

**Decision Maker:** PLANS SUB-COMMITTEE NO. 4

**Date:** Thursday 6 February 2020

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

**Title:** CONFIRMATION OF TREE PRESERVATION ORDER (TPO)  
2680 - THE VICARAGE 15 ST JAMES'S AVENUE, BECKENHAM

**Contact Officer:** Paul Smith, Tree Officer  
E-mail: paul.smith@bromley.gov.uk

**Chief Officer:** Assistant Director (Planning)

**Ward:** Clock House

---

**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 trees (T1-6) make 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: N/A
- 

### 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 Services Revenue Budget 2019/20 – Trees
  4. Total current budget for this head: £ £132,210
  5. Source of funding: Existing budget
- 

### Personnel

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

### Legal

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

### Procurement

1. Summary of Procurement Implications: N/A
- 

### Customer Impact

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

### Ward Councillor Views

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

### **3. COMMENTARY**

- 3.1** TPO 2680 was made on 24<sup>th</sup> October 2019 and relates to 6 individual trees located within the grounds of 15 St James's Avenue, Beckenham, Kent, BR3 4HF.
- 3.2** 3 sets of objections have been received from the residents of 15 St James's Avenue, 17A St James Avenue and Savills UK (Ltd) on behalf of the Diocese of Rochester.
- 3.3** The representation from Savills UK (Ltd) on behalf of the Diocese of Rochester concurs with creation of a TPO and the inclusion of T1, T3 and T6 in the Order but objects to the inclusion of T2, T4 and T5.

**3.3** The objections are listed as follows:

- a) The trees affect the amount of sunlight reaching 17A St James's Avenue.
- b) Saplings growing between the vicarage and the brook block light to 17A St James's Avenue.
- c) The trees do not constitute a public amenity because there is only private access to the land.
- d) The TPO would create an unfair financial burden for the Diocese of Rochester.
- e) The TPO was made in response to objections from local residents to a planning application for the development of the site.
- f) There is no specific reasoning or referencing in the formal notice for the TPO being served on any particular trees, thereby resulting in ambiguity to the decision to create the Order.
- g) T1 and T3 (Lime trees) require regular maintenance and are causing or have caused damage to built structures.
- h) T2 Yew is not worthy of TPO protection because it has below average form, it is small, it lacks impact, it has limited future potential due to more vigorous neighbouring trees, it is not a rare species and it is neither culturally nor historically significant.
- i) T4 London Plane is not worthy of TPO protection because it is undersized for the species, has poor crown form, is not a rare species, is neither culturally nor historically significant and is not publically visible.
- j) T5 Beech is not worthy of TPO protection because it is not publically visible from St James's Avenue, it is not a rare species, it is not culturally nor historically significant and it is causing problems with regard to a brick out building.

**3.4** The responses to the objections are as follows:

- a) The creation of the TPO does not increase any impact the trees may have on the neighbouring property. The Order does not prevent future works from being carried out, but it requires that the Council's consent be gained prior to removing trees 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.

- b) The saplings are not included in the order.
- c) The trees constitute a public amenity by virtue of being clearly publically visible from a wide angle and considerable distance on St James's Avenue as well as from surrounding dwellings.
- d) There will be no increase in the financial burden of tree ownership with the creation of the TPO. There is no fee associated with applications for works to protected trees.
- e) The TPO was not made in response to public comments. It was made following the consultation of the tree team on planning application 19/03068/FULL1. A site visit was carried out to assess the TPO worthiness of any trees present. Further to a visual assessment adopting the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, a new TPO was considered justified as the certain individual trees merited preservation. In summary, the trees were found to be of normal vitality, with a suitable retention span and a level of public visibility. Overall the trees are a mature feature of the local landscape. The trees' maturity and visibility in the public domain are primary factors in their amenity value.
- f) There is no requirement to provide reasoning or referencing in the formal notice for the TPO being served on any particular trees. Members of the public and interested parties alike are free to raise questions for the Tree Team to answer once the provisional Order is made and prior to a decision on Confirmation. Therefore any uncertainty experienced in understanding the decision to create the Order is not in itself a valid reason for an objection.
- g) The assertions of an impact on built structures by T1 and T3 have not been supported by evidence and cannot therefore overcome the justification for creating a TPO at this time. With regard to the requirement for pruning works see a).
- h) T2 scored sufficiently highly on a TEMPO assessment to merit inclusion. Its size was accounted for in this assessment; it is a small tree that is clearly publically visible. The fact this native species is not "rare" in this part of the country does not detract from its TEMPO score. The historic association of Yew with places of Christian worship lends a degree of cultural significance for T2. With regard to the suggested limited retention span, Yews have the potential to live for over a thousand years. Furthermore, being partially shaded by deciduous trees will not significantly affect T2's ability to thrive, since evergreen Yews are often found surviving underneath the main canopy of deciduous woodlands.
- i) T4 scored sufficiently highly on a TEMPO assessment to merit inclusion. Its size was accounted for in this assessment; it is considered a medium tree clearly visible to the public from St James's Road, contrary to the assertion within the objection. The asymmetrical form of the crown was also accounted for in the assessment; the tree's "condition and suitability for TPO" was considered fair/satisfactory. The fact this species is not "rare" and the tree's lack of any particular cultural or historical importance was accounted for in the assessment.
- j) T5 scored sufficiently highly on a TEMPO assessment to merit inclusion. Its relative public visibility was considered within this assessment; it was considered a medium tree with a limited view. The fact this species is not "rare" and the tree's lack of any particular cultural or historical importance was accounted for in the assessment. The assertions of an impact on a built structure have not been supported by evidence and cannot therefore overcome the justification for creating a TPO at this time. Furthermore the structure in question here has been proposed for demolition under planning application 19/03068/FULL1, suggesting its value as an associated structure contemporary to the Vicarage building is not significant.

**3.5** 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. IMPACT ON VULNERABLE ADULTS AND CHILDREN**

N/A

**5. POLICY IMPLICATIONS**

N/A

**6. FINANCIAL IMPLICATIONS**

N/A

**7. PERSONNEL IMPLICATIONS**

N/A

**8. LEGAL IMPLICATIONS**

The TPO will cease to be valid upon expiry of 6 months.

**9. PROCUREMENT IMPLICATIONS**

N/A

<b>Non-Applicable Sections:</b>	Financial and Personnel Implications
Background Documents: (Access via Contact Officer)	19/03068/FULL1