

Committee Date	3 rd February 2022		
Address	Oakhill House, 39 The Knoll, Beckenham, BR3 5JH		
Application Number	21/05316/TPO	Officer Chris Ryder	
Ward	Copers Cope		
Proposal	T1 Oak tree - Section fell as close to ground level as possible and replace.		
Applicant Mr Tom Hegan Oakhill House 39 The Knoll Beckenham BR3 5JH	Agent Trees UK Longfield Cottage Nash Lane Keston BR2 6AP		
Reason for referral to committee	Returning Committee item (PSC1)	Councillor call in	
RECOMMENDATION	Consent		

KEY DESIGNATIONS

Tree Preservation Order (TPO) 2736
Chancery Lane Conservation Area

Representation summary	
Total number of responses	0
Number in support	0
Number of objections	0

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- Members must decide whether to consent or refuse the proposed tree removal, based on the evidence submitted and the officer's assessment.

PROPOSAL

1. This application has been made in respect of an oak tree (T1) situated in the rear garden. The application has been made following the confirmation of Tree Preservation Order (TPO) 2736 at Plans-Sub-Committee 1 on 25th November 2021. The felling of the tree is proposed due to the proximity to the dwelling and general poor form/condition.



Figure 1 – Oak (T1)

LOCATION

2. The site address is comprised of a semi-detached, locally listed dwelling, located on the east side of the road. The property is located within the local conservation area and borders Bromley Road along the southern boundary. The boundary is lined with conifer hedging.

3 RELEVANT PLANNING HISTORY

- 3.1 Application 21/03526/FULL6 resulted in refused permission for 'Proposed 1st floor extension over existing side extension with balcony'.
- 3.2 Conservation area notice 21/04464/TREE proposed the felling of the subject oak tree. The TPO was made following the officer's evaluation.
- 3.3 Conservation area notice 19/03450/TREE resulted in no objections to:
1 x large Ash - Crown reduce upper canopy by approx. 2m and reduce side radial laterals by approx. 1m. Remove major dead wood, to shape accordingly.
1 x Oak tree - Crown reduce upper canopy by approx. 2m and reduce side radial laterals by approx. 1m. Remove major dead wood, to shape accordingly.
1 x small Ash tree leaning over neighbouring garden - Section fell to as close to ground level as possible.
2 x large Lime trees with cavities at base overhanging public footpath (both in dangerous condition) - Section fell to as close to ground level as possible.
1 x dead Sycamore stump - Section fell to as close to ground level as possible.
Crown lift remaining Lime trees to approx. 3-4m with emphasis over the public footpath. Remove major dead wood overhanging footpath and shape accordingly.
A selection of Leylandii (dead, dying and previously badly pruned) - Section fell to as close to ground level as possible.
A selection of the remaining Leylandii (adjacent to the Lime trees) - Crown reduce by approx. 30%, to remove selection of branches touching the branches of the lime trees.
1 x large Poplar tree in front garden overhanging public footpath - Repollard.
- 3.4 TPO 2736 was made on 5th August 2021 and later confirmed at Committee on 25th November 2021.

4 CONSULTATION SUMMARY

- 4.1 A site notice was sent to the applicant to be displayed in public view. No representations were received.
- 4.2 The report associated with the TPO confirmation should be referred to for summarised representations made in support and objection to the TPO. This may be viewed under the Calendar of Meetings section of the Council website.

5 POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

15. Conserving and enhancing the natural environment

5.2 The London Plan

G1 Green Infrastructure and Natural Environment
G7 Trees and Woodlands

5.3 Bromley Local Plan 2019

42 Conservation Areas
73 Development and Trees

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

Section 18

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

Paragraph 020 – 057

6 CONSIDERATIONS

- 6.1 The TPO was made on 5th August 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. In summary, the combined scores for tree condition, public visibility, retention span, any special factors and threat level were sufficient enough to defend the making of the TPO. The presence of the oak tree in the conservation area was an important consideration of the evaluation.
- 6.3 The Order would not prevent future works from being carried out, but it requires that the Council's consent be gained prior to tree removal 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 A site visit took place on Friday 12th to follow up on the earlier inspection. The site visit was considered necessary in response to the objections received. Officer observations concur with the findings of the arboricultural consultant (Marcus Foster). A closer assessment of the tree has impacted the evaluation made from the public domain. The tree has been managed poorly in the past and is situated close to the listed dwelling. The dwelling is notable older than the tree and is therefore a key consideration as part of the conservation area objectives.
- 6.5 The overall condition of the tree, proximity to the dwelling, poor form and future management requirements have resulted in a recommendation to allow the TPO to lapse. The land owner has proposed a list of replacement trees. Whilst this cannot be forced as part of this decision, members may wish to allow the confirmation to ensure a replacement tree can be followed up as part of a planning condition. At this stage, the TPO is no longer sufficiently justified, and members are reminded of the use of a TPO for necessary circumstances in view of the resources available.
- 6.6 Members are recommended to consent to the felling of the tree, subject to condition replacement planting as set out in the recommended decision.

7 CONCLUSION

- 7.1 In this instance, the tree is not considered of sufficient amenity value to continue to preserve. It would be unreasonable for the Council to oppose the felling of the tree based on the defects of the tree and issues raised.

7.2 Replacement planting is considered a satisfactory compromise. A list of recommended replacement planting options was submitted as part of the TPO objection:

PROPOSED REPLACEMENT 01

Location: Rear of property

Proposed species: To be confirmed from species list below

Corylus colurna (Turkish hazel)

Betula nigra (River birch)

Gleditsia triacanthos 'Inerims' (Honey locust)

Liquidambar styraciflua 'Worplesdon' (American sweet gum 'Worplesdon')

Ulmus 'New Horizon' (Elm 'New Horizon')

PROPOSED REPLACEMENT 02

Location: Front / Side of property

Proposed species: To be confirmed from species list below

Cercis canadensis 'Forest Pansy' (Forest Pansy)

Magnolia 'Yellowbird' (Magnolia)

Amelanchier arborea 'Robin Hill' (Snowy mespil)

7.3 One tree species from the suggested list is more appropriate than the others in replacing the subject tree and providing future amenity. Disease resistant elm are available and may provide similar aesthetical benefit, whilst not threatening to outgrow the context of the garden space.

7.4 Members are recommended to consent to the application and agree the replacement planting under condition.

RECOMMENDATION: CONSENT

T1 Oak tree - Section fell as close to ground level as possible and replace.

CONDITIONS

1. TL14 Tree Consent – Commencement

The tree works hereby granted consent shall be carried out within 2 years of the date of this decision.

Reason: In order to comply with Policy 73 of the Bromley Local Plan and in the interest of good arboricultural practice and the visual amenities of the area.

2. A replacement Elm tree (*Ulmus Spp.*) of standard size, rootballed or container grown, shall be planted in the rear garden. Planting will take place within 12 months of the removal of the tree(s). Any replacement tree which dies, is removed or becomes seriously damaged or diseased within 5 years of the date of this consent shall be replaced in the next planting season with another of similar size and species to that originally planted.

Reason: In order to comply with Policies 37, 73 and 74 of the Bromley Local Plan and in the interest of the visual amenities of the area.

INFORMATIVES

1. You are advised that formal consent is not required for the removal of deadwood, dangerous branches and ivy from protected trees.