

Decision Maker: PLANS SUB COMMITTEE NO. 2

Date: Thursday 2nd April 2015

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

Title: CONFIRMATION OF TREE PRESERVATION ORDER NO. 2603.
MURRAY DOWNS 6 BROMLEY LANE, CHISLEHURST BR7
6LE.

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

Ward: Chislehurst

1. Reason for report
 2. This report considers objections that have been made to the making of a Tree Preservation Order. The Committee must take the objections into account before deciding whether to confirm the order. The Committee must decide whether to endorse the recommendation of the Chief Planner and confirm the order without modification.
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3. RECOMMENDATION(S)

The Chief Officer advises that the order be confirmed without modification.

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
-

Staff

1. Number of staff (current and additional): Statutory
 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 Site

3.2 The site comprises a 3 storey residential property including landscaped front and rear gardens, and hardstanding to the front of the property providing vehicular access and carparking.

3.3 The site has an area measuring approximately 0.11 hectares, with a maximum depth of 84m and a width measuring approximately 14m. The site comprises a mix of mainly broadleaved trees to the front and rear of the property and includes a large mature sycamore tree located in the rear garden and the subject of this report.

3.4 The site is situated on the southern side of Bromley Lane approximately 50 metres east from the junction of Royal Parade, Bromley Lane and Kemnal Road. The site shares its eastern and western boundaries with 4 Bromley Lane and 8 Bromley Lane respectively.

3.5 The surrounding area is a mix of both residential and commercial properties. Nearby residential dwellings comprise mainly 2 to 3 storey houses converted to flats, and characterised by the presence of established landscaping to the front and rear gardens.

3.6 The Order

3.7 Tree Preservation Order No.2603 protects an individual sycamore tree located in the rear garden of Murray Down 6 Bromley Lane, which is considered to have high public amenity value. The order was served following the Councils decision to raise an objection to Treeworks Notification reference 14/03657/TREE to crown reduce the sycamore tree by 40% and to remove 3 low hanging limbs.

3.8 The order was served on the owner of Murray Down 6 Bromley Lane and all other interested parties on 15th October 2014, and came into immediate effect.

3.9 The order is effective for 6 Months. If the order is not confirmed within that period, the provisional protection will cease on 15th April 2015. The report is seeking authority to confirm the Tree Preservation Order so that it takes permanent effect.

3.10. Issues

3.11 The Council has received objections to the order from the owners of Murray Down 6 Bromley Lane, Chislehurst on the following grounds:

a) The owner states that they have no intention of harming the tree and that they are committed to maintaining its shape while pruning the boughs and branches which potentially pose a threat to the building.

3.12 The Councils Duty in Respect to Trees

3.13 The Town and Country Planning Act (1990) section 198(1) states that:

‘If it appears to a Local Planning Authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order’.

3.14 Considerations

3.15 The principal considerations in relation to the confirmation of the order including the objector's comments are:-

3.16

(a) In relation to the sycamore tree situated within the rear garden of Murray Down 6 Bromley Lane, Chislehurst:-

(i) Is the sycamore tree of sufficient public amenity value and in a satisfactory condition to be made the subject of a permanent Tree Preservation Order.

(ii) Would the confirmation of Tree Preservation Order prevent future remedial pruning and maintenance of the tree.

3.17 The sycamore tree is located approximately 16m from the rear house elevation of Murray Down. The tree is mature and is considered by officers to be in satisfactory condition.

3.18 The tree is visible from public view points in Royal Parade and it is considered that the loss or removal of the tree would have a detrimental effect on the character and appearance of the area.

3.19 On the 8th January 2015 and following the serving of Tree Preservation Order No. 2603, the Council granted consent for Tree Works Application ref.14/04715/TPO. The works comprised crown thinning of the sycamore tree by 30%, reducing radial width of the canopy by up to 2 metres and removal of lower hanging branches projecting towards the garages and extension.

3.20 Tree Preservation Order No. 2603 acts to prevent the removal and/or excessive and inappropriate works to the sycamore tree which is considered to have public amenity value. The owner is however entitled under the provisions set out in the order to apply for consent to undertake future tree works.

3.21 The Council will carefully consider any future application to carry out works to the sycamore tree, and will grant consent to works considered necessary to enhance and maintain its health and appearance in accordance with current industry standards and good practice.

3.22. Conclusion and Recommendation

3.23 The sycamore tree is considered to be in a satisfactory condition and of public amenity value. The tree is visible to the general public and its removal or inappropriate pruning would have a detrimental impact upon visual public amenity.

3.24 The objections to the order are not accepted for the reasons given in paragraphs 3.16 to 3.21 above. It is therefore recommended that the provisional Tree Preservation Order is confirmed.

4. POLICY IMPLICATIONS

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

5. FINANCIAL IMPLICATIONS

None

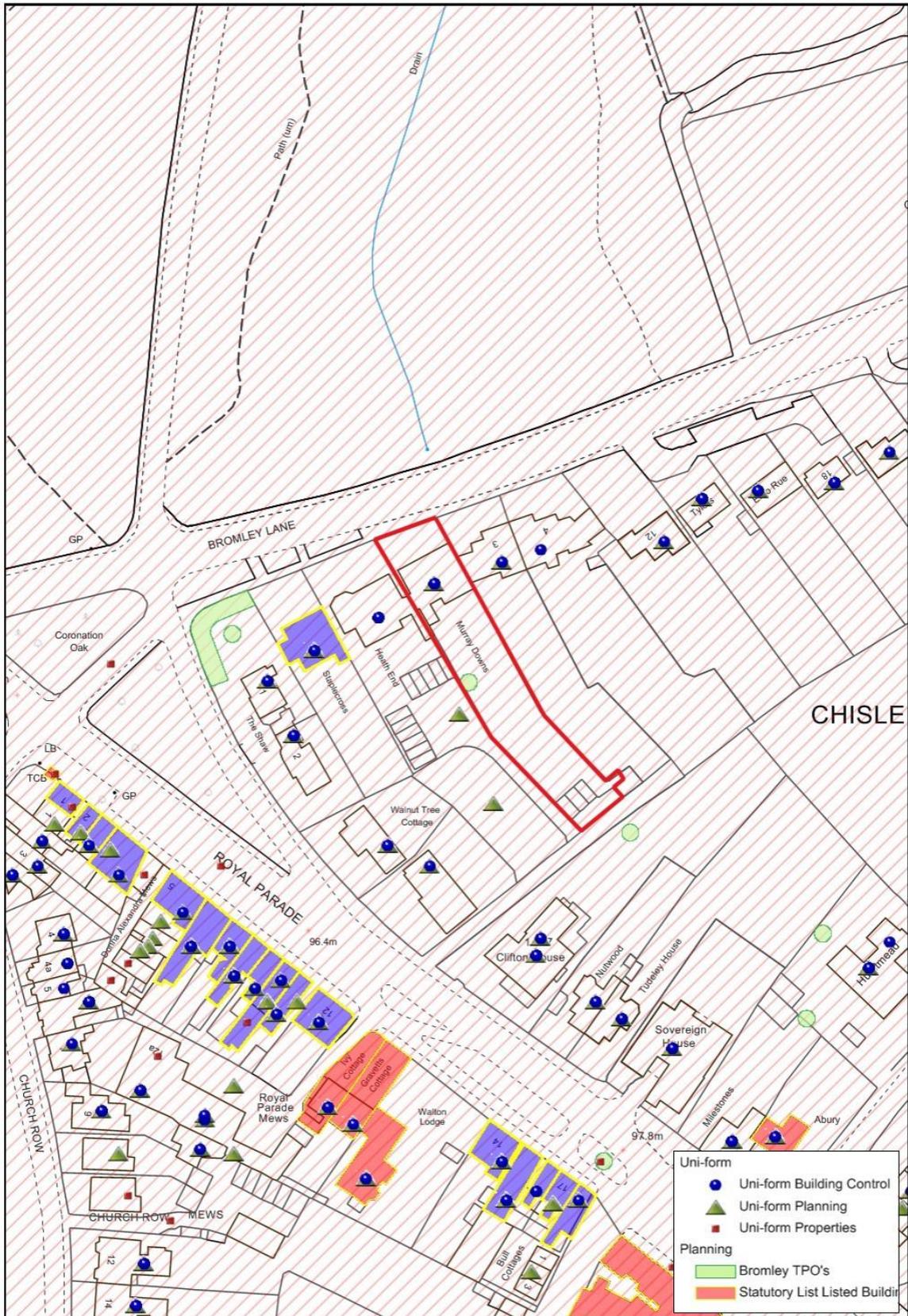
6. LEGAL IMPLICATIONS

None

7. PERSONNEL IMPLICATIONS

None

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	Copy of Tree Preservation Order No. 2603



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