

Committee Date	PSC2 14/10/21	
Address	21 and 25 Poplar Avenue Orpington BR6 8LA	
TPO No.	2720	Officer Paul Smith
Ward	Farnborough and Crofton	
Proposal	Confirmation of Tree Preservation Order (TPO) 2720	
Reason for referral to committee	Objections received	Councillor call in No
RECOMMENDATION	Confirmation without modification	

KEY DESIGNATIONS
Tree Preservation Order (TPO) 2720

Representation summary	Objections from neighbours.	
Total number of responses	3	
Number in support	0	
Number of objections	3	

1 SUMMARY OF REPORT

- To consider 3 objections received against the making of Tree Preservation Order (TPO) 2720
- The trees makes an important contribution to the amenity of the surrounding local area.
- Members must determine whether to confirm the TPO or allow it to lapse.

2 LOCATION

- 2.1 The trees are located in the rear gardens of residential properties on Poplar Avenue.
- 2.2 Tree Preservation Order (TPO) 2720 was made on 26th May 2021 to secure protection of two Oak trees.



Figure 1 – 21 and 25 Poplar Avenue



Figure 2 - View from Poplar Avenue

3 RELEVANT PLANNING HISTORY

n/a

4 CONSULTATION SUMMARY

4.1 The land owner/occupiers were served the TPO by recorded delivery. Immediate neighbours were notified in writing of the TPO service.

4.2 Three objections were received and are summarised as follows:

- a) T1 is reported to have caused subsidence to the property at 23 Poplar Avenue, so the tree owners should be allowed to pursue a regular and effective maintenance programme. / The TPO prevents the owners from carry out pruning works.
- b) T1 is currently, or will become, too large for the area/too large for the garden.
- c) T1 casts significant shade over the neighbours'/owners' gardens.
- d) Concern about the risk all falling branches / whole tree failure in strong winds.
- e) T2 precludes the erection of a boundary fence.
- f) The owners' wish to retain control of carrying out works to the tree.

5 POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

15. Conserving and enhancing the natural environment

5.2 The London Plan

7.21 Trees and Woodlands

5.3 Draft London Plan

G1 Green Infrastructure and Natural Environment
G7 Trees and Woodlands

5.4 Bromley Local Plan 2019

42 Conservation Areas
73 Development and Trees
74 Conservation and Management of Trees and Woodlands

5.5 The London Borough of Bromley Tree Management Strategy 2016-2020

Section 18

5.6 National Planning Guidance - Tree Preservation Orders and trees in conservation areas (Ministry of Housing, Communities and Local Government)

Paragraph 020 - 057

6 COMMENTARY

6.1 The TPO was made on 26th May 2021 in accordance with The Town and Country Planning Act 1990 sections 198 – 202G.

6.2 Further to a visual assessment adopting the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, a new TPO was considered justified as the trees merited preservation. In summary, the tree has a suitable retention span and is notable in the street scene.

6.3 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.

6.4 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 perceived risk to the trees as a result of the planning application including their removal, continued preservation is required.

7 RESPONSE TO OBJECTION

- a) No evidence has been submitted to support the assertion that T1 has caused subsidence. The tree owner can apply for permission to carry out necessary works.
- b) If the tree's size becomes cause for concern, the owner or neighbours can apply for permission to carry out reduction pruning works.
- c) If shading is a concern the owner or neighbours can apply for permission to carry out crown thinning works.
- d) If the risk of falling branches / whole tree failure is a concern the owner can see expert advice and potentially apply for permission to carry out necessary works.
- e) A boundary fence can be built around the tree or be cut to shape close to the tree.
- f) The owners can apply for permission to carry out works.

8 CONCLUSION

8.1 The TPO will cease to be valid upon expiry of 6 months from the date of service.

8.2 A level of management may be considered reasonable, should a justified application be submitted. Damaging works will be opposed.

8.3 Members are advised to confirm the TPO as recommended.

RECOMMENDATION: Confirm TPO without modification.