

Decision Maker: Plans Sub Committee no.1

Date: 05/07/12

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

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2448 AT 23
OXENDEN WOOD ROAD, CHELSFIELD**

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

Ward: Chelsfield and Pratts Bottom

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 Chelsfield Park 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: Not Applicable:
 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: 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 20th January 2012 and relates to 1 oak tree in the front garden of 23 Oxenden Wood Road, Chelsfield. Objections have been received from the owner of the adjoining property.
- 3.2. It was pointed out to the objector that the making of the preservation order was not a criticism of him or the previous owner of the property. The Tree Preservation Order was made in conjunction with the grant of planning permission for the redevelopment of the property at 23 Oxenden Wood Road. He was advised 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, the Tree Preservation Order makes protected trees a material consideration in the planning process. The order was made for this oak tree because it is considered make an important contribution to the amenities of the area.
- 3.3. He was advised that the making of a Tree Preservation Order does not transfer responsibility for the tree to the Council, and the duty of care remains with the owner. 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. 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. Advice about the maintenance of protected trees is currently available from the Council free of charge.

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 20th July 2012.

7. PERSONNEL IMPLICATIONS

None