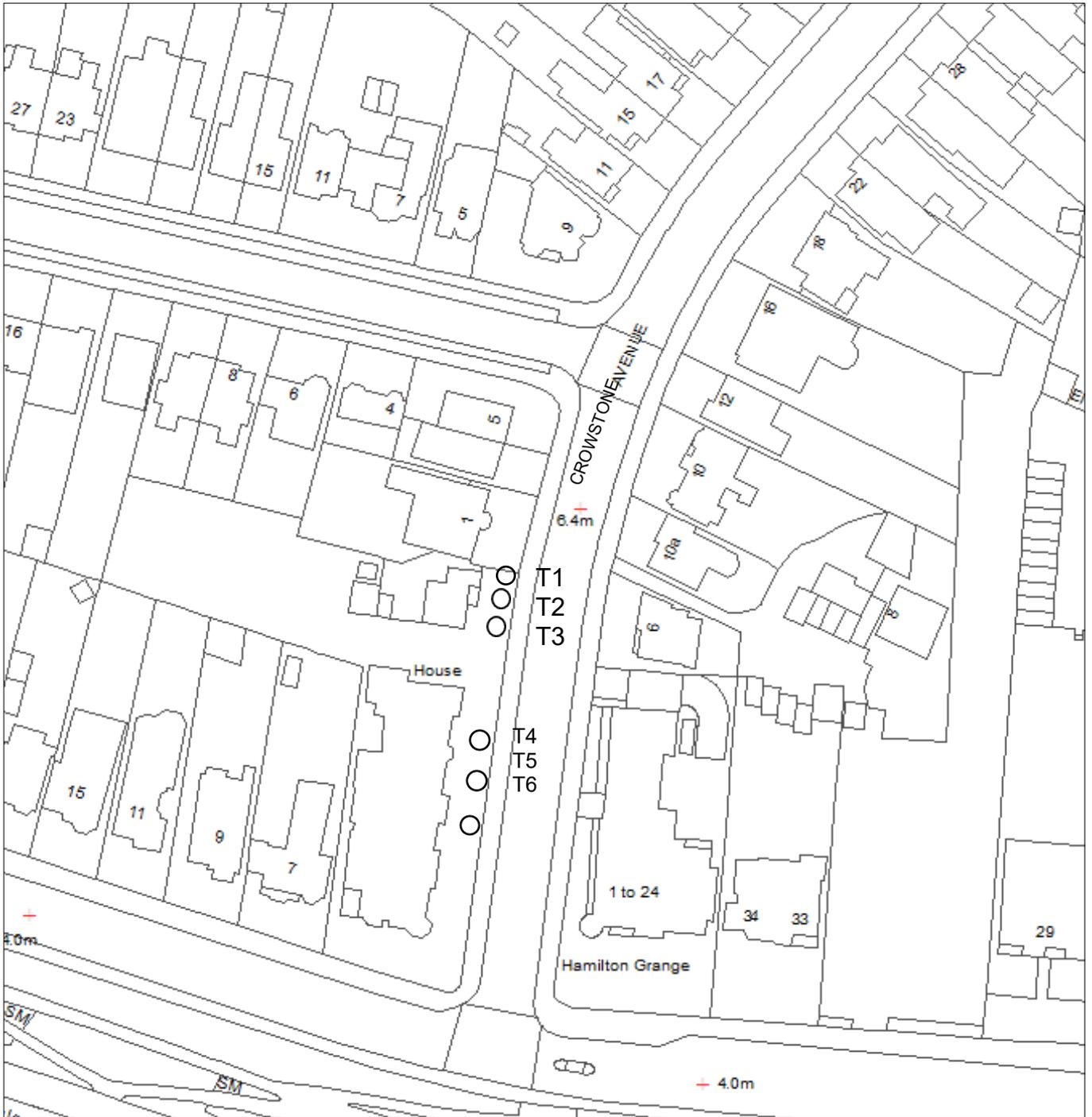


Reference:	TPO 3/22
Ward:	Chalkwell
Proposal:	Tree Preservation Order Confirmation
Address:	Crowstone House, Crowstone Avenue, Westcliff-on-Sea, Essex SS0 8HT
Consultation Expiry:	24 th June 2022
Expiry Date:	24 th November 2022
Case Officer:	Abbie Greenwood
Plan Nos:	N/A
Recommendation:	CONFIRM TREE PRESERVATION ORDER



1 Site and Surroundings

- 1.1 The proposed TPO relates to a group of 5 lime (*Tillia Spp*) trees and one black cherry plum tree (*Prunus cerasifera Nigra*) on the eastern boundary of Crowstone House. The group extends along the boundary just behind the wall either side of the vehicular entrance. The trees are publicly visible from Crowstone Avenue and from Chalkwell Esplanade and the promenade to the south of the site. These trees are an important part of the tree cover in this area.

- 1.2 Crowstone House is a locally listed building within the Crowstone Conservation Area. It is an attractive historic building with feature turret and a local landmark for the seafront. The trees along the eastern side of this building make a positive contribution to its setting. See Photos in Appendix 1.

2 The Proposal

- 2.1 To confirm the Tree Preservation Order (TPO) at Crowstone House, Crowstone Road, Westcliff that was originally served on a provisional basis on 24th May 2022.

Modification to the Provisional Tree Preservation Order

- 2.2 As part of the confirmation process it is proposed to modify the TPO address and Title on the Order from 'Crowstone House, 1 Crowstone Avenue, Westcliff-on-Sea, Essex SS0 8HT' to 'Crowstone House, Crowstone Avenue, Westcliff-on-Sea, Essex SS0 8HT'.

3 Relevant Planning History

- 3.1 22/00935/TCA – Fell 3 lime trees (T1, T2, T3) to front elevation - (application for works to trees in a conservation area) – object – Provisional TPO served 24th May 2022.
- 3.2 22/00011/DS - Dangerous Structure - Case Closed
- 3.3 19/00002/DS – Dangerous Structure – Case Closed

4 Representation Summary

Public Consultation

- 4.1 Under Regulation 3 of the Town & Country Planning (Tree Preservation) (England) Regulations 2012, on 24th May 2022 the TPO was served on the owners of the Crowstone House, its immediate neighbours and the tree surgeon who submitted the application to fell the trees. 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 24th June 2022. 2 letters of representation were received raising the following summarised issues:

- The address of the order is incorrect, Crowstone House is not No 1.
- More neighbours should have been notified of the TPO.
- The trees drop debris onto neighbouring driveways for several months of the year.
- Concern over sap from the trees damaging cars.
- The trees are pushing over the adjacent wall and it may be dangerous.
- It is unclear how the wall could be rebuilt in close proximity to these trees.
- The trees are very large and impact on light to neighbouring properties.
- Impact on telephone cable.
- Lime trees can cause subsidence.
- T1 should be reduced in height to match the other trees.
- Concern that the trees may come down in a storm.
- The trees should be reduced in height.
- The trees impact on the adjacent bus stop queue.

[Officer Comment: It is proposed to correct the address and title of the TPO as part of this confirmation process. All parties with an interest in the land, including adjoining neighbours, were notified of the TPO in line with the TPO procedures. The remaining representations above were taken into account not found to be reason to withhold confirmation of the TPO.]

Arboricultural Officer

- 4.2 The Council's Arboricultural Officer comments that two of the trees at the northern end of the site are in contact with the brick wall. One of these trees has basal shoots which have not been pruned back hard over the years and so the extra wood has grown around these shoots so that the tree is now touching the wall. The other tree has a large knuckle touching the wall. The wall itself is in a poor condition with the lower sections deteriorating and flaking and it is leaning outwards. The presence of these trees does not prevent the applicant from taking reasonable action to remove the wall if it is deemed a hazard. A builder should be able to provide a solution to rebuild the wall whilst retaining the trees. For example, gaps could be left in the wall where the trees are located.
- 4.3 The trees are in a good condition and have 40-100 years life. The trees have been pollarded over the years (this is common for limes) but can continue to be maintained like this for decades to come. The trees score 16+ on a TEMPO assessment meaning that they definitely merit preservation.

Conservation Officer

- 4.4 The Council's Conservation Officer notes that the trees make a positive contribution to public amenity and to the setting of the historic building. They are some of the only significantly sized trees in the area and are an important landscape feature. It is likely that the wall close to at least two of these trees will need to be rebuilt but this will also be the case if the trees are removed. The boundary wall is a positive part of the character of the site however it would be possible to rebuild the same design or an adapted design which also provides positive enclosure to the site.

Building Control Officer

- 4.5 The site's boundary wall to Crowstone Avenue was inspected by Building Control in 2019 and 2022 following reports of a dangerous structure. In 2019 the wall was not considered to be dangerous and the case was closed. In 2022 the wall was inspected again and whilst the lower 6 or so courses of bricks had deteriorated substantially the wall itself seemed in a stable condition and posed no imminent danger. However, one of the piers at the far right which had a block of 4 courses was found to be unstable. It was agreed with the agent that the pier at the northern end of the wall would be reduced in height to alleviate danger of falling. This work was undertaken and the case was closed.

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

5.4 Core Strategy (2007): Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance).

5.5 Development Management Document (2015): Policy DM1 (Design Quality)

5.6 The Southend-on-Sea Design & Townscape Guide (2009)

5.7 Crowstone Conservation Area Appraisal (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 trees subject of the order are 5 lime trees and 1 black cherry plum tree arranged in two groups on the eastern boundary of the site of Crowstone House, an attractive locally listed building and landmark on the seafront. The trees are mature specimens which are fully visible from Crowstone Avenue and Chalkwell Esplanade and make a positive contribution to the streetscene generally in this area which has few other trees of note.

6.3 In April 2022 the Council received an application seeking consent to fell the 3 lime trees at the northern end of the Crowstone House site (reference 22/00935/TCA). The reason given for the proposed felling was that the basal growth at the base of the trees is pushing against the boundary wall causing it to lean. The wall forms an attractive boundary to the historic building but is in need of repair. It is comprised of red brick to the lower section with red brick piers between which is yellow stock brick in a basket weave bond. The section of wall next to the trees, at the northern end of the site, is in a poor condition especially at the lower level where the soft red bricks are heavily spalling. A noticeable lean in the wall was verified on site.

6.4 This wall has been inspected as a dangerous structure by the Councils Building Control Officer on two occasions in 2019 and 2022 and although it is noted to be a poor condition in places, the only area of concern was a pier to the northern end which has now been reduced to a low level. This has alleviated the danger to the public to the satisfaction of Building Control. The Council's Arboricultural Officer confirms that a builder should be able to provide a solution to rebuilding the wall whilst retaining the trees.

6.5 The trees themselves are mature specimens in good condition with a life expectancy of 40-100 years. The trees have been pollarded, which is a common for lime trees, and can be continued to be managed in this way for many years. The trees scored well on the TEMPO TPO assessment and definitely merit protection with a TPO.

6.6 The trees at the northern end are growing close to the boundary wall and touching it in places. Although this wall is not considered to be dangerous, this section is in a poor state of repair generally and will require remedial works/rebuilding, whether or not the trees are retained. However, these repair works and / or partial rebuilding of the boundary do not need to result in the loss of mature trees which make a positive contribution to the setting of the locally listed building, conservation area and streetscene generally. The applicant has been advised that they need to consider remedial works for this section of wall.

6.7 Concerns have been raised in relation to falling leaves and deadwood/twigs, sap, impact on telephone wires and the adjacent bus stop however, these issues only occur intermittently can be addressed with good tree management and are not reasons to justify felling mature trees. Impact on light can also be reasonably managed with regular pruning works. There are no reported instances of subsidence caused by these trees.

6.8 Overall, the trees are considered to have high public amenity value, make a positive contribution to the locality, with a long anticipated retention span and good health and the TEMPO assessment standards have confirmed that a TPO would be merited in this case. Therefore, it is considered that the amenity benefits of these trees in relation to the setting of the locally listed landmark building, the wider conservation area and the streetscene significantly outweigh any seasonal nuisance which may occur.

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 3/2022 and make it permanent including the modification proposed to the address and title of this Order.**

Appendix 1 - Tree Photographs



Trees requested to be felled in recent application



Complete Group of 5 x Lime and 1 x black cherry plum



Poor condition of wall – in need of repair/rebuilding



Slight lean to wall but not dangerous