

Decision Maker: PLANS SUB-COMMITTEE NO. 2

Date: Thursday 10 January 2013

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

Title: OBJECTIONS TO TREE PRESERVATION ORDER 2507 AT
HIGH OAK, LEAFY GROVE, KESTON

Contact Officer: Coral Gibson, Principal Trees Officer
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Chief Officer: Chief Planner

Ward: Bromley Common and Keston

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 Leafy Grove 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 4th October 2012 and relates to one oak tree in the front garden of High Oak. Objections have been made by owner of an adjoining property and arboricultural consultants acting for the loss adjuster acting for insurers of the adjoining property.

3.2. The arboricultural consultants have raised two concerns – firstly they consider that the Council has not made clear their reasons for protecting the tree and secondly they advise that the tree is implicated in subsidence of the adjoining property, Silver Trees.

3.3. In response they have been advised that the oak tree is a large mature specimen growing in the front garden of High Oak. It is 24 metres in height with a spread of 24 metres and it is a prominent feature in the garden and is clearly visible from the street. It makes a positive contribution to and enhances the character and appearance of the area. It is for its high amenity value that the order has been made.

3.4. In respect of the alleged contribution to subsidence damage to the adjoining property, Silver Trees, it has been pointed out that the Council has been provided with some information in respect investigations relating to boreholes. It is understood from these that tree roots were found to a depth of 3.5 metres and have been identified as oak. The soil was found to be clay and the soil was desiccated.

3.5. However no information about the damage to the property has been provided and whether any monitoring has been carried out. The correspondence refers to two previous claims, one which resulted in the front left flank and front elevation being underpinned using a beam and pad to a depth of 2.5 metres. No date has been given about the date when this work was done. The second claim was in 2009 and resulted in a new piled raft to the front section of the house. The correspondence also refers to subsequent damp ingress and cracking of internal walls adjacent to the underpinned areas. It was stated that the piled raft was independent of the main walls and the internal damage related to the movement of the external walls rather than the raft. The movement of the property seems to have a complex history and further information has been requested as to whether any monitoring has been carried out in connection with the most recent claim. The objectors comments have also been requested about a statement made in the correspondence that the oak tree was thought to be implicated in the previous two claims but its removal was not thought to be appropriate because of potential heave to both Silver Trees and High Oak. No responses have been received.

3.6. The owner of the damaged property has expressed his anxiety and concerns about his property because he has received advice that the oak tree is implicated in the subsidence of his house. He has been sent a copy of the letter from the arboricultural consultants and the Council's response.

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 4th April 2013.

7. PERSONNEL IMPLICATIONS

None.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]