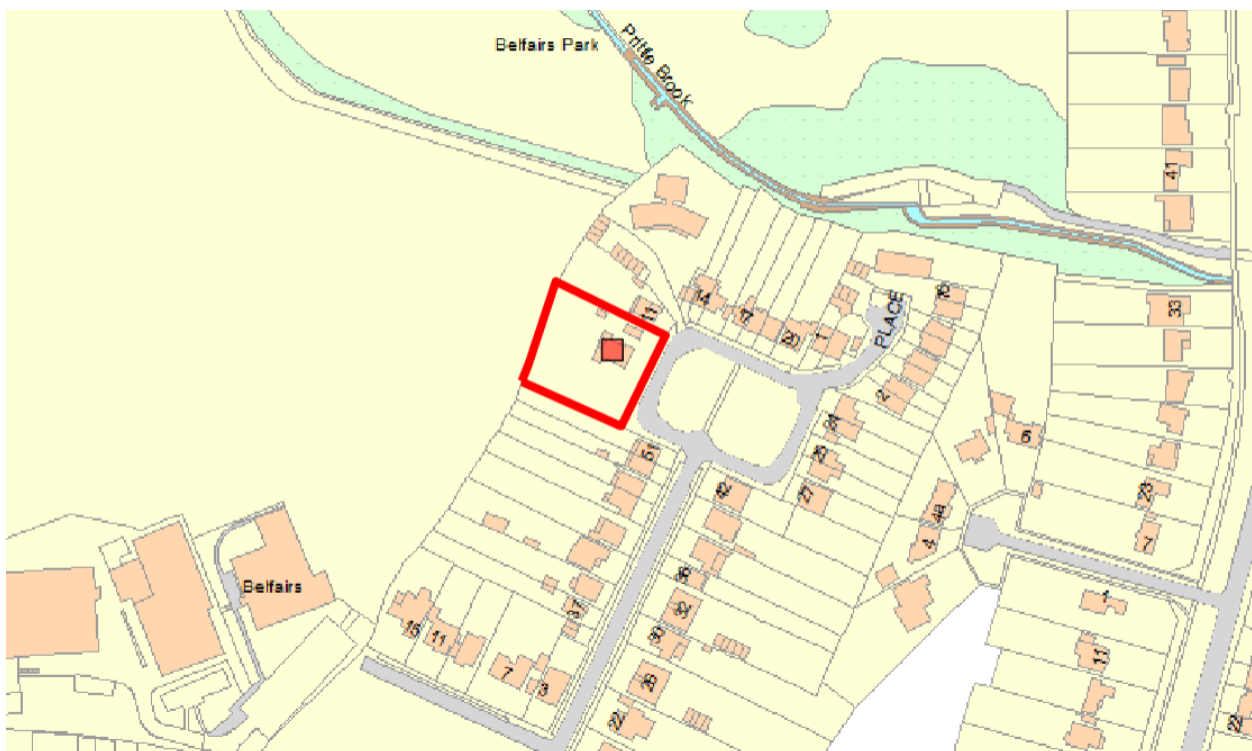


<b>Reference:</b>	17/01361/TPO	
<b>Ward:</b>	West Leigh	
<b>Proposal:</b>	Fell one Oak tree, crown lift, prune and removal of deadwood to various oak trees (works covered by a tree preservation order)	
<b>Address:</b>	Haydon House, 10 Underwood Square, Leigh-on-Sea, Essex, SS9 3PB	
<b>Applicant:</b>	Mr Newton	
<b>Agent:</b>	DF Clark Bionomique Limited	
<b>Consultation Expiry:</b>	01.09.2017	
<b>Expiry Date:</b>	20.09.2017	
<b>Case Officer:</b>	Janine Rowley	
<b>Plan Nos:</b>	Tree survey plan DFCP 3950 TSP	
<b>Recommendation:</b>	<b>GRANT CONSENT TO WORKS</b>	



## **1 The Proposal**

1.1 Permission is sought for the following works to a number of trees to the rear garden of Haydon House in accordance with the tree survey plan submitted by D F Clark Bionomique Limited (reference: DFCEP 3950 TSP):

- Lift 6m, reduce overextended laterals by 3m, removal of deadwood to one common Oak tree (T9)
- Fell a field Maple tree (T10)
- Fell a common Oak tree (T11)
- Crown lift to 6m, reduce sides by 3m, and removal of deadwood to a common Oak tree (T12)
- Fell a Leyland Cypress (T13)
- Crown lift to 6m, remove 2 lowest limbs over garden and sever ivy to common Oak tree (T14)
- Crown reduce by 2m over garden to common Oak tree (T15)
- Crown reduce sides by 3m and sever climber growth to common Oak tree (T16)

## **2 Site and Surroundings**

2.1 The trees are located to the rear garden of Haydon House 10 Underwood Square abutting the boundary with Belfairs School to the west. The streetscene is characterised by two storey properties including semi-detached and detached. There are a number of mature trees within the streetscene.

## **3 Planning Considerations**

3.1 This is an application for work to trees subject to a TPO (ref (4) 1972). The main planning consideration is whether the works are considered to maintain amenity value and health of the trees and whether the works are considered general maintenance. Also of consideration is whether the works to the trees are necessary to prevent damage to a property which is otherwise unavoidable.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework; Core Strategy (2007) policies KP1, KP2 and CP4; Development Management Document policies DM1 and DM3 and the Design and Townscape Guide (2009)**

4.1 This proposal is considered in the context of National Planning Policy Framework, Core Strategy and the Development Management Document. Essentially these policies seek to protect and preserve trees where they contribute to the amenity of the area. No objection is raised in principle to works to trees subject to the detailed considerations discussed in further detail below.

## Amenity and Impact on the area

**National Planning Policy Framework, Core Strategy (2007) policies KP1, KP2 and CP4, Development Management Document (2015) policies DM1 and DM3, Design and Townscape Guide (2009).**

4.2 Policy DM1 of the Development Management Document seeks to preserve trees and planted areas which contribute to the townscape of an area. Applications will be required to respect existing trees.

4.3 Paragraph 90 of the Planning Guidance relating to Tree Preservation Orders states:

*“When considering an application the authority is advised to:*

- assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;*
- consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;*
- consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;*
- consider whether any requirements apply in regard to protected species;*
- consider other material considerations, including development plan policies where relevant; and*
- ensure that appropriate expertise informs its decision”.*

4.4 The proposal is to carry out several works as detailed in paragraph 1.1 above in accordance with the Tree survey plan reference DFCEP 3950 TSP. The applicant states that the works are necessary to improve the overall form and risk of failure of five Oak trees (T9, T12, T14, T15, T16), suppress poor form of the Leyland Cypress by felling, fell the existing field Maple tree (T10) due to the stem and basal cavity in poor condition and fell one common Oak due to poor form as a result of overall suppression and exposed basal area (T11) and fell a Leyland Cypress (T13) due to suppressed poor form.

4.5 The Councils Arboriculturalist has carried out a site inspection and concludes the following:

- T-9 Oak: This is a large spreading specimen with 2 limbs extending over the site out of the main outline of the crown. The recommendation is therefore to reduce two main limbs over garden at approximately 7m and 7.5m from ground level by approximately 3m to suitable growing points and a crown lift to 6m.
- T-11 Oak: this is a small suppressed tree of approximately 6m with decay at the base, it does not appear from the Councils mapping systems that this tree is subject of Tree Preservation Order and therefore no consent is required to fell this tree.
- T-12 Oak: Recommendation: reduce crown on east side by 3 m, crown lift to 6 m.
- T-14 oak: The tree is now showing signs of epicormic growth on lower limbs now the under storey has been removed. The 2 lowest limbs over the garden are extended. To crown lift to 6 metres would remove 2 limbs over the school

of approximately 180 and 150 mm diameter which seems unnecessary as this tree does not have great vitality.

Recommendation: reduce lowest limb over garden by approximately 3 m to appropriate point and reduce 2 lowest in line with former.

- T-15 : oak: dense ivy cover on stem with low established epicormic growth. Recommendation: crown reduce by 2 m over garden to a height of 8-9 m and balance into upper crown. Remove epicormic growth.
- T-16: oak: this is an old tree of note and is probably an old lapsed pollard: Recommendation: crown lift by removing lowest sub lateral over garden on south, south east side . Shape back crown over garden by 1.5 -2 m up to a height of approx. 7-8 m.
- Severing of ivy and removal of dead wood is exempt from need for application. With reference to trees 12 and 16 the application states to reduce sides by 3 metres. It is suitable to reduce the sides of these 2 trees all round as it would create gaps in the cohesive canopy of the line of trees.
- No comments in relation to the felling of the Leyland Cypress and field Maple tree (T10) as they do not form part of the tree preservation order.

- 4.6 Following the site visit carried out by the Councils Arboricultural Officer, the applicant has confirmed in relation to trees T12 and T16 that they no longer seek to reduce the sides by 3m due to the overall impact. The trees in question are a prominent and highly valuable group that make a significant contribution to the area.

### **Other Matters**

#### *Ancient Field Boundary*

- 4.7 A third party representation has referenced the site borders on to an ancient field boundary. Following a review of the Southend on Sea Borough Council Local Wildlife Site Review 2011, the boundary only extends to the existing flatted block to the north of Haydon House. The rear boundary of Haydon House back onto Belfairs School playing fields only and does not fall within the Ancient Field Boundary area.

#### *Biodiversity and Nature Conservation*

- 4.8 A previous planning application 17/00234/FUL determined the site does contain a number of holes to the north-western corner of the site that are not occupied by Badgers and if a redevelopment of the site occurred a suitable condition can be imposed. However, this cannot be considered under this application which solely relates to the amenity of the trees.

### **Conclusion**

- 4.9 In light of the above, it is considered the proposed works are necessary due to the condition of the trees and will not affect the overall amenity of the area. The works are acceptable and no objection is raised subject to appropriate conditions. All works should be carried out by someone suitably qualified and able to carry out this type of work and standard of pruning to be carried out according to BS3998: 2010 Tree Work.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework
- 5.2 Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance)
- 5.3 Development Management Document : Policy DM1 (Design Quality), DM3 (The efficient and effective use of land)
- 5.4 Design & Townscape Guide 2009
- 5.5 Planning Practice Guidance- Tree Preservation Orders and trees in conservation areas

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 No comments.

### **Parks/Trees**

- 6.2 T-9 oak: This is a large spreading specimen with 2 limbs extending over the site out of the main outline of the crown.

Recommendation: reduce 2 main limbs over garden at approximately 7 and 7.5 metres from ground level by approx. 3 m to suitable growing points. Crown lift to 6m.

T-11 oak: this is a small suppressed tree of approx. 6 m with decay at the base, it does not appear from the Councils Atlas mapping system this tree does not form part of the tree preservation order.

T-12 oak: Recommendation: reduce crown on east side by 3 m, crown lift to 6 m.

T-14 oak: this tree is now showing signs of epicormic growth on lower limbs now under storey has been removed. The 2 lowest limbs over garden are extended. To crown lift to 6 metres would remove 2 limbs over the school of approximately 180 and 150 mm diameter which seems unnecessary as this tree does not have great vitality. Recommendation: reduce lowest limb over garden by approx. 3 m to appropriate point and reduce 2 lowest in line with former.

T-15 : oak: dense ivy cover on stem with low established epicormic growth. Recommendation: crown reduce by 2 m over garden to a height of 8-9 m and balance into upper crown. Remove epicormic growth.

T-16: oak: this is an old tree of note and is probably an old lapsed pollard: Recommendation: crown lift by removing lowest sub lateral over garden on south, south east side . Shape back crown over garden by 1.5 -2 m up to a height of approx. 7-8 m.

Severing of ivy and removal of dead wood is exempt from need for application. With reference to trees 12 and 16 the application states to reduce sides by 3 metres. It is not suitable to reduce the sides of these 2 trees all round as it would create gaps in the cohesive canopy of the line of trees.

No comments in relation to the felling of the Leyland Cypress and field Maple tree (T10) as they do not form part of the tree preservation order.

### **Leigh on Sea Town Council**

- 6.3 The Committee resolved to object as there was confusion with members regarding the tree numbering in relation to the Oak being felled. The email submitted with the application states the application numbering refers only to the tree survey plan and not the TPO tree. Additionally there is no proposal for planting a replacement tree or a reason for not wanting to plant.

The tree survey plan refers to a full arboricultural report for details but no full report is submitted with the application.

### **Public Consultation**

- 6.4 One site notice displayed 11.08.2017 and seven letters of representation have been received stating:

- Not clear from the drawing which trees are involved.
- No mention of replacement trees.
- No comment on well-established badger sett or other wildlife impacts.
- Works should be carried out by a suitable expert.
- Failure to preserve street scene of trees and help preserve environment
- No objection to Oak trees being pruned and tidied up provided the work is carried out by professionals and to a high standard.
- The old trees are part of the beautiful environment which should not be destroyed.
- The demolition and clearance work undertaken at the site has been very poor and unprofessional as the developer has not been true to the method statement of the demolition work.
- No method statement for badger setts.
- Historic maps of the area shown ancient field boundaries.
- The removal of trees and reduction of crowns should be rejected.
- Works maybe a precursor to a new application.

A proforma letter with five signatures objecting to the proposal on the following basis:

- The report provided by Robert Ellis intimates that this tree destruction is for the benefit of the tree themselves and would mean all of the adjacent Oaks that run along the rear boundaries of Lime Avenue and Belfairs woods are in the same condition.
- This application is enabling works in preparation for overdevelopment plans.
- The drawing does not clearly show the tree affected.
- The Council schedule does not match the applicants.
- No mention of the Badger sett on site.
- No method statement and protection methods.
- Insufficient supporting information has been provided.

These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to

refuse permission in the circumstances of this case. A more detailed response to these points is provided in the relevant section of the above report.

- 6.5 Councillor Phillips and Councillor Evans have requested this application be dealt with by Development Control Committee.

## **7 Relevant Planning History**

- 7.1 Demolish existing dwelling house and erect 4no two storey dwelling houses, form vehicular accesses on to Underwood Square- Refused (17/00234/FUL)
- 7.2 Demolish existing dwellinghouse (Application for Prior Approval for Demolition)- Prior approval is required and granted (17/00396/DEM)
- 7.3 Crown reduction by 4-5m to five Oak Trees (Works covered by a Tree Preservation Order)- Refused (16/01866/TPO) for the following reason:

*“The five Oak trees positively benefit the character and appearance of the local area and have significant amenity value. No evidence has been put forward to justify the crown reduction, which would result in a detrimental impact to the character and appearance of the trees and harmful to visual amenity and character of the area, contrary to Policies KP2 and CP4 of the Southend-on-Sea Core Strategy, Policy DM1 of the Development Management Document DPD2 of the Southend-on-Sea Borough Local Plan, and guidance contained within the SPD1, Planning Practice Guidance (Tree Preservation Orders and trees in conservation area)”.*

## **8 Recommendation**

**Members are recommended to GRANT CONSENT TO WORKS:**

- 1 The works covered by this permission shall begin no later than two years from the date of this consent.**

**Reason: To enable the circumstances to be reviewed at the expiration of the period if the consent has not been implemented, in the interests of Policy DM1 of the Development Management Document DPD2.**

- 2 The works shall be carried out in accordance with BS 3998 (2010) by a suitably qualified person.**

**Reason: In the interests of visual amenity and to protect the tree, pursuant to Policy DM1 of the Development Management Document DPD2.**

- 3 The pruning works to the Oak tree T-9 must only include reduction of 2 main limbs over garden at approximately 7m and 7.5m from ground level by approximately 3m to suitable growing points and crown lift to 6m.**

**Reason: In the interests of visual amenity and to protect the tree, pursuant to policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document.**

- 4 The pruning works to the Oak tree T-12 must only include reduce crown on**

east side by 3m, crown lift to 6m. The reduction of west by 3m is not permitted by this consent.

**Reason:** In the interests of visual amenity and to protect the tree, pursuant to policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document.

- 5 The pruning works to Oak tree T14 must only include reduction of lowest limb over garden by approximately 3m and reduce 2 lowest in line with former.

**Reason:** In the interests of visual amenity and to protect the tree, pursuant to policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document.

- 6 The pruning works to Oak tree T15 must only include reduction of crown by 2m over garden to a height of 8m-9m and balance into upper crown. Remove epicormic growth.

**Reason:** In the interests of visual amenity and to protect the tree, pursuant to policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document.

- 7 The pruning works to Oak tree T16 must only include a crown lift by removing lowest sub lateral over garden on south, south east side . Shape back crown over garden by 1.5m -2 m up to a height of approx. 7m-8 m. The reduction of sides by 3m is not permitted by this consent.

**Reason:** In the interests of visual amenity and to protect the tree, pursuant to policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document.

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.