

Decision Maker: PLANS SUB-COMMITTEE NO. 1

Date: Thursday 21 February 2013

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

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2513 AT EVERGLADES, 43 SHORTLANDS ROAD, BROMLEY**

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

Ward: Shortlands

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 Deputy Chief Planner advises that the tree makes an important contribution to the visual amenity of this part of the Shortlands 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: 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 TPO
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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 October 2012 and relates to 1 oak tree at the rear of Everglades, a 4 storey block of flats in Shortlands Road. Objections have been made by loss adjusters, acting for insurers of the property. They allege that the oak tree is implicated in movement of a garage within the garage block at the rear of the flats.

3.2. They have commented that clay shrinkage subsidence is occurring at Everglades, 43 Shortlands Road, the oak tree is only 6 metres from the property with the safe distance being 24 metres and it is therefore within the roots influencing distance and finally whilst the roots that were found were in made ground, there is clay present at depth and they have presumed that the tree roots have extracted moisture causing the subsidence.

3.3. The protection of trees in Shortlands was clarified. All trees in this area 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 it was considered that insufficient evidence had been submitted to justify the felling of the oak tree.

3.4. Their report submitted with the six weeks notice of intention demonstrates that there is movement of the garage block but also showed that the block was founded partly (in the vicinity of the oak tree) on made ground. The report also recommended that level monitoring was required. It is agreed that there is movement of the garage block but insufficient evidence had been submitted to demonstrate that the oak was implicated.

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 24th 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]