

DECISION-MAKER:	PLANNING RIGHTS OF WAY PANEL		
SUBJECT:	OBJECTION TO TREE PRESERVATION ORDER AT 9, GLENWOOD AVENUE, BASSETT		
DATE OF DECISION:	25.10.16		
REPORT OF:	HEAD OF ADULTS, HOUSING AND COMMUNITIES		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
<p>A Tree Preservation Order (TPO) was placed on two individual trees at Number 9 Glenwood Avenue: 1 oak (<i>Quercus robur</i>, T1) to the rear boundary and a Western Red Cedar (<i>Thuja plicata</i>, T2) to the front. Only the TPO on the Western Red Cedar, T2, is being objected to. The tree is one of a group of (originally) three which was selected as worthy of a TPO. The other two trees were of poorer quality, one still remains and one has been removed. See photos at appendix 1 - slides.</p> <p>The tree has high visual amenity from Glenwood Avenue, and is one of relatively few evergreen species at this location.</p>	
RECOMMENDATIONS:	
	(i) To confirm the Southampton (9, Glenwood Avenue) Tree Preservation Order 2016 (appendix 1) without further modification. TPO at Appendix 3
REASONS FOR REPORT RECOMMENDATIONS	
1.	The trees are valuable for public amenity, ecological benefit, visual screening and greening of the landscape. Evergreen species in particular are shown to deliver improvement in air quality all year round, and are a valuable part of a sustainable species mix.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
	To not confirm this Order. This would not offer the legal protection which is considered prudent for the future reasonable retention and management of the trees.
DETAIL (Including consultation carried out)	
4.	The order was made in response to a call from a member of the public alerting us that a significant oak tree (T1 on the order being objected to) was being worked on illegally. The tree turned out not to be protected, though it is thought that it was intended to be protected under an older Tree

	Preservation Order T2-096The Southampton (Bassett Wood/Birch Coppice) (no 2) TPO 1981. This was the primary reason for attending the site. To ensure no further works are done to this significant oak, the TPO was made and any other trees worthy of protection included to avoid multiple TPO's on one site.
5.	The TPO was notified to 6 properties locally. One objection was received from the neighbouring property at number 7 Glenwood Avenue within the timescales, and a second from the tree owner at number 9 after the deadline had passed. Letters of objection at appendix 2a, including the one received past the deadline at appendix 2b.
6.	The tree officer met with the resident at number 7 Glenwood Avenue to understand her concerns. The tree grows to the south of the property and does have an impact in terms of light in the downstairs front room. The tree is a dense evergreen species. It is believed that this can be mitigated by crown lifting (removing the lower branches) to an acceptable height (4m is suggested) allowing more light in, increasing the distance of the tips of the canopy to the property (the tree has a conical form so is narrower the higher up you go) and still retaining the visual amenity it offers from Glenwood Avenue. This work was not done prior to the TPO being made, so it would be reasonable to assume the light issue is not of high priority. We would be minded to allow reasonable works.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
8.	Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order.
<u>Property/Other</u>	
9.	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.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
10.	In accordance with the Constitution, the officer has delegated power to make, modify or vary, revoke and not confirm Tree Preservation Orders under Sections 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.
<u>Other Legal Implications:</u>	
11.	The making or confirmation 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.
POLICY FRAMEWORK IMPLICATIONS	
12.	None

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	N/A

SUPPORTING DOCUMENTATION

Appendices	
1.	The Order: The Southampton (9, Glenwood Avenue) Tree Preservation Order 2016
2.	Aerial image of the location of the trees
3.	Diagrammatic location plan showing neighbouring TPO
4.	The objection letter received from number 7 Glenwood Avenue

Documents In Members' Rooms	
1.	None

Equality Impact Assessment	
Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No

Privacy Impact Assessment	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No

Other Background Documents
Equality Impact Assessment and Other Background documents available for inspection at:

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