

<b>Committee Date</b>	PSC2 14/10/21	
<b>Address</b>	Land adjacent to 58 London Road, Bromley, BR1 3QZ	
<b>TPO No.</b>	2722	<b>Officer</b> Paul Smith
<b>Ward</b>	Plaistow and Sundridge	
<b>Proposal</b>	Confirmation of Tree Preservation Order (TPO) 2722	
<b>Reason for referral to committee</b>	Objections received	<b>Councillor call in</b> No
<b>RECOMMENDATION</b>	Confirmation without modification	

<b>KEY DESIGNATIONS</b>
Tree Preservation Order (TPO) 2722

<b>Representation summary</b>	Objections from owners/neighbours.	
Total number of responses	1	
Number in support		
Number of objections	1	

## 1 SUMMARY OF REPORT

- To consider 1 objection received against the making of Tree Preservation Order (TPO) 2722
- The tree 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 tree is located in the communal grounds of residential properties.

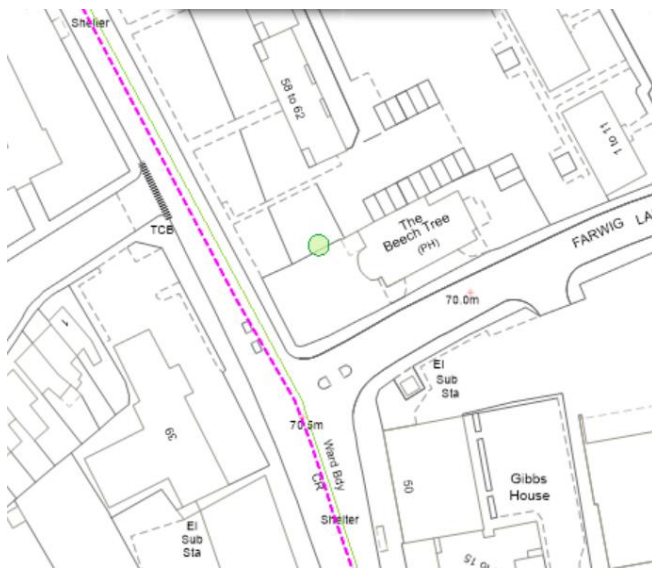
2.2 Tree Preservation Order (TPO) 2722 was made on 10<sup>th</sup> June 2021 to secure protection of several trees.



**Figure 1 – T1 (prior to pruning 2020)**



**Figure 2 – T1 (after pruning 2021)**



**Figure 3 – Location of tree at Land adjacent to 58 London Road, Bromley, BR1 3QZ**

### **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 One representation was received from an agent on behalf of the adjoining land owner, accompanied by a statement from a Arboricultural Consultant. The objection can be summarised as follows:

- a) The tree does not meet the criteria for protection by TPO due to recent pruning works for the following reasons:
  - i) reduced amenity value following recent heavy pruning,
  - ii) causing damage to boundary wall that limits the tree's useful life expectancy
  - iii) not a dominant arboricultural feature in the local setting.
- b) "We do not agree that" the Council should have the last say in determining whether future potential damage [to the boundary wall] is acceptable or not, or indeed whether a request to prune the tree to overcome other concerns, such as the tree being deemed overbearing, should fall to the discretion of the Council."
- c) The TPO will place undue hardship on the tree owner (due to the potential future legal ramifications arising from the damage the boundary wall.)

## **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 10<sup>th</sup> June 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 tree.

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.

## 7 RESPONSE TO OBJECTION

7.1 a) The tree was assessed using the TEMPO scoring system and scored sufficiently highly to warrant the creation of a TPO.

i) The heavy pruning has temporarily reduced the amenity value of the tree but fortunately a full recovery is predicted.

ii) The relationship with the boundary wall is such that it is already inevitable that the wall will have to be rebuilt, regardless of whether the tree is removed. Therefore, when the problem is addressed the boundary treatment can be re-constructed around the tree, allowing space for its expansion.

iii) The tree is highly visible in its immediate surroundings including views from a major road, as seen in figures 1 and 2 above, photos taken from London Road.

b) If an applicant is unhappy with a decision made by the Council on any application for permission to carry out works to the tree, they have the right to appeal to the Planning Inspectorate.

c) The boundary wall has already been damaged to the point that repair/reconstruction is inevitable. Therefore, the existence of the TPO does not change the burden on either land owner. However, it does ensure that the

retention of the tree is duly considered when the problem of the damaged wall is addressed.

## **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.