

<b>DECISION-MAKER:</b>	PLANNING AND RIGHTS OF WAY PANEL
<b>SUBJECT:</b>	REQUEST FOR THE REMOVAL OF SEVEN OAK TREES ON SOUTHAMPTON CITY COUNCIL LAND ADJACENT 28 LORDSWOOD GARDENS
<b>DATE OF DECISION:</b>	20 DECEMBER 2011

**REPORT OF:** HEAD OF STREET SCENE AND COMMUNITY SAFETY

#### **STATEMENT OF CONFIDENTIALITY**

None.

#### **SUMMARY**

28 Lordswood Gardens is overhung by Southampton City Council trees. The owner has made requests to remove the trees in order to reduce the shading, the overbearing presence of large trees and falling debris.

The site is currently within a car park off Dunkirk Road which is part the Sports Centre managed by Active Nation in partnership with Parks and Street Cleansing.

Following numerous visits and negotiation, agreement was given to prune certain trees to include removal of deadwood, ivy and reduce selected branches.

The Tree Team officers are only delegated to authorise the removal of trees that are dead, dying or dangerous or for reasons of good arboricultural practice.

#### **RECOMMENDATIONS:**

- (i) To refuse the request by the owner to remove or significantly reduce the seven Oak trees adjacent to his property.
- (ii) To retain the existing policy as ratified in 1982 (ref:273) in its current form- **(Appendix 1)**

#### **REASONS FOR REPORT RECOMMENDATIONS**

1. The trees are in good health and are a prominent amenity feature to the area. Their loss would have a significant detrimental affect on the local environment.
2. The planting of alternative replacement trees would not compensate for the loss of amenity.
3. The current policy is still relevant and continues to protect trees for the residents and visitors to Southampton making the City a more desirable place to live and work.
4. The Policy ensures a fair and democratic decision making process.

#### **CONSULTATION**

5. None

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

6. A job order was raised in October to be completed by the end of December for the following works to four oak trees:

- Reduce and reshape selected branches to compensate for recent branch drop
- Reduce and reshape selected longest branches over the property
- Crown clean

The owner 28 Lordswood Gardens considered that this would not remove the problem.

7. Pollard or Reduce the crowns the Oaks by approximately 50%.

This work would be contrary to modern arboricultural best practice, would significantly reduce the visual amenity value the trees provide and create long term management problems with potential decay and other defects.

8. Remove the seven Oak trees and replace with a smaller species.

In line with Southampton's Tree Operational Risk Management System (STORMS), the Council will not prune or remove its tree stock unless for health and safety reasons or sound arboricultural management. It is imperative that wherever possible mature trees are retained in the city. Any replacement trees are unlikely to have any significant amenity value for a number of years. All tree species drop leaves and other natural debris (flowers, twigs, fruit) and there will always be ongoing conflict with the neighbouring properties.

## DETAIL

9. 28 Lordswood Gardens is a 4 bedroom detached house built in the 1950's and further extended in 1990. It has a single integral garage with a small front garden onto the end of the cul-de-sac and reasonably sized rear, north facing garden. The Council trees are growing adjacent to the northern and western boundaries – see **Appendix 2** for location map.
10. Seven large mature Oaks have been identified in relation to this case and their approximate position indicated on the plan submitted by the complainant (**Appendix 3**). They have all been inspected and no significant health and safety problems have been identified. There was no decay or instability observed, no major deadwood or structural defects and all trees appeared in good health and condition.
11. The Council has received numerous enquiries from 2007 in connection with trees on this site. There have been numerous visits from the Council's Tree Officers and 6 work orders raised.
12. In September 2007 an enquiry was received from the resident of 25 Lordswood Gardens regarding an Oak tree to the front of the property. Following a visit from the Tree Officer the Oak had the deadwood removed and the ivy severed.
13. In October 2007 an enquiry was logged from the owner, 28 Lordswood Gardens regarding two Oak trees to the front of the property. Following a site visit from the Tree Officer a job was raised to reduce lateral branches, remove deadwood and sever ivy.
- A separate enquiry was logged from the complainant regarding the Holly trees to the side of his property. A job was raised for the Hollies to be pruned back to the boundary, and reduced. A small Sycamore growing close to house was removed and treated with herbicide.

14. In February 2008 an enquiry was received from the resident, 30 Lordswood Gardens requesting a replacement tree be planted outside his property.
15. In February 2010 an enquiry was logged from the owner of 28 Lordswood Gardens regarding branches overhanging his property. Following a visit from the Tree Officer, a job was raised to further reduce the Hollies to 3m and sever the ivy to the Oak at the front.
16. In April 2011 a further enquiry was logged from the owner of 28 Lordswood Gardens regarding the falling dead ivy leaves. Following a visit from the Tree Officer a job was raised to remove the previously cut ivy.
17. On 27<sup>th</sup> June 2011 an email was sent to the Bassett Ward Councillors and forwarded to Officers and was recorded as a Stage 1 Corporate Complaint. The main issue identified include:-
  - Tree height – with the overbearing presence and proximity to the house;
  - Shading - lack of sunlight to the house and garden leading to excessive moss growth on the roof, lawn and paths. Failure of garden plants to thrive and inability to use solar energy products;
  - Falling debris – leaves, twigs, honey dew, bird droppings and pieces of deadwood; and
  - Lack of sufficient Street Cleansing

The Tree Officer's response on 6<sup>th</sup> July 2011 stated the Council's procedure under STORMS. The complainant was informed that the Council has limited resources and there are some works that the Council is unable to undertake, which include:-

- Trees affecting television reception
- Trees obstructing light
- Fruit falling from trees
- Trees obstructing views

Any works that are agreed will be carried out to British Standard and current Arboricultural best practice, we will not therefore 'lop' or 'top' trees as this will often result in profuse regrowth and can make the tree susceptible to decay. The visual amenity value and the many other benefits which trees provide to the area are also considered.

18. Further email correspondence dated 18<sup>th</sup> August 2011 which responded in detail to related issues and concluded with the points:-
  - I'd like to see the size of the trees substantially reduced.
  - Despite what has been said I still feel a little concerned in a storm with these trees hanging above us.
  - I'd like to be able to consider the installation of solar panels.
  - I'd like the streets to be substantially cleaner – less leaves, less bird droppings and swept etc.
  - I'd like to see more daylight!
  - Not to be liable to drains overflowing in heavy rain because the leaves and other debris wash down to the corner drain outside my property.

19. On 23<sup>rd</sup> August 2011 the Tree Officer responded that these issues were beyond delegated powers to deal with the arboricultural management. He was advised if not satisfied with response that his complaint could be escalated to Stage 2 with specific reference to which elements had not been addressed.
- The complainant confirmed he was not happy and wished to move his complaint to Stage 2 for a response from the Divisional Head – Jon Dyer-Slade. He also notified the Council of a large branch which fallen from an Oak on 18<sup>th</sup> August 2011.
20. A neighbouring resident of 30 Lordswood Gardens emailed the Council in support of the complainant's case and along with the resident of 29 Lordswood Gardens who attended a joint site visit to discuss tree issues on 7<sup>th</sup> September 2011. Cllr Beryl Harris was also present at the meeting.
21. Following this visit a closer, detailed inspection was carried out in order to identify any reasons for the fallen branch.
- No decay or structural defects were identified and the only explanation that could be deduced was that the branch had fallen due to the phenomenon known as 'summer branch drop'. There is no firm scientific reasoning to explain this event and no visible indicators to identify the potential for failure.
- Following negotiation with the owner of 28 Lordswood Gardens and the recent event, a job order was raised to lessen the amount of overhang to 28 Lordswood Gardens, remove deadwood, and reduce the crowns to compensate for the loss of the branch to four of the Oak trees fronting the property.
22. Jon Dyer-Slade sent a letter dated 10<sup>th</sup> October 2011 in response to the Stage 2 complaint to outline the main issues and make the recommendation that the matter be put before this Panel (**Appendix 4**) as the complaint is actually an issue of policy and not service delivery which the complaint system is designed to address.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

23. None

### **Revenue**

24. The cost of removing these trees has been estimated by the Council's tree contractor to be the region of £6,000. Plus the replacement planting of 14 trees (on a 2:1 basis) and their maintenance would be approximately £2,000.
25. There would be cost incurred for future maintenance of trees which have been significantly reduced as any regrowth will need to be managed to a safe and acceptable level. This could be in the region of £1,500 every five years.

### **Property**

26. None.

### **Other**

27. In the event the trees cause any damage to people or surrounding property the Council could be liable for compensation payments.

The complainant has expressed a wish to personally attend and make a presentment to the panel concerning the matter and a copy of the report has been sent to him.

## LEGAL IMPLICATIONS

### Statutory power to undertake proposals in the report:

28. General governances and legislation covering Local Authority delegation.

### Other Legal Implications:

29. None.

## POLICY FRAMEWORK IMPLICATIONS

30. None

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## SUPPORTING DOCUMENTATION

### Appendices

1.	Policy relating to trees on Council land (ref 271/82)
2.	Location map
3.	Tree Plan
4.	JDS Response Letter 10.10.11
5.	Photographs
6.	Previous correspondence

### Documents In Members' Rooms

1.	None.
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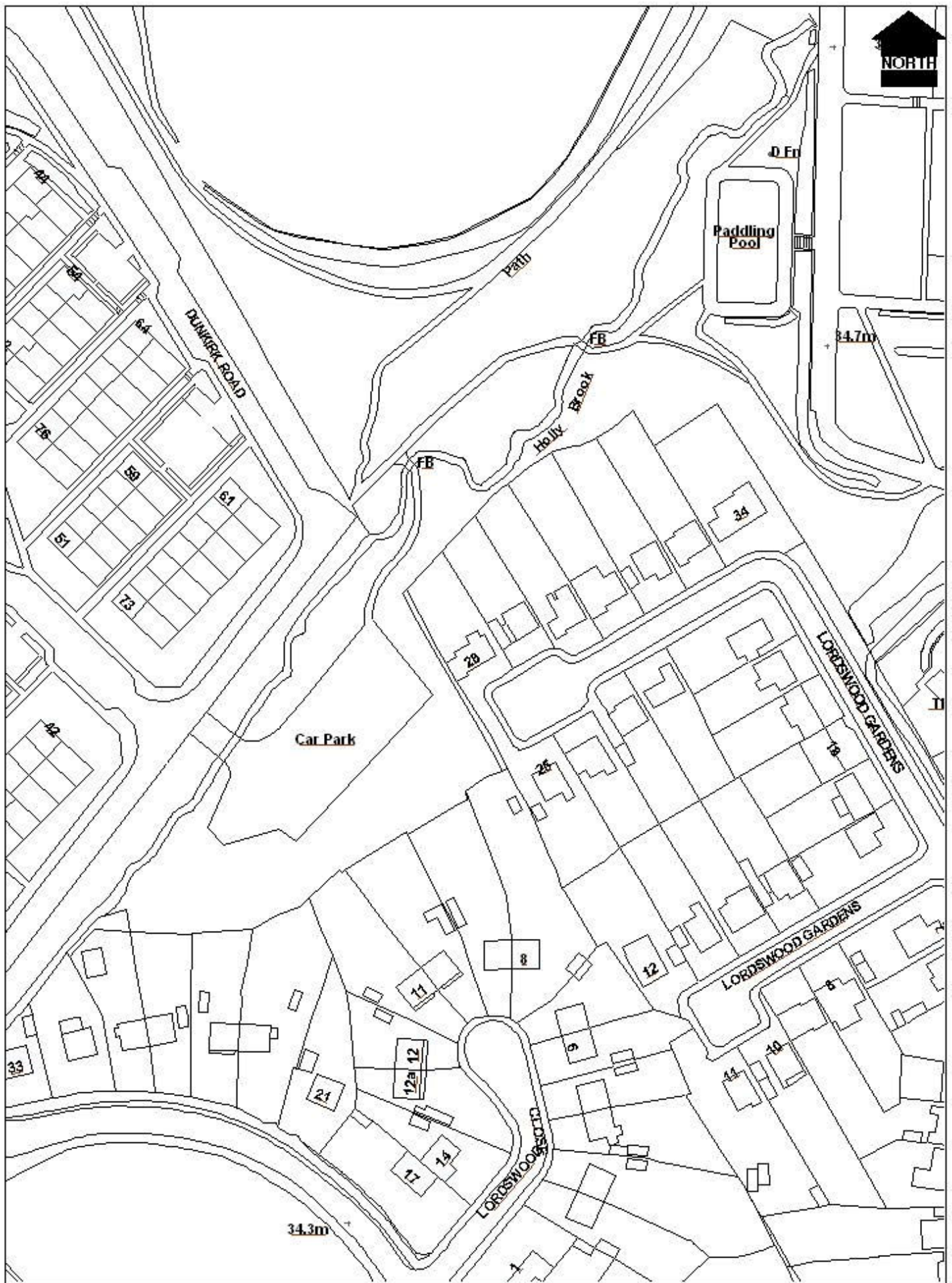
### Background Documents

1.	Southampton's Tree Operational Risk Management System (STORMS)	Not applicable
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### Background documents available for inspection at:

**FORWARD PLAN No:** None      **KEY DECISION?** No

<b>WARDS/COMMUNITIES AFFECTED:</b>	All / Bassett
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Scale : 1:1250

Date 96 December 2011

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# Land Adjacent 28 Lordswood Gardens

