

Notice of Meeting

Northern Area Planning Committee

Date: Tuesday 1 August 2023

Time: 2.00 pm

Venue: Conference Room 1, Beech Hurst, Weyhill Road, Andover,
Hampshire, SP10 3AJ

For further information or enquiries please contact:

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Legal and Democratic Service

Test Valley Borough Council,
Beech Hurst, Weyhill Road,
Andover, Hampshire,
SP10 3AJ

www.testvalley.gov.uk

The recommendations contained in the Agenda are made by the Officer and these recommendations may or may not be accepted by the Committee.

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Northern Area Planning Committee

MEMBER	WARD
Councillor J Budzynski (Chairman)	Andover St Mary's
Councillor Z Brooks (Vice-Chairman)	Andover Millway
Councillor I Andersen	Andover St Mary's
Councillor C Borg-Neal	Andover Harroway
Councillor C Donnelly	Andover Downlands
Councillor A Gillies	Andover Winton
Councillor L Gregori	Andover Harroway
Councillor L Lashbrook	Charlton & the Pentons
Councillor P Lashbrook	Bellinger
Councillor N Lodge	Andover Downlands
Councillor J Neal	Andover Millway
Councillor K North	Andover Romans
Councillor J Sangster	Andover Romans

Northern Area Planning Committee

Tuesday 1 August 2023

AGENDA

**The order of these items may change as a result of members
of the public wishing to speak**

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Information Notes 4 - 9**
- 6 TPO.TVBC.1256 10 - 22**

(OFFICER RECOMMENDATION: CONFIRM)

**SITE: Trees along south side of Micheldever Road behind
21b Wolversdene Road, Andover, SP10 2AY **ANDOVER
TOWN (WINTON)****

CASE OFFICER: Rory Gogan

ITEM 5

TEST VALLEY BOROUGH COUNCIL NORTHERN AREA PLANNING COMMITTEE INFORMATION NOTES

Availability of Background Papers

Background papers may be inspected up to five working days before the date of the Committee meeting and for four years thereafter. Requests to inspect the background papers, most of which will be on the application file, should be made to the case officer named in the report or to the Development Manager. Although there is no legal provision for inspection of the application file before the report is placed on the agenda for the meeting, an earlier inspection may be agreed on application to the Head of Planning and Building.

Reasons for Committee Consideration

The majority of applications are determined by the Head of Planning and Building in accordance with the Council's Scheme of Delegation which is set out in the Council's Constitution. However, some applications are determined at the Area Planning Committees and this will happen if any of the following reasons apply:

- (a) Applications which are contrary to the provisions of an approved or draft development plan or other statement of approved planning policy where adverse representations have been received and which is recommended for approval.
- (b) Applications (excluding notifications) where a Member requests in writing, with reasons and within the Application Publicity Expiry Date, that they be submitted to Committee. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (c) Applications submitted by or on behalf of the Council, or any company in which the Council holds an interest, for its own developments except for the approval of minor developments.
- (d) Applications where the Head of Planning and Building Services recommends refusal of an application solely on the basis of failure to achieve nutrient neutrality where a Ward Member requests in writing, with reasons, within 72 hours of notification of the recommendation for refusal that they be submitted to Committee for determination. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (e) To determine applications (excluding applications for advertisement consent, certificates of lawfulness, listed building consent, and applications resulting from the withdrawal by condition of domestic permitted development rights;

Schedule 2, Part 1, Classes B, C, D, E, F, G, and H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended) on which a material planning objection(s) has been received within the Application Publicity Expiry Date and which cannot be resolved by negotiation or through the imposition of conditions and where the officer's recommendation is for approval, following consultation with the Ward Members, the latter having the right to request that the application be reported to Committee for decision.

Public Speaking at the Meeting

The Council has a public participation scheme, which invites members of the public, Parish Council representatives and applicants to address the Committee on applications. Full details of the scheme are available from Planning and Building Services or from Democratic Services at the Council Offices, Beech Hurst, Weyhill Road, Andover. Copies are usually sent to all those who have made representations. Anyone wishing to speak must book with the Democratic Services within the stipulated time period otherwise they will not be allowed to address the Committee.

Speakers are limited to a total of three minutes per item for Councillors on the Area Committee who have personal interests or where a Member has pre-determined his/her position on the relevant application, three minutes for the Parish Council, three minutes for all objectors, three minutes for all supporters and three minutes for the applicant/agent and relevant Ward Members who are not Committee Members will have a maximum of five minutes. Where there are multiple supporters or multiple objectors wishing to speak the Chairman may limit individual speakers to less than three minutes with a view to accommodating multiple speakers within the three minute time limit. Speakers may be asked questions by the Members of the Committee, but are not permitted to ask questions of others or to join in the debate. Speakers are not permitted to circulate or display plans, photographs, illustrations or textual material during the Committee meeting as any such material should be sent to the Members *and* officers in advance of the meeting to allow them time to consider the content.

Content of Officer's Report

It should be noted that the Officer's report will endeavour to include a summary of the relevant site characteristics, site history, policy issues, consultations carried out with both internal and external consultees and the public and then seek to make a professional judgement as to whether permission should be granted. However, the officer's report will usually summarise many of the issues, particularly consultations received from consultees and the public, and anyone wishing to see the full response must ask to consult the application file.

Status of Officer's Recommendations and Committee's Decisions

The recommendations contained in this report are made by the officers at the time the report was prepared. A different recommendation may be made at the meeting should circumstances change and the officer's recommendations may not be accepted by the Committee.

In order to facilitate debate in relation to an application, the Chairman will move the officer's recommendations in the report, which will be seconded by the Vice Chairman. Motions are debated by the Committee in accordance with the Council's Rules of Procedure. A binding decision is made only when the Committee has formally considered and voted in favour of a motion in relation to the application and, pursuant to that resolution, the decision notice has subsequently been issued by the Council.

Conditions and Reasons for Refusal

Suggested reasons for refusal and any conditions are set out in full in the officer's recommendation.

Officers or the Committee may add further reasons for refusal or conditions during the Committee meeting and Members may choose to refuse an application recommended for permission by the Officers or to permit an application recommended for refusal. In all cases, clear reasons will be given, by whoever is promoting the new condition or reason for refusal, to explain why the change is being made.

Decisions subject to Completion of a Planning Obligation

For some applications, a resolution is passed to grant planning permission subject to the completion of an appropriate planning obligation (often referred to as a Section 106 agreement). The obligation can restrict development or the use of the land, require operations or activities to be carried out, require the land to be used in a specified way or require payments to be made to the authority.

New developments will usually be required to contribute towards the infrastructure required to serve a site and to cater for additional demand created by any new development and its future occupants. Typically, such requirements include contributions to community facilities, village halls, parks and play areas, playing fields and improvements to roads, footpaths, cycleways and public transport.

Upon completion of the obligation, the Head of Planning and Building is delegated to grant permission subject to the listed conditions. However, it should be noted that the obligation usually has to be completed sufficiently in advance of the planning application determination date to allow the application to be issued. If this does not happen, the application may be refused for not resolving the issues required within the timescale set to deal with the application.

Deferred Applications

Applications may not be decided at the meeting for a number of reasons as follows:

- * The applicant may choose to withdraw the application. No further action would be taken on that proposal and the file is closed.
- * Officers may recommend deferral because the information requested or amended plans have not been approved or there is insufficient time for consultation on amendments.
- * The Committee may resolve to seek additional information or amendments.
- * The Committee may resolve to visit the site to assess the effect of the proposal on matters that are not clear from the plans or from the report. These site visits are not public meetings.

Visual Display of Plans and Photographs

Plans are included in the officers' reports in order to identify the site and its surroundings. The location plan will normally be the most up-to-date available from Ordnance Survey and to scale. The other plans are not a complete copy of the application plans and may not be to scale, particularly when they have been reduced from large size paper plans. If further information is needed or these plans are unclear please refer to the submitted application on the Council's website. Plans displayed at the meeting to assist the Members may include material additional to the written reports.

Photographs are used to illustrate particular points on most of the items and the officers usually take these. Photographs submitted in advance by applicants or objectors may be used at the discretion of the officers.

Human Rights

The European Convention on Human Rights ("ECHR") was brought into English Law, via the Human Rights Act 1998 ("HRA"), as from October 2000.

The HRA introduces an obligation on the Council to act consistently with the ECHR.

There are 2 Convention Rights likely to be most relevant to Planning Decisions:

- * Article 1 of the 1st Protocol - The Right to the Enjoyment of Property.
- * Article 8 - Right for Respect for Home, Privacy and Family Life.

It is important to note that these types of right are not unlimited - although in accordance with the EU concept of "proportionality", any interference with these rights must be sanctioned by Law (e.g. by the Town & Country Planning Acts) and must go no further than necessary.

Essentially, private interests must be weighed against the wider public interest and against competing private interests. Such a balancing exercise is already implicit in the decision making processes of the Committee. However, Members must specifically bear Human Rights issues in mind when reaching decisions on all planning applications and enforcement action.

The Natural Environment and Rural Communities (NERC) Act 2006 and Environment Act 2021

The Council has a duty under the Environment Act 2021, from the 1st January 2023, to ensure consideration is given to what can be done to conserve and enhance biodiversity through the exercise of its functions, agree policies and specific objectives based on those considerations and to act to deliver these policies and achieve objectives.

Previously the Council had a duty under the Natural Environment and Rural Communities Act 2006 as follows: "*every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*".

It is considered that this duty has been properly addressed within the process leading up to the formulation of the policies in the Revised Local Plan. Further regard is had in relation to specific planning applications through completion of the biodiversity checklists for validation, scoping and/or submission of Environmental Statements and any statutory consultations with relevant conservation bodies on biodiversity aspects of the proposals. Provided any recommendations arising from these processes are secured either by condition or, where appropriate, legal Obligation as part of any grant of planning permission (or included in reasons for refusal of any planning application) then the duty to ensure that biodiversity interest has been conserved and enhanced, as far as practically possible, will be considered to have been met.

Other Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of applications be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the Borough comprises the Test Valley Borough Revised Local Plan (2016), and 'made' Neighbourhood Plans. Material considerations are defined by Case Law and includes, amongst other things, draft Development Plan Documents (DPD), Supplementary Planning Documents (SPD) and other relevant guidance including Development Briefs, Government advice, amenity considerations, crime and community safety, traffic generation and safety.

In July 2021 the Government published a revised National Planning Policy Framework (NPPF). The revised NPPF replaced and superseded the previous NPPF published in 2018. The revised NPPF is a material consideration in planning decisions.

So that sustainable development is pursued in a positive way, at the heart of the revised NPPF is a presumption in favour of sustainable development. Decisions should apply a presumption in favour of sustainable development. This does not change the statutory status of the development plan as a starting point for decision making. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Where a planning application conflicts with an up to date development plan, permission should not usually be granted. Local planning authorities may take decisions which depart from an up to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

For decision-taking, applying the presumption in favour of sustainable development means:

- Approving development proposals that accord with an up to date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - The application of policies in the revised NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the revised NPPF when taken as a whole.

Existing Local Plan policies should not be considered out of date because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF (the closer the policies in the Local Plan to the policies in the revised NPPF, the greater the weight that may be given).

ITEM 6	APPLICATION NO.	TPO.TVBC.1256
	SUBJECT TYPE	TREE PRESERVATION ORDER
	SITE	Trees along south side of Micheldever Road behind 21b Wolversdene Road, Andover, SP10 2AY
	ORDER MADE	1 st February 2023
	CASE OFFICER	Rory Gogan
		Background paper (Local Government Act 1972 Section 100D)
		Appendix 1: TPO.TVBC.1256 (provisional order)
		Appendix 2: Tree Preservation Order Amenity Assessment Form
		Appendix 3: Case Officer Report presented at NAPC meeting 20 July 2023

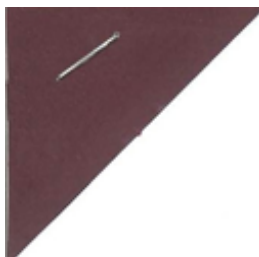
1.0 INTRODUCTION

- 1.1 This matter was previously reported to the Northern Area Planning Committee meeting, held on 20th July 2023, to consider an objection received in respect to the making of a new Tree Preservation Order (TPO) and decide whether the TPO should be confirmed.
- 1.2 The report previously presented to the Northern Area Planning Committee, 20th July 2023, contained a typographical error in the recommendation of item 8, p.96 of the agenda. The recommendation of item 8 states to confirm without modification TPO.TVBC.1255.
- 1.3 The case officer's recommendation of item 8 has now been amended to reflect the correct TPO reference number, that being TVBC.TPO.1256. This is to ensure that the correct TPO has been confirmed.
- 1.4 All other sections of the case officers report, sections 2.0 – 7.0 previously reported and presented to the NAPC on 20th July 2023, remain unaltered and are attached to this report, reference Appendix 3. The amended recommendation of item 8 is shown below.

2. AMENDED RECOMMENDATION

- 2.1 That TPO.TVBC.1256 is confirmed without modification.

Appendix 1 - TPO TPO.TVBC.1256



Dated 01 February 2023

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TEST VALLEY BOROUGH COUNCIL

Town and Country Planning Act 1990

TREE PRESERVATION ORDER
TPO.TVBC.1256

Land along the south side of Micheldever Road, behind 21b Wolversdene Road, Andover, SP10 2AY

Head of Legal & Democratic Services
Test Valley Borough Council
Beech Hurst
Weyhill Road
Andover
Hampshire
SP10 3AJ

TOWN AND COUNTRY PLANNING (TREE PRESERVATION)(ENGLAND)

REGULATIONS 2012

TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990

THE BOROUGH COUNCIL OF TEST VALLEY TREE PRESERVATION ORDER
TPO.TVBC.1256

LAND ALONG THE SOUTH SIDE OF MICHELDEVER ROAD, BEHIND 21B
WOLVERSDENE ROAD, ANDOVER, SP10 2AY

The Borough Council of Test Valley, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 hereby make the following Order-

Citation

1. This Order may be cited as the Borough of Test Valley Tree Preservation Order TPO.TVBC.1256

Interpretation

2. (1) In this Order "the authority" means the Borough Council of Test Valley
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to the exceptions in regulation 14, no person shall-
 - (a) cut down, top, lop, uproot, ~~wilfully~~ damage or ~~wilfully~~ destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, ~~wilful~~ damage or ~~wilful~~ destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
None		

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
None		

Groups of trees
(within a broken black line on the map)

Reference on map	Description	Situation
G1	10x Sycamore 2xYew	On the bank on the south of Micheldever Road, behind 21B Wolversdene Road, as shown on the plan

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
None		

The Common Seal of Test Valley Borough Council)
was hereto affixed this 1st day of February 2023)

Karen Denny

Authorised by the Council to sign in that behalf





<p>0</p> <p>1</p> <p>AREA</p> <p>W1</p> <p>Woodland</p>	<p>TOWN AND COUNTRY PLANNING ACT 1990</p> <p>Section 198-201</p> <p>TREE PRESERVATION ORDER TVBC 1256</p> <p>Location: Land along south side of Micheldever Road behind 21b Wolverdens Road, SP10 2AY</p>		<p>Test Valley</p> <p>Borough Council</p> <p>HEAD OF PLANNING AND BUILDING</p> <p>BEECH HURST, WEYHILL ROAD</p> <p>ANDOVER: HAMPSHIRE: SP10 2AJ</p> <p>Tel: 01264 398000</p>	
	OS Grid:	SCALE: 1:1250	DATE: JANUARY 2023	DRAWING No: 1

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Appendix 2

TPO Amenity Assessment Form - Trees along south side of Micheldever Road behind 21b Wolversdene Road, Andover, SP10 2AY

Appendix 3 – Report to Northern Area Planning Committee on 20th July 2023

APPLICATION NO.	TPO.TVBC.1256
SUBJECT TYPE	TREE PRESERVATION ORDER
SITE	Trees along south side of Micheldever Road behind 21b Wolversdene Road, Andover, SP10 2AY
ORDER MADE	1 ST February 2023
CASE OFFICER	Rory Gogan

Background paper (Local Government Act 1972 Section 100D)
Appendix 1: TPO.TVBC.1256 (provisional order)
Appendix 2: Tree Preservation Order Amenity Assessment Form

1.0 INTRODUCTION

- 1.1 This matter is reported to the Northern Area Planning Committee to consider an objection received in respect to the making of a new Tree Preservation Order (TPO) and decide whether the TPO should be confirmed.
- 1.2 TPO.TVBC.1256, was made on the 1st February 2023, in response to a perceived threat to trees from information provided by application reference, 22/03215/FULLN - Demolition of outbuilding, and erection of two dwellings with associated parking and access from Micheldever Road.
- 1.3 A provisional Tree Preservation Order (TPO.TVBC.1256) was made in response to concerns about the impact on adjacent trees due to the proposed creation of a driveway through the roadside bank and the juxtaposition of the proposed dwellings with the neighbouring trees. The Order has effect provisionally unless and until it is confirmed. Confirmation must take place no later than six months after the TPO was made, that date being 1st August 2023.
- 1.4 An objection to this provisional TPO has been received.
- 1.5 The Council cannot confirm a TPO unless it first considers objections and representations duly made and not withdrawn. If a TPO is confirmed, it may be confirmed with or without modifications.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The trees are part of a linear tree group which extends either side of Micheldever Road. The trees are growing on banks which incline steeply on both sides of the road and are adjacent to the northern boundary of 21b Wolversdene Road. The tree group provides high amenity and character to the area. The TPO is proposed due to a threat to the trees (ten Sycamore and two Yew) through a planning application which proposes to fell a number of them and will impact on adjacent trees with the proposed creation of a driveway through the bank and the location of two houses within the site. The loss of the TPO trees and the cumulative effect of the loss of other trees along Micheldever Road, through Ash

dieback, would have a detrimental impact on the visual amenity of the linear tree group by destroying its continuity, which would have a detrimental effect on the character of Micheldever Road and the area in general. The TPO has not been proposed to prevent appropriate development, but to ensure the trees are fully considered during the planning process.

2.2 The trees subject to the TPO are:

- Ten mature Sycamores and two early mature Yew, shown as group G1 on the attached TPO reference appendix 1.

The trees stand on land owned by Hampshire Highways and are adjacent to the northern boundary of 21b Wolverdene Road.

The trees subject to the TPO positively contribute to the areas character and provide a good level of public amenity and are seen from a number of public locations including :

- Micheldever Road
- Wolverdene Road
- Cummins Close
- High Beech Gardens

3.0 **BACKGROUND**

3.1 The local planning authority has refused to grant planning permission for the demolition of outbuilding, and erection of two dwellings with associated parking and access from Micheldever Road. With regard to trees the application was refused due to “the proposed development and new access, by virtue of their location and alignment, would result in the loss of trees and threaten the retention of offsite neighbouring trees all of which are protected by a TPO; both directly as a result of damage and disturbance to the trees' root system as well as a result of the juxtaposition of the proposed dwellings with the offsite neighbouring trees. The loss of any of the TPO trees would have a detrimental impact on the wider landscape character of the area which is typified by the naturalistic planting along the northern boundary of the site which has been created by the self-seeding of existing trees to create a verdant backdrop to the residential properties to the south of Micheldever Road”. An appeal to this decision has been made to the Planning Inspectorate, reference APP/C1760/W/23/3322542.

For this reason, a TPO was considered expedient as there is now a known threat that trees of significant landscape importance that could be felled without the appropriate protection being in place.

4.0 **REPRESENTATIONS**

4.1 An objection has been received Mr A Emery of 21b Wolverdene Road, Andover, DP10 2AY. The objections are bullet pointed below:

- The TPO appears to be based on AIA (Arboricultural Impact Assessment) which is alleged not to comply with the relevant British Standard, according to feedback received during a current planning application,

reference 22/03215/FULLN. If this is indeed the case, then a further survey would need to be undertaken by the LPA to ratify assumptions made on that basis. If this is not the case, then the AIA provided should be taken as – is.

- Using the same section of the AIA which the Tree Officer infers that she accepts as valid, at least 3 of the Sycamores are shown on the AIA to be in poor Physical and structural condition with an expected life of <10years. None of the trees surveyed show good condition, the best shown being fair.
- The AIA clearly states that the trees have not been subject to close survey due to being covered in Ivy.
- Closer inspection may reveal that the trees are in poor condition than is evident before Ivy removal, such as splitting trunks and Sooty Bark disease.
- Sooty Bark disease is often signified by the composition of the leaves however the trees were surveyed when not in leaf.
- Most diseased trees cannot be saved and would need to be removed.
- Property (usually my greenhouse, but not limited to that) has been damaged many times in the past by falling branches which show signs of disease at their base. Liability for this has never been admitted by either TVBC or Hampshire Highways, I would be most interested if this position has changed.
- Failure to manage these trees properly or to retain diseased trees could result in further damage to property and create a risk of injuries to persons, both of which should of course be strenuously avoided if at all possible.
- Please note that as per the planning application mentioned, should any of these trees be removed for whatever reason during the course of the proposed development, the removal would be mitigated with replacement mature professionally cultivated trees of a much higher standard than the existing low quality, fair/poor standard self-seeded trees. Species and positioning would be agreed with the LPA and any replacements would be guaranteed for at least 5 years.

5.0 **POLICY AND NATIONAL GUIDANCE**

TOWN AND COUNTRY PLANNING ACT 1990

- 5.1 The Local Planning Authority may make a TPO if it appears to them to be: 'expedient in the interests of amenity to make provision for the preservation of trees and woodlands in their area'. TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

6.0 **TPO CONSIDERATIONS**

- 6.1 In assessing trees for possible inclusion in a new TPO, the Council therefore assesses whether the trees in question have public amenity value. Before doing so, however, it first determines, by reference to a list of detractors, whether the making of a new order would be defensible.
- 6.2 Further to the points raised by the objector, the following response is provided for the Committee's consideration:

Objection - Trees appear to be based on the AIA (Arboricultural Impact Assessment) –

Response - The TPO assessment is based on a standard amenity assessment form used by TVBC that takes into account trees location, prominence, other trees in the locality, tree form, tree size, audience frequency and known or perceived threat to the trees, refer appendix 2.

Objection - Using the same section of the AIA which the Tree Officer infers that she accepts as valid, at least 3 of the Sycamores are shown on the AIA to be in poor Physical and structural condition with an expected life of <10years. None of the trees surveyed show good condition, the best shown being fair.

Response – As above the AIA provided with the planning application does not form part of the TVBC amenity assessment. The tree officer in this case was satisfied that all of the tree covered by the TPO had a useful life expectancy of at least 10 years, as is required by TPO legislation.

Objection - The AIA clearly states that the trees have not been subject to close survey due to being covered in Ivy.

Response – The AIA has no relevance to the making of a TPO. The trees subject to the TPO were assessed to have at least 10 years useful life expectance.

Objection - Closer inspection may reveal that the trees are in poor condition than is evident before Ivy removal, such as splitting trunks and Sooty Bark disease.

Response – Closer inspection of the trees may reveal structural defects and/ or disease present. If this is the case, a TPO tree works application can be made to undertake remedial pruning works or tree removal with sufficient information being provided to the LPA in the form of an arboricultural health and safety report. Currently the trees are showing a good vigor, leaf colour and branch extension with no dieback of the crowns evident.

Objection - Sooty Bark disease is often signified by the composition of the leaves however the trees were surveyed when not in leaf.

Response - Sooty bark disease is a known pathogen of Sycamore trees that is caused by the fungus *Cryptostroma corticale*. Once under attack, the crown of the Sycamore either partially or fully wilts. A recent visual inspection (30th June 2023) of the trees did not reveal any wilting of the foliage. The subject trees all had full and healthy crowns.

Objection - Most diseased trees cannot be saved and would need to be removed.

Response – There is no evidence that has been provided to the Council that any of the subject trees have been infected by any pathogen.

Objection - Property (usually my greenhouse, but not limited to that) has been damaged many times in the past by falling branches which show signs of disease at their base. Liability for this has never been admitted by either TVBC or Hampshire Highways, I would be most interested if this position has changed.

Response – These trees are highway trees owned by Hampshire Highways. They have a web site based procedure for home owners and the general public to make complaints or representation about tree health. I would respectfully sign post the objector to the HH web site.

Objection - Failure to manage these trees properly or to retain diseased trees could result in further damage to property and create a risk of injuries to persons, both of which should of course be strenuously avoided if at all possible.

Response – As above response.

Objection - Please note that as per the planning application mentioned, should any of these trees be removed for whatever reason during the course of the proposed development, the removal would be mitigated with replacement mature professionally cultivated trees of a much higher standard than the existing low quality, fair/poor standard self-seeded trees. Species and positioning would be agreed with the LPA and any replacements would be guaranteed for at least 5 years.

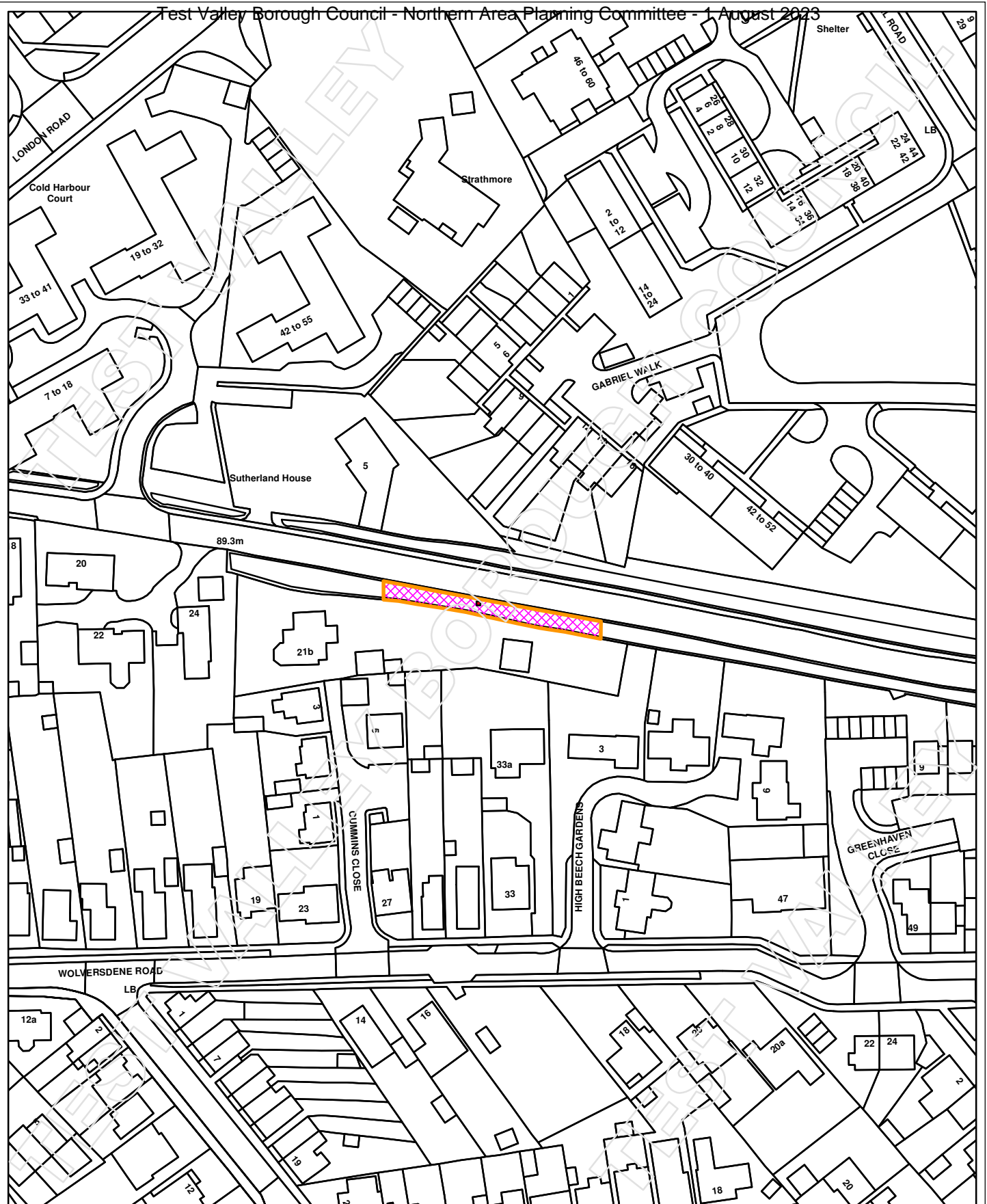
Response – The planting of replacement trees is commonly covered by a condition of the planning consent. The condition would include a specification for tree size and species in addition the positioning of the trees within the site would have been informed by the planning application. Any replacement tree would take many decades to mature and provide the same level of visual impact and ecological significance that the existing trees offer.

7.0 **CONCLUSION**

7.1 There has been a recent planning application 22/03215/FULLN for the demolition of outbuilding, and erection of two dwellings with associated parking and access from Micheldever Road. This demonstrates that there is threat to the trees from possible future development. The TPO is proposed not to prevent development but to ensure that the trees adjacent to Micheldever Road are full considered and protected during the planning process. The trees are important features of the Micheldever Road and within the wider rural landscape and add to the sylvan character of the area, it is entirely reasonable that the Order is confirmed without modification

8.0 **RECOMMENDATION**

That TPO.TVBC.1255 is confirmed without modification.



Siteplan



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