

10 March 2016	ITEM: 8
Planning Committee	
Tree Preservation Report relating to Oak tree located on land at 60 Derry Avenue, South Ockendon (TPO reference 03/2015)	
Report of: Leigh Nicholson, Development Management Team Leader	
Wards and communities affected: All	Key Decision: Not Applicable
Accountable Head of Service: Andy Millard, Head of Planning and Growth	
Accountable Director: Lyn Carpenter, Chief Executive	
This report is Public	
Purpose of Report: For the Committee to consider whether to confirm Tree Preservation Order 03/2015 relating to an Oak tree located on land at 60 Derry Avenue, South Ockendon.	

Executive Summary

This report relates to a prominent Oak tree located on land at 60 Derry Avenue, South Ockendon. The report seeks confirmation of a provisional Tree Preservation Order (03/2015) to protect the tree from being felled.

1. Recommendations:

- 1.1 To seek confirmation of Tree Preservation Order 03/2015 for the Oak tree located on land at 60 Derry Avenue, South Ockendon.**

2. Introduction

- 2.1** A Tree Preservation Order (TPO) is made by a Local Planning Authority to protect specific trees or a particular area, group or woodland from deliberate damage and destruction. TPOs can prevent the felling, lopping, topping, uprooting or otherwise wilful damaging of trees without the permission of the Local Planning Authority.
- 2.2** In July 2015 a request was made by a resident via Estuary Housing to fell the tree due to its large size within the garden and the nuisance that the tree was considered to cause.

2.3 In response to the threat of felling, TPO 03/2015 was served on the owner/occupier of 60 Derry Avenue, South Ockendon to protect the tree on this site. This provisional Order will lapse after 6 months so confirmation of the order is required for protection of the tree to be maintained.

3. Background:

3.1 The Oak tree is located adjacent to the rear boundary fence within the curtilage of 60 Derry Avenue. The tree provides significant amenity value to the surrounding area as it is clearly visible from the adjacent Lidl car park and Derry Road. There are few other trees of this size in the vicinity.

3.2 On 21st September 2015 a provisional TPO was served on the owner to protect the tree. This provisional Order will lapse after 21st March 2016.

3.3 In response to the provisional TPO one letter (signed by the occupiers of 56, 58 and 60 Derry Avenue) has been received which makes the following comments:

- They had all lived in their properties for 20 years and the tree has become more of a nuisance each year;
- The leaves ruin the grass and rear gardens each year;
- Sap from the tree causes problems with washing drying on clothes lines, making garden furniture sticky and affecting other plants growing in the gardens;
- Higher house insurance premiums due to having a large tree in close proximity of their houses.

4. Issues and Options

4.1 The tree contributes to visual amenity particularly when viewed from the south across the Lidl car park and from Derry Road. There are few other trees of this size in the vicinity and it is considered that the Oak tree should be preserved for its significant amenity value for the locality.

4.2 The neighbour comments received have been taken into account and the Council's Tree Advisor has agreed that the tree will require a crown reduction to be carried out to ensure that it does not become excessively large for the rear garden however this is not sufficient reason to fell the tree.

5. Recommendation

5.1 It is recommended that TPO 03/2015 is confirmed.

6. Consultation (including Overview and Scrutiny, if applicable)

6.1 The neighbour comments are reported elsewhere in this report.

7. Impact on Corporate Policies, Priorities, Performance and Community Impact

7.1 Tree Preservation Orders contribute to Thurrock's Strategic Priorities by protecting the Borough's green environment.

8. Implications

8.1 Financial

Implications verified by: **Sean Clark**
Direct of Corporate Finance and IT

There are no direct financial implications to this report.

8.2 Legal

Implications verified by: **Vivien Williams**
Principal Regeneration Solicitor

A TPO is made by a Local Planning Authority to protect specific trees or a particular area, group or woodland from deliberate damage and destruction. The power to confirm Tree Preservation Orders is discretionary. It should be used where the Local Planning Authority is satisfied that the tree is of significant amenity value and where there the tree is under threat.

8.3 Diversity and Equality

Implications verified by: **Rebecca Price**
Community Development Officer

There are no direct diversity implications to this report.

8.4 Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental

- None.

9. Background Papers Used In Preparing This Report (include their location and identify whether any are exempt or protected by copyright):

The planning files relating to any application mentioned in this report are available from Planning, Thurrock Council, Civic Offices, New Road, Grays, Essex, RM17 6SL.

10. Appendices To This Report:

- None.

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