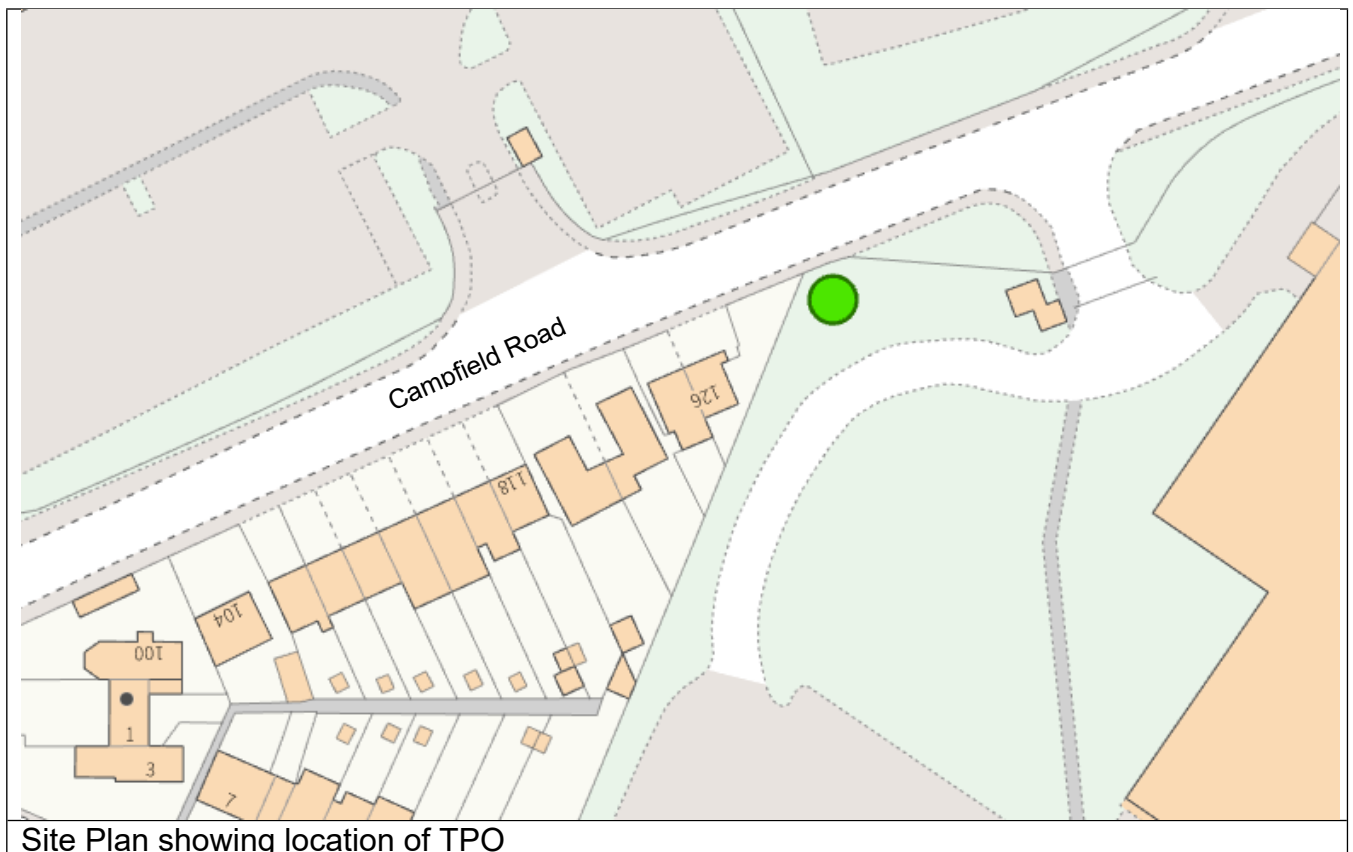


Reference:	24/01652/TPO
Application Type:	Tree Preservation Order Works
Ward:	Shoeburyness
Proposal:	Raise canopy to provide 3.5m clearance from ground level where the canopy overhangs proposed pile locations to one Norway Maple (T31) (Application for works to Tree subject to a Tree Preservation Order)
Address:	Cantel Medical Ltd, Campfield Road, Shoeburyness, Essex SS3 9BX
Applicant:	Mr Harminder Rai of Taylor Wimpey London
Agent:	Mr Harminder Rai of Taylor Wimpey London
Consultation Expiry:	14.11.2024
Expiry Date:	16.12.2024
Case Officer:	Abbie Greenwood
Supporting Documents:	Application Form. Addendum to Arboricultural Method Statement for Campfield Road, Shoeburyness, Southend-on-Sea for Proposed Piling Works reference LT-MME-181072-01 dated 30.08.24. Email from applicant dated 5.11.24.
Recommendation:	GRANT CONSENT FOR WORKS TO PRESERVED TREE



1 Site and Surroundings

- 1.1 The application relates to the former Cantel Medical site on Campfield Road which is currently under being redeveloped to provide 70 dwellings. The site contains a number of preserved trees including the Norway Maple tree in the northwest corner of the site which is covered by Tree Preservation Order (TPO) ref. TPO 4/2022 T8 which is the subject of this application. This tree is a mature specimen which is publicly visible from Campfield Road and makes a positive contribution to the character of the site and wider streetscene.

2 The Proposal

- 2.1 Permission is sought to undertake the following works to TPO 4/2022 T8 (labelled as T31 on the submitted plan reference C181072-01-01-00)
- Raising of canopy extent to provide 3.5m clearance from ground level where the canopy overhangs proposed pile locations.
- 2.2 The reason given for the works is that they are necessary to build the boundary wall for plot 1's garden as per the approved scheme. Due to the ground conditions on this site the wall requires piled foundations as trench foundations would be detrimental to the roots of the preserved tree. Currently the tree's canopy is preventing access for a mini pile rig to carry out these works. The extent of work proposed to the tree is to prune it back enough to implement the approved scheme.
- 2.3 The submitted addendum report also references two other trees needing pruning works to enable access for the mini piling rig, but these are small specimens that are not covered by a TPO. Permission is therefore not required for these tree works. The description of the works requiring consent was amended during the course of the application to reflect this.

3 Relevant Planning History

- 3.1 The most relevant planning history of the application site is listed below:
- 23/00030/FULM - Demolish existing buildings, erect development of 58 dwellinghouses and a three storey building comprising 12 new self-contained flats with associated parking, amenity space, landscaping, bin and cycle storage – granted.

4 Representation Summary

Public Consultation

- 4.1 One hundred and five (105) neighbouring properties were notified of the application by letter and a site notice posted. Two (2) letters of representation have been received raising the following summarised issues:
- The plans should be amended to alleviate the need for pruning works.
 - Concern over impact on canopy cover in Shoeburyness and the lack of trees in Southend already.
 - The site has already had extensive works to trees.
 - These works should have been included in the original planning application.
 - Trees destroyed for developer profits.
 - Trees should be left alone.

- Do not allow further damage to the environment in the area.

Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse consent for works to this preserved tree in the circumstances of this case.

Parks

- 4.2 The proposed pruning works are acceptable so long as they are done by competent arboriculturists in accordance with British Standard BS3998.

The RPA's (Root Protection Areas) are to be spray painted on the ground and no machinery is to go into these areas. These measures are adequate so long as the removal of the physical barriers is just temporarily whilst the function of piling/testing is performed with the physical barriers being re-instated straight after.

Procedural Matter

- 4.3 This application has been called in to be determined at the Development Control Committee by Cllr Ward.

5 Planning Policy and Legislation Summary

- 5.1 The National Planning Policy Framework (NPPF) (2023).
- 5.2 Core Strategy (2007): Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality).
- 5.4 The Southend-on-Sea Design and Townscape Guide (2009).

6 Appraisal

Planning Considerations

- 6.1 When determining a TPO application the authority should consider the following:
- The likely impact of the proposal on the amenity of the tree and whether or not the proposal is justified having regard for the reasons for the application and any supporting information supplied with the application.
 - Whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.
 - Whether any requirements apply in regard to protected species.
 - Whether there are any other material considerations, including development plan policies.

Appraisal

- 6.2 The Council seeks to protect preserved trees which make a positive contribution to local character. Applications for pruning and felling of preserved trees therefore need to be justified.
- 6.3 Planning permission has been granted to create 70 dwellings at this site. The plot at the northwest corner of the site includes a boundary wall to the amenity space along its north side fronting onto Campfield Road. A high-quality boundary is required in this location as this part of

the site fronts onto the main road and this is important to the overall quality of the scheme and is consistent with other public facing boundaries. Due to the proximity of the tree and the ground conditions in this location it is necessary for the foundations of this wall to be piled. This will ensure that the roots are not harmed. This application is seeking consent for minor pruning works to the preserved Norway maple tree to enable a mini piling rig to install the piling for this wall. The works will provide a 3.5m clearance from ground level to the canopy over where the mini piling rig needs to be located to install the piles. The rig would be sited outside of the root protection area so would not cause damage to the roots.

- 6.4 The Council's Arboricultural Officer has reviewed the proposals. They confirm that the works are acceptable and would not have a detrimental impact on the health of the tree or its amenity contribution to the wider area. They also confirm that the applicant's precautionary measures to prevent damage to the roots and the temporary removal and reinstatement of the protective fencing around the tree are acceptable as set out in the submitted report.
- 6.5 It is also important to note that planning permission has been granted for the scheme including the boundary wall in this location and this carries significant weight in the determination of this application. Taking this into consideration and the confirmation that the works are considered to be acceptable, it is recommended that that this application be approved subject to conditions requiring the works to be carried out in accordance with the mitigation measures set out in the report and that that they are carried out by a qualified arboriculturist to British Standard BS3998.
- 6.6 In relation to other issues for consideration there are no known subsidence concerns related to this application.
- 6.7 There is also no known evidence of any consequent impact on protected species or nesting birds, however, as a precaution, the condition already being imposed to ensure that the works are carried out in accordance with British Standard BS3998 as per paragraph 6.5 above would also cover the protection of wildlife and its habitat.
- 6.8 There are no other relevant planning policy considerations in this instance. It is therefore considered that the proposed pruning works are acceptable and the proposal is policy compliant in this regard.

7 Recommendation

GRANT CONSENT FOR WORKS TO PRESERVED TREE subject to the following conditions:

01. The works covered by this consent must be begun no later than the expiration of two years beginning with 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 accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 The works to the Norway Maple tree covered by TPO 4/2022 T8 (labelled as T31 on the submitted plan reference C181072-01-01-00) shall be restricted to raising of the canopy extents to provide 3.5m clearance from ground level where the canopy overhangs the proposed pile locations only. These works shall be carried out in full accordance with the procedures set out in the document titled 'Addendum to Arboricultural Method Statement for Campfield Road, Shoeburyness, Southend-on-Sea for Proposed Piling Works reference LT-MME-181072-01 dated 30.08.24'.

Reason: In the interests of visual amenity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

03 The works hereby granted consent shall be carried out solely in accordance with British Standard BS3998 (2010) by a suitably qualified person.

Reason: In the interests of visual amenity and biodiversity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

Informatives

01 The applicant is advised that trees labelled T12 and T33 on the submitted plan reference C181072-01-01-00 are not covered by a Tree Preservation Order and therefore works to these trees does not require permission from the Council.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.