

(BIFOHH, Bishopstoke, Fair Oak, Horton Heath Local Area Committee
25/11/2020)

Application Number: T/20/87709
Case Officer: Claire Jakeman
Received Date: 16/04/2020
Site Address: LAND OPPOSITE 48/50 DEAN ROAD, FAIR OAK,
EASTLEIGH, SO50 7JE
Applicant: James Richards, Linden Homes Southern Limited
Proposal: 1 no. Oak (G14 A) - Remove
2 no. Oaks - (G14 B & C) - Crown reduce by 2 metres
maximum (allowing good growth points) on southern side.
1 no. Horse Chestnut (T47) - Crown lift lower crown 4
metres above ground level over the open space.

Recommendation:

Part consent, part refuse

CONDITIONS AND REASONS:

1. REFUSE: 1 no. Horse Chestnut (T47) - Crown lift lower crown 4 metres above ground level over the open space.
2. Reason: The proposed crown lift of 4 metres above ground level is considered unjustified and will be of detriment to the health and appearance of the tree. The works would thus result in an adverse impact upon the visual amenity, ecology and wildlife and screening of the surrounding area.
3. CONSENT TO: 1 no. Oak (G14 A) – Remove. 2 no. Oaks - (G14 B & C) - Crown reduce by 2 metres maximum (allowing good growth points) on southern side. 1 no. Horse Chestnut (T47) - Crown lift lower crown 2.5 metres above ground level over the open space.
4. No branches over 50mm in diameter shall be removed and the tree works shall retain the natural shape and habit typical of the species.
Reason: To safeguard the health and amenity of the tree.
5. The tree works hereby consented shall be completed within 2 years of the date of this permission and shall be carried out in accordance with the approved details and to British Standard for Tree Work BS3998:2010
6. Tree planting must take place as soon as possible after the tree removal and no later than the end of the following planting season (November - March). The replacement tree shall be 1 no. Oak and be of

a minimum of 12-14cm girth at time of planting. Planting must be in accordance with BS: 8545. Reason: To conserve the character of the locality.

7. For a period of no less than 10 years after planting, trees which are removed, die or become seriously damaged shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved. Reason: To conserve the character of the locality.

Note to Applicant: It is considered that, subject to compliance with the conditions attached to this permission, the proposed tree works are acceptable because they will not materially harm the character of the area, the amenity of neighbours or highway safety, and are in accordance with the policies and proposals of the development plan and after due regard to all other relevant material considerations the local planning authority is of the opinion that permission should be granted.

Note to applicant: All works hereby consented should be carried out by a suitably qualified and insured tree surgeon. A copy of the decision notice should be given to the Tree Surgeon.

Note to applicant: Deadwood may be removed at any time without an application.

Note to applicant: Please be advised that the Wildlife and Countryside Act 1981 as amended, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats) Regulations 1994 protect ALL wild birds, their nests (whether in use or being built) and eggs and other wild animals including bats and their roosts in or adjacent to trees.

Note to applicant: The granting of consent does not give the applicant or their agent a legal right to enter land without the owner's permission.

Note to applicant: Advice regarding overhead utilities should be sought with the relevant service provider prior to commencing works.

Note to applicant: Please follow current recommended Bio-security measures - Further advice can be found at <https://www.trees.org.uk/News-Blog/News/Biosecurity-in-Arbiculture-and-Urban-Forestry-Po>

Note to applicant: Deadwood within trees provides a rich and important habitat; it can be a natural part of the trees life cycle. Consider retention of deadwood where it is safe to do so.

Report:

1. This application has been referred to Committee due to high number of objections received.

Description of application

- 1 no. Oak (G14 A) – Remove
- 2 no. Oaks - (G14 B & C) - Crown reduce by 2 metres maximum (allowing good growth points) on southern side.
- 1 no. Horse Chestnut (T47) - Crown lift lower crown 4 metres above ground level over the open space.

Trees

1. The subject trees are protected under area Tree Preservation Order 552-E.
2. 1 no. Oak G14 A is a small, underdeveloped specimen which has been suppressed by the surrounding trees. The structure and physiological condition are poor.
3. 2 no. Oaks G14 B and C are medium, semi-mature specimens with a crown bias towards the property of 9 Davidson Drive. The physiological conditions appear to be normal for trees of their size and age.
4. 1 no. Horse Chestnut (T47) is a large, mature specimen in a prominent position. The tree has an abnormal structure but appears to be in good physiological condition for a tree of its size and age.

Site Characteristics and Character of the Locality

5. The application site is a large development site in the Fair Oak area of Eastleigh borough. A number of properties have been completed and are inhabited but development is still ongoing and infrastructure has yet to be completed. The site is surrounded by further residential properties to the north, Kings School to the south and agricultural land to the east and west. The highway of Allington Lane is to the north west.
6. The majority of trees present are mature and growing along the site boundaries or in designated open spaces.

Relevant Planning History

7. T/19/86935 – 1 no. Oak G14 A- Remove. 2 no. Oaks G14 B & C- Reduce by 3-4m on southern side. 1 no. Horse Chestnut T47- Crown lift lower crown 4m above ground level over the open space - Refused: The proposed works would have a detrimental effect on the health and amenity provided by the trees as well as to other benefits they provide. Sufficient justification has not been provided to support the excessive extent of the works proposed. As such, the application is refused at this time.

Reason for proposed work

8. “1 no. Oak G14 A – The upper half of the crown is dead and there is one remaining live branch with sparse leaf cover. The tree will not recover and is recommended for removal.
2 no. Oaks G14 B and C – The trees are very unbalanced and the reduction would improve the appearance.
1 no. Horse Chestnut (T47) – The tree has a large cavity in the stem base and has been extensively pruned in the past... to improve the appearance of the tree.

Representations Received

9. 84 letters of objection, 1 comment and the parish response have been received

Assessment of Proposal: Development Plan and / or Legislative Background:

10. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states: “If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

Impact of proposed works on trees:

11. Oak G14 A has developed lower growth which indicates an attempt at the tree to establish itself and that there is still vitality left in the tree. The justification for removal has not been expanded on from the previously refused scheme; the justification states that the upper half of the crown is dead and there is only one remaining live branch with sparse leaf cover. A site visit undertaken by the Tree Officer on 26/10/2020 confirmed that this was not the case however the tree is in a position where it is severely suppressed and unlikely to gain any further room to progress into a good specimen.
12. G14 B and C are encroaching on the property and the proposed reduction of 2m on the southern side will not have a significantly detrimental effect on the health of the trees. Concerns have been

raised by residents regarding a height reduction however it should be made clear that the proposal refers to a reduction on the southern side only and no reduction in height has been applied for.

13. T47 has developed a low hanging crown over the open space area with a number of branches now touching the ground. The proposed lift of 4m will remove a large amount of photosynthetic material and leave the tree with an un-naturally high crown. A lesser reduction of 2.5m will remove a smaller amount of photosynthetic material and have a lesser effect on the amenity of the tree while still providing adequate clearance over the open space.

Impact of proposed works on amenity:

14. Oak G14 A. The proposed removal will not have a significant impact on the visual amenity of the area as it is only partially visible from the highway. The tree is not a prominent feature of the street scene.
15. G14 B and C. The proposed works will not have a significant impact on the visual amenity of the area as they are only partially visible from the highway and are not prominent in the street scene.
16. T47. The proposed works will have an impact on the amenity of the tree leaving it with an un-naturally high crown. The tree is highly visible and prominent in the street scene.

Other material considerations

17. It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and legislative background.

Conclusion:

18. The proposed works to 1 no. Oak (G14 A) and 2 no. Oaks - (G14 B & C) are considered reasonable and will not be of significant detriment to the health or amenity of the trees. The recommendation is to grant consent for these works.
The proposed works to 1 no. Horse Chestnut (T47) are likely to have a detrimental effect on the health and amenity of the tree and as such are refused. However, lesser works of a crown lift to 2.5 metres above ground level over the open space are consented as the impact on the tree will be lesser.

T/20/87709



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Address: Land opposite 48/50 Dean Rd, Fair Oak
Eastleigh, SO50 7JE

Date: 17/11/2020 Scale: 1:2500