

Board/Committee:	REGULATORY BOARD
Date of meeting:	26 JULY 2023
Title:	TREE PRESERVATION ORDER G.152 – 53 ST MARYS AVENUE, GOSPORT, PO12 2HU
Author:	BOROUGH SOLICITOR AND DEVELOPMENT MANAGER
Status:	FOR DECISION

Purpose

The purpose of the report is to request the Board consider whether to confirm, amend and confirm, or not to confirm Tree Preservation Order G.152, where a representation/observation has been received following a period of public consultation.

Recommendation

That the Board, in accordance with the provisions of the Town and Country (Tree Preservation) (England) Regulations 2012 confirm Tree Preservation Order No G.152 relating to a Common Beech tree at 53 St Marys Avenue, Gosport, PO12 2HU.

1.0 Background

1.1 The Tree Preservation Order G.152 relating to a Common Beech tree located within the front garden of 53 St Marys Avenue, Gosport, PO12 2HU was made as a provisional Order on 24 March 2023.

2.0 Report

2.1 The Order has been made because, in the opinion of the Development Manager, the tree makes a significant positive contribution to the character and appearance of the local environment.

2.2 Notice of making of the Order has been served on the owners of site on which the tree is located, the owners of the adjoining site that is oversailed by the tree, and the Local Highway Authority. Notice has also been served on the occupiers of neighbouring properties within the surrounding area. Any person wishing to make representations to the Order for consideration by the Council had a period of 28 days to do so, with that period ending on 21st April 2023.

2.3 The Regulations provide that if a Tree Preservation Order is to continue in effect, it must be confirmed by the Authority within a period of six months from the date on which the Order is made, and after consideration of any representations received.

2.4 The Borough Solicitor has delegated authority to confirm the Order provided that no objections or observations have been received. In this case, a single letter of representation was received. Whilst not specifically objecting to the making of the Order, the following observations were made:

- (a) The tree is beautiful tree and we would not want to see anyone chop it down;

- (b) The tree has not been maintained for at least 7-years and during this period it has grown considerably and has ivy growing up its trunk;
- (c) Branches have fallen from the tree indicating it is not healthy. In the winter the tree has become a hazard to people and wildlife at the corner of St Mary's Avenue and Bentham Road with leaf fall blocking drains and branches dropping onto the road and pavement;
- (d) The tree needs to be maintained with the crown reduced and ivy removed.

2.5 In making the provisional Order, the tree was first inspected by the Council's Arboricultural Officer and its suitability for protected was assessed (TEMPO Assessment). While scoring highly, indicating its suitability for protection, the Officer did highlight that it was not possible to view the full trunk and part of the crown for any defects or decay.

2.6 Following the making of the provisional Order and in light of the observations received, the Council's Arboricultural Officer has revisited the site and carried out a more detailed assessment. The Officer highlighted that the base of the tree appeared to be cavity free, with sound bark in place and good timber determined through an all-round knock test. It was also highlighted that the tree was in full leaf and provided a significant aesthetic impact on the area.

2.7 Based on the assessments carried out by the Council's Arboricultural Officer, it is considered that the tree is in good health and contributes significantly to the character and appearance of the local environment. Based on the information available, it is not considered that the tree poses a risk to people, wildlife or property, and the minor inconveniences or dealing with the impacts of leaf litter would be outweighed by the positive contribution the tree makes to its surroundings.

2.8 Irrespective of whether a tree is protected by Tree Preservation Order, there is an obligation on the owner of the tree to ensure it is appropriately maintained, is of good health and does not pose a risk to people or property. The making of a Tree Preservation Order does not prevent an owner from making applications to carry out works in the interests of good arboricultural management, and there are provisions to remove a protected tree where it can be demonstrated that a tree is dead or dying, which would be considered on a case by case basis. Where works to maintain a tree is proposed in the interest of good management, an application is likely to be supported.

2.9 Members may decline to confirm the Order or they may confirm the Order with or without modification.

3.0 Risk Assessment

3.1 The tree may be in danger of being removed if the Order is not confirmed.

4.0 Conclusion

Given the significant positive contribution the tree makes to the character and appearance of the local environment and its apparent good health and life expectancy, it is recommended that the Board confirm Tree Preservation Order

No G.152 relating to the Common Beech tree at 53 St Marys Avenue, Gosport, PO12 2HU.

Financial Services comments:	None.
Legal Services comments:	Included in the report.
Equality and Diversity:	None.
Climate Change implications:	Trees can contribute to the capture and storage of carbon, reduce urban temperatures and reduce pollution.
Crime and Disorder:	None.
Service Improvement Plan implications:	None.
Corporate Plan:	Contribution towards making Gosport a cleaner and greener place to live work and visit, enriching communities and helping people live healthier and happy lives.
Risk Assessment:	See paragraph 3.1.
Background Papers:	Tree Preservation Order G.152
Appendices:	Appendix A Site Plan
Report Author/Lead Officer:	Simon Barnett – Development Manager