

Reference:	TPO 1/2017	
Ward:	Leigh	
Proposal:	Tree Preservation Order 01/2017	
Address:	29 Hadleigh Road, Leigh-On-Sea, Essex, SS9 2DY	
Applicant:	Mr Jeremy Holmes	
Agent:	N/A	
Consultation Expiry:	14 th March 2017	
Expiry Date:	N/A	
Case Officer:	Abbie Greenwood	
Plan Nos:	N/A	
Recommendation:	MEMBERS ARE RECOMMENDED NOT TO CONFIRM TREE PRESERVATION ORDER 01/17	



1 Purpose of the Report

- 1.1 The purpose of this report is to consider whether to confirm the provisional Tree Preservation Order (TPO 01/17) at 29 Hadleigh Road, Leigh on Sea. The provisional TPO provides temporary protection for the trees period of 6 months. If it is confirmed it will become permanent if it not confirmed then it will lapse.

2 Site and Surroundings

- 2.1 The provisional Tree Preservation Order, 01/17, relates to two yews trees on a strip of land belonging to 29 Hadleigh Road which runs behind the neighbouring houses. The trees are located in line with the rear of 23 Hadleigh Road. The trees are located within the boundary of Leigh Conservation Area.
- 2.2 Because of their position behind the houses the trees cannot be seen from the main street frontage in Hadleigh Road, however, they can be seen from Laurel Close to the south. The trees are relatively small trees, having a height of around 4m but are located on a raised land level so are more visible than they would otherwise be and can be seen above the retaining wall in this location. Laurel Close is a residential cul de sac so is only used by local residents. It is also noted that Laurel Close is a modern development and therefore does not in itself make a significant contribution to the historic character of Leigh Conservation Area.
- 2.3 The trees are located adjacent to the site of 33 Hadleigh Road which includes a number of trees some of which are protected by another older Tree Preservation Order. In addition to having frontages to Hadleigh Road and Laurel Close, this site can be viewed from a couple of distant viewpoints to the south and west where the larger trees can be seen and contribute to the greening of the hillside, however, the yew trees subject of this order are not identifiable in the longer views as they are too small.

3 Planning Considerations

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).

- 3.1 Local Planning Authorities have delegated powers to serve Tree Preservation Orders where it appears to be 'expedient in the interests of amenity to make provision for the preservation of trees'. The main planning consideration therefore the trees have sufficient quality and amenity to warrant protection with a Tree Preservation Order so that their future can be assured.

4 Background to the Order and 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 Trees within Conservation Areas are protected in so far as owners are required to give the Council 6 weeks' notice of any pruning or felling works so that the impact

on the conservation area can be assessed. If it is considered that the works would harm the character of the conservation area, the Council can decide to protect the tree with a Preservation Order. In January the Council received an application from the owner of number 29 Hadleigh Road to fell the two yew trees along with 3 other small trees nearby. This application was heard at Development Control Committee in February. The officer report recommended that no objection was raised in respect of the felling of the yew trees because it was considered that the trees were of poor form and not prominent in the streetscene and therefore made relatively little contribution to the character of the conservation area and afforded weight to the rarity of such species. The Committee, however, was concerned with the loss of trees in this area and took the decision to serve a provisional TPO on the yew trees. This order was served on 14th February 2017 ref TPO 1/2017.

- 4.2 Since the serving of the provisional order a second assessment of the yew trees has been made by the planning case officer and another Arboricultural Officer to provide a second opinion on the condition and amenity of the trees. This assessment (which can be seen in full in Section 6 below) comments that these are small trees of poor form which have been harshly pruned in the past, particularly on the east side, which has left them looking rather unnatural and unbalanced. It is also acknowledged that these trees do not currently make a significant contribution to the character of the conservation area and, although yews are generally long lived, because of the pruning works that have been carried out in the past, it is unlikely that these trees would grow into large yew trees with much greater amenity value such that can be found in parks and churchyards across Britain. As with the initial assessment the conclusion of this assessment is that the trees do not warrant a TPO.
- 4.3 It is also noted that 3 representations have been received in relation to the provisional TPO. Two objecting to the order and 1 in support. The objection letters raise issues regarding poor form, impact on boundary fence and their limited visual amenity. The letter of support welcomes the retention of the trees stating that they are relatively rare species and contribute positively to the conservation area.

Conclusion

- 4.4 As noted above, the Council has delegated powers to serve TPOs only where it is expedient to do so and where the trees make a valuable contribution to the amenity of an area. Following the serving of a provisional TPO on the yews trees, an additional assessment was made by the Councils Arboricultural Officer to assess the form and amenity of the trees and this showed them to have poor form as a result of previous pruning works and limited visibility, being only seen from the secondary street frontage in Laurel Close which does not contribute significantly to the character of Leigh Conservation Area, and where they are dominated in the streetscene by other larger and more mature trees on the adjacent site. It is therefore recommended that members do not confirm TPO 1/2017.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development

Principles) and CP4 (Environment & Urban Renaissance)

5.3 Development Management Policy DM1 (Design Quality)

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

6 Representation Summary

Council's Arboricultural Officer

- 6.1 It should be borne in mind that the purpose of a Tree Preservation Order (TPO) is to protect trees which provide a significant amenity benefit to the local area. My first impression of the two yew trees was that they were small trees with poor form. They had obviously been harshly pruned in the past to reduce their height significantly. This pruning has left the trees with unnatural looking flat tops, see photographs below. The trees are currently about 4.0m in height. So are small garden trees. The shape of the tree canopies is also asymmetrical with more growth extending towards the west side giving the trees an unbalanced appearance.
- 6.2 A closer look at the trunks of the two trees reveals that some large branches have been removed in the past to clear the stems up to about six foot above ground level. The photographs below show old pruning wounds where these branches have been cut off. The trunk nearest to the house (north side) has ivy growth into the crown of the tree. The trunk of the tree to the south has a slight lean towards the south. A closer look at the crowns of the trees also shows where branches have been reduced by pruning in the past to restrict the height of the trees.
- 6.3 These two small yew trees are visible from the south aspect but I would not say that they are prominent trees in the local area. Yew trees are extremely long lived trees but due to the pruning work carried out on these trees it is unlikely that they will grow into a large amenity trees such as those found in parks and churchyards across Britain.
- 6.4 In conclusion it is my opinion that the two yew trees do not warrant protection by a TPO as they do not provide a significant amenity benefit to the local area.

Councils Structural Engineer (Building Control)

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

Public Representations

- 6.6 Under Regulation 3 of the Town & Country Planning (Tree Preservation) (England) Regulations 2012, on 14th February 2017 the TPO was served on the occupiers of 29 Hadleigh Road, its neighbours (21-39 Hadleigh Road) Each received a copy of the TPO, a regulation 3 notice stating the Council's reasons for making the TPO, and were notified that objections or other representations may be made to the Council by 14th March 2017. 2 letters of objection and 1 letter of support were received.

Comments made in objection to the TPO were:

- The trees have been hacked on the eastern side and top which has resulted in poor form
- The trees are preventing the installation of a boundary fence
- The trees are growing into each other supressing growth
- The trees have limited visual amenity
- The trees are low quality
- New trees would offer a greater enhancement to the conservation area

Comments made in support of the TPO were:

- Yews are unusual trees
- Yews are suitable for hedging
- The trees make a positive contribution to the conservation area

It should also be noted that the owner of the trees has commented that his intention would be to plant replacement trees if the TPO is not confirmed although it should be noted that the Council would not be able to enforce this.

7 Relevant Planning History

- 7.1 17/00067/TCA - 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) – objections raised in respect of the yew trees and TPO Served ref TPO 1/2017
- 7.2 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
- 7.3 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
- 7.4 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
- 7.5 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
- 7.6 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
- 7.7 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
- 7.8 09/01260/TPO - Fell one Cypress tree (Works to a tree covered by a Tree

Preservation Order) at 33 Hadleigh Road – refused 2009

- 7.9 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
- 7.10 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
- 7.11 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
- 7.12 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

- 8.1 **Based on the information contained in this report and given the limited amenity value of these trees Members are recommended not to confirm TPO 1/2017 and instead to let it lapse.**

Appendix 1 - Photographs

View from Laurel Close , - the yews are on the right hand side





View from north showing unbalanced and poor form (land belonging to 29 Hadleigh Road)



View from east showing evidence of previous pruning works (garden of 25 Hadleigh Road)



Evidence of poor pruning works (east side)



Evidence of poor pruning works (east side)