

<b>DECISION-MAKER:</b>	PLANNING AND RIGHTS OF WAY PANEL			
<b>SUBJECT:</b>	OBJECTION TO THE IMPLEMENTATION OF A TREE PRESERVATION ORDER			
<b>DATE OF DECISION:</b>	15 OCTOBER 2013			
<b>REPORT OF:</b>	HEAD OF CITY SERVICES			
<b>AUTHOR:</b>	<b>Name:</b>	Gary Claydon-Bone City Tree Officer	<b>Tel:</b>	023 8083 3932
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<b>STATEMENT OF CONFIDENTIALITY</b>
None

## SUMMARY

This report covers the objection to The Southampton City Council (Bassett Green Road – Willis Road) Tree Preservation Order (Number 595) 2013. The order was made on the 5 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 12 Bassett Green Drive on the 15<sup>th</sup> of July 2013 with regards to inclusion of a Beech tree within G2 of the plan of order (see appendix 2)
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 concerns over the tree and feels that it should not have been included within the new TPO. I was not able to satisfy the objector's concerns and he wished to proceed to the Planning and Rights of Way Panel.

6. The Beech tree that the objector wants to be removed from the order is in the centre of a block paved driveway. This is not the original driveway but something that has been introduced around the tree. The tree is leaning towards the neighbouring property (10 Bassett Green Road) but this is natural as there is competition from the other trees within the front garden. The tree canopy is combined with the two other trees within the front garden and the removal of this Beech tree will have a negative impact on the visual amenity value of the remaining two trees.
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 3) 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 three trees to the front of 12 Bassett Green Road has not changed. They are simply now protected under the new order rather than the 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 4).
10. The objector has requested that this matter be heard by the PRWP (see Appendix 5)

## **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 and plan
2.	Enquiry from the objector at 12 Bassett Green Drive
3.	The Southampton (Willis Road) Tree Preservation Order 1953 (Revoked) First schedule and plan
4.	Letter to the objector at 12 Bassett Green Drive
5.	Confirmation of wish to proceed to the Planning and 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:** Not applicable **KEY DECISION?** No

<b>WARDS/COMMUNITIES AFFECTED:</b>	Swaythling
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