

Reference:	TPO 3/2018
Ward:	Leigh
Proposal:	Tree Preservation Order 01/2017
Address:	27 Leigh Park Road, Leigh-On-Sea, Essex SS9 2DU
Applicant:	SJT Developments Ltd
Agent:	Marden Homes Limited and Sharon Hosegood Associates
Consultation Expiry:	20 th January 2019
Expiry Date:	N/A
Case Officer:	Abbie Greenwood
Plan Nos:	N/A
Recommendation:	Members are recommended to CONFIRM TREE PRESERVATION ORDER 03/18



- 1.1 The purpose of this report is to consider whether to confirm the provisional Tree Preservation Order (TPO 03/18) at 27 Leigh Park Road, Leigh on Sea. A provisional TPO provides temporary protection for the tree for a period of 6 months. If it is confirmed it will become permanent. If it not confirmed then the TPO will lapse.

2 Site and Surroundings

- 2.1 The provisional Tree Preservation Order, 03/18, relates to an Irish yew located in the front garden of 27 Leigh Park Road. The site is located within the boundary of Leigh Conservation Area.
- 2.2 The tree is one of a number of trees at the site which are visible from the street. The site has not been maintained for some time and is rather overgrown, however it is still possible to see the yew from the public realm and it is considered to make a positive contribution to character of the conservation area and has the potential for a long lifespan.
- 2.3 The land levels at the site are higher than the neighbouring property but they represent the original land levels and a reflection of the cliff slope in this area. The yew is therefore in an elevated position in relation to the street level and this affords it additional presence in the wider streetscene.
- 2.4 The site contains a single two storey traditional house which is currently vacant. It is noted in the conservation area appraisal as making a positive contribution to the character of the conservation area. The neighbouring buildings are a mix of historic and modern buildings. There are a variety of trees in the area which contribute to the green character of the conservation area. Some of the other trees in the vicinity are protected by a TPO.

3 Planning Considerations

The National Planning Policy Framework (NPPF) (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document Policies DM1 and DM5 and the Design and Townscape Guide (2009).

- 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 is whether the tree has sufficient quality and amenity to warrant protection with a Tree Preservation Order.

4 Background to the Order and Appraisal

The National Planning Policy Framework (NPPF) (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

- 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. This gives the Council an opportunity to assess the impact of the works on the character and appearance of the conservation area. If it is considered that the works would harm the character of the conservation area, the Council can decide to protect trees with a Tree Preservation Order.
- 4.2 In November 2018 the Council received an application (ref 18/02097/TCA) from a local property developer to fell all the trees on site, some 30 trees in total, to enable the site to be cleared to facilitate a redevelopment of the site. There is no current planning application or planning permission which relates to the redevelopment of this site however the submitted arboricultural statement comments that the clearance works are required to facilitate the redevelopment of the site and includes a site plan for a flattened development.
- 4.3 The existing property has been left vacant for some time and the site has become overgrown. There are a large number of trees on the site but most are poor quality specimens. The yew tree, however, is a young but good specimen which is considered to make a positive contribution to the character of the conservation area and a provisional TPO was made on this tree on 19th December 2019. It is noted that 8 objections were received to 18/02097/TCA during the course of this application.
- 4.4 An objection to the proposed TPO has been received from a tree surgeon acting on behalf of the site agents. This objection states that:
- The yew tree is relatively small (8m) and is not prominent in the streetscene
 - The tree is a C1 category only.
 - The tree appears in reasonable health but is a fairly weak candidate for a TPO due to its moderate visual impact
 - The applicant would be willing to plant replacement trees and landscaping as part of the redevelopment of the site and this will compensate for the loss of this tree
 - The agent claims that the land levels will need to be changed to facilitate reuse of the existing building or redevelopment of the site and this will require the tree to be removed.
 - The indicative landscaping plan included with the objection shows a 2.5m replacement yew on the frontage, a yew hedge to the front boundary and 8 trees to the rear boundary. Details of any planting scheme can be secured via condition
- 4.5 The Councils Arboricultural Officer has assessed the tree and the objection. He considers that the tree is actually category B not C. He comments that if the shrubs around the tree were better maintained the tree would be more visible in the streetscene. The tree may have some bare branches at low level due to the presence of the shrubs but, whilst this may detract from its appearance it would probably recover over time. A tempo assessment was undertaken for this tree and it scored 16 confirming that it merits a Preservation Order (A score of 11-14 = TPO defensible, a score of 15+ = Merits TPO).

- 4.6 The Council's Arboricultural Officer confirms that it would be difficult to retain the tree if the land levels in this area were significantly altered however it is noted that the existing building is considered to be a positive contributor to the conservation area and there is no consent for its demolition or permission for the redevelopment of the site at this time. It is also considered that it has not been demonstrated that the existing land levels prevent the meaningful use of this site.
- 4.7 The agent has suggested an alternative planting scheme which could come forward if the site were redeveloped which includes a replacement yew tree on the frontage. This would see the existing 8m yew replaced with a 2.5m specimen. Yew trees are very slow growing so it would be many years before this replacement tree was a comparable size and amenity value to the existing yew tree.
- 4.8 It is also noted that if, in the future, an acceptable scheme came forward which enhanced the conservation area but required removal of this tree, there would be an option to agree to its felling subject to appropriate replacement tree planting. In the absence of an approved scheme there is no case for the tree to be felled at this time.
- 4.9 It is therefore recommended that this TPO be confirmed.

Conclusion

- 4.10 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. An objection has been received to the protection of this tree but it has not demonstrated that the tree is not a worthy specimen or that the tree needs to be felled to facilitate the development of the site with a scheme which has gained planning permission and which is considered to preserve or enhance the conservation area. It is therefore considered that the tree preservation order should be confirmed.

5 Planning Policy Summary

- 6.1 National Planning Policy Framework 2019.
- 6.2 Core Strategy (2007) Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality) and DM5 (Southend's Historic Environment)
- 6.4 Southend Design & Townscape Guide (2009).

6 Representation Summary

Council's Arboricultural Officer

- 6.1 The tree fits into the B category, trees of moderate quality, good condition with a retention span of at least 20 years. The TEMPO assessment for these trees scored 16 which indicates that it would merit protection with a TPO.

If all the shrubs were to be cleared and the tree retained on its own it would increase the visibility from Leigh Park Road. The tree may however have some bare branches due to the presence of surrounding shrubs. That may detract from its appearance although it would probably recover in time.

If they did not change the levels for development the tree could be retained. The future growth of the tree would need to be thought about though to see if it is realistic, i.e. avoid retaining the tree based on its current RPA only, so it ends up in future with a small volume of soil elevated above the rest of the site.

The proposed tree planting is ok species wise but in my own opinion I would prefer to see more planting to the front of the site with space for trees to grow. Yews are slow growing so it would take many years for the proposed tree to reach the same height as the existing yew.

Councils Structural Engineer (Building Control)

- 6.2 The Council's Building Control Officer comments that the tree is coniferous with moderate water demand and a mature height of 12m. The nearest foundation is approximately 13m from the tree. Assuming soils with high volume change potential the required foundation depth is 1m.

Public Representations

- 6.3 Under Regulation 3 of the Town & Country Planning (Tree Preservation) (England) Regulations 2012, on 19th December 2018 the TPO was served on the owners/ Occupiers of 27 Leigh Park Road, and the neighbouring landowners and occupiers. No objections other than that received on behalf of the owners noted above were received.

7 Relevant Planning History

- 7.1 No Planning history.

8 Recommendation

- 8.1 **Based on the information contained in this report Members are RECOMMENDED TO CONFIRM TPO 3/2018.**

Appendix 1 - Photograph

