

## Appendix 3 – Report to Northern Area Planning Committee on 20<sup>th</sup> July 2023

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

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### 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 1<sup>st</sup> 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 1<sup>st</sup> 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- 1.5 The Council cannot confirm a TPO unless it first considers objections and representations duly made and not withdrawn.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 (30<sup>th</sup> 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.