

THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012, SI No. 605

TREE PRESERVATION ORDER APPEAL QUESTIONNAIRE

This appeal is being processed under the Fast Track regulations. Please complete this questionnaire and aim to return it to the Planning Inspectorate by 14 days from today. Please send a copy of this form to the Appellant/Appellant's Agent.

1. Details of the Appeal

Appellant's name and address:	Mr Michael Worboys 29 LAUNCESTON DRIVE, EASTLEIGH, SO50 4QE
Agent's name and address:	N/A
Details of appeal:	Fell 1 no. Birch
Pins reference:	APP/TPO/W1715/9348

2. Background information

	Yes	No
(a) Is the appeal tree/ are the appeal trees located in a Conservation Area?		X
(b) Is the appeal site subject to a separate live planning application or appeal to the Secretary of State?		X

If yes, please provide the name of the conservation area or your reference for the planning application:

(c) Is the site readily accessible for close inspection from public land, a public footpath, the roadside or is/are the tree(s) in a front garden?		X in rear garden
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Copies of the following are enclosed:

Item	Yes	No	Already submitted
(d) The application for consent including all enclosures	X		
(e) Your decision on the application	X		
(f) The tree preservation order (TPO)- including the map and schedule	X		
(g) A plan/map showing the location of the relevant TPO tree(s)	X		
(h) Evidence that the order was confirmed <i>This is a mandatory requirement. If the TPO has not yet been confirmed, you should advise us of the anticipated date of confirmation. We cannot proceed with the case until the TPO is confirmed. If you are unable to supply evidence that the TPO was confirmed, it is likely that we will decide that the appeal is invalid and the tree not protected.</i>	X	Not applicable	
(i) An up-to-date A4 plan of the area showing the appeal site, tree(s) near the centre and major roads at 1:1250 or 1:1000 scale or similar	X		

(j) A designated plan of the Conservation Area showing the site marked (if applicable)		N/A	
(k) The council officers or committee's report on the application (if any)	X		
(l) Third party representations		N/A	

3. Conditions

It is important that you set out any conditions you would like the Inspector to impose if allowing the appeal in part or in full, particularly with regard to replanting if the appellant is seeking consent to fell.

Replacement tree planting must take place as soon as possible after the tree removal and no later than the end of the following planting season (October - April). The replacement tree shall be 1no. birch and be of a minimum of 10-12cm girth. Planting must be in accordance with BS:8545. Reason: To conserve the character of the locality.

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.

4. Copy to appellant

Please tick this box to confirm **a copy of this questionnaire and background papers** have been sent to the appellant ☒

Name:	Angela Rainger	Date:	6 th March 2023
Signature:	<i>Angela Rainger</i>	Tel:	023 80 688000

Development Management

Eastleigh House, Upper Market Street, Eastleigh, SO50 9YN

Tel: 023 8068 8264 www.eastleigh.gov.uk

Office hours: Mon-Thurs 8.30am - 5pm, Friday 8.30am - 4.30pm



Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO) and/or Notification of Proposed Works to Trees in a Conservation Area

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Tree Location

Please provide the address of the site where the tree(s) stands (full address if possible)

Number

29

Suffix

Property Name

Address Line 1

Launceston Drive

Address Line 2

Address Line 3

Hampshire

Town/city

Eastleigh

Postcode

SO50 4QE

Easting (x)

444800

Northing (y)

120206

If the location is unclear or there is not a full postal address, describe as clearly as possible where it is

(for example, 'Land to rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road')

Applicant Details

Name/Company

Title

Mr

First name

Surname

Worboys

Company Name

Address

Address line 1

29 Launceston Drive

Address line 2

Address line 3

Hampshire

Town/City

Eastleigh

Country

Postcode

SO50 4QE

Are you an agent acting on behalf of the applicant?

- ☒ Yes
- ☐ No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

Contact Details

Primary number

Secondary number

Fax number

***** REDACTED *****

What Are You Applying For?

Based on the type of work proposed and the location and protected status of the trees involved, there are various details and supporting information that will need to be supplied in order for the Local Planning Authority to determine the application.

Are you seeking consent for works to tree(s) subject to a Tree Preservation Order?

- ☒ Yes
☐ No

Do you know the Tree Preservation Order reference number(s)?

- ☐ Yes
☒ No

Please indicate whether the reasons for carrying out the proposed works include any of the following.

If so, your application MUST be accompanied by the necessary evidence to support your proposals ([see guidance notes for further details](#)).

Condition of the tree(s) - e.g. it is diseased or you have fears that it might break or fall

- ☐ Yes
☒ No

Alleged damage to property - e.g. subsidence or damage to drains or drives.

- ☐ Yes
☒ No

Are you wishing to carry out works to tree(s) in a conservation area?

- ☐ Yes
☒ No

Documents and plans (for any tree)

A sketch plan clearly showing the position of trees listed in the question 'Identification of Tree(s) and Description of Works' MUST be provided when applying for works to trees covered by a Tree Preservation Order.

A sketch plan is also advised when notifying the LPA of works to trees in a conservation area ([see guidance notes](#)).

It would also be helpful if you provided details of any advice given on site by an LPA officer.

Are you providing additional information in support of your application (e.g. an additional schedule of work for the question 'Identification of Tree(s) and Description of Works')?

- ☐ Yes
☒ No

Identification of Tree(s) and Description of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out

T1 Birch (two present) within rear garden.

Due to recent felling in adjacent land the Birch is now exposed with a dominant lean to the North
Sectional fell to just above ground level.

Tree Owner is nervous of potential problems in the future, as he has a duty of care to his Neighbours.

You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work.

Where trees are protected by a Tree Preservation Order, please number them as shown in the First Schedule to the Tree Preservation Order where this is available. You should use the same numbering on your sketch plan (see below for sketch plan requirements).

Please provide the following information:

- Tree species
- The number used on the sketch plan; and
- A description of the proposed works.

Where trees are protected by a Tree Preservation Order you must also provide:

- Reasons for the work; and where trees are being felled
- Proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

e.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with one standard ash in same position.

Sketch plan requirements

Your plan needs to show the precise location of the tree(s) in relation to nearby property/roads/boundaries. It should, therefore:

- indicate the main features of the site where the tree(s) stand and its surroundings; in particular, you should:
 - mark and name surrounding roads
 - sketch in buildings, including adjoining properties
 - add house numbers or names
- mark the position of the tree(s) to which you want to carry out work and identify them by the number shown in the Tree Preservation Order where possible; if you use a different number, please make sure that this can be matched with your description of the tree(s)
- if there are many trees on the site, make clear which tree(s) are included in this application by:
 - marking all trees on the plan, but only numbering those to which you want to carry out work
 - showing the approximate distance between the application tree(s) and buildings
 - adding other relevant features on the site (e.g. greenhouse, paths)

If it is impossible to identify the tree(s) accurately on the plan (e.g. because they are part of a woodland or group of trees), please identify their approximate location on the plan and provide details of how the tree(s) are marked on site (e.g. high visibility tape, tree tags, paint, etc); trees must not be marked by scarring or cutting into the bark.

Tree Ownership

Is the applicant the owner of the tree(s)?

- ☒ Yes
☐ No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
☒ No

Declaration

I / We hereby apply for Tree works: Trees in conservation areas/subject to TPOs as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Matt Godwin

Date

15/08/2022

Thompson Tuition



T1



29
Launceston Drive

BY EMAIL

MR MATT GODWIN
TITCHFIELD TREE SERVICES LTD
250 BOTLEY ROAD
BURRIDGE
SOUTHAMPTON
HAMPSHIRE
SO31 1BL

Application	T/22/93618
Please ask for	Tree Officer
Direct dial	023 8068
Working hours	Mon to Fri 8:30am to 5pm
Email	trees@eastleigh.gov.uk

Monday 26 September 2022

**The Town and Country Planning (Tree Preservation) (England) Regulations 2012
The Town and Country Planning Act 1990**

Application No. T/22/93618

In pursuance of their powers under the above Act and in accordance with your application received on Wednesday 31 August 2022 the Council, as Local Planning Authority hereby **Refuse Tree Consent For** the following :

Description: 1 no. Birch (T1) - Fell because tree is now exposed after recent adjacent tree removals
Site: 29 LAUNCESTON DRIVE, EASTLEIGH, SO50 4QE

For the following reasons:

- 1 REFUSE:
1 no. Birch (T1) - Fell
- 2 Reason: The proposed work is considered unjustified. The works would thus result in an adverse impact upon the visual amenity, ecology and wildlife and screening of the surrounding area.

Yours faithfully



Andy Grandfield
Executive Head for Planning and Economy
N.B. See Attached Notes

EASTLEIGH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER NO. 322

Launceston Drive, Barrington Close, Penrhyn Close, Dyram Close, Oxburgh Close, Exeter Close, Totnes Close, Harlaxton Close, Pembroke Close, Denbigh Close, Lyme Close, Boyatt Wood, Eastleigh

Eastleigh Borough Council

in this Order called "the authority", in pursuance of the powers conferred in that behalf by Sections 198, 199, 201 and 300 of the Town and Country Planning Act 1990, and subject to the provisions of the Forestry Acts 1967 AND 1979, hereby make the following Order:-

1. In this Order:-

"The Act" means the Town and Country Planning Act 1990;
"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; a lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee in possession; and

"the Secretary of State" means the Secretary of State for the Environment.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3. An application for consent made to the authority under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4. (1) Where an application for consent is made to the authority under this Order, the Authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit or may refuse consent:

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

(2) The authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands; and every such register shall be available for inspection by the public at all reasonable hours.

5. Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect

of any trees for which they are so refusing or granting consent that they are satisfied:-

- (a) that the refusal or condition is in the interests of good forestry; or
- (b) in the case of trees, other than trees comprised in a group of trees or in a woodland, that the trees have an outstanding or special amenity value; or
- (c) in the case of trees which are comprised in a group of trees or in a woodland, that the group of trees or the woodland, as the case may be, has an outstanding or special amenity value,

but a certificate shall not be given in the case of trees falling within (c) above if the application in respect of them has been referred by the Forestry Commissioners under section 15(1)(b) or 15(2)(a) of the Forestry Act 1967.

6. (1) Where consent is granted under this Order to fell any part of a woodland other than consent for silvicultural thinning then unless:-

- (a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act; or
- (b) the authority with the approval of the Secretary of State dispense with replanting the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provisions of this Order and Section 204 of the Act, replant the said land in accordance with the direction.

(2) Any direction given under paragraph (1) of this Article may include requirements as to:-

- (a) species;
- (b) number of trees per acre (hectare);
- (c) the erection and maintenance of fencing necessary for protection of the replanting;
- (d) the preparation of ground, draining, removal of brushwood, lop and top; and
- (e) protective measures against fire.

7. On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to the land in respect of which byelaws made by the National Rivers Authority, an internal drainage board, a water undertaker or a sewerage undertaker (as defined in the Water Act 1989) or any other authority whose functions are now exercised by the above bodies, restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any condition or direction has effect subject to the requirements of the byelaws, and the condition or direction shall have effect accordingly.

8. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act, adapted and modified for the purposes of this Order, shall apply in relation thereto.

9. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such loss or damage:

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

10. In assessing compensation payable under the last preceding Article account shall be taken of:

(a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 198 of the Act, or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act 1932; and

(b) any injurious infection to any land of the owner which would result from the felling of the trees the subject of the claim.

11. (1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority, such service to be effected by addressing the claim to the authority and leaving it at or sending it by post to the principal office of the authority.

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, or of the Secretary of State, as the case may be, or where an appeal has been made to the Secretary of State against the decision of the authority, from the date of the decision of the Secretary of State on the Appeal.

12. Any question of disputed compensation shall be determined in accordance with the provisions of Section 205 of the Act.

13. The provisions of Section 201 of the Act shall apply to this Order and the Order shall take effect on the date on which this Order is made.

NOTE: Any person contravening the provisions of this Order by cutting down, uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding the prescribed sum or twice the sum which appears to the court to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding Level 4 on the standard scale on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, a person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

If a tree is removed, uprooted or destroyed in contravention of an order or, except in the case of a tree to which the Order applies as part of a woodland, is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by section 198(6)(a) of the Town and Country Planning Act 1990 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on his application the local planning authority dispense with the requirement, to plant another tree of appropriate size and species at the same place as soon as he reasonably can. Except in emergency, not less than 5 days previous notice of the removal etc., should be given to the authority to enable the latter to decide whether or not to dispense with the requirement. In respect of trees in a woodland it is sufficient to replace the trees removed, uprooted or destroyed by planting the same number of trees either on or near the land on which the trees removed, uprooted or destroyed or on such other land as may be agreed between the authority and the owner of the land, and (in either case) in such places as may be designated by the authority.

FIRST SCHEDULE

Trees Specified Individually

(Encircled black on map)

	<u>SPECIES</u>	<u>LOCATION</u>
T1	Alder	Within the curtilage of 30 Launceston Drive, at the rear.
T2	Alder	Within the curtilage of 40 Launceston Drive, at the rear.
T3	Birch	Within the curtilage of 82 & 84 Launceston Drive, on the frontage.
T4	Birch	Within the curtilage of 82 & 84 Launceston Drive, at the rear.
T5	Birch	Within the curtilage of 17 Launceston Drive, on the frontage.
T6	Birch	Within the curtilage of 19 Launceston Drive, on the frontage.
T7	Birch	Within the curtilage of 29 Launceston Drive, adjacent to the rear boundary.
T8	Alder	Within the curtilage of 1 Dryam Close, adjacent to the rear boundary.
T9	Oak	Within the curtilage of 9 Dryam Close, at the rear.
T10	Birch	Within the curtilage of 5 Penrhyn Close, at the rear.
T11	Alder	Within the curtilage of 6 Penrhyn Close, adjacent to the rear boundary.
T12	Birch	Within the curtilage of 7 Penrhyn Close, on the frontage.
T13	Birch	Within the curtilage of 21 Penrhyn Close, adjacent to the rear boundary.
T14	Oak	Within the curtilage of 20 Oxburgh Close, to the side of the property.
T15	Oak	Within the curtilage of 22 Oxburgh Close, at the rear.
T16	Oak	Within the curtilage of 7 Harlaxton Close, on the frontage.
T17	Birch	Within the curtilage of 3 Denbigh Close, on the frontage.
T18	Oak	Within the curtilage of 4 Denbigh Close, at the rear.
T19	Oak	Within the curtilage of 5 Denbigh Close, at the rear.
T20	Birch	Within the curtilage of 6 Denbigh Close, adjacent to the rear boundary.

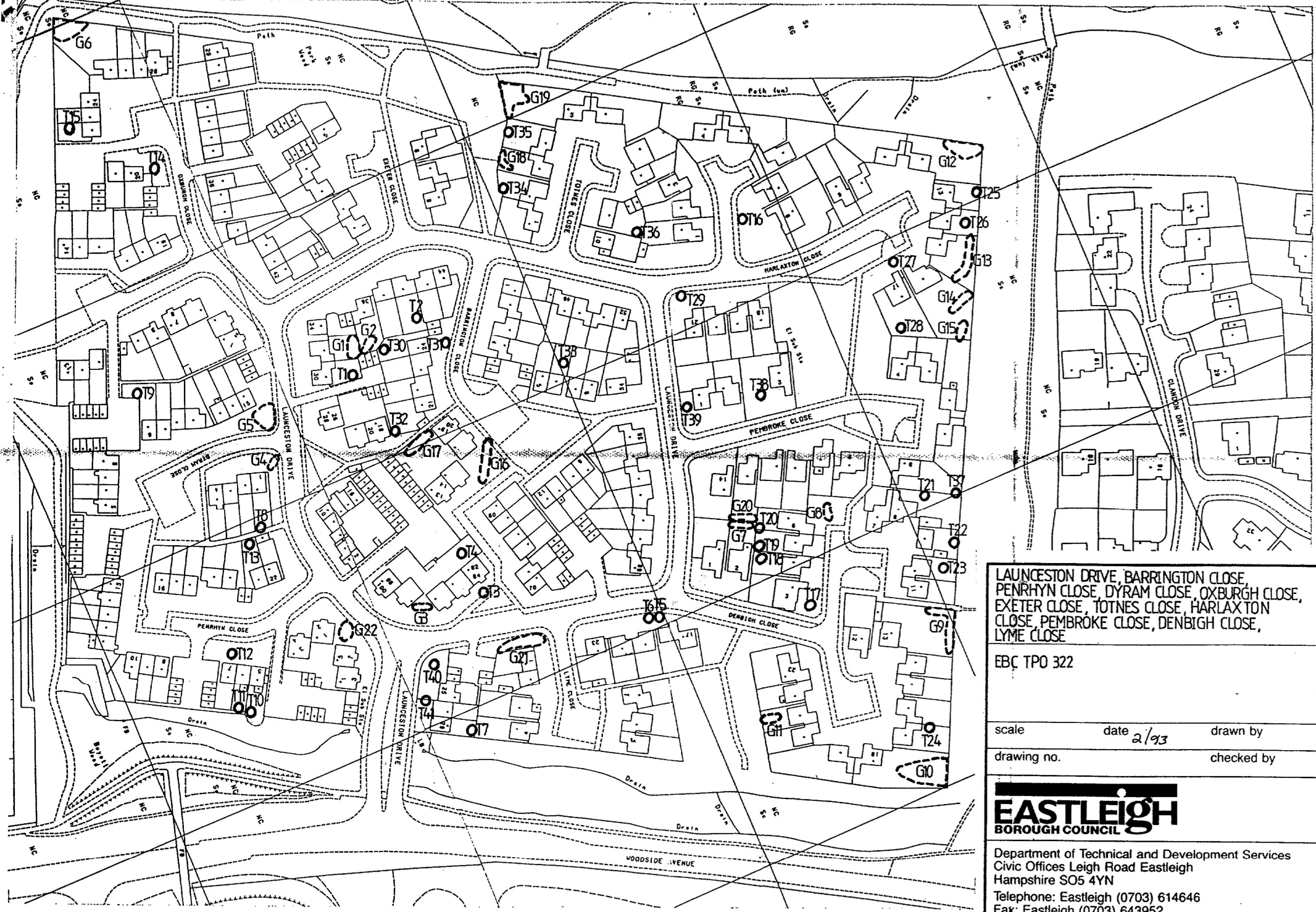
TP0322

T21	Birch	Within the curtilage of 8 Denbigh Close, adjacent to the rear boundary
T22	Birch	Within the curtilage of 9 Denbigh Close, adjacent to the rear boundary.
T23	Birch	Within the curtilage of 10 Denbigh Close, at the rear.
T24	Birch	Within the curtilage of 17 Denbigh Close, at the rear.
T25	Birch	Within the curtilage of 13 Harlaxton Close, adjacent to the rear boundary.
T26	Ash	Within the curtilage of 14 Harlaxton Close, at the rear.
T27	Oak	Within the curtilage of 17 Harlaxton Close, on the frontage adjacent to the boundary with 16 Harlaxton Close.
T28	Oak	Within the curtilage of 17 Harlaxton Close, at the rear.
T29	Oak	Within the curtilage of 21 Harlaxton Close, on the frontage.
T30	Alder	Within the curtilage of 24 Barrington Close, at the rear.
T31	Alder	Within the curtilage of 24 Barrington Close, on the frontage.
T32	Oak	Within the curtilage of 21 Barrington Close, adjacent to the rear boundary.
T33	Alder	Within the curtilage of 6 Barrington Close, at the rear.
T34	Alder	Within the curtilage of 2 Totnes Close, adjacent to the rear boundary.
T35	Alder	Within the curtilage of 4 Totnes Close, adjacent to the rear boundary.
T36	Alder	Within the curtilage of 9 Totnes Close, towards the rear boundary.
T37	Birch	Within the curtilage of 8 Pembroke Close, adjacent to the rear boundary.
T38	Oak	Within the curtilage of 3 Pembroke Close, on the frontage.
T39	Oak	Within the curtilage of 1 Pembroke Close, to the Launceston Drive side of the property.
T40	Oak	Within the curtilage of 25 Launceston Drive, on the frontage.
T41	Oak	Within the curtilage of 27 Launceston Drive, on the frontage.

Group of Trees

(Within a broken black line on the map)

	<u>SPECIES</u>	<u>LOCATION</u>
G1	3 Alder	Within the curtilage of 32 Launceston Drive, adjacent to the rear boundary.
G2	2 Alder	Within the curtilage of 36 Launceston Drive, at the rear.
G3	2 Birch	Within the curtilage of 94-96 Launceston Drive, to the side of the property.
G4	2 Oak	Within the curtilage of 1 Dryam Close, on the frontage.
G5	7 Alder	Within the curtilage of 15 Dryam Close, on the frontage.
G6	5 Alder 1 Ash	Within the curtilage of 25 Oxburgh Close, at the rear.
G7	2 Birch	Within the curtilage of 2 Denbigh Close, adjacent to the rear boundary.
G8	3 Birch	Within the curtilage of 6 Denbigh Close, on the frontage.
G9	5 Birch 5 willow	Within the curtilage of 13 Denbigh Close, at the rear.
G10	7 Birch	Within the curtilage of 18 Denbigh Close, at the rear.
G11	2 Birch	Within the curtilage of 21 Denbigh Close, at the rear.
G12	3 Alder	Within the curtilage of 12 Harlaxton Close, at the rear.
G13	4 Birch 1 Alder	Within the curtilage of 15 Harlaxton Close, at the rear.
G14	2 Birch	Within the curtilage of 16 Harlaxton Close, at the rear.
G15	1 Oak 1 Willow	Within the curtilage of 16 Harlaxton Close, at the rear.
G16	2 Oak	Within the curtilage of 17-18 Barrington Close, to the side of the property.
G17	7 Alder	Within the curtilage of 19-20 Barrington Close, at the rear.
G18	3 Alder	Within the curtilage of 3 Totnes Close, at the rear.
G19	11 Alder	Within the curtilage of 5 Totnes Close, at the rear.
G20	2 Birch	Within the curtilage of 13 Pembroke Close, adjacent to the rear boundary.



LAUNCESTON DRIVE, BARRINGTON CLOSE,
PENRHYN CLOSE, DYRAM CLOSE, OXBURGH CLOSE,
EXETER CLOSE, TOTNES CLOSE, HARLAXTON
CLOSE, PEMBROKE CLOSE, DENBIGH CLOSE,
LYME CLOSE

EBC TPO 322

scale	date 2/93	drawn by
drawing no.		checked by

EASTLEIGH
BOROUGH COUNCIL

Department of Technical and Development Services
Civic Offices Leigh Road Eastleigh
Hampshire SO5 4YN
Telephone: Eastleigh (0703) 614646
Fax: Eastleigh (0703) 643952

G21

3 Alder
1 Birch
1 Whitebeam

Within the curtilage of 1 Lyme Close, to the side of the property.

G22

1 Oak
1 Birch

Within the curtilage of 1-2 Launceston Drive, on the frontage.

TPO312

SECOND SCHEDULE

This order shall not apply as to require the consent of the authority to:-

- (1) The cutting down of any tree on land which is subject to a forestry dedication covenant where
 - (a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;
 - (b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.
- (2) The cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under a grant scheme under Section 1 of the Forestry Act 1979 except a scheme which applies to a forestry dedication covenant.
- (3) The cutting down, uprooting, topping or lopping of a tree
 - (a) by or at the request of the Post Office where the land on which the tree is situated is land which has been acquired for the purpose of the Post Office's undertaking and either works on such land cannot otherwise be carried out or the cutting down, uprooting, topping or lopping is for the purpose of securing safety in the operation of the undertaking; or the lopping in pursuance of the power conferred on any operator of a telecommunications code system by virtue of paragraph 19 of Schedule 2 to the Telecommunications Act 1984;
 - (b) by or at the request of
 - (i) a statutory undertaker or a holder of a licence under section 6(1) of the Electricity Act 1989 where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, uprooting, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (ii) a licence holder within the meaning of the Electricity Act 1989, where such tree obstructs the construction by the licence holder or any electric line within the meaning of Part I of the said Act of 1989 or interferes or would interfere with the maintenance or working of any such line;
 - (iii) the National Rivers Authority or an internal drainage board established under the Water Act 1989, where the tree interferes or would interfere with the exercise of any of the functions of such authority or drainage board in relation to the maintenance, improvement or construction of water courses or of drainage works; or a water undertaker or sewerage undertaker appointed under section II of the Water Act 1989 in relation to their duties as such undertakers; or
 - (iv) the Secretary of State for Defence, the Secretary of State for Transport, the Civil Aviation Authority or in relation to any airport managed by a company to which any property, rights or liabilities have been transferred in pursuance of a scheme made under section 1 or 15 of the Airports Act 1986, the person for the time being having the management of the airport, where in the opinion of such Secretary of State, Authority or person the tree obstructs the approach of aircraft to, or their departure from, any airport or hinders the safe and efficient use of aviation or defence technical installations;
- (c) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been granted for any of the purposes of that Part;

- (d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden.

THIRD SCHEDULE

Provisions of the following parts of part III of the Town and Country Planning Act 1990 as adapted and modified to apply to this Order.

75. (1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except in so far as the consent otherwise provides), ensure for the benefit of the land and of all persons for the time being interested in it.

77. Reference of applications to the Secretary of State (1) The Secretary of State may give directions to the authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the authority.

(2) a direction under this section may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.

(4) Where an application for consent under the Order is referred to the Secretary of State under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to such an application which falls to be determined by the authority.

(5) Before determining an application referred to him under this section the Secretary of State shall, if either the applicant or the authority wish, give each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(7) the decision of the Secretary of State on any application referred to him under this section shall be final.

78. Appeals against decisions or in default of decision (1) Where an authority -

- (a) refuse an application for consent under the Order or grant it subject to conditions; or
 - (b) give any certificate or direction, on granting consent,
- the applicant may by notice appeal to the Secretary of State.

(2) A person who has made an application for consent under the Order may also appeal to the Secretary of State if the authority have neither -

- (a) given notice to the applicant of their decision on the application; nor
- (b) given notice to him that the application has been referred to the Secretary of State in accordance with directions given under Section 77 above,

within two months from the date of receipt of the application, or within such extended periods as may at any time be agreed upon in writing between the applicant and the authority.

(3) Any appeal under this section shall be made by notice in writing served within such time as is specified in subsection (4) below.

(4) The service of such a notice must be within -

- (a) 28 days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow; or

- (b) in the case of an appeal under subsection (2), 28 days or such longer period as the Secretary of State may allow from the end of the period of two months or, as the case may be, the extended period agreed.
- (5) In relation to an appeal under subsection (2), it shall be assumed that the authority decided to refuse the application in question.
79. **Determination of Appeals (1)** On an appeal under section 78 the Secretary of State may -
- (a) allow or dismiss the appeal,
 - (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not), or
 - (c) cancel any certificate or cancel or vary any direction,
- and may deal with the application as if it had been made to him in the first instance.
- (2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (5) The decision of the Secretary of State on such an appeal shall be final.
97. **Power to revoke or modify the consent under the Order (1)** If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by Order revoke or modify the consent to such extent as they consider expedient.
- (3) The power conferred by this section may be exercised at any time before the operations for which consent has been given have been completed.
- (4) The revocation or modification of consent shall not affect so much of those operations as has been previously carried out.
98. **Procedure for s.97 Orders: opposed cases - (1)** Except as provided in section 99, an Order under section 97 shall not take effect unless it is confirmed by the Secretary of State.
- (2) Where an authority submit such an Order to the Secretary of State for confirmation, they shall provide the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the statement on -
- (a) the owner of the land affected,
 - (b) the occupier of the land affected, and
 - (c) any other person who in their opinion will be affected by the Order.
- (3) The notice shall specify the period within which any person on whom it is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (4) If within that period such a person so requires, before the Secretary of State confirms the Order he shall give such an opportunity both to him and to the local planning authority.
- (5) The period referred to in subsection (3) shall be 28 days from the service of the notice.
- (6) The Secretary of State may confirm an Order submitted to him under this section either without modification or subject to such modifications as he considers expedient.

- (7) Where a notice has been served in accordance with the provisions of subsection (2) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under this section.

99. Procedure for s.97 Orders: unopposed cases - (1) This section applies where -

- (a) the authority have made an order under section 97 above; and
(b) the owner and occupier of the land and all persons who in the authority's opinion will be affected by the Order have notified the authority in writing that they do not object to it.
- (2) Where this section applies, instead of submitting the Order to the Secretary of State for confirmation the authority shall advertise the fact that the Order has been made and the advertisement must specify -
- (a) the period within which persons affected by the Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose; and
- (b) the period at the expiration of which, if no such notice is given to the Secretary of State, the Order may take effect by virtue of this section without being confirmed by the Secretary of State.
- (3) The authority shall also serve notice to the same effect on the persons mentioned in subsection (1)(b).
- (4) The period referred to in subsection (2)(a) must not be less than 28 days from the date the advertisement first appears.
- (5) The period referred to in subsection (2)(b) must not be less than 14 days from the expiration of the period referred to in subsection (2)(a).
- (6) The authority shall send a copy of any advertisement published under subsection (2) to the Secretary of State not more than three days after the publication.
- (7) If -
- (a) no person claiming to be affected by the Order has given notice to the Secretary of State under subsection (2)(a) within the period referred to in that subsection, and
- (b) the Secretary of State has not directed within that period that the Order be submitted to him for confirmation,
the Order shall take effect at the expiry of the period referred to in subsection (2)(b) without being confirmed by the Secretary of State as required by section 98(1).
- (8) This section does not apply to an Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part VII or Part VIII of the Act.

THE COMMON SEAL of

THE EASTLEIGH BOROUGH COUNCIL

was hereunto affixed the

LS

Fifteenth day of November 1994

(SGD) N R SMITH

in the presence of

Borough Solicitor

Dated 15 November 1994

EASTLEIGH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

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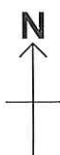
TREE PRESERVATION ORDER NO. 322

relating to

Launceston Drive, Barrington Close,
Penrhyn Close, Dyrham Close, Oxburgh Close,
Exeter Close, Totnes Close, Harlaxton
Close, Pembroke Close, Denbigh Close, Lyme
Close, Boyatt Wood, Eastleigh

=====

T/22/93618



Address: 29 LAUNCESTON DRIVE
EASTLEIGH, SO50 4QE

Date: 06/03/2023

Scale: 1:1250



Technical and Development Services
Civic Offices Leigh Road Eastleigh
Hampshire SO50 9YN
Telephone: Eastleigh 01703 614646
Fax: Eastleigh 01703 643952
Britdoc: DX122380 Eastleigh 2

Tom Calverley
Director of Technical and Development Services

Elizabeth Mitchell
Head of Strategic Planning

The Occupier
5,7,25,27,29,30-42 (even),17-20,
82-100 (even) Launceston Drive,
5-7,20-22 Penrhyn Cl, 1,2,9,15 Dyrham Cl
20,22,23,25 Oxburgh Cl.1-5,9,10 Totnes Cl
1,3,7,8,13,14 Pembroke Cl,1-6,8-11,13,
16,18,21 Denbigh Cl, 1 Lyme Close,
~~6,7,15-20,21,24 Barrington Cl,1,17,18,~~
12-17,21 Harlaxton Cl, Eastleigh

My ref: HR/CT/TPO322

Your ref:

Date: 16 May 1995

Please ask for Mrs H Richards
Extension 2240
Direct Dial - (01703) 622240

Dear Sir/Madam

CONFIRMATION OF TREE PRESERVATION ORDER NO.322

Enclosed is a copy of the notice of confirmation of the Tree Preservation Order affecting your property. In addition there are some substitute pages where there have been modifications. These pages should be inserted into your copy of the order and the old ones crossed through or disposed of to avoid confusion.

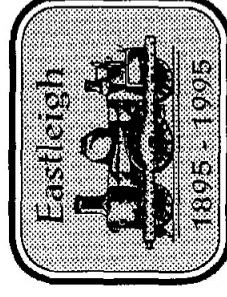
You are entitled to make an application for carrying out work on any preserved tree whenever you wish; the relevant forms are available from this department's reception area on request.

Yours faithfully,

Heather Richards

HEATHER RICHARDS
Strategic Planning Division

Enc



Elizabeth Mitchell
Head of Strategic Planning

The Occupier
6 Denbigh Close
Eastleigh
Hants

My ref: HR/CT/TPO322

Your ref:

Date: 16 May 1995

Please ask for **Mrs H Richards**

Extension **2240**

Direct Dial - (01703) **622240**

Dear Sir/Madam

CONFIRMATION OF TREE PRESERVATION ORDER NO.322

Enclosed is a copy of the notice of confirmation of the Tree Preservation Order affecting your property. In addition there are some substitute pages where there have been modifications. These pages should be inserted into your copy of the order and the old ones crossed through or disposed of to avoid confusion.

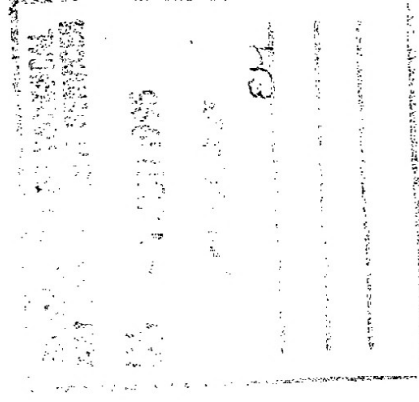
You are entitled to make an application for carrying out work on any preserved tree whenever you wish; the relevant forms are available from this department's reception area on request.

Yours faithfully,

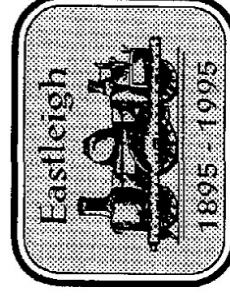
Heather

HEATHER RICHARDS
Strategic Planning Division

Enc



OK



EASTLEIGH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDERS)

REGULATIONS 1969

To: The Occupiers
5,7,25,27,29,30-42 (even) 17-20,
82-100 (even) Launceston Drive, 5,6,
7,20-22 Penrhyn Cl, 1,2,9,15 Dyrham Cl,
20,22,23,25 Oxburgh Cl, 1-5,9,10 Totnes Cl,
1,7,8,12-17,21 Harlaxton Cl, 1,3,7,8,13,
14 Pembroke Cl, 1-6,8-11,13,16,18,21 Denbigh Cl,
1 Lyme Cl, 6,7,15-20,21,24 Barrington Cl,
Eastleigh

TAKE NOTICE that the Eastleigh Borough Council acting in pursuance of their powers as local planning authority under section 199 of the Town and Country Planning Act 1990 have today confirmed subject to modifications Tree Preservation Order Number 322 relating to the land at Launceston Drive, Barrington Close, Penrhyn Close, Dyrham Close, Oxburgh Close, Exeter Close, Totnes Close, Harlaxton Close, Pembroke Close, Denbigh Close, Lyme Close, Eastleigh.

The modifications are as enclosed:

DATED: 17 May 1995



N R SMITH

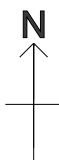
Borough Secretary and Solicitor

regs.hr

T/22/93618



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Address: 29 LAUNCESTON DRIVE
EASTLEIGH, SO50 4QE

Date: 06/03/2023

Scale: 1:1250

Eastleigh Borough Council Preservation Order and Conservation Area Application Assessment Form

Application Number	T/22/93618					
Surveyor	Charlotte Holloway					
Site assessment Date	07/09/22					
Address	29 LAUNCESTON DRIVE, EASTLEIGH, SO50 4QE					
Work notification/ request	1 no. Birch (T1) - Fell because tree is now exposed after recent adjacent tree removals					
Comments/ observations following site visit	The tree has high amenity value and can be seen from both Launceston Drive and Lyme Close. The tree sits to the west of a woodland shelter belt which provides a good screen for Woodside Avenue. The applicant has requested the removal of the tree due to exposure following recent adjacent tree removals and a dominant lean to the north. No evidence has been supplied to support the claim the tree has recently been exposed. A site visit revealed no evidence of recent tree removal adjacent to the birch (T1) as suggested in this application. Looking at the aerial imagery shown in the map, the tree formation appears the same as on the ground. The area outside the property boundary fence is dense vegetation (bramble understory). The only tree removal noted was a failure approximately 25m from the birch in this application, and on the south-eastern side of the shelterbelt. This is unlikely to have any impact on T1. Growth appears of a phototropic nature, with no features suggesting the tree has moved. Any lean noted appears natural and the applicant has not given any justification as to why they believe an increase in failure likely because of tree form.					
Decision	Consent	Refuse	Part consent/ Part refuse	Withdrawn / Invalid	Conservation Area	
					Raise no objection	TPO
		X				
Decision notice	REFUSE: 1 no. Birch (T1) - Fell Reason: The justification given is insufficient, and the loss of the tree will be detrimental to the local amenity and ecology.					
Conditions	n/a					
Notes to applicant	None					
Parish comments	None					
Public objection/ support	Support		Objection		Observation	
	0		0		0	
Objection/ support consideration	n/a					