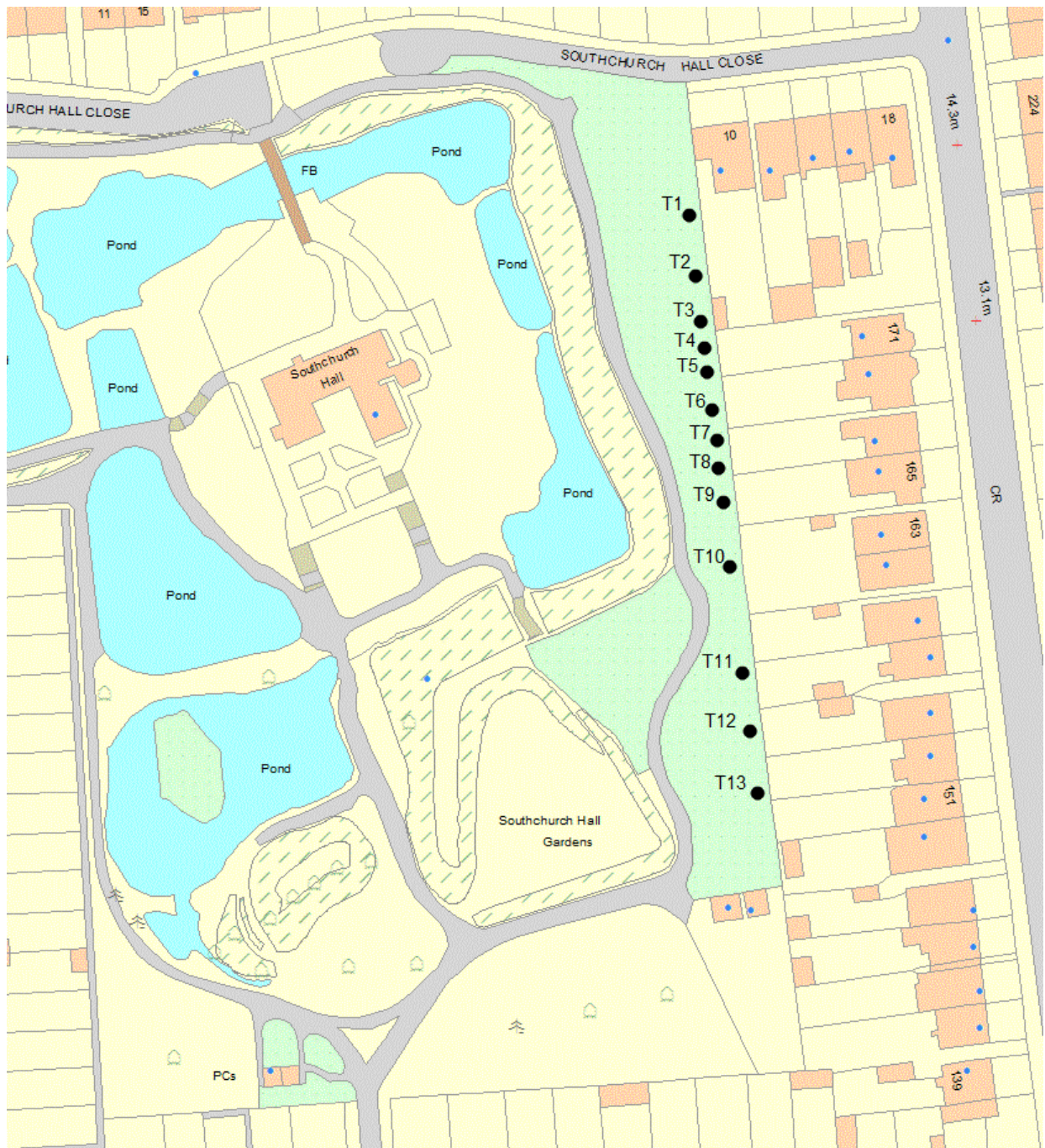


Reference:	TPO 5/2022	
Ward:	Kursaal	
Proposal:	Tree Preservation Order Confirmation	
Address:	Southchurch Hall Gardens, Southchurch Hall Close, Southend-on Sea, Essex SS1 2TE	
Consultation Expiry:	20 th July 2022	
Expiry Date of Provisional TPO:	20 th December 2022	
Case Officer:	Abbie Greenwood	
Plan Nos:	N/A	
Recommendation:	CONFIRM TREE PRESERVATION ORDER with no modifications	

1 Site and Surroundings

1.1 Provisional TPO 05/2022 relates to 13 individual sycamore trees on the eastern boundary of Southchurch Hall Gardens. All these trees are publicly visible from Southchurch Hall Gardens and can also be seen from the surrounding streets, Victoria Road to the east and Southchurch Hall Close to the north. The trees also provide a positive setting for Southchurch Hall, one of the City's most important Grade I Listed buildings. The moat and gardens at Southchurch Hall are also designated as a Scheduled Monument. The Gardens are owned by the Council. The trees form part of the mature tree canopy of the gardens and are outlined in red below.





Tree Preservation Order Tree Location Map and relationship with Southchurch Hall

2 The Proposal

- 2.1 To confirm and without any modifications, the Tree Preservation Order (TPO) 5/2022 at Southchurch Hall Gardens, Southchurch Hall Close, Southend-on Sea, Essex SS1 2TE that was originally served on a provisional basis on 20th June 2022.

3 Relevant History

- 3.1 The trees are owned by the Council but overhang the gardens of the properties in Southchurch Hall Close and Victoria Road to the east. The TPO now served provides the Council with control over future maintenance works to these trees to ensure that any future proposals for works to these trees (which is not precluded in principle by the existence of the Order), can first be assessed as to their acceptability and then carried

out in an appropriate manner in the best interests of the health and visual amenity of the trees.

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 immediate neighbours in Victoria Road and Southchurch Hall Close. 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 20th July 2022. 4 letters of representation were received, 2 in objection to the TPO and 2 in support of the TPO. The comments are summarised below:

Objection (2)

- The trees have not been managed in recent years and are overgrown and in need of pruning.
- Impact on sunlight to gardens.
- Nuisance caused by leaves, debris and dropped seeds self-seeding in gardens and from sap.
- Concern that they may be vulnerable in strong winds.
- The trees do not contribute to the character of the public gardens or listed building.
- The public gardens are neglected.
- Works to these trees should be paid for by the Council.
- Removal and planting with an alternative species which are more easily managed would be preferable.
- Damage from roots to garden paths

Support (2)

- The preservation order is wholeheartedly supported and should be made permanent.
- The reasoning for the TPO to prevent excessive pruning works is understood.

Arboricultural Officer

4.2 The Council's Arboricultural Officer comments that the serving of the TPO will not change the management of the trees on the eastern boundary of the park. The only difference will be that anyone who wants to carry out works to the trees (including the Council) must submit an application and obtain permission before doing so (except in the case of safety works). A TPO does not preclude appropriate works, eg for general maintenance, but it will prevent inappropriate works that may damage the tree above or below ground. The trees in the park are inspected regularly and any Arboricultural issues would be dealt with through the proper processes.

4.3 With regard to the height of the trees, all of the Council's trees are maintained in a suitable condition for their location. These trees are already high in the crown on the neighbours' side and encroachment is not excessive. Whilst these trees remain in good condition with no signs of disease, there is no reason to reduce their height. Should a tree become of concern or show signs of disease, it will be investigated and any works

required will be carried out, subsequent to obtaining permission.

- 4.4 The issues raised such as seed drop, shade and the management of other areas of the park are not relevant to the TPO.
- 4.5 The trees have 40-100 years life expectancy and are in a fair condition. They are fully visible from the public gardens and can also be seen in places from Victoria Road. As a group the trees score 15 on a TEMPO assessment meaning that they exceed the criteria for a Tree Preservation Order.
- 4.6 Two trees on this boundary have been excluded from the provisional order due to poor condition. This includes the standing stem in the centre of the row which was pollarded by the Parks team in 2021 because the level of dead wood in the crown was a safety concern.

Conservation Officer

- 4.7 The Council's Conservation Officer notes that the trees make a positive contribution to public amenity of Southchurch Hall Gardens and to the setting of the Grade I Listed Southchurch Hall as part of the mature tree cover within the gardens which themselves are a scheduled monument. The group can also be seen from a number of locations from the surrounding streets including in Victoria Road to the east and Southchurch Hall Close to the north. Overall the trees make a positive contribution to the amenity of this area.

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) and Policy DM5 (Southend's Historic Environment)
- 5.5 The Southend-on-Sea Design & Townscape Guide (2009)

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 and contribute positively to the Green Grid.
- 6.2 The 13 mature sycamore trees subject of the Order are located on the eastern boundary of Southchurch Hall Gardens with the properties in Victoria Road and Southchurch Hall Close. The trees are part of the wider tree cover in Southchurch Hall Gardens and are important to its character including the setting of Southchurch Hall.
- 6.3 A provisional TPO was served on these trees at the request of the Parks Team. Protection with a TPO will provide control over unacceptable works to the trees. Generally, the trees are mature specimens in fair condition with a life expectancy of 40-100 years. They scored well on the TEMPO TPO evaluation which concluded that the

group definitely merited protection with a TPO.

- 6.4 Third party concerns have been raised about falling leaves and seeds and twigs and sap, however, these issues only occur intermittently and can be addressed with good tree management and are not reasons to justify felling or severely pruning mature trees. Impact on sunlight can also be reasonably managed with regular pruning works. The neighbouring properties typically have a garden depth of over 18m so the impact on the light to, and immediate outlook from, habitable rooms is not significant. There are no reported instances of subsidence caused by these trees.
- 6.5 Overall, the trees have a long anticipated retention span and high public amenity value particularly in the contribution they make to the character of the public gardens, the setting of the listed building and scheduled monument. They are also visible in the wider area. The TEMPO assessment standards have confirmed that a TPO is merited in this case. Therefore, it is considered that the amenity benefits of these trees outweigh any seasonal nuisance which may occur and the TPO is warranted, without modification, to protect them from any future excessive or other unacceptable pruning works.

7 Recommendation

- 7.1 **Members are recommended to confirm TPO 5/2022 without modification and to make it permanent.**

Appendix 1 - Tree Photographs



Figure 1 (above) Group looking south

Figure 2 (below) Group looking north





Figure 3 (above) and 4 (below) Views of trees from Victoria Road where the trees are seen in gaps between the houses

