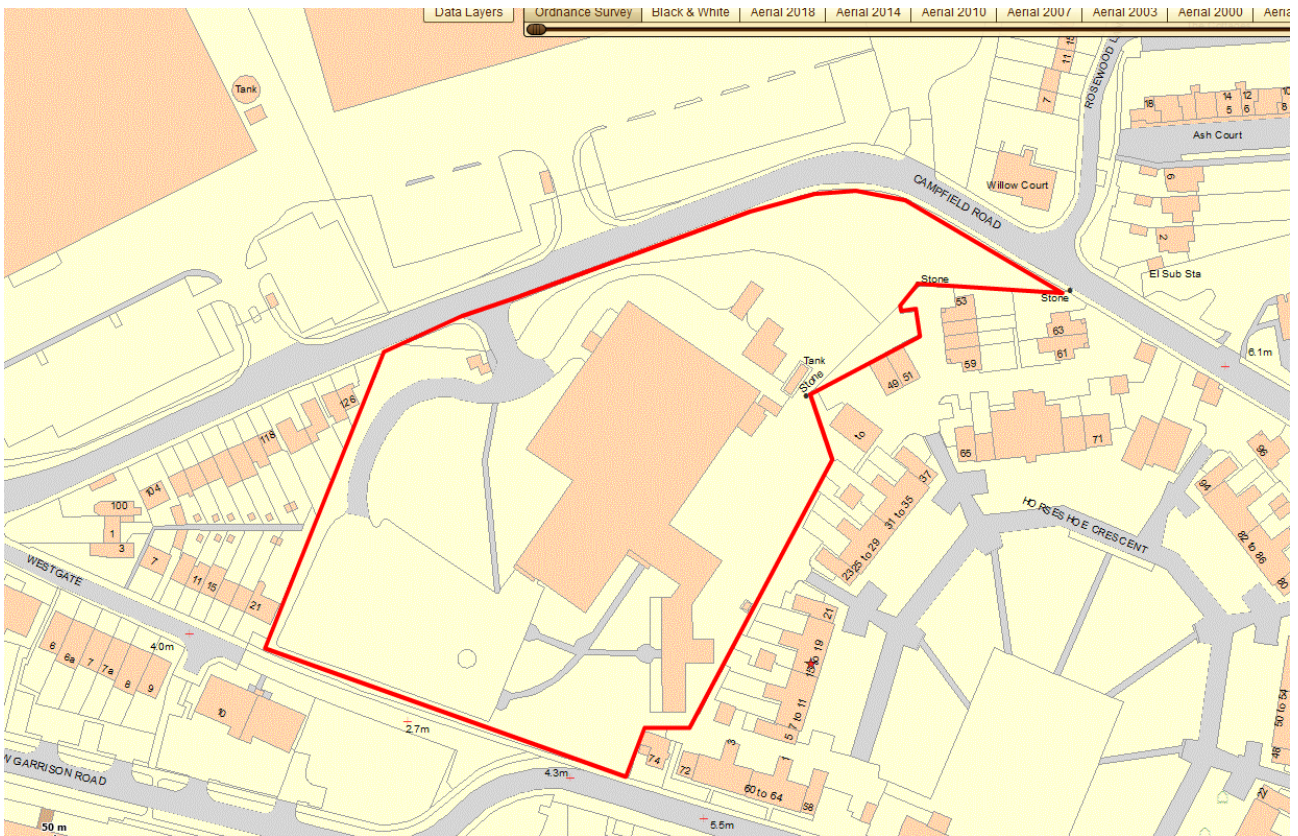


Reference:	TPO 4/22	
Ward:	Shoeburyness	
Proposal:	Tree Preservation Order Confirmation	
Address:	Cantel (UK) Ltd Site, Campfield Road, Shoeburyness, Essex SS3 9BX	
Consultation Expiry:	10 th August 2022	
Expiry Date:	20 th December 2022	
Case Officer:	Abbie Greenwood	
Plan Nos:	N/A	
Recommendation:	CONFIRM TREE PRESERVATION ORDER with modifications	



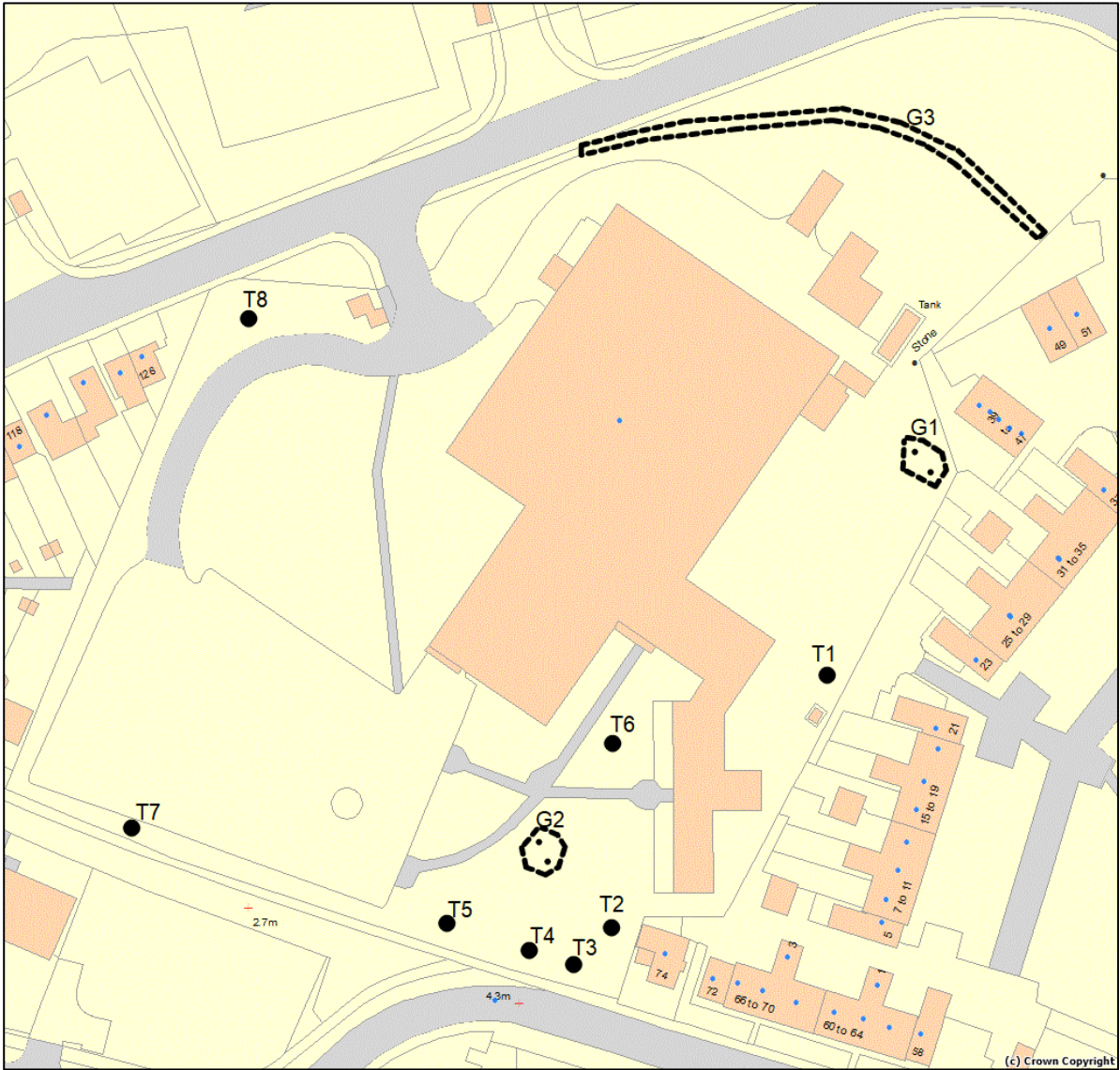
1 Site and Surroundings

- 1.1 The proposed TPO relates to 8 individual trees and three groups of trees in the grounds of the Cantel (UK) Ltd site in Campfield Road, Shoeburyness. The trees are mainly located close to the northern southern and eastern boundaries with a few further into the site. All these trees are publicly visible from the surrounding streets and generally make a positive contribution to the setting of Shoebury Garrison Conservation Area which lies beyond this site adjoining its east and south.
- 1.2 The trees subject of the provisional order are summarised below including their TEMPO score (Tree Evaluation Method for Preservation Orders) assessed by the Council's Arboricultural Officer. The TEMPO Scoring system is a standardised method of scoring trees to determine their suitability for tree preservation orders. Points are awarded for various categories including the condition of the tree, its future life retention span, its relative public visibility and contribution to amenity. Extra points are awarded for other factors such as for trees of significant age or particularly good form or for trees that are of historical value or as part of a cohesive group which has townscape importance. Scores of 12-15 mean a TPO is defensible. Scores of 16+ definitely merit a TPO. Scores of 11 and under do not merit a TPO.

Tree Ref	Species	Summary	TEMPO Score
T1	Sycamore	Located on the eastern boundary of the site close to the conservation area boundary at the rear of Horseshoe Crescent. The tree has a particularly good form and is in a good condition with 40-100 years life expectancy. The tree can be seen from the parade ground in Horseshoe Crescent between the listed buildings and from the rear parking courts and makes a positive contribution to the setting of the listed buildings and the Shoebury Garrison Conservation Area.	17
T2, T4, T5	Atlas Cedar	Distinctive evergreen trees in in a fair condition with 40-100 years life expectancy located close to the southern boundary of the site and forms a group with T3 and T4. These trees make a positive contribution to the character of the conservation area and setting of the adjacent listed church.	15
T3	Sycamore	Fair condition with 40-100 years life expectancy located in a highly visible location on the southern boundary of the site where it makes a positive contribution to the character of the conservation area and setting of the adjacent listed church.	15
T6	Atlas Cedar	Distinctive evergreen tree is in a fair condition with 40-100 years life expectancy and is located further into the site so has less public amenity than some other trees but can still be seen from the south.	15
T7	Sycamore	Fair condition with 40-100 years life expectancy located in a highly visible location on the southern boundary of the site adjacent to a footpath.	15
T8	Norway	Fair condition with 40-100 years life expectancy located in a highly visible location on the Campfield	15

	Maple	Road frontage in the northwest corner of the site.	
G1	2 x Turkey Oaks	The trees are in a good condition with 40-100 years life expectancy and are located on the eastern boundary of the site close to the conservation area boundary to the rear of Horseshoe Crescent. The trees form an attractive cohesive group and can be seen from the rear parking courts and cul de sacs to the rear of Horseshoe Crescent and make a positive contribution to the rear setting of the listed buildings.	19
G2	2 x Sycamore	Mature specimens in a good condition with 40-100 years life expectancy located in the southern part of the site a short distance from the southern boundary. The trees can be seen from Chapel Road in the conservation area to the south and form part of the tree cover in this area.	20
G3	Linear Group of Acers and Hawthorns	These trees are growing on a raised bund which wraps around the northeast corner of the site and form a group with the existing preserved trees in this area and a buffer to the main road. They have clear public visibility from Campfield Road and are medium sized trees in good condition with 40-100 years life expectancy.	20

1.3 The map and photo below show the location of these trees (the trees subject of the provisional TPO are show in black on the map and red in the photo). A number of other trees on the Campfield Road frontage which are already protected by TPO 3/2012 are shown in green. Photos of these trees can be found in Appendix 1 of this report.



Images above and below (red) show provisional TPO Tree Locations



2 The Proposal

2.1 To confirm the Tree Preservation Order (TPO) at Cantel (UK) Ltd Site, Campfield Road, Shoeburyness, Essex SS3 9BX that was originally served on a provisional basis on 20th June 2022 with the proposed modification:

- The species for T1 shall be corrected from Sycamore to Turkey Oak.

3 Relevant Planning History

3.1 The Local Planning Authority is currently in discussions with a housing developer regarding the development of this site. The scheme is at the pre application stage and a public consultation event was held in May 2022. Following this event, the Council received a request from a local resident to consider the trees at the site for a tree preservation order. Preliminary plans show that many of these trees could be removed to make way for new housing. It is reasonable that any trees of merit on the site should be considered for protection so that their contribution to the amenity of the site and area can be fully considered as part of the assessment of any development proposals for this site.

4 Representation Summary

Public Consultation

4.1 Under Regulation 3 of the Town & Country Planning (Tree Preservation) (England) Regulations 2012, on 20th June 2022 the TPO was served on the owners of the Cantel Site, its immediate neighbours and the parties involved in the redevelopment of this site. 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 10th August 2022.

Representations in Support of the TPO

4.2 8 letters of representation were received raising the following summarised issues:

- The existing trees to the north of the site provide a natural sound barrier and visual screen to the busy road and industrial estate on Campfield Road. They also absorb pollution from these areas.
- The trees will provide focal points and help to provide a positive sense of place for the new development.
- The trees are ecosystems important for local wildlife (birds, insects, mammals and fungi) and if removed there will be a loss of natural habitat. The trees in the northern part of the site are habitats for bats.
- The trees are attractive and enhance the setting of the buildings including the listed buildings and conservation area. The trees are important to the local streetscene.
- The trees are important to combat climate change including absorbing CO₂, reducing pollution and providing shade and cooling and reduce ultraviolet radiation.
- Greenery and the changing of the seasons of trees is important for mental wellbeing (this is also stated in the new Council Tree Policy Document).
- The trees are important to the community and should be protected for future

generations. They are part of our green heritage.

- The provisional TPO should be confirmed without modification.
- The preservation of trees is generally supported by residents across the city.
- The trees will also benefit the future residents of the development site.
- Trees near roads can have a positive effect of reducing speeds.
- The trees provide all round cover.
- Tree roots absorb moisture and canopies catch rainfall helping to reduce flood risk and flash floods.
- Replacing existing trees with new trees is not cost effective.
- The trees contribute to the Councils goal of 15% tree canopy cover by 2030.
- Some trees are in need of maintenance due to storm damage

4.3 A petition of 117 names was also received requesting that the TPO be confirmed and made permanent without modification.

Objection to the provisional TPO

4.4 The prospective developers of the site have also provided a representation on the provisional TPO. This includes their own assessment of the trees which is summarised as follows:

Tree Reference		Species	Retention Category	Comments
TPO	Middlemarch			
T1	T15	Turkey oak	A	Tree is good specimen in good condition; however, the tree only offers limited visibility to a private estate. TEMPO score of 16 (Definitely merits TPO).
T2	T11	Atlas cedar	B	Tree has poor vigour and showing signs of stress with thin canopy. Low visibility from public realm. TEMPO score of 8 (Does not merit TPO).
T3	T10	Sycamore	B	Tree in fair condition with poor structural form. Tree is clearly visible from public realm. TEMPO score of 9 (Does not merit TPO).
T4	T9	Atlas cedar	A	Good tree in good condition with clear visibility from public realm. TEMPO score of 17 (Definitely merits TPO).
T5	T5	Atlas cedar	B	Tree in fair condition with clear visibility from public realm. TEMPO score of 13 (TPO Defensible).
T6	T14	Atlas cedar	B	Tree in good condition with low visibility from public realm. TEMPO score of 15 (TPO Defensible).
T7	T39	Sycamore	B	Tree in fair condition with clear visibility from public realm. TEMPO score of 13 (TPO Defensible).
T8	T31	Norway maple	B	Tree in fair condition with visibility to public realm. TEMPO score of 13 (TPO Defensible).
G1	T18 & T19	Turkey oak	A	Trees are good specimens in good condition; however, they are not visible from public realm. TEMPO score of 16 (Definitely merits TPO).
G2	T2 & T3	Sycamore	B	Trees in fair condition with limited visibility to public realm. Trees have been assessed as group as part of TPO but there are only two trees and they do not have any connectivity with adjacent trees. TEMPO score of 9 (Does not merit TPO).
G3	H1	Field maple, Hawthorn	C	Outgrown boundary hedgerow comprised of typical hedgerow species and not suitable for TPO. Previously considered a group within the Preliminary Arboricultural Assessment, however, on further inspection it has been reassessed as a hedgerow due to its composition and linear form along a chainlink boundary fence. See photograph showing hedgerow form in Appendices.

4.5 Their report concludes:

As shown in Table 1, trees T1, T4, T5, T6, T7 and T8 and tree group G1 were found to merit Tree Preservation Order status. T1 and G1 were both considered to be high retention value during the Preliminary Arboricultural Assessment as they were in good

condition with no obvious defects.

T1 had low visibility from the public realm and G1 had almost no visibility from the public realm, however, both still scored high enough on the TEMPO assessment to merit a Tree Preservation Order.

T4 was in good condition with no obvious defects and was considered to be high retention value during the Preliminary Arboricultural Assessment. T4 was clearly visible from the public realm and also scored high enough on the TEMPO assessment to merit a Tree Preservation Order.

T5 and T6 were both considered to be of moderate retention value during the Preliminary Arboricultural Assessment. T5 was in fair condition with a torn branch wound in the western portion of the crown. T6 was in good condition with no obvious defects. Both T5 and T6 scored high enough in the TEMPO assessment to warrant a TPO.

T7 and T8 were both in fair condition and were considered to be of moderate retention value. Both trees had areas of included bark at branch unions in their crowns and the canopy of T7 contained deadwood. Both T7 and T8 scored high enough in the TEMPO assessment to warrant a TPO. The remaining trees (T2 and T3) and groups (G2 and G3) were all considered unsuitable for the TPO. T2, whilst considered to be of moderate retention value, displayed poor vigour, exhibited signs of stress and offered limited visibility to the public realm. T3 was clearly visible from the public realm and was considered to be of moderate retention value. The condition of T3 was found to be fair, however, the multi-stemmed form was structurally poor due to the presence of included bark at the stem union that is likely to limit the trees future potential. Two sycamore trees forming G2 were considered to be of moderate retention value and were found to be in fair condition despite bark inclusions at the branch unions in their crowns. The trees forming G2 offered limited visibility from the public realm.

G3 was considered to be of low retention value during the BS5837 assessment and was in fair condition. As stated in Table 1 G3 was originally considered a group within the Preliminary Arboricultural Assessment. Upon further inspection of G3 and its linear form, following an existing fence line, the group was reassessed as a hedgerow (H1). As a hedgerow, G3 / H1 does not qualify for protection as part of a Tree Preservation Order.

We object to the inclusion of T2, T3, G2 and G3 within the order as they fall short of the necessary requirements of the TEMPO assessment to warrant their inclusion.

Arboricultural Officer

4.6 Since the initial assessment and serving of the TPO two of the Council's Arboricultural Officers have made another visit to the site. The following comments have been received in response to the representation made by the prospective developer:

- T1- The species for T1 is mistakenly listed as Sycamore. This should be amended to Turkey Oak. This tree has a very good form and is significant in its setting abutting the conservation area. As with G1 there is visibility from a number of properties, (approx 17 plus staff at Cantel Medical). These trees (T1 and G1) also screen the view from the conservation area, reducing any negative visual impact of the Cantel building. The tree is clearly visible to

enough people to provide public amenity. TEMPO score not amended and remains at 17. [See Fig 2 and 3 in Appendix 1 for views towards and from the Conservation Area]

- T2 Atlas Cedar – Although from Chapel Road the tree is situated behind T3 Sycamore, it is still clearly visible and being evergreen, it will be more so during Autumn/Winter when T3 has no leaves. However, the category for retention span has been amended from 40 to 100 years to 20 to 40 years due to current condition - the tree is showing less signs of vigour than the other atlas cedars – The TEMPO score amended from 15 to 13 but a TPO still defensible at this score.
- T3 Sycamore - On closer inspection T3 has some bark inclusions and a central cavity which may be a potential point of weakness however it has an upright form and the crown is not overly large or spreading. These points may affect its longevity so its TEMPO category for retention span has been amended from 40 to 100 years to 20 to 40 years. This has resulted in the TEMPO score being amended from 15 to 13 but TPO still defensible.
- T4 Atlas Cedar - TEMPO score not amended and remains at 15 TPO defensible.
- T5 Atlas Cedar - Retention span amended due to current condition including the torn branch on the west side of the crown. – TEMPO score amended from 13-15 but TPO still defensible.
- T6 Atlas Cedar – TEMPO score not amended and remains at 15 - TPO defensible.
- T7 Sycamore – TEMPO score not amended and remains at 15 - TPO defensible.
- T8 Norway Maple – TEMPO score not amended and remains at 15 - TPO defensible.
- G1 2 x Turkey Oaks on east boundary –These Turkey Oaks are significant in their current setting with clear views from approx. 18-20 properties, Staff at Cantel and limited view from Campfield Road. They directly abut the Garrison Conservation Area and screen the Cantel premises, lessening its impact on the conservation area. The TEMPO score for G1 is therefore not amended and remains at 19 – TPO definitely merited.
- G2 2 x sycamore - I disagree with the findings of the objector's report. Both trees are in good physiological condition with no sign of negative impact from the construction of the pavement that runs between them. They can be clearly seen from Chapel Road, albeit beyond the smaller trees on the Chapel Road boundary. Whether they were treated as a group as they have been, or two individuals, they would still qualify for TPO protection. The TEMPO score is therefore not amended and remains at 20 – TPO definitely merited. [See figure 15 in Appendix 1 for view from Chapel Road]
- G3 Acers and Hawthorns – The objection argues that G3 is a hedgerow and therefore does not qualify for protection under TPO legislation. These trees were probably planted as a row of whips (date of planting unknown) but they have not been managed as a hedge and have now grown to a linear group of small trees with stem diameters measured at 1.5m above ground level exceeding 75mm and, in some instances, exceeding 100m¹. Figure 16 in

¹ Note: The Town and Country Planning (Tree Preservation) (England) Regulations 2021 section 15 (1) (d) only requires 6 weeks notice to be given for works to trees in conservation areas where the tree is at least 75mm diameter measured at 1.5m above ground level. Consequently, this measurement is generally used in planning to define a tree that is worth considering for retention. This exact measurement is also referenced in the TEMPO guidance where it defines the threshold limit for 'young trees' below which they can readily be replaced by new planting.

Appendix 1 from 2009 Google Street view clearly illustrates the planting pattern with enough space between plants to enable them to develop into individual trees when left unmanaged as they have been. Google Streetview also has images from April 2009, August 2009, May 2012, September 2016, August 2018, May 2019, and April 2021 and none of these images show any evidence of hedgerow management, which would have resulted in a linear thicket of meshed crowns. This line of trees has individual structure and they meet or exceed the size requirements which would be covered by conservation area protection which is mirrored in the TEMPO scoring system (see footnote 1 above). The images in figures 18, 19 and 20 of Appendix 1 show the current size of these trees and their relationship to the road, to the existing TPO in this location and surrounding properties. Consequently, the TEMPO score has not been amended and remains at 20 - TPO definitely merited.

- 4.7 In amenity terms, the protection of G1 and T1 is appropriate in as much as the removal of these trees would have a significant impact upon the local environment and the enjoyment of a significant number of people living and working in the immediate vicinity. In addition to the number of properties T1 and G1 can be seen and enjoyed from, there is the question of future use of the land and the potential for the trees becoming more visible and therefore an increase in amenity value. Were the Cantel site to be developed in the future, these trees would play an essential role in retaining character of the site and the adjacent Conservation Area.
- 4.8 Included bark has been noted on several trees. *Included bark* is where there are two bark surfaces facing each other, as though the bark has 'folded' into the join between two uprights or branch to parent limb. It is quite common, more so amongst some species than others. It can result in a failure of the limb concerned; however, it does not always follow that a bark inclusion will fail. If a tree is sheltered, it may not be subjected to winds which may create pressure on the join. Crown structure can also play a big part in whether a join may fail or not. If stems with an inclusion are very upright, there will be less pressure on the join. If an included join is known about, the tree can be managed accordingly. This may be for example, removal of the affected limb, reduction of the area of crown carried by the affected join or when appropriate, bracing. At some point in the future, by the very fact that within the affected join, pressure increases each year, the join is likely to fail. However, if managed well, the failure may not necessarily affect the retainability or longevity of the tree and the failure of one or two limbs may well not even affect the amenity value/longevity of the tree at all.
- 4.9 It is important to bear in mind that it is more common for trees to have defects than to not have them. Some defects are more significant than others. The key is managing them accordingly. Many trees live very long lives contributing to the landscape and the local ecology with many defects. Defect is a bit of an all-encompassing word, whereas the myriad of different types of defect cannot all be categorised as life limiting or even dangerous. Some clearly are very significant and shouldn't be ignored, such as some of the wood decay fungi. Some of the trees subject of this order have been identified with defects which may potentially shorten their retention span but none of the trees proposed for preservation have been identified as having wood decaying fungi and all have a expectancy of at least 20-40 years.

Conservation Officer

- 4.10 The Council's Conservation Officer has visited the site and notes that the trees make a positive contribution to public amenity and to the setting of the surrounding historic buildings including the listed buildings in Horseshoe Crescent and the adjacent listed Garrison Church. The trees within the Conservation Area have a significant input into its special character and provide a positive setting for the historic buildings. This does not stop at the conservation area boundary as the historic buildings are seen in a wider context. The trees of note on the Cantel site play an important role in contributing to the setting of the nearby listed buildings and that of the conservation area generally.
- 4.11 The importance of trees in this location is specifically mentioned in the Shoebury Garrison Conservation Area Appraisal at paragraph 5.3.6 where it states ' Trees and vegetation also play a key part in creating the character of the open spaces in the Conservation Area. Factors which produce this character include: Large mature trees providing screens and backdrops to buildings and reinforcing the appearance of open spaces' and at paragraph 5.3.13 'Individual and groups of large mature trees are an important component of the townscape in much of the Garrison. Planting reinforces the appearance of open spaces, forms the backdrop for many of the area's buildings and helps to visually link buildings with open spaces. Some trees act as focal point in townscape.' and at 6.3.39 which states 'One of the key features of the Conservation Area is the extent of wide open green spaces and mature tree planting which greatly enhance the setting of the historic buildings. These should be maintained and enhanced wherever possible.'

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance).
- 5.4 Development Management Document (2015): Policy DM1 (Design Quality), DM5 (Southend's Historic Environment).
- 5.5 The Southend-on-Sea Design & Townscape Guide (2009)
- 5.6 Shoebury Garrison Conservation Area Appraisal (2021)

6 Appraisal

- 6.1 The Council's local planning policies seek to protect trees under threat which make a positive contribution to the townscape of an area, including the setting of historic buildings, and contribute positively to the Green Grid.
- 6.2 The trees subject of the order are the most notable trees on the Cantel Site located outside but directly to the north and west of Shoebury Garrison Conservation Area. The site is proposed for redevelopment following the up and coming relocation of the existing commercial use. The trees are spread across the site with many located close to or within sight of the boundaries where they can be seen from the surrounding streets and properties including Campfield Road, the main road to the north of the site, the streets in Shoebury Garrison Conservation Area such as Chapel Road and Horseshoe Crescent, as well as a significant number of listed buildings in Horseshoe

Crescent and the listed Garrison Church. The trees across the site makes a positive contribution to the tree cover in this area which is so much a part of its special character of the conservation area and surrounding area generally.

- 6.3 Redevelopment of this site would result in significant change and this has the potential to impact on the existing landscape features. The impact on existing trees will be a key consideration in any development proposal. In June 2022, following public consultation with local residents, the Council received a request to consider the trees at the site for a tree preservation order.
- 6.4 Several site visits have been made to view the trees including a joint visit with the prospective developer and their arboricultural consultant. Consequently, the condition of the trees and their contribution to local amenity have been thoroughly considered.
- 6.5 There are a range of trees across the site. Those on the eastern boundary, G1 and T1, are large Turkey oaks, Category A trees which, although not prominent from Campfield Road, can be seen from Horseshoe Crescent and form an appropriate setting to the listed buildings and these trees are overlooked by numerous properties in this location. These trees score highly in their TEMPO assessments and their inclusion in the TPO is not disputed by any party.
- 6.6 The line of trees on the southern boundary facing Chapel Road and the listed Garrison Church includes T2, T3, T4, T5, and T7 (3 Atlas Cedars and 2 sycamores). The Atlas Cedars in particular are distinctive evergreen trees which provide a positive reference to the preserved evergreen yew trees surrounding the church on the other side of Chapel Road. The objection to the TPO raises concerns that T2 in particular is showing signs of poor vigour and stress and is hidden from view behind the larger sycamore T3. The Council's Arboricultural Officer acknowledges that this tree is less vigorous than the other cedars and as such the TEMPO has been rescored with a reduced lifespan 20-40 years. However, even at the reduced score a TPO would still be defensible for T2. In terms of its amenity value it is important to note that the view of this tree from Chapel Road to the south is significantly enhanced in the colder months when the adjacent sycamore loses its leaves. This can be seen in Figure 10 at the end of this report which shows the sycamore without leaves even as late as April. It is also worth noting that the amenity value of this tree and others nearby is likely to increase once the site is developed as public consultation shows an intended public open space in this area of the site.
- 6.7 The objection also questioned the merits of T3 primarily based on its form as a multi stemmed tree. The objection notes the presence of included bark at the stem union and suggests that this may limit the tree's future potential as multi stemmed trees can be more prone to fail. The objection scored this TEMPO at 9 which is below the threshold for a TPO. The Council's Arboricultural Officer has reinspected this tree and acknowledges that it has some defects including bark inclusion which can be a potential weakness, but she also notes that the stems are upright and the crown is not overly large or spreading. In acknowledgement of this weakness, the retention span of this tree has been revised to 20-40 years but even with this re-evaluation the tree scores high enough at 13 to merit a TPO particularly given its prominent position on the road frontage and therefore high amenity value.
- 6.8 Whilst there are some small differences in the TEMPO scores from the Council's Arboricultural Officer and the Objector's TEMPO both parties agree that the remaining

trees on this boundary, T4, T5 and T7 meet the requirements for a TPO.

- 6.9 Just behind this group are G2, a group of 2 sycamores and T6 another Atlas Cedar. The objection to the TPO considers the sycamores of G2 to be in fair condition, but again cite bark inclusions as a concern, as well as low visibility and have scored this group at 9. This contrasts with the score of 20 given by the Council's Arboricultural Officer who considers these trees to be in good condition without clear defects, forming a cohesive group which is visible from Chapel Road. Figure 15 below shows a clear view of these trees through the large gap between T4 and T5 where they form an important part of the tree cover in this section of the site. It is therefore considered that these trees merit inclusion in the TPO.
- 6.10 The objection does not raise any objection to the inclusion of T6, the atlas cedar, to the east of G2 in the TPO despite this having a similar level of visibility as G2 and a TPO remains defensible according to both parties.
- 6.11 T8, the Norway maple in the northwest corner of the site facing Campfield Road, is isolated from the other trees on the site which affords it prominence in the streetscene on this key frontage. The objector's TEMPO score for this tree is slightly lower than that of the Council's Arboricultural Officer but a TPO remains defensible in both cases.
- 6.12 The greatest difference of opinion concerns the final group G3 which relates to the acers and hawthorns on the raised bund in the northeast corner of the site facing Camfield Road behind the larger trees on the road edge which are already covered by TPO 3/12. These are relatively new trees compared to others in the vicinity but have grown significantly in recent years and have now become part of the tree cover in this location. The objection considers these trees to be a hedgerow not individual trees thereby falling outside the scope of a tree preservation order. The Council's arboricultural officer has looked into this claim and notes that, unlike a hedge which is a closely spaced and managed to form a thicket of meshed crowns, these trees are widely spaced and have not been managed so have developed into individual trees. She also notes that the trees are now of a size considered worthy of consideration for preservation (see footnote 1 above). Figures 16 and 18 below show the young trees in 2009 and their current size. They have now become an established group and landscape feature in their own right that can be seen behind and between the larger trees on the roadside (one of which is due to be felled because it is dead opening up a larger gap on the frontage). These trees are generally in good condition with a long life expectancy and score well on the TEMPO assessment meriting protection with a TPO.
- 6.13 Overall therefore, it is considered that all the trees subject of the provisional order merit inclusion in the permanent TPO.
- 6.14 Aside from the contribution to local amenity and the setting of nearby heritage assets, a number of other issues have been raised by residents in support of retaining these trees including climate benefits, pollution control, other health benefits, flooding and wildlife including bats, however, whilst these are all valid, they fall outside the scope of what can be considered when making a tree preservation order which is confined to amenity value only. Amenity includes the visibility of the trees and their individual or collective impact on an area. Their size and form, future potential amenity, rarity, cultural or historical value, contribution and relationship to landscape or heritage are all considerations in this regard. These issues cannot therefore be taken into consideration in this decision, however, in some cases, other legislation, such as the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017)

and the Wildlife and Countryside Act (WCA) 1981 is also relevant and can offer protection.

6.15 In relation to the redevelopment of this site, the confirmation of this tree preservation order will afford greater weight to the importance of these trees in the planning balance. This does not mean that their retention is guaranteed, but it does ensure that the developer considers retention of these trees in any proposal and fully justify why a TPO tree cannot be retained as part of any development proposal. In determining a future development proposal for the site, the Committee will then need to consider whether the loss of any preserved trees is acceptable in the planning balance taking into consideration the public benefits of the proposal.

7 Recommendation

7.1 Based on the information contained in this report and given the high amenity value of these trees, Members are recommended to confirm TPO 4/2022 and make it permanent including the modification of the species of T1 from sycamore to turkey oak.

Appendix 1 - Tree Photographs

Figure 1 below shows T1, Turkey Oak, on east boundary on the boundary of the site



Figure 2 below shows relationship of T1 to the listed properties in Horseshoe Crescent



Figure 3 below shows T1 as seen from Horseshoe Crescent within Shoebury Garrison Conservation Area



Figure 4 below shows G1, 2 x Turkey Oaks, also on east boundary (fruit tree to left not included in TPO)



Figure 5 below shows T2, the smallest of the Atlas Cedar group on the south boundary



Figure 6 below shows T3, sycamore (right) and T4 atlas cedar (left) from Chapel Road, part of the grouping on the south boundary opposite the listed church



Figure 7 below shows T4, Atlas Cedar, part of the grouping on the south boundary opposite the listed church



Figure 8 below shows T5 Atlas Cedar on the south boundary part of the grouping on the south boundary opposite the listed church



Figure 9 below shows the group of trees T2, T3, T4, T5, G2 on the south boundary in context with the listed church



Figure 10 below from Google Streetview April 2021 shows the enhanced visibility of T3 (far right) during colder months when T4 (sycamore) has no leaves. This image also shows the relationship with the other Atlas Cedars T4 and T5 as seen from Chapel Road in Shoebury Garrison Conservation Area



Figure 11 below shows T6 Atlas Cedar set in from the south site boundary



Figure 12 below shows T7 Sycamore on south boundary in context to the new build and converted properties to the south



Figure 13 below shows T8 Norway Maple in the northwest corner of the site on Campfield Road



Figure 14 below shows G2 group of 2 sycamores set in from south boundary



Figure 15 below shows visibility of G2 from Chapel Road to the south



Figure 16 below shows 2 images of G3 from Google Streetview 2009 which show an open spaced tree planting not a close hedge planting arrangement



Figure 17 below shows G3 from Google Streetview 2021 - This is the exact image used in objectors tree report. As is the nature of Google Streetview images, the background features appear disproportionately smaller in contrast to those in the foreground due to the type of camera lens used.



Figure 18 below shows the current size of the trees in G3 relation to scale of a person



Figure 19 – Image below shows context of trees in G3 in relation to surrounding properties – Horeshoe Crescent shown in background.



Figure 20 below shows G3 (centre right) in context with existing TPO 3/2012 from Campfield Road (left)

