this b  
it is recommended to remove all the self-seeded trees and shrubs between the 3 off Oak

On closer inspection it is clear also that this area has been used a dumping ground n  
green waste etc and has now resulted in a bank of unstable ground between the oak tr  
also is seen to contain much rubbish inclusive of tins, bottles and disturbingly drug par  
Just this alone is sufficient to make Log Off Tree Surgeons extremely cautious when ;  
the clearance activity.

### **Task 3**

Stump grind resultant tap roots created from Tasks 1 and 2, also stump grind tap  
shrubby growth and self-seeded trees. Please note this will still leave you with a mou  
higher than Bound Lane and will need to be levelled and disposed of formally as this wil  
either mixed and non green waste.

### **Task 4**

The remaining Oak tree is in fair condition but desperately needs to be reduced all over  
dead wooded as some of the dead limbs again represent risk to the traffic and ;  
transiting Bound Lane. Where this trees lower limbs protrude in a South Westerly direct  
in danger of breaching your neighbours roof and or allow birds to stand directly on the  
the cars driveway, these should be removed entirely or at least cut substantially back  
clear of the neighbours car and roof for many years.

### **Costings:**

Task 1	£[redacted] (4 Man team)
Task 2	£[redacted] (4 Man team)
Task 3	£[redacted]
Task 4	£[redacted] (3 man team)

Price includes clearance of all core wood but with the caveats of potential add  
described in email dated 28<sup>th</sup> December 2016.

Submitted for your consideration

Kind regards

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Tree No.	Species	Ht m.	Diam mm.	Wind Speed m/s	GC m	LS	Comments	Preliminary Management Recommendation	Rem Cost £m.	Cat
1	Pedunculata Oak <i>Quercus robur</i>	10	510 510	N 6 E 9 S 7 W 6	4	EM	Is situated at 1.2m above ground-small and large diameter deadwood throughout crown as well as die-back-some dangerous limbs directly above the road-open splayed habit and crown has been wind pruned by south-westerlies.	Remove all fragile dead limbs for safety reasons (TPO approval not required for this work). Consider some light crown lifting works and re-shaping to balance overhanging TPO application would be needed for these works.	>40	B1

Tree No.	Tree Species	Cat	Diam mm.	BS6857:2012 Table 1 Roadkill Protection Zone m	BS6857:2012 Table 1b Polygon Area m <sup>2</sup>	Is An Other Required To Comply For Existing Rooting Pattern Restrictions
1	Pedunculata Oak <i>Quercus robur</i>	B1	510 510	8.7	235	No fairly free rooting to all directions

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# Agenda Item 11

The Rota for the Chairman of the Development Management Committee for the  
Municipal Year 2016/17:

Councillor Paul Buckley

Councillor David Keast

Councillor Dianna Patrick

Councillor John Perry

Councillor Lance Quantrill

Councillor Claire Satchwell

Councillor Gary Hughes

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