

**Decision Maker:** PLANS SUB-COMMITTEE NO. 2

**Date:** Thursday 22 August 2013

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

**Title:** **OBJECTIONS TO TREE PRESERVATION ORDER 2541 AT 8 THORNTON DENE, BECKENHAM**

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

**Ward:** Kelsey and Eden Park;

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1. Reason for report

To consider objections that have been made in respect of the making of a tree preservation order.

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2. **RECOMMENDATION(S)**

The Chief Planner advises that the two pine trees in the front garden of the property make an important contribution to the visual amenity of this part of Beckenham and that the order should be confirmed.

### **3. COMMENTARY**

3.1. This order was made on 25<sup>th</sup> March 2013 and relates to two pine trees in the front garden of the property. Objections have been made to the making of the order by arboricultural consultants acting for the owner of the property. They are concerned about the making of the order for the following reasons:

1. The Council had not provided information detailing how they have assessed the amenity of the tree. They make reference to the Guide to the Law and Good Practice and the advice that local planning authorities should be able to explain to landowners why their trees have been protected.
2. The Council has made the TPO in accordance with Policy NE7 of the Council's Unitary Development Plan.
3. Their client has advised that falling needles and cones from the two pine trees constitute a slip hazard and on-going nuisance.

3.2. The response was made using the same numbering:

1. The trees are mature specimens, about 18 metres in height and are in a reasonably healthy condition. The trees are a clearly visible feature on entrance to the cul de sac from Greenways and they can be seen from that road. The trees help to provide an attractive setting for the property and are a clearly visible feature and they make a positive contribution to the visual amenities of the locality.

2. The comments about Policy NE7 are noted and it is accepted that this policy mainly relates to trees and new development but the policy does state that "tree preservation orders will be used to protect trees of environmental importance and visual amenity". Paragraph 7.24 confirms that trees are important features of the Borough's environment and are a valuable resource for wildlife. The Council places a high priority on their retention and protection.

3. The final point concerned problems associated with falling needles and cones. they have advised that their client has lived at the property for 29 years and that over this period the quantity of needle and cone debris has increased together with an increase in sap deposition. Unfortunately a workman slipped on a cone in the garden recently and their client is concerned that if a similar incident occurred he could be sued. Whilst there is sympathy with these concerns the presence of any tree, particularly a coniferous species does increase the need for regular maintenance but this additional work would not normally be sufficient reason for the order not to be confirmed. They have speculated that the trees may be suffering from a fungal infection and that the trees may be in a declining condition. However the trees have been inspected and there is no evidence of any infection and the trees are currently not declining. However if they do deteriorate in the future the property owner would be able to make an application for the trees to be felled. The comments about leakages and damp ingress into a conservatory at the rear are noted but no evidence of the damage to this structure has been submitted. Again the trees may lead to the need for increased maintenance but as above this would normally be insufficient reason for the order not to be confirmed.

### **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 25<sup>th</sup> September 2013

**7. PERSONNEL IMPLICATIONS**

None

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