

<b>DECISION-MAKER:</b>	PLANNING RIGHTS OF WAY PANEL		
<b>SUBJECT:</b>	OBJECTION TO TREE PRESERVATION ORDER AT 192 OAKLEY ROAD.		
<b>DATE OF DECISION:</b>	9 OCTOBER 2018		
<b>REPORT OF:</b>	HEAD OF TRANSACTIONS AND UNIVERSAL SERVICES		
<u>CONTACT DETAILS</u>			
<b>AUTHOR:</b>	<b>Name:</b>	Will Taylor	Tel: <b>023 8083 4028</b>
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<b>STATEMENT OF CONFIDENTIALITY</b>	
None	
<b>BRIEF SUMMARY</b>	
<p>A Tree Preservation Order was placed on the tree in response to the resident of 192 Oakley Road informing the council of their intention to remove it.</p> <p>The Oak tree is prominent in the street scene and valuable in a number of ways to the area.</p>	
<b>RECOMMENDATIONS:</b>	
	(i) To confirm The Southampton (192 Oakley Road) Tree Preservation Order 2018 without modifications.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	The tree is prominent on the road and provides valuable visual amenity to the local area as well as helping to mitigate against harmful pollutants associated with the docks and main roads in the vicinity of this City Ward.
2.	This part of the City does not have a very dense canopy cover and mature trees, particularly Oaks and other native species, are vitally important to the ecological and bio-diversity of the area.
<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.	23.04.18 – Council received a request to check whether the tree to the front of 192 Oakley Road was covered by a Tree Preservation Order. The property is an ex-council house and has a Deed of Covenant stipulating that the council is notified of intended tree works.
5.	25.04.18 – A series of emails (appendix 3), were sent and received between Council representative and the residents of 192 Oakley Rd attempting to ascertain the level of works intended. An online application was submitted but

	did not detail the works. Further correspondence were sent to clarify and on 30.04.18 the notice of intention to remove the tree was submitted.
6.	11.05.18 – I spoke with the residents of 192 Oakley Road via telephone and subsequently visited the property to inspect the tree and discuss with them the intended work. The inspection of the tree shows it to have good vitality and be in a satisfactory condition to retain long term and thus be worthy of protection. I discussed with them, at length, the benefits of retaining the tree and pruning if necessary whilst removing dead wood to alleviate the dead material dropping from crown. They were convinced the tree needed to be removed.
7.	11.05.18 – Tree Preservation Order Placed on the Tree.
8.	29.05.18 – A notice of objection to The Southampton (192 Oakley Road) Tree Preservation Order 2018 is received.
9.	30.05.18 - 05.07.18 – A series of emails (appendix 4) between the Council and the residents attempting to work through the objection. The final email, dated 05.07.18 is left un-answered by the resident.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
10.	Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order.
<b><u>Property/Other</u></b>	
11.	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.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
12.	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.
<b><u>Other Legal Implications:</u></b>	
13.	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
<b>RISK MANAGEMENT IMPLICATIONS</b>	
14.	NONE

<b>POLICY FRAMEWORK IMPLICATIONS</b>	
15.	NONE

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	N/A

SUPPORTING DOCUMENTATION

**Appendices**

1.	The Order: The Southampton (192 Oakley Road) Tree Preservation Order 2018
2.	Photos of the tree.
3.	Email correspondences to ascertain the level of intended works.
4.	Email correspondences detailing the objection and the Councils response.
5.	TEMPO Form

**Documents In Members' Rooms**

1.	None
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**Equality Impact Assessment**

<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>No</b>
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**Data Protection Impact Assessment**

<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>No</b>
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**Other Background Documents**

**Other Background documents available for inspection at:**

<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