

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL			
SUBJECT:	OBJECTION TO THE IMPLEMENTATION OF A TREE PRESERVATION ORDER			
DATE OF DECISION:	15 OCTOBER 2013			
REPORT OF:	HEAD OF CITY SERVICES			
AUTHOR:	Name:	Gary Claydon-Bone City Tree Officer	Tel:	023 8083 3932
	E-mail:	Gary.claydon-bone@southampton.gov.uk		

STATEMENT OF CONFIDENTIALITY
None

SUMMARY

This report covers the objection from 18 Bassett Green Road regarding The Southampton City Council (Bassett Green Road – Willis Road) Tree Preservation Order (Number 595) 2013. The order was made on the 5th of July 2013. It protects one individual Beech (numbered T1 in the First Schedule) and one Lime (numbered T2 in the First Schedule) three Sycamore (numbered G1 in the First Schedule) and one Norway Maple and one Beech (numbered G2 in the First Schedule) (See Appendix 1).

RECOMMENDATIONS:

- (i) To confirm The Southampton City Council (Bassett Green Road – Willis Road) Tree Preservation Order (Number 595) 2013 without modifications.

REASONS FOR REPORT RECOMMENDATIONS

1. An objection was received from 18 Bassett Green Drive on the 22 July 2013 (see Appendix 2) with regards to inclusion of a Lime tree situated in his neighbour's front garden indicated as T2 of the TPO plan (see Appendix 3).
2. The tree is considered to have good amenity value and its loss would have a significant impact on the local environment and its enjoyment by the public.

CONSULTATION

3. None.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4. If the TPO is not confirmed, without legal protection the long term retention of the tree is uncertain.

DETAIL

5. A site meeting was made and the reason for the TPO was explained to the objector. He has complaints over the tree and the mess it makes. He feels that his neighbour's tree should not have been included within the new

TPO. I was not able to satisfy the objector with my reasons for the tree to be included in the TPO so he wished to proceed to the PRWP.

6. The Lime tree that the objector wants to be removed from the order is in the centre of his neighbour's front garden. The objector objects as the tree is too high and that it is an approximate 10m (33ft) from the property. He also objected to the debris that is produced by falling leaves and seed pods. The objector also is not happy with the Aphids that are seasonally present in the tree and the Honeydew that is caused by them. For these reasons, the objector wants to exclude this tree from the TPO and to possibly have the tree felled. The removal of this Lime tree will have a negative impact on the visual amenity value the tree provides to the area.
7. This TPO was made to replace A1 of The Southampton (Willis Road) Tree Preservation Order that existed on the property from 1953 (See Appendix 4). This order was considered to be difficult to administer as we could not be certain what trees were growing at the time the original order was made. It was therefore considered to be good management practice to make a new tree preservation order that clearly defines which trees are intended to be protected. This will aid with administration of the tree preservation order and provide clarity for future residents of the area
8. The protection of the single Lime tree to the front of 18 Bassett Green Road has not changed. It is simply now protected under the new order rather than the revoked order of 1953.
9. A letter was sent to the objector to inform him that his case will be submitted to be heard at the next available PRWP (see Appendix 5)
10. The objector has requested that this matter be heard by the PRWP (see Appendix 6).

FINANCIAL/RESOURCE IMPLICATIONS

Capital

11. None

Revenue

12. If The Southampton City Council (Bassett Green Road – Willis Road) Tree Preservation Order (Number 595) 2013 is confirmed, there will be the cost of administering the service of the confirmed Order and any subsequent tree work applications

Property

13. None

Other

14. If The Southampton City Council (Bassett Green Road – Willis Road) Tree Preservation Order (Number 595) 2013 is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonable foreseeable.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

15. In accordance with the Constitution any decision relating to Council trees, unless delegated, will be determined by the Planning Panel.

Other Legal Implications:

16. The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy his possessions but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the tree) and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law.
17. In so far as the tree is on or serve private residential property the making or confirmation of a TPO could interfere with the right of a person to respect for his family life and his home but is capable of justification as being in accordance with the law and necessary in a democratic society for the protection of the rights and freedoms of others (Article 8).

POLICY FRAMEWORK IMPLICATIONS

18. None

SUPPORTING DOCUMENTATION

Appendices

1.	The Southampton City Council (Bassett Green Road – Willis Road) Tree Preservation Order (Number 595) 2013 First Schedule
2.	Objection Letter from 18 Bassett Green Drive dated 22 July 2013
3.	TPO Plan
4.	The Southampton (Willis Road) Tree Preservation Order 1953 (Revoked) TPO plan
5.	Letter to 18 Bassett Green Drive.
6.	Confirmation of wish to proceed to the planning & rights of way panel.

Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	The Southampton City Council (Bassett Green Road – Willis Road) Tree Preservation Order (Number 595) 2013	Not applicable
2.	The Southampton (Willis Road) Tree Preservation Order 1953 (Revoked)	Not applicable

Background documents available for inspection at:

FORWARD PLAN No: N/A **KEY DECISION?** N/A

WARDS/COMMUNITIES AFFECTED:	Swaythling
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