

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL
SUBJECT:	OBJECTION TO THE IMPLEMENTATION OF A TREE PRESERVATION ORDER AT 36 ARCHERS ROAD
DATE OF DECISION:	20 DECEMBER 2011
REPORT OF:	HEAD OF STREET SCENE AND COMMUNITY SAFETY
STATEMENT OF CONFIDENTIALITY	
None	

SUMMARY

This report covers the objection to The Southampton (Archers Road) TPO 2011 which was made on 22nd July 2011. It protects four individual trees: Cedar T1, Copper Beech T2 & T3, Ash T4.

RECOMMENDATIONS:

- (i) To confirm the Southampton (Archers Road) Tree Preservation Order 2011 (**Appendix 1**) without modifications.

REASONS FOR REPORT RECOMMENDATIONS

1. A letter dated 11 August 2011 was received from the owners of 36 Archers Road, regarding the Ash T4 and its safety (**Appendix 2**).
2. The tree is considered to have a good visual amenity value and its loss would have an impact on the local environment and its enjoyment by the public. A Tree Evaluation Method for Preservation Orders (TEMPO) has been carried out and confirms the tree definitely merits a Tree Preservation Order (TPO) (**Appendix 3**)
3. Following a site visit, the general health and condition of the tree was assessed and discussed. It was advised that the tree was in good health and condition with no major defects.
4. The owners of 36 Archers Road confirmed they wished to maintain their objection to the TPO and wished the matter to be put before the Planning and Rights of Way Panel. Their main concerns being:
 - a) The potential danger from the tree and surgery work necessary as outlined in MJC Tree Surgeons Ltd. letter dated 9th August 2011 (**Appendix 4**)
 - b) The affect the tree may have on the potential development of the site.
5. There have been two recent pre-application enquiries (ref: 11/01136/PREAPP1 & 11/01562/PREAPP1) regarding a proposed dwelling on the site.

CONSULTATION

6. None

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. If the TPO is not confirmed, without legal protection the long term retention of the tree is uncertain.

DETAIL

8. A TPO check was made in May 2011, and the enquirer was informed that there were no protected trees on 36 Archers Road. Following tree felling on site in July, requests were received from local residents to investigate the matter.
9. The Ash T4 is a maturing tree in good health and condition. There were no major defects noted at the time of inspection and it is believed to have a safe useful life expectancy in excess of 40 years.
10. This tree is growing in the rear garden, to the western boundary of 36 Archers Road and adjacent to Romero Halls of Residence, Southampton University. The tree is clearly visible from Archers Road

FINANCIAL/RESOURCE IMPLICATIONS

Capital

11. None

Revenue

12. If the Southampton (Archers Road) TPO 2011 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

If the Southampton (Archers Road) TPO 2011 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:

14. Planning and Rights of Way Panel

Other Legal Implications:

15. 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.
16. In so far as the tree is on 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

17. None

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SUPPORTING DOCUMENTATION

Appendices

1.	The Southampton (Archers Road) TPO 2011
2.	Letter of objection dated 11.08.11
3.	Tree Evaluation Method for Preservation Orders - TEMPO
4.	MJC Tree Surgeons Ltd. letter dated 09.08.11
5.	Response letter dated 12.10.11
6.	Photographs

Documents In Members' Rooms

None

Background Documents

Title of Background Paper(s)

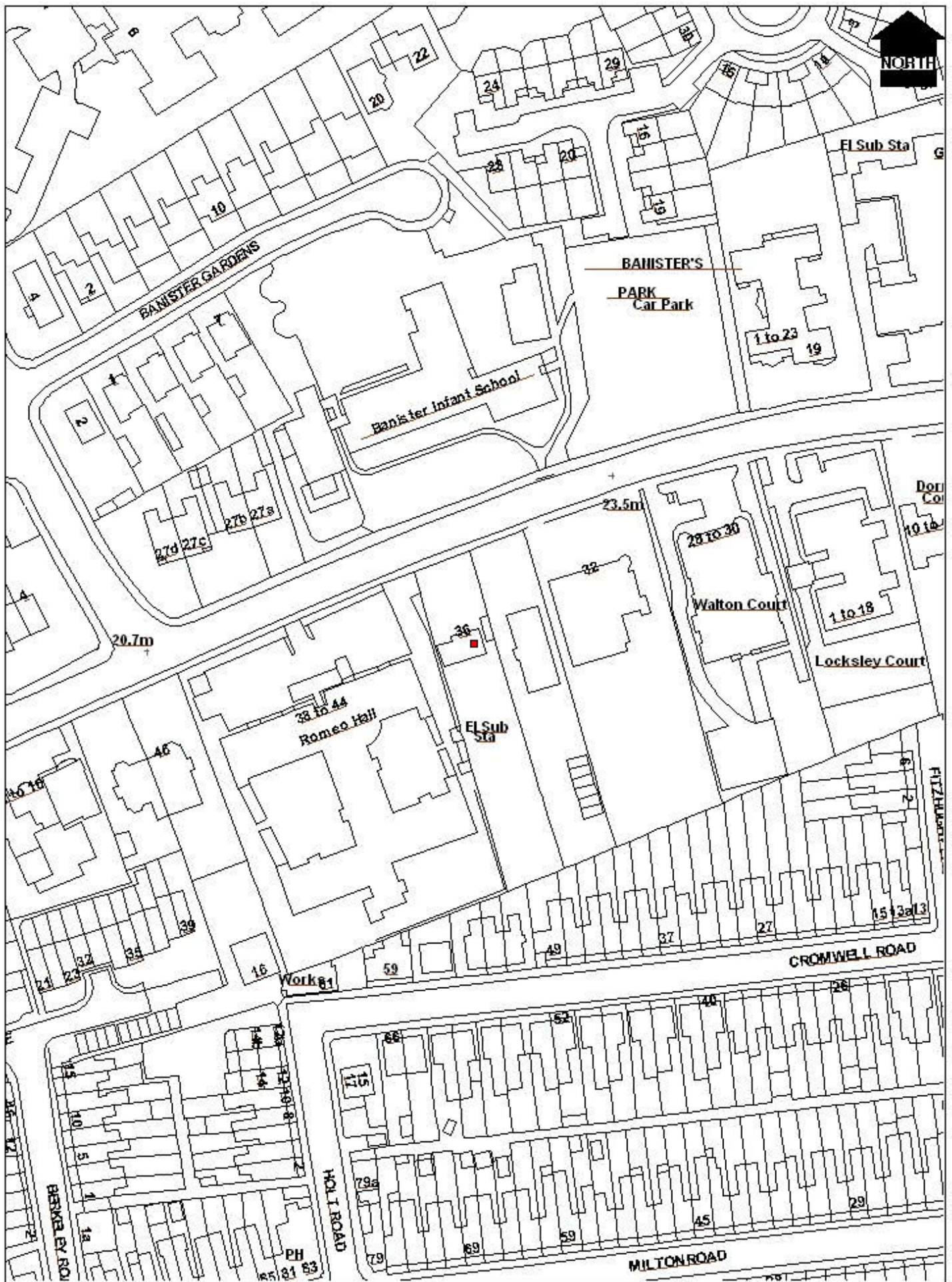
Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	The Southampton (Archers Road) TPO 2011	Not applicable
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Background documents available for inspection at:

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

WARDS/COMMUNITIES AFFECTED:	Bargate
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Date 07 December 2011

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36 Archers Road

