



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
20 JULY 2022**

Application Number	22/00616/WTPO
Location	Cap And Feathers Inn – South Street – Tillingham – CM0 7TJ
Proposal	TPO 3/22 G1 Silver Birch - Crown reduction by 1.5 metres.
Applicant	Mr Sean Cole
Agent	Mr James Bussey – Rochfords Tree Services Limited
Target Decision Date	8 th July 2022
Case Officer	Hayley Sadler
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Member Call In – Councillor A S Fluker

1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report).


2. SITE MAP

Please see below.

Cap And Feathers Inn - South Street - Tillingham

22/00616/WTPO



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Area Committee
	Date:	27/06/2022
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of South Street on a corner plot which adjoins and is on the southern side of Vicarage Lane, within the settlement boundary of Tillingham and the Conservation Area. The site is occupied by a Grade II listed building which is used as a public house. The trees subject to this application are located in the garden of the public house, and close to the roadside of Vicarage Lane.
- 3.1.2 The trees are protected under TPO 03/22 which is awaiting confirmation.
- 3.1.3 An application has been submitted to reduce the height of the G1 group (3 x Silver Birch) by 1.5 metres and remove the lower branch over the seating area.
- 3.1.4 The application form states the works are justified to prevent wind sail and reduce the overhang of the pub outdoor seating area and make the trees more visually appealing.

3.2 Conclusion

- 3.2.1 It is considered that the proposed works to reduce the crown of the G1 (Silver Birch x3) would not have a detrimental impact on the amenity value or character and appearance of the surrounding area which is a conservation area and therefore the works can be found acceptable.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance – Tree Preservation Orders and trees in conservation areas

5. MAIN CONSIDERATIONS

5.1 Impact on the Character and Appearance of the Area

- 5.1.1 Trees can be vital to the general character of an area and can be at the heart of the amenity of the site and wider area. Sections 197-198 of the Town and Country Planning Act 1990 (TCPA) (as amended) sets out the Local Planning Authority's (LPA) duty to preserve trees of amenity value through serving Tree Preservation Orders (TPOs), whilst section 202D of the TCPA and section 17 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012 (as amended) allow the LPA to approve works to trees of amenity value which are protected by virtue of a TPO.
- 5.1.2 The G1 (Silver Birch x 3) are located within the rear garden of the Cap and Feathers Inn within the pub garden area on the boundary with the car park and are highly visible from within the streetscene of both South Street and Vicarage Lane, due to their proximity to Vicarage Lane and not being obscured by buildings and/or other protected trees.

5.1.3 The Council's Tree Consultant has advised that he has some concerns in relation to the proposed works to reduce the crown and considered them unnecessary and have not been justified. However, it has advised that the 1.5 metre crown reduction would not significantly impact on the tree's general amenity and natural looking shape provided the works are carried out in a careful manner. Because of the minor nature of the works and to protect the remainder of the trees during the undertaking additional conditions have been suggested for the works to ensure the trees do not get accidentally damaged, which could then impact on their amenity or health. Should permission be granted, the suggested conditions could be imposed which would ensure that the amenity and health of the trees are protected.

5.2 Health of the Tree

5.2.1 Maldon District Council's Tree Consultant has not reported any damage or decay to the trees and the trees visually appears to be in good condition. The works are therefore not justified on health grounds.

5.3 Justification of the Proposed Works

5.3.1 The applicant seeks to justify the works as the proposed crown reduction is an attempt to reduce wind sail, keep overhang off of the pub seating area and make the trees more visually appealing. All work will conform to BS3998 and work will be carried out when the trees area is approaching dormancy to reduce the risk of bleeding. The Council's Arboriculturist states that no suitable, arboricultural justification has been provided to demonstrate that the works proposed would address the risk of wind throw. The trees are relatively sheltered by the surrounding buildings and the nature of the wood of this species of tree is flexible, meaning it is more likely to flex during strong winds.

However, whilst this is not considered to wholly justify the proposal, the works might give the applicant some resolve and peace of mind if allowed. The proposed 1.5m reduction would not significantly impact on the tree's general amenity and natural looking shape if done in a careful manner. Conditions suggested.

6. ANY RELEVANT SITE HISTORY

- **06/00108/TCA** - Fell Wild Plum tree due to causing damage by branches to adjoining property, and potential damage to foundations from roots, Allowed To Proceed, 22/02/2006
- **22/00340/TCA** - G1 (3 x Silver Birch) - Reduce height by 1.5 metres. The removal of the lower branch over the seating area., TPO Served, 30/03/2022.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tillingham Village Council	No response received	N/A

7.2 External Consultees

Name of External Consultee	Comment	Officer Response
Tree Consultant	<p>No suitable, arboricultural justification has been provided to demonstrate the works applied for would address the risk of wind throw.</p> <p>The crown reduction is somewhat unnecessary, however would resolve and give peace of mind if the works area allowed.</p> <p>Because of the minor nature of the works and to protect the remainder of the tree during the undertaking I suggest the following conditions are imposed on the works to ensure the tree does not get accidentally damaged, which could then impact on its amenity or health.</p>	Comments noted and if the application is approved the extra conditions can be imposed

7.3 Representations received from Interested Parties

7.3.1 No letters of representation for the application have been received.

8. **PROPOSED CONDITIONS**

1. The works hereby permitted shall be carried out in accordance with the British Standard Recommendations for Tree Works (BS3998:2010).
REASON: To safeguard the health and appearance of the tree.
2. The works hereby permitted shall be carried out within 2 years from the date of this permission.
REASON: To ensure that the works are carried out whilst they are still relevant to the condition of the tree.
3. The works are undertaken in accordance with BS3998:2010 and undertaken from a mobile elevated platform.
REASON: To ensure smaller branches are not damaged or need to be removed due to accidental damage to facilitate the works, which could then result in the need for repair pruning which could impact on the trees shape, amenity and health.
4. The works are undertaken using hand saws and secateurs, and no branch larger than 5cm in diameter being pruned.
REASON: Due to the small branches that will need to be pruned the use of hand tools and limiting the diameter of branches worked on, will ensure minimal cuts are undertaken to achieve the works, so as not to result in larch wounds not healing which could impact on the trees future health and longevity.

INFORMATIVE

- 1 The applicant is advised that it is an offence to disturb, kill or injure protected species and their associated breeding site/s and/or resting place/s under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017. Should a protected species be found during the course of the works, the applicant should stop work and contact Natural England for further advice.