

DECISION-MAKER:	PLANNING RIGHTS OF WAY PANEL		
SUBJECT:	OBJECTION TO TREE PRESERVATION ORDER AT 10 ABERDOUR CLOSE, HAREFIELD		
DATE OF DECISION:	25.10.2016		
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 a single mature Beech tree in the rear garden of 10 Aberdour Close. An objection has been received from a neighbouring property.</p> <p>The tree has visual amenity from Aberdour Close and provides environmental and ecological benefits to the wider community. (Appendix 4)</p>	
RECOMMENDATIONS:	
(i)	To confirm The Southampton (10 Aberdour Close) Tree Preservation Order 2016 without modifications. (Appendix 1)
REASONS FOR REPORT RECOMMENDATIONS	
1.	The tree is valuable for public amenity and the local street scene. It is also provided benefits for the local ecology, environmental air quality, visual screening and greening of the landscape.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	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)	
3.	The order was made after a site visit to assess an application for a rear extension of the property was completed. At the time of this visit, the tree owner informed me that they intended to have the mature Beech tree felled.
4.	The order was served on the 21 st of September 2016 to 10 Aberdour Close along with four neighbouring properties
5.	An objection was received on the 6 th of October 2016 by the residents of 9 Aberdour Close on the basis that the tree cast shade over their garden and that the tree should be allowed to be removed or reduced in size to allow light

	through to their garden. (appendix 2)
6.	An email was sent to the residents of number 9 on the 14 th of October with my reasoning for the making of the tree preservation order along with further information on how they can apply for work on the Beech tree. (Appendix 3)
7.	An email was received from the resident of number 9 Aberdour Close on the 16 th of October reiterating their issues regarding their neighbour's tree and shade. Within this email, the residents formally objected to the tree preservation order.
8.	An email was sent to the residents of 9 Aberdour Close informing them of the intention to submit their objection to a planning & rights of way panel meeting.
9.	As of 11:30am on the 17 th of October 2016, no further objections have been received and no applications for work have been submitted.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
11.	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>	
12.	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>	
13.	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>	
14.	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	
	NONE

KEY DECISION?	Yes/No	
WARDS/COMMUNITIES AFFECTED:		
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	The Southampton (10 Aberdour Close) Tree Preservation Order 2016	
2.	Objection email from 9 Aberdour Close	
3.	Email to 9 Aberdour Close detailing reasons why the order was made	
4.	Beech tree as seen from public area on Aberdour Close	
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	