



# Quaife Woodlands

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26<sup>th</sup> January, 2019

Our Ref: AR/3724f/jq

The Planning Inspectorate,  
4/11 Eagle Wing,  
Temple Quay House,  
2 The Square,  
Temple Quay,  
Bristol. BS1 6PN

## **ARBORICULTURAL APPEAL STATEMENT**

**against the refusal of planning consent at:**

**Trees, Coniston Road, Bromley, Kent, BR1 4JB**

**London Borough of Bromley reference DC/18/20909/FULL1**

For: Demolition of existing dwelling and detached garage and erection of a three storey terrace of 5 no. dwellings (2 x 4 bedrooms and 3 x 3 bedrooms) with associated car parking, landscaping, cycle and refuse storage.

### **CONTENTS**

	Page
1. Arboricultural Ground of Refusal	2
2. The Tree Preservation Orders	3
3. Conclusion	6

### **APPENDICES**

QWA	Arboricultural Report AR/3724 submitted with the planning application
QWB	Decision Notice
QWC	Delegated Officers' Report
QWD	The Tree Preservation Orders
QWE	TPO No.9, 1960
QWF	TPO No.2382, 2010
QWG	TPO Identification Enquiry to LBB
QWH	Core Sample Analyses

Documents referred to:

**BS5837:2012, Trees in relation to design, demolition and construction – Recommendations**

**BS8545:2014, Trees: from nursery to independence in the landscape – Recommendations**

Abbreviations introduced in [square] brackets are used thereafter.

## 1. Arboricultural Ground of Refusal.

- 1.1 The Notice of Refusal of the London Borough of Bromley [**LBB**] (Appendix QWB) cites two grounds. The first relates to car parking, and the second to trees which for ease of reference I have reproduced below.
  - 2 The proposed development would result in the loss of protected trees to the front of the site which in the interests of amenity and environmental importance are considered desirable to maintain contrary to Policy NE7 of the Unitary Development Plan, Draft Policy 73 of the Proposed Submission Draft Local Plan and Policy 7.21 of the London Plan
- 1.2 The two trees in question are an oak and a whitebeam growing within a raised bed contained within a waist-height stone retaining wall. The arboricultural officer's comment about tree removal in the Delegated Decision Report (Appendix QWC, page 12) only relates to these two trees (with no reference to any Tree Preservation Orders), and of the three policies cited as supporting the objection, (NE7, H7 and BE1), only NE7 is included in the refusal notice. The other ground of refusal relates to car parking, but significantly there is no dissention that this site is available for development, or that the proposed layout is unacceptable and accordingly the proposed density is such that the site is to be used efficiently, as necessitated.
- 1.3 The Policy UDP Development and Trees NE7 is written as below:

### **DEVELOPMENT AND TREES** **POLICY NE7**

***Proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained. Tree preservation orders will be used to protect trees of environmental importance and visual amenity. When trees have to be felled, the Council will seek suitable replanting.***

7.24 Trees are important features of the Borough's environment and are a valuable resource for wildlife. The Council places a high priority on their retention and protection. They can be protected, if they are reasonably healthy and of public amenity value, by the making of a Tree Preservation Order (TPO) which can relate to individual trees, groups of trees or areas of woodland. It is an offence to fell, top, lop or wilfully destroy any tree covered by a TPO without the prior written consent of the Council although the Town and Country Planning Act 1990 does provide for certain exceptions. Numerous trees and woodlands throughout the Borough are protected by TPOs. In addition, trees in Conservation Areas are protected even where they are not covered by a TPO.

7.25 When works are proposed to be carried out to protected trees and woodlands the Council will seek appropriate management. It will encourage their maintenance in a healthy condition as well as ensuring that they remain visually attractive. Where suitable replanting is required this will usually involve the use of heavy nursery stock, where appropriate of local provenance. A strategy to guide new woodland planting and management is set out in 'Bromley's Woodland Future', published in 1994 by the Council.

7.26 When considering development proposals the Council will seek the retention and the long term health and stability of as many trees as possible. Where trees are retained within new development sites, they can help to create a settled appearance to the landscape while newly planted trees will take a number of years to reach maturity. Guidance on planning of new development close to trees is set out in British Standard BS5837: 1991, a 'Guide for Trees in Relation to Construction'.

(1.3 continued)

7.27 When development is carried out, the Council will require the submission of a site survey, accurately showing the positions, species, heights, root plates, spreads and canopies of all existing trees and large shrubs. The trees to be retained should be indicated, as should the existing and proposed levels. In addition, details of all underground works to show the likely impact on tree roots will be expected to be submitted. In granting planning permission for new development where trees are to be retained, the Council will ensure that these trees are given appropriate protection during the building works through the use of planning conditions.

1.4 This policy only refers indirectly to the removal of trees in the third sentence of 7.25 by mentioning “*replanting*” requirements (i.e. replacement planting for trees removed), but the justified removal of TPO trees for development is allowed by LBB.

1.5 The Ground of Refusal refers specifically to the trees “*to the front of the site*”, and whereas there are two road frontages (to Coniston Road and Elstree Hill), this can only refer to the Coniston Road frontage as that is the address.

1.6 With reference to the Schedule of Trees at Appendix A and the plan at Appendix B in Appendix QWA, T26 shown to be removed is a dying cherry and hawthorn T25 is to be pruned and not removed. Accordingly this reference can only realistically refer to the removal of the oak T27 and whitebeam T28.

## **2. The Tree Preservation Orders.**

2.1 LBB’s website contains an interactive map which includes details of Tree Preservation Orders [TPO] and my initial research of it was in April, 2018.

2.2 The interactive map on the LBB website at that time showed a blue peg and four circles (paragraph 6.2, Appendix QWA). Clicking on the blue peg indicated that part of the appeal site is the subject of TPO No.9 1960 which is a larger Area category. An Area category is supposed to be a temporary protection measure to include all trees within the drawn TPO boundary, regardless of whether they might merit protection on an individual basis. The intention is for an Area TPO to be applied as a matter of urgency and in due course to be replaced by a TPO identifying specific trees, groups of trees and woodlands. That this has not happened is not that unusual in local planning authorities, but one must bear in mind that the TPO was made 58 years ago. Any tree not present at the time the TPO was made is not protected.

2.3 The citation for the TPO indicated by the blue peg on the Council’s interactive TPO map is as follows: (Appendix QWD)

LAND BETWEEN LONDON ROAD AND MADEIRA AVENUE BROMLEY  
THE SEVERAL TREES OF WHATEVER SPECIES MAINLY OAK BIRCH MOUNTAIN ASH BEECH HORSE  
CHESTNUT ARAUCARIA SCOTS PINE SYCAMORE CEDAR ELM BLACK AND LOMBARDY POPLAR  
ASH LIME YEW CUPRESSUS MACROCARPA AND CUPRESSUS LAUSONIANA  
Created: 07-11-1960

- 2.4 When clicked upon, each of the four circles on the interactive map just repeated the panel which appeared for the blue peg. (I had no reason to make a copy of the entire page at that time). The locations of circles 1, 2 and 3 (Appendix QWD) are not actually on the appeal site, but I assumed that 1 and 2 related to the large mature beech and acacia within 42 Elstree Hill (Appendix B of Appendix QWA). The position of circle 3 in relation to circle 2 meant that it was not within the appeal site, although there is no obvious tree visible that may have merited a TPO.
- 2.5 The strip of trees along the Elstree Hill frontage is listed in the TPO 2010 as Group G1 and is identified as such on the interactive map (paragraph 6.2, Appendix QWA), available at the time I prepared my report. There is no mention of the whitebeam or oak.
- 2.6 The planning application was submitted on the 26<sup>th</sup> June 2018 with my report (Appendix QWA) as one of the supporting documents. The oak T27 and whitebeam T28 are growing within a raised bed contained within a wall of brick and stone. The whitebeam has four stems which appear to emanate from below the soil level. There is no visible root collar on any of the stems. (A root collar is the point at ground level where the bark structure changes from where it is adapted to a subterranean environment, to one which is adapted to an aerial environment.) Whereas bark below the root collar can exist above ground, aerial bark covered by soil can be degraded as the micro-environment provided allows for potentially invasive organisms to exist that would otherwise not be present. In severe cases this can lead to the dysfunction of the cambium below the bark, which effectively ring-barks the stem and can lead to the death of the tree.
- 2.7 However, the root collar being below the soil level appears to have been the situation for some while and the whitebeam is in good condition. It may well have been that the bed was constructed around the tree, or possibly was a lower bed and had been raised subsequently. The whitebeam is the common native variety *Sorbus aria* and not an ornamental cultivar.
- 2.8 The oak T27 is growing against the southern end of the bed and there is a large lateral root growing northward alongside the top of the wall (second photograph page 2 of Appendix QWH). This has more obviously grown in the current soil level as the root collar is visible.
- 2.9 To my mind the two trees have limited potential, but in accordance with the requirements of BS5837, I graded them as 'B' (see Appendix A and footnote on page 4 of Appendix QWA). This is because there is nothing wrong with them and although they have limited potential, if nothing were to change on the site and their growing circumstances were not altered, I could not argue that their life expectancy would be less than 20 years.
- 2.10 The determining criterion was whether these two trees are of sufficient landscape merit to compromise the efficient use of the site for development purposes?
- 2.11 The application was refused on the 23<sup>rd</sup> August, but the layout (which is entirely logical given the disposition of the site) has been agreed by LBB and is not a ground of refusal.

- 2.12 At this point I was intrigued by the TPO which was made at the end of 1960 (Appendix QWE) as to be protected the whitebeam and oak had to be present at that time. This would make the two trees at least 58 years old, which to me they did not appear to be.
- 2.13 Confident on the basis of the LBB's interactive map that the only TPO which applied was the Area Order and that the trees were younger than 58 years, on the 7<sup>th</sup> November I took core samples with a Pressler Borer from each of the trees (this is a tool by which one can extract a 4mm diameter rod of wood). The results are set out at Appendix QWH and I estimate that they are both about 50 years old. I have erred on the side of caution and added 3 years for the trees to have reached the height of the core sample (whether naturally seeded or nursery stock), but they are clearly younger than the Area TPO and thus not protected by it.
- 2.14 On this basis there was a case to fell the trees, but as a matter of principle this is not an action which I would have recommended to my client.
- 2.15 More pertinently there remained this anomaly of the circles on the interactive TPO map and so on the 12<sup>th</sup> November I submitted a formal enquiry of LBB through the required e-mail procedure, as I have reproduced on page 1 of Appendix QWG.
- 2.16 Some five weeks later on the 20<sup>th</sup> December I received a telephone call from the LBB's arboricultural officer Chris Ryder to the effect that there is a TPO (No.2382, 2010) on the whitebeam, but not the oak. I have included this TPO at Appendix QWF, but I have received no written confirmation of the telephone conversation.
- 2.17 There are three aspects to this.
- i) The refusal notice does not identify the specific protection I refer to, and as the oak is not protected it is technically incorrect.
  - ii) This may indicate that the whitebeam was in fact "buried" and consequently my core sample was taken at a height that may have been perhaps a metre or so above ground level, which means that it may be older than the core sample indicates.
  - iii) The interactive map has been updated since my initial search and enquiry.
- 2.18 My TPO analysis confirms the protected status of the whitebeam T28, but there is no evidence to demonstrate that the oak T27 is protected either by the Area TPO of 1960 as it is too young, or the 2010 TPO as it is not included within it.
- 2.19 As the Area TPO is extant, it is interesting that a separate TPO was made upon the whitebeam, but I am not in a position to speculate as to why this seemingly unnecessary TPO was made, although it does include Group G1 (Appendix QWF) which is not included in the Area TPO.

- 2.20 Notwithstanding this confusion brought about by the LBB's interactive TPO map, the whitebeam T28 has statutory protection. However, despite this I maintain that the removal of it is warranted in the context of the application as a whole. The answer to the question I raise in paragraph 2.10 above "... (are) these two trees ~~are~~ of sufficient landscape merit to compromise the efficient use of the site for development purposes?" is in my opinion no.
- 2.21 This is not just because the current merits of the tree are not significant enough to frustrate the proposed development on arboricultural grounds, but because I do not regard the whitebeam as having a reasonable long-term potential. By this, having graded the tree as 'B' (in terms of BS5837) and thus saying that it could survive for more than 20 years, my opinion is that the life expectancy of 70 – 100 years<sup>1</sup> is very unlikely to be realised anywhere close to that age in the specific site circumstances.
- 2.22 The retaining wall is dilapidated and the continued growth of the trees would result in this being aggravated.
- 2.23 A replacement tree was not offered in the planning application but there is space in the position indicated with the yellow circle in the extract from Appendix C of Appendix QWA right. This would be on the same road frontage as whitebeam T28 and to the north of Plot 5 so that it would not cause any inconvenience of shade. It would be appropriate for the species to be of modest mature height, and there is no reason why it could not be another whitebeam *Sorbus aria*, although the more compact crown habit and cut leaves of the Rowan cultivar *Sorbus aucuparia* 'Asplenifolia' would be especially suited to the location. I suggest that a 12–14 centimetre girth (at 1 metre) tree be planted in accordance with BS8545.



### 3. Conclusion.

- 3.1 The application was made on the basis of the oak and whitebeam being protected by the Area TPO. The design process took due consideration of these trees, and all the others protected by the TPO, but each tree proposed for removal was weighed in the context of the proposed development. The result is a layout that is supported by LBB.
- 3.2 The planning application was made on the basis of the information available at that time. The more recently discovered anomalies of the TPOs' depiction on the LBB's interactive map, whilst frustrating, do not alter the justification for the removal of the whitebeam. I have included a description of these anomalies and my efforts to resolve them in this statement as although they do not alter the fact that the whitebeam is protected, they do illustrate the confusion caused.

<sup>1</sup> <https://www.britishhardwood.co.uk/tree-life-expectancy>

- 3.3 In arboricultural terms, despite the Area TPO of 1960, LBB has raised no objections to the removal of other trees or the protection measures for the retained trees, and includes no objection in respect of the proposed work to trees in Group G1 of TPO 2010.
- 3.4 The only arboricultural issue forming the substantive second ground of refusal is whether the retention of the whitebeam alone should frustrate the otherwise acceptable development proposal (the issue of car parking is resolved in the Highway expert's appeal statement).
- 3.5 I have demonstrated in terms that the oak T27 is not protected by the Area TPO (1960) or by the 2010 TPO made on the single whitebeam and Group G1. On a purely technical administrative level the ground of refusal 2 is thus incorrect as the only protected tree to be removed for which a refusal could be made is the whitebeam T28. The dying U-grade (BS5837) cherry T26 is to be removed but there can be no reasoned objection to this by LBB. However, I do not put this forward as a ground for the appeal as the initial confusion surrounding the TPOs is now resolved.
- 3.6 There is nothing physiologically wrong with the whitebeam and I gave it a BS5837 'B' grade as I could not say that it would not prevail for less than 20 years. A 'B' grade tree is not sacrosanct and is listed in Table 1 of BS5837 as being of "*moderate quality*". I have explained and demonstrated why in practical terms it has limited potential.
- 3.7 In summary, the refusal notice only refers to car parking and the loss of trees - no other ground of refusal is cited. One can draw no other conclusion than all the other material planning matters are satisfactory. There is only one protected tree in question to be removed, the whitebeam T28. I have graded it as B in strict accordance with BS5837, but it is not a specimen with any realistic long-term potential.
- 3.8 The substantive ground of this arboricultural appeal statement is that for all the reasons I have set out, the whitebeam is not of sufficient landscape value to justify any compromise to the otherwise acceptable development proposal (the car parking reason for refusal being refuted by the Highway expert's appeal statement).
- 3.9 I have demonstrated that there is scope to plant an appropriate replacement tree of a species and in a position that would mitigate the removal of the whitebeam in a sustainable manner.
- 3.10 With respect I ask that the Inspector allows this appeal.

Jim Quaife

Dip Arb (RFS), F. Arbor.A, C.Env  
AA Registered Consultant  
Chartered Environmentalist





# **Arboricultural Survey and Planning Integration Report**

**at**

**Trees,  
Coniston Road,  
Bromley,  
Kent.  
BR1 4JB**

**FINAL - 21st April, 2018**





# C O N T E N T S

Section	Subject	Page
	Instructions	1
	Summary	1
	Documents Supplied	2
1	Scope of Survey	2
2	Survey Method	3
3	Ecology Informative	3
4	The Site	3
5	Subject Trees	4
6	The Tree Preservation Orders	5
7	The Proposal	6
8	Arboricultural Landscape Integration	6
9	Post Development Pressure	7
10	Tree Protection Measures	7
11	Conclusions	10
12	Recommendations	10
Appendix A	Schedule of Subject Trees	
Appendix B	Site Plan – Existing Layout	
Appendix C	Site Plan – Proposed Layout	
Appendix D	RPA Radii Table	
Appendix E	BS5837 Extract – Tree Protection Fencing	
Appendix F	BS5837 Extract – Tree Protection Fencing (light)	
Appendix G	BS5837 Extract – Ground Protection	
Appendix H	Method Statement for Uptake of Surfacing in RPAs	
Appendix I	Method Statement for Manual Digging through Roots	



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## ARBORICULTURAL REPORT

<b>LOCATION</b>	Trees, Coniston Road, Bromley, Kent. BR1 4JB	<b>REF:</b> AR/3724/jq
<b>CLIENT</b>	Mr A Dicker 7 Juniper Close, Biggin Hill, Kent. TN16 3LZ	<b>DATE OF REPORT</b> 21 <sup>st</sup> April, 2018
<b>REPORT PREPARED BY</b>	J. Quaife, AA Registered Consultant Dip.Arb.(RFS), F.Arbor.A, CEnv.	<b>DATE(S) OF INSPECTION</b> 27 <sup>th</sup> September, 2017 24 <sup>th</sup> January, 2018
<b>SURVEY INSPECTOR(S)</b>	J. Quaife, AA Registered Consultant Dip.Arb.(RFS), F.Arbor.A, CEnv.	<b>SHEET No.</b> 1 of 11

<b>LOCAL AUTHORITY</b>	London Borough of Bromley		
<b>CONTACT</b>	Arboricultural Officer	Chris Ryder	Christopher.ryder@bromley.gov.uk 0208 313 4516

*Please note that abbreviations introduced in [square brackets] are used throughout the report.*

### **INSTRUCTIONS**

**Issued by – Mr Dicker, address as above.**

**TERMS OF REFERENCE – To survey the subject trees to assess their general condition and to provide a planning integration statement for the proposed development that safeguards the long term well being of the retained trees in a sustainable manner.**

**The content and format of this Report as written are for the exclusive use of the Client. It may not be sold, lent, hired out or divulged to any third party not directly involved in the subject matter without our written consent.**

### **Summary**

The site is a corner plot with a retaining wall along the frontage to Elstree Hill which is at a lower level. The rear garden is terraced down to the west. The proposal is to demolish the existing house and garage and to construct a terrace of 5 houses facing the Coniston Road frontage. There is parking provision to the front of each house, but in addition the land within the applicant's ownership along the southern side of Elstree Hill will be used for parking. The subject trees are arranged around the site periphery and an old Area Tree Preservation Order applies to the eastern half of the site, and another Tree Preservation Order (no reference) appears to apply to the trees along the Elstree Hill frontage. Of the 28 subject trees only ten are to be removed and one stem of two cut off from an eleventh tree. Some incidental pruning will be necessary, but overall the arboricultural impact of the proposal on the landscape will be neutral.

The protection of the retained trees can be effected in accordance with current standards and guidance, and there are no matters of post development pressure upon trees that could not be managed with routine maintenance.

The proposal is sustainable in arboricultural terms.

### **Documents Supplied**

- Extract from the Borough of Bromley Tree Preservation Order No.9 1960
- Brouard Architects Proposed Layout drawing PB772 001 Rev PR4, dated January 2018
- Topographical Survey drawing - untitled and undated

### **Scope of Survey**

- 1.1 The survey is concerned with the arboricultural aspects of the site only.
- 1.2 London Borough of Bromley Tree Preservation Order No.9 1960 applies to the eastern half of the subject site, and there are other Tree Preservation Orders as shown at Appendix B and described at Section 6 below.
- 1.3 I had a telephone conversation with Mr Ryder about the generalities of the site and in particular the potential of the two large trees on the Coniston Road frontage. There was also a client's team meeting on site subsequent to my survey visit.
- 1.4 The trees were inspected on the basis of the Visual Tree Assessment method expounded by Mattheck and Breloer (The body language of trees, DoE booklet Research for Amenity Trees No. 4, 1994).
- 1.5 The survey was undertaken in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations [BS5837] with modification.
- 1.6 This report sets out the Root Protection Area [RPA], described by the RPA radius [RPR] derived from Section 4.6 of BS5837.
- 1.7 Pruning works will be required to be in accordance with British Standard 3998:2010 Tree work - Recommendations [BS3998]. In addition to these recommendations the current best practice relating to bio-security should be observed and in particular the sterilisation of tools, equipment and footwear.
- 1.8 Hedge planting will be required to be in accordance with Standard 4428:1989 Code of practice for general landscape operations (excluding hard surfaces).
- 1.9 Reference is made to the Planning Practice Guidance – Tree Preservation Orders and Trees in Conservation Areas (2014) [PPG TPO&CA].
- 1.10 This report does not cover the arrangements that may be required in connection with the laying or removal of underground services.

- 1.11 This report does not set out the working specifications of tree protection measures and engineering and design features, but provides enough detail in principle to demonstrate the feasibility of the scheme.

## **Survey Method**

- 2.1 The survey was conducted from ground level with the aid of binoculars.
- 2.2 No tissue samples were taken nor was any internal investigation of the subject trees undertaken.
- 2.3 No soil samples were taken.
- 2.4 The stem diameters [SD] were measured in centimetres at 1.5 metres above ground level and otherwise in accordance with Annex C of BS5837.
- 2.5 The height of each subject tree was estimated with a clinometer.
- 2.6 The crown diameters were estimated by pacing or visually where access was restricted.
- 2.7 The positions of the subject trees are plotted at Appendix B derived from the supplied plan. Please note that the attached plan is for indicative purposes only.

## **Ecology Informative**

- 3.1 Bats are protected under the Wildlife & Countryside Act 1981 and subsequent legislation and The Conservation of Habitats and Species Regulations 2010 and it is an offence to deliberately or recklessly disturb them or damage their roosts. Trees should be inspected before any works commence and if the presence of bats is suspected advice will need to be sought from the Natural England Bat Line on 0845 1300228. Further advice on bats is available from The Bat Conservation Trust (020 7627 2629).
- 3.2 Tree work should as far as is possible avoid the bird nesting season, which officially (natural England) is from February until August, although the busiest time is from 1<sup>st</sup> March until 31<sup>st</sup> July.
- 3.3 Please also be aware that ecology is governed principally by;
- the Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000),
  - the Conservation of Habitats and Species Regulations 2010,
  - the Wild Mammals (Protection) Act 1996, and
  - the Natural Environment and Rural Communities (NERC) Act 2006.

## **The Site**

- 4.1 The site is a corner plot bounded to the north by Elstree Hill, the east by Coniston Road, and to the south by a wide grass verge with trees by Hawkshead Close. The western boundary is with No. 42 Elstree Hill.

- 4.2 The site is level over the eastern side, but there is a terraced slope down to the western boundary. The lower level of Elstree Hill has a retaining wall. The house and garage outbuilding front onto Coniston Road, with a pedestrian gate to the house and a vehicular entrance to the garage through the waist-high brick boundary wall. There is an area of drive to the north of the garage, and the house is surrounded by hard surfacing. There is a path around the garden edge, which is sunken along the southern boundary
- 4.3 With reference to the British Geological Survey Geology of Britain viewer the indicated soil parent material is Harwich Formation sands and gravels. This soil type is free-draining and has some resistance to compaction, which is harmful to tree roots. For the purposes of this survey I have assumed there to be no presence of clay.
- 4.4 I am not an expert on soils and although I have some working knowledge of them, if accurate soil analysis is required then a soil specialist should be contacted.

### Subject Trees

- 5.1 The 28 subject trees are listed in the table at Appendix A and plotted at Appendix B. I have summarised them in Table 1 below and have graded them in accordance with BS5837<sup>1</sup>.

**Table 1. Subject Trees – species and grades**

Species	A	B	C	U	Totals
Crab apple	-	-	1	-	1
Norway maple	-	-	1	-	1
Purple plum	-	-	2	-	2
Oak	-	1	1	-	2
Yew	-	-	5	-	5
Holly	-	-	7	-	7
Sycamore	-	1	1	-	2
Hawthorn	-	-	3	-	3
Monterey cypress	-	1	-	-	1
Laburnum	-	-	1	-	1
Rowan	-	-	1	-	1
Cherry	-	-	-	1	1
Whitebeam	-	1	-	-	1
<b>Totals</b>	<b>0</b>	<b>4</b>	<b>23</b>	<b>1</b>	<b>28</b>

- 5.2 There are no A grade trees and only 4 at B grade. The U grade cherry is dying and should be removed irrespective of the proposal. Several of the trees have crown asymmetry where they have grown close together. The oak T27 and whitebeam T28 are both growing in a raised bed within a free-standing retaining wall, and following my conversation with Mr Ryder we agreed that their longer-term potential is sufficiently limited that they could be removed.

<sup>1</sup> BS5837 Tree Category Classes

**U** – Existing condition is such that any existing value would be lost within 10 years and should therefore be removed for reasons of sound arboricultural management.

**A** – High quality and value (40+ yrs).

1) Mainly arboricultural values      2) Mainly landscape values      3) Mainly Cultural values including conservation.

**B** – Of moderate quality and value (20+ years).

1) Mainly arboricultural values      2) Mainly landscape values      3) Mainly Cultural values including conservation.

**C** – Those of low quality and value (10+ years).

Whilst C category trees will usually not be retained where they would impose a significant constraint on development, young trees with a SD of less than 15cm could be considered for relocation.

- 5.4 Overall the subject trees are in satisfactory condition and none of them presents any significant risk, although some would benefit from some remedial tree surgery to remove dead wood or minor defects as a matter of routine maintenance not directly associated with the proposal.

### The Tree Preservation Orders

- 6.1 The site has an Area Tree Preservation Order over the eastern half of the site, and another Tree Preservation Order (no reference) appears to apply to the trees along the Elstree Road frontage.
- 6.2 The Tree Preservation Order Map on the Council's website, does not provide references, and I have reproduced the map extract and the citations for each below. The blue pin is the Area TPO and the numbers are mine and do not apply to any TPO documentation. These are included at Appendices B and C.

1. TREES, CONISTON ROAD, BROMLEY, KENT  
2 COPPER BEECH, 2 OAKS, 2 SYCAMORES AND 1 MAPLE  
Created: 07.07.2010
2. THE GROUNDS OF CEDARHURST ELSTREE HILL APPROXIMATELY 20 FEET FROM THE BOUNDARY WITH TREES CONISTON ROAD AND APPROXIMATELY 16 FEET FROM THE BOUNDARY WITH ELSTREE HILL FALSE ACACIA  
Created: NONE
3. THE GROUNDS OF CEDARHURST ELSTREE HILL ON THE EASTERN SIDE APPROXIMATELY 34 FEET SOUTH OF THE GATEWAY AND APPROXIMATELY 6 FEET FROM THE BOUNDARY WITH TREES CONISTON ROAD  
BEECH  
Created: NONE



- 6.3 With the TPO 1 the maple T2, oak T5, sycamores T8 and T9 are likely to be those protected, but a second oak is not present (please note that the beeches seem to refer to the two purple plums which are present). With TPOs 2 and 3 the off-site trees referred to, the false acacia and beech, appear to be in the reverse of the positions indicated, i.e. TPO 2 is the beech and TPO 3 is the false acacia and their positions are incorrect as they are in the neighbouring property. However, all the trees which appear to be protected are to be retained.



- 6.4 The trees T14, T15, T18, T20, T21, T22 and T23 are to be removed along the southern boundary to improve the light availability to the rear garden of Plot 1, and also to the southern elevation of the house. They are within the Area TPO, but the TPO was made in 1960, 57 years ago and consequently none of the trees T11 to T24 are old enough to be protected (PPG TPO&CA). Hawthorn T25 could conceivably be old enough, but it is to be retained and is just to have the secondary leaning stem pruned off.

### The Proposal

- 7.1 The proposal is set out at Appendix C. The proposal is to demolish the two existing buildings and to construct a terrace of 5 houses facing the Coniston Road frontage.
- 7.2 The Coniston Road frontage will be opened up to provide parking to the front of each house, but in addition the land within the applicant's ownership along the southern side of Elstree Hill will be used for parking.

### Arboricultural Landscape Integration

- 8.1 Of the 28 subject trees only 10 are to be removed, one of which is the dying U grade cherry. I have set out the trees to be retained and removed in Table 2 below.

**Table 2. Tree Retention and Removal**

<b>Trees to be Retained +grade</b>	<b>Trees to be Removed +grade</b>	<b>U Grade Trees to be Removed</b>
<b>GRADE A (0)</b>	<b>GRADE A (0)</b>	T26
<b>GRADE B (2)</b> T9, T16	<b>GRADE B (2)</b> T27, T28	
<b>GRADE C (16)</b> T1 - T8, T10, T11, T12, T13, T17, T19, T24, T25	<b>GRADE C (7)</b> T14, T15, T18, T20, T21, T22, T23	
<b>Total 18</b>	<b>Total 9</b>	<b>Total 1</b>

- 8.2 The primary intention is to retain the peripheral screening so that the arboreal appearance of the site's character is conserved. The three trees on the Coniston Road frontage are to be removed and the proposed terrace will be very similar in appearance to the development on the opposite side of the road.
- 8.3 The removal of the 7 C grade trees opens up the southern boundary but the trees on the grass verge will continue to provide mitigation screening. In due course a new hedge maintained at head height could be planted if necessary.
- 8.4 The hawthorn T25 has a secondary stem arching to the north-west and this is to be pruned off, leaving the main part of the tree which leans to the south-east. The indicative extent of pruning is indicated at Appendix C with the dark green crown outline.
- 8.5 The dark green crown outlines indicate the proposed pruning of trees T17, T19 and T24 to reduce the lateral spread toward Plot 1. Tree T5 is to have its crown asymmetry reduced where it overhangs the road, and T6 is to have the lateral spread reduced into the garden of Plot 4.

- 8.6 T9 and T8 are to be pruned to reduce the lateral spread into the site, and are to have the ivy severed by cutting the stems as near as possible to ground level (or above basal shoots where present), and again at least 40 centimetres above so as to leave a clear gap on the tree's stem. This gap ensures that all ivy stems can be seen to have been cut and subsequent new growth can be rubbed off. The severed ivy will die and fall off in due course and if it does provide wildlife habitats the transition will be gradual.
  
- 8.7 The pruning specification for issue to a tree surgeon can be agreed by condition. The leaning forsythia (a shrub which is not a material consideration) adjacent to T22 is to be removed.
  
- 8.8 There is no necessity to plant new trees, but new hedging is to be planted along the Elstree Hill road frontage and to separate the front and rear gardens. The hedging species can be agreed by condition, but the principle will be to use evergreen shrub species, with interspersed flowering varieties (see the hedge at Appendix C). The western end of the site is at a lower level.
  
- 8.9 In summary, the loss of the two trees T27 and T28 and the few along the southern boundary will not detract from the landscape and will not have a detrimental visual impact upon the character and appearance of the area.

### **Post Development Pressure**

- 9.1 The concept of post development pressure is not that routine maintenance work to maintain clearances and the proportionality of trees is unacceptable. The term should more accurately be one of irresistible post development pressure where the spatial or physical relationship of a retained tree to a structure or feature demands pruning or removal that is inappropriate, but to which the local planning authority could not reasonably refuse consent.
  
- 9.2 The orientation of the site is helpful as the gardens face the west, as well as there being good space and ambient light. There will be some sense of enclosure but the seclusion of the rear gardens is an important and material consideration. The large sycamore T9 will cast shade later in the afternoon, but the removal of the ivy will lessen the effect.
  
- 9.3 The crowns of the trees adjacent to the southern elevation of Plot 1 will be close to the building's roof and so it would be prudent to include filtration for rainwater guttering of either mesh or "bristle" inserts. This should include the incorporation of discreet ladder attachment points under the eaves and the provision of sufficient clearance between the edge of the roof and the guttering to facilitate ease of maintenance. In addition, the downpipes should be fitted with easily cleanable traps.
  
- 9.4 In consideration of these matters, there will be no appreciable post development pressure, and certainly none that would oblige the Council to give consent to inappropriate tree works.

## **Tree Protection Measures**

- 10.1 The BS5837 gives a Root Protection Area [RPA] for each retained tree by reference to Section 4.6 in the BS. The RPA is an estimation of the area of the root system that would need to be retained to sustain the condition of the tree if all the other roots outside it were to be severed. The RPA represents a smaller proportion, (on average only a third), of a tree's root system and consequently whilst the RPA is particularly important to ensure that there are no adverse effects upon stability, if an encroachment does not reduce the overall assimilative function of the root system significantly it is unlikely to cause harm. However, as with any factor relating to trees each individual situation must be justified in site-specific terms.
- 10.2 The RPA is usually described as a circle with a radius (Root Protection Area Radius [RPR]) of the prescribed distance within which no unspecified activity should occur, though the shape and position of the RPA can be modified by an arboriculturist to meet individual site conditions according to the probable distribution of the tree roots. Intrusion into the RPA can take place only where the ground is adequately protected in accordance with the requirements of Section 6.2.3 of BS5837 or where work is carried out to an agreed design and working method.
- 10.3 Quaife Woodlands uses a tabular method to derive rounded-up RPA radii in half-metre graduations (Appendix D). I have drawn the shape of the RPA of sycamore T9 to reflect the topography, the road, and the presence of the mature beech and acacia at 42 Elstree Hill. The RPAs of the trees along the top of the retaining wall to Elstree Hill are also displaced into the site.
- 10.4 **RPA Encroachment** The only encroachment into RPAs is by the proposed new house at Plot 1. The trees in this section will have root severed along the foundation line, but there is open ground to the south and in terms of the overall root systems, the loss of roots is unlikely to cause the trees any harm. The new buildings will shield the trees from high winds from the north, but the tensile support roots to the south will continue to support the trees against high winds from that direction. The crowns of T19 and T24 growing to the north are to be pruned back and consequently the trees' juxtaposition with the building is not liable to be problematic
- 10.5 **Tree Protection Fencing** The combined zones of RPAs form the Construction Exclusion Zone [CEZ] and will be protected by a Tree Protection Fence [TPF] comprising steel mesh panels of 1.8 metres in height ('Heras'). These panels can be mounted on a scaffolding frame as shown at Figure 2 of BS5837 (Appendix E), but where the TPF will not be under any pronounced construction pressure it can be erected with block supports and bracing as shown at Figure 3 of BS5837 (Appendix F). I have differentiated the fencing specifications in the Key at Appendix C.
- 10.6 The TPF (Appendix E specification) adjacent to trees T17, T24 and T25 will have to be positioned carefully once the ground protection is in place (see paragraph 10.8 below).

- 10.7 The TPF is to be erected before any work commences on site, is to remain in situ undamaged for the duration of all work or each phase, and only to be removed once all work is completed. The only exception is the completion of soft landscaping, but if any excavations however minor, are to be carried out as part of soft landscaping within RPAs, an arboricultural assessment must be carried out beforehand and any additional arboricultural protection measures incorporated. The TPFs are to carry waterproof warning notices denying access within the CEZ.
- 10.8 **Ground Protection** The zones shaded pink at Appendix C are to be protected in accordance with Section 6.2.3 of BS5837 as described at Appendix F to prevent ground compaction from the erection of scaffolding and other construction use.
- 10.9 Where scaffolding is to be erected within the RPA of a retained tree it may be necessary to place the feet directly onto the ground to achieve a stable working structure. The collective footprint of the scaffolding feet on the soil will represent a minor proportion of the RPA and will not be a significant factor in terms of ground compaction.
- 10.10 **New Surfacing** None of the new surfacing proposed will compromise RPAs and consequently no special surfacing method is necessary.
- 10.11 **Surfacing uptake within RPAs** Where the existing drive and paths are to be taken up within RPAs the method set out at Appendix H will be followed.
- 10.12 **General Matters** The surface water run-off and soil drainage have not been studied. However, due to the site topography and soil type, I do not foresee any detrimental effects on the trees in hydrological terms as a result of this development.
- 10.13 I have not been advised of the underground service routes, but it seems logical to suppose that they will connect to existing service runs in Coniston Road. If other underground service routes are required which pass through RPAs the excavation will be carried out in accordance with the manual digging method at Appendix I, and invoke the provisions of BS5837 and NJUG 4 and if necessary, further arboricultural advice will be sought.
- 10.14 Where existing or proposed drains pass within the root system of a tree (not just the RPA), technical advice must be sought to assess the root-tightness of joints. Modern compression joints do not reliably prevent root ingress and it may be necessary to upgrade them.
- 10.15 The hard landscaping operations are part of the construction works and will be planned and carried out within the construction phase tree protection measures.
- 10.16 The protection of the trees will also include recognition of other types of potentially damaging activities, such as the storage of materials (and other substances likely to be toxic to plants), parking, site-building requirements, and the use and parking of plant. Particular care and planning is necessary to accommodate the operational arcs of excavation and lifting machinery, including their loads, especially large building components such as beams and roof trusses. Operations like these have the potential to cause incidental damage and logistical planning is essential to avoid conflicts.

- 10.17 One of the main tree protection considerations will be the logistical management of the site. The access to the elevations of buildings that face trees will be restricted and careful materials handling and storage, vehicle and plant access, and personnel accommodation will need attentive planning.

## **Conclusions**

- 11.1 Of the 28 subject trees only 10 are to be removed, one of which is a U grade tree that should be removed irrespective of this proposal. Consequently the peripheral trees will be retained and maintain the arboreal character of the site, and provide good screening into and out of the rear gardens. The primary design objective of retaining the peripheral tree screening is achieved.
- 11.2 There are some minor pruning requirements but they will not cause any of the trees physiological harm, nor be readily discernible from without the site. New hedges are to be planted and with all these matters in consideration the arboricultural landscape impact of the proposal will be neutral.
- 11.3 The retained trees do not cause any significant conflicts in terms of construction activities, nor will any significant issues of post development pressure be likely to emerge that could not be managed with routine maintenance.
- 11.4 The retained trees will all be protected in accordance with current standards and guidance, particularly with logistical planning.
- 11.5 For trees to be sustainable within a development proposal they must be compatible with their surroundings, not just in terms of long-term spatial relationship but also in respect of minimising any potential conflicts to matters of routine maintenance. This proposal achieves this objective.
- 11.6 I have taken account of the information given to me and my own observations on site and I am satisfied that this scheme is arboriculturally sound and that the long-term well-being of the retained trees will be safeguarded in a sustainable manner.

## **Recommendations**

- 12.1 The successful integration of the proposal with retained trees will need to take account of the following points:
- i) Plan of underground service routes.
  - ii) Implementation of the tree protection measures and methods set out in this Report.
  - iii) Site logistics plan to include storage, plant parking/stationing, materials handling.

- iv) Site supervision – Following an induction meeting conducted by the project arboriculturist with all those involved in attendance, an individual, e.g. the Site Agent, will be nominated to be responsible for all arboricultural matters on site. This person must:
  - a) be present on site for the majority of the time,
  - b) be aware of the arboricultural responsibilities,
  - c) have the authority to stop any work that is causing, or has the potential to cause harm to any tree,
  - d) be responsible for ensuring that all site operatives are aware of their responsibilities toward trees on site and the consequences of any failure to observe those responsibilities,
  - e) make immediate contact with the local authority and/or the project arboriculturist in the event of any tree related problems occurring, whether actual or potential.

12.2 As a matter of course these points will be resolved in consultation with and subject to the approval of the planning authority through their Arboricultural Officer.

12.3 The sequence of works should be as follows:

- i) initial tree works – tree removal and pruning
- ii) installation of TPF
- iii) site preparation
- iv) installation of underground services
- v) construction of new drive and other hard surfaces
- vi) main construction, including hard landscaping
- vii) removal of TPF
- viii) soft landscaping including hedge planting

**The statements made in this Report do not take account of the effects of extremes of climate, vandalism or accident, whether physical, chemical or fire. Quaife Woodlands cannot therefore accept any liability in connection with these factors, nor where prescribed work is not carried out in a correct and professional manner in accordance with current good practice. The authority of this Report ceases at any stated time limit within it, or if none stated after two years from the date of the survey or when any site conditions change, or pruning or other works unspecified in the Report are carried out to, or affecting, the Subject Trees, whichever is the sooner.**



## KEY

<b>Pre:</b>	Prefix:	<b>T</b> = Tree	<b>G</b> = Group	<b>H</b> = Hedge
<b>No</b>	Tree reference number.			
<b>Ht</b>	Tree Height in metres.			
<b>SD</b>	Stem diameter in centimetres at 1.5 metres above ground level or immediately above the root flare for multi-stemmed trees.			
	* Estimated. <b>m</b> Multi-stemmed (bracketed number is single-stem equivalent diameter).			
<b>N-S-E-W</b>	Branch spread in metres to the four compass points – <b>Ø</b> average crown diameter.			
<b>CrB</b>	Height in metres of crown clearance above adjacent ground level.			
<b>AC</b>	Age Class	<b>Y</b> – Young.	<b>E</b> – Early mature.	<b>M</b> – Mature. <b>O</b> – Over-mature. <b>V</b> – Veteran.
<b>PC</b>	Physiological Condition	<b>G</b> – Good	<b>F</b> – Fair	<b>P</b> – Poor <b>D</b> – Dead
<b>SC</b>	Structural Condition	<b>G</b> – Good	<b>F</b> – Fair	<b>P</b> – Poor <b>D</b> – Dead
<b>BS</b>	Category grading			
	<b>U</b> – Existing condition is such that any existing value would be lost within 10 years and should therefore be removed for reasons of sound arboricultural management.			
	<b>A</b> – High quality and value (40 + yrs).			
		1) Mainly arboricultural values	2) Mainly landscape values	3) Mainly cultural values incl. conservation.
	<b>B</b> - Moderate quality and value (20+ years).			
		1) Mainly arboricultural values	2) Mainly landscape values	3) Mainly cultural values incl. conservation.
	<b>C</b> – Low quality and value (10+ years).			
	Whilst C category trees will usually not be retained where they would impose a significant constraint on development, young trees with a SD of less than 15cm should be considered for relocation.			
<b>Rad</b>	Root Protection Radius in metres.			
<b>RPA</b>	Root Protection Area in square metres.			
<b>BRP</b>	Bat Roost Potential	<b>H</b> – High, very likely	<b>M</b> – Medium, possible	<b>L</b> – Low, very unlikely
<b>TPO</b>	Trees in the TPO Area – <b>A</b> , <b>(A)</b> (trees less than 57 years old), Trees in TPO 1 - <b>(1)</b>			

# Arboricultural Survey AR/3724/jq – Trees, Coniston Road, Bromley, BR1 4JB

## Appendix A

No	Species	Ht	SD	N E S W	CrB	AC	PC	SC	BS	RPA	Rad	Observations	TPO
T1	Crab apple	5	<20	7Ø	1.0	M	G	F	C	20	2.5	Ivy 80%	-
T2	Norway maple	9	<30	10Ø	1.0	E	G	G	C	38	3.5	Ivy 60%	1
T3	Purple plum	5	<20	6Ø	GL	E	G	F	C	20	2.5	45° lean over road, Ivy 50%	-
T4	Purple plum	6.5	28	8Ø	1.5	M	G	G	C	38	3.5	Slight lean over road, Ivy 50%	-
T5	Oak	4	<35	3-2-0-6	0	E	G	F	C	64	4.5	Ivy 90%	1
T6	Yew	8	17	7Ø	1.5	E	G	G	C	20	2.5	Crown asymmetric crown to E	-
T7	Holly	8	19	7Ø	1.5	M	G	G	C	20	2.5	Ivy growth from T22	-
T8	Sycamore	17	45*	12Ø	4.0	M	G	G	C	95	5.5	Forked x 2 at 4m., Ivy60%, asymmetric crown to W	1
T9	Sycamore	19	80*	16Ø	4.0	M	G	G	B	284	9.5	Forked x 5 at 3m., Ivy80%	1
T10	Yew	4	<15	7Ø	GL	Y	G	G	C	13	2.0	Top suppressed	-
T11	Holly	14	29	10Ø	2.0	M	G	G	C	38	3.5	Lean and asymmetric crown to NW	(A)
T12	Hawthorn	15	15	2Ø	1.0	E	F	F	C	20	2.5	Truncated at 2,4m	(A)
T13	Holly	12	25	6Ø	2.0	M	G	G	C	28	3.0	Lean and asymmetric crown to NW	(A)
T14	Holly	7	10/12	4Ø	1.0	E	F	F	C	13	2.0	Forked x 2 at GL	(A)
T15	Yew	9	<30	8Ø	2.0	E	G	G	C	38	3.5	Forked x 3 at 0.8m	(A)
T16	Monterey cypress	15	35	6Ø	3.0	M	G	G	B	64	4.5		(A)
T17	Laburnum	5	<20	5 NW	1.0	E	F	F	C	20	2.5		(A)
T18	Rowan	12	30*	9Ø	4.0	M	F	F	C	50	4.0	Forked x 3 at 1.7m, Ivy 15%	(A)
T19	Holly	7	12	6Ø	2.0	E	F	F	C	13	2.0	Crown asymmetric to NE	(A)

# Arboricultural Survey AR/3724/jq – Trees, Coniston Road, Bromley, BR1 4JB

## Appendix A

No	Species	Ht	SD	N E S W	CrB	AC	PC	SC	BS	RPA	Rad	Observations	TPO
T20	Yew	6	<15	6Ø	GL	S	G	G	C	13	2.0		(A)
T21	Yew	6	12	7Ø	1.0	E	F	F	C	13	2.0	Crown asymmetric to N	(A)
T22	Holly	5	<20	4Ø	1.5	E	F	F	C	20	2.5	Forked x 2 at 0.4m	(A)
T23	Hawthorn	7	<30	7Ø	2.0	M	F	G	C	38	3.5		(A)
T24	Holly	6	15	5Ø	1.0	E	F	F	C	13	2.0		(A)
T25	Hawthorn	9.5	35/31	10Ø	1.5	M	G	G	C	79	5.0	Forked x 2 at GL	(A)
T26	Cherry	4	35	8Ø	1.5	M	D	D	U	-	-	Dying	(A)
T27	Oak	13	37	12Ø	2.0	M	G	G	B	64	4.5	Growing on 1m high raised bed	A
T28	Whitebeam	11	18-18-16-22	10Ø	2.5	M	G	F	B	64	4.5	4 Stems at GL, growing on 1m high raised bed	A



Existing vehicular  
surfacing

Existing pedestrian  
surfacing

BS 5837:2012 Tree Categories

U Tree that should be removed

A Tree that is highly desirable for retention

B Tree that is desirable for retention

C Tree of no particular merit, could be retained

Tree not surveyed

Tree off site not surveyed

Quaife Woodlands    Arboricultural Survey AR/3724/jq

'Trees', Coniston Road, Bromley, Kent, BR1 4JB

Site Plan - Existing Layout

Scale 1:200 approximately @ A3

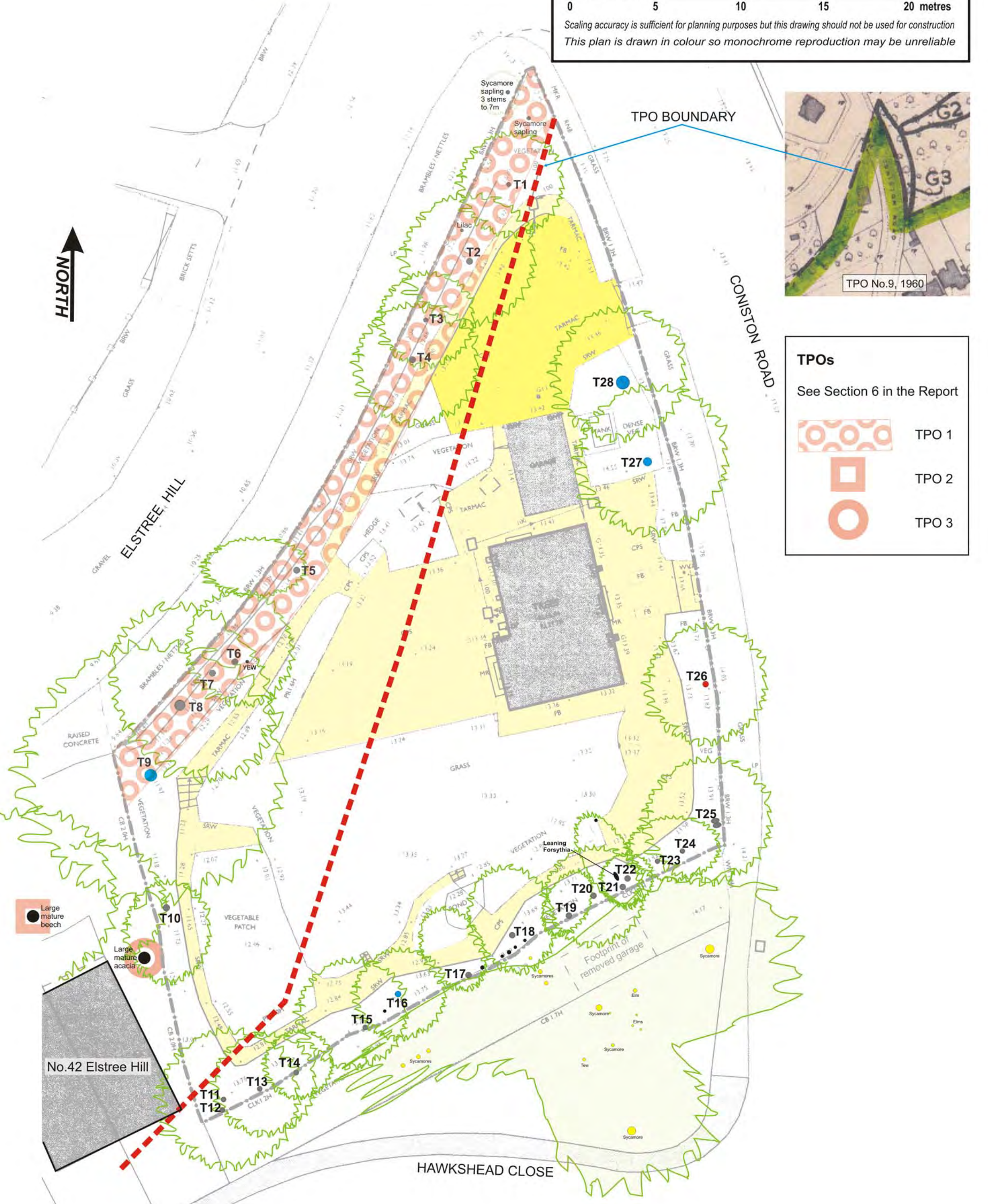
12th January, 2018

051020

metres

Scaling accuracy is sufficient for planning purposes but this drawing should not be used for construction

This plan is drawn in colour so monochrome reproduction may be unreliable



TPOs

See Section 6 in the Report

TPO 1

TPO 2

TPO 3



Quaife Woodlands Arboricultural Survey AR/3724/jq

'Trees', Coniston Road, Bromley, Kent, BR1 4JB

Site Plan - Proposed Layout with Tree Protection Measures

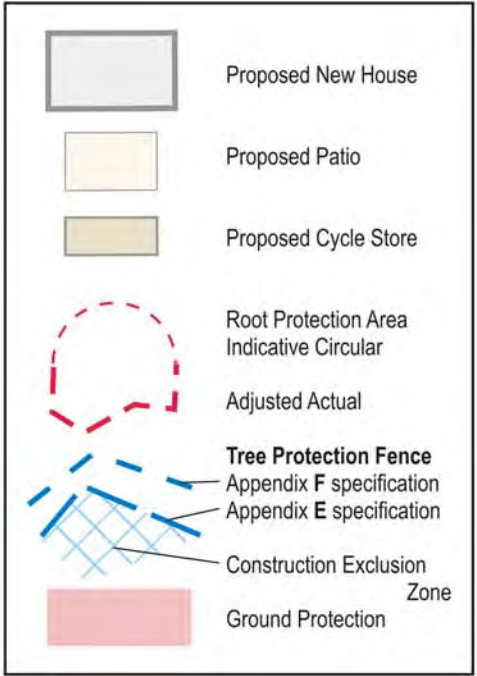
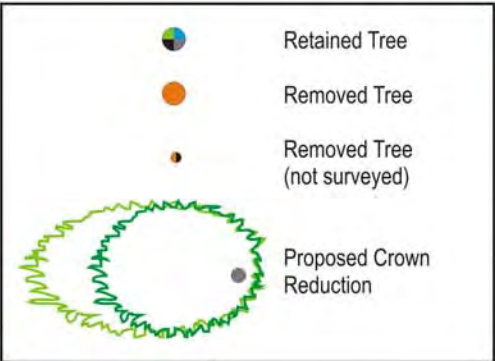
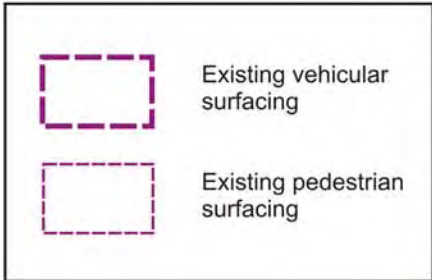
Scale 1:200 approximately @ A3

21st April, 2018

0 5 10 15 20 metres

Scaling accuracy is sufficient for planning purposes but this drawing should not be used for construction

This plan is drawn in colour so monochrome reproduction may be unreliable



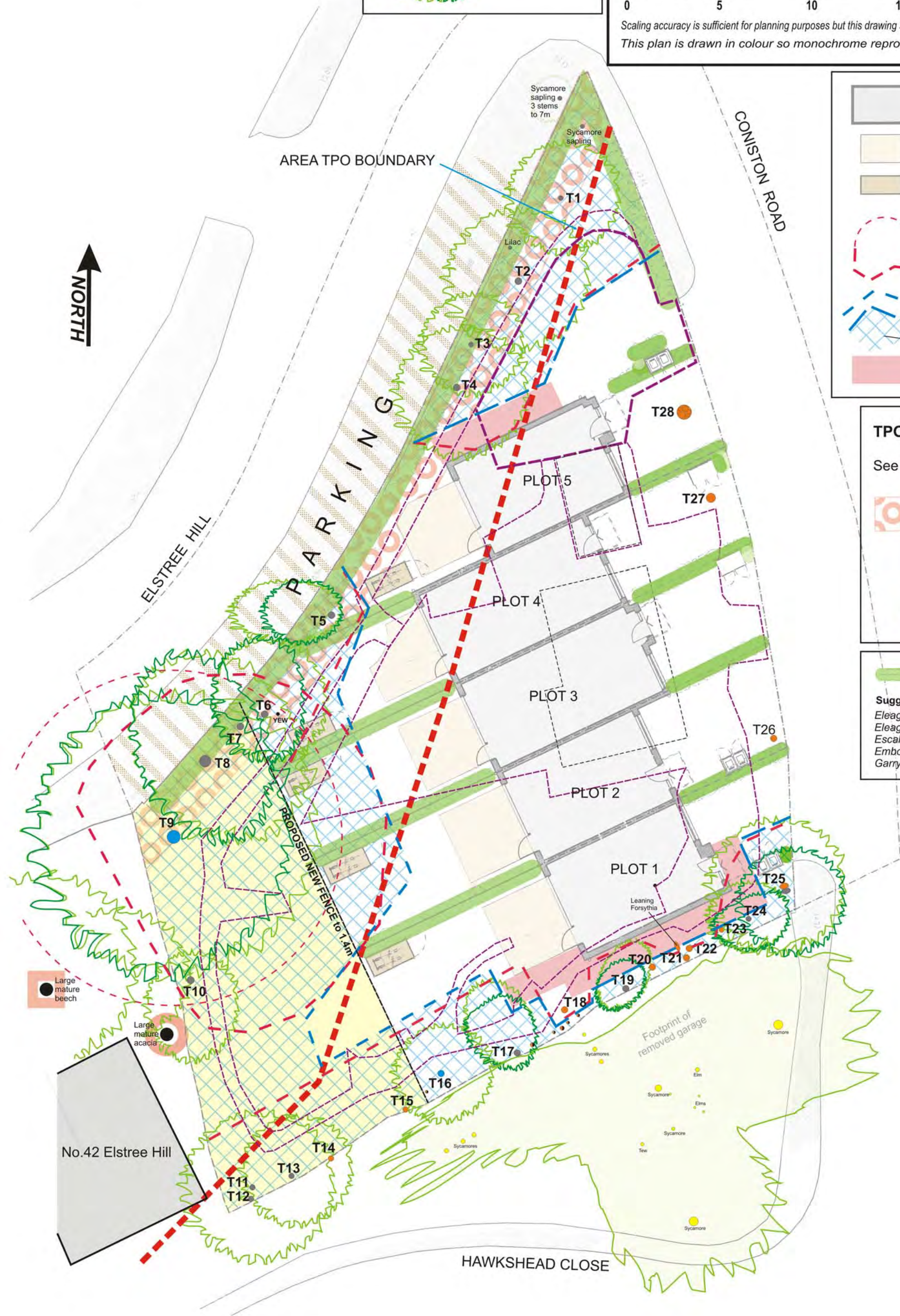
TPOs

See Section 6 in the Report



Proposed New Hedge

Suggested species mix	
<i>Eleagnus ebbingei</i>	50%
<i>Eleagnus ebbingei</i> 'Limelight'	20%
<i>Escallonia ivelyi</i> (red flowering)	10%
<i>Embothrium coccinea</i>	5%
<i>Garrya elliptica</i>	15%





**BS5837:2012 (Paragraph 4.6.1)**  
**Root Protection Area radii in ½ metre graduations**



*The ½ metre graduations of RPA radii have been calculated back to produce diameter dimensions, which in turn have been rounded down to the nearest centimetre. If the BS5837 multiplier factor is plotted on a graph it produces a straight gradient and if the ½ metre steps are plotted they are all above that line, thus ensuring that the RPA radii err on the generous side.*

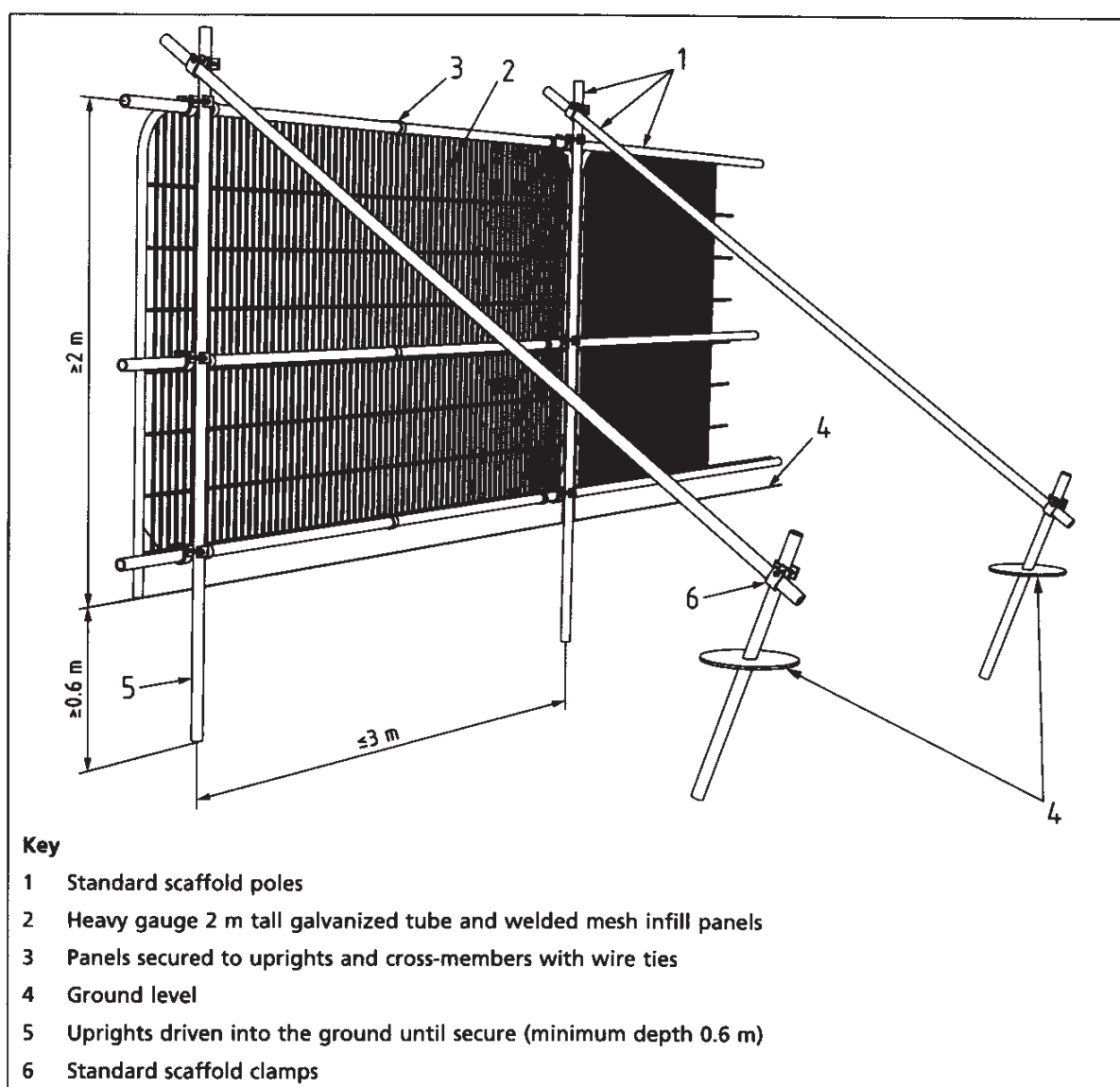
<i>Single Stem up to diameter (mm)</i>	<i>RPA Radius (m)</i>	<i>RPA (m<sup>2</sup>)</i>
<b>1250</b>	<b>15.0</b>	<b>707</b>
<b>1210</b>	<b>14.5</b>	<b>660</b>
<b>1170</b>	<b>14.0</b>	<b>616</b>
<b>1120</b>	<b>13.5</b>	<b>573</b>
<b>1080</b>	<b>13.0</b>	<b>531</b>
<b>1040</b>	<b>12.5</b>	<b>491</b>
<b>1000</b>	<b>12.0</b>	<b>452</b>
<b>960</b>	<b>11.5</b>	<b>416</b>
<b>920</b>	<b>11.0</b>	<b>380</b>
<b>870</b>	<b>10.5</b>	<b>346</b>
<b>830</b>	<b>10.0</b>	<b>314</b>
<b>790</b>	<b>9.5</b>	<b>284</b>
<b>750</b>	<b>9.0</b>	<b>255</b>
<b>710</b>	<b>8.5</b>	<b>227</b>
<b>670</b>	<b>8.0</b>	<b>201</b>
<b>620</b>	<b>7.5</b>	<b>177</b>
<b>580</b>	<b>7.0</b>	<b>154</b>
<b>540</b>	<b>6.5</b>	<b>133</b>
<b>500</b>	<b>6.0</b>	<b>113</b>
<b>460</b>	<b>5.5</b>	<b>95</b>
<b>420</b>	<b>5.0</b>	<b>79</b>
<b>370</b>	<b>4.5</b>	<b>64</b>
<b>330</b>	<b>4.0</b>	<b>50</b>
<b>290</b>	<b>3.5</b>	<b>38</b>
<b>250</b>	<b>3.0</b>	<b>28</b>
<b>210</b>	<b>2.5</b>	<b>20</b>
<b>160</b>	<b>2.0</b>	<b>13</b>

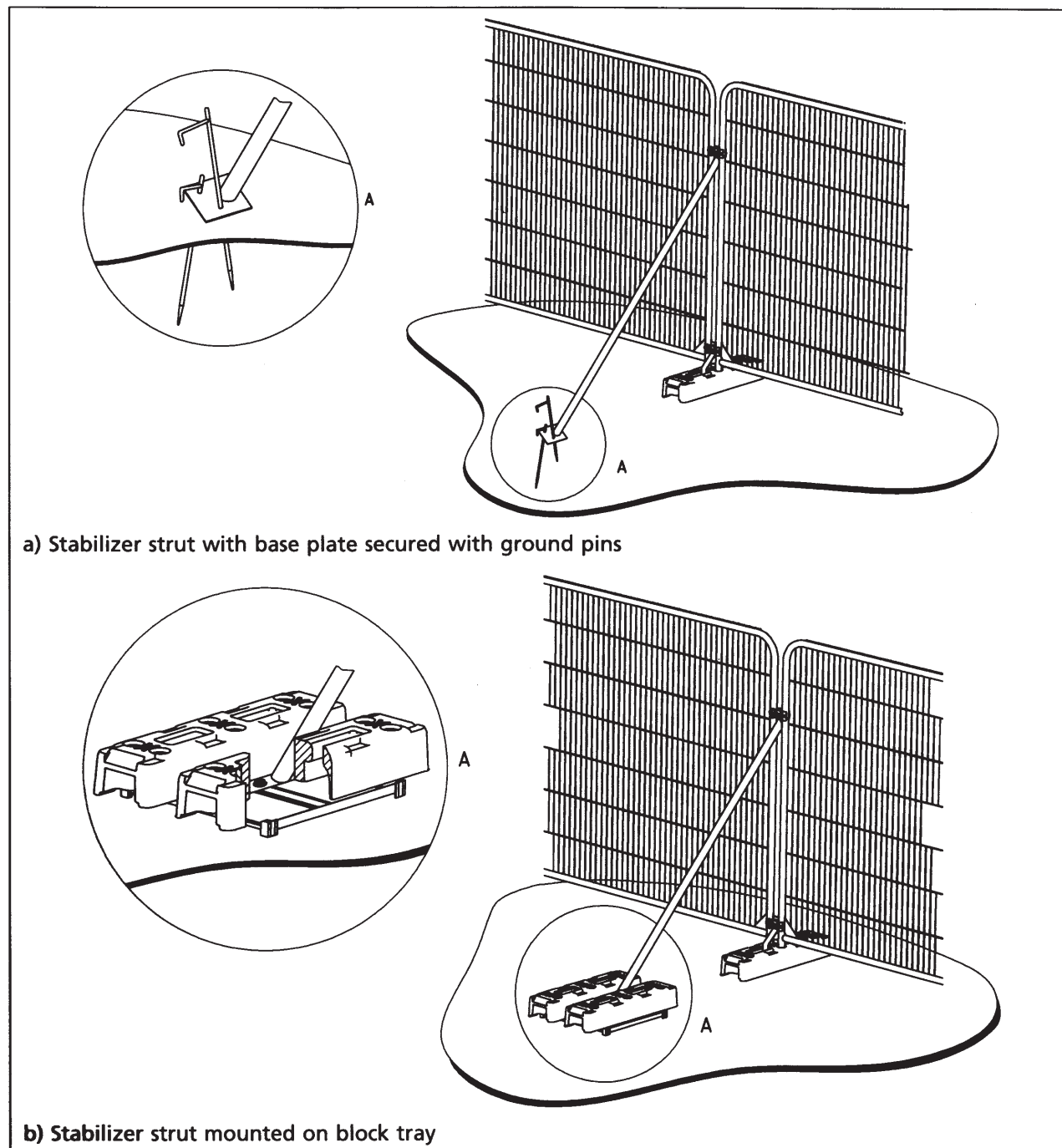


## Extract from British Standard 5837: 2012 Trees in relation to design, demolition and construction - Recommendations

Figure 2. **Default specification for Tree Protection Barrier**

Indicated framework support as the usual method of support for steel mesh panels ('Heras'). Some variation can be employed if appropriate, such as support by wooden posts (75mm x 75mm x 2.75m) dug or concreted into the ground (dry mix concrete contained within a plastic bag), or if there is no pressure of access a lighter form of netting on driven stakes.



**BRITISH STANDARD****BS 5837:2012****Tree Protection Fencing****Figure 3 Examples of above-ground stabilizing systems**

### Extract from British Standard 5837: 2012 Trees in relation to design, demolition and construction - Recommendations

#### Ground Protection

**6.2.3.3** New temporary ground protection should be capable of supporting any traffic entering or using the site without being distorted or causing compaction of underlying soil.

*NOTE The ground protection might comprise one of the following:*

- a) for pedestrian movements only, a single thickness of scaffold boards placed either on top of a driven scaffold frame, so as to form a suspended walkway, or on top of a compression-resistant layer (e.g. 100 mm depth of woodchip), laid onto a geotextile membrane;*
- b) for pedestrian-operated plant up to a gross weight of 2 t, proprietary, inter-linked ground protection boards placed on top of a compression-resistant layer (e.g. 150 mm depth of woodchip), laid onto a geotextile membrane;*
- c) for wheeled or tracked construction traffic exceeding 2 t gross weight, an alternative system (e.g. proprietary systems or pre-cast reinforced concrete slabs) to an engineering specification designed in conjunction with arboricultural advice, to accommodate the likely loading to which it will be subjected.*

**6.2.3.4** The locations of and design for temporary ground protection should be shown on the tree protection plan and detailed within the arboricultural method statement (see 6.1).

**6.2.3.5** In all cases, the objective should be to avoid compaction of the soil, which can arise from the single passage of a heavy vehicle, especially in wet conditions, so that tree root functions remain unimpaired.

---

#### Scaffolding

Where scaffolding is to be erected within an RPA of a retained tree, it may be necessary to place the feet directly onto the ground to achieve a stable working structure.

The collective footprint of the scaffolding footings on the soil will represent a minor proportion of the RPA and will not be a significant factor in terms of ground compaction.

### Method Statement for the uptake of hard surfacing and buildings near to trees

[RPA refers to the Root Protection Area as specified in the Report]

1. The uptake of the existing surfacing and buildings should be carried out from outside the RPA whenever possible and from within the footprint of the existing surfacing or building where within the RPA of a tree.
2. The excavation of the material must not extend into the soil underneath. In practical terms the bucket of the excavator must be used so that the teeth are horizontal so that any disturbance of the underlying soil is kept to an absolute minimum. Where the surfacing is very thin and/or roots are very near the surface, the digging should be done manually.
3. The rubble must not be stockpiled within the RPA of the tree and must be exported without crossing the RPA.
4. Due care and planning must be taken to ensure that the operational arcs of excavators do not damage the crowns of retained trees.
5. Where new surfacing is to be installed, if the depth of the old surface is insufficient, the wearing surface may need to be higher than existing in order to accommodate the appropriate thickness. There may be a requirement for a geo-textile membrane to be laid on the soil surface, but this is an engineering matter dependent upon soil type. The separation is beneficial for root development.
6. Where the old surface is taken up and not replaced, the infill should be of good quality topsoil laid without compaction.

### Method Statement for Manual Digging through Tree Roots

1. Prior to any such work beginning, all personnel engaged in manual digging must be made aware of:
  - i) the purpose of manual digging through roots – *to ensure that all significant roots are exposed*
  - ii) why it is important - *to ensure that no significant harm is caused to a tree's root system*
  - iii) why the excavation of a length of trench or number of trial holes are necessary before any roots are cut – *in order to enable an arboriculturist to make an assessment to decide which need to be protected and which may be severed*
  - iv) once the roots to be severed are identified by an arboriculturist the correct pruning method must be employed - *to ensure that the pruning cuts cause the least possible physiological harm to the roots*
  - v) the importance of the soil type – *to ensure that the correct precautions are taken in respect of the protection of roots as advised by an arboriculturist*
2. Prior to the excavation the position of spoil must be agreed with an arboriculturist and if it is to be exported, also the means and route of exportation.
3. Prior to the excavation the ground on one or both sides of, or around the excavation should be protected against compaction by pedestrian traffic or spoil exportation plant to the agreement of an arboriculturist.
4. Prior to the excavation the contingency arrangements for the protection of roots in the event of accidents or other occurrences must be agreed with an arboriculturist.
5. Prior to the excavation the maximum size of root that may be severed without reference to an arboriculturist must be agreed with an arboriculturist.
6. The soil must be worked loose with a digging fork and “bottomed up” with a shovel, or if space is restricted a “shove-holer”, scoop or other such tool. There may be occasions when soil needs to be scooped out by hand.
7. When a root that is to be retained is found the soil around it should be removed with care, and when exposed it should be protected against impact damage by being wrapped in hessian. (This will also protect it against drying out.)
8. The roots are not likely to be found to the full depth of the trench or hole (although they might be) and digging underneath them will require care. If the number of roots obstruct digging beneath them, the soil should be “tunnelled” from gaps each side, or if this is not practicable an arboriculturist's advice should be obtained to determine where access gaps can be created through the roots.
9. Roots to be severed must be pruned with a sharp cutting tool (secateurs or hand saw) as near to 90° to the axis of the root as possible. Whether the position of the cut should be flush with the excavated soil face or further in, will depend upon the type of backfill and will need to be agreed with an arboriculturist.
10. Where backfill soil is around and above the roots it must not be firmly compacted. If the load-bearing requirement of the backfill requires hard compaction an appropriate method of achieving this will be agreed with an arboriculturist.
11. If a trench has been opened for the installation of underground services an appropriate method of feeding in the cable or pipework under or through the roots will be agreed with an arboriculturist.



## Town Planning

Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020 8464 3333

Fax: 020 8461 7725

Direct Line: 020 8313 4956

Internet: [www.bromley.gov.uk](http://www.bromley.gov.uk)

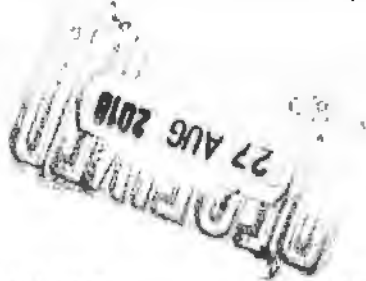
Email: [planning@bromley.gov.uk](mailto:planning@bromley.gov.uk)

DX5727 Bromley

Richton Properties  
C/o Mr Joe Alderman  
Robinson Escott Planning LLP  
303 Downe House  
High Street  
Orpington  
BR6 0NN

Application No : DC/18/02909/FULL1

Date : 23rd August 2018



**TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)**

**NOTIFICATION OF REFUSAL OF PLANNING PERMISSION**

Take notice that the Council of the London Borough of Bromley, in exercise of its powers as local planning authority under the above Act, has **REFUSED** planning permission for the development, referred to in your application received on  
26th June 2018.

at : Trees Coniston Road Bromley BR1 4JB

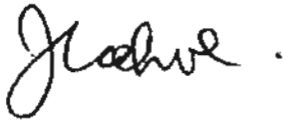
Proposal: Demolition of existing dwelling and detached garage and erection of a three storey terrace of 5 no. dwellings (2 x 4 bedrooms and 3 x 3 bedrooms) with associated car parking, landscaping, cycle and refuse storage.

For following the reasons :-

- 1 The proposed development would not provide an adequate layout of car parking on site and would be liable to obstruct the public right of passage and prejudice the free flow of traffic and conditions of general safety along the adjacent highways contrary to Policies T3 and T18 of the Unitary Development Plan, Draft Policies 30 and 32 of the Proposed Submission Draft Local Plan and Policies 6.12 and 6.13 of the London Plan.
- 2 The proposed development would result in the loss of protected trees to the front of the site which in the interests of amenity and environmental importance are considered desirable to maintain contrary to Policy NE7 of the Unitary Development Plan, Draft Policy 73 of the Proposed Submission Draft Local Plan and Policy 7.21 of the London Plan.

Signed:





**CHIEF PLANNER**

On behalf of the London Borough of Bromley Council

**YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF – these include information on time limits within which to submit an appeal, which can be as short as 28 days from the decision date.**

To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website at [www.bromley.gov.uk/planning](http://www.bromley.gov.uk/planning). Through the provision of a pre-application advice service the Local Planning Authority encourages early engagement to resolve problems that can occur in relation to dealing with a planning application by providing clear guidance as to how the aims of the development plan can be achieved in a sustainable and appropriate manner in accordance with paragraphs 188 - 190 of the National Planning Policy Framework 2012.

**Approvals with or without conditions, or refusals of applications for planning permission under the Town and Country Planning Act 1990 and the Town and Country Planning (General Development Procedure) Order 2015 (as amended) and applications for Listed Building and Conservation Area Consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)**

If you disagree with the decision of the Local Planning Authority (LPA) to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, you may appeal to The Planning Inspectorate (PINS). This is an independent Executive Agency which provides fair and impartial decisions on appeals against LPA decisions on planning consents in accordance with Section 78 of the Town and Country Planning Act 1990 and for Listed Building and Conservation Area consents in accordance with Section 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appeals must be made within 12 weeks of the Decision Notice date for householder planning applications and within 6 months for any other application. They must be submitted on a form, which is obtainable from The Planning Inspectorate Temple Quay House, 2 The Square, Temple Quay Bristol BS1 6PN or online from <https://www.gov.uk/appeal-planning-decision>. If an enforcement notice is or has been served relating to the same or substantially the same development as in your application, then the time limit to appeal will expire 28 days after the enforcement notice is served – except that you will have a minimum of 28 days to appeal after the right of appeal begins and the time limit will expire no later than it would if there were no enforcement notice.

The Secretary of State (including PINS) is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the Statutory requirements, to the provisions of the development order, and to any directions given under the order.

If planning permission, listed building or conservation area consent to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State (including PINS) on appeal, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the London Borough of Bromley a purchase notice requiring that the Council purchase his interest in the land in accordance with the provisions of Part VI Chapter 1 of the Town and Country Planning Act 1990 or in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In certain circumstances, a claim may be made against the local planning authority for compensation, where permission or consent is refused, or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. These circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 and in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Applications for Express Consent under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 2007**

If you disagree with the decision of the local planning authority to refuse consent for the display of an advertisement or to grant consent subject to conditions, you may by notice served within 8 weeks of the receipt of this notice, or such longer period as the Secretary of State may agree, appeal to the Planning Inspectorate in accordance with the provision of Part 3 Section 17 of The Town and Country Planning (Control of Advertisements) Regulations 2007. Forms are available from The Planning Inspectorate Temple Quay House, 2 The Square, Temple Quay Bristol BS1 6PN or online from <https://www.gov.uk/appeal-planning-decision>

**Town and Country Planning Act 1990 (as amended). A Certificate of Lawfulness for an existing proposed use or development**

If you are aggrieved by a refusal to grant, a Certificate of Lawfulness, you may appeal to the Planning Inspectorate under Section 195 and 196 of the Town and Country Planning Act 1990 (as amended).

**AN IMPORTANT FOOTNOTE**

Permission or approval referred to overleaf is confined to permission under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990, the Town and Country Planning General Development Order 2015 as amended, and the Town and Country Planning (Control of Advertisements) Regulations 2007, and does not obviate the necessity of compliance with any other enactment, by law, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, Building Regulation, consent, approval or authorisation which may be required.

You are reminded that the Borough Council's permission does not modify or affect any personal or restrictive covenants, easement, etc., applying to or affecting either this or any other land or the rights of any persons (including the London Borough of Bromley Council) entitled to the benefits thereof or holding an interest in the property concerned in this development or in any adjoining property.

**ACCESS FOR PEOPLE WITH DISABILITIES**

Your attention is drawn to British Standard and Government advice concerning means of access for people with a disability. This advice applies to educational, recreational and retail premises as well as office, factories and business premises.

## Community Infrastructure Levy (CIL) Information Note

This application is considered to be liable for the Mayor of London's Community Infrastructure Levy (CIL). The CIL is a planning charge levied on net additional floorspace arising from new developments or creation of new dwellings (including through a change of use) in order to fund infrastructure to support development in the local area. The Council acts as collecting authority for the Mayor of London who has a levy to raise money for transport infrastructure in the London area.

The first step in the CIL process is to complete a CIL Additional Information Requirement Form or Form 5: Notice of Chargeable Development for permitted developments. All the forms underlined can be found at: <http://www.bromley.gov.uk/cil>

The CIL Team can calculate the CIL liability based on the information you provided for the planning application, however we are unable to discount existing floorspace that has been in continuous use without the above forms.

At the same time, Form 1: Assumption of Liability must be completed in order to produce a Liability Notice. This form tells us who is responsible for paying the CIL charge. If this form is not completed within two weeks of the issue of the planning decision notice, CIL liability will default to the landowner or applicant at a cost of £50. You may have already completed the forms above during the application process.

If you wish to apply for charitable or social housing relief then Form 2: Claiming Exemption or Relief should be submitted. If you are a 'self builder' who builds or commissions a home for their own occupation you may apply for exemption using Form 7: Self Build Exemption Claim Form: Part 1 for the entire home or Self Build Annex or Extension Claim Form. **Exemption forms must be submitted before commencement** of the development and will be granted relief upon receiving a Relief Decision Notice. The Form 7: Self Build Exemption Claim Form Part 2 form must be submitted within six months of completion or the levy will become payable.

The Council will serve a Liability Notice on the person(s) who have assumed liability to pay. It is the liable party's responsibility to notify the Council when commencement (demolition, digging for foundations and underground services and change of use) has started using Form 6: Commencement Notice. **Late notification of a commencement date will result in penalties such as the removal of eligibility for the self-build exemption, a 20% surcharge, the removal of the 60 day payment period requiring immediate payment or CIL stop notices.**

The Council will issue a Demand Notice to the liable person(s) setting out the total CIL amount payable on commencement of the development and the payment date. Please note the chargeable amount will be indexed linked. This notice will be emailed and/or posted to the liable person(s) via the contact details provided in Form 1: Assumption of Liability.

Our finance contractors will shortly afterwards send an invoice with a paying-in slip and information on payment methods following a Demand Notice. Non-payment and failure to comply with CIL procedures will result in surcharges.

The CIL liability will be registered as a local land charge against the land affected by the planning permission and will be revealed when a property search is made. CIL payment will make the charge on the register fulfilled.

Forms (underlined above) can be found at:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

For further information or if you have any questions regarding CIL please contact us at [cil@bromley.gov.uk](mailto:cil@bromley.gov.uk) or on 020 8313 4974.

**TOWN PLANNING  
RENEWAL AND RECREATION DEPARTMENT**

**DELEGATED DECISION on 22nd August 2018**

**18/02909/FULL1**

**Russell Penn**

**Trees  
Coniston Road  
Bromley  
BR1 4JB**

**Description of Development**

Demolition of existing dwelling and detached garage and erection of a three storey terrace of 5 no. dwellings (2 x 4 bedrooms and 3 x 3 bedrooms) with associated car parking, landscaping, cycle and refuse storage.

**Proposal**

Planning permission is sought for the demolition of the existing dwelling and detached garage and the erection of a three storey terrace of 5 no. dwellings (2 x 4 bedrooms and 3 x 3 bedrooms) with associated car parking, landscaping, cycle and refuse storage.

The terrace buildings principle elevation will face Coniston Road. The terraced building footprint is set back in a staggered format varying in average front curtilage depth from 4.73m at the minimum to 7.99m at the most with also varying internal depths of each house. The north end terrace dwelling Plot 5, measures 8.3m depth and the southern end terrace dwellings Plots 1 and 2 are 8.3m. Plots 4 and 5 are 10.3m depth. The widths of all of the units are approximately 5.3m. The height of the houses vary between 9.6m for Plots 1, 2 and 5 and 10m for Plots 3 and 4 with a dual pitched roof structure. Front feature gables are indicated on all the units. Front elevation design indicates slight variation between units.

The footprint of the terrace is set in from the flank boundaries at the front elevation building line point by 2.52m to the property boundary to the south and to the north by 9.49m tapering sharply inwards to the rear. The rear curtilages will be 11m for plots 1 to 4 and an average depth of 7.75m for Plot 5 with a tapering boundary. An external refuse store is located within the front curtilage of each house adjacent to the footway and cycle parking is located in the rear curtilage.

Parking arrangements are provided with a single space in the front curtilage of each unit and to the north west boundary of the site in a linear parking area for 5 vehicles within the public realm area of Elstree Hill. It has been indicated that this is within the site boundary.

Materials are indicated as brickwork for the elevations with a plain tiled roof.

The application was supported by the following documents

- o Design and Access Statement
- o Planning Statement
- o Transport Technical Note

- o Arboricultural Survey.

## Location and Key Constraints

The site is located on the west side of Coniston Road on large roughly triangular plot that backs on to Elstree Hill. The site is approximately 200-400mm lower than Coniston Road street level. To the rear of the site the topography slopes significantly down to Elstree Hill. The site currently comprises a single detached dwelling and detached garage.

To the front and within the vicinity of the site are a number of three storey terraced and semi detached town house style developments dating from approximately the 1970's. To the rear east of the site are larger detached properties.

The site is not in a conservation area nor is the building listed. A site forms part of a blanket Tree Preservation Order area with a variety of species of tree.

## Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received. Many letters have reiterated points in other letters. The main issues and points raised are summarised as follows:

## Objections

- o Development will add to pollution problems from extra traffic and dust.
- o Disagreement that the existing dwelling is of no particular merit due to personal viewpoints of the original architect.
- o Existing dwelling should be extended not demolished.
- o Over development of the site.
- o Loss of views to Crystal Palace radio mast.
- o Concern regarding the findings of the Arboricultural Report.
- o Loss of the existing house is due to its unusual design to be replaced by a terrace will reduce variety in the area.
- o Concerns that if the road is 'made up' it will increase traffic and create rat run.
- o Concerns regarding lack of parking.
- o Additional house acceptable but not this scheme.
- o A lesser terrace at two stories may be acceptable.
- o Concerns regarding loss of trees on site.
- o Concerns with impact to wildlife on the site and loss of a connected green space.
- o Concerns regarding the impact of the construction process.
- o Will result in loss of privacy from overlooking to adjacent houses at front and rear.
- o Concerns regarding loss of daylight and sunlight and the effect of this on wellbeing.
- o Linear parking of Elstree Hill is outside the site.
- o Increased number of occupants will add to the pollution and noise levels in the general area.
- o Siting of end house too close to boundary.
- o Three storey height will cause loss of outlook to surrounding property.
- o Siting, number, design and height of development of townhouses to three storeys with pitched roofs is excessive and over development of the site.
- o Distances between frontages of town houses is a concern.
- o Impact to streetscene views.

- o The road is not capable of supporting this scheme. This will affect its compliance with Part M of the building regulations.
- o Existing house should be listed. Loss will impact negatively on the character of the site and immediate area.
- o Overbearing scale will have negative impact on amenity.
- o Site should be considered for its historical context.
- o Property is in a conservation area and on the green Chain walk.
- o Proposed design is characterless and not a sustainable development.
- o Developer should contribute to cost of making up Coniston Road.

#### Local Groups

- o Ravensbourne Valley Preservation Society has commented that the development is unsympathetic to the streetscene due to scale and size with also a detrimental impact to amenity of neighbouring property. Further comments relate to loss of historical significance, effects to trees and negative impacts to traffic and highways.
- o Orpington Field Club have commented in relation to excessive level of tree removal on the site and the requirement for a preliminary bat survey prior to demolition and trees to be felled.

#### Comments from Consultees

Environmental Health Pollution Officer:

No objections.

Drainage Engineer:

Further details regarding a surface water drainage strategy to be sought by planning condition.

Highways:

Elstree Hill translocated from the London Borough of Lewisham to Bromley in April 1994, as the result of boundary changes. Lewisham advised Bromley that they had always regarded Elstree Hill as an "unmaintained public highway", viz. an "unadopted highway", except for the access to Nos. 8, 10, 12 and 14, on the southern side, which is maintainable. Bromley has accepted this view.

As an unadopted highway, the public right of passage extends between the boundaries of the street and, notwithstanding that the Applicant may own the soil of part of the Elstree Hill, this cannot be used for the parking of vehicles as illustrated in this application without causing an obstruction of the public right of passage.

The parking shown in drawing number P8772 101 Rev6 is therefore unsatisfactory.

Arboriculture:

The removal of all proposed tree felling is considered justified, with the exception of the Oak tree and Whitebeam tree situated along the front boundary. Both trees are category B on the appended tree survey and have a useful retention span. I would like to see more efforts to retain these two trees, but have no objections to the other

aspects of the proposal. The design of the development and associated landscaping should be revised and condensed.

The application currently conflicts with Policy NE7, H7 and BE1. This leads to me recommending refusal.

### Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

### London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy

- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity.
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.19 Biodiversity and Access to Nature
- 8.3 Community Infrastructure Levy

## Unitary Development Plan

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- ER7 Contaminated Land
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE3 Wildlife Features
- NE5 Protected Species
- NE7 Development and Trees
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T17 Servicing of Premises
- T18 Road Safety

## Emerging Local Plan

- 1 Housing supply
- 4 Housing design
- 8 Side Space
- 30 Parking
- 32 Road Safety



33	Access for All
34	Highway Infrastructure Provision
37	General design of development
70	Wildlife Features
73	Development and Trees
77	Landscape Quality and Character
79	Biodiversity and Access to Nature
112	Planning for Sustainable Waste management
113	Waste Management in New Development
115	Reducing flood risk
116	Sustainable Urban Drainage Systems (SUDS)
117	Water and Wastewater Infrastructure Capacity
118	Contaminated Land
119	Noise Pollution
120	Air Quality
122	Light Pollution
123	Sustainable Design and Construction

## Supplementary Planning Guidance

Supplementary Planning Guidance 1: General Design Principles

Supplementary Planning Guidance 2: Residential Design Guidance

Housing: Supplementary Planning Guidance. (March 2016)

Technical housing standards - Nationally Described Space Standard (March 2015)

## Planning History

There is no relevant planning history relating to the application site on record.

## Considerations

The main issues to be considered in respect of this application are:

- o Principle
- o Design
- o Standard of residential accommodation
- o Highways
- o Neighbouring amenity
- o Sustainability
- o Trees and Ecology.
- o Other (drainage/flooding/noise/pollution)
- o CIL

## Principle

The NPPF (2018) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

Policies including 3.3 of The London Plan 2016, H1 of the UDP 2006 and Draft Policy 1 have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.

Policy H7 of the UDP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

The site is currently developed for a single unit of occupancy for residential use. In this location the Council will however, consider a higher density residential infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore, the provision of greater number of housing units on the land as opposed to a single dwelling appears acceptable in principle subject to an assessment of the impact of the proposal on the level of density of the units, unit mix, appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

## Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 of the plan and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

The site has a PTAL rating of 1b and is within a suburban setting. In accordance with Table 3.2, the recommended density range for the site would be 35-55 dwellings per hectare. The proposed development would have a density of 41 dwellings per hectare.

Therefore, the proposed development of the site would be within the suggested range and maybe considered a suitable level of development for the site. However, a numerical calculation of density is only one aspect in assessing the acceptability of a residential development and Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity which are assessed below.

## Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 127 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

The public realm is also an important aspect of any development as it ensures that the development is integrated into and enhances the existing character and use of the area. All residential and commercial development is required by policy to contribute towards good design which extends to the consideration of the public realm (London Plan Policy 7.5).

Policy BE1 and H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy H9 of the UDP requires that new residential development for a proposal of two or more storeys in height a minimum of 1m side space from the side boundary is maintained and where higher standards of separation already exist within residential areas. Proposals will be expected to provide a more generous side space.

The submitted Design and Access Statement goes some way to explain the design process and rationale that has led to the current proposed design.

The predominant character in the locality of the site can be categorised into different periods of design style and layout. To the front and within the vicinity of the site are a number of three storey terraced and semi-detached town house style developments dating from approximately the 1970's that were built on land that was not previously developed. To the rear east of the site are larger detached properties formally within the London Borough of Lewisham. The site itself although always within the Bromley boundary represents one of the latter as a detached property built within extensive grounds in the interwar period. Within the streetscene of the site today this represents a relatively low density site in comparison to its immediate more recent surroundings opposite on the same ground level. The sites context is therefore considered to relate to the east and south areas of the site, the context of which is detailed above.

In this case, the proposed terraced houses are three storey in height to the streetscene elevation with feature front facing gables at roof level. In terms of mass and scale with pitched roofs and a terraced town house style form, as well as maintaining front and rear building alignments, ridge heights and soft/hard landscaped front garden areas the scheme strikes a balance between the existing building lines and the local building pattern. The terrace building also provides comparative unit widths to each dwelling to that found locally and maintains a distance of approximately 25m to the properties opposite between front elevations. The building is also slightly sunk below street level which reduces scale to the street scene and responds to the topography of the site. The building height, proportions, roofscape and window proportions are considered to echo the adjacent context.

Therefore, the impact of the building in terms of its mass and scale is considered acceptable to the context of the streetscene representing an infill development in keeping with its related surroundings.

The justification paragraph in respect of Policy H9 details that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. This is to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas.

The terrace scheme has provided adequate separation distances from each end terrace unit to adjacent property in the context of the prevailing pattern of development and on balance, it is considered that the level of separation indicated between properties is sufficient to maintain the established and individual qualities of the area given the predominance of similar styled properties in the immediate locality of Coniston Road.

In terms of design approach, the opportunity to construct a similar style of development has been achieved with the design style undertaken which takes its cues from the locality. Traditional brick and tile materials are indicated and as such it is considered that the impact on the character and context of the locality is positive as the building adds a suitable contemporary infill building.

## Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Technical Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

A Part M compliance paragraph has been submitted as part of the Design and Access Statement that details compliance with the relevant sections of Part M. A compliance condition is recommended with any permission in this regard.

The floor space size of each of the houses ranges between 123m<sup>2</sup> for the smallest three bedroom unit and upto 149m<sup>2</sup> the largest four bedroom unit respectively. The nationally described space standards require a GIA of 99m<sup>2</sup> for a three bedroom five person unit and 112m<sup>2</sup> for a four bedroom six person unit in relation to the number of persons, floors and bedrooms mix. On this basis, the floorspace size provision for all of the units is compliant with the required standards and is considered acceptable.

The internal layout of the units has a staggered form, however the shape and room size in the proposed units is generally considered satisfactory for the units where none of the rooms would have a particularly convoluted shape which would limit their specific use.

In terms of amenity space the depth and width of the rear gardens of Plots 1 to 4 are of sufficient proportion to provide a usable space for the purposes of a family dwellinghouse and is representative of the proportions of rear gardens in the vicinity. Plot 5 has a triangular form to the rear, however with the addition of the wide side space area a suitable quantum and quality is provided.

## Highways



The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The Council's Highway Officer has reviewed the current application and raised an objection to the level of parking provided off road at the site as detailed above. It is therefore considered that there will be a significant impact on parking in the vicinity and obstruction to the right of passage within the highway due to the use of this area for parking. Therefore the proposal is considered generally unacceptable from a highways perspective.

#### Cycle parking

Cycle parking is required to be 2 spaces for dwellinghouses as proposed. The applicant has provided details of a location for cycle storage within the rear garden area of each unit. This is considered acceptable. A planning condition is recommended with any permission in this regard for further details to ensure the storage is secure and lockable.

#### Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of a refuse storage area adjacent to the front curtilage boundary of the site on Coniston Road. A planning condition is recommended with any permission in this regard for further details of a containment structure and capacity.

#### Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

In terms of outlook, the fenestration arrangement will provide front and rear outlook for Plots 1 to 4 overlooking amenity space or overlooking the street. Plot 5 has an additional side outlook over its extended side curtilage from first and second floor levels. Views beyond this are to the streetscene north on Coniston Road and Elstree Hill. There are no flank windows in the southern end of the terrace building. The outlook from windows from the proposed properties is considered to maintain a suitable level of privacy at the intended distances to existing neighbouring property.

Concerns have been raised regarding the terrace blocking outlook to Crystal Palace and the environs beyond from neighbouring property. The buildings are three storey to the streetscene with a massing arrangement and footprint position representative of neighbouring housing and the prevailing development in the locality. While outlook may change to the opposite properties it is not considered that there will be a loss of natural light or outlook altered to any significant extent that would warrant withholding planning permission on this basis.

On balance, it is considered that the building will not be detrimental to neighbouring residential amenity.

## Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

An informative is recommended with any approval to ensure that the development strives to achieve these objectives.

## Trees and Landscaping.

Policy NE7 states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

An indicative landscaping layout has been submitted as shown on the proposed site plan drawing that details the areas given over to landscaping. The site lies in an area protected by a blanket Tree Preservation Order. A number of trees are indicated to be removed on site to facilitate the development. The Council's Arboricultural Officer has reviewed the scheme and raised objections in this respect with regard to the Oak tree and Whitebeam tree situated along the front boundary. Both trees are category B on the appended tree survey and have a useful retention span and should be retained.

Notwithstanding the assessment on design as detailed above the loss of the protected trees to facilitate the proposed building is not considered acceptable.

Full details of hard and soft landscaping and boundary treatment are recommended to be sought by condition as necessary.

## Ecology

London Plan Policy 7.21 states that development proposals should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.

A local ecology group has commented in respect of the potential for protected species to be present on site as detailed above.

Officers are satisfied that a suitable condition with any recommendation for permission, requiring preliminary surveys in this regard prior to the commencement of works can ensure there is no ecological harm in this respect.

## CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

## Conclusion

Taking into account the issues discussed above the proposed replacement development would not provide an adequate layout of car parking on site and would be liable to obstruct the public right of passage and prejudice the free flow of traffic and conditions of general safety along the adjacent highways.

The development would also result in the loss of protected trees to the front of the site which in the interests of amenity and environmental importance are considered desirable to maintain.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

## Decision

Application Refused

**For conditions or grounds of refusal please refer to the Decision Notice**



Tree Preservation Orders in Bromley

Find your nearest Protected Trees

Extracts from LBB's website obtained on 4th January, 2019

Location: TREES CONISTON ROAD BROMLEY BR1 4JB

Key

Please type your address into the location box above

Tree Preservation Orders

Conservation Areas

There are special provisions for trees in conservation areas. Anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the local planning authority six weeks' prior notice. This is to give the local authority an opportunity to consider whether a Tree Preservation Order should be made.

Tree Preservation Orders

LAND BETWEEN LONDON ROAD AND MADEIRA AVENUE BROMLEY  
THE SEVERAL TREES OF WHATEVER SPECIES MAINLY OAK BIRCH MOUNTAIN ASH BEECH HORSE CHESTNUT ARAUCARIA SCOTS PINE SYCAMORE CEDAR ELM BLACK AND LOMBARDY POPLAR ASH LIME YEW CUPRESSUS MACROCARPA AND CUPRESSUS LAUSONIANA  
Created: 07-11-1960  
TREES, CONISTON ROAD, BROMLEY, KENT  
SORBUS  
Created: 07.07.2010

This is Group G1 of TPO 2382, 2010, but there is no link to, or any mention of it the citation (right) - only "SORBUS", the genus of whtiebeam.

Tree Preservation Orders

THE GROUNDS OF CEDARHURST ELSTREE HILL ON T HE EASTERN SIDE APPROXIMATELY 34 FEET SOUTH OF THE GATEWAY AND APPROXIMATELY 6 FEET FROM THE BOUNDARY WITH TREES CONISTON ROAD  
BEECH  
Created: NONE

Tree Preservation Orders

LAND BETWEEN LONDON ROAD AND MADEIRA AVENUE BROMLEY  
THE SEVERAL TREES OF WHATEVER SPECIES MAINLY OAK BIRCH MOUNTAIN ASH BEECH HORSE CHESTNUT ARAUCARIA SCOTS PINE SYCAMORE CEDAR ELM BLACK AND LOMBARDY POPLAR ASH LIME YEW CUPRESSUS MACROCARPA AND CUPRESSUS LAUSONIANA  
Created: 07-11-1960  
THE GROUNDS OF CEDARHURST ELSTREE HILL ON THE SOUTHERN SIDE OF THE DRIVEWAY APPROXIMATELY 24 FEET FROM THE SOUTHERN BOUNDARY FENCE AND APPROXIMATELY 5 FEET FROM THE BOUNDARY WITH TREES CONISTON ROAD  
SILVER BIRCH  
Created: NONE

Tree Preservation Orders

LAND BETWEEN LONDON ROAD AND MADEIRA AVENUE BROMLEY  
THE SEVERAL TREES OF WHATEVER SPECIES MAINLY OAK BIRCH MOUNTAIN ASH BEECH HORSE CHESTNUT ARAUCARIA SCOTS PINE SYCAMORE CEDAR ELM BLACK AND LOMBARDY POPLAR ASH LIME YEW CUPRESSUS MACROCARPA AND CUPRESSUS LAUSONIANA  
Created: 07-11-1960

Tree Preservation Orders

THE GROUNDS OF CEDARHURST ELSTREE HILL APPROXIMATELY 20 FEET FROM THE BOUNDARY WITH TREES CONISTON ROAD AND APPROXIMATELY 16 FEET FROM THE BOUNDARY WITH ELSTREE HILL  
FALSE ACACIA  
Created: NONE

The circles 1, 2, 3 and 4 did not have a definition when accessed on the LBB website in April 2018. The only text box that appeared was for the blue peg citing the 1960 TPO.



## Appendix QWE

Title Page, Citation Page and Plan (the other pages relation to the administration of the TPO have been superseded by the 2012 TPO Regulations)

C O U N T Y   O F   K E N T

T O W N   A N D   C O U N T R Y   P L A N N I N G

---

B O R O U G H   O F   B R O M L E Y

T R E E   P R E S E R V A T I O N

O R D E R   N O . 9 ,   1 9 6 0 .

---

7th November, 1960.

NOTE:- If it is desired to fell any of the trees included in this Order whether included as trees, groups of trees or woodlands and the trees are trees for the felling of which a licence is required under the Forestry Act, 1951, application must be made not to the Authority for consent under this Order but to the Forestry Commissioners for a licence under that Act. (See Forestry Act, 1951, Section 13(1)).

BROMLEY BOROUGH COUNCILTOWN AND COUNTRY PLANNING ACT, 1947 - SECTION 28TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER) REGULATIONS 1950

To: Mr. R. H. Williams,  
Trees,  
Coniston Road,  
BROMLEY, Kent.

I HEREBY GIVE YOU NOTICE of the making by the Council of the Borough of Bromley, acting on behalf of the Kent County Council, as Local Planning Authority, of a Tree Preservation Order which has been submitted to the Minister of Housing and Local Government for confirmation.

The effect of the Minister's confirmation of the Order will be, inter alia, that subject to the provisions of the Order as to exemptions, it will not be lawful without the permission of the Borough Council for any person to cut down, top, lop or wilfully destroy any of the trees contained in the areas specified in the schedule hereto.

A certified copy of the Order may be inspected at the Town Clerk's Office, Municipal Buildings, Bromley, during normal office hours.

Should you wish to raise any objections or make any representations in relation to the Order they should be made in writing to the Minister of Housing and Local Government, Whitehall, London, S.W.1., within 28 days of the service of this notice.

Schedule

<u>Description</u>	<u>Situation</u>
The several trees of whatever species, mainly oak, birch, mountain ash, beech, horse chestnut, pine, scots pine, sycamore, cedar, cypress, elm, poplar, ash and lime.	Land in the Borough of Bromley situate on the west side of LONDON ROAD, northwards from the junction with Highland Road to the Borough boundary; at HIGHLAND ROAD, except the land affected by the Borough of Bromley Tree Preservation Orders Nos. 5 and 7, and the grounds of No.28; at GRASMERE ROAD, except the land affected by the Borough of Bromley Tree Preservation Order No.7; at BROMLEY AVENUE eastwards from the junction with Madeira Avenue and Warren Avenue, except the land affected by the Borough of Bromley Tree Preservation Order No.7; the grounds of No.12 BECKENHAM LANE: the grounds of Nos.57, 59, 106, 108, 110 and 112 PARK END: at OAKLANDS ROAD: at SPENCER ROAD: at CONISTON ROAD: and on the north-east side of MADEIRA AVENUE.

Dated: - 4 AUG 1961

.....*Lionel Kage*.....  
Town Clerk

Municipal Buildings,  
Bromley, Kent.

Notes

1. Every objection or representation must specify the particular trees or areas of trees in respect of which it is made and must state the grounds thereof.
2. An objection shall not be duly made unless it is received within 28 days of the service of this notice and complies with paragraph 1 above.



# BOROUGH OF BROMLEY TREE PRESERVATION ORDER No 9, 1960.





020 83134881  
raheli.paris@bromley.gov.uk

**MEMORANDUM**

Our ref: L7 TPO 2382

07 July 2010

**To: Coral Gibson, Principal Tree Officer  
Environmental Services Department**

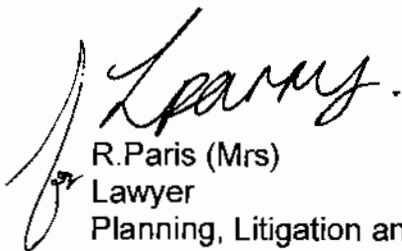
**From: R.Paris (Mrs)  
Legal and Democratic Services**

**cc: Local Land Charges Department**

**TREE PRESERVATION ORDER NO. 2382  
Trees, Coniston Road, Bromley, Kent**

Further to your instructions of 2/7/10 received 5/7/10, I now attach hereto a copy of the above Order. I will let you know in due course when the Order has been confirmed.

A copy/copies of the Order and the appropriate Notice(s) has/have been served on the parties listed in your notification list.

  
R.Paris (Mrs)  
Lawyer  
Planning, Litigation and Licensing

**TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999**  
**As amended by the Town and Country Planning (Trees)(Amendment)(England)**  
**Regulations 2008**

**Town and Country Planning Act 1990**  
**The Tree Preservation Order No. 2382/2010**

The LONDON BOROUGH OF BROMLEY, in exercise of the powers conferred on them by sections 198 [201] and 203 of the Town and Country Planning Act 1990 hereby make the following Order—

**Citation**

1. This Order may be cited as the Tree Preservation Order No. 2382/2010

**Interpretation**

2. In this Order "the authority" means the LONDON BOROUGH OF BROMLEY and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

**Application of section 201**

3. The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on **07 July 2010**

**Prohibited acts in relation to trees**

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to article 5, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

**Exemptions**

5.—(1) Nothing in article 4 shall prevent—

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary—
  - (i) in the interests of the safe operation of the undertaking;
  - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or

- (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);
- (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development Order) 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or
- (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

(2) In paragraph (1), "statutory undertaker" means any of the following—

- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,
- a relevant airport operator (within the meaning of Part V of the Airports Act 1986),

- the holder of a licence under section 6 of the Electricity Act 1989,
- a public gas transporter,
- the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied,
- a water or sewerage undertaker,
- the Civil Aviation Authority or a body acting on behalf of that Authority,
- the Post Office.

#### **Application of provisions of the Town and Country Planning Act 1990**

**7.—**(1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

#### **Directions as to replanting**

**8.—**(1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

(3) A direction under paragraph (1) may include requirements as to—

- (a) species;
- (b) number of trees per hectare;
- (c) the preparation of the relevant land prior to the replanting; and
- (d) the erection of fencing necessary for the protection of the newly planted trees.

#### **Compensation**

**9.—**(1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of—

- (a) the refusal of any consent required under this Order; or
- (b) the grant of any such consent subject to conditions,



he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this article—

- (a) if more than 12 months has elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
- (b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person—

- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
- (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article—

“development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

“owner” has the meaning given to it by section 34 of the Forestry Act 1967.

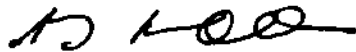
#### **Application to trees to be planted pursuant to a condition**

**[10.]** In relation to the tree[s] identified in the first column of Schedule 1 by the letter "C", being [a tree] [trees] to be planted pursuant to a condition (being a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted] [those trees are planted].]

Dated this 7th day of July 2010

Signed on behalf of the LONDON BOROUGH OF BROMLEY

Signed:



Bob McQuillan  
Chief Planner  
London Borough of Bromley  
Civic Centre  
Stockwell Close  
Bromley BR1 3UH

Authorised by the Council to sign in that behalf

## SCHEDULE 1

### SPECIFICATION OF TREES

#### TREES SPECIFIED INDIVIDUALLY\*

(encircled in black on the map)

No. on Map	Description
T1	Sorbus

#### TREES SPECIFIED BY REFERENCES TO AN AREA\*

(within a dotted black line on the map)

No. on Map	Description
	NONE

#### GROUPS OF TREES\*

(within a broken black line on the map)

No. on Map	Description
G1	Copper Beech (Number of Trees: 2)
G1	Oak (Number of Trees: 2)
G1	Sycamore (Number of Trees: 2)
G1	Maple (Number of Trees: 1)

#### WOODLANDS\*

(within a continuous black line on the map)

No. on Map	Description
	NONE

#### SITUATION:

T1 - In the front garden adjacent to Coniston Road

G1 - In front garden fronting Elstree Hill



## SCHEDULE 2

### PART I

#### PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 APPLIED WITH ADAPTATIONS OR MODIFICATIONS

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1)—</p> <p>(i) omit—  “in such manner as may be prescribed by a development order,”  “such” in the second place where it appears, and  “as may be so prescribed”; and</p> <p>(ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In subsection (2)—</p> <p>(i) after “contain” insert “, as regards each such order”; and</p> <p>(ii) for paragraphs (a) and (b) substitute—</p> <p>(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and</p> <p>(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.”.</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1)—</p> <p>(i) substitute—  “Subject to subsections (1A) and (1B), where”  for “Where”;  “the authority” for “a local planning authority”;  “consent under a tree preservation order” for  “planning permission” where those words first  appear; and  “consent under the order” for “planning  permission” in both of the other places where  those words appear;</p> <p>(ii) after “think fit”, insert—  “(including conditions limiting the duration of  the consent or requiring the replacement of  trees)”; and</p> <p>(iii) omit “subject to sections 91 and 92.”.</p> <p>(b) After subsection (1) insert—  “(1A) Where an application relates to an area of woodland, the authority shall grant  consent so far as accords with the practice of good forestry, unless they are  satisfied that the granting of consent would fail to secure the maintenance of the  special character of the woodland or the woodland character of the area.  (1B) Where the authority grant consent for the  felling of trees in a woodland area they shall not  impose conditions requiring replacement where such  felling is carried out in the course of forestry  operations (but may give directions for securing  replanting).”.</p> <p>(c) Omit subsections (2) and (3).</p>
Section 75 (effect of planning permission)	<p>(a) In subsection (1) substitute—</p> <p>(i) “Any” for the words from “Without” to “any”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission to develop  land”;</p> <p>(iii) “the consent” for “the permission”; and</p> <p>(iv) “the land to which the order relates” for “the  land”.</p> <p>(b) Omit subsections (2) and (3).</p>
Section 78 (right to appeal against planning decisions and failure to take such decisions)	<p>(a) In subsection (1) substitute—</p> <p>(i) “the authority” for “a local planning authority”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission” in the first  place where those words appear;</p> <p>(iii) “consent under such an order” for “planning permission” in the second place  where those words appear;</p> <p>(iv) for paragraph (c) substitute—  “(c) give a direction under a tree preservation order, or refuse an  application for any consent, agreement or approval of that authority  required by such a direction; or  (d) fail to determine any such application as is referred to in paragraphs  (a) to (c) within the period of 8 weeks beginning with the date on  which the application was received by the authority.”.</p> <p>(b) Omit subsection (2).</p> <p>(c) In subsection (3) for “served within such time and in such manner as may be prescribed by a  development order.” substitute—  “in writing addressed to the Secretary of State, specifying the grounds on which the  appeal is made; and such notice shall be served—  (a) in respect of a matter mentioned in any of  paragraphs (a) to (c) of subsection (1), within  the period of 28 days from the receipt of</p>

	<p>notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;</p> <p>(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant."</p> <p>(d) For subsection (4), substitute— "(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)."</p> <p>(e) For subsection (5), substitute— "(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question."</p>
Section 79 (determination of appeals)	<p>(a) In subsections (1) and (2), substitute "the authority" for "the local planning authority".</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute—</p> <ul style="list-style-type: none"> <li>(i) "section 70(1), (1A) and (1B)" for "sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5";</li> <li>(ii) "consent under a tree preservation order" for "planning permission"; and</li> <li>(iii) "the authority" for "the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of sections 65 or 71."</li> </ul> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after "section 78".</p>



PART II  
PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990,  
AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

**Section 69**

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order—

- (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
- (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

.....

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

**Section 70**

(1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order—

- (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
- (b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

## **Section 75**

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

## **Section 78**

(1) Where the authority—

- (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
- (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
- (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

.....

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—

- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

.....

## **Section 79**

(1) On an appeal under section 78 the Secretary of State may—

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

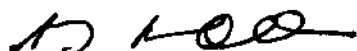
(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

.....

(7) Schedule 6 applies to appeals under section 78.

**Signed on behalf of the LONDON BOROUGH  
OF BROMLEY**

A handwritten signature in black ink, appearing to read 'B McQuillan', written in a cursive style.

Signed:

Bob McQuillan  
Chief Planner  
London Borough of Bromley  
Civic Centre  
Stockwell Close  
Bromley BR1 3UH

Authorised by the Council to sign in that behalf

11

Dated: 7<sup>th</sup> July 2010

THE LONDON BOROUGH OF BROMLEY

TOWN AND COUNTRY PLANNING ACT  
1990

TREE PRESERVATION ORDER 2010  
No. 2382 relating to Trees, Coniston Road,  
Bromley, Kent

My enquiry of the 12th November to LBB querying the absence of any details with regard to the four circles when "clicked" upon, as numbered at Appendix QWD.

**From:** [info@bromley.gov.uk](mailto:info@bromley.gov.uk) [<mailto:info@bromley.gov.uk>]

**Sent:** 12 November 2018 11:53

**To:** Jim Quaife

**Subject:** Your London Borough of Bromley online form receipt - 906441

Thank you for your enquiry, you will receive a reply within 3 - 5 working days. However, TPO applications can take up to 6 - 8 weeks from the date they are received.

This message confirms receipt of your **Tree Preservation Order enquiry form** and your form reference is **906441**.

More information can be found by visiting; [www.bromley.gov.uk/trees](http://www.bromley.gov.uk/trees)

**Help us to improve our service:** [Tell us how we are doing](#)

#### Form details

Question	Response
<i>Please select from the dropdown menu what you would like to contact us about:</i>	Request status of a tree(s)
<i>Location details of tree(s):</i>	'Trees', Coniston Road, Bromley, BR1 4JB
<i>Additional information (Exact location of tree, details of breach, name and contact details of tree contractor involved if known):</i>	The site is within a larger Area TPO (made in 1960) but there are various individual circles. Four of these are shown within the area TPO covering the site; the three circles in the south-western part flag up a TPO with no date and placing them in the property next door in Cedarhurst. The fourth is in the Coniston Road frontage. Please could you let me know the protection status of these four circles?
<i>Title:</i>	Mr
<i>First name:</i>	Jim
<i>Surname:</i>	Quaife
<i>Telephone number:</i>	01959 563878
<i>Email:</i>	<a href="mailto:jq@quaife-woodlands.co.uk">jq@quaife-woodlands.co.uk</a>
<i>Your address:</i>	2 Squerries Farm Cottages, Westerham, Kent. TN16 1SL



Having received no reply to my on-line enquiry within the 3 - 5 working day, I sent this prompt on the 10th December.

This message was sent with High importance.

This message is part of a tracked conversation. Click here to find all related messages or to open the original flagged message.

From: Jim Quaife  
To: 'info@bromley.gov.uk'  
Cc:  
Bcc: 'A Richton'  
Subject: RE: Your London Borough of Bromley online form receipt - 906441  
Sent: Mon 10/12/2018 07:04

Good Morning,  
Could I ask that you respond to my enquiry of the 12<sup>th</sup> November please?  
It is not a TPO application, just a request for information.  
Many thanks,  
Regards,  
Jim Quaife

From: [info@bromley.gov.uk](mailto:info@bromley.gov.uk) [<mailto:info@bromley.gov.uk>]  
Sent: 12 November 2018 11:53  
To: Jim Quaife  
Subject: Your London Borough of Bromley online form receipt - 906441

Thank you for your enquiry, you will receive a reply within 3 - 5 working days.  
However, TPO applications can take up to 6 - 8 weeks from the date they are received.

This message confirms receipt of your **Tree Preservation Order enquiry form** and your form reference is **906441**.

More information can be found by visiting; [www.bromley.gov.uk/trees](http://www.bromley.gov.uk/trees)

**Help us to improve our service:** [Tell us how we are doing](#)

#### Form details

##### Question

*Please select from the dropdown menu what you would like to contact us*

##### Response

Request status of a tree(s)

On the 18th December I received a telephone call from LBB's arboricultural officer, Mr C. Ryder. The rest of my e-mail to the application team has no relevance to this appeal.

You replied on 20/12/2018 08:20.

From: Jim Quaife  
To: 'David McMurtary'; Joe Alderman; Tony Dicker; 'A Richton'  
Cc: 'Philip Brouard RIBA - Principal'  
Subject: RE: Trees, Coniston Road AR3742  
Sent: Tue 18/12/2018 12:30

Gents,  
I've just been phoned by Chris Ryder. There is a TPO on the whitebeam (TPO 2382 2010) but not the oak. (The interactive map doesn't register it!)

## WHITEBEAM

## OAK

## RING COUNT

Quaife Woodlands AR-3724

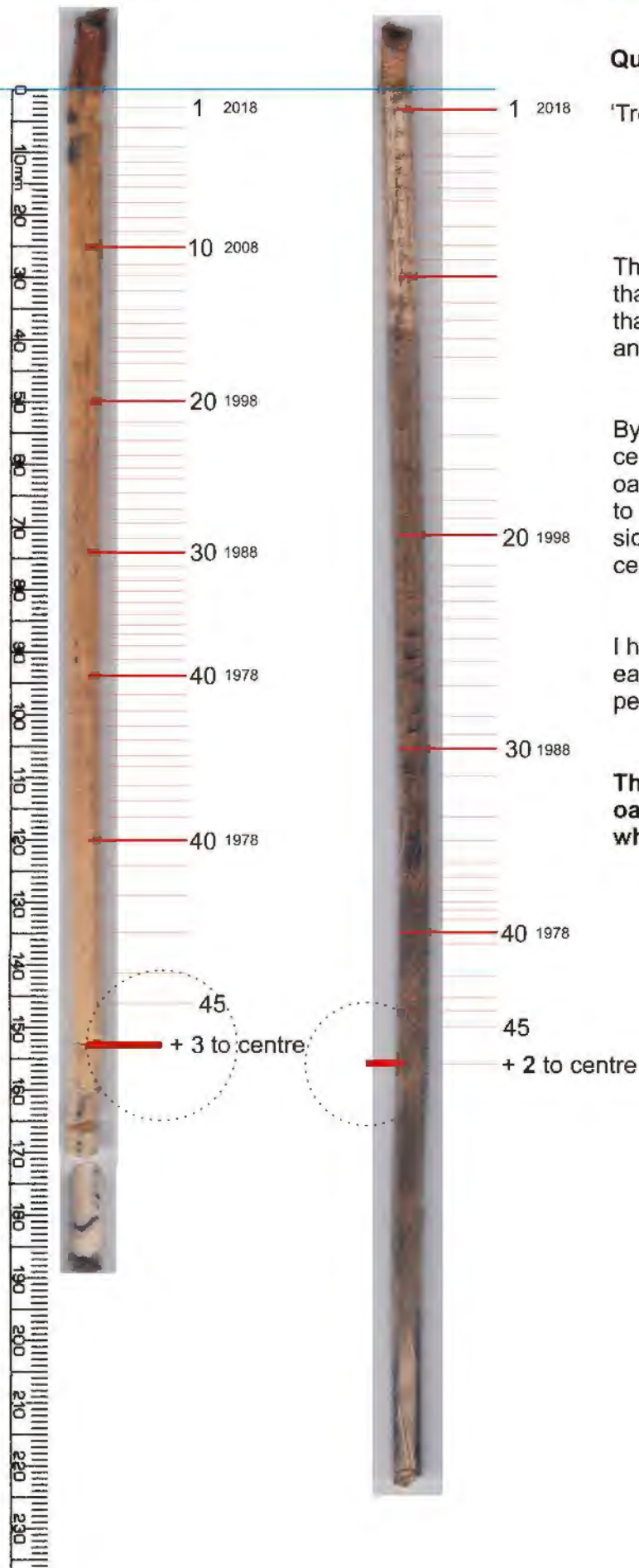
'Trees' Coniston Road Area TPO 1960

The wood was so dense for the oak that I couldn't penetrate any further in than about 225mm, and about 190mm for the whitebeam.

By pure chance I was close to the growth centres of both trees. The centre of the oak is asymmetrically positioned nearer to the core penetration hole than the other side, whereas the whitebeam's growth centre is very near to the geometric centre.

I have allowed 3 years for the seedling of each tree to reach the height of the core penetration point to err generously.

Thus the ages are:  
oak - up to 50 years old  
whitebeam - up to 51 years old







**Whitebeam T27** - this is the largest stem on the western side.  
(The tape reads diameter in centimetres and not linear centimetres)



**Oak T28** - note the lateral root (arrowed) growing along the retaining wall.  
(The tape reads diameter in centimetres and not linear centimetres)