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| **Committee Date** | 09.11.23 | |
| **Address** | 1 Kelsey Way<br>Beckenham<br>BR3 3LP | |
| **Application Number** | 23/01152/TPO | **Officer** - Christopher Ryder |
| **Ward** | Kelsey And Eden Park | |
| **Proposal** | Oak tree in rear garden - Remove.<br>SUBJECT TO TPO 2667 (27.8.2019) | |

| **Applicant** | **Agent** |
|---|---|
| Mr Eoin Cosgrave | |
| 1 Kelsey Way<br>Beckenham<br>BR3 3LP | |

| **Reason for referral to committee** | Special Interest | **Councillor call in**<br><br>No |
|---|---|---|

| | |
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| **RECOMMENDATION** | Consent |

KEY DESIGNATIONS

Tree Preservation Order (TPO) 2667
Smoke Control SCA 18

| **Representation summary** | One objection was received |
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| Total number of responses | 1 |
| Number in support | 0 |
| Number of objections | 1 |

## 1 SUMMARY OF REPORT

- Members must determine whether to consent or refuse the proposed felling of the subject oak tree considering the supporting evidence.

## 2 LOCATION

2.1 The application site hosts a two storey detached dwelling on the southern side of Kelsey Way, close to the junction with Manor Way. There are no restrictive designations at the site and the property does not fall within adjacent conservation area.

**Figure 1 – Oak (T1)**

## 3 RELEVANT PLANNING HISTORY

3.1 The TPO was made 27.08.19 and confirmed on 04.10.19.

## 4 CONSULTATION SUMMARY

One supporting representation was received:

4.1 "It would be a great shame to lose such a large oak tree that has been standing for hundreds of years without making every effort to save it. A second opinion should be sought and the Council's own tree experts should visit and assess the tree, perhaps carrying out their own tests if possible. I hope some remedial action can be taken to preserve this oak. After the intense heat of last summer, perhaps it needs to be re-fertilised and extensively watered. Given that two large branches came down after the big storm in 2019, perhaps some reshaping or reduction. This oak tree is very much part of the local landscape and is only very narrowly outside the Manor Way conservation area. Please try to save it."

## 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 CONSIDERATIONS

6.1 Tree Preservation Order (TPO) 2667 was applied to the mature oak tree to the rear following a threat established by neighbouring residents. Since then a new owner has moved into the property and has had the tree inspected by two independent arboricultural consultants. The outcome of one of the inspections has resulted in the proposed felling to address the risks outlined within the appended report.

6.2 Officers made a site assessment on 11th July 2023 to carry out resistograph drill testing of the tree. The resistograph is an instrument that detects decay and cavities in trees and timber. Through resistograph technology, an arborist is able to detect wood decay, stages of rot, hollow areas, cracks and ring structure. The resistograph is an ideal device for estimating tree stability and longevity.

6.3 The results are consistent with the findings set out by the advising arborist, in the appended assessment report. The presence of a white rot fungus (*Grifola frondosa*) has is identified as a concern, due to the impact on the tree's structural integrity. The fungus is a slow decay fungus, but significant to the living wood. The large cavity on the Southern aspect has impact the overall stem strength and is below the safe ratios of mechanical stress. This is demonstrated by the equations of stem diameter measured against decayed wood.

6.4 The tree is positioned adjacent to the rear boundary, with the neighbouring dwelling at 4 Little Acre being 1m beyond the boundary fence. The tree is leaning into the direction of the fenceline.

## 7 CONCLUSION

7.1 Considering the location and the risks quantified, the defect present poses a threat to the surroundings. The large cavity has impacted the retention span significantly. Whilst the remaining sound wood is coping with environmental stresses, there is little that can be done in remedy.

7.2 Reduction works would only reduce the wind sail by a degree but would impact the leaf coverage that would likely result in stress response and decline. A 4m crown reduction has been considered, but this would leave minimal growth points for response growth. The canopy has already been observed thinner than would be expected on an oak tree of normal vitality.

7.3 The applicant has already demonstrated responsible management by way of the survey report carried out by the advising arboricultural consultant. In this instance the Council are not advised to risk liability by refusing the application

**RECOMMENDATION: CONSENT**

Oak tree in rear garden - Remove.
SUBJECT TO TPO 2667 (27.8.2019)

**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 oak tree or trees of standard size shall be planted within 2m of T1 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.

   **INFORMATIVE**

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