

Committee Date	28/09/23	
Address	Land Rear Of 175 To 205 Kings Hall Road Beckenham	
TPO No.	2888	Officer Paul Smith
Ward	Penge & Cator	
Proposal	Confirmation of Tree Preservation Order (TPO) 2888	
Reason for referral to committee	Objection received	Councillor call in No
RECOMMENDATION	Confirmation without modification	

KEY DESIGNATIONS
Tree Preservation Order (TPO) 2888

Representation summary	One objection from a person claiming to be the leaseholder.	
Total number of responses	1	
Number in support	7	
Number of objections	1	

1 SUMMARY OF REPORT

- To consider 1 objection received against the making of Tree Preservation Order (TPO) 2888
- 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 trees are located within a plot of privately owned land adjacent to the London Borough of Bromley's Cator Park.
- 2.2 Tree Preservation Order (TPO) 2888 was made on 7th June 2023 to secure the protection of all trees of any species with the area marked W1.



Figure 1 –

Land Rear Of 175 To 205 Kings Hall Road Beckenham



Figure 2 - View from within the site prior to the TPO being served



Figure 3 – View from within the site after the TPO was served

3 RELEVANT PLANNING HISTORY

An Injunction Order that relates to the whole of the land protected by TPO 2888 has been in effect from 6th July 2023. It orders that the defendants be forbidden from cutting etc. any tree protected by TPO 2888.

There is an ongoing investigation (EN/23/00368/TREES) into unauthorised works to trees protected by TPO 2888. The owners of the land have been informed of their duty to plant replacement trees.

4 CONSULTATION SUMMARY

4.1 The TPO was served on the landowners/occupiers/leaseholders/freeholders by email and recorded delivery. A site notice was posted on the gate to the land. Immediate neighbours were notified in writing of the TPO service.

4.2 An objection from a person identifying as the leaseholder of the land was received in two emails and is summarised as follows:

- a) *“the order is being imposed due to undue influence from local individuals who have been unlawfully trespassing on private land in order to exploit its resources for personal gain.” “the order is being imposed due undue influence from the local troublemaker trespassers who had been trespassing the private land to gain their unlawful benefits from the land”*

- b) *“it is evident that no proper consideration has been given to relevant policies and guidelines prior to proposing the order.”*

- c) *“The lack of adequate justification or reasoning for the proposed order further raises concerns.” “no reasons or adequate reasons have been given for the proposed order”*

- d) *“the imposition of a blanket tree preservation order on private land, [...], is a violation of the law.” “implementing a blanket policy for the entire site would be unlawful.” “to place a blanket tree preservation order on a private land with the prospect of it being used for the benefit of the local youth community is unlawful.”*

- e) *“This private land has not been utilized to its full potential for the benefit of the community”. “We have plans to develop the land for the betterment of the local community by establishing a multi-sports and field activities facility that aligns with its current use.” “In order to fully utilize the land, it is crucial that*

some of the trees be removed. However, if deemed necessary, any trees that are removed will be replanted on the site accordingly. Our objective is to provide future generations within the community with the opportunity to participate in team sports from a young age. In addition to the physical health benefits sports offer, they also foster social, mental, and physical skills. They bring the community together, encourage socialization, and facilitate meaningful connections. In an area such as Bromley, there is a significant amount of unrecognized talent, and our aim is to offer the youth in Bromley and the surrounding areas the chance to develop their potential and provide them with a promising future. Currently, there are no other multi-sports facilities in the vicinity that offer the same level of drive, direction, and opportunities as our organization. Our inclusive sports club is comprised of coaches from diverse backgrounds and is dedicated to providing equal opportunities to individuals of all races, ethnicities, and social statuses. As you are aware, the existing usage permitted on the ground is for sports activities, and sports clubs in the area have limited membership capacity. However, our club will operate on a daily basis, ensuring engagement for individuals of all ages and providing as many people as possible with the opportunity to become part of the club. This can only be achieved if the aforementioned land has the capacity to accommodate a large number of individuals and run multiple sports clubs for different age groups and skill levels simultaneously.

- f) *“The presence of trees currently obstructs the required space and significantly hampers the intended use of the site, as a sports pitch necessitates a level surface free from any obstructions, such as trees.”*

4.3 Immediately after service 7 comments in support of the TPO were received.

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 Council received 40 separate requests for a TPO to be served.
- 6.2 The TPO was made on 7th June 2023 in accordance with The Town and Country Planning Act 1990 sections 198 – 202G.
- 6.3 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 comprise an emerging Oak woodland on unmanaged land adjacent to an LBB park.
- 6.4 The Order does not prevent future works from being carried out, but it requires that the Council's consent be gained prior to carrying out tree work. 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.
- 6.5 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.
- 6.6 On 10th June 2023 a number of the trees protected by the TPO were felled as shown in figure 3. An enforcement investigation is ongoing. The owners of the land have been informed of their duty to replace each tree felled.
- 6.7 Despite the felled trees, the continued existence of the TPO is valid, appropriate and necessary to prevent further works, regardless of any proposed/intended/desired future potential uses of the land.

7 RESPONSE TO OBJECTION

The follows points a) to f) correspond to the objection points listed under 4.1

- a) As stated in 6.2, the Order was served following an assessment of TPO worthiness carried out by LBB tree officers.
- b) The TPO was served in accordance with the policies and awareness of the guidance listed in section 5.
- c) In accordance with The Town and Country Planning (Tree Preservation)(England) Regulations 2012 the regulation 5 notices (covering letters) that were served on those listed in 4.1 stated that the reason for the TPO was to preserve the amenities of the area, in accordance with Policy 73 of the Council's Local Plan (Adopted in January 2019).
- d) The service of the TPO is lawful regardless of whether the land is privately owned. The service of the TPO is lawful regardless of whether it is a woodland/area/group/individual category. The service of the TPO is lawful regardless of any proposed/intended/desired future potential uses of the land.
- e) The existence of the TPO does not prevent the landowner from submitting planning applications. The continued existence of the TPO is valid, appropriate and necessary to prevent further works, regardless of any proposed/intended/desired future potential uses of the land.
- f) See e).

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.