

**Decision Maker:** PLANS SUB-COMMITTEE NO. 4

**Date:** Thursday 19 September 2013

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

**Title:** OBJECTIONS TO TREE PRESERVATION ORDER 2505 AT  
LAND ADJOINING 76B AND 76C THE AVENUE, BECKENHAM

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

**Ward:** Copers Cope;

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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 tree makes an important contribution to the visual amenity of this part of The Avenue 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 9<sup>th</sup> April 2013 and relates to a plane tree in the street at the front of 76B The Avenue. Objections have been received from arboricultural consultants acting for loss adjusters for insurers of 76B The Avenue. They have raised 3 concerns

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 contribution provided by the tree is considered disproportionate to the compensation amount potentially payable from public funds as a result of additional engineering repair works required if the influence of T.1 (plane tree) remains.
3. The species of the tree and its location relative to properties known to be founded on clay soil, renders it unsuitable for long term retention.

3.2 In response, using the same numbering

1. The tree is a mature specimen, about 18 metres in height with a wide spreading canopy and is in a reasonably healthy condition. The tree is part of an avenue lining either side of the road and these trees are a well loved feature. The road is wide and the trees provide an attractive setting for the properties which are all set back from the road. The plane tree is a clearly visible feature and it makes a positive contribution to the visual amenities of The Avenue.

2. Immediately prior to the serving of the documentation the objector supplied some information to the Council in respect of the damage to 76b The Avenue and investigations that had been carried out. The damage to the property was notified to insurers in August 2011 and the initial report considered that the cracks at the front of the property were consistent with vegetation related subsidence. It was considered that a clematis growing on the front of the property was a likely culprit. However further investigations were carried out and roots from a plane tree were found within a trial hole beside the front bay. Monitoring of the cracks was carried out between September 2011 and March 2012 and is limited in being able to assess if the movement is seasonal. No information has been supplied in respect of any level monitoring and there appears to have been some repairs to the rainwater drainage at the front of the house. They refer to possible compensation - they have provided some costs for works – it is estimated that £11,500 would be needed for repairs if the plane was to be felled and an additional sum of up £28,000 if the tree were to be retained and a claim for compensation were to be made. Compensation is not payable purely for the making of an order. Claims can only be made if an application to the Council to carry out work to a protected tree has been refused or given consent subject to conditions. Claims have to be made within 12 months of the Council's decision and are only payable if an owner has suffered loss or damage as a result of the Council's decision to refuse or grant consent.

3. The final point concerned the unsuitability of the species for long term retention on clay soil. They expressed concern about future growth of the tree and the fact that roots of the plane tree have been found under foundations at the front of the property. The tree is appropriate to its location – it is growing in a wide avenue where properties are generally set well back from the road and the tree is in scale with its surroundings. The loss of one tree solely because of the nature of the soil could set a precedent for other similar trees in the road to be felled.

### **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 9<sup>th</sup> October 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]