



NOTICE OF MEETING

PLANNING COMMITTEE

WEDNESDAY 14 AUGUST 2019 AT 1PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino 023 9283 4060
Email: Democratic@portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Planning Committee Members:

Councillors Hugh Mason (Chair), Judith Smyth (Vice-Chair), Matthew Atkins, Steve Pitt, Suzy Horton, Lee Hunt, Donna Jones, Terry Norton, Luke Stubbs and Claire Udy.

Standing Deputies

Councillors Chris Attwell, George Fielding, Jo Hooper, Frank Jonas BEM, Gemma New, Robert New, Scott Payter-Harris, Lynne Stagg, Gerald Vernon-Jackson CBE, Rob Wood and Tom Wood.

(NB This agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Representations by members of the public may be made on any item where a decision is going to be taken. The request needs to be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the representation (e.g. for or against the recommendations). Email requests to planning.reps@portsmouthcc.gov.uk or telephone a member of the Technical Validation Team on 023 9283 4826.

AGENDA

- 1 Apologies
- 2 Declaration of Members' Interests
- 3 Minutes of the previous meetings held on 17 and 24 July 2019. (Pages 3 - 14)
RECOMMENDED that the minutes of the previous meetings held on 17 and 24 July 2019 be approved as a correct record.
- 4 Updates on previous planning applications

To receive any updates on previous planning applications by the Assistant Director City Development, Regeneration,

Planning Applications.

**5 19/01016/TPO - Trust Twin Satellite Flat 10 Langstone Student Village
Furze Lane Southsea (Pages 15 - 20)**

Within tree preservation order 215 - to fell Lombardy tree (T16) (Populus Nigra).

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the council's website and posters on the wall of the meeting's venue.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the council's website.

This meeting is webcast (videoed), viewable via the council's livestream account at <https://livestream.com/accounts/14063785>

Agenda Item 3

PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 17 July 2019 at 1.00 pm in the The Executive Meeting Room - Third Floor, The Guildhall

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

Present

Councillors Hugh Mason (Chair)
Judith Smyth (Vice-Chair)
Matthew Atkins
Steve Pitt
Lee Hunt
Terry Norton
Luke Stubbs
Claire Udy
Frank Jonas (Standing Deputy)

Welcome

The chair welcomed members of the public and members to the meeting.

Guildhall, Fire Procedure

The Chair explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

62. Apologies (AI 1)

Apologies for absence had been received from Councillor Donna Jones (who was represented by Standing Deputy Councillor Frank Jonas) and Suzy Horton. Councillor Steve Pitt apologised for his late arrival, and Councillor Jonas apologised that he would need to leave before the end of the meeting.

63. Declaration of Members' Interests (AI 2)

Councillor Matthew Atkins took legal advice and as he lives near 110 Stubbington Avenue he withdrew from the room and did not participate in this item.

64. Minutes of Previous Meeting - 19 June 2019 (AI 3)

RESOLVED that the minutes of the previous meeting held on 19 June 2019 be approved as a correct record, to be signed by the Chair of that meeting.

65. Update on previous applications and nitrates (AI 4)

Nitrates

Sim Manley, Development Manager, reported that there would be a regular update at committee on the situation on nitrate neutrality, due to local authorities not being able to issue decisions where applications generated an overnight stay. He stressed that officers were working hard to find a way forward and were in discussions with Natural England on this, where it can be proven that an improvement in water quality had taken place.

It was reported that in the appeal decision for 32 Norman Road the Inspector had dismissed the appeal on nitrate grounds.

Discussions were also taking place on a regional level, through PUSH, for a joint strategy to be in place with neighbouring authorities by 15 October 2019, with the hope that decisions would start to be issued and PUSH was involved in lobbying the government on this issue. Water efficiency measures in Portsmouth City Council's own housing stock was also being explored, at no cost to tenants and costs to be recouped from developers was also being investigated.

The legal position was further explained with advice having been sought from Queen's Counsel on the need to listen to statutory consultees (Natural England) and there should be compelling reasons not to. It was known that not all councils were adopting the same stance and if there were further developments further legal advice could be sought from QC. The Chair summed up that in the meantime PCC were seeking to look at mitigating provisions or for developments to be nitrate neutral for these to be progressed. This had also been raised through the Local Government Association (LGA).

Legal Updates

Kieran Laven, Legal Adviser to the Committee, reported that a Judicial Review had been lodged to challenge the Inspector's decision (in favour of PCC's grounds for rejecting an HMO) on 13 Wyndcliffe Road. There would be a further update at the meeting in August.

On procedural matters Kieran Laven reiterated his previous advice that a motion to defer a decision should be considered before other main motions.

Chair's Notices

Councillor Hugh Mason reported:

- i) That the intention would be for the final item to be considered in open session if members agreed not to refer to matters within the exempt appendix.
- ii) There would be a Local Plan cross-party working group taking place immediately following the committee meeting.
- iii) A training workshop would be taking place the following day which he urged members to attend.
- iv) A special Planning Committee would be taking place on 24th July at 2pm regarding an application for Kendall's Wharf.

Planning Applications

Deputations are not minuted in full; this meeting was livestreamed/webcast and can be viewed here:

<https://livestream.com/accounts/14063785/Planning-17Jul2019>

- 66. 19/00315/HOU -10 Driftwood Gardens Southsea PO4 9ND - Construction of single-storey rear extension incorporating balcony; construction of single-storey front extension connecting the main property to the garage (to facilitate the conversion of garage to a habitable room with associated external alterations) (AI 5)**

Following the officer's presentation deputations were heard:

- i) Joan Gale, objecting due to the impact on her neighbouring property;
- ii) Christopher Nicholls on behalf of the applicants, in support and explaining the changes to a family home.

Members' Questions

The level of potential overlooking from the garage conversion and what was and was not covered by permitted development rights were examined. It was reported that the nitrates issue was not applicable as this was an extension of an existing dwellinghouse.

Members' Comments

Some members had visited the site and it was not felt that there would be an undue loss of privacy, and there were limited considerations for the committee to decide on (due to permitted development rights). Members were mindful that this was not a sub-division of a property and therefore supported the officer's recommendation.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director for City Development's report.

- 67. 19/00419/FUL - 24 Walden Road Portsmouth PO2 8PJ - Change of use from dwelling house (class C3) to purposes falling within class C4 (house in multiple occupation) or class C4 (dwelling house) (AI 6)**

There were no deputations on this application.

Members' Questions

Clarification was sought on the following matters:

The calculation of communal space with inclusion of the dressing room to make up the shortfall (with use of remote areas being accepted by Inspectors on other cases), the layout of the kitchen with a small dining area next to it and possible changes to doors, the size of bathroom provision. It was reported that it would be difficult to enforce a condition to ensure the dressing room was not used as a bedroom.

Members' Comments

Members were concerned by the living/dining room communal space not being up to PCC's standards and felt that the kitchen provision was not adequate for sharing by 5 adults. There was also concern regarding future use of the dressing room area.

RESOLVED that the application be refused for the following reason:
The proposed change of use of the building from a dwellinghouse C3, to a house in multiple occupation (Use Class C4) would, due to the provision of inadequate communal living/dining/kitchen space, fail to provide an adequate standard of living accommodation for future occupiers. The proposal is therefore contrary to Policies PCS23 and PCS20 of the Portsmouth Plan and the Houses in Multiple Occupation Supplementary Planning Document (July 2018).

68. 19/00712/FUL - 110 Stubbington Avenue Portsmouth PO2 0JG - Change of use from dwellinghouse (class C3) to purposes falling within class C3 (dwellinghouse) and class C4 (house in multiple occupation) (AI 7)

The presenting officer drew members' attention to the Supplementary Matters sheet which reported:

"In the officer report there has been an error in the HMO count data; the correct number of properties within the 50m radius is 59 and not 46. This in fact reduces the overall percentage of HMOs within the 50m radius. The HMO data that has been published on the Council's website is correct and the correct figures and calculations are included in this presentation.

*One additional representation has been received which highlighted 19 properties along Stubbington Avenue as potential HMOs.
4 of the 19 properties are outside of the 50 metre radius and therefore have not been investigated.*

Following investigation, council tax records indicate 14 of the remaining 15 properties are occupied by a maximum of two persons and therefore not considered to be potential HMOs.

Based on the above findings, there may be one additional HMO (116 Stubbington Avenue, First Floor Flat) which was not included in the initial data capture. It is not known if the property is an HMO and the Enforcement Team is investigating the matter. However, should this property transpire to be an HMO, it would increase the overall percentage to 3.3% and would not tip the balance beyond the 10% policy threshold."

The officer's recommendation remained unchanged.

Councillor Atkins withdrew from the room, making a declaration of interest, so did not participate in discussion of this item.

Members' Questions

It was asked whether use of an outside toilet (which was being used to offset the slight sub-standard internally on sanitary provision) was covered in HMO standards; the City Development Manager responded that the Supplementary Planning Document (SPD) for HMOs was silent on this and it was a marginal planning judgement. It was asked if the door opening could be changed to open into the conservatory; this could be a future solution but was not before the committee to determine. In examining the room sizes and occupancy levels (with some large

enough to accommodate 2 persons) it was noted that under the separate licensing regime up to 6 persons would be permitted.

Members' Comments

Members were not satisfied with the space standards and use of an outside toilet facility for shared accommodation.

RESOLVED that planning permission be refused (on the basis of the standard of accommodation) ¹.

69. 19/00764/FUL - 56 Shadwell Road Portsmouth PO2 9EJ - Change of use from class C3 (dwellinghouse) to purposes falling within class C3 (dwelling house) and/or class C4 (house of multiple occupation) (AI 8)

The presenting officer drew members' attention to the City Development Manager's Supplementary Matters list which reported:

"The representations section of the Committee Report refers to receipt of a petition of objection with 106 signatures. Another petition of objection with 92 signatures has also been received. Within this second petition, it does not raise any further issues to that of the previous petition.

Two individual representations of objection have also been received that reiterates previous concerns raised.

Also within the officer report there has been an error in the HMO count data. There are 66 properties which fall within the 50m radius. Despite this increase there are still no other HMOs within this 50m radius. Due to this, the calculated percentage has been reduced to 1.5%."

The officer's recommendation remained unchanged.

Deputations were heard from:

- i) Mr Smith's letter was read out by the Chair raising parking concerns in the area;
- ii) Valerie Russell spoke to object, representing residents who had signed a petition against the proposal regarding the impact on the neighbourhood and the unsuitability of the property for intensive shared use;
- iii) Dain Norman (with Chris Parke) spoke as the applicant's agent in support of the application for shared use by up to 5 professionals and explained the facilities.

Members' Questions

The space standards and occupancy of the bedrooms were examined; 3 bedrooms were for single occupancy only (clarity on the occupancy and space standards for rooms in HMO applications would be given in future reports). It was clarified that this application was for up to 6 persons sharing as for up to 10 this would require a separate application. It was reported that access to bicycle storage would be through

¹ This application was subsequently withdrawn by the applicant

the interior of the property. It was further reported that the shortfall on communal space was mitigated by some of the larger bedrooms sizes; members asked that policy on making up for a shortfall should be reflected in the updated SPD.

Members Comments

Members were concerned that 2 of the bedrooms did not meet the space requirements (for which the mitigation arrangements were inadequate), and the layout of a bedroom by the communal area was unsatisfactory. Some of the objections raised by local residents were not relevant as related to behaviour of future tenants and there were other enforcement measures available to deal with concerns such as noise and rubbish accumulation.

RESOLVED that permission be refused for the following reason:

The proposed change of use of the building from a dwellinghouse C3, to a house in multiple occupation (Use Class C4) would, due to the provision of inadequate communal living/dining/kitchen space, fail to provide an adequate standard of living accommodation for future occupiers. The proposal is therefore contrary to Policies PCS23 and PCS20 of the Portsmouth Plan and the Houses in Multiple Occupation Supplementary Planning Document (July 2018).

70. 19/00809/FUL - Fratton Park Frogmore Road Southsea PO4 8RA - Construction of replacement television camera gantry and installation of floodlighting to the South Stand (AI 9)

Legal advice was given that the Conservative members did not need to declare an interest due to Councillor Donna Jones' involvement in this application (as that was her own personal pecuniary interest).

Matthew Pickup, the applicant's agent, did not wish to add anything further following the presenting officer's thorough presentation, but offered to answer any questions that may arise.

There were no questions from members.

Members' Comments

Members were supportive of bringing the facilities at the stadium up to standard and recognised the importance of this for the club's future ambitions.

RESOLVED that conditional permission be granted, subject to the conditions outlined in the Assistant Director, City Development's report.

71. Exclusion of Press and Public (AI 10)

RESOLVED that under the provisions of Section 100A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985, the appendix (legal advice) only of the report on the appeal on 14 Wisborough Road be deemed exempt under paragraph 5, Part 1 of Schedule 12a.

72. Appeal against non-determination at 14 Wisborough Road, Southsea PO5 2RE (AI 11)

Sim Manley, Development Manager, presented this report which sought the committee's position if they had been in a position to determine the application which had now gone to appeal for non-determination since it had previously been deferred. The view of the committee would then be passed to the Inspector and it was reported that the officer's recommendation was a changed position of refusal due to the nitrates issue which had since arisen.

The legal advice was that a hypothetical determination was being asked for and on the issue of nitrates he warned that to depart from the views of Natural England the committee should be satisfied with "cogent and compelling" reasons that it was "beyond scientific doubt" that no harm would occur to the Special Protection Areas. The exempt legal advice was circulated to the members of the committee only.

On balance the committee **RESOLVED that its position would be to refuse having regard to the new material planning consideration, for the reason as set out in the Assistant Director of Planning's report.**

The meeting concluded at 4.21 pm.

Signed by the Chair of the meeting
Councillor Hugh Mason

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PLANNING COMMITTEE

MINUTES OF THE MEETING of the Planning Committee held on Wednesday, 24 July 2019 at 2.00 pm in the Executive Meeting Room - The Guildhall

These minutes should be read in conjunction with the agenda and associated papers for the meeting.

Present

Councillors Hugh Mason (Chair)
Judith Smyth (Vice-Chair)
Matthew Atkins
Lee Hunt
Claire Udy

Gerald Vernon-Jackson CBE (part, as standing deputy)

Welcome

The chair welcomed members of the public and members to the meeting.

Guildhall, Fire Procedure

The Chair explained to all present at the meeting the fire procedures including where to assemble and how to evacuate the building in case of a fire.

63. Apologies (AI 1)

Apologies for absence had been received from Councillors Donna Jones, Luke Stubbs, Steve Pitt (represented by standing deputy Cllr Gerald Vernon-Jackson), Suzy Horton and Terry Norton.

64. Declaration of Members' Interests (AI 2)

There were no declarations of members' interests.

Planning Application

65. 19/00706/FUL - Kendall's Wharf, Eastern Road, Portsmouth - Construction of new coastal defences consisting of a earth embankment to the north west; raising of access road, installation of sheet pile wall to the south-east boundary and associated landscaping works (AI 3)

The Development Management Team Leader presented the report and drew members' attention to the Assistant Director City Development's Supplementary Matters list which reported:

There is an error in reporting the consultation response from Natural England (p.7). NE raises no objection, commenting "...it can be excluded that the application will have a significant effect on any SAC, SPA or Ramsar site...". In an attempt to simplify this more awkwardly written phrase the change should say it can be

concluded the application will NOT have a significant effect on any SAC, SPA or Ramsar site.

The Environment Agency had stated that it had not received the original consultation. The Environment Agency had been involved in the scheme from the start (being one of the funders of the North Portsea flood defences scheme) and offered no objection in principle. The conditions covered submission of the necessary Construction Environment Management Plan.

There was an error in the report which should specify in Condition 3 the overwintering of birds runs from 1 October until 31 March.

There were no deputations but the webcast of the meeting can be viewed here: <https://livestream.com/accounts/14063785/Planning-24Jul2019>

Members Questions

During members' questions the following issues were raised:

- It was clarified that the ward should be Copnor not Baffins.
- Regarding the details of the planting schedule it was confirmed that Condition 11 would ensure biodiversity which would be on the advice of experts and the suggestion of a corridor of meadow flowers would be passed to the Eastern Solent Coastal Partnership.
- The existing footpath could be retained as a supplementary route to the new wider footpath.
- Discussions were taking place regarding the sites of existing sewers which were to be protected (condition 10 covered this).
- Who would be undertaking the outstanding surveys (such as reptile mitigation strategy)? The Eastern Solent Coastal Partnership would have to provide details as required by condition to the permission before the commencement of works.
- Regarding the robustness of the embankment works it was confirmed that there were compacted layers, with a gravel base.
- It was reiterated that there had been no objections raised by the Highways Engineer regarding the impact on Eastern Road during construction.
- Regarding the replacement of trees it was noted that the Arboricultural Officer had commented that there would be an overall improvement as some existing stock was of low quality, and there would be retention of parts for screening purposes.

Members' Comments

There were no further comments with members being satisfied that the environmental impact had been considered and the views of experts sought.

RESOLVED that in granting conditional permission (subject to the conditions outlined in the City Development Manager's report), the committee confirmed that it had taken into account the environmental information as required by Regulation 3(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, all matters in the Officer's report including comments received by statutory consultees and other interested parties and all other material considerations.

The meeting concluded at 2.52 pm.

Signed by the Chair of the meeting
Councillor Hugh Mason

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Agenda Item 5

PLANNING COMMITTEE 14 AUGUST 2019

**1 PM EXECUTIVE MEETING ROOM,
3RD FLOOR, GUILDHALL**

REPORT BY THE ASSISTANT DIRECTOR - PLANNING AND ECONOMIC GROWTH ON PLANNING APPLICATIONS

ADVERTISING AND THE CONSIDERATION OF PLANNING APPLICATIONS

All applications have been included in the Weekly List of Applications, which is sent to City Councillors, Local Libraries, Citizen Advice Bureaux, Residents Associations, etc, and is available on request. All applications are subject to the City Councils neighbour notification and Deputation Schemes.

Applications, which need to be advertised under various statutory provisions, have also been advertised in the Public Notices Section of The News and site notices have been displayed. Each application has been considered against the provision of the Development Plan and due regard has been paid to their implications of crime and disorder. The individual report/schedule item highlights those matters that are considered relevant to the determination of the application

REPORTING OF CONSULTATIONS

The observations of Consultees (including Amenity Bodies) will be included in the report by the Assistant Director - Planning and Economic Growth if they have been received when the report is prepared. However, unless there are special circumstances their comments will only be reported VERBALLY if objections are raised to the proposals under consideration

APPLICATION DATES

The two dates shown at the top of each report schedule item are the applications registration date- 'RD' and the last date for determination (8 week date - 'LDD')

HUMAN RIGHTS ACT

The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are *Article 1 of the First Protocol- The right of the Enjoyment of Property*, and *Article 8- The Right for Respect for Home, Privacy and Family Life*. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications and deciding whether to take enforcement action.

Web: <http://www.portsmouth.gov.uk>

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**TRUST TWIN SATELLITE FLAT 10 LANGSTONE STUDENT VILLAGE FURZE LANE
SOUTHSEA****WITHIN TREE PRESERVATION ORDER 215 - TO FELL LOMBARDY TREE (T16) (POPULUS
NIGRA)****Application Submitted By:**

Idverde Ltd
FAO Mrs Maggie White

On behalf of:

Mr Jonathon Latter
University of Portsmouth

RDD: 26th June 2019

LDD: 22nd August 2019

SUMMARY OF MAIN ISSUES

The main issues to be considered in the determination of this application are:

- i) Whether the proposed works to the protected tree is acceptable in arboricultural terms; and
- ii) Whether the proposed works would impact upon the visual amenity of the area.

This application has been brought to the Planning Committee for determination at the request of Milton Ward Member Councillor Dowling.

The Site

This application relates to a Lombardy Poplar (T16) which is situated on the boundary of the University of Portsmouth playing fields at Furze Lane, Milton. The tree is protected by Tree Preservation Order No.215 and forms part of a row of Lombardy Poplars (also protected) that stretch down the eastern boundary of the site. The area has a mixed character with university uses to the east and west and residential uses to the south within small blocks of flats and short terraces.

The Proposal

The applicant has applied to Fell T16.

Relevant Planning History suggest T16 has been managed once since TPO215 was made in May 2001:

16 Lombardy poplar
A*35752/AE - Top & lop- 30/9/04.
11/00478/TPO - works - withdrawn 18/8/11

POLICY CONTEXT

The relevant policies within the Portsmouth Plan would include:
PCS13 (A Greener Portsmouth),

In addition to the aims and objectives of the National Planning Policy Framework

CONSULTATIONS

None.

REPRESENTATIONS

At the time of writing, a representation has been received from the Milton Forum via Councillor Dowling. The Forum states the tree is essential for the local Starling population, and several trees have already been lost from the historical boundary line.

This application has been brought to the Planning Committee for determination at the request of Milton Ward Member Councillor Dowling.

COMMENT

The main issues to consider within this application are the effects of the proposed works in respect of the visual amenity of the area and whether there are sufficient arboricultural grounds for the works as proposed.

The Lombardy Poplar, the subject of this application was given formal protection on 21st August 2001 as part of Tree Preservation Order No.215 (Locksway Road/Furze Lane, Milton (Order 03/01)). The trees were protected in the interests of the visual amenity of the area.

T16 is situated on the eastern boundary of the University of Portsmouth playing fields approximately half way between Moorings Way to the north and Locksway Road to the south. The tree is situated within a row of other Lombardy Poplars which, in combination with a large hedge form the boundary with Furze Lane. The trees, both individually and as a group, make a significant contribution to the character of the area.

Historically the failure of a similar Lombardy Poplar (T2 of TPO No.215) on 17 November 2015 crushed a bus shelter and caused the temporary closure of the bus lane on Furze Lane and the felling of other Poplars due to decay suggests that these have reached the end of their lives. Lombardy Poplars are a short lived species and many of those planted in and around the St James Hospital site are reaching the end of their lives; they may appear to be vigorous and healthy but this should not be seen as an indicator of their structural integrity. Lombardy Poplar grow very rapidly in the early years and they have been planted in the past to create a quick screen. Unlike other species they are prone to breakage and not long lived. In evolutionary terms they are a pioneer species, colonising open ground. They have adopted a strategy of rapid growth, at the partial expense of wood strength. This renders them more likely to fail in high winds than other trees. A life span of only 50 years is quite typical for this species.

The Arboricultural Officer visited the site on 03 July 2019 and undertook an assessment of the tree independently of the applicant, the sparse crown is an immediate indicator that the tree is struggling. At the base of the tree an area of decay is visible extending from what appears to be an old pruning wound, adjacent are fruiting bodies of Ganoderma a decay fungi which causes a white rot in the wood of the host. It degrades the wood by selective delignification which essentially means the lignin and hemi cellulose (two important components of wood) are broken down and the cellulose is left intact. Removal of lignin through decay initially destroys the structural integrity of wood leaving a mass of similar consistency to wet bread.

The decay occurs in the base and roots of afflicted trees and can extend fairly high up the stem, leading to cavity formation and can leave trees vulnerable to structural collapse and wind throw.

A further visit was undertaken on 31 July 2019, the immediate observation was that the already sparse crown was denuded of leaf material throughout and the tree is in a poor state. This often indicates dysfunction in the cambium layer or root failure - both result in the cessation of water and nutrient transfer throughout the tree.

On closer inspection it became apparent that fungal activity had increased and fungal fruiting bodies were developing in two other areas of the trunk between root buttresses, the existing fruiting bodies were increasing in size. Fungi only invest resources in reproduction (the production of fungal brackets - the fruiting body) when they have such resources to spare. The increase in fungal activity suggests that Ganoderma is well established within the trunk and root collars.

Use of an increment borer in two opposing areas confirmed that decay is extensive, one sample lacked structural integrity so much that as extracted it simply blew away, the material remaining was discoloured, soft and smelled strongly of mushrooms - an indicator of fungal activity.

The second sample exhibited greater structural integrity and withdrew intact it was however discoloured, soft, wet and smelled strongly of mushrooms and when manipulated failed easily.

Additionally, conversation with the staff who maintain the landscapes and sports facilities suggests that the Starling population no longer use T16 as a roost, following the loss of cover due to premature abscission caused by the decline of the tree.

Whilst the loss of any tree is unfortunate, the extent of decay within T16 is considered such that its removal would be in the interest of public safety and good arboricultural management given the proximity to a public footpath, bus route and the University Campus.

This will obviously have an impact on the visual amenity of the area. However, with the inclusion of a suitably worded planning condition requiring the planting of a replacement tree ('Heavy Standard' as specified in British Standard 3936-1:1992 Nursery Stock Part 1: Specification for trees and shrubs) as mitigation, the amenity value currently afforded by T16 would continue into the future.

It should be noted that there are a number of exemptions from the normal requirement to obtain the Local Planning Authority's consent for cutting down or carrying out work on protected trees. Where a tree 'presents an immediate risk of serious harm and work is urgently needed to remove that risk' (paragraph 080 of the National Planning Practice Guidance), as is the case of T16, the consent of the LPA would not be required. There would however, still be an obligation on the landowner to plant a replacement tree of an appropriate size and species.

RECOMMENDATION Conditional Consent

Conditions

- 1) The works hereby approved shall be carried out within 2 years of the date of this consent.
- 2) The Lombardy Poplar (*Populus nigra* 'Italica') (T16) shall be felled to ground level and the stump removed.
- 3) A replacement *Carpinus betulus* 'Fastigiata' (Hornbeam) or *Tilia platyphyllos* 'Streetwise' (Broad-leaved Lime), the size to be a minimum of 'Heavy Standard' as specified in British Standard 3936-1:1992 Nursery Stock Part 1: Specification for trees and shrubs), shall be planted in the same position as the tree to be felled within 1 year of the removal of the Lombardy Poplar (*Populus nigra* 'Italica') (T16), or such other species, size, position or time period as may otherwise be agreed in writing by the Local Planning Authority.
- 4) All work shall be carried out in accordance with BS 3998: 2010. (Tree work recommendations).

The reasons for the conditions are:

- 1) To comply with Regulation 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2) In the interests of good arboricultural management in accordance with Policy PCS13 of the Portsmouth Plan.
- 3) To ensure the amenity afforded by the tree is continued into the future in accordance with policy PCS13 of the Portsmouth Plan.
- 4) To ensure the amenity afforded by the tree is continued into the future in accordance with policy PCS13 of the Portsmouth Plan.

PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.
