

<b>DECISION-MAKER:</b>	PLANNING RIGHTS OF WAY PANEL		
<b>SUBJECT:</b>	OBJECTION TO TREE PRESERVATION ORDER AT 1-2 HANDEL ROAD (T2-652)		
<b>DATE OF DECISION:</b>	25.10.2016		
<b>REPORT OF:</b>	HEAD OF ADULTS HOUSING AND COMUNITIES		
<b><u>CONTACT DETAILS</u></b>			
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#### **STATEMENT OF CONFIDENTIALITY**

None

#### **BRIEF SUMMARY**

A Tree Preservation Order (TPO) was made on three trees to the rear of 1-2 Handel Road on 22<sup>nd</sup> June 2016 following information provided to the council informing us that these trees were under threat of being felled T1 Lime (*Tillia spp*), T2 and 3 Yew (*Taxus baccata*). A site visit was made prior to making this TPO to assess the suitability for these trees for protection.

All trees covered by this order are significant landscape assets: tree 1 can be clearly seen from Morris Road, Handel Road and the Southern end of Devonshire Road. Trees 2 and 3 can be clearly seen from Handel Rd and the Southern end of Devonshire Road. Between 1 Handel Road and 66 Devonshire Road there is a clear view of all three trees, showing their full value to the local vista. Photographs of these trees can be found in Appendix 2 and an aerial view as Appendix 3.

#### **RECOMMENDATIONS:**

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| (i) | To confirm the Southampton (1-2 Handel Road) Tree Preservation Order 2015 (Appendix 1) without modification. |
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#### **REASONS FOR REPORT RECOMMENDATIONS**

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| 1. | The trees are valuable for public amenity, ecological benefit, visual screening and greening of the harsh urban landscape. Trees contribute to clean air quality and make them especially important in our urban environment. |
| 2. | The loss or severe pruning of these trees would result in a detrimental effect on the local amenity and a resulting hard and uncompromising environment within this area.   |

#### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

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| 3. | 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. |
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<b>DETAIL (Including consultation carried out)</b>	
4.	The order was made and notified to 14 properties locally. Two objections were received, one from 56 Devonshire Road and one from 58 Devonshire Road. These objections can be found at Appendix 4
5.	Following the receipt of these objections contact was made with the residents to try and address their concerns.
6.	A site visit was made with Sarah Kiss, Antony Peters and the objectors from both number 56 and 58 - Miss E Tigan and Miss M Beer - present. During this meeting the objections were discussed and solutions were offered. The objections still remain and as a result the confirmation of this order has been brought to Panel.
7.	<p>The objections and solutions offered at the site meeting are as follows.</p> <p>Objections</p> <ol style="list-style-type: none"> <li>1. Roots spreading up to 3 times the height to the tree.</li> <li>2. The tree is causing damage to the wall at the rear of 56 and 58 Devonshire Road</li> <li>3. Seasonal debris</li> </ol> <p>Solutions</p> <ol style="list-style-type: none"> <li>1. In situations where no hard standing or impeding structures are present minor roots can spread for large distances. However, the situation in which we find these trees is far from unimpeded as there are a number of areas which are inhospitable to roots, for example hardstanding and paved areas existing on site. These conditions will result in an altered rooting area where the roots will be unlikely to extend under these conditions.</li> <li>2. A crack in the wall may be due to the growth of either T2 or 3. The trees most likely pre-date the wall, the damage which the tree may be causing would be better served by engineering solutions. The loss of the trees would have a vastly detrimental effect on the locality. We would be happy to suggest engineering solutions known to have worked successfully in other locations that would enable safe retention of both the tree and the wall.</li> <li>3. The seasonal debris these trees produces is considered to be a natural by-product of trees in urban environments; to remove or severely prune trees for this reason is considered an excessive response.</li> </ol>
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
8.	Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order.
<b><u>Property/Other</u></b>	
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.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
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.
<b><u>Other Legal Implications:</u></b>	
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.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
12.	None

<b>KEY DECISION?</b>	No	
<b>WARDS/COMMUNITIES AFFECTED:</b>	N/A	
<b><u>SUPPORTING DOCUMENTATION</u></b>		
<b>Appendices</b>		
1.	The Order: The Southampton (1-2 Handel Road) Tree Preservation Order 2016.	
2.	Photographs taken on site.	
3.	Aerial image of the location of the area.	
4.	The objection letters.	
<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	