

Decision Maker: PLANS SUB COMMITTEE NO. 1

Date: Thursday 21st May 2015

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

Title: CONFIRMATION OF TREE PRESERVATION ORDER NO. 2597A
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
 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.
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3. RECOMMENDATION(S)

That Tree Preservation Order No.2597A be confirmed without modification.

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: £2.194m
 5. Source of funding: Existing controllable revenue budget for 2015/16
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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:
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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 at Laurel Gardens comprises modern 2 storey detached houses with landscaped front and rear gardens, and is located approximately 50m south of the junction between Southborough Road, Oldfield Road and Southlands Road.

3.3 The yew tree (T1) as shown on the attached Plan is located within amenity land close to the front boundary of 1 Laurel Gardens approximately 10m west of the main house and facing onto Southborough Road.

3.4 The cedar tree (T2) is situated within the rear garden of 6 Laurel Gardens 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.

3.5 The surrounding area is predominately residential comprising mainly 2 storey semi-detached and detached dwellings, and characterised by the presence landscaped front and rear gardens and mature tree planting.

3.6 The Order

3.7 Tree Preservation Order No. 2597A was served upon all interested parties on 12th December 2014 to extend the provisional protection afforded to yew tree (T1) and cedar tree (T2) for a further 6 months, superseding both TPO Nos. 2597 and TPO 1058.

3.8 The order is effective for 6 Months. If the order is not confirmed within that period, the provisional protection will cease on 12th June 2015.

3.9. Issues

3.10 The Council received objections in July 2014 to the making of the order from the owners of Nos.5 and 6 Laurel Gardens, Bromley on the following grounds:

- a) The size and species of the tree are deemed unsuitable for the size of the garden.
- b) The tree has shed several large limbs in recent years and as a result has lost its amenity value and deemed to be a hazardous risk to both owner and nearby neighbours.

3.11 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’.

3.12 Considerations

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

(a) In relation to the cedar tree situated within the rear garden of 6 Laurel Gardens:

- (i) Is the cedar tree (T2) of sufficient public amenity value and in a satisfactory condition to be made the subject of a permanent Tree Preservation Order in which case members should confirm the order without modification.
- (ii) If it is considered that the cedar tree is not of sufficient amenity value or condition, members should confirm the order with modification to exclude cedar tree (T2) from the order.

3.14 On 7th July 2014 the Council received Tree Works Application ref. 14/02640/TPO 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 in recent years and as a result has lost its amenity value.

3.15 Tree Works Application ref. 14/02640/TPO was considered at the Plans Sub-Committee meeting on 5th February 2015 and it was decided that consent to fell cedar (T2) be refused for the following reasons:-

'The removal of the tree is unnecessary and would have a detrimental effect upon the character and appearance of the area contrary to Policy NE7 of the Unitary Development Plan'.

3.16 On the 14th April 2015 the Council received formal notification from the Planning Inspectorate of an Appeal on behalf of the owners of 6 Laurel Gardens against the Council's refusal to allow the removal of T1 Cedar tree. The Planning Inspectorate have stated that they will await the outcome of the Council decision to either confirm or not to confirm the inclusion of the cedar tree within Tree Preservation Order, before proceeding any further with the Appeal.

3.17 The Committee should take into account the recent decision made at Plans Sub Committee on 5th February 2015 to refuse consent to remove Cedar tree (T2).

3.18 A copy of the report to Plans Sub Committee Meeting on 5th February 2015 is enclosed as an appendix to this report.

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:	
Background Documents: (Access via Contact Officer)	Copy of Tree Preservation Order No. 2597A Copy of report to Plan Sub Committee on 25 th February 2015.



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RENEWAL AND RECREATION



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**TREE PRESERVATION ORDER
TOWN AND COUNTRY PLANNING ACT 1990
LAND FRONTING & 6 LAUREL GARDENS, BROMLEY
KENT, BR1 2US**

Scale 1,1250



12/06/2014

Plan: 2597A