

Committee Date	PSC1 – 03/02/22	
Address	Land adjacent to 27 Holbrook Lane, Chislehurst	
TPO No.	2727	Officer Paul Smith
Ward	Chislehurst	
Proposal	Confirmation of Tree Preservation Order (TPO) 2727	
Reason for referral to committee	Objection received	Councillor call in No
RECOMMENDATION	Confirmation without modification	

KEY DESIGNATIONS
Tree Preservation Order (TPO) 2727

Representation summary	Objection from landowners.	
Total number of responses	2	
Number in support	0	
Number of objections	2	

1 SUMMARY OF REPORT

- To consider 2 objections received against the making of Tree Preservation Order (TPO) 2727.
- The trees make 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 site is located on Holbrook Lane, is bordered by residential properties on either side and is within a Conservation Area.

2.2 Tree Preservation Order (TPO) 2727 was made on 11th October 2021 to secure protection of five individual trees and two groups of trees.



Figure 1 – Land adjacent to 27 Holbrook Lane

3 RELEVANT PLANNING HISTORY

19/05161/FULL1 Land adjacent to 27 Holbrook Lane - Erection of two storey 5 bedroom dwelling with accommodation in roof space and double garage
Application refused. Appeal Dismissed

21/03439/FULL1 Land adjacent to 27 Holbrook Lane - Erection of a two storey 5 bedroom dwelling with accommodation in the roof space and double garage
Pending consideration

21/02701/TREE 27 Holbrook Lane - T23 Oak tree - Trim back branches that overhang property by 6-8m. T26 Oak tree - Trim back minor branches and tidy up generally the overhang by 2-3m.
TPO authorised

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 The objections are summarised and quoted below (a-g), responses to which are given under 7 below.

- a) TPO 2727 *“was initiated by a non local resident who lives in Yester Road and therefore his views should be discounted.”*
- b) All the trees are located within the Conservation Area so are afforded a degree of protection.
- c) The contribution to public amenity of the subject trees is limited since they are located off a private road.
- d) T5 has been categorised as Cat C, is triple stemmed, has lost the fourth stem, has decay at the base and has only *“fair structural condition.”*
- e) G1 has been the subject of a potential subsidence claim from the neighbouring property, 33 Holbrook Lane. A report states that one of the Sweet Chestnut trees may cause subsidence in the future and, therefore, *“cannot be included in any TPO”*.
- f) The trees comprising G1 have been categorised within a report by an arboriculturalist as Cat C, *“in fair condition”* with *“limited lifespan”*, and one as Cat U, with *“considerable dieback”* and in *“poor condition”*.
- g) The trees that comprise G2 are *“not healthy specimens and are dying so should not be placed under any TPO as remedial works will be needed in the near future to avoid safety issues.”* Of the trees comprising G2, one has been categorised by the same report as mentioned above as Cat U and one as Cat C, with all trees being *“close to each other”* and so having a *“limited life span.”*

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 11th October 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 tree(s) merited preservation. In summary, the tree(s) benefit from a suitable retention span and prominence 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) If a resident from a different road had requested the Council give consideration to the creation of a TPO in Holbrook Lane, the assessment made by the Officers would be the same as if the request had come from a resident in Holbrook Lane. Furthermore, any decision to make or not make a TPO as a result would be equally valid. In this case, the TPO was actually a response to a s211 notification of intent to carry out works to trees in the Conservation Area that involved harsh pruning of trees located on Land adjacent to 27 Holbrook Lane (21/02701/TREE) and the applications to build upon the latter (See 3 Relevant Planning History above.)
- b) The implication of this point of objection is that the TPO is not required since the trees are already subject to protection. However, the TPO was made in response to known threats; i.e. a s211 notification of intent to undertaken harsh pruning of branches overhanging no.27 and proposals for development of the land that would involve tree felling. Had the TPO not been made the excessive pruning proposed under 21/02701/TREE could have been lawfully undertaken. Furthermore, notification of intent to carry out felling of trees on Land adjacent to no. 27 is anticipated due to the intention to develop the plot.
- c) Holbrook lane is the only link between parts of the LBB street network, i.e. between Barnard Close, Cardinal Close, Poyntell Crescent and Bull Land/Shepherds Green. To the south of the subject plot of land there are approximately 68 dwellings in the road, two Closes and Crescent. Furthermore, the south end of Holbrook Lane links to footpaths on St Pauls Cray Common, allowing a pedestrian link from the common to Bull Lane/Shepherds Green. The trees on the Land adjacent to no. 27 are visible from the carriageway and surrounding dwellings. Accordingly, the degree of public visibility as assessed by Officers indicated that a TPO was merited.
- d) The categorisation referred to is based on the British Standard (BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations.) This system of categorisation is designed to assess whether individual trees should pose a constraint to development. It is not designed to measure TPO worthiness. Furthermore, it is not the most appropriate measure of the collective value of a groups/area of trees since it encourages each tree to be assessed individually to highlight variation in attributes. Therefore, its inclusion in any discussion here may be useful up to a point but should certainly not be considered determinative of TPO worthiness. T5 is an aged (as evidenced by its 1m+ stem

diameter) Sweet Chestnut in perfectly good health. Such aged trees greatly contribute to the character of an area in a way that any newly planted replacement or smaller/shorter-lived species cannot match. Accordingly, Officers' assessment indicated that a TPO was merited.

- e) The report referred to under this point of objection states that at the time it was written the trees were not the cause of subsidence damage. Therefore, this presents no restriction to their protection by TPO.
- f) See point d) above regarding the relevance of this form of categorisation. This point of objection seeks to assess the TPO worthiness of the individual trees within a group. However, the group as a whole is what has been considered worthy of protection. This is one reason why BS5837 categories for individual trees are not appropriate as a measure of TPO worthiness. One could pick apart a whole woodland and find each component tree was a poor specimen not worthy of protection by itself, yet the collective can clearly have great value. The assessment carried out by Officers produced a score indicating a TPO was merited for G1.
- g) See f.) The assessment carried out by Officers produced a score indicating a TPO was merited for G2.

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.