

<b>Committee Date</b>	11 <sup>th</sup> July 2024		
<b>Address</b>	2 Parkside Avenue, Bickley, Bromley, BR1 2EJ		
<b>TPO No.</b>	2949	<b>Officer</b>	Chris Ryder
<b>Ward</b>	Bickley		
<b>Proposal</b>	Confirmation of Tree Preservation Order (TPO) 2949		
<b>Reason for referral to committee</b>	Objections received & wider public interest		<b>Councillor call in</b> No
<b>RECOMMENDATION</b>		Allow TPO to lapse	

<b>KEY DESIGNATIONS</b>
Tree Preservation Order (TPO) 2949

<b>Representation summary</b>	Objections received including the tree owner of No. 2 Parkside Avenue	
Total number of responses	3	
Number in support	0	
Number of objections	3	

## **1 SUMMARY OF REPORT**

- 1.1 The trees are a highly visible feature of the local street scene.
- 1.2 Objections have been received against the making of the Tree Preservation Order (TPO), including the tree owner.
- 1.3 Several issues have been raised against the trees remaining.
- 1.4 The trees have been pollarded and now are in a state of recovery.
- 1.5 Members must determine whether to confirm the TPO or allow it to lapse.

## **2 LOCATION**

- 2.1 The lime trees (G1) are located in the front garden of No. 2 Parkside Avenue and are visible from both approaches along the cul-de-sac.



**Figure 1 – Lime tree x 2 (G1) in winter**



**Figure 2 - Lime trees x 2 (G1) summer**

### **3 RELEVANT PLANNING HISTORY**

- Single storey front extension

Ref. No: 13/01995/FULL6 | Status: Application Permitted

- x2 Lime trees at the front of 2 Parkside Avenue - Fell one tree on the left hand side of the property (see online plan). SUBJECT TO TPO 2949 (9.2.2024)

Ref. No: 24/01764/TPO | Status: Pending Consideration

- x2 Lime trees at the front of 2 Parkside Avenue - Remove all basal growth and crown lift by the removal of epicormic growth to a height of 5m measured from the base of each tree, as frequently as required for a period of 10 years. SUBJECT TO TPO 2949 (9.2.2024)

Ref. No: 24/01890/TPO | Status: Consent (e.g.tree works, haz subs)

- x2 Lime trees at the front of 2 Parkside Avenue - Crown lift to a height of 10m as frequently as required for a period of 10 years. SUBJECT TO TPO 2949 (9.2.2024)

Ref. No: 24/01890/TPSPLD | Status: Application Refused

### **4 CONSULTATION SUMMARY**

- 4.1 The land owners/occupiers were served the TPO by hand delivery.

4.2 3 objections were received and can be summarised as follows:

- a) Risk of damage to properties.
- b) Safety concerns.
- c) Management related stress and anxiety.
- d) Height reduction carried out to address the risk of failure, before TPO made.
- e) Clearance issues.
- f) Light loss.
- g) Maintenance costs.
- h) Damage to cars parked.

## **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 9<sup>th</sup> February 2024 in accordance with The Town and Country Planning Act 1990 sections 198 – 202G. The matter was raised due to knowledge of the intent to fell the trees.
- 6.2 Further to a visual assessment, the trees are public visible, retention span is impacted by the harsh management, but due to maturity, preservation was still merited.
- 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 considers the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the tree.
- 6.4 The trees were formerly boundary trees set in a large garden, associated with the former detached dwelling that stood before the re-development of the cul-de-sac. The trees were retained as features and have continued to mature and outgrow the current context of a front garden.
- 6.5 Considering the impact upon the tree owner's property, a balanced decision needs to be made on the positive contribution the trees make to the locality and the negative impact upon the resident's home.
- 6.6 The Council has objectives and policies to support tree preservation in all possible scenarios. Sufficient justification needs to be presented to justify tree loss.
- 6.7 The duty of replacement would only be set down, should planning conditions be attached to a formal planning permission. The decision to confirm the TPO does not carry conditions.
- 6.8 Members are recommended to allow the TPO to lapse in this instance, respecting the objections made and the current situation.
- 6.9 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.

## **7 RESPONSE TO OBJECTIONS**

- 7.1 The points made in the received objections have been considered in forming this recommendation.

## **8 CONCLUSION**

- 8.1 The TPO will cease to be valid upon expiry of 6 months from the date of service.

- 8.2 Should members wish to confirm the TPO, a level of management may be considered reasonable, should a justified application be submitted.
- 8.3 Members are advised to allow the TPO to lapse as recommended, for the reasons set out.

**RECOMMENDATION:** Allow TPO to lapse