

Reference:	TPO 01/2024	
Ward:	Milton	
Proposal:	Tree Preservation Order Confirmation	
Address:	19 Clifftown Parade, Southend-on-Sea, Essex, SS1 1DN	
Consultation Expiry:	27 th April 2024	
Expiry Date:	27 th September 2024	
Case Officer:	Hayley Thompson	
Plan Nos:	Not applicable	
Recommendation:	CONFIRM TREE PRESERVATION ORDER	



1 Site and Surroundings

- 1.1 The subject site is at the junction of Clifftown Parade and Prittlewell Square within Clifftown Conservation Area.
- 1.2 The Monkey Puzzle Tree subject of this TPO report is within the rear garden of No.19 Clifftown Parade on the east side of the dwelling. This large tree is publicly visible from the surrounding streets and generally makes a positive contribution to the streetscene and the conservation area more widely. This stems partly from No.19 being a corner property with wide ranging public views available from within Clifftown Parade and across Prittlewell Square directly to its east.
- 1.3 The Clifftown Conservation Area Appraisal (2021) identifies this property as making a positive contribution to the Clifftown Conservation Area, including because its "...relatively large and well planted gardens contribute to the openness and setting of the immediate area".

2 The Proposal

- 2.1 To confirm the Tree Preservation Order (TPO) ref TPO 1/2024 at 19 Clifftown Parade that was originally served on a provisional basis on 27th March 2024.

3 Relevant Planning History

- 3.1 24/00292/TCA – Fell close to ground level (approx..50mm) (conifer) one Monkey Puzzle Tree (T1) (Application for works to trees in a Conservation Area) – Objection.
- 3.2 24/01207/TPO - Fell and grind out stump of one Monkey Puzzle Tree to side (TPO 01/2024- T1) (Application for works to trees in a Conservation Area) – Pending consideration

4 Representation Summary

Public Consultation

- 4.1 Under Regulation 3 of the Town & Country Planning (Tree Preservation) (England) Regulations 2012, on 27th March 2024 the TPO was served on the owners of 19 Clifftown Parade, its immediate neighbours and the agent who submitted the application to fell the tree. Each received a copy of the provisional 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 27th April 2024. 2 letters of representation were received raising the following summarised issues:
 - The application was made by loss adjusters acting on behalf of the insurers and the homeowner, regarding subsidence which has been caused by the presence of trees on shrinkable clay soils. This has led to downward, rotational movement of the property. The most efficient and effective remedy is the removal of the tree.
 - The property is suffering subsidence and the insurance company are required to remediate the event and return the property to its original condition. The removal of the Monkey Puzzle is a proportionate response to the subsidence event, which prevents the need for extremely costly and invasive repair works by underpinning, which would inevitably require significant disruption for the occupiers.
 - Any underpinning solution would be extremely costly in carbon budget, relative to the

removal of the Monkey Puzzle with the need for multiple visits and use of materials such as concrete, wood and plastics or other geopolymer solutions, all of which would be extremely costly, damaging and detrimental in carbon production.

- To refuse consent for removal of the tree the public will be required to fund through council budgets any full repair scheme and any underpinning as a result of a refusal of consent.
- There are stress fractures that have appeared on the building and the damage is becoming worse since it appeared in spring 2021.

[Officer Comment: On the basis of the Council's Arboricultural Officer's consultation comments below, the representations above were taken into account and not found to justify withholding confirmation of the TPO in the circumstances of this case.]

Arboriculture Officer:

- 4.2 The revised root report provided states that the Monkey Puzzle cannot be ruled out as the root found in the vicinity of the building. It also cannot be confirmed that the cause is definitely this tree.

The crack monitoring, although in general shows a widening in the summer months, is a little inconclusive with widening still occurring into December and narrowing occurring in July in some instances.

The moisture data from Meridian Soils is also inconclusive with levels not changing consistently with depth.

Monkey Puzzle trees do not lose a great deal of water by evaporation due to their leathery, waxy leaves of low surface area. These trees are also efficient with their canopies and relatively slow growing. As such they do not normally aggravate ground desiccation as much as other trees of a similar size.

In all the situations catalogued by Cutler & Richardson in their publication "Tree roots and Buildings" there are only two examples of Monkey Puzzle implicated in subsidence and in these cases the trees were at least 15m tall and closer than 3m from the structures. This tree is less than 12m tall and 13m from the building.

The other Monkey Puzzle tree that has been felled on site was larger and closer to the damaged part of the structure and there is no noticeable improvement to the situation. It is not recommended to fell a tree if there has not been evidence to prove that the tree is at fault for the damage. It is unlikely that this tree is the cause of the subsidence based on the evidence submitted.

5 Procedural Matters

- 5.1 This application is required to be decided by the Development Control Committee as objections have been received to the TPO that was originally served on a provisional basis on 27th March 2024.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (NPPF) (2023)
- 6.2 Planning Practice Guidance (PPG) (2024)
- 6.3 National Design Guide (NDG) (2021)
- 6.4 Core Strategy (2007): Policies KP2 (Development Principles) and CP4 (Environment and Urban Renaissance)
- 6.5 Development Management Document (2015): Policies DM1 (Design Quality) and DM5

(Southend's Historic Environment)

6.6 Southend-on-Sea Design and Townscape Guide (2009)

6.7 Clifftown Conservation Area Appraisal (2022)

7 Appraisal

7.1 The Council's local planning policies seek to protect trees under threat which make a positive contribution to the townscape of an area and contribute positively to the Green Grid.

7.2 This Monkey Puzzle tree is generally a good, mature specimen with long life expectancy. It is important to the character and appearance of the site, the streetscene and wider conservation area. The tree has high public amenity value, given its size and its prominent location within the site and within the setting of the Clifftown Conservation Area.

7.3 The Council's Arboricultural Officer undertook a TEMPO (Tree Evaluation Method for Preservation Orders) inspection for the tree as part of the determination process of application reference 24/00292/TCA, which sought consent for the tree to be felled. It was found that the tree is worthy of preservation. Under this assessment, scores of 12-15 indicate that a TPO is defensible and scores of 16+ indicate that trees definitely merit a TPO. A summary of the assessment is noted below:

Tree Species	Tempo Score	Comments
Monkey Puzzle Tree (T1)	14	The tree is a large tree that is visible in the streetscene. The tree is of good form and is somewhat unusual in the locality.

7.4 Since the provisional serving of the TPO, a revised root analysis has been submitted to the Council's Arboricultural Officer for review. The Arboricultural Officer has advised that the TEMPO would be the same taking into account the revised root report. The Council's Arboricultural Officer's response to the revised root analysis report is summarised in the relevant section above at paragraph 4.2. The Council's Arboricultural Officer confirms that the tree merits protection with a TPO.

7.5 The Monkey Puzzle Tree is generally a good, mature specimen with long life expectancy. The tree has high public amenity value, given its size and prominent location within the site and the conservation area. The tree is considered to warrant TPO confirmation due to factors including its condition, size, position, amenity value and visibility within the conservation area. Overall, this tree makes a positive contribution to the character and appearance and townscape of the streetscene and the wider conservation area and has the potential to do so for many years.

8 Recommendation

8.1 **Based on the information contained in this report and given the high amenity value of this Monkey Puzzle Tree, Members are recommended to confirm TPO 1/2024 and make it permanent.**