

Decision Maker: Plans Sub-Committee 2

Date: 8th December 2011

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2433 AT BROMLEY AND SHEPPARDS COLLEGE, LONDON ROAD, BROMLEY**

Contact Officer: Coral Gibson, Principal Tree Officer
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Chief Officer: Bob McQuillan - Chief Planner

Ward: Bromley Town

1. Reason for report

To consider objections that have been made in respect of the making of a tree preservation order.

2. **RECOMMENDATION(S)**

The Chief Planner advises that the tree makes an important contribution to the visual amenity of this part of the Bromley Town Centre conservation area and that the order should be confirmed.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Quality Environment.
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Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Planning Division Budget
 4. Total current budget for this head: £3.3m
 5. Source of funding: Existing revenue budget
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Staff

1. Number of staff (current and additional): 103.89ftes
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those affected by the tree preservation order.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1. This order was made on 24th August 2011 and relates to an oak. Objections have been made by the grounds manager and he has listed 8 grounds of objection.
- 3.2. He has objected because it is a self sown oak – the fact that a tree has not been specifically planted is not necessarily a problem, it is the location, condition and amenity value of the tree which are factors to consider.
- 3.3. He is concerned because it grows out from under a yew tree – the base of the tree does lean but as the tree has become larger than the yew the main part of the trunk and canopy are not leaning at an acute angle and it is not at serious risk of failure.
- 3.4. He states that the oak tree causes thinning growth to two yews which are part of the original planting design – yew is a woodland species and should be able to cope with the shading effect of the oak and competition for water and nutrients during the summer months. There may be other reasons for the canopies of the yews becoming thin.
- 3.5. He considers that the tree is of poor growth habit and there is a risk of branch failure – as stated above the tree is in a reasonable condition and is not at serious risk of failure.
- 3.6. He stated that the tree has been targeted by woodpecker and this indicates a weakness – woodpeckers effectively sound out trees and will create entry holes where there is a pre-existing cavity. He did not indicate if there are multiple cavities or only one.
- 3.7. The tree presents a danger to users of access to Sheppards College – as stated above the tree is in a reasonable condition and is not at serious risk of failure.
- 3.8. The request to fell the tree was originated by residents of Sheppards College because of shading of living rooms - the protection of trees in the conservation area was clarified and all trees are protected by virtue of their location within the conservation area. This means that if any work to trees is proposed, 6 weeks notice in writing should be given to the Council. The Council can either allow the proposed works or make a Tree Preservation Order. It does not have the power to revise the works, and so the only way of controlling tree works which are not considered appropriate is by making a Tree Preservation Order. In this case the loss of the tree was considered to be undesirable, but some pruning of the tree would help to alleviate the problems raised. Some limited pruning of the tree has been agreed.
- 3.9. The tree has a deleterious impact on amenity flower planting in borders because of shading – the agreed pruning would help to alleviate the problems of shading of the flower borders. The grounds manager is trying to increase the shrubbery and evergreen trees to reduce the noise levels from London Road. He is also trying to ensure that there are adequate light levels into the flats at Sheppards College.
- 3.10. Finally in respect of concerns about the condition and amenity value of the tree, it is in a reasonably healthy condition and makes a positive contribution to the landscaped setting of the buildings. It also makes a positive contribution to the conservation area as the tree is visible from College Green. With regard to the assessment of amenity for Tree Preservation Orders, no standard method is in use which determines when a tree merits a Tree Preservation Order, and when it does not. All methods of amenity assessment contain some inherent subjectivity. The amenity value of a tree depends on many factors, and a tree may be appropriate in one location, but out of place or unattractive in another. In this case the size, potential growth, location and intrinsic characteristics of the tree is not considered to lessen its amenity value.

3.11. A letter has also been received from Chaplain and Clerk to the Trustees and is fully in support of the comments made to the Council by the grounds manager. It was pointed out to him that in this case the notice of intention was to have the height of the oak tree reduced by 50%. This work was considered to be inappropriate – height reduction is a major operation, which can harm the health of a tree by creating large wounds which act as entry points for decay causing organisms, as well as disrupting the trees internal systems of transportation and growth control. In addition height reduction would harm the amenity value of the tree.

4. POLICY IMPLICATIONS

4.1 This report is in accordance with Policy NE6 of the Council’s adopted Unitary Development Plan

5. LEGAL IMPLICATIONS

5.1 If not confirmed the order will expire on 24th February 2012.

Non-Applicable Sections:	Financial and Personnel implications.
Background Documents: (Access via Contact Officer)	