

Decision Maker: PLANS SUB COMMITTEE NO. 2

Date: Thursday 5th February 2015

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

Title: TREE WORKS APPLICATION 14/02640/TPO: CONSENT TO REMOVE 1 CEDAR TREE LOCATED IN THE REAR GARDEN OF 6 LAUREL GARDENS, BROMLEY, BR1 2US

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

Ward: Bickley

1. Reason for report

This report considers a Treeworks Application for the removal of 1 Cedar tree located in the rear garden of 6 Laurel Gardens, Bromley, BR1 2US and subject to Tree Preservation Order No. 2597A. The Committee must decide whether to endorse the recommendation of the Chief Planner and grant consent for the removal of the tree.

2. **RECOMMENDATION(S)**

That consent to remove the cedar tree located in the rear garden of 6 Laurel Gardens be granted.

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment:
-

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
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Staff

1. Number of staff (current and additional): 60 ftes
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those affected by the order
-

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 Cedar tree located in the rear garden of 6 Laurel Gardens:-

- (i) Is the tree of sufficient public amenity value and would its removal have a detrimental effect upon the character and appearance of the area.
- (ii) Is the tree in a satisfactory condition and does it represent a hazard risk to the owner and adjoining owner occupiers.

3.2 Background

3.3 The site at 6 Laurel Gardens comprises a modern 2 storey detached house with landscaped front and rear gardens and is located approximately 50m east of the junction between Laurel Gardens and Southborough Road.

3.4 The Cedar tree the subject of the application was originally included within Tree Preservation Order No. 1058 which came into effect on 21st February 1994, protecting several individual trees located within land formally known as 41 Southborough Road. On 17th June 2014 the order was superseded by Tree Preservation Order No 2597 in order to reflect development changes to the site and to amend inaccuracies relating to tree positions.

3.5 Tree Preservation Order No. 2597A was served upon all interested parties on 12th December 2014 to extend the provisional protection for the Cedar tree and 1 Yew tree located within the front garden of No1 Laurel Gardens for a further 6 months, superseding both TPO Nos. 2597 and TPO 1058.

3.6 On 7th July 2014 the Council received a Tree Works Application ref. 14/02640/TPO and the subject of this report for consent to fell 1 cedar tree located in the rear garden of 6 Laurel Gardens, Bromley which the following reasons were given.

- i) The size and species of the tree are deemed unsuitable for the size of the garden.
- ii) The tree has shed several large limbs during recent high winds and as a result has lost its amenity value.

3.7 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 grant consent for the removal of the Cedar tree.

3.8 Issues

3.9 The tree the subject of this application comprises 1 cedar tree located in the rear garden of 6 Laurel Gardens, Bromley, BR1 2US.

- 3.10 The tree measures approximately 15m in height and has a maximum radial canopy spread extending approximately 8m. The tree is situated immediately adjacent to the left flank northern boundary approximately 12m from the edge of the rear building line of 6 Laurel Gardens and approximately 3m from the rear elevation of No. 5 Laurel Gardens.
- 3.11 The tree appears to be in good physiological condition exhibiting no significant signs of decline or die back. No external signs of decay fungus or fruiting bodies were observed during ground level examination of the tree. Historic branch loss/removal was apparent, it is understood that the tree was pruned during 2014 in order to remove broken or dead branches from the canopy.
- 3.12 Resulting changes in wind aerodynamics following recent tree removals in the rear garden may have exposed the Cedar tree to new higher wind velocities making branch breakage and canopy failure potentially more likely.
- 3.13 Located on the northern side of the canopy officers observed a woodpecker hole at approximately 5m above ground level. The presence of the hole and its location immediately beneath an old pruning wound indicates the presence of a decay pocket within the main stem.
- 3.14 The rear elevation of No 5 Laurel Gardens is situated approximately 3-4m from the Cedar tree. The closest part of the house is a glazed conservatory which faces due west toward the rear garden. The owners of the property have raised concerns regarding the safety of the tree following damage to the conservatory from falling branches. Officers were told that portions of the glazed roof had been cracked after it had been struck by a falling branch. The damage was observed by officers during their site inspection.
- 3.15 The owners of No. 5 Laurel Gardens have formally objected to the Tree Preservation Order, and have submitted representations relating to the application supporting the removal of the tree. A report on the condition of the tree commissioned by the owners of No. 5 Laurel Gardens has also been forwarded to the Council which recommends its removal on safety grounds.
- 3.16 Objections to the removal of the Cedar tree have been received from several residents of which can be summarised as follows:-
- i) The cedar tree is part of the Bickley skyline and continues to make an important contribution to the visual amenity of Bickley.
 - ii) The tree is in good health and is confirmed by the applicant in their application to the Council in paragraph 8.1 of the tree works application submission form.
 - ii) The applicant and neighbouring owner occupiers were aware of the protection status of the cedar tree prior to purchasing their respective properties and would therefore have been aware of the restriction prohibiting tree removal.

3.17 Conclusion and Recommendation

- 3.18 In respect to the making of Tree Preservation Orders Government guidance is clear in that the Council should be able to demonstrate that the removal of the cedar tree would be harmful and would have a significant impact on the local environment and its enjoyment by the public. It is advised that such trees should therefore normally be visible from a public view point such as a road or footpath.
- 3.19 Officers observed that the Cedar tree is located approximately 65m from the main public highway and largely obscured from public views when walking along Southborough Road. There are however clearer views of the tree when standing close to the corner of Tangleberry Close and Oldfield Road, although these views are also slightly obscured by the presence of other trees and limited to the top half of the canopy. Officers consider that the principal visual impact if the tree were to be removed would be when viewed from the privately owner rear gardens of Tangleberry Close, Park Hill and Oldfield Road.
- 3.20 The relatively recent removal of the large Giant Redwood is likely to have altered wind dynamics affecting the Cedar tree, increasing the potential of branch breakout. A cavity has been detected approximately 5m above ground level and located on the main stem. Although the depth and extent of the cavity is at this point unknown without a full climbing inspection, the risk of main stem failure during exceptionally strong winds is considered to have increased.
- 3.21 When assessing hazard risks one of the most important variables to be considered is the proximity and the potential for harm to people and property. In this case the relative close proximity of No. 5 Laurel Gardens (approximately 3m from the tree once again elevates the risk potential..
- 3.22 After careful consideration it is recommended that consent to remove the Cedar tree is granted subject to the planting of 3 replacement trees of size, species, location and planting deadline to be agreed in writing by the Council.

4. POLICY IMPLICATIONS

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

5. FINANCIAL IMPLICATIONS

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 Councils decision if the applicant can establish loss or damage as a result of the Council refusing consent. It should be noted there is no specific budget to meet any potential compensation costs within the planning and regeneration budget.

6. LEGAL IMPLICATIONS

None

7. PERSONNEL IMPLICATIONS

None

Non-Applicable Sections:	Finance 2 Ongoing Costs. Staff 2 Staff hours. Legal 2. Call in.
Background Documents: (Access via Contact Officer)	Copy of Tree Preservation Order No. 2597A



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