

LONDON BOROUGH OF BROMLEY

COMMITTEE: Plans Sub Committee No. 2

DATE: 18th March 2010

SUBJECT: Objections to Tree Preservation Order 2345 at School House, Avebury Road, Orpington

CHIEF OFFICER: Chief Planner

CONTACT OFFICER: Coral Gibson ext 4516

WARD: Farnborough and Crofton

1 COMMENTARY

1.1. This order was made on 17th December 2009 and relates to one lime tree in the garden of the School House, Avebury Road, Orpington.

1.2. Objections have been received from a consultant acting for developers who have a commercial interest in the property. He made 7 numbered points, the first 4 of which were statements of fact:

The tree is adjacent to the road and can be considered to be in a prominent location. As such it does contribute to the visual amenity of the area.

The tree is relatively young, within the first third of its expected life span, with an estimated age between 20-30 years old

The tree appears to be the end of a line of trees of similar age that could have been part of the same planting scheme,

The tree appears in a general healthy condition with no obvious physiological signs of disease or disorder.

1.3. There was no dispute on these points. The remaining three points relate to the structural condition of the tree. He drew attention to two tight forks which show signs of having included bark. He considered that this represents a management constraint and that the tree will require regular reduction. It is accepted that the nature of the forks represents an increased risk of failure at these points but the tree is in a healthy condition and does not currently require work. The location of the tree close to the road would mean that any future owner would need to ensure that the tree is regularly maintained and the

process of obtaining consent and having work carried out is not considered to be unduly onerous.

1.4. He commented that the location of the tree places considerable limitations on the design layout of a proposed new development. He also considered that because of the age of the tree it is unreasonable to place such a constraint on the property development when a replacement tree could be planted in a more appropriate location within the context of a new building layout. It should be noted that a planning application for the redevelopment of the school house (ref 10/00212) is under consideration on list 4 of this agenda. The proposal does show the retention of the lime tree.

1.5. He has stated that the tree is within the first third of its expected life span – this means that the tree has considerable potential for the future and it is considered important that such trees are protected as well as much older specimens which are within the last part of their life span. The tree is already in an appropriate location as it is at the end of a line of similar trees at the front of Newstead Wood School beside Avebury Road.

1.6. In respect of any development at the School House it was pointed out that Section 197 of the Town and Country Planning Act 1990 places a duty of local planning authorities to make Tree Preservation Orders in connection with the grant of planning permission. It underpins the power of local authorities to have regard to the impact of the proposal on trees in the vicinity, when determining applications for development. In effect, a Tree Preservation Order makes a tree a material consideration in the planning process. In this case the Council would expect any redevelopment or additional development at the School House to allow for the retention of the lime tree.

1.7. Objections have also been received from the Headteacher on behalf of the Governing Body. She has raised concerns about the health and safety of the tree because of its proximity to Avebury Road and risks of damage to cars and property and injury to pedestrians.

1.8. Concerns over safety are appreciated but the tree is currently in a healthy condition and does not require work. The location of the tree close to the road does mean that the tree would need to be regularly maintained. The process of obtaining consent and having work carried out is not considered to be unduly onerous. It was pointed out that a tree is not necessarily dangerous by virtue of its size, and although it is never possible to guarantee that a tree will not fall in a high wind, if a tree is reasonably healthy, then it is normally accepted that there is a low risk of the tree falling.

1.9. She referred to the purchaser of the land and was advised that with regard to the development potential of the School House, the Tree Preservation Order means that tree would be a material consideration in any proposal for development in the future, along with all the other planning considerations. The Council would have to come to a balanced view as to whether the retention of the tree was more important than proposed development. However this is not an issue that can be prejudged.

2. POLICY IMPLICATIONS

2.1. This report is in accordance with Policy NE6 of the Council's adopted Unitary Development Plan.

3. LEGAL CONSIDERATIONS

3.1 If not confirmed the order will expire on 21st June 2010.

4. RECOMMENDATIONS

4.1. The Chief Planner advises that the tree make an important contribution to the visual amenity of the surrounding area and notwithstanding the objections raised, the order should be confirmed.