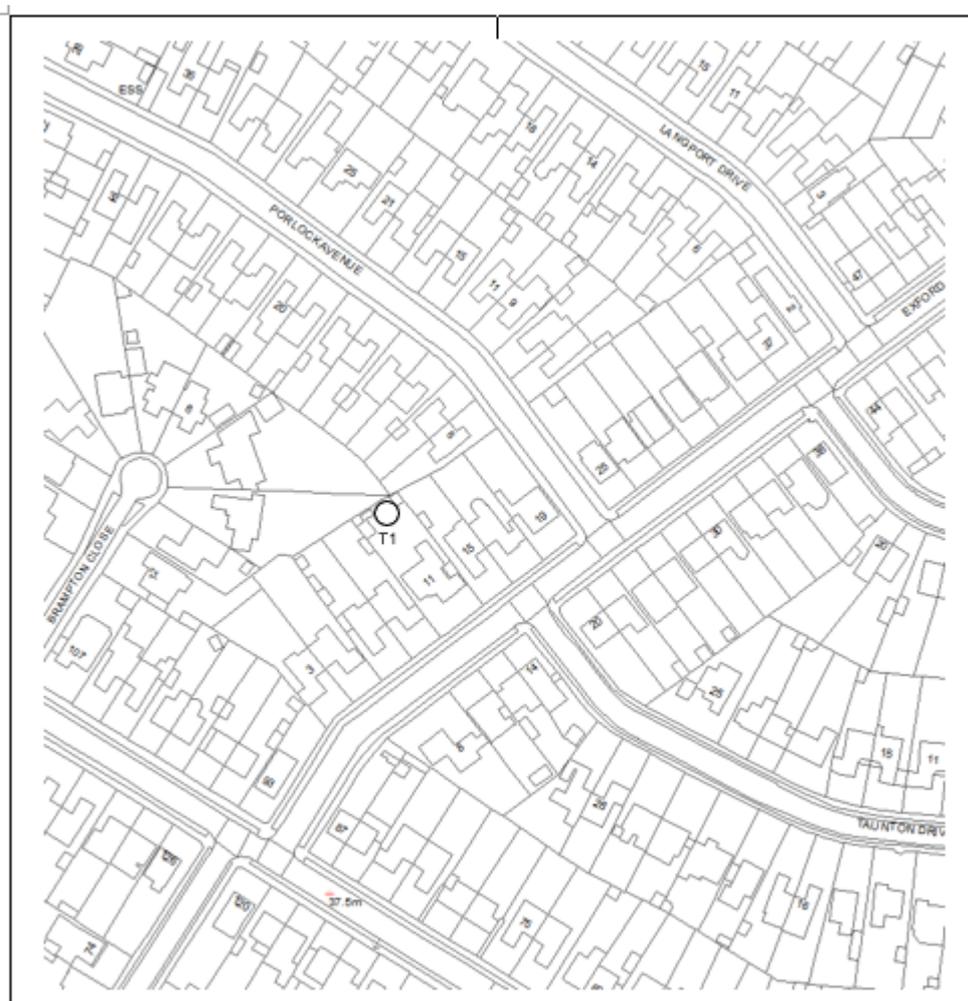


Reference:	TPO 2/2021
Ward:	Prittlewell
Proposal:	Confirmation of Tree Preservation Order 02/2021
Address:	11 Exford Avenue, Westcliff-on-Sea, Essex SS0 0DZ
Consultation Expiry:	8 th July 2021
Expiry Date:	N/A
Case Officer:	Abbie Greenwood
Plan Nos:	N/A
Recommendation:	Members are recommended to CONFIRM TREE PRESERVATION ORDER 2/2021



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1 Purpose of the Report

- 1.1 The purpose of this report is to consider whether to confirm the provisional Tree Preservation Order (TPO), reference 2/2021, at 11 Exford Avenue, Westcliff-on-Sea. A provisional TPO was served on 8th June 2021 and provides temporary protection for the tree for a period of 6 months. If it is confirmed it will become permanent. If it is not confirmed then the TPO will lapse.

2 Site and Surroundings

- 2.1 The provisional Tree Preservation Order, 2/2021, relates to an oak tree located in the rear garden of 11 Exford Avenue.
- 2.2 The tree is a mature specimen in good condition. It is publicly visible above and between the houses in Exford Avenue, Porlock Avenue and Brampton Close. The tree is an important part of the tree cover in this area.

3 Planning Policy Summary

- 3.1 The National Planning Policy Framework (NPPF) (2021)
- 3.2 Core Strategy (2007): Policy KP2 (Development Principles), Policy CP4 (The Environment and Urban Renaissance)
- 3.3 Development Management Document (2015): Policy DM1 (Design Quality)
- 3.4 Design & Townscape Guide (2009)

4 Representation Summary

- 4.1 7 neighbouring properties were consulted on the provisional TPO. 1 representation has been received raising the following summarised issues:
- Concern that the roots are under the surrounding buildings.
 - Nuisance from birds roosting in tree and falling leaves.
 - Risk of deadwood falling.
 - Loss of sun to gardens and causing moss on fences.
 - Impact on gardens due to moisture being taken away by the tree.
 - Concern that a vulnerable neighbour may not have read the consultation letter.
 - The tree should be pruned but we do not wish to see it removed.

Parks

- 4.2 The Council's Arboricultural Officer confirms that the tree is in good condition and has the potential for another 100 years of life. It is a principal member of a group of linked mature trees within the rear gardens of a number of adjacent properties.

It scores 19 on the tempo assessment [TPO defensible at a score of 12 and scores of 16+ definitely merit a TPO] and therefore would qualify for protection with a TPO.

5 Planning Considerations

- 5.1 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.

6 Background to the Order and Appraisal

- 6.1 The tree is a mature oak in a good condition which makes a positive contribution to the streetscene and tree cover in Exford Avenue, Porlock Avenue and Brampton Close and is considered to have over 100 years of life remaining.
- 6.2 The Council received a request from the owners of the tree to serve a tree preservation order because the neighbours have indicated that this tree should be cut back to the boundary and this, in their view, would cause harm to the tree. Without protection, neighbours are entitled to cut back overhanging trees to the boundary without the need for consent from the Council or tree owner.
- 6.3 The TPO would enable a more controlled and balanced approach to maintenance to be undertaken. It would not prevent regular maintenance of this tree.
- 6.4 In relation to the concerns raised by the neighbour it is noted that the tree is located 17m-21m from the rear of 11 Exford Avenue and between 18.5m-34m from the neighbouring properties. There are no known instances of subsidence. Deadwood can be removed at any time as it is exempt from the need for consent. The gardens are large enough for them to receive sunlight despite the tree. Falling leaves over a short period of the year and wildlife are not considered to be reasons not to protect this tree. The serving of the TPO does not require any input from neighbours unless they are seeking to undertake works themselves, so there is no unreasonable additional burdens on neighbours, including any vulnerable persons. It is recommended that this TPO be confirmed as it meets the amenity standards which justify such protection.

Conclusion

- 6.6 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 although the objector has confirmed that he wishes the tree to remain. The serving of a TPO would enable future works to be properly controlled and in the best interests of the tree, which meets the standard of contribution to amenity that warrants such protection. It is therefore considered that the tree preservation order should be confirmed.
- 6.7

Under Regulation 3 of the Town & Country Planning (Tree Preservation) (England) Regulations 2012, on 8th June 2021 the TPO was served on the owners/ Occupiers of 11 Exford Avenue and the neighbouring landowners and occupiers. No objections other than that noted above were received.

7 Recommendation

7.1 Based on the information contained in this report Members are RECOMMENDED TO CONFIRM TPO 2/2021.

Appendix 1 - Photographs





View from street