

Decision Maker: PLANS SUB-COMMITTEE NO. 4

Date: Thursday 25 July 2013

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

Title: OBJECTIONS TO TREE PRESERVATION ORDER 2535 AT
FOREST LAWNS, ORCHARD ROAD

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

Ward: Bickley;

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 trees make an important contribution to the visual amenities of Orchard Road 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 1st March 2013 and relates to 2 cedars in the garden at the front of the flats. Objections have been made by two residents of the flats. The first objector is concerned specifically about T.1 of the order for the following reason:

Several of the flats have been affected by cracks appearing and following investigations the estate managers were advised that the likely cause was water abstraction by the large trees leading to shrinkage of the clay sub soil. The insurers loss adjuster recommended the removal of two of the three trees that were growing at the front of the flats. He also referred to tree root damage to the drive. One of the trees was felled before the order was made and he concerned that the job is half completed and the problem of damage to the property is unresolved. He asks that T.1 is excluded from the order but that T.2 remains protected.

3.2. In response he has been advised that the two cedars are mature specimens, about 20 metres in height and they are both in a reasonably healthy condition. They are large growing species about 12 metres from the front of the building. It is considered that the trees are appropriate to their location and they make a positive contribution to the visual amenities of Orchard Road and it is for this reason that they have been preserved. Damage to properties is a serious matter, and if it is demonstrated that damage is occurring as a result of the tree, and the only means of solving the problem is by tree surgery or even tree removal, then I think it would be unusual for the Council to withhold consent. However sufficient evidence would need to be submitted to show that damage is subsidence and that the tree was the cause of the damage. Sight of any documentary evidence was requested but no further information has been submitted.

3.3. The second objector has expressed concern because residents received a report from their management company stating that the cracks appearing in Forest Lawns were likely to have resulted due to water abstraction caused by the two large trees at the foot of the site. The management company arranged for the removal of the two trees but work was stopped when the Council made a tree preservation order. She queried where occupants of Forest Lawns stand with regard to the preservation order and continued cracking within the building.

3.4. In response the same comments as set out 3.2 above were made. Additionally she was advised that residents (or their managing agents) are free to make an application to the Council to fell or prune either or both of the trees. However any application would need to clearly set out the reasons for the proposed felling and if the trees are implicated in subsidence evidence would need to be submitted to demonstrate this. Normally the following information is needed:

- A description of the property, including a description of the damage and crack pattern, the date that the damage first occurred, details of any previous underpinning or building work,
- information about the geological strata for the site,
- details of vegetation in the vicinity and its management since discovery of the damage,
- measurement of the extent and distribution of vertical movement using level monitoring. Where level monitoring is not possible, state why and provide crack monitoring data. This data must be sufficient to show a pattern of movement consistent with the presence of the implicated tree.
- A profile of a trial/borehole dug to identify foundation type and depth and soil characteristics. Sub soil characteristics including soil type on which the foundations rest, liquid limit, plastic limit and plasticity index.
- Location and identification of roots found. Where identification is inconclusive, DNA testing should be carried out.
- Proposals and estimated costs of options to repair the damage

No application has been received..

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 28th August 2013.

7. PERSONNEL IMPLICATIONS

None

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