

Application Number: T/24/97546
Case Officer: Tree Officer
Received Date: 06/06/2024
Site Address: Trees along the footpath between Bubb Lane and Hedge End train station, Hedge End, Southampton, SO30 2NE
Applicant: Neil White
Proposal: 1 no. Goat willow (T31) – Fell to facilitate development.
1 no. Oak (T32) – Crown lift over cycleway to give 2.7m clearance above ground level.
1 no. Elder (T36) – Fell to facilitate development.
1 no. Elder (T37) – Fell to facilitate development.
1 no. Hawthorn (T38) – Fell to facilitate development.
1 no. Oak (T145) – Fell to facilitate development.
1 no. Hazel (T146) – Coppice leaving 0.5m stubs to provide clearance.

Recommendation:

CONSENT, subject to conditions.

CONDITIONS AND REASONS:

- 1) 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. Reason: For the avoidance of doubt and to safeguard the health and amenity of the trees.

Note to Applicant: It is considered that, subject to compliance with the conditions attached to this permission, the proposed tree works are acceptable because their removal is required to preserve the character of the Conservation Area, 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: 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>

Report:

1. This application has been referred to Committee because the applicant is Eastleigh Borough Council and potentially falls under Appendix E of the Constitution of the Council.

Description of application:

2. Proposal:
 - 1 no. Goat willow (T31)– Fell to facilitate development.
 - 1 no. Oak (T32)– Crown lift over cycleway to give 2.7m clearance above ground level.
 - 1 no. Elder (T36) – Fell to facilitate development.
 - 1 no. Elder (T37)– Fell to facilitate development.
 - 1 no. Hawthorn (T38)– Fell to facilitate development.
 - 1 no. Oak (T145) – Fell to facilitate development.
 - 1 no. Hazel (T146)– Coppice leaving 0.5m stubs to provide clearance.
3. The reasons for the proposed work are for the upgrading of the path that runs from Hedge End train station to Bubb Lane. (See paragraph 17 for more detail.)

Trees

4. *Some* of the subject trees are protected under Area Tree Preservation Order 94-E. *Some* of the subject trees may not be protected under the above TPO because they may be younger than the 1985 Order. However, at validation it is not possible to accurately date all the trees and, therefore, they are included in the proposal on a precautionary basis.
5. The trees within this application form part of the open woodland edge and are immediately adjacent to the existing path. The trees are highly visible from the path as a collective. However, individually they have limited amenity merit.

Site Characteristics and Character of the Locality

6. The site is situated between Hedge End train station (in the southeast) and Bubb Lane (in the northwest). The site is a linear greenspace, principally wooded, but with open areas and a pond and play area. The site is partly owned by EBC and partly owned by Hedge End Town Council.

Relevant Planning History:

7. There are no previous Tree Preservation Order applications relating to this site.

Representations Received:

8. 4 representations were received in total: 2 objecting, 2 commenting (including a comment from the Town Council).
9. The Town Council stated:

The trees are under 39 years old and would not be covered by the 1985 Area Order.

In response, we do not disagree with this factual comment for the majority of the trees listed in the proposal. However, for the reasons stated in paragraph 4, above, we have assessed the application as it stands.

10. The two objecting comments related to the removal of the oak (T145). However, for the reasons stated in paragraph 13, below, it is deemed that the oak is not a good specimen, could be removed under Section 14 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012, and its loss will not significantly impact the overall amenity provided.

11. The other comment came from Eastleigh Ramblers, and stated:

Does this mean that the route will be recorded on the List of Publicly Maintainable Streets or the Definitive Map as a bridleway as it currently is not recorded on either system.

In response, we cannot comment on non-arboricultural matters, as the application relates to the trees only.

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

12. 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 amenity:

13. The proposal to fell 1 no. goat willow (T31), 2 no. elder (T36 & T37), 1 no. hawthorn (T38) and 1 no. oak (T145) will not significantly impact the amenity of the woodland. None of these trees are of a significant size or quality and their loss will not impact the verdant nature of the area. It should be noted that T145 is located under the pylons and, as such, is located within the easement/wayleave area. It has been subject to severe pruning historically (under TPO exemptions for statutory undertakers to maintain clearances). It is poor specimen due to the

repeated poor pruning operations and will continue to be subject to clearance pruning by the Electricity Network Operator under TPO exemptions.

14. Given the wooded nature of the area, the impact of the pylon easement/wayleave, the limited amenity provided by the trees, and the complications regarding land ownership set against the applicant's remit, we do not consider it necessary to condition replacement trees in this instance.
15. The proposal to crown lift 1 no. Oak (T32) is deemed reasonable and will not impact the amenity provided, or the long term health of the tree.
16. The proposal to coppice 1 no. hazel (T146) is deemed acceptable and is in line with common woodland management practices. The proposal will not impact the long term amenity provided.

Justification for the proposed work:

17. Justification for the proposed work is given by the applicant as the upgrading of existing narrow, compacted gravel path into a more suitable cycle lane/footpath, which will form part of the link between the main One Horton Heath development, Hedge End train station, and Deer Park secondary school. The proposed work forms part of the overarching sustainable transport improvements linked to One Horton Heath.

Other material considerations:

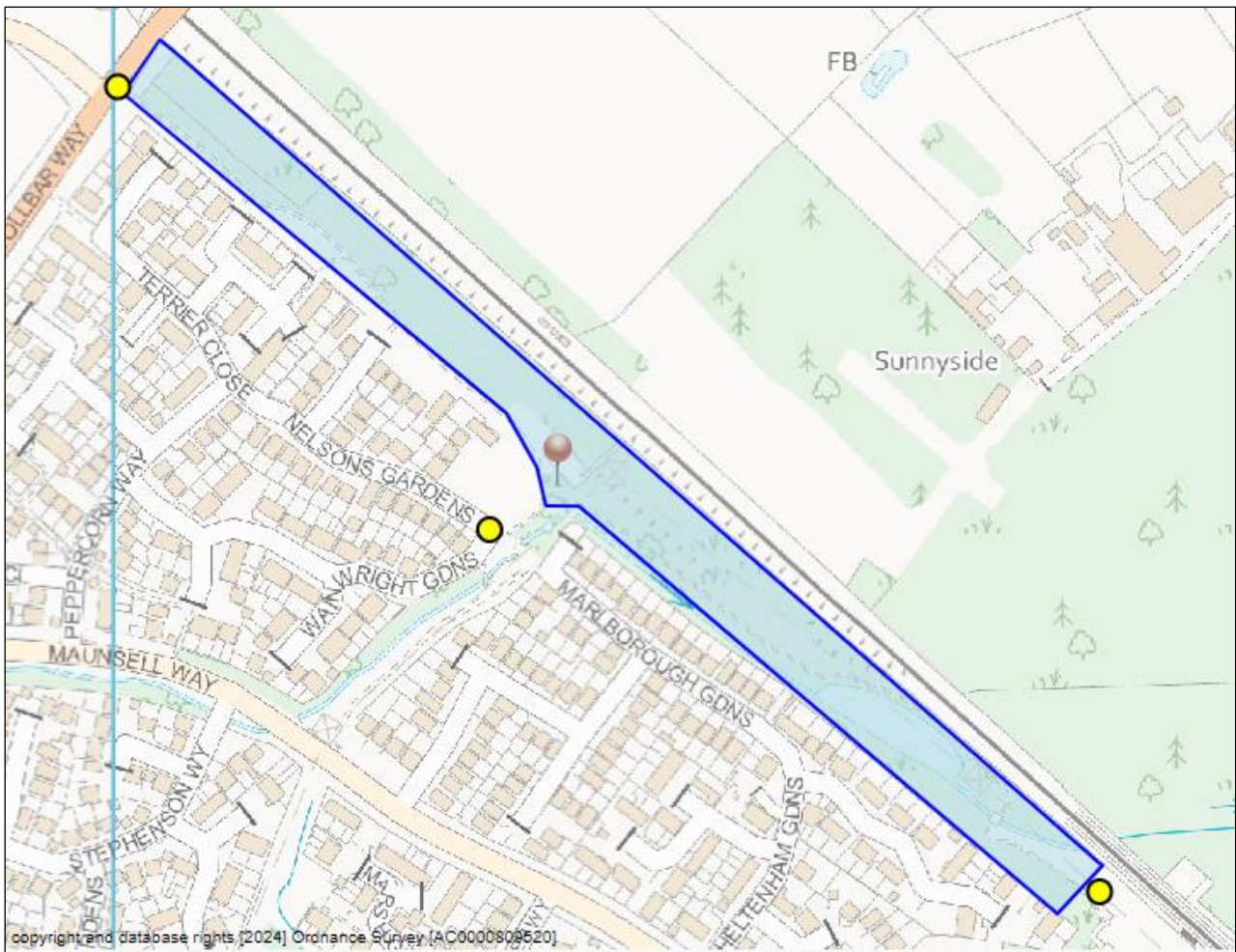
Equalities Implications:

18. 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.
19. 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.
20. 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:

21. Because of the low overall impact on amenity, and the justification provided. It is deemed that the proposal is acceptable, subject to conditions.

SITE PLAN



Plan showing the overall site. (Please see below for tree location plan.)

PHOTOGRAPHS



Photograph showing the southeastern end of the path (at Hedge End train station)



Photograph showing a general view of the path with trees on either side.



Photograph showing T145 under the pylons.

TREE LOCATION PLAN

Please see below extract from application document.