

PART ONE - PUBLIC

Decision Maker: Plans Sub-Committee No.4

Date: 22nd July 2021

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

Title: DIRECT ACTION TO ACHIEVE COMPLIANCE WITH TREE REPLACEMENT NOTICE AT LAND ADJACENT TO 47 SUNNINGVALE AVENUE, BIGGIN HILL

Contact Officer: John Stephenson, Head of Planning and Development Support Team
Tel: 0208 461 7887 E-mail: John.Stephenson@bromley.gov.uk

Chief Officer: Tim Horsman, Assistant Director (Planning)

Ward: Biggin Hill

1. Reason for report

Members must authorise the Council to take direct action to achieve compliance of a Tree Replacement Notice (TRN) served on the landowner of the subject address. A copy of the TRN is appended.

The costs range for such works are quoted between £17,424 and £48,780. Members must authorise sufficient budget allocation to address the breach of the TRN. A land charge may be place on the land to ensure the costs are recovered upon a future sale.

2. **RECOMMENDATION(S)**

At the time of writing, the TRN has not been complied with. Members must direct as to whether enforcement action should be pursued, this would entail the Council engaging with private contractors to enter the land and plant the above described trees within the area denoted in the TRN. Recovery of the costs of such action would then be sought from the land owner.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
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Corporate Policy

1. Policy Status: Enforcement Policy/Bromley Local Plan (adopted January 2019)
 2. BBB Priority: Quality Environment
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Financial

1. Cost of proposal: Recoverable via land charge
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: Planning – Tree Team
 4. Total current budget for this head: £135040.
 5. Source of funding: Existing budget
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Personnel

1. Number of staff (current and additional): 3
 2. If from existing staff resources, number of staff hours: 111pw
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 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): Local residents
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Ward Councillor Views

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

3. COMMENTARY

- 3.1 The application site comprises a parcel of land located on the east side of Sunningvale Avenue, north of Sunningvale Close. The site is covered by Tree Preservation Order (TPO) 1517, covering trees that existed in 1998.
- 3.2 On or around 22nd May 2019, 15 trees protected by the above TPO were removed or destroyed without the consent of the London Borough of Bromley in contravention of TPO 217A. Under section 206 of the Town and Country Planning Act 1990 (the Act) the owner of the land is under a duty to plant replacement trees.
- 3.3 A letter was sent to the land owner on 21st January 2020 setting out the specification of replanting required to meet the duty of replacement set down under section 206 of the Town and Country Planning Act 1990.
- 3.4 A Tree Replacement Notice (TRN) was served requiring the replanting to be carried out by November 2020. A copy of the TRN is appended to this report. Details of the required specification are set out within section 4 of the TRN.
- 3.5 The TRN is yet to be complied with.
- 3.6 The Council must now act on the powers of entry under section 214B of the Town and Country Planning Act 1990 to plant trees required and supervise an aftercare package of a three year period.

Non-Applicable Sections:	Impact on vulnerable adults and children, Policy implications, financial implications, personnel implications, legal implications, procurement implications
Background Documents: (Access via Contact Officer)	Tree Replacement Notice (TRN) 3 rd September 2020