

**Decision Maker:** Plans Sub Committee 4

**Date:** 21<sup>st</sup> June 2012

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

**Title:** **OBJECTIONS TO TREE PRESERVATION ORDER 2446 AT LAKESIDE, BECKENHAM**

**Contact Officer:** Coral Gibson, Principal Tree Officer  
Tel: 020 8313 4516 E-mail: coral.gibson@bromley.gov.uk

**Chief Officer:** Bob McQuillan

**Ward:** Copers Cope

---

1. Reason for report

To consider objections that have been made in respect of the making of the TPO.

---

2. **RECOMMENDATION(S)**

**The Chief Planner advises that the trees make an important contribution to the visual amenities of this part of Beckenham and that the order should be confirmed.**

### Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Quality Environment
- 

### Financial

1. Cost of proposal: No Cost
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Planning Division Budget
  4. Total current budget for this head: £3.3
  5. Source of funding: Existing Revenue budget
- 

### Staff

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

### Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Not Applicable
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those affected by the TPO
- 

### 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 17<sup>th</sup> January 2012 and relates to 2 sycamores, a holly, an ash and a beech tree at land between 19-26 and 31 to 39 Lakeside, Kelsey Park Avenue. Objections have been received on behalf of Kelsey Lakeside Management Limited who are responsible for the maintenance of the communal areas at this estate as well as several of the individual residents.
- 3.2. The Board of Kelsey Lakeside Management Limited have commented that they have been managing the gardens and trees of the estate since the 1970s and have historically lopped and trimmed the trees as and when necessary. They have objected to the making of the order as they consider that the trees are for the pleasure of the residents and are not on public display. They consider that they should be able to manage and lop their trees as they see fit.
- 3.3. In response it was pointed out that the making of the preservation order is not a criticism of the Board. A specific request was received for the making of a preservation order to be considered for the trees between numbers 19-26 and 31-39 Lakeside. The trees were considered to be a positive amenity to the locality and it was for this reason that they have been protected. It was also pointed out that the trees at the rear of 1-41 Kelsey Park Avenue have been protected since 1970 by a tree preservation order.
- 3.4. They have been advised that Tree Preservation Orders do not preclude appropriate tree surgery, although they do mean that the consent of the Council is required prior to most tree works being carried out. Trees sometimes require tree surgery, and this does not necessarily prevent Tree Preservation Orders being made for them. Advice about the maintenance of protected trees is currently available from the Council free of charge.
- 3.5. One of the residents has commented that the individual houses are owned freehold by each occupier and that the communal grounds are held on a long lease by all of the house owners and that they are jointly responsible for the maintenance of the grounds. The particular concerns relate to T.4 and 5, an ash and beech. They consider that these are forest type trees and could potentially damage the foundations of numbers 24, 25 and 26, although there are no immediate intentions to fell or lop either tree. They consider it inappropriate for these two trees to be included in the order and that the Kelsey Lakeside Management Ltd should be free to maintain the trees without having to be fettered by a TPO. They have asked that the two trees be omitted from the order.
- 3.6. They have been advised that damage to properties is a serious matter, and if it is demonstrated that damage is occurring as a result of a tree or trees, and the only means of solving the problem is by tree surgery or even tree removal, then it would be unusual for the Council to withhold consent. However, the possibility of future damage is not normally sufficient to prevent the confirmation of Tree Preservation Orders. In respect of applications for tree work, those proposals which do not adversely affect the health or visual amenity value of trees would normally be considered favourably. Applications for minor tree works can be dealt within a couple of weeks, whilst more major works are registered in the same way as planning applications, and usually take about 6-8 weeks for a decision to be reached.
- 3.7. The Management Board have additionally commented that they would need to seek the approval of the Council for pruning of the trees, they questioned the inclusion of 2 sycamore trees and finally expressed concern that tree surgeons fees would be more expensive because they would have to seek the Council's approval.
- 3.8. In response it was stated that sycamores, whilst they are a commonly occurring species can make attractive specimens and a tree would not necessarily be excluded from a preservation order because of its species. In respect of tree surgeons charges, most companies do make a

charge for applying to the Council but this is usually only a nominal amount and may be refunded if consent is given and the company actually carry out the work. Alternatively residents could apply to the Council themselves, there are no fees for applying to Bromley for tree work.

- 3.9. The final comment was that T.2, a sycamore, when in full leaf makes the surrounding houses very dark. This tree is a reasonable distance from the back of the houses and whilst there will be some shading there are other trees covered by the order which contribute to the problem. Some sympathetic pruning, such as the removal of some of the lower branches and thinning of the canopies of the trees will allow light into the gardens.

#### **4. POLICY IMPLICATIONS**

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

#### **5. FINANCIAL IMPLICATIONS**

None

#### **6. LEGAL IMPLICATIONS**

If not confirmed the order will expire on 17<sup>th</sup> July 2012.

#### **7. PERSONNEL IMPLICATIONS**

None.