

## ITEM 5(1)

<b>Application Number:</b>	<b>23/0615/FUL</b>
<b>Address:</b>	<b>49 Kiln Road Thundersley Benfleet Essex SS7 1TA (Cedar Hall Ward)</b>
<b>Description of Development:</b>	<b>Change of use from Class C3 (dwelling house) to Class C2 (residential institution)</b>
<b>Applicant:</b>	<b>Mr Patrick Zola</b>
<b>Case Officer:</b>	<b>Jamie Whitby</b>
<b>Expiry Date:</b>	<b>8 March 2024</b>

---

### Summary:

The application seeks the conversion of a residential dwelling to a children's care home, at 49 Kiln Road, Thundersley. As the area is designated for residential use, the proposed application is not considered a departure from the allocation within the adopted Local Plan. The proposal would house three children that are under the care of local authorities. The application is recommended for **approval**.

The application is presented to the Committee as it has been called in by Councillor Thornton on the grounds of the potentially excessive noise and disturbance to the amenity of neighbours, as well as to ensure the wider needs of the users/residents of the facility are met by the conversion and siting of the proposal. A recent scheme at the same address was also refused by the Committee in September 2023.

### Site Visit:

It is not considered necessary for Members to visit the site prior to determination of the application as there are no physical changes proposed to the property.

### Introduction:

The application site is located on the north side of Kiln Road, on the eastern side of the road's junction with Konnybrook. It is an irregular shaped site with a frontage of 12.1m and a maximum depth of 29.4m. A link-attached two storey dwelling currently occupies the site. The frontage is fully hard surfaced to provide off-street car parking.

The street scene is mainly made up of a mixture of property types and stylings, with this dwelling being the most westerly of four dwellings of similar design, character and size.

The dwelling is immediately surrounded by other residential properties, although to the west are a number of shops/commercial premises which are interspersed amongst the houses and further to the east are a local college campus and the council offices.

### The Proposal:

This application is an amendment to previously refused application 23/0335/FUL.

The applicant seeks permission for change of use from C3 (dwelling houses) to C2 (residential institutions).

No works are proposed to alter the external or internal appearance of the building.

The purpose of the children's residential home would be to offer accommodation to children under the care of Essex County Council (ECC) and neighbouring local authorities, in line with The Children Act 1989 that requires local authorities to secure accommodation for children in their care, within 20 miles of home. There would be a maximum of three children housed at any one time with at least two members of staff at any time, as confirmed within the timetable included in the Operating Management Plan.

This is a reduction of one child housed at the property in comparison to the previously refused permission.

Whilst not a planning matter, the site would be subject to visits from an OFSTED inspector, Looked After Children Nurse and Regulation 44 Inspector once a year, social workers approximately once a month (depending on care plan), Family with occurrence dependant on the child's care plan, and maintenance workers, as and when needed.

### **Supplementary Documentation:**

The application is supported by a:

- o Supporting Letter
- o Operating Management Plan
- o Home Risk Assessment

### **Relevant History:**

BEN/91/64/OUT – Outline: Licensed club and restaurant and petrol station. Refused 25 March 1964

BEN/91/64/OUT/1 – Outline: Self-contained flats. Approved 25 March 1964

BEN/268/64/OUT – Outline: Petrol service station. Refused 27 May 1964

BEN/469/64/OUT – Outline: Motel. Refused 16 September 1964

BEN/560/68/OUT – Outline: Amended site plan for residential development. Refused 5 February 1969

BEN/87/69/OUT – Outline: Twelve detached and semi-detached houses with garages. Approved 3 March 1969

CPT/577/03/FUL – Single storey hipped roof side extension. Approved 23 September 2003

23/0335/FUL - Change of use from Class C3 (dwelling house) to Class C2 (residential institution). This application was recommended for approval to the Committee but subsequently refused on 6 September 2023 for the following reasons:

1. The proposed use of the dwelling house as a children's home would cause it to be more intensively occupied by children than a Class C3 residential use. The rear garden of the property is considered of insufficient size to provide an outdoor recreational area for the proposed level of occupation, resulting in sub-optimal conditions for the children that would be placed there, contrary to Policy EC2 of the Council's adopted Local Plan, RDG6 of the Council's Residential Design Guidance and Government guidance, as contained

within the National Planning Policy Framework, which states at paragraph 130 that decisions should ensure developments create places with a high standard of amenity for existing and future users.

2. The proposed use of the dwelling house as a children's home would attract callers to the premises over and above that expected for a Class C3 residential use. There is not the space to accommodate this on site along with parking for staff so the proposal is likely to lead to additional on-street parking in surrounding streets, to the detriment of the amenity and convenience of residents of those streets, contrary to the requirements of the Essex Parking Standards - Design and Good Practice (2009) and policy T8 of the Council's adopted Local Plan.

### **Local Plan Allocation:**

Residential

### **Relevant Policies:**

NPPF            National Planning Policy Framework (2023)

Local Plan (Adopted 1998)

EC2	Design
EC3	Residential Amenity
H2	Residential Land
T8	Parking Provisions

Residential Design Guidance (Adopted 2013)

RDG3	Building Line
RDG5	Privacy and Living Conditions
RDG6	Amenity Space

Essex County Parking Standards 2009 (Adopted 2010)

### **Community Infrastructure Levy (CIL)**

The proposed development type is located within a Community Infrastructure Levy (CIL) charging zone, as set out in the Council's adopted [CIL Charging Schedule](#). CIL is non-negotiable and is calculated at the time planning permission is granted. The charge is based on the net increase of gross internal floor area of the proposed development and payment of CIL is due upon commencement of the development, in accordance with the Council's [CIL Instalment Policy](#). It may be possible to claim exemption or relief from CIL. Further information is provided on the Council's website: [Community Infrastructure Levy \(CIL\) | Castle Point](#).

This application does not meet the criteria to deem it a CIL liable development.

### **Consultation Responses:**

Three bodies were consulted on this application: Legal Services, Environmental Health and Essex Police.

Legal Services

- o Raised no representations to the proposal.

Environmental Health

- o Considered the proposal to have a minimal adverse impact on local amenity and therefore no objection was raised. The following condition was suggested:

*'The owner or a nominated person shall live on the premises and be responsible for the general management thereof including the gardens and surroundings at all times unless otherwise agreed in writing beforehand by the Local Planning Authority.'*

*REASON: To ensure that adequate supervision is available to protect the amenities which ought to be enjoyed by the occupiers of adjoining residential properties'*

Essex Police

- o No response received.

### **Neighbour Notification:**

It should be noted that duplicate objections were submitted for this application and added to the case file. The figures given below reflect the number of unique comments. Unique comments have been made either by a separate person, or the same person raising additional points.

Neighbouring properties were notified of the proposed development. 11 objection comments have been received from 14 properties detailing the following concerns:

- o Lack of parking.
- o Increased perception of crime.
- o Drug dealing occurs in the immediate area demonstrating it as an unsuitable location.
- o Increased noise and disruption.
- o Lack of private amenity space to be provided.
- o Would result in higher levels of traffic.
- o Children housed here may have criminal records.
- o No mention of age range with the application.
- o Footpath running along the side of the property is unsafe due to cuttings from vegetation.
- o Previous reasons for refusal have not sufficiently been overcome.
- o Although applying for accommodation of three children maximum, an increase in capacity could be applied for at a later stage.
- o The development will be dominant.
- o The development would result in a loss of privacy.
- o The building's location adjacent to the A13 (London Road) is overly dangerous for children.
- o A lack of information has been provided with the application.

### **Comments on Consultation:**

It is worth noting that many of the objection letters received stated that their objections were based on speculation and assumption not on fact.

- o The local planning authority can only take into consideration the facts and relevant matters laid before them. Assumptions of the characteristics of potential residents and their behaviour cannot be considered as part of this application.
- o Any illegal activity known within the area should be reported to the police. Existing issues with crime cannot be put at the door of this proposed application.
- o Cutting/natural loss from vegetation ending up on a path is a civil matter and does not represent a material planning consideration.
- o The suspected future development of a site is speculative and therefore does not hold weight over the consideration of this proposal.
- o A sufficient amount of information has been provided in order for a suitable planning decision to be made.
- o All material considerations will be discussed in the '*Evaluation of Proposal*'.

## Evaluation of Proposal:

The starting point for determining a planning application is the National Planning Policy Framework (NPPF) and those saved policies within the Council's Adopted Local Plan (1998), alongside supporting policy documents and SPDs.

It is considered that the main issues concerning this application are the principle of the use and associated loss of a single family dwelling, impact on neighbours, parking and whether the previous reasons for refusal have been adequately overcome.

The proposed use as a children's residential home is considered to fall within the use class C2 'residential institutions' in accordance with the Town and Country Planning (Use Classes) Order 1987 (as amended).

### *Principle*

Ministerial Statement UIN HCWS795 made on 23 May 2023 by the Minister of State for Housing and Planning stated:

*'The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love.*

*Today we use this joint statement to remind Local Planning Authorities that, as set out in paragraph 62 of the National Planning Policy Framework, local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and reflect this in planning policies and decisions. Local planning authorities should consider whether it is appropriate to include accommodation for children in need of social services care as part of that assessment.*

*Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country...*

*In two tier authorities, we expect local planning authorities to support these vital developments, where appropriate, to ensure that children in need of accommodation are provided for in their communities.'*

There are no policies within the Local Plan that relate directly to the provision of children's residential homes.

Policy H2 of the Local Plan requires land allocated for residential purposes within the plan to be retained primarily for that purpose. This policy is consistent with the National Planning Policy Framework in so far as the use of residential land for non-residential purposes would encumber the efforts of delivering a sufficient supply of homes.

The children's home has been purposefully located in a residential area so that the residents experience a domestic environment. The proposed use is still residential as it would provide somewhere for the children in care to live, even though there will be an on-site staffing

presence. It should be noted that Class C3 of the Use Class Order within which a dwelling house falls makes provision for up to six unrelated people to live together as a single household where care is provided for residents.

On this basis while the use class of the property will be changing from a single-family dwelling (C3) to a residential institution (C2), the property will still be providing residential accommodation and therefore the principle of the development is considered to be acceptable in relation to Policy H2.

In terms of maintaining housing supply, the proposal would result in the loss of one single family dwelling house, a concern expressed by neighbouring residents. However, there would be no loss of a residential use contrary to Policy H2 and it would still provide housing and accommodation; as such, the proposal would supplant one residential type of use with another.

Furthermore, it is hard to see where a children's home could reasonably be located other than in a residential area. In a town centre it would result in loss of commercial floor space which might potentially undermine the vitality of the centre. On an industrial estate it would lead to a loss of employment floor space and could give rise to unacceptable living conditions to residents. In the Green Belt a purpose-built building could be inappropriate development. An existing residential area is considered therefore to be the most suitable location for a home of this type.

Concern has also been raised by local residents with regard to the close proximity of A13 highway and woodlands posing a safety risk to the residents of the children's residential home. It is considered by the Local Planning Authority that these features pose no more of a risk to the residents of this proposed home than that of any surrounding single-family dwelling. It is actually considered that the close proximity of a large public space and the public transport links supplied by the A13, as well as the nearby college, benefits and supports the siting of the children's home in this location.

The Local Planning Authority has carefully considered the principle of the proposed change of use of the dwelling, being mindful of the content of the Ministerial Statement, NPPF and adopted Local Plan. It is considered that the principle of the development for a residential care home in an area allocated for residential purposes is in accordance with the relevant guidance and is therefore acceptable. No objection is raised to the principle of the proposal.

It should be noted that no objection was raised to this element of the proposal when the previous application was presented to the Development Management Committee.

### *Impact on Neighbours*

Policy EC3 of the Local Plan seeks to prevent proposals that would have a significant adverse impact upon the residential amenity of the surrounding area by reason of traffic, noise, fumes, or other forms of disturbance. This policy is consistent with the NPPF which states that decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The proposed use is a residential use akin to that of an ordinary dwelling, occupied by a family with two parents and up to three children for which there would be no objection.

Monthly visits from social workers could also take place dependant on the children's individual care plans.

Many of the comments received indicated concerns surrounding visitors to the property. The Operating Management Plan confirms that those visiting residents must have made a prior agreement with the respective social worker, with visits being planned in advance and agreed by staff. When these visits are organised staff account for the size of the home and the privacy of other residents.

Less frequent regular visitation to the site is thought to be conducted by an OFSTED inspector, Looked After Children Nurse and Regulation 44 inspector with visits likely to only occur once a year. These visiting bodies are said to visit Monday to Friday during working hours.

It is acknowledged that the neighbour comments received have expressed strong concerns regarding safety, security, antisocial behaviour, noise and disturbance.

The permanent staff presence on the site is considered to ensure that any problems arising relating to nuisance from the site or its residents can and would be suitably managed.

The site is monitored by OFSTED and therefore how the occupants will be managed and any management/care plans for individuals do not form part of the planning process.

A management plan has been submitted setting out how the use of the premises will be operated. The management plan includes details on staff training, rota times and outlines how a senior member of staff will be on site at all times. The content of this management plan is considered suitable to minimise the impact of the proposal on neighbouring residents.

As such, the content of the management plan is considered to be sufficient to ensure that many concerns of local residents are suitably mitigated and, subject to a condition ensuring that the management plan is adhered to, no objections are raised to the manner in which the proposal is intended to operate under Policy EC3. This approach is consistent with Environmental Health's consultation response, who raised no objection to the proposal, subject to a suitable condition requiring a nominated person be on site at all times to be responsible for the general management of the site.

A condition limiting the use of the building to solely the proposed use can be added to any permission granted to limit the use to avoid the potential for any future unacceptable uses to occur arising from legislative changes.

Fear of neighbouring dwellings being overlooked was raised during the consultation period; however, as there are no changes to the structure or composition of the dwelling it is not considered that any additional loss of privacy will occur as a result of this change of use. As such, no objection is raised on this basis and it is considered that the proposal is in accordance with RDG5.

It should also be noted that no objection was raised to the proposal on the basis of a detrimental impact on neighbours when the previous application was presented to the Development Management Committee.

### *Size of the property*

Objections have been raised to the proposal on the grounds that the proposal would be dominating within the context of the area. RDG3 requires proposals to respect established building lines whilst not resulting in excessive overshadowing or dominance to any elevation of an adjoining property.

The proposal does not alter the existing building structurally. The proposal seeks to keep the building line in keeping with that of the established building line on Kiln Road, maintaining the established approximately 10m distance from the plot boundary. This would not be to the detriment of the area's character and appearance. The rear and side elevations are also not proposed as being altered, meaning any dominance caused by the building is an existing situation and cannot be laid at the feet of this proposed development. No objection is therefore raised on the grounds that the development would make the site more dominating within the street scene or to other neighbouring properties.

It is noted that the previous application was refused by the Committee on the grounds that the property provided insufficient private amenity space for the number of proposed residents. With objections being received to the current proposal suggesting this reason for refusal has failed to be overcome.

As previously stated by officers in the report for application 23/0335/FUL, the current amenity space is deficient for the number of habitable rooms, although as this is an existing situation it should not be counted as a result of the current proposal. It is also considered to be partially mitigated by the close proximity of public open spaces surrounding the area that can be used by the residents, reducing the likelihood of residents playing in any public highway, including Konnybrook – something neighbouring properties have raised as a concern.

The dwelling currently represents a five-bedroomed, seven-person dwelling using the technical housing standards as a guide. The proposal is presented as the building being the permanent residence for three minors, with two on site staff representing a total occupation of five persons thus not meeting its current maximum capacity.

While the dwelling would still comprise of nine habitable rooms requiring 135m<sup>2</sup> private amenity and only hosting some 105m<sup>2</sup> thus representing no change to the previously refused situation, significant weight must be put on the consideration that there would only be three full time residents of the building, with no objection previously being made for the lack of amenity space when application CPT/577/03/FUL allowed the extension of liveable space within the dwelling providing sufficient liveable rooms for up to seven full time residents.

Overall, it is not considered the proposed use of the dwelling as a children's home for three full time occupants would be inappropriate for this dwelling in relation to private amenity space. A condition can be added to any granted consent restricting the number of permanent residents housed in the dwelling to ensure the site is not over occupied and use of the amenity space is sufficient for the occupants.

#### *Car parking provision*

It is noted that the previous application was refused by the Committee on the grounds of a lack of parking on site for the number of proposed residents. With objections being received to the current proposal suggesting this reason for refusal has failed to be overcome.

Policy T8 of the Local Plan requires the provision of parking in accordance with adopted standards.

It is noted that the Essex Parking Standards have a specific category to calculate the requirement for the proposed use. This requires one parking space per full time equivalent staff plus one visitor space per three bedrooms as a maximum provision. This requires the site to provide five parking spaces. This is considered to be in accordance with the provisions of the NPPF.

It is worth highlighting that the current proposal requires one less parking space than the previous application.

The property benefits from hard surfacing with vehicular access to the highway. The width of the frontage measures some 12.1m and the depth measures a minimum of 9.8m. This would accommodate three parked cars parked off the highway in spaces measuring 2.9m x 5.5m, in accordance with the Essex Parking Standards.

While this meets the requirements of the parking standards for two full time staff plus a visitor it does not meet the need for all four members of staff and the correct number of visitor parking spaces required.

The guidance on the quantity of parking facilities set by the Essex Parking Standards is a maximum standard, as parking is a land hungry use of land.

While the site would employ four full time members of staff, only two are likely to be on site at any given time, with the exception of shift changes. As such, taking a pragmatic approach it is considered that two parking facilities for the home's staff provides adequate parking provision for the majority of the time the home is occupied.

The site is now only required to provide a singular visitor parking facility and, taking the above discussed regarding staff parking into consideration, it is the officer's professional opinion that the three parking spaces that could be provided would be sufficient in serving the needs of this facility.

As previously discussed in application 23/0335/FUL, the site is also located in a sustainable location with USP college some 160m to the west and within an 800m radius are Thundersley Clinic, Thundersley Primary School and shops. A westward bus stop is directly opposite the site and an eastward bus stop 105m east of the site with buses running towards Southend and Basildon. Due to the bus stop's proximity to the site staff and visitors could use these with ease as a means of reaching the site it is considered that this is a sustainable location.

It is acknowledged that numerous objection comments were submitted detailing concerns regarding difficulties of on-street parking.

It is worth noting that Kiln Road has double yellow lines which prevent on-street parking, whilst nearby residential streets, Konnybrook, Blackwater and Bradley Avenue all have permit holder parking.

Considering there will normally be only two full time workers on site during the day and the site provides sufficient visitor parking as required, with visitors being pre-arranged to minimise parking conflict, an objection raised on the basis of lack of parking provision when three off street parking spaces are provided is not considered to be a sustainable reason for refusal, and the reduction in permanent occupants of the building is considered to have overcome the previous reason for refusal. Therefore, no objection is raised on the grounds of parking.

#### *Other Matters*

An objection was raised to the proposal through the neighbour consultation highlighting that it is not stipulated how old the children will be that reside within this facility. Given the nature of the proposed use the Council has assessed the proposal for use for any persons up to the age of 18. A condition can be added to any granted consent limiting the age of any permanent resident of this facility to this age range (0-18) to protect the nature of the facility being proposed.

## Conclusion and Planning Balance:

The proposal would provide a benefit in terms of providing care for children in need in an area surrounded by public spaces, easy access to transport, education and health facilities, which carries a significant amount of weight.

The development has been found not to have an unacceptable impact on neighbours' amenity, subject to appropriate conditions. While parking facilities are less than the suggested amount, there is no breach to the standards caused by this as a result of them being 'maximum standards' which, combined with nearby parking restrictions and sustainable location of the proposal, is considered will result in less than significant harm to parking facilities in the surrounding area, which carries minimal weight.

No detrimental harm to the residential setting was identified.

When all material factors have been carefully considered, combined with the direction provided in the Ministerial Statement and the NPPF, it is considered that the benefits of granting planning permission substantially outweigh any adverse impacts as a result of the change of use.

It is therefore recommended that permission be granted.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that lead to the following:

My **RECOMMENDATION** is **Approval**, subject to the following conditions:

### Conditions

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed on this decision notice.

REASON: For the avoidance of doubt and in order to achieve satisfactory development of the site.

- 3 The submitted Operating Management Plan dated 6 February 2024 shall be adhered to at all times. Any variations to this management plan shall be submitted to and formally approved in writing by the Local Planning Authority prior to their implementation.

REASON: To protect the amenity of surrounding residents.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and the Town and Country Planning (Use Classes) Order 1987, as amended, (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting those Orders) the property shall only be used as a children's residential care home for children up to the age of 18 or as a C3 use and for no other use without the prior formal consent of the Local Planning Authority.

REASON: In order to ensure an adequate level of residential amenity for occupiers of the site and adjacent properties and that any impacts of potential future changes of use, such as parking requirements, can be fully considered.

- 5 No more than three children up to the age of 18 shall be permanently housed at the property without the prior written consent of the Local Planning Authority.

REASON: In order to ensure an adequate level of residential amenity for occupiers of the site and adjacent properties and that any impacts of an increased number of occupants can be fully considered.

- 6 There shall be a member of staff on site at all times that children are at the property in order to ensure that the Operating Management Plan is enacted and that the use of the property is properly managed through the appropriate supervision of those living at the address.

REASON: In order to ensure an adequate level of residential amenity for occupiers of adjacent properties.

### **Informatives**

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and determining the proposal in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## ITEM 5(2)

<b>Application Number:</b>	<b>TPO 4/2023</b>
<b>Address:</b>	<b>7 Kingston Way, 8 Kingston Way and 64 Kenneth Road, Thundersley, Benfleet, Essex, SS7 3AP/SS7 3AT (St Peter's Ward)</b>
<b>Description of Development:</b>	<b>Tree Preservation Order</b>
<b>Case Officer:</b>	<b>Jamie Whitby</b>
<b>Provisional Order Expiry Date:</b>	<b>21 March 2024</b>

---

### **Purpose of Report:**

To confirm a Tree Preservation Order (TPO), made under delegated powers. The order currently provides 6 months of temporary protection for the trees in question, but as objections have been received against protecting said trees, it is required to be confirmed by the Development Management Committee to provide long term future protection.

### **Summary:**

This report relates to ten trees within the rear gardens of three residential properties. This provisional TPO currently protects two oak trees along the western boundary and an oak and two ash trees along the eastern boundary of 7 Kingston Way, Thundersley; two oak trees along the western boundary of 8 Kingston Way, Thundersley; an oak and ash tree along the northern boundary, and an ash tree along the southern boundary of 64 Kenneth Road, Thundersley. The provisional TPO was made on 21 September 2023 and will expire on 21 March 2024.

This report looks at the representation received in response to the provisional TPO and balances any objections or support before concluding as to whether the Order should be confirmed.

The trees are considered to contribute to the visual amenity of the area as a whole, being visible over and around dwellings located in Kingston Way, Kenneth Road and Coombewood Drive. Officers consider that the trees should continue to be preserved. It is therefore recommended that the TPO be confirmed.

This TPO is presented to the Development Management Committee for consideration as the scheme of delegation contained within the Constitution only allows officers to confirm TPOs where no objections have been received.

### **Site Visit:**

It is not considered necessary for members to visit the site prior to determination.

### **Background:**

If the Council considers that a tree(s) warrants protecting, a provisional TPO may be issued, which lasts for a period of six months. Whether to issue a TPO will be supported by an assessment of the tree(s) by officers, its suitability for protection and its contribution to the amenity of the surrounding area.

During the six-month period of time, officers will undertake a consultation to gather the views and opinions of the tree owner(s) and any other interested parties such as neighbours.

## Action Taken:

To inform whether to issue a TPO, the Council undertakes a Tree Evaluation Method for Preservation Orders (TEMPO) assessment which scores the tree, group of trees, area of trees or woodland to assess if a TPO is suitable on a number of different categories. Dependant on the final score calculated at the end of the TEMPO assessment, this informs whether or not to issue a TPO.

A TEMPO assessment is designed as a field guide to decision-making and is presented on a single side of A4 paper as an easily completed pro forma. As such, it stands as a record that a systematic assessment has been undertaken. It considers all of the relevant factors in the TPO decision-making chain, including an expediency assessment within the framework of the method.

An individual TEMPO assessment was undertaken for each tree and the scoring is categorised in the following manner:

Any 0	Do not apply TPO
1-6	TPO indefensible
7-11	Does not merit TPO
12-15	TPO defensible
16+	Definitely merits TPO

One of the trees scored 15/25, three of the trees scored 16/25, and six of the trees scored 18/25. These scores show that all but one of the trees definitely merit a TPO, with the one exception still being that the TPO is defensible. A copy of all the TEMPO assessments can be found at Appendix 1 to this report.

Following the TEMPO assessments, on 20 July 2023, 24 July 2023 and 26 July 2023 officers issued a provisional TPO to protect the trees. A copy of this provisional TPO can be found at Appendix 2. Copies of this were hand delivered to the associated properties.

## The Current Position:

Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 a Tree Preservation Order takes effect provisionally until the expiration of a period of six months, or until it is confirmed, or it is amended and confirmed, or until the authority decides not to confirm the Order.

If a decision is not made before the end of the Order's provisional period, it ceases to have any effect. The Order therefore needs to be confirmed by 21 March 2024.

One representation objecting to the Order has been received from a property owner, which makes the following points:

- One of the trees listed (T2) is associated with the wrong property and should be associated with the neighbouring property.
- The trees are not visible enough from the streets surrounding the properties to warrant a TPO being implemented.
- The making of the original emergency TPO (2/2023) was not credible and an abuse of the planning department's powers.

## **Response to Consultation Comments:**

A case officer went out to each of the properties in question to assess the trees and map their siting; it was of the officer's opinion that tree T2 was on the boundary line between both properties and that the tree could be linked to either.

The dwelling on which the TPO is listed serves merely as a way of identifying the tree and does not indicate ownership or responsibility which is a civil matter between property owners. The link of a TPO should only impact the tree. Should either neighbour want to do work to said tree an application would be required to be approved prior to the commencement. It is not considered that the TPO being labelled on 8 Kingston Way serves as a sustainable reason not to protect the tree.

The objector believes the trees individually do not serve the wider amenity significantly as a result of the trees not being visible from the surrounding streets, although goes on to highlight some vantage points in which these trees are visible from the public realm. The objector goes on further to stipulate that footfall in the area is minimal as a result of Kingston Way and Coombewood Drive being cul-de-sacs; however, it is noted that a public footpath extends beyond the end of Coombewood Drive.

The trees are assessed as a group as it is believed their combined impact as a whole provides a positive contribution to the amenity of the surrounding area and contributes to a positive aesthetic. The trees could have been protected under a Group Order as a result of their cumulative impact, although it was officers' opinion that in order to give residents more independence within their own gardens that protecting the trees individually would allow a higher level of personal control among other vegetation in the gardens associated. As a result of the group of trees' visibility from the surrounding neighbouring properties, protection is warranted for the group of trees.

As for believing footfall in the area does not warrant the protection of these trees, not only does footfall not represent a consideration on the matter, but Coombewood Drive leads to a worn pedestrian entrance to Coombe wood, which would suggest it is frequently in use and Kenneth Road being a main connection road in the borough between Kiln Road and Rayleigh Road results in many motorists and pedestrians passing the site. It is officers' opinion that these trees are visible within the street scene to warrant protecting, as supported by the TEMPO assessments.

The making of the original provisional TPO (2/2023), was at the request of residents via comments to a local Councillor, as a result of what was thought to have been large, significant trees being cut down in the area. The Council has acted within its rights and powers, working with residents to create protection orders that are fair and workable. Initially a sweeping TPO was put over the area, to allow officers time to go and survey the area assessing individual trees. This initial Area Order was allowed to expire after the creation of three smaller, tree specific provisional TPO's had been created within the area, including the one subject to this report.

It is worthy of note that the other two TPO's in the area have since been confirmed by officers, having received no objections during their consultations.

On these bases it is considered that the proposed TPO is justified, notwithstanding the objections to it, and that the provisional Order should be confirmed.

It is important to note that protecting the trees does not prevent further suitable works to the trees themselves, or in the event that the trees' health declines at some point in the future or it becomes dangerous, their removal. Indeed, the authority receives many applications every year, which are free for applicants to submit, to undertake pruning or reduction works to preserved trees which are acceptable and part of maintaining a tree and ensuring that it does not grow too large for its environment.

### **Options Available to the Council:**

The Council can confirm the provisional Tree Preservation Order, which will protect the tree(s). This will require the owner, any neighbours, and any other bodies to seek permission for any future works that may be required.

The Council can decide not to confirm the Order. This will mean that there are no restrictions on any works that can be undertaken to the tree(s), including felling.

### **Implications of Inactions:**

Not confirming the Order could result in the loss of the tree(s). This would have the potential to harm the character and appearance of the area by removing the beneficial amenity value added to it by the tree(s) in question.

### **Financial Implications:**

There is a minor financial implication in terms of officer time committed to the assessment and determination of applications for work to any preserved tree(s) going forward as these types of applications do not attract a fee.

### **Conclusion:**

The trees assessed make a positive contribution to the amenity of the surrounding area, providing a positive visual amenity from many surrounding viewing points.

The trees scored highly when assessed against the criteria of the TEMPO assessment, even though they are located within the rear gardens of residential properties, justifying the need of the protection to merit a TPO whilst officers have justified the reasoning behind making the TPO, contrary to the objection comment received.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the following:

**My Recommendation is** that the provisional Tree Preservation Order 4/2023 **BE CONFIRMED**.

## Appendix 1: TEMPO Assessments

### TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

#### SURVEY DATA SHEET & DECISION GUIDE

Date: 24/7/2023		Surveyor: JAMES WHITBY	
Tree details			
TPO Ref (if applicable): 4/2023	Tree/Group No: T1	Species: OAK	
Owner (if known):	Location: 8 KINGS TON WAY		

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

\* Relates to existing context and is intended to apply to severe irremediable defects only

##### Score & Notes

5 - PROVIDES GOOD AMENITY + IS IN GOOD HEALTH.

b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

##### Score & Notes

5 - OAKS HAVE A LONG LIFE SPAN + THIS SPECIMEN IS IN GOOD HEALTH

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

##### Score & Notes

3 - LOCATED IN A REAR GARDEN

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |               |
|--|---------------|
| 5) Principal components of arboricultural features, or veteran trees                           | Score & Notes |
| 4) Tree groups, or members of groups important for their cohesion                              |               |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |               |
| 2) Trees of particularly good form, especially if rare or unusual                              |               |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |               |

##### Score & Notes

4 - FORMS PART OF A LARGE GROUP.

#### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- |                               |               |
|-------------------------------|---------------|
| 5) Immediate threat to tree   | Score & Notes |
| 3) Foreseeable threat to tree |               |
| 2) Perceived threat to tree   |               |
| 1) Precautionary only         |               |

##### Score & Notes

1 - PRIVATELY OWNED + MAINTAINED.

#### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

##### Add Scores for Total:

18

##### Decision:

DEFINITELY MERITS TPO.

# **TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

## **SURVEY DATA SHEET & DECISION GUIDE**

Date: <u>24/7/2023</u> Surveyor: <u>JAMES WHITBY</u>	
<b>Tree details</b> TPO Ref (if applicable): <u>4/2023</u> Owner (if known):	Tree/Group No: <u>T2</u> Species: <u>oak</u> Location: <u>8 KINGSTON WAY.</u>

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### **Part 1: Amenity assessment**

**a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

*\*Relates to existing context and is intended to apply to severe irremediable defects only*

#### **Score & Notes**

5 - PROVIDES GOOD AMENITY + IN GOOD HEALTH

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

*\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

#### **Score & Notes**

5 - OAKS HAVE A LONG LIFE SPAN + SPECIMEN IS IN GOOD HEALTH.

**c) Relative public visibility & suitability for TPO**

*Consider realistic potential for future visibility with changed land use*

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

- |                     |
|---------------------|
| Highly suitable     |
| Suitable            |
| Suitable            |
| Barely suitable     |
| Probably unsuitable |

#### **Score & Notes**

3 - LOCATED IN REAR GARDEN

**d) Other factors**

*Trees must have accrued 7 or more points (with no zero score) to qualify*

- |  |  |
|--|--|
| 5) Principal components of arboricultural features, or veteran trees                           | <b>Score &amp; Notes</b><br><u>4 - FORMS PART OF A LARGER GROUP.</u> |
| 4) Tree groups, or members of groups important for their cohesion                              |  |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |  |
| 2) Trees of particularly good form, especially if rare or unusual                              |  |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |  |

### **Part 2: Expediency assessment**

*Trees must have accrued 9 or more points to qualify*

- |                               |   |
|-------------------------------|---|
| 5) Immediate threat to tree   | <b>Score &amp; Notes</b><br><u>1 - PRIVATELY OWNED + MANAGED.</u> |
| 3) Foreseeable threat to tree |   |
| 2) Perceived threat to tree   |   |
| 1) Precautionary only         |   |

### **Part 3: Decision guide**

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

#### **Add Scores for Total:**

18

#### **Decision:**

DEFINITELY MERITS TPO.

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 26/7/2023	Surveyor: JAMES WHITBY
<b>Tree details</b> TPO Ref (if applicable): 4/2023      Tree/Group No: T3      Species: OAK Owner (if known):      Location: 7 KINGSTON WAY	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

\* Relates to existing context and is intended to apply to severe irremediable defects only

#### Score & Notes

5 - PROVIDES GOOD AMENITY + IN GOOD HEALTH

b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

#### Score & Notes

5 - OAKS HAVE A LONG LIFE SPAN + SPECIMEN IS HEALTHY

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

#### Score & Notes

3 - IN A REAR GARDEN

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |  |
|--|--|
| 5) Principal components of arboricultural features, or veteran trees                           | <b>Score &amp; Notes</b><br>4 - FORMS PART OF A LARGER GROUP |
| 4) Tree groups, or members of groups important for their cohesion                              |  |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |  |
| 2) Trees of particularly good form, especially if rare or unusual                              |  |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |  |

### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- |                               |   |
|-------------------------------|---|
| 5) Immediate threat to tree   | <b>Score &amp; Notes</b><br>1 - PRIVATELY OWNED |
| 3) Foreseeable threat to tree |   |
| 2) Perceived threat to tree   |   |
| 1) Precautionary only         |   |

### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

#### Add Scores for Total:

18

#### Decision:

DEFINITELY MERITS TPO.

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 26/7/2023		Surveyor: James WHITBY	
Tree details			
TPO Ref (if applicable): 4/2023	Tree/Group No: T4	Species: OAK	
Owner (if known):	Location: 7 KINGSTON WAY		

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

\* Relates to existing context and is intended to apply to severe irremediable defects only

#### Score & Notes

5 - PROVIDES GOOD AMENITY + IS IN GOOD HEALTH

b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

#### Score & Notes

5 - OAKS HAVE A LONG LIFE SPAN + SPECIMEN IS IN GOOD HEALTH.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

#### Score & Notes

3 - IN REAR GARDEN

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |   |
|--|---|
| 5) Principal components of arboricultural features, or veteran trees                           | <h4>Score &amp; Notes</h4> <p>4 - PART OF A LARGER GROUP.</p> |
| 4) Tree groups, or members of groups important for their cohesion                              |   |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |   |
| 2) Trees of particularly good form, especially if rare or unusual                              |   |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |   |

### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- |                               |  |
|-------------------------------|--|
| 5) Immediate threat to tree   | <h4>Score &amp; Notes</h4> <p>1 - PRIVATELY OWNED.</p> |
| 3) Foreseeable threat to tree |  |
| 2) Perceived threat to tree   |  |
| 1) Precautionary only         |  |

### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

#### Add Scores for Total:

18

#### Decision:

DEFINITELY MERITS TPO.

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS -TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 26/7/2023		Surveyor: JAMES WHITBY	
Tree details			
TPO Ref (if applicable): 4/2023	Tree/Group No: T5	Species: OAK	
Owner (if known):	Location: 7 KINGSDOWN WAY.		

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

\* Relates to existing context and is intended to apply to severe irremediable defects only

#### Score & Notes

5 - Provides Good AMENITY + IN GOOD HEALTH

b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

#### Score & Notes

5 - OAKS HAVE A LONG LIFE SPAN + SPECIMEN IN GOOD HEALTH.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

#### Score & Notes

3 - LOCATED IN A REAR GARDEN

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |   |
|--|---|
| 5) Principal components of arboricultural features, or veteran trees                           | <h4>Score &amp; Notes</h4> <p>4 - PART of A LARGER GROUP.</p> |
| 4) Tree groups, or members of groups important for their cohesion                              |   |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |   |
| 2) Trees of particularly good form, especially if rare or unusual                              |   |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |   |

### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- |                               |   |
|-------------------------------|---|
| 5) Immediate threat to tree   | <h4>Score &amp; Notes</h4> <p>1 - PRIVATELY OWNED</p> |
| 3) Foreseeable threat to tree |   |
| 2) Perceived threat to tree   |   |
| 1) Precautionary only         |   |

### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

#### Add Scores for Total:

18

#### Decision:

DEFINITELY MERITS TPO -

# **TREE EVALUATION METHOD FOR PRESERVATION ORDERS -TEMPO**

## **SURVEY DATA SHEET & DECISION GUIDE**

Date: <u>26/7/2023</u> Surveyor: <u>JAMES WHITBY</u>	
<b>Tree details</b> TPO Ref (if applicable): <u>4/2023</u> Owner (if known):	Tree/Group No: <u>T6</u> Species: <u>ASH</u> Location: <u>7 KINGSTON WAY</u>

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### **Part 1: Amenity assessment**

**a) Condition & suitability for TPO;** where trees in good or fair condition have poor form, deduct 1 point

5) Good 3) Fair 1) Poor 0) Dead/dying/dangerous*	Highly suitable Suitable Unlikely to be suitable Unsuitable	<b>Score &amp; Notes</b> <u>3- PROVIDES GOOD AMENITY - OK HEALTH</u>
---	--	---

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

5) 100+ 4) 40-100 2) 20-40 1) 10-20 0) <10*	Highly suitable Very suitable Suitable Just suitable Unsuitable	<b>Score &amp; Notes</b> <u>5- ASH HAVE LONG LIFE SPAN + TREE IN OK HEALTH.</u>
---	---	--

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees 4) Large trees, or medium trees clearly visible to the public 3) Medium trees, or large trees with limited view only 2) Young, small, or medium/large trees visible only with difficulty 1) Trees not visible to the public, regardless of size	Highly suitable Suitable Suitable Barely suitable Probably unsuitable	<b>Score &amp; Notes</b> <u>3- IN REAR GARDEN</u>
--	---	--

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

5) Principal components of arboricultural features, or veteran trees 4) Tree groups, or members of groups important for their cohesion 3) Trees with identifiable historic, commemorative or habitat importance 2) Trees of particularly good form, especially if rare or unusual 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)	<b>Score &amp; Notes</b> <u>4- PART OF A LARGER GROUP.</u>
--	---

### **Part 2: Expediency assessment**

Trees must have accrued 9 or more points to qualify

5) Immediate threat to tree 3) Foreseeable threat to tree 2) Perceived threat to tree 1) Precautionary only	<b>Score &amp; Notes</b> <u>1- PRIVATELY OWNED.</u>
--	--

### **Part 3: Decision guide**

Any 0 1-6 7-11 12-15 16+	Do not apply TPO TPO indefensible Does not merit TPO TPO defensible Definitely merits TPO	<b>Add Scores for Total:</b> <u>16</u>	<b>Decision:</b> <u>DEFINITELY MERITS TPO.</u>
--------------------------------------	---	---	---

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS -TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 26/7/2023	Surveyor: James Whitby
Tree details	
TPO Ref (if applicable): 4/2023	Tree/Group No: 77 Species: ASH (SPLIT STEM)
Owner (if known):	Location: 7 KINGSTON WAY

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

\* Relates to existing context and is intended to apply to severe irremediable defects only

#### Score & Notes

3 - PROVIDES GOOD AMENITY, IN OK HEALTH.

b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

#### Score & Notes

5 - ASH HAVE LONG LIFE SPANS + TREE IN OK HEALTH.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

#### Score & Notes

3 - IN REAR GARDEN

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |  |
|--|--|
| 5) Principal components of arboricultural features, or veteran trees                           | <h4>Score &amp; Notes</h4> <p>4 - PART OF A LARGER GROUP</p> |
| 4) Tree groups, or members of groups important for their cohesion                              |  |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |  |
| 2) Trees of particularly good form, especially if rare or unusual                              |  |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |  |

### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- |                               |   |
|-------------------------------|---|
| 5) Immediate threat to tree   | <h4>Score &amp; Notes</h4> <p>1 - PRIVATELY OWNED</p> |
| 3) Foreseeable threat to tree |   |
| 2) Perceived threat to tree   |   |
| 1) Precautionary only         |   |

### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

#### Add Scores for Total:

16

#### Decision:

DEFINITELY MERITS TPO.

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS -TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 20/7/2023	Surveyor: JAMES WHITBY
<b>Tree details</b> TPO Ref (if applicable): 4/2023 Tree/Group No: T8 Species: OAK Owner (if known): Location: 64 KENNETH ROAD.	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

\*Relates to existing context and is intended to apply to severe irremediable defects only

#### Score & Notes

3- TREE IN GOOD HEALTH, LESS AMENITY  
VALUE THAN OTHERS.

b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

#### Score & Notes

5- OAKS HAVE A LOW LIFE SPAN + TREE  
IN GOOD HEALTH.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

#### Score & Notes

2 - SMALLER SIZE  
IN REAR GARDEN

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |  |
|--|--|
| 5) Principal components of arboricultural features, or veteran trees                           | <b>Score &amp; Notes</b><br>4 - PART OF A LARGER<br>GROUP. |
| 4) Tree groups, or members of groups important for their cohesion                              |  |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |  |
| 2) Trees of particularly good form, especially if rare or unusual                              |  |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |  |

### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- |                               |  |
|-------------------------------|--|
| 5) Immediate threat to tree   | <b>Score &amp; Notes</b><br>1 - PRIVATELY OWNED. |
| 3) Foreseeable threat to tree |  |
| 2) Perceived threat to tree   |  |
| 1) Precautionary only         |  |

### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

#### Add Scores for Total:

15

#### Decision:

TPO DEFENSIBLE.

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 20/7/2023		Surveyor: James Whitby	
Tree details			
TPO Ref (if applicable): 4/2023	Tree/Group No: T9	Species: ABM	
Owner (if known):	Location: 64 KENNETH ROAD.		

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

\* Relates to existing context and is intended to apply to severe irremediable defects only

#### Score & Notes

5 - GOOD AMENITY + GOOD HEALTH.

b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

#### Score & Notes

5 - LONG LIFE SPAN + GOOD HEALTH.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

#### Score & Notes

3 - LOCATED  
IN REAR GARDEN

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |   |
|--|---|
| 5) Principal components of arboricultural features, or veteran trees                           | <h4>Score &amp; Notes</h4> <p>4 - FORMS PART of a<br/>LARGER GROUP.</p> |
| 4) Tree groups, or members of groups important for their cohesion                              |   |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |   |
| 2) Trees of particularly good form, especially if rare or unusual                              |   |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |   |

### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- |                               |
|-------------------------------|
| 5) Immediate threat to tree   |
| 3) Foreseeable threat to tree |
| 2) Perceived threat to tree   |
| 1) Precautionary only         |

#### Score & Notes

1 - PRIVACY OWNED

### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

#### Add Scores for Total:

18

#### Decision:

DEFINITELY MERITS  
TPO-

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS -TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 20/7/2023	Surveyor: James Whitby
-----------------	------------------------

Tree details	
TPO Ref (if applicable): 4/2025	Tree/Group No: T10 Species: Ash
Owner (if known):	Location: 64 KENNETH

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

\* Relates to existing context and is intended to apply to severe irremediable defects only

#### Score & Notes

3 - OKAY AMENITY - GOOD HEALTH.

b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

#### Score & Notes

5 - LONG LIFESPAN - GOOD HEALTH

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

#### Score & Notes

3 - IN REAR GARDEN.

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |                     |
|--|---------------------|
| 5) Principal components of arboricultural features, or veteran trees                           | Highly suitable     |
| 4) Tree groups, or members of groups important for their cohesion                              | Suitable            |
| 3) Trees with identifiable historic, commemorative or habitat importance                       | Suitable            |
| 2) Trees of particularly good form, especially if rare or unusual                              | Barely suitable     |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) | Probably unsuitable |

#### Score & Notes

4 - PART OF A LARGER GROUP.

### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- |                               |                 |
|-------------------------------|-----------------|
| 5) Immediate threat to tree   | Highly suitable |
| 3) Foreseeable threat to tree | Suitable        |
| 2) Perceived threat to tree   | Suitable        |
| 1) Precautionary only         | Barely suitable |

#### Score & Notes

1 - PRIVATELY OWNED.

### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

#### Add Scores for Total:

16

#### Decision:

DEFINITELY MERITS TPO-

## Appendix 2: Provisional Tree Protection Order



Place and Policy  
Castle Point Borough Council  
Council Offices, Kiln Road,  
Thundersley, Benfleet,  
Essex SS7 1TF  
Tel: 01268 882200

Test  
123 Test Road  
Thundersley  
Essex  
SS7 123

### **IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**

#### **CASTLE POINT BOROUGH COUNCIL**

Tree Preservation Order 4/2023, 7 Kingston Way, 8 Kingston Way, and 64  
Kenneth Road, Thundersley, Benfleet, Essex, SS7 3AP/SS7 3AT

This is a formal notice to let you know that the Council has made a Tree Preservation Order in respect of trees at the above properties.

Under the provisions of the legislation I am required to serve owners and occupiers of any land affected by the Order, and those parties on adjoining land who have a right to prune or fell the trees covered by the Order, with a copy of the Order and its map reference. If you are not the owner of the property I should be grateful if you would advise the Council at the earliest opportunity.

In simple terms the Order prohibits anyone from cutting down, topping, lopping or undertaking any other works to any of the trees described in the Order and shown on the map, without the Council's consent.

The Council has made the Order for the following reason(s):

The group of selected trees although located to the rear of properties fronting Coombewood Drive, and Kingston Way are clearly visible from a number of vantage points within the street scene, between the dwellings, as well as from all the properties that back onto this area, with the group of trees as a whole making a positive contribution to the character and appearance of the area, to the benefit of visitors to the area and occupiers of the nearby dwellings.

While it is appreciated some residents have requested other specific trees be included in this order, when assessed, the Local Planning Authority did not consider them to meet the requirements needed to be preserved at this time and so these were not included.

The Order takes effect provisionally on the date on which it is made and will continue in force on this basis until the expiration of 6 months beginning with the date on which the Order was made, or the date on which the Order is confirmed, or the date on which the Council decide not to confirm the Order, whichever occurs first.



[www.castlepoint.gov.uk](http://www.castlepoint.gov.uk)  
Twitter: @CastlePointBC

People affected by the Order have the right to make objections or other representations about any of the trees covered by this Order in accordance with regulation 6.

If you would like to make an objection or other comments, please make sure we receive them in writing by the **31st October 2023**. Your comments must comply with Regulation 6 of the Town and Country Planning (Tree Preservation)(England) Regulations, 2012, a copy of which is provided below. Send your comments to the Head of Place and Policy, Council Offices, Kiln Road, Benfleet, Essex SS7 1TF or email [planning@castlepoint.gov.uk](mailto:planning@castlepoint.gov.uk). All valid objections or representations will be carefully considered before a decision on whether to confirm the Order is made.

Tree Preservation Orders are legal documents and I am obliged to present them in this manner. Further information and guidance is available at <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>. Should you have any further queries please contact Stephen Garner at the Planning Department, Council Offices, Kiln Road, Benfleet, Essex SS7 1TF, telephone 01268 882351.

Dated: 21st September 2023

Signed:



Stephen Garner

On behalf of Castle Point Borough Council

#### **COPY OF REGULATION 6 OF**

#### **THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012**

#### **Objections and representations**

6. - (1) Subject to paragraph (2), objections and representations –

(a) shall be made in writing and -

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;



[www.castlepoint.gov.uk](http://www.castlepoint.gov.uk)  
Twitter: @CastlePointBC

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.



## **Town and Country Planning Act 1990**

### **The Tree Preservation Order 4/2023, 7 Kingston Way, 8 Kingston Way, And 64 Kenneth Road, Thundersley, Benfleet, Essex SS7 3AP, SS7 3AT**

The Castle Point Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

#### **Citation**

1. This Order may be cited as Tree Preservation Order 4/2023, 7 Kingston Way, 8 Kingston Way, and 64 Kenneth Road, Thundersley, Benfleet, Essex, SS7 3AP/SS7 3AT.

#### **Interpretation**

2.— (1) In this Order “the authority” means the Castle Point Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

#### **Effect**

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

#### **Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation

and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 21st September 2023

Signed on behalf of Castle Point Borough Council

*S. Gomer*

Authorised by the Council to sign in that behalf

---



[www.castlepoint.gov.uk](http://www.castlepoint.gov.uk)  
Twitter: @CastlePointBC

**SCHEDULE**  
**Specification of trees**

**Trees specified individually**  
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	T1 - Oak	Situated on the eastern boundary, within the southern rear garden of the residential property of 8 Kingston Way, Thundersley
T2	T2 - Oak	Situated towards the eastern boundary, within the southern rear garden of the residential property of 8 Kingston Way, Thundersley
T3	T3 - Oak	Situated towards the eastern boundary, within the southern rear garden of the residential property of 7 Kingston Way, Thundersley
T4	T4 - Oak	Situated towards the eastern boundary, within the southern rear garden of the residential property of 7 Kingston Way, Thundersley
T5	T5 - Oak	Situated towards the western boundary, within the southern rear garden of the residential property of 7 Kingston Way, Thundersley
T6	T6 - Ash	Situated towards the western boundary, within the southern rear garden of the residential property of 7 Kingston Way, Thundersley
T7	T7 - Ash	Situated towards the western boundary, within the southern rear garden of the residential property



of 7 Kingston Way,  
Thundersley

T8	T8 - Oak	Situated towards the northern boundary, within the western rear garden of the residential property of 64 Kenneth Road, Thundersley
T9	T9 - Ash	Situated towards the southern boundary, within the western rear garden of the residential property of 64 Kenneth Road, Thundersley
T10	T10 - Ash	Situated towards the northern boundary, within the western rear garden of the residential property of 64 Kenneth Road, Thundersley

---

**Trees specified by reference to an area**  
(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

---

**Groups of trees**  
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
None		

---

**Woodlands**  
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		



# Castle Point Tree Preservation Order:

Signed on behalf of CASTLE POINT BOROUGH COUNCIL

*S. Gomer*

Planning Manager authorised by Castle Point Borough Council to sign in that behalf



(C) Crown copyright and database rights 2016 Ordnance Survey 100024385.

You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data.

You are no permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.