

Agenda Item 10

Development Services
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Report

Report subject: Tree Preservation Order 401, tree adjacent to 63 Bouverie Avenue.

Report to: City Area Committee

Date: 12 June 2008

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Purpose of Report:

This item is before Members to consider TPO401 which has been the subject of an objection.

Background:

Tree Preservation Order 401, was enacted on the 31st January 2008 to protect a mature Beech tree. The order was considered necessary because a planning application (no. S/2007/2564) was submitted to redevelop the site at 63 Bouverie Avenue. The initial application was refused but a subsequent application has been made for a reduce level of development (S/2008/0686). The earlier application is now the subject of an appeal.

A Preservation Order will ensure the tree is considered, and given the necessary protection, throughout the planning and development process.

Objections:

The owner of 63 Bouverie Avenue has objected to the Tree Preservation Order because the tree is on highway land and, as such, he feels it does not require protection. He also states the order is unnecessary bureaucracy and a waste of taxpayer's money.



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Comments on objection:

If the tree is not protected the Local Planning Authority cannot ensure the tree is given appropriate consideration and protection during the planning and development process.

Assessment:

The tree is mature and appears to be in good health with no significant structural defects. Old pruning wounds are evident on the stem and in the crown but none that are visible from the ground give any immediate cause for concern.

It is growing out of the pavement, on the corner of Bouverie Avenue and Bouverie Avenue South. The basal area is completely surrounded by tarmac and approximately 75% of the rooting area is beneath hard surfaces. The tree, however, appears to be flourishing despite the difficult conditions.

The roots immediately adjacent to the stem are causing a degree of disturbance to the surface of the pavement, but this type of damage is not unusual near large trees growing in an urban environment.

Conclusion:

The tree is situated adjacent to the public highway but it does overhang the garden of 63 Bouverie Avenue, and as such, the owner would be within his rights to prune back to the boundary without any consent, if the TPO were not in place. Inappropriate pruning could severely damage the amenity value of the tree so the TPO is justified to ensure any future maintenance is carried out in accordance with good practice.

Furthermore, the TPO will enable the Local Planning Authority to insist the tree is protected against any future development that may take place on the adjacent site. Without statutory protection the tree could be vulnerable to root damage and other threats posed by construction works.

Options for consideration:

Members should decide whether to confirm the order to make it permanent.

Members therefore have the following options:

- a) **Confirm Tree Preservation order 401**
- b) **Not confirm Tree Preservation order 401**, with the effect that the Beech tree will not be protected.

Recommendations:

That Tree Preservation Order 401 should be confirmed so the Beech tree can be protected throughout the planning and development process.

Wards Affected: Harnham East