

Decision Maker: PLANS SUB-COMMITTEE NO. 1

Date: Thursday 4 July 2019

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

Title: **CONFIRMATION OF TREE PRESERVATION ORDER (TPO)
2657 - 6 ELWILL WAY, BECKENHAM BR3 3AD**

Contact Officer: Chris Ryder, Principal Tree Officer
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Chief Officer: Chief Planner

Ward: Farnborough and Crofton;

1. Reason for report

To consider an objection received against the making of the above referenced Tree Preservation Order (TPO).

2. **RECOMMENDATION(S)**

The subject Swamp Cypress (T1) makes an important contribution to the visual amenity of the surrounding local area and are awarded high amenity value. The TPO should therefore be confirmed to secure tree protection.

Impact on Vulnerable Adults and Children

1. Summary of Impact:
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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:
 4. Total current budget for this head: £
 5. Source of funding:
-

Personnel

1. Number of staff (current and additional): 3
 2. If from existing staff resources, number of staff hours:
-

Legal

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

1. Summary of Procurement Implications:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those living at the site location.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1** TPO 2657 was made on 16th April 2019 and relates to a Swamp Cypress located to the rear of 6 Elwill Way, Beckenham, Kent, BR3 3AD.
- 3.2** An objection has been received from a neighbouring resident at 8 Elwill Way.
- 3.3** The objection is summarised as follows:
- The objection is made on the grounds of health and safety.
 - The tree sheds large branches without warning and irrespective of weather.
 - There is a significant danger of injury that needs to be addressed.
 - The position of the tree so close to the main living areas is not justifiable or sustainable.
- 3.4** The TPO was made following a section 211 notification proposing the removal of the Swamp Cypress.
- 3.5** The issues raised by the objector have not been accompanied by supporting evidence, with the exception of photos showing a failed branch. Since the tree has high public amenity value and has not been found to exhibit significant structural defects that would increase risk to an unacceptable level during the case officer's site visits, the level of evidence required to influence the decision on the creation of this TPO should include a written risk assessment by a suitably qualified professional. No such evidence has been submitted. It is the opinion of the case officer that the proximity of the buildings to the tree can be managed with periodic pruning to maintain risk at an acceptable level whilst retaining a public amenity.
- 3.6** Further to a visual assessment adopting the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, a new TPO was considered justified as the tree merited preservation. In summary, the tree was found to be of normal vitality, with a suitable retention span and a level of public visibility. The tree is a mature feature of the local landscape. The tree's maturity and visibility in the public domain are primary factors in its amenity value.
- 3.7** The Order does not prevent future works from being carried out, but it requires that the Council's consent be gained prior to removing the tree and prior to carrying out most forms of tree pruning. In assessing applications to remove trees or carry out pruning, the Council takes into account the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the trees.
- 3.8** The TPO is valid for 6 months from the date the order was made. If the TPO is not confirmed within this period, the TPO will cease to exist. Considering the foreseeable risk of tree felling, members are respectfully requested to confirm the order.

4. PHOTO

