

<b>Reference:</b>	19/01673/TPO	
<b>Application Type:</b>	Tree(s) subject to TPO	
<b>Ward:</b>	Eastwood Park	
<b>Proposal:</b>	Fell and grind stump 1 Ash Tree (T1), prune back branches overhanging private property garden fences to 3 Field Maple Trees (TG1) and reduce crown 30%, remove dead branches, sever ivy stems at base to 1 Oak Tree (T2)(Application for works to trees covered by a Tree Preservation Order)	
<b>Address:</b>	Land Adjacent 254 Green Lane And 7-9 Byfield, Independent Footway From Blatches Chase To Western Approaches, Eastwood	
<b>Applicant:</b>	Mr Paul Sinclair	
<b>Agent:</b>	n/a	
<b>Consultation Expiry:</b>	10th October 2019	
<b>Expiry Date:</b>	5th November 2019	
<b>Case Officer:</b>	Spyros Mouratidis	
<b>Plan Nos:</b>	Site plan	
<b>Recommendation:</b>	<b>GRANT CONSENT FOR WORKS TO TREES</b>	



## **1 Site and Surroundings**

- 1.1 The application site is located on the western side of a footpath at Blatches Chase, near its junction with Green Lane/Western Approaches to the north. The protected trees are located between the footpath and the boundary fences of adjacent properties. The trees are owned and managed by Southend-on-sea Borough Council and are preserved on the basis of Tree Preservation Order (TPO) 4/1967. The TPO covers an area and preserves all trees that were present at the time it was made. To the west of the site there are residential properties. To the east and south there are open areas, including a play field.

## **2 The Proposal**

- 2.1 This application, submitted on behalf of Southend-on-sea Borough Council seeks consent for the following works to the preserved trees:
- T1 – Ash Tree – Fell tree and grind stump.
  - T2 – Oak Tree – Crown reduction of 30%, removal of dead branches, severing of ivy stems at base of Oak tree's trunk.
  - TG1 – Group of three (3) Field Maple Trees – Prune back branches overhanging private property garden.
- 2.2 The works to T1 and T2 are proposed in relation to a claim for subsidence damage caused at the neighbouring property at no.9 Byfield. The works to TG1 are proposed for the maintenance of the trees. The proposal has been supported by reports from the consultants of the claimant's insurance company and the applicant's specialist consultant.

## **3 Relevant Planning History**

- 3.1 09/00162/TPO - Prune 3 Maple trees, 1 Oak tree and fell 1 Ash tree to rear of 7-9 Byfield (Application for works to trees covered by a Tree Preservation Order) – Consent Granted (31.03.2009).

## **4 Representation Summary**

- 4.1 The application has been called to the Development Control Committee by Councillor Walker.

### **Public Consultation**

- 4.2 Five (5) neighbouring properties were consulted and a site notice was displayed. One (1) representation has been received objecting to the proposed works. The following objections and comments were raised:
- It is fine to remove dead wood and ivy.
  - Trees are good for the environment and should not be cut down unless they are dangerous or dead.
  - The proposal would change views of Blatches Chase.
- 4.3 These concerns are noted and where relevant are discussed in detail in the following sections of this report.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (Environment and Urban Renaissance).
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality) and DM3 (The efficient and effective use of land)
- 5.4 Design & Townscape Guide (2009)

## **6 Planning Considerations**

- 6.1 When determining an application seeking consent for works to protected trees the Local Planning Authority should consider the following:
  - The likely impact of the proposal on the amenity value 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

## **7 Appraisal**

### **Impact on amenity value and justification**

- 7.1 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.
- 7.2 The trees are located next to a public footpath. They are prominent in this setting. Furthermore, the Ash tree and the Oak tree, due to their height are visible from farther away. The impact of the proposed works would vary for each tree. The Ash tree (T1) is of medium amenity value and its proposed felling would result in total loss of this amenity value. The Oak tree (T2) is of significant amenity value. The proposed reduction of its crown by 30%, while it would reduce its size and limit views from farther away would not substantially reduce its amenity value. The Field Maple trees are lower than the other two but still contribute positively to the verdant character of the footpath and as such have medium amenity value. The proposed works to this group of trees are relatively minor and would preserve most of their amenity value.
- 7.3 The works to T1 and T2 have been proposed following a claim for compensation on the basis that the trees have caused subsidence to a nearby building. Evidence has been submitted to support the claim that the subsidence is cyclical and on the balance of probability caused by the interaction of the trees' roots with the moisture on the ground below the adjacent building. It should be noted that this is the second claim of damage caused by the same trees. The previous claim led to consent for works agreed under application 09/00162/TPO (see paragraph 3.1 of the report).

- 7.4 The current application has been submitted by the Council's Arboriculture Officer following the examination of the evidence submitted by the consultant of the claimant's insurance company and the advice of the Council's expert consultant on matters of damage caused the Council's trees. From the submitted evidence it is clear that the preferred option, both for the claimant and the Council's insurers, in order to settle the claim with as few expenses as possible, would be to fell both trees. However, after the input from the Council's Tree Officer it has been agreed that T1 which is located closer to and does not predate the building, probably causing most of the damage, would need to be felled and for T2 a reduction, management and monitoring program would be agreed. The submitted evidence is sufficient to justify the works and the resulting loss of amenity value offered by the trees.
- 7.5 The works to TG1 are proposed on the basis that the works are required for the proper maintenance of the trees. The submitted explanation is sufficient to justify the works to TG1 considering that there would not be a significant loss of amenity value.

### **Loss or damage likely to arise**

- 7.6 As already stated, this is the second claim for damage caused by trees T1 and T2. If the Local Planning Authority were to refuse the application, on the basis of the submitted evidence, it is likely that the damage to the adjacent building will continue and future claims for damages may be lodged. In relation to the other issues for consideration there are no known structural concerns in regard to these trees, the reason given for the works is general maintenance.
- 7.7 It is considered reasonable to require the tree works to be carried out in accordance with British Standard BS3998:2010 which covers the recommendations for tree work. The imposition of this condition is unlikely to result in any loss or damage.

### **Protected species**

- 7.8 The trees proposed to be removed are not protected species.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is considered that the proposed works are proportionate on the basis of the justification that has been put forward. The proposal is therefore acceptable and policy compliant subject to conditions.

## **9 Recommendation**

- 9.1 GRANT CONSENT FOR WORKS TO TREES subject to the following conditions:**

- 01 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 (2015).**

**02 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 policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015).**