

# Southend-on-Sea Borough Council

Department of the Chief Executive

John Williams - Director of Democratic & Legal Services

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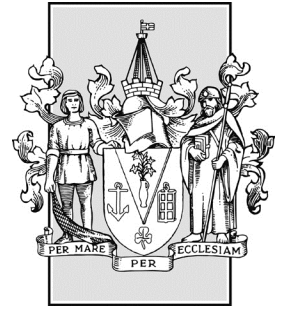
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Dear Councillor

## DEVELOPMENT CONTROL COMMITTEE - WEDNESDAY, 8TH FEBRUARY, 2017

Please find enclosed, a copy of the following report that the Chairman has agreed be considered at this meeting as an urgent additional item on the grounds that a decision on this matter was required before the following meeting of the Committee.

<b>Agenda No</b>	<b>Item</b>
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| 14. | <b>17/00067/TCA - 29 Hadleigh Road, Leigh on Sea, Essex SS9 2DY (Leigh Ward) (Pages 1 - 6)<br/>Fell one Bay tree (T4). two Yew Trees (T5 •&amp;T6), one Pear Tree (T7) and fell Leylandii between two Sycamore Trees (T27 and T28) at 29.-33 Hadleigh Road (Application for works to trees within a conservation area)<br/>Applicant: Mr Jeremy Holmes</b> |
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Yours faithfully

Tim Row

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<b>Reference:</b>	17/00067/TCA
<b>Ward:</b>	Leigh
<b>Proposal:</b>	Fell one Bay tree (T4). two Yew Trees (T5 & T6), one Pear Tree (T7) and fell Leylandii between two Sycamore Trees (T27 and T28) at 29.-33 Hadleigh Road (Application for works to trees within a conservation area)
<b>Address:</b>	29 Hadleigh Road, Leigh-On-Sea, Essex, SS9 2DY
<b>Applicant:</b>	Mr Jeremy Holmes
<b>Agent:</b>	n/a
<b>Consultation Expiry:</b>	15 <sup>th</sup> February 2017
<b>Expiry Date:</b>	27 <sup>th</sup> February 2017
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan No's:</b>	Application Form dated 14 <sup>th</sup> January 2017, PJC/3603/15/A (sheet 2) and PJC/3603/15/A (Sheet 3)
<b>Recommendation:</b>	<b>RAISE NO OBJECTION subject to the expiry of the notification period</b>

14

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## **1 The Proposal**

1.1 The applicant seeks to fell six trees on a strip of land to the north west of 29 Hadleigh Road which was formerly part of the site at 33 Hadleigh Road. The following trees are proposed to be felled:

- T4 (bay tree to close to the boundary with Laurel Close) - this is to be felled to make way for a future garden studio
- T5 and T6 (yew trees close to the boundary with Laurel Close) – fell to allow boundary fence to number 23 Hadleigh Road to be repaired
- T7(pear close to the boundary with Laurel Close) – fell to safeguard retaining wall to Laurel Close
- T27 and T28 (Leyland cypress – fell as these trees are supressing the adjacent preserved sycamore tree)

1.2 The applicant has commented that he intends to plant additional trees on the site including a new hedgerow of griselinia or purple beech and scots pine although it is noted that as the trees are not preserved the Council is not able to condition that replacements be planted, this would be at the discretion of the owner.

## **2 Site and Surroundings**

2.1 The trees are located within the land known as 33 Hadleigh Road although a small buffer strip, adjacent to number 29, which contains these trees, has now been sold to the applicant. There are a large number of trees on this land some of which are covered by TPO 2/77 A1 (Sycamore, Corsican and Scots Pine, Beech only). The remaining trees, including those that are subject of this application, are protected by virtue of being within the boundary of Leigh Conservation Area.

2.2 T4, T5, T6 and T7 are located in the south east corner of the vacant land close to the boundary with Laurel Close. T7, the pear tree is growing very close to the boundary wall and the other trees are located just behind. The trees can be seen from Laurel Close above the wall and garages but are set within a wider context of other trees on this open land and in the wider streetscene.

2.3 T27 and T28 are located on the eastern boundary of the site facing onto Hadleigh Road close to the position of the preserved sycamore and beech trees. The Leyland cypress are fully visible from Hadleigh Road and appear to be growing into the canopy of the preserved sycamore tree.

## **3 Planning Considerations**

3.1 The sole consideration for this application is whether the proposed felling works would be detrimental to the character of the conservation area such that the trees should be protected with a Tree Preservation Order.

## **4 Appraisal**

**The National Planning Policy Framework (NPPF) 2012, Core Strategy Policies KP2 and CP4, DM DPD Policy DM1 and the Design and Townscape Guide 2009 (SPD1).**

4.1 The Council seeks to protect trees which make a positive contribution to the

character of the Borough's Conservation Areas which are under threat from excessive pruning or felling works. Applications for felling of trees in conservation areas are therefore assessed to determine the impact on the character of the conservation area and whether they warrant protection with a Tree Preservation Order.

- 4.2 The trees are located in a small strip of land adjoining 29 Hadleigh Road which was formerly part of the development site at 33 Hadleigh Road. This area (33 Hadleigh road and land adjacent to 29 Hadleigh Road) is a sizable area of open land at the top of the southern section of Hadleigh Road within Leigh Conservation Area. The area contains many trees (around 45 including several groups), a number of which are protected by a tree preservation order. The trees here generally make a positive contribution to the streetscene and wider views of the conservation area and are an important part of local character.
- 4.3 The applicant is seeking to fell 6 trees within the buffer strip adjacent to 29 Hadleigh Road. Two of the trees are located at the top of the strip close to the Hadleigh Road frontage and four in the south east corner which can be viewed from Laurel Close. The trees on the Hadleigh Road frontage are Leyland cypress trees which are growing into the canopy of the preserved sycamore. The Council's Arboricultural Officer has confirmed that these trees are suppressing the growth of the preserved sycamore and their removal would therefore be welcomed.
- 4.4 The trees at the bottom of the slope can be viewed from Laurel Close over the existing tall boundary wall and they form part of the general tree cover on this land when seen from distance. The southernmost tree, the pear tree (T7) is growing directly adjacent to the boundary wall and the site visit revealed that it was causing damage to the wall. Although this tree can be seen from Laurel Close it is not a significant tree in the context of the other trees that can be seen from this location and its loss will therefore not have a noticeable impact on the character of the conservation area. It is also noted that the Council's Structural Engineer has commented that this tree is threatening the stability of the boundary wall. There is therefore no objection to the removal of this tree.
- 4.5 The yew trees (T5 and T6) are located just behind the pear tree. They are around 3m in height and can also be seen from Laurel Close. Whilst the longevity of this species means that these trees could survive for many years and their apparent health means that a TPO could be considered, the trees are not very prominent in the conservation area as they can only really be seen from the cul de sac of Laurel Close and are overshadowed by the other tree cover in the area (at 33 Hadleigh Road) It is therefore considered that their contribution to the character of the conservation area is relatively low. It is also noted that the Council's Arboricultural Officer has commented that these trees are not of the quality to merit a TPO. On balance therefore, it is considered that the yew trees do not warrant the serving of a Tree Preservation Order.
- 4.6 The bay tree (T4) is located to the north of the yew trees. It is a multi-stemmed specimen around 5m tall with a spread of 5m. The Council's Arboricultural Officer comments that although bay laurel can be 'tree like' they are essentially shrubs and this specimen has a shrub like form albeit of a significant size. As with the yews this tree has can only be seen from Laurel Close so does not make a significant contribution to the character of the conservation area, and is not considered to be a

specimen tree which would warrant protection. It is therefore considered that this tree is not of sufficient quality to merit a TPO.

#### Conclusion

- 4.7 Overall, whilst the tempo assessment shows that TPO could be considered for the yews and the bay, the high scores in this instance have resulted from the threat to the trees and their life expectancy rather than being quality specimens which make a significant contribution to the character of Leigh Conservation Area. It is also noted that there are many other trees in this area which can also be seen from Laurel Close and the loss of these smaller specimens will not have a significant impact on the streetscene or the character of the conservation area. Therefore, on balance it is not considered that any of the trees warrant protection with a TPO and no objection is raised to this application. The Council's Arboricultural Officer agrees with this recommendation.

### 5 Representations Summary

- 5.1 23 neighbours were individually consulted on this application and two site notices were displayed. 2 responses had been received at the time of writing. One in support commenting that:

- the works will tidy up the land and improve the visual amenity of the area and another objecting to the loss of the yew trees in particular and concern that

- yews are rare trees
- there would be a loss of wildlife habitat and
- that the removal may have implications for land stability.

The public consultation expires on 15<sup>th</sup> February 2017.

This application has been called in by Councillor Mulronev.

#### Parks/Trees

- 5.2 The notification is for the removal of a group of Leyland cypress, yew, bay laurel and a pear. A TEMPO assessment was carried out on all.

##### *Leyland cypress T27 and T28*

There are 5 trees planted beneath the sycamores adjacent to Hadleigh Road. The Leyland cypress are mostly in poor condition, possibly infected with Coryneum Canker and suppressed.

##### *Bay laurel T4*

This is located in the rear garden and is only visible from Laurel Close. It is approximately 5 metres in height and spread. It is a multi-stemmed specimen and appears to be healthy. Although it has some visual amenity it really has the form of a large shrub.

##### *Yews T5-T6*

These are approximately 3 metres in height and have been clipped to shape. They appear to be healthy. These are only visible from Laurel Close and do have some visual amenity.

##### *Pear T7*

Approximately 5 metres in height and crown merges with the yews. This tree is located close to the retaining wall and may cause direct structural damage in the future. The tree appears to be healthy. It is only visible from Laurel Close and generally merges with the yews visually.

#### *Conclusion*

The TEMPO assessment scores the yews highly due to the long life expectancy of the species. The section 211 notification for their removal and their good condition adds to their score rather than their visual amenity. The bay laurel also scores highly due to its good condition and notification of its removal. Although bay laurel can be 'tree like' they are generally shrubs.

My own opinion is none of the trees possess the quality to warrant a TPO.

#### **Structural Engineer**

##### 5.3 *T7 Pear*

This tree is pushing against the rear boundary wall. The removal of this tree will extend the life span of the wall.

##### *T5 and T6 Yew*

If the yew trees are not pruned regularly, the retaining wall is at risk.

#### **Leigh Town Council**

5.4 No comments received at the time of writing

#### **The Leigh Society**

5.5 No comments received at the time of writing

### **6 Planning Policy Summary**

6.1 National Planning Policy Framework 2012.

6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)

6.3 Development Management Policy DM1 (Design Quality)

6.5 Supplementary Planning Document 1: Design & Townscape Guide, 2009.

### **7 Relevant Planning History**

7.1 15/01107/FUL - Demolish existing garages and erect one 2/3 storey dwellinghouse and 2 no. two storey dwellinghouses with associated garages and amenity space, at 33 Hadleigh Road - granted 2015

7.2 14/00430/TPO - Prune large sycamore at 33 Hadleigh Road (Works To Trees Covered By A Tree Preservation Order) at 33 Hadleigh Road - granted 2014

7.3 14/00394/TCA - Fell one lime tree, one sycamore tree and prune one yew tree and one bay tree at 29 Hadleigh Road and fell two Leyland Cypress trees at 33 Hadleigh Road (works to trees in a conservation area) at 29 Hadleigh Road - no

objection raised 2014

- 7.4 13/00360/TCA - Fell 10 trees and prune 27 various trees (Application For Works To Trees In a Conservation Area) at 33 Hadleigh Road - no objection raised 2013
- 7.5 13/00220/TPO - Fell 1 tree and prune 4 various trees (Works To Trees Covered By A Tree Preservation Order) at 33 Hadleigh Road - granted 2013
- 7.6 09/01338/TCA - Fell one apple tree, prune two bay trees and one pear tree (application for works to trees in a conservation area) at 29 Hadleigh Road - no objection raised 2009
- 7.7 09/01260/TPO - Fell one Cypress tree (Works to a tree covered by a Tree Preservation Order) at 33 Hadleigh Road – refused 2009
- 7.8 08/01372/TCA - Remove all trees with a trunk diameter less than 150mm DBH (works to trees in a conservation area) at 33 Hadleigh Road - no objection raised 2008
- 7.9 08/01072/TPO - Prune one beech tree and three sycamore trees (works to trees covered by a tree preservation order) at 33 Hadleigh Road - granted 2008
- 7.10 05/01138/TPO - Prune one Sycamore tree and group of Elders to rear (Works to trees covered by Tree Preservation Order) at 33 Hadleigh Road - granted 2005
- 7.11 04/00055/TCA - Prune 1 apple and 1 bay tree and fell 1 cherry tree to the rear (works to trees in a Conservation Area) at 29 Hadleigh Road - no objection raised 2004

## **8 Recommendation**

**Members are recommended to delegate to officers to RAISE NO OBJECTION to this application subject to the expiry of the notification period**

**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**