

Committee Date	PSC1 – 25/11/21	
Address	Dalton Close, Oprington	
TPO No.	2742	Officer Paul Smith
Ward	Farnborough and Crofton	
Proposal	Confirmation of Tree Preservation Order (TPO) 2742	
Reason for referral to committee	Objection received	Councillor call in No
RECOMMENDATION	Confirmation without modification	

KEY DESIGNATIONS
Tree Preservation Order (TPO) 2742

Representation summary	Objection from agent.	
Total number of responses	1	
Number in support	0	
Number of objections	1	

1 SUMMARY OF REPORT

- To consider 1 objection received against the making of Tree Preservation Order (TPO) 2742.
- The trees make an important contribution to the amenity of the surrounding local area being a central focal point for a residential close.
- Members must determine whether to confirm the TPO or allow it to lapse.

2 LOCATION

2.1 The site is located off Tubbenden Lane, Orpington.

2.2 Tree Preservation Order (TPO) 2742 was made on 29th September 2021 to secure protection of two Birch trees on land in the centre of Dalton Close.

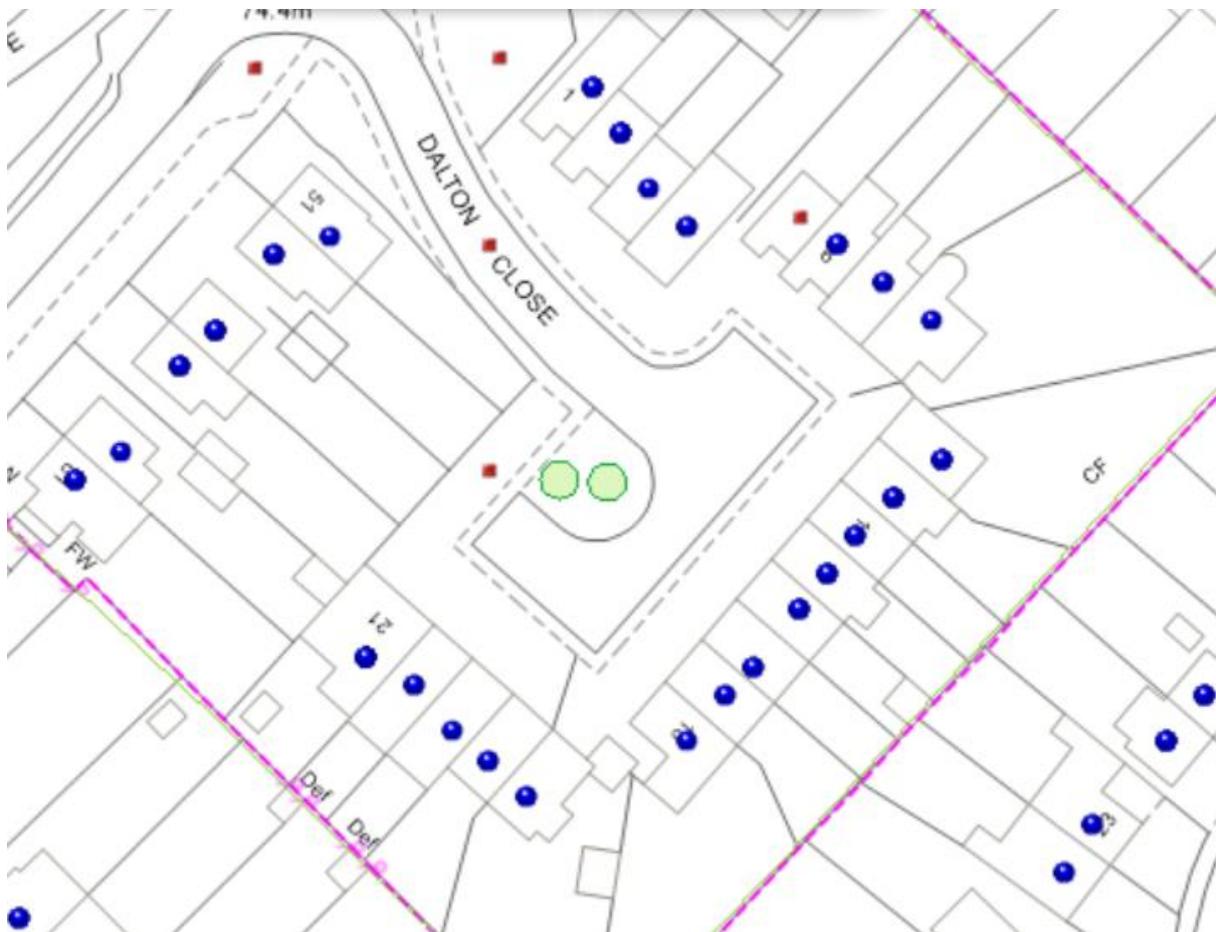


Figure 1 – Dalton Close



Figure 2 - View from Dalton Close.



Figure 3 – View from Dalton Close

3 RELEVANT PLANNING HISTORY

PREAPP/20/00266 Erection of two storey building comprised 2 x 3bedroom dwelling houses on land adjacent to 21 Dalton Close
Pre-application response sent

20/05107/FULL1 Erection of a two storey 4 bedroom detached dwellinghouse on land fronting 21 Dalton Close
Pending consideration

20/05256/PIP Permission in Principle for the erection of semi-detached property comprising of 2x three bedroom dwelling houses Under Part 2A of the Town and Country Planning Act 2017.
Pending consideration

4 CONSULTATION SUMMARY

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

4.2 One objection was received in the form of a report compiled by an Arboricultural consultant and is summarised below (a-g).

- a) The trees have limited public accessibility, being located within a close and screened by other trees.
- b) T1 is of fair condition and unlikely to improve in condition (i.e. has a reduced retention span.)
- c) T1 is leaning and has deadwood.
- d) T1 scores below the required number using a TEMPO assessment to merit a TPO.
- e) T2 is stunted and has stem damage.
- f) T2 scores below the required number using a TEMPO assessment to merit a TPO.
- g) It is not demonstrated that the loss of T1 or T2 would have a significant negative impact on the local environment and its enjoyment by the public.
- h) Some trees are growing close to a listed wall and may cause damage in future.
- i) The inclusion of a Woodland Order is counter-productive to improving the neglected area of self-set trees.

4.3 Officers have received a verbal request from the objector that the summary of the objection presented to members be fuller. Therefore, direct quotes of text from the objection report are included below.

“Tree 1 – The tree is an early mature tree – There is sweep and lean to the lower part of the tree trunk and a dominant single stem which bends in several locations throughout the tree to the tip. The canopy has some deadwood in a minor size category (less than 25mm). A google

street view of 2012 showed this tree of a similar size which has shown that the tree has not been vigorous, and this could be for various reasons such as poor soils or infection. The overall condition and health of the tree would be considered as fair from an arboricultural assessment.”

“Tree 2 – The tree is an early mature tree – The tree looks to have lost its main leader in the past and a new side shoot has taken over as the main leader and produced a new canopy. There is minor deadwood within the canopy and several wounds around the base of the tree. The original Arboricultural Impact Assessment concluded that the tree has less than 10 years of useful life and this report agrees. The tree is of a reduced size and suppressed by the other trees nearby. The overall condition and health of the tree would be considered as poor from an arboricultural assessment.”

“Tree 1 – This is an early mature Silver Birch tree, likely to be of an age of around 30 years. A Birch tree has a life span of 120 years and this has decreased in urban areas to about 70-90 years. Considering that the tree has put on very little growth in the past 9 years it is likely that the retention span is between 20-40 years.”

“Tree 2 – This is an early mature Silver Birch tree, likely to be of an age of around 30 years. The tree is suppressed, has had its main leader removed in the past and evidence of significant damage to the main trunk. It is likely that the retention span is <10 years.”

“The trees are in a public area, however this is within a close and only seen by 17 houses (those at the end of the close). The land is not used by the wider public as there are parking restrictions on the road which would reduce people from entering the Close. There are no other paths or walkways which would allow more public to view the trees. As the land is not seen by the wider public and therefore the area has limited value. For this reason, it would be acceptable to say the trees are only visible with difficulty as they would not be seen unless you drive into the road. There are also other trees on the land which have not been protected by the Tree Preservation Order. These are a Cherry and Sycamore tree. Both trees are larger than the Silver Birch trees and screen the protected trees from the wider public. Overall given the limited wider public views of the trees, they have only been given a score of 2.”

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“Part 2 – Expediency Assessment To continue, the assessment must have scored a minimum of 9 points. This is expressed in 4 terms and ranked in order from Immediate threat to tree (5), Foreseeable threat to tree (3), Perceived threat to tree (2), Precautionary only (1). Out of the trees which reached the score of 9 or above, it was seen that the making of the TPO was precautionary only. Neither Tree 1 or Tree 2 has scored 9. 4.3.9 Part 3 – Decision Guide This is expressed in 5 terms and ranked in order from 0 – Do not apply TPO, 1-6 – TPO indefensible, 7-11 – Does not merit TPO, 12-15 – Possibly merits TPO, 16+ Definitely merits TPO Tree 1 – overall score 8 – Does not merit a TPO Tree 2 – overall score 3 – TPO indefensible”

“During the site visit the possible removal of some trees which are growing close to or will cause future damage to the listed wall. The Arboricultural Officer agreed that these trees will need to be removed.”

“The area has been neglected for many years (as confirmed by the Arboricultural Officer on site), and this has led to the self set and growth of unwanted trees and vegetation. The intention is to bring this area back to its original look and to allow space around the mature trees to flourish. The inclusion of a woodland order will be counter productive to this.”

“Tree Preservation Guidance: Government have given clear guidance when making a Tree Preservation Order. The main reason to produce a Tree Preservation Order is to show that the trees have amenity value and that their loss would be noticed to the wider public. ‘Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.’ – Tree Preservation Orders and trees in conservation areas – Guidance”

“Visibility: ‘The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.’ – Tree Preservation Orders and trees in conservation areas – Guidance”

“On the basis of the above information and discussions, I summarise my objections as follows:-

- The land is open to the public but has limited value as it is at the end of a close with limited access.*
- The trees can only be seen by about 17 properties (although this is likely to be reduced further by houses that can clearly see the trees and gain some benefit from the trees).*
- Tree 1 has little growth in the last 9 years and there is a lean on the tree and deadwood.*
- Tree 1 is of fair condition and unlikely to improve in condition. Long term the tree is on a reduced life retention.*
- Tree 1 scored 8 overall and does not merit a TPO.*
- Tree 2 is a stunted tree with stem damage.*
- Tree 2 scored 3 overall TPO indefensible.*
- Tree Preservation Order guidance states that ‘Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public’. It is not demonstrated that the loss of Tree 1 or Tree 2 would have a significant negative impact.*
- The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public. In this case there is limited public access to this area and it can not be seen from the main road Tubbenden Lane. Due to this limited visibility then their loss would not be noticed by the wider public.*
- There are other trees in the same location (Cherry and Sycamore) which further screen these trees from the wider public.*
- Tree 1 is not a significant tree and its removal would not adversely impact on the wider public.*
- Tree 2 is of limited retention and has defects. The tree is not significant and hidden by other trees. Its removal would not adversely impact on the wider public.”*

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 29th September 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 trees has a suitable retention span and are prominent 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) The trees are a central focal point within a close comprising 21 dwellings. All residents and visitors to the close have a full view of the trees from the bases to the tops of crowns. The trees are fully publicly visible.
- b) The condition and retention span of T1 was considered within the TEMPO assessment carried out by Officers. The result of which indicated a TPO was merited.
- c) The angle of the stem of T1 does not reduce TPO worthiness, nor does the presence of any deadwood.
- d) The assessment carried out by Officers produced a score indicating a TPO was merited.
- e) The size and condition of T2 was considered within the TEMPO assessment carried by Officers. The result of which indicated a TPO was merited.
- f) The assessment carried out by Officers produced a score indicating a TPO was merited.
- g) It is considered that the loss of T1 and T2 would have a significant negative impact on the local environment and its enjoyment by the public, primarily the residents of and visitors to Dalton Close.
- h) There are no walls anywhere near T1 or T2.
- i) The TPO does not include a Woodland category, just two individual trees. The area is not neglected, nor containing lots of self-set trees.

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.