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| <b>DECISION-MAKER:</b>        | PLANNING & RIGHTS OF WAY PANEL   |                                      |                    |
| <b>SUBJECT:</b>               | Objection of Tree Preservation Order at 22 Weston Grove Road, Woolston |                                      |                    |
| <b>DATE OF DECISION:</b>      | 29.06.2016   |                                      |                    |
| <b>REPORT OF:</b>             | HEAD OF TRANSACTIONAL AND UNIVERSAL SERVICES                           |                                      |                    |
| <b><u>CONTACT DETAILS</u></b> |  |                                      |                    |
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| <b>Director</b>               | <b>Name:</b>   | Mitch Sanders                        | Tel: 023 8083 3005 |
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#### **STATEMENT OF CONFIDENTIALITY**

None

#### **BRIEF SUMMARY**

A tree preservation order was placed on 2 Sycamore trees that are growing in close proximity to one another and are forming a combined canopy which appears from the public perspective as a single tree. The trees are growing on the south eastern boundary within the rear garden of 22 Weston Grove Road. The order was made after the City Council received contact regarding the protection status of the trees and an indication that the trees are to be felled. A Tree Evaluation Method for Protection Orders (TEMPO) was completed to ascertain the suitability for long term protection (See appendix 1). Due to the amenity that the trees provide to the local area (Appendix 3) a tree preservation order was made. The owner of the property has objected to the making of the order but has not given any specific grounds for their objection.

I have entered into discussions with the tree owners and advised that fair management of the trees would not be objected to, if applied for. An application form has been emailed to the tree owners so that then can apply but as of the 29<sup>th</sup> June, I am not aware that any applications have been submitted.

#### **RECOMMENDATIONS:**

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|  | (i) | To confirm The Southampton (22 Weston Grove Road) Tree Preservation Order 2016 without any amendments (See appendix 2) |
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#### **REASONS FOR REPORT RECOMMENDATIONS**

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| 1. | The trees offer a visual amenity to the area and also are a benefit to ecology. The trees also provide valuable screening to adjoining properties. |
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| <b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>                  |  |
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| 2   | To not confirm this order. This would not offer the legal protection which is considered prudent for future retention and management of the trees  |
| <b>DETAIL (Including consultation carried out)</b>                  |  |
| 3   | The order was made and hand served to 22 Weston Grove Road. The order was also hand served to 2 neighbouring properties in Church Road.  |
| 4   | An email objection was received from the tree owner which was followed up by a telephone conversation. An email was sent to the tree owners detailing the content of the telephone conversation along with additional information regarding how to apply for work on the trees   |
| <b>RESOURCE IMPLICATIONS</b>  |  |
| <b><u>Capital/Revenue</u></b>                                       |  |
| 5   | Costs will be those associated with the administration of confirming the order and the administration of any subsequent application made under the Order.  |
| <b><u>Property/Other</u></b>  |  |
| 6   | If the order 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 reasonably foreseeable                         |
| <b>LEGAL IMPLICATIONS</b>   |  |
| <b><u>Statutory power to undertake proposals in the report:</u></b> |  |
| 7   | In accordance with the constitution, the officer has delegated power to make, modify or vary, revoke and not confirm Tree Preservation Orders under section 198 and 201 of the Town and Country Planning Act 1990; and to confirm such orders except where valid objections are received. If objections are received then the Planning and Rights of Way Panel are the appropriate decision making panel to decide whether to confirm the order or not.  |
| <b><u>Other Legal Implications:</u></b>                             |  |
| 8   | The making or confirming of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy their possessions but it can be justified under article 1 of the First Protocol as being in the public interest (the amenity value of the trees, tree groups and woodlands) and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law |
| <b>POLICY FRAMEWORK IMPLICATIONS</b>                                |  |
| 9   | None   |

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| <b>KEY DECISION?</b>   | No   |
| <b>WARDS/COMMUNITIES AFFECTED:</b>   | N/A  |
| <b><u>SUPPORTING DOCUMENTATION</u></b>   |  |
| <b>Appendices</b>  |  |
| 1.   | Tree Evaluation Method for Protection Orders   |
| 2.   | Tree Preservation Order  |
| 3  | Photograph of tree taken from public footpath on Church Road   |
| <b>Documents In Members' Rooms</b>   |  |
| 1.   | None   |
| <b>Equality Impact Assessment</b>  |  |
| Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out. | No   |
| <b>Privacy Impact Assessment</b>   |  |
| Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.   | No   |
| <b>Other Background Documents</b>  |  |
| <b>Equality Impact Assessment and Other Background documents available for inspection at:</b>            |  |
| 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.   | None   |