

<b>DECISION-MAKER:</b>	<b>PLANNING RIGHTS OF WAY PANEL</b>		
<b>SUBJECT:</b>	<b>OBJECTION TO TREE PRESERVATION ORDER AT WORDSWORTH HOUSE, 85 ANGLESEA ROAD.</b>		
<b>DATE OF DECISION:</b>	<b>13 MARCH 2018</b>		
<b>REPORT OF:</b>	<b>HEAD OF TRANSACTIONS AND UNIVERSAL SERVICES</b>		
<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>	
<b>None</b>	
<b>BRIEF SUMMARY</b>	
<p>A Tree Preservation Order (TPO) was placed, as a precautionary measure, onto five individual trees in response to proposed works within a Conservation Area.</p> <p>The Order identifies 4 trees along the Northern boundary of the property, adjacent to Winchester Road and 1 tree within the grounds that is visible from the road.</p> <p>The trees form a landscape feature and have a high amenity value due to the road, at what is a busy junction on a main arterial route.</p> <p>There are several trees within the group that have not been included in the order as they did not meet the requirements of a TPO due to their structural or physiological condition.</p>	
<b>RECOMMENDATIONS:</b>	
	(i) To confirm The Southampton (Wordsworth House, 85 Anglesea Road) Tree Preservation Order 2017 (appendix 1).
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	The trees are valuable for their public amenity, ecological contribution to a conservation area and green screening from the main road. The mitigation they provide to a busy junction with traffic lights and the associated pollution is also of high value. The proposed works were considered to be potentially detrimental to the amenity value and health of the trees.
2.	The unsanctioned felling of a tree on site (T2 Cherry), before the six week notification period required for a Conservation Area without a valid exemption notice led to a perceived threat to the trees and resulted in this TPO being placed as a precautionary measure.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
3	To not confirm this Order. This would not offer the legal protection which is considered prudent for the future reasonable management of the trees.
<b>DETAIL (Including consultation carried out)</b>	

4	30.09.17 – Notification of proposed works to trees within a conservation area received via an Agent working for the owners of the trees.
5	10.10.17 – Site visit carried out to assess proposed works. Recent felling of T2 Cherry noted.
6	30.10.17 – The Order was made and served to residents effected and to the management company of the building.
7	03.11.17 - The property owner’s agent informed of the Order via email, this is followed by a phone call to discuss.
8	24.11.17 – Objection report received from owner’s agent. The key objection is based on the expediency of the order.

**RESOURCE IMPLICATIONS**

**Capital/Revenue**

9	Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order.
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**Property/Other**

10	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.
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**LEGAL IMPLICATIONS**

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

11	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.
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**Other Legal Implications:**

12	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
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**RISK MANAGEMENT IMPLICATIONS**

13	None
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**POLICY FRAMEWORK IMPLICATIONS**

14	None at present time, but the city is mindful of the importance of green infrastructure including that in private ownership.
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<b>KEY DECISION?</b>	No
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<b>WARDS/COMMUNITIES AFFECTED:</b>	Shirley
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	The Order: The Southampton (Wordsworth House, 85 Anglesea Road) Tree Preservation Order 2017
2.	Image of Street view, North and South along Winchester Road.
3.	The Objection in report format.
4.	Response to Agent's Objection.
5.	TEMPO Forms
<b>Documents In Members' Rooms</b>	
1.	None
<b>Equality Impact Assessment</b>	
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>No</b>
<b>Privacy Impact Assessment</b>	
<b>Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.</b>	<b>No</b>
<b>Other Background Documents</b>	
<b>Other Background documents available for inspection at:</b>	
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	None