

Decision Maker: PLANS SUB-COMMITTEE NO. 4

Date: Thursday 6 November 2014

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

Title: TREE WORKS APPLICATION 14/02595/TPO: CONSENT TO REMOVE 2 PINE TREES AT 8 THORNTON DENE, BECKENHAM BR3 3ND.

Contact Officer: Mark Cannon, Principal Tree Officer
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Chief Officer: The Chief Planner

Ward: Kelsey and Eden Park

1. Reason for report

This report considers a Treeworks Application for the removal of 2 pine trees situated in the front garden of 8 Thornton Dene, Beckenham and the subject of Tree Preservation Order No. 2541. The Committee must decide whether to endorse the recommendation of the Chief Planner to refuse consent for the removal of the trees.

2. **RECOMMENDATION(S)**

The Chief Planner advises that consent to remove 2 Pine trees located in the front garden of 8 Thornton Dene is refused.

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 and Renewal
 4. Total current budget for this head: £1.6m
 5. Source of funding: Existing Controllable Revenue Budget 2014/15
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Staff

1. Number of staff (current and additional): 103.89 ftes
 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 order.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: None

3. COMMENTARY

3.1 The principal considerations in relation to whether to grant or refuse consent are as follows:

(a) In relation to the 2 pine trees located in the front garden of 8 Thornton Dene:-

- (i) Are the trees of sufficient public amenity value and would their removal have a detrimental effect upon the character and appearance of the area.
- (ii) Do the trees present such an unacceptable risk to the owner and wider public that they should be removed.

3.2 Background

3.3 The site comprises a 2 storey detached house with landscaped front and rear gardens and is located on the northern side of Thornton Dene approximately 40m from the junction with Greenways.

3.4 Tree Preservation Order No. 2541 was served upon the owners of 8 Thornton Dene on 25th March 2013, protecting 2 Pine trees each described as T1 and T2 respectively within the order document. Following formal objections from the property owner the order was put before the Planning Sub Committee on 22nd August 2013. After considering those objections the Committee decided that the order be confirmed and made permanent.

3.5 On 2nd July 2014 the Council received a Treeworks Application ref.14/02595/TPO for consent to remove 2 protected Pine trees located in the front garden of 8 Thornton Dene, Beckenham, Kent, BR3 3ND which the following reasons were given:-

- i) Concerns regarding the size and proximity of the trees to the property following recent branch loss.
- ii) The trees have reached the end of their safe useful life expectancy.
- iii) A replacement tree can be secured that is in scale with the garden area.

3.6 Following de-delegation, the application has now been put before the Planning Sub Committee to decide whether to endorse the recommendation of the Chief Planner to refuse consent to remove the 2 pine trees.

3.7 Issues.

3.8 The trees described within the application comprise 2 mature pine trees and are located in the front garden of 8 Thornton Dene, Beckenham, BR3 3ND.

3.9 The trees each measure approximately 15m in height and has a combined radial canopy spread measuring approximately 5m at its furthest extent. The trees are situated within a planting bed and enclosed within a block paved driveway located approximately 4m from the front of the house when measured from the centre of T1.

3.10 Both trees exhibit no serious external signs of disease or structural defect when viewed from the ground. The trees show evidence of historic branch loss in particular T2 where a number of side branches appear to have been removed or fallen. The trees have developed and established as component parts of a single canopy, and are collectively a highly visible feature within the local landscape which can be seen from several public views within Thornton Dene and Greenways.

3.11 The applicant seeks to undertake the proposed works due to concerns regarding the potential risk the trees pose if they were to fail.

- 3.12 The applicant has submitted an arboricultural report in support of the application. In summary the report recommends that given the history of branch failure and potential for the tree to be vulnerable to wind shear failure due to branch loss, the trees should be removed and replaced with a suitable replacement. The report recommends that 1 Indian Bean tree (Catalpa Biganoides) is selected as a replacement.
- 3.13 The arboricultural report states that branch loss will have compromised the trees structural integrity however in response, officers observe that wound occlusion (healing) around old branch unions indicate that the loss of side branches has taken place gradually over a period of several years allowing time for both trees to mechanical adjust.
- 3.14 Although there are no absolute guarantees that the trees will never fracture or shed branches, careful close monitoring of the physiological and structural condition of the tree periodically and on a regular basis will help give advanced warning of any potential for future tree failure. The applicant would be entitled to make future applications to undertake any necessary works including tree removal.
- 3.15 The removal of the 2 pine trees in favour of a replacement tree is considered unsatisfactory, and would be unable to match or immediately mitigate against the resulting loss of visual public amenity.

3.16 Conclusion and Recommendation

- 3.17 The trees currently exhibit no serious external signs of disease or structural defects which would justify their removal. Careful periodic monitoring and observation of the trees structural and physiological condition will help ensure public safety and it is therefore recommended that consent to remove both pine trees is refused.

4. POLICY IMPLICATIONS

This report is in accordance with Policy NE7 of the Councils Unitary Development Plan.

5. FINANCIAL IMPLICATIONS

- 5.1 The applicant is entitled under Regulation 24 of The Town and Country Planning (Tree Preservation) England Regulations 2012 to apply for compensation within 12 months of the date of the Council’s decision if the applicant can establish loss or damage as a result of the Council refusing consent. It should be noted that there is no specific budget to meet any potential compensation costs.

6. LEGAL IMPLICATIONS

It is the current assessment that the failure of the trees is unlikely and so there are no further comments.

7. PERSONNEL IMPLICATIONS

None

Non-Applicable Sections:	Finance 2. Ongoing Costs. Legal 2. Call in.
Background Documents: (Access via Contact Officer)	Copy of Tree Preservation Order No. 2541 Copy of the Applicants Arboricultural Report.