

HEWEB – Hedge End, West End and Botley Local Area Committee Monday
25 January 2021

Application Number: F/20/89127
Case Officer: Kitty Budden
Received Date: 28/10/2020
Site Address: Hedge End Retail Park, Tollbar Way, Hedge End, SO30
2UH
Applicant: c/o Agent
Proposal: Removal of existing Oak tree T4 and provision of hard and
soft landscaping scheme including new tree planting,
amenity space and associated development.

Recommendation:

PERMIT, subject to conditions

CONDITIONS AND REASONS:

- 1) The development hereby permitted shall start no later than three years from the date of this decision. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall be implemented in accordance with the following plans numbered: PL_2001 Rev A, 482.11 Rev C (Sheet 1 of 2), 482.11 Rev A (Sheet 2 of 2). Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) No development shall start until details and samples (if required) of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area.
- 4) No excavation, demolition or development related works shall take place on site until a detailed arboricultural method statement and tree protection plan, as per British Standard 5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations), are submitted and approved by the LPA. The approved arboricultural documents must be adhered to in full and may only be modified subject to written agreement from the LPA. Reason: To retain and protect the existing mature Oak trees to be retained within the application site which form an important part of the amenity of the locality.
- 5) No construction or demolition work shall start until a Method Statement has been submitted to, and approved in writing by, the Local Planning

Authority. Demolition and construction work shall only take place in accordance with the approved method statement which shall include:

- a) location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
- b) arrangements for the routing/ turning of lorries and details for construction traffic access to the site;
- c) the arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway.
- d) the parking of vehicles of site operatives and visitors;
- e) measures to prevent mud and dust on the highway during construction;
- f) protection of pedestrian routes during construction;

Reason: To limit the impact the development has on the amenity of the locality.

- 6) For a period of no less than 5 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme. Reason: In the interests of the visual amenities of the locality.
- 7) Within three months of the date of this permission, a long-term tree management plan for the 13 no. retained mature Oak trees within this area with particular reference to their historic and ecological value, shall be submitted to, and approved in writing by, the LPA. Reason: To ensure appropriate long-term management and protection of the important Oak trees.

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (February 2019), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Report:

1. This application has been referred to Committee because of the level of public interest in the proposed works as set out in this application and the associated tree works application (T/20/89128).

Site Characteristics and Character of the Locality

2. The site comprises part of the forecourt of the former Homebase store located within the retail park known as Hedge End Retail Park.

3. The land is situated in front of the front elevation of the former Homebase store and to the west of the side elevation of the Currys PC World unit (one of two other units within the retail park). It contains 14 Oak trees and associated planting within a raised landscape area, which is surrounded by a pedestrian walkway. To the south and west of the land is the existing car parking separated from the walkway by bollards. This area is visually very prominent within the site and is in line of sight upon turning onto the access road to the retail park.
4. The trees were originally part of a larger group of trees in the centre of the development site which were kept when the retail park was first developed. The buildings were designed to ensure their continued retention, with the building line staggered to provide space for the trees.
5. The Homebase unit has been empty since Homebase vacated the site in December 2018 and has been subject to anti-social behaviour and vandalism. The building was the subject of a separate application to extend and alter the building to create two smaller retail units (planning ref. F/19/87100). This scheme was determined by the Local Area Committee on 15th June 2020 and planning permission was issued on 27th August 2020. Associated with this permitted application was an application for tree and landscape works (planning ref. F/19/87101) which was resolved to be refused at the same committee meeting.
6. Aside from the trees that are the subject of this application, there is relatively little tree planting within the car parking area, with the majority of dense tree cover around the curtilage of the retail park. A short line of trees is present within the site to the north of Pets at Home (a recent addition to the retail park located to the south of the original buildings) and a very small number of trees within the car park in front of Currys PC World.
7. Beyond the tree screen, Tollbar Way runs along the eastern boundary and the M27 lies to the west. To the north beyond the service yard (which lies behind Homebase/ Currys PC World) is Botley Road.
8. The site is located in a wider commercial/ retail area with a number of retail parks providing a range of retail opportunities. Industrial and employment units are also in the vicinity, located primarily along Botley Road. While this is a heavily developed area with a prominent road system, it is generally well tree'd with substantial mature tree screening along Charles Watts Way and Tollbar Way and around the curtilage of many of the retail parks. Botley Road to the north-east of the site has significantly less tree cover which creates a notably harsher environment.

Description of Application

9. The application proposes the removal of the protected Oak tree (T4) and provision of hard and soft landscaping including new tree planting,

the creation of amenity space and associated development. This application has arisen following discussions with the case officer and the Council's tree consultant, post-refusal of application F/19/87101.

10. The tree to be removed is identified as a semi-mature 'Category C' Oak tree, (defined as a tree of low quality with an estimated remaining life expectancy of at least 10 years or young trees with a stem diameter below 150mm). The proposal for hard and soft landscaping in this area includes new low-level planting, a bark path through the tree area with protective knee rail around the perimeter of the trees and seating; and insect hotels.
11. Across the wider retail park, provision is made for an additional 12 trees to be planted, new wildflower planting, bat and bird boxes, and deadwood loggeries, to enhance the ecological value of the site.
12. The application is accompanied by a Landscape Strategy including a Tree Survey Report and the necessary site location plan and landscape plans. The Preliminary Ecological Assessment submitted with the previous application (F/19/87101) provides background ecological information.
13. The proposal has been screened out under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011 as it is not Schedule 1 or 2 type development.
14. Screening under the Habitats Directive was not required due to the nature of the proposed development.

Relevant Planning History

15. Outline planning permission for the development of the site was originally granted in July 1995 (planning ref. Z/33503/000/00). Condition 15 of this permission required the submission of a scheme of landscaping to include indications of all existing trees and hedgerows to be retained, together with measures for their protection. Reserved Matters were approved in September 1995 (planning ref. Z/33503/002/00).
16. In October 2016, an application for various tree works was granted consent under reference T/16/79086 which included works to a number of the trees that are the subject of this application, primarily to reduce the canopy. One tree within this area was turned into a monolith (removal of all branches to reduce a dead or dying tree back to its main stem).
17. Of particular relevance is planning application F/19/87101 which was resolved to be refused by the Local Area Committee on 15th June 2020 (decision issued 18th June 2020). This application proposed the

removal of nine of the 14 trees within the forecourt landscape area and associated and additional landscape works.

Representations Received

18. Four representations were received in response to the Council's consultation, objecting to the proposals citing the following concerns:

- Tree report states T4 is in good condition, ivy growth is a natural occurrence;
- Applicant needs to desist from making numerous repetitive applications, until they get consent;
- No grounds to destroy under local/national environmental policies;
- No need to fell a healthy Oak just because it's in the wrong place;
- Mature trees should be retained as vital resource to the world;
- Not comparable to replace mature Oak with new planting;
- Oaks support thousands of species

19. It is also relevant that 76 representations (two duplications) have been received in relation to the associated tree works application (T/20/89128). While it is not entirely clear due to the general nature of many of the comments received, it appears all representations raise objection to the works which relate to this application.

20. Of these objections, approximately 20 refer to the loss of multiple or all of the trees. One objector also made reference to the traffic issues related to a foodstore occupying the site.

21. The following concerns were cited (summarised):

- Tree works were previously refused and therefore should be refused again;
- Tree report does not recommend felling;
- Can't identify trees to be felled;
- Shouldn't cut limbs or remove ivy as natural features;
- Works too extensive;
- Trees should only be removed if dangerous;
- Trees are protected for a reason;
- Existing habitat should be protected;
- Impact on ecosystem and wildlife;
- Need to preserve wildlife;
- The Council has declared a climate change emergency;
- The previous could operate from the site, therefore why is work needed?
- Scheme can progress without manufactured natural environment;
- Suggest reducing rent rather than felling tree;
- Signage is required rather than felling tree;
- Potential for accidental damage to trees during works;
- Should stipulate any development should include a positive contribution to the environment;

- Loss of hedgerows;
- Not an area where public would sit and so not necessary to create this space;
- Not necessary to fell or prune established trees purely for aesthetic reasons;
- The nature area looks lovely as it is;
- Valuable stand of beautiful mature trees should be preserved rather than sacrificed for commercial gain. Trees would be an attractive asset;
- Only support increased biodiversity not isolating and destroying a habitat;
- If granted, will set an unwanted precedent and lead to future applications to destroy those remaining;
- Already too many trees/hedgerows being cut due to new smart motorway;
- Plenty of existing car parking space;
- The intentional destruction of an oak tree and the transformation of the area in its current state with hard and soft landscaping is in conflict with Eastleigh Borough Council's Climate Change and Environmental Emergency declaration and the urgent need to preserve biodiversity.

Consultation Responses (summarised)

22. West End Parish Council: Object on grounds of unnecessary felling, subject to approval by the tree officer.
23. Hedge End Town Council: No Objection to the removal of the low value Oak tree T4, however there are still concerns regarding the other trees and would object to any damage to these subject to the usual conditions of the tree officer. There are concerns that pathways may cause damage to the surrounding trees.
24. Ecology: The proposals for this application as I understand them are to remove one semi-mature oak, carry out work on other trees and undertake landscaping works to create a “pocket park” amenity space. The landscaping scheme applies to the wider retail park but my comments here are focussed on the area within the redline boundary.
25. The Preliminary Ecological Appraisal (PEA) by eight associates (December 2019) identifies the application site as containing amenity grassland, scrub and trees. The habitats themselves are of localised intrinsic ecological value but the lack of direct connectivity to other, suitable habitat will be a limiting factor. The Landscape Strategy (Philip Cave Associates, October 2020) indicates that the “pocket park” will include a path, woodland wildflower planting and mown, amenity grassland edges. If done sensitively, in-line with ecological recommendations this could represent a useful resource for biodiversity. The removal of the single, semi-mature oak is not a constraint in terms of ecology.

26. The proposals as presented will not impact upon any sites designated for their nature conservation value or protected species and is therefore compliant with emerging Local Plan Policy DM11 (Nature Conservation). Provided the scheme is delivered as outlined in the Landscape Strategy and PEA and will not negatively impact existing, retained trees I raise no objection to this application.
27. Tree Consultant: The application boundary is relatively small and encompasses an open space to the front of existing retail units. There are 14 individual trees within the open space, with 13 of the trees being significant, mature specimens that pre-existed the retail development (main group). The other tree – the subject of this application – is located behind the main group, immediately adjacent to the retail unit.
28. No details are provided at this stage with regards to sensitive works within the Root Protection Areas (RPAs) of the 13 retained trees. The need for details is recognised in the Tree Survey Report in sections 5.1.3 and 6.3. The landscape proposals, as shown in the GA plan and detailed in the landscape strategy, propose several potential harmful activities that will require mitigation. It is common to provide a detailed arboricultural method statement prior to commencement, and this is the case for this site. Activities, as detailed in the landscape strategy, that have the potential to be harmful include, but are not limited to, installation of metal edging, benches, knee rails, litter bins and areas of resin bound gravel.
29. T14, due to its position behind the main group, is only visible to users of a small section of car park and the disused retail unit: it is not significantly visible to the public realm. Further, the tree is distinct from the main group and much younger and smaller. Its position in close proximity to the retail unit makes it unlikely to be viable in the long term because of future potential conflict with the structure. While any tree loss is regrettable, the application has proposed suitable mitigation planting numbers to compensate for the tree loss. The main group of trees are to be retained and there should be no significant effect on the overall visual amenity and ecosystem service provision of the site, subject to suitable protection of the retained trees.
30. Please note that I have not commented on the landscape details – e.g. planting specification – only on the actions that may harm the trees through the implementation of the landscape proposals.
31. We raise no arboricultural objection to the proposal, subject to condition.

Policy Context and Designations Applicable to Site

- Within Built-up Area Boundary
- Within Established Retail/ Commercial Area
- Tree Preservation Orders

Development Plan Saved Policies and Emerging Local Plan Policies

Eastleigh Borough Local Plan Review (2001-2011)

Saved Policies:

- 24.NC (Protected Species and Habitats)
- 25.NC (Biodiversity Protection)
- 59.BE (General Design Criteria)
- 62.BE (Disabled Access)

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014

32. The Eastleigh Borough Local Plan 2011-2029 was submitted for examination in July 2014 but the Inspector concluded that insufficient housing was being provided for in the Plan and that it was unsound. While this has not been withdrawn and remains a material consideration, it can therefore be considered to have extremely limited weight in the determination of this application.

Submitted Eastleigh Borough Local Plan 2016-2036

33. The 2016-2036 Local Plan was submitted to the Planning Inspectorate on 31st October 2018 and the examination hearings concluded in January 2020. The Council received the Inspector's post-Hearing advice on 1 April 2020. The Council is progressing with modifications to the Local Plan to enable its adoption, anticipated in late 2020/early 2021. Given the status of the Emerging Plan, it is considered that overall at least moderate, if not considerable weight can be attributed to it. The most relevant policies are:

- S1 (Delivering Sustainable Development)
- S2 (Approach to New Development)
- DM1 (General Development Criteria)
- DM2 (Environmentally Sustainable Development)
- DM3 (Adapting to Climate Change)
- DM11 (Nature Conservation)

Supplementary Planning Documents

- Supplementary Planning Document: Quality Places (November 2011)
- Supplementary Planning Document: Biodiversity
- Supplementary Planning Document: Environmentally Sustainable Development (March 2009)

National Planning Policy Framework

34. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Policy

Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise.

35. Paragraph 11 states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date planning permission should be granted unless the adverse impacts of the development would outweigh the benefits; or specific policies in the Framework indicate development should be restricted. Local plan policies that do not accord with the NPPF are now deemed to be "out-of-date". The NPPF requires that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. In other words, the closer the policies in the plan accord to the policies in the Framework, the greater the weight that may be given.
36. Three dimensions of sustainability are to be sought jointly: economic (supporting economy and growth); social (support strong, vibrant and healthy communities by fostering a well-designed and safe built environment, with accessible services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development responds to the different opportunities for achieving sustainable development in different areas.
37. The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

National Planning Practice Guidance

38. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

Assessment of Proposal: Development Plan and / or Legislative Background

39. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Saved Policies of the Eastleigh Borough Local Plan Review 2001-2011 and

the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

40. Section 2 of the NPPF (February 2019) states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
41. Each of the three dimensions of sustainable development is considered below.
42. National legislation and guidance, together with local policy ensure that all planning applications are tested for their resilience to and impact on the Environment. Details elsewhere in this report set out the Climate Change and Environmental implications of this application and their proposed mitigations.

Economic Sustainability:

43. Section 2 of the NPPF, when discussing economic sustainability, seeks to ‘...help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity...’.
44. Paragraph 80 states that planning decisions should ‘...help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’
45. This application has arisen following discussions with the Local Planning Authority following the refusal of the previous application that proposed the removal of nine of the 14 Oak trees within this landscape area. The application is linked to the consented scheme to extend and subdivide the existing building within the site to enable occupation of Unit 1a by Lidl and Unit 1b by a general variety store. The works proposed under this new application are intended to improve the visibility of the second unit, 1b, to support its occupation and improve the attractiveness of the setting for shoppers, while retaining the mature trees within this area and enhancing the ecological value of the site. While refusal of this application would not physically prevent the subdivision of the existing building taking place, the applicant has indicated that it is unlikely that unit 1b would be occupied if the visibility of this unit is not improved.
46. It may therefore be contended that the proposal has an indirect economic benefit.

Social Sustainability:

47. The NPPF sets out the social objective 'to support strong, vibrant and healthy communities...and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing...' (para. 8).
48. Given the nature of the scheme, there are no social benefits in terms of delivering housing or the provision of accessible local facilities, such as playing fields or community buildings.
49. The provision of a path within the trees and seating may provide some wellbeing and amenity benefits, however this will not have a wider benefit other than to individuals coming to the retail park to shop (and potentially employees), as this is not a recreation destination nor is it a social space that may be found in a town centre location or similar.
50. The scheme may have an indirect benefit through supporting the occupation of one of the two retail units currently being created within the site and the related job provision.
51. On balance, it is considered that the scheme itself is neutral with regards to social sustainability and may have an indirect social benefit in the wider context.

Environmental Sustainability:

52. Section 2 of the NPPF requires development to contribute to protecting and enhancing the natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
53. There are a number of different components to Environmental Sustainability, including consideration of site-specific planning matters and the impacts of the development on its surroundings, which are considered below under the relevant subheadings.

Design and Appearance:

54. Paragraph 127 states that planning decisions should ensure the developments are visually attractive; sympathetic to local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.
55. Saved Policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality. Development is required to be appropriate

in mass, scale, materials, layout, design and siting, both in themselves and in relation to adjoining features including natural features and trees worthy of retention. It also requires a high standard of landscape design, and a satisfactory means of access and layout for vehicles, cyclist and pedestrians.

56. As discussed previously, the mature Oak trees were part of a larger group of trees within the development site when outline consent was granted in 1995. These trees provide a link to the historic land use and are an unusual and distinctive feature in a retail park environment. The amended scheme secures the retention of the majority of these trees, with the removal of one semi-mature tree located close to the existing building façade. Retention of the mature Oak trees is a significant concern for third parties, as expressed in many of the representations received to the associated application for tree works.
57. The provision of a 'pocket park' with path, woodland wildflower planting and mown amenity grassland edges allows this area to provide a more functional, attractive, amenity space within the site. While it does increase the level of hard surfacing in the northwest corner of this landscape area with the associated loss of the tree, the design of the park and the wider landscape proposals are of good quality and introduce a number of ecological enhancements and other wider benefits. No changes are proposed to the car parking area as a result of this proposal. The scheme takes account of the setting of the landscape area and the protected mature English Oak trees and justification is provided for the removal of T4. On balance therefore, the proposal is considered to accord with saved policy 59.BE and emerging policy DM1.

Ecology and Trees:

58. Paragraph 175 of the NPPF requires Local Planning Authorities to apply a number of principles to protect and enhance biodiversity and geodiversity. These include:
- a) 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;...
 - b) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists...'
59. Chapter 15 of the NPPF sets out the Government's position regarding conserving and enhancing the natural environment.

60. Paragraph 170 states that planning decisions should protect and enhance valued landscapes and sites of biodiversity value; recognise the wider benefits from natural capital and ecosystem services, including of trees; and minimise impacts on, and provide net gains for, biodiversity.
61. The proposal would result in the loss of one semi-mature English Oak tree close to the proposed front entrance for the new Unit 1b. This tree forms part of the group of 14 Oak trees, which as a group provide very high levels of public visual amenity due to their size and position relative to the public realm. These trees are visible outside of the retail park curtilage throughout the year, although during the summer period, when the surrounding tree screen is in leaf, these trees form part of the wider green backdrop. In addition, the trees provide multiple ecosystem services in what is a significant expansive of hard standing and in close proximity to sizeable built structures. These trees, both individually and as a group, will be providing services such as storm water management, pollution control, microclimate regulation, habitat, and carbon storage and sequestration.
62. However, T4 is distinct from the main group of 13 mature Oak trees, through age, size and location, as recognised by the Council's Tree Consultant. This semi-mature tree is notably younger and smaller than the trees within the main group and is separate to this group, sited behind the main group and located in close proximity to, and leaning towards, the façade of the building.
63. As a category C tree, it has a lesser value to the other trees within this site (although is not without value) and the location of the tree close to the building limits the scope of the tree to thrive, particularly as it would be more likely to require continued pruning/ tree works to ensure clearance of the building and minimise debris on the pedestrian walkway. The Council's Tree Consultant acknowledges that it is unlikely to be viable in the long term. The loss of this tree is not considered to significantly impact the functioning of this group in terms of ecosystem services.
64. The area under the trees is amenity grassland and bound in places by low level shrubs/scrub including holly and brambles. As discussed by the Council's Ecologist, these habitats themselves are of localised intrinsic ecological value but the lack of direct connectivity to other, suitable habitat is a limiting factor.
65. The proposals for the pocket park will include a path, woodland wildflower planting and mown, amenity grassland edges. The path through the area is proposed to be bark, minimising any impact on the root protection area of the trees while allowing visitors to experience them in closer proximity. The trees are protected from close physical access due to the addition of low-level railings; and woodland wildflowers, flowering and/or berrying shrubs and insect hotels

encourage wildlife. Benches are to be provided for visitors and employees to sit. Porous resin bounded gravel is to be used in the northwest corner to enable improved access to the entrance to Unit 1b, while allowing surface water to drain away.

66. The Council's Ecologist considers that if done sensitively, in-line with ecological recommendations, the pocket park could represent a useful resource for biodiversity, improving the ecological value of this space. They confirm that the removal of the single, semi-mature Oak is not a constraint in terms of ecology.
67. To mitigate the loss of the Oak tree, the wider landscape scheme proposes the planting of 12 additional trees. One of these trees is to be planted within the interior of the park, extending the line of trees towards the Pets At Home unit and a further 11 trees are to be planted along the boundary of the wider site in a range of locations. Additional enhancements include replacement of over-mature shrubs and planting of bare areas with wild flowers, native and flowering/berrying shrubs and ground cover; deadwood loggeries for invertebrates; and bird and bat boxes. These works will further improve the ecological and amenity value of the site.
68. Saved policy 25.NC states that development that adversely affects a habitat or feature of importance for wild fauna and flora will not be permitted, unless it can be demonstrated to the satisfaction of the Council that the benefits of the development outweigh the adverse impacts; the adverse impacts are unavoidable, and; appropriate measures are taken which would mitigate or compensate for any adverse impact. The proposals as presented will not impact upon any sites designated for their nature conservation value or protected species.
69. Emerging policy DM11 supports the protection, conservation and enhancement of natural features and specifically references trees important to biodiversity and local character. The proposal therefore similarly accords with this emerging policy. Provided the scheme is delivered as outlined in the Landscape Strategy and will not negatively impact existing, retained trees, the Council's Ecologist raises no objection.
70. On balance therefore, the loss of the Oak tree (T4), recognising its limited long-term viability, and weighed against the proposed ecological enhancements in the immediate vicinity and site-wide and the mitigation planting of 12 trees, can be justified.
71. Concerns have been raised by third parties and Hedge End Town Council regarding the potential for accidental damage to the mature trees being retained. All remaining trees can be protected during the non-tree related works associated with this application, with the exception of landscaping works to the pocket park. The proposed

landscaping works and the planting within, or in close proximity to, the combined root protection area of the remaining TPO'd trees would have the potential to have an adverse impact on the health and vitality of these trees. It is therefore essential that mitigation measures are specified and appropriately implemented.

72. The tree survey report that accompanies this application recommends that a detailed method statement for the landscape and groundworks associated with the pocket park is produced and duly implemented. This shall include suitable No-Dig construction methods and materials, and the exclusion of all but pedestrian operated machinery. A condition is therefore recommended to require the submission of this method statement and compliance with the approved document.
73. Given the high value of these trees, both arboricultural/ecological and societal, and the potential for longer-term maintenance work to be required, it is considered appropriate to require the submission of a long-term management plan for these trees to secure a suitable level of maintenance and management protecting the longevity of this important feature.

Climate Change:

74. National legislation and guidance, together with local policy ensure that all planning applications are tested for their resilience to and impact on the environment.
75. The NPPF (paragraphs 148-154), Saved Policies 34.ES and 37.ES of the Local Plan, and emerging Policies S1, DM2 and DM3 of the submitted Local Plan require development to be sustainable in terms of resource use, climate change and energy use.
76. The ecosystem services that the Oak trees provide have been discussed in brief above. The loss of this single semi-mature Oak tree is not considered to significantly impact the services provided by this group of mature Oak trees and the planting of 12 trees as mitigation will, in time, provide additional ecosystem services.
77. It must also be noted that Eastleigh Borough Council has declared a Climate and Environmental Emergency. While the loss of trees is to be resisted (as has been demonstrated through the refusal of the earlier planning application on this site)' on balance, the ecological enhancements and wider benefits delivered through the removal of this tree would in this instance mitigate the impact of this loss.

Other material considerations

Equalities Implications:

78. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

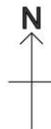
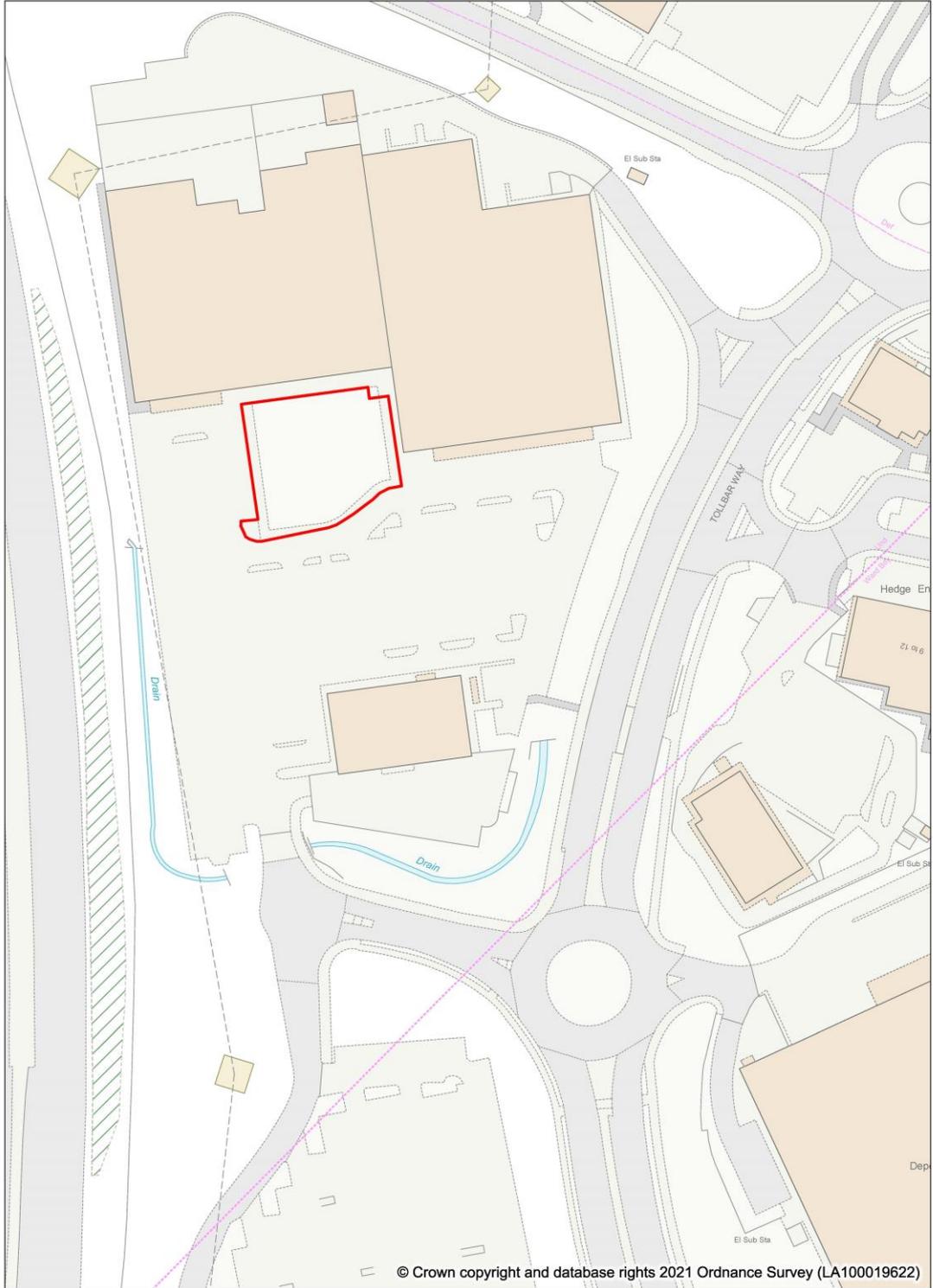
- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

79. When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Conclusion

80. The loss of the Oak tree (T4), recognising its limited long-term viability, must be weighed against the benefits that could be delivered by the proposed scheme. When weighed against the proposed ecological enhancements in the immediate vicinity and site-wide; the mitigation planting of 12 trees; the visual and functional amenity improvements to this area; and the potential economic benefits, in this instance it is considered the loss of the tree can be justified and adequately and appropriately mitigated. The recommendation is therefore to grant planning permission, subject to conditions.

Hedge End Retail Park, Tollbar Way, SO30 2UH



Department:	F/20/89127
Date: 13/01/2021	Scale: 1:1449