

Eastleigh Borough Council Tree Preservation Order and Conservation Area Assessment Form

Application Number	NC/22/93811					
Surveyor	CS					
Address	44 WINCHESTER STREET, BOTLEY, SOUTHAMPTON, SO30 2AA					
Proposed work	Notification of intent: 1 no. Ash (T1-) - Fell. 1 no. Birch (T2) - Fell.					
Assessment Date	10/10/2022					
Officer comments	Both trees are located within the property of no. 44. The applicant resides at no. 42. T1 is a young ash, set slight to the rear of T2. T2 is a medium sized birch tree located in between the two properties (nos. 42 and 44). The tree has undergone some localised crown reductions, presumably to abate a nuisance to no. 42. Neither tree provides significant public amenity due to their size and position relative to the public realm. Further, their loss would not impact the character of the conservation area. With Section 211 notifications (trees in Conservation Areas) the Local Planning Authority can only raise “no objection” or place a TPO on a tree. To place a TPO on a tree, that tree must qualify for a TPO. As neither tree provides significant amenity, they would not qualify for TPO status and, thus, we raise no objection to the proposal. As Section 211 notifications do not require reason or justification for proposed work, we cannot comment on anything other than the tree’s amenity and its influence on the character of the conservation area.					
Decision	Consent	Refuse	Part consent/ Part refuse	Withdrawn / Invalid	Conservation Area	
					Raise no objection	TPO
					x	
Decision notice	Raise no objection: 1 no. Ash (T1-) - Fell. 1 no. Birch (T2) - Fell.					
Conditions	n/a					

Notes to applicant	Access to trees not within your ownership: This decision does not grant the applicant or their agent a legal right to enter the land upon which the subject tree is located. The applicant must first obtain the land-owner's express permission. It is advisable to obtain this permission in writing. Note to Applicant: It is considered that the proposed tree works are acceptable because they will not materially harm the character of the area. 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.		
Parish comments	Object • There is insufficient detail to identify the trees concerned. • The trees are within the conservation area. • The trees are not owned by the applicant therefore the committee would like this referred to an EBC Tree Officer to investigate and carry out a site visit.		
Public objection/ support	Support	Objection	Observation
	4	1	0
Objection/ support consideration	With regards to the public objection (the trees owner), section 211 notifications can be made by any person and the decision made by the LPA is based solely on amenity provided by the trees. This decision does not grant the applicant or their agent a legal right to enter the land upon which the subject tree is located. The applicant must first obtain the land-owner's express permission. Regarding the 4 supporting comments, they all make reference to risk and tree condition, but this decision has not taken anything other than amenity value into account for the reasons stated in the Officer Comments section. With regards to the Parish's comment, it was felt that there was enough detail to identify the trees; their location within the conservation triggered this notification; and ownership is not a consideration of section 211 notifications. An Officer visited site and viewed the trees from the public realm.		