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**Angela Hutchings**  
**Chief Executive**

## **AGENDA**

**Committee:** **DEVELOPMENT MANAGEMENT**

**Date and Time:** **Tuesday, 4th July 2023, at 7.00pm**

**Venue:** **Council Chamber, Council Offices**

**N.B. This meeting will be webcast live on the internet.**

**Membership:** **Councillors Bowker (Chairman), Greig (Vice-Chairman), Acott, Anderson, Barton-Brown, Howlett, Lillis, C. Sach, Skipp and J. Thornton.**

**Substitutes:** **Councillors Fuller, Mountford, Savage, A. Thornton and Withers.**

**Canvey Island Town Councillor:** **S. Sach**

**Officers attending:** **Stephen Garner – Planning Manager  
Keith Zammit – Planning Officer  
Jason Bishop – Solicitor to the Council**

**Enquiries:** **Cheryl Salmon, ext. 2454**

### **PART I (Business to be taken in public)**

**1. Apologies**

**2. Members' Interests**

**3. Minutes**

A copy of the Minutes of the meeting held on 4<sup>th</sup> April 2023 is attached.

**4. Public Speakers**

The Chairman will announce the names of those persons who wish to speak in support /objection under Agenda Item No. 5 (if any).

**5. Deposited Plans**

The report is attached.

<b>Application No</b>	<b>Address</b>	<b>Page No</b>
1. 22/0934/FUL	36 Mount Road, Thundersley, Benfleet, Essex SS7 1HA	1
2. TPO/1/2023	57 The Chase, Thundersley, Benfleet, Essex SS7 3BZ	8

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## DEVELOPMENT MANAGEMENT COMMITTEE

TUESDAY 4th APRIL 2023

**PRESENT:** Councillors Greig (Chairman), Acott, Anderson, Barton-Brown, Bowker, Fuller, C. Mumford, Riley, Skipp, and J. Thornton.

**SUBSTITUTE MEMBERS PRESENT:** Councillor Fuller for Councillor Taylor

**CANVEY ISLAND TOWN COUNCIL:** Councillor S. Sach.

**ALSO PRESENT:** Councillors Dixon, Hart, Mrs Sach and A. Thornton also attended.

**APOLOGIES:** Councillor Taylor

### 26. MEMBERS' INTERESTS

Councillor Riley declared an interest in item 5(3) as a member of Hadleigh and Thundersley Cricket Club.

### 27. MINUTES

The Minutes of the meeting held on 7th March 2023 were taken as read and signed as a correct record.

### 28. PUBLIC SPEAKERS

Mr Firth - a representative wished to speak on behalf of the application Item 5(1).

Mr Green - a representative wished to speak on behalf of the application Item 5(2).

Mr Towner - a representative wished to speak on behalf of the application Item 5(5).

Mr Mower – an objector wished to speak on item 5(6)

### 29. DEPOSITED PLANS

#### (a) 22/0037/FUL - WALSINGHAM HOUSE, LIONEL ROAD, CANVEY ISLAND, ESSEX, SS8 9DE PHASE 2 TO PROVIDE 13 NO. FLATS AND 20 NO. RESIDENTIAL DWELLINGS - SJT DEVELOPMENTS LTD

Planning permission was sought for Phase 2 of a two-phase scheme which would provide a total of 42 dwellings across the wider site. Phase 1 provided 9 houses which were currently under construction.

Phase 2, the subject of the current application, sought to secure planning permission for 14 three and four bedroomed, semi-detached houses, four detached, two bedroomed houses, four detached, four bedroomed houses and thirteen one and two bedroomed flats, with parking, together with a new access road.

All dwellings were two storey in height, as is Flat Block A, although this structure would be slightly raised out of the ground to secure appropriate flood risk mitigation. Flat Block B would be three storey in height.

An undeveloped easement area would be retained along the line of the existing surface water sewer pipe. Ecological areas are to be retained within the site at its eastern and western margins

It was noted that whilst the application site formed part of a wider phased development Phase 2 must be considered on its own merits.

Government guidance as set out in the NPPF, was clear that where opportunities exist to provide housing on sustainable sites which were allocated for development purposes, (not necessarily residential development purposes), planning permission should not be unreasonably withheld.

Detailed consideration had been given to the proposal in the context of national legislation, Government guidance, the adopted policies and guidance set out in the adopted Local Plan and associated Design Guidance and the comments received in response to consultation, and for the reasons set out in the following report, subject to appropriate conditions and the applicant being willing to enter into a S106 agreement to secure:

- (i) The provision of a contribution towards the satisfaction of affordable housing needs
- (ii) Biodiversity Net Gain
- (iii) Retention, enhancement and management of retained wooded areas within the site for ecological purposes
- (iv) An appropriate contribution towards the mitigation of recreational pressure on designated sites.(RAMS) and
- (v) Retained pedestrian access to St Joseph's school, to the north of the site

The application was recommended for approval.

Mr Firth a representative of the applicant, spoke in support of the application. The Canvey Town Council representative spoke against the application.

Members asked questions of the Planning Officer regarding the lack of play area, the number of dwelling approved under the outline permission; parking provision; advice regarding badger protection; Electric charging points and bin storage.

Debate took place on the recommendation during which Members raised concerns regarding the overdevelopment of the site ,inadequate parking, lack of social housing on site badger protection among other matters.

The Planning Officer advised the Committee refusal of the application would be difficult to sustain and that care needed to be taken to limit reasons for refusal to avoid an award of costs on Appeal.

A vote took place on the recommendation in the report which was lost. The Committee gave reasons for a changed recommendation.

Following debate it was:

**Resolved** - That the application be refused for the following reasons:

1. Inadequate provision has been made for the protection of badgers.
2. Inadequate car parking fails to meet car parking standards
3. Over development of the site

**(b) 22/0339/FUL - 179-195 CHURCH ROAD, THUNDERSLEY, BENFLEET, ESSEX, SS7 4PN DEMOLISH EXISTING BUILDINGS AND ERECT FOUR STOREY BUILDING CONTAINING 44 FLATS WITH ASSOCIATED PARKING AND AMENITY SPACES AND ALTERATIONS TO VEHICULAR ACCESS - CASTLE POINT LETTING LIMITED**

The application sought permission for the demolition of the existing buildings on site and the erection of a four-storey building with a maximum height of some 13.3m, containing 44 flats, with the ground floor used as covered parking (51 spaces). Seven of these spaces are 'tandem' spaces for two-car families, so each flat would have one or possibly two parking spaces. Six further outdoor parking spaces are proposed for visitors.

The proposed flats were 11 one-bedroom, 25 two-bedroom and eight three-bedroom properties. The application form stated that all would be market housing for sale with no affordable housing component/products proposed.

Councillor Cole has requested a committee decision to give members the opportunity to consider the merits of the redevelopment of a brownfield site for residential purposes.

Councillor Hart has requested a committee decision as this is a large-scale development with significant public interest, possibly over development.

Details of late representations received were reported to the Committee.

Mr Green a representative of the applicant, spoke in support of the application.

Members asked questions of the Planning Officer following which debate took place on the recommendation for refusal.

**Resolved**

That the application be refused for reasons recommended:

- 1 The height of the proposed building combined with its lateral mass, lack of space around it and its proximity to highway boundaries would be obtrusive and dominant in the street scene, as well as resulting in the building lacking an adequate setting for its size, contrary to policy EC2 of the adopted Local Plan, RDG2 and RDG3 of the council's Residential Design Guidance and government guidance in the Framework requiring developments to add to the overall quality of the area and be sympathetic to local character.
- 2 The proposed building is considered, would result in undue overshadowing of the adjacent chalet bungalow to the north of the site, leading to a loss of residential amenity, contrary to policy EC2 of the adopted Local Plan, RDG3 of the council's Residential Design Guidance as well as government guidance in the Framework that seeks the creation of places with a high standard of amenity for existing and future users.
- 3 The proposed development fails to make any contribution towards the provision of affordable housing in the district, resulting in a lost opportunity to provide homes within the reach of those unable to afford housing on the open market, to the detriment of the supply of a sufficient variety of different tenures of housing, going against the advice in the Framework that the housing needs of different groups in the community need to be planned for, as well being contrary to policy H7 of the adopted Local Plan as well as the adopted supplementary Developers Contribution Guidance.
- 4 The proposed surface water drainage arrangements, due to the use of inappropriate discharge rates for modelling and the lack of suitable on-site storage and exceedance and conveyance routes for surface water, would increase the risk of surface water flooding to this and adjacent sites, contrary to advice in the Framework that development should not increase flood risk elsewhere.
- 5 The proposed development does not make adequate provision for electric vehicle charging or satisfactorily demonstrate that sufficient electrical power can be supplied to the site to enable such provision. Approval of the proposal without such demonstration would potentially mean the development going ahead without adequate or any electric vehicle charging provision, contrary to advice in the Framework that development should be designed to enable such charging. This would be to the detriment of the ability of future occupants to use electric vehicles and contrary to the sustainable transport aspirations of the Framework.

(c) 22/0807/FULCLO - HADLEIGH AND THUNDERSLEY CRICKET CLUB, RECTORY ROAD, HADLEIGH, BENFLEET, SS7 2NQ REMOVE EXISTING ENCLOSED CAGED AREA AND NET STRUCTURE AND REPLACE WITH

**2NO. NEW CAGED AREAS WITH NETTING SURROUNDING - HADLEIGH & THUNDERSLEY CRICKET CLUB**

The application sought permission for replacement cricket practice nets for Hadleigh and Thundersley Cricket Club. The application was presented to committee due to the proposed development being on council-owned land. No conflict with national or local policy had been identified and the scheme was therefore recommended for approval.

**Resolved –**

That the application be approved subject to the conditions as set out in the Planning Officer's report.

**(d) 22/0695/FUL - 316 LONDON ROAD, BENFLEET, ESSEX, SS7 5XR - DEMOLITION OF EXISTING GARDEN CENTRE AND ASSOCIATED BUILDINGS. CHANGE OF USE OF THE FIRST FLOOR OF THE EXISTING RETAINED BUILDING FROM DWELLING TO DAY NURSERY. EXPANSION OF EXISTING DAY NURSERY INCLUDING EXTENSIONS, CONSTRUCTION OF NEW BUILDINGS, CREATION OF BASEMENT PARKING AND CHANGES TO VEHICULAR ACCESS. - QUEEN BEE'S DAY NURSERY**

The application sought planning permission to demolish the existing garden centre and associated buildings and to expand the existing day nursery with extensions, construction of new buildings, creation of basement parking and changes to vehicular access as well as change the use of the upper floor of the existing day nursery from residential to day nursery.

The proposal would consolidate the day nursery/residential site and garden centre site into one single planning unit in use as a day nursery.

The application was presented to Committee as a departure from the Local Plan in force, as the site is allocated for residential development. The residential use on site, granted by the implemented 2016 application, had not commenced. The occupancy of the flat would be restricted under Ofsted requirements as the rest of the building was used as a day nursery reducing the opportunity to create the upper floor flat. The site had historically been used for commercial purposes. Consequently, there was no loss of residential use.

The proposal would further develop the rest of the site for use as a day nursery but would not result in a loss of the potential residential site. The site had historically been used commercially. The proposal would provide additional childcare facilities to which there was a demonstrable need. The proposal would not result in loss of residential development and there was demand for early years childcare provision. A departure from the adopted Local Plan was therefore justified.

The design of the proposal was acceptable. The proposal would mitigate the impact upon adjacent residents, and this can be ensured with the use of conditions. The proposal was therefore recommended for approval subject to conditions.

Discussion took place on the recommendation.

**Resolved –**

Unanimously that the application be approved subject to the conditions as set out in the Planning Officer's report.

**(e) 22/0854/FUL - 102 - 106 HIGH STREET, CANVEY ISLAND, ESSEX, SS8 7SH - CHANGE OF USE FROM CLASS E UNITS TO RESIDENTIAL (CLASS C3) TO CREATE 2 NO FLATS WITH FIRST FLOOR EXTENSION, LANDSCAPING WORKS AND MATERIAL AND FENESTRATION ALTERATIONS (PART RETROSPECTIVE APPLICATION) - GUTE LIMITED**

The application sought planning permission to change the use of the existing Class E units to 2 two bedrooned dwellings with first floor side extension.

The tilted balance under paragraph 11 of the NPPF was applicable as the Council was unable to demonstrate a five-year housing supply. The weight attached to the need for housing was considered to outweigh the harm arising from the loss of the commercial units. However, this did not outweigh the significant harm arising from the poor level of amenity likely for future occupants, inadequate parking provision, inadequate internal bedroom areas for unit 01 and poor design due to the detailing of the design. If approved, the proposal would be unlikely to meet the needs of the development, would fail to achieve high standards of amenity for the prospective occupiers and harm the appearance of the host building. The proposal was therefore recommended for refusal.

The application was presented to Committee as the site is allocated for shopping and the proposal is a departure from the adopted local plan in force.

Mr Towner a representative of the applicant, spoke in support of the application. The Canvey Town Council representative spoke against the application.

Discussion took place on the recommendation.

**Resolved –**

Unanimously that the application be refused for reasons recommended:

- 1 The proposal would provide inadequate useable private amenity space for the proposal and this shortfall is not justified by safe and convenient access to public open space, and therefore would lead to the development being unable to meet the outdoor needs of its occupiers leading to a poor standard of amenity for said occupiers. The proposed amenity space to the front and side of the site could not be made useable with the use of boundary treatments without resulting in an over dominance of boundary treatments to May Avenue and High Street to the detriment of the open character and appearance of the area, or in the case of the front spaces without adversely harming the outlook and natural light to the proposed units. The proposal is therefore considered contrary to Policy EC2 of the council's adopted Local Plan (1998),

RDG6 of the council's adopted Residential Design Guidance (2013) and cannot be overcome without being contrary to RDG5 and RDG10 of the Residential Design Guidance (2013). In either scenario, the proposal would fail to provide a high standard of amenity for the occupiers of the development as expected by Government policy contained within the National Planning Policy Framework (2021).

- 2 The proposal would fail to provide parking for the proposed residential units and if granted would lead to encouraging on street parking in the wider area whilst there are parking restrictions in the immediate vicinity of the site, to the detriment of the flow of traffic, and the amenity and convenience of surrounding residents, and inconvenience to the occupiers of the proposal. The town centre location and the provision of motor bike and cycle parking does not justify such a reduction in the level of parking, and the proposal would be contrary to Policy T8 of the Adopted Local Plan (1998), the adopted Parking Standards (2010) and Government policy as set out in the National Planning Policy Framework (2021) which encourages local planning authorities to set such standards reflecting local circumstances.
- 3 The proposal, by reason of substandard levels of bedroom floor areas for unit 01 as specified within the DCLG Technical housing standards - nationally described space standard, fails to provide sufficient usable bedroom floor space to meet the needs of the number of intended future occupiers of the development, contrary to current best practice and guidance. As such it constitutes poor design contrary to Policy EC2 of the council's adopted Local Plan (1998), RDG16 of the council's Residential Design Guidance (2013) and Government guidance as contained within the National Planning Policy Framework (2021).
- 4 The proposal would worsen the design of the host building on site by failing to continue the regular rhythm of first floor windows, and this harm is exacerbated by the misalignment of windows between upper and ground floor levels, leading to a poor design which would harm the character and appearance of the host building contrary to Policy EC2 of the adopted Local Plan (1998) and RDG8 of the Residential Design Guidance (2013) and Government policy as contained within the National Planning Policy Framework (2021).

(f) **22/0655/FUL - LAND ADJACENT TO 45 TARANTO ROAD, CANVEY ISLAND, ESSEX, SS8 7LQ - CHANGE OF USE FROM OPEN GREEN SPACE TO PRIVATE AMENITY AREA AND PUBLIC FOOTPATH WITH STREET LIGHTING - MR KIERAN HINES**

The application sought permission for a change of use from open green space to private amenity area and public footpath with street lighting on land between Teramo Road and Taranto Road.

The proposal complied with all relevant national and local policy and residential design guidance and no adverse impacts that would provide a clear reason for refusing the development had been identified. The proposal was therefore recommended for approval.

The application had been 'called in' by Councillor Sach on the basis that the site open green public space which residents use, there were utilities under it which should not be disturbed, it was needed to help with flooding, and did not need more alleyways as these are used for drug dealing.

Mr Mower an objector addressed the Committee. Councillor Mrs Sach addressed the Committee against the application. The Canvey Town Council representative spoke against the application.

Members of the Committee asked questions of the Planning Officer following which debate took place on the recommendation

**Resolved –**

That the application be approved subject to the conditions as set out in the Planning Officer's report.

Chairman

## ITEM 1

<b>Application Number:</b>	<b>22/0934/FUL</b>
<b>Address:</b>	<b>36 Mount Road, Thundersley, Benfleet, Essex, SS7 1HA</b>
	<b>(Boyce)</b>
<b>Description of Development:</b>	<b>Rebuild existing dwelling</b>
<b>Applicant:</b>	<b>Mr B Bizzell</b>
<b>Case Officer:</b>	<b>Mr Keith Zammit</b>
<b>Expiry Date:</b>	<b>06/07/2023</b>

### **Summary**

Permission is sought for a replacement dwelling house. The development complies with local and national policies and guidance and in all the circumstances is recommended for APPROVAL.

The application is presented to the committee because since submitting the application the applicant has been elected as a councillor. The applicant is Councillor Benjamin Bizzell

### **Site Visit**

It is not recommended that members need to visit the site prior to determination of this application.

### **Introduction**

The existing property is a three-bedroom, detached chalet style dwelling on the east side of Mount Road, just to the north of the junction with Southwell Road. The land slopes down to the east (rear) and to the south.

To the north is a detached dwelling, number 38, with the appearance of a bungalow from the front but two storeys at the rear. To the south, at number 34, is a further chalet-style dwelling. The property backs onto woodland.

### **The Proposal**

The application seeks permission for the rebuilding of number 36, Mount Road due to structural issues. The proposed replacement property would be chalet-style to the front aspect, maintaining comparable ridge and eaves lines with number 38, and at the rear would have three floors due to the fall of the land. The accommodation would have four bedrooms, five bathrooms, a further WC, two living areas and a study.

The proposed materials are brick, render and cladding to match adjacent properties.

### **Supplementary Documentation**

The application is accompanied by a Design and Access Statement which explains how the property is suffering structural problems and that the proposed replacement will be built to higher energy and water efficiency standards.

### **Planning History**

None

### **Relevant Government Guidance and Local Plan Policies**

National Planning Policy Framework (2021)

Local Plan (1998):  
EC2 – Design  
T8 – Parking standards

Residential Design Guidance (2013):

RDG2 – Space around dwellings  
RDG3 – Building lines  
RDG5 – Privacy and living conditions  
RDG6 – Amenity space  
RDG7 – Roof development  
RDG12 – Parking and access  
RDG16 – Liveable homes

Essex Vehicle Parking Standards (2009)

Technical Housing Standard – Nationally Described Space Standard (2015)

### **Community Infrastructure Levy:**

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.

The proposal seeks to rebuild a dwelling with an increase in floorspace and is therefore CIL liable.

### **Consultation**

Highways – No objection with conditions suggested to cover the widening of the access, no unbound surface material being used, dimensions of parking spaces and areas for building materials being identified.

Legal Services – No observations

### **Public Consultation**

The following objection comments have been made:

- o Scale, size, bulk and dominance of the flank elevation design
- o The extensions to the existing property step away from the boundary rather than running straight along it
- o Large, flat roof dormer style extension is unsightly
- o Overlooking of neighbouring property from first floor balcony
- o Stepped first floor plan not reflected on elevations
- o Side windows would need to be obscure glazed and could trespass over boundary
- o Design/depth of raised parking area inadequate
- o Parking area would be obtrusive to neighbouring bedroom window
- o Fall risk from raised parking area
- o Inaccuracies on plans re. path between no.36 and no.38, and front elevation
- o Privacy screens to one side of first floor balcony only
- o Can the waste bins be relocated away from neighbouring properties main entrance?

## Comments on Consultation Responses

- o The design of the proposed dwelling and the impact on neighbouring residents' amenity are considered in the evaluation of the proposal.
- o Issues concerning the boundary between properties are a civil matter.
- o Amended plans have been received to address inconsistencies and to increase the size of the parking area to ensure adequate depth (5.5m).
- o Risk of falls from raised areas on private property is not a planning matter and would be considered under Building Regulations.
- o The conditions suggested by the highway authority will be incorporated into any recommendation to grant planning permission where reasonable and necessary.
- o The applicant has not moved the refuse storage away from the neighbour's front door but having looked at the elevations it is an enclosed cupboard so would not be unsightly for the neighbour.

## Evaluation of Proposal

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 set out that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (paragraph 2 of the Framework).

The development plan for Castle Point is the policies of the 1998 Local Plan (LP) that were saved by direction under Article 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

The policies of the LP most relevant to this appeal are EC2, which seeks a high standard of design in new buildings, and T8, which requires parking to be provided in accordance with standards published by Essex County Council. These policies are consistent with the Framework objectives of achieving well-designed places and promoting sustainable transport.

The main issues raised by the application are the design, impact on neighbours, the level of amenity for future occupiers and parking implications.

### *Design*

The proposal seeks to replicate the general form and scale of the existing property when viewed from the street. It would not be identical to the existing dwelling, as the ridge line would be slightly above that of no.38, where the existing property is a fraction lower. This would look a little awkward as the application property is on lower ground than no.38, but not to a degree where a refusal of planning permission would be warranted. A neighbour mentions that the large, flat-roofed dormer style extension is unsightly, which it is assumed refers to the rear aspect of the development. Flat-roofed rear additions, however, are a theme of properties in the immediate vicinity and in this context the proposal would not appear out of place. There is therefore no design objection.

Within the council's Residential Design Guidance, RDG2 states that the space around all new development should be informed by the prevailing character of space around dwellings, with at least 1m between dwellings and the boundary. The proposed dwelling would be some 1.6m from the boundary on its southern side which would be in keeping with the character of the area. On the northern side it would be 0.1m to 0.2m from the boundary which is not considered to be in keeping with the area, however, the existing dwelling is directly on the northern side boundary. This proposal represents a marginal improvement so it is not considered that an objection on this basis could be robustly defended at appeal.

RDG3 requires proposals to respect established building lines. The proposal would be in keeping with the building line on this side of the street. There is therefore no objection to the proposal based on RDG3.

RDG7 states that the roof design of any development should be compatible primarily with the dwelling but should also be informed by the prevailing character of the area and surrounding forms of roof development. The roof of a dwelling, either built as new or extended or altered, should be proportionate to the remainder of the dwelling and not be top heavy, prominent or dominant. Dormers should be an ancillary feature of the roofscape, must not dominate it and must be provided with substantial roof verges.

The general form and scale of the roof is appropriate to the dwelling proportions. The front dormer would not be out of keeping with roof development locally. The proposal would not be at variance with the area in terms of roof design and features so there is no objection based on RDG7.

#### *Impact on neighbours*

RDG3 also requires development not to cause excessive overshadowing or dominance of adjacent properties. It is noted that a comment has been received from the neighbouring property on the northern side relating to the size, bulk and dominance of the proposal. While the general footprint of the new property would be on that of the existing, it is being enlarged at the rear by going over the existing single storey rear extension. At first floor, there is a cut out section proposed on the north side to reduce the impact on the neighbouring dwelling. Due to this cut out section and the general size and siting of the proposed replacement dwelling, the impact of the proposal on the properties either side of the site is considered to be acceptable.

RDG5 deals with privacy and requires a distance of at least 9m to be provided between first floor windows (or edges of balconies) and the boundaries of the site, increasing to 15m at second floor level, to prevent excessive overlooking of adjacent sites. Oblique views are not protected.

The proposed floor layout includes side windows which do not provide these distances to the boundaries, however, they are secondary windows which could be obscure glazed with limited opening to prevent overlooking of adjacent sites without leading to unsatisfactory living conditions within the rooms. The front windows would overlook the street which is within the public realm and not considered to lead to undue overlooking of properties opposite. The property backs woodland so there would be no loss of privacy caused by rear facing windows. Subject to a condition for obscure glazed side windows there is no objection to the proposal on the ground of overlooking. This condition should apply to side windows on all floors given the site level changes.

Concern has been raised about overlooking from the rear balconies. The applicant has confirmed that screens will be installed to the balcony sides to prevent excessive overlooking of neighbouring plots. Subject to a condition requiring these screens to be provided and retained there is no objection to the proposal on the basis of RDG5.

#### *Amenity for future occupiers*

RDG5 also requires windows to be designed and be of a size which provides for adequate natural light, outlook and ventilation to the room they serve. The proposal does not give rise to any cause for concern in this respect.

RDG6 requires amenity space to be provided in proportion to the size of the dwelling. At least 15sqm per habitable room should be provided, with a minimum of 50sqm per dwelling.

The proposed dwelling is viewed as having eight habitable rooms requiring an amenity area of 120sqm. The property has a rear garden of approximately 300sqm which satisfies this requirement.

RDG16 states that all new dwellings should provide appropriate internal space and circulation space reflecting the character of the surrounding area and current best practice. The DCLG 2015 Technical Housing Standards – Nationally Described Space Standard is an example of best practice.

The proposed dwelling is considered to be a four-bedroom, five-person, three-storey property (all the bedrooms other than the master are only counted as singles, due to them having a floor area of less than 11.5sqm). Resultantly, this dwelling should have a gross internal area of 103sqm. A gross internal area of 216sqm would be provided, easily satisfying the standard.

The built-in storage requirement is 3sqm. There is a cupboard in the hall of 2.1sqm and a lower ground floor plant/storeroom of 4.4sqm which makes 6.5sqm of built-in storage, exceeding the minimum requirement.

The proposed dwelling meets space standards so there is no objection based on RDG16.

#### *Parking*

LP policy T8 requires the provision of parking in accordance with the county parking standards. The current standards require the provision of at least two spaces for properties with two or more bedrooms. Following the adjustment of the plans to meet required parking bay dimensions the proposal complies with the parking standard and there is no objection based on policy T8.

RDG12 requires parking not to be detrimental to visual or residential amenity. The proposal for two parking spaces on the site frontage with a widened vehicular access would not look out of place in a street where most properties have some form of frontage parking.

The property to the north has made a comment about the raised parking being obtrusive to their front bedroom window, although a site visit showed that there was boundary vegetation on the neighbour's side which they could retain to provide screening. Under these circumstances and given the limited height of the raised parking area the parking arrangement is not considered to be unduly obtrusive.

#### **Conclusion**

The proposed replacement dwelling displays no areas of conflict with national or local policy and it is therefore recommended that planning permission be granted.

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

#### **Conditions/Refusal Reasons**

- 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 Prior to commencement of construction of the approved dwelling house, details or samples of all materials to be used on the external surfaces of the development and on any hard standing shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and because the details submitted were insufficient for consideration of this aspect of the proposal.

4 Prior to first occupation of the dwelling house, any windows in the side elevations shall be

- 
- (i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and
- (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed;

and retained as such thereafter.

REASON: In order to prevent overlooking of adjacent residential properties.

5 Prior to first occupation of the dwelling house, obscure glazed screening to at least level 3 on the Pilkington scale (or such equivalent as may be agreed in writing with the local planning authority) and with a height of at least 1.8m from the floor surface of the balcony shall be installed along the side edges of the balconies and thereafter retained.

Reason: To prevent excessive overlooking of adjacent residential properties.

6 Prior to first occupation of the dwelling house, the approved car parking shall be provided, hard surfaced and drained in accordance with SuDS principles, together with properly constructed vehicular access to the highway, in accordance with the approved plans. Thereafter, these spaces shall be kept available for the parking of vehicles and not used for any other purpose.

Reason: To avoid additional on-street parking in the interest of the amenity and convenience of surrounding residents.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order), no rear or upward extensions to the dwelling shall be carried out.

REASON: The dwelling hereby approved is larger than that which it replaces and the uncontrolled erection of extensions has the potential to adversely affect the amenity of adjacent residential properties.

8 Prior to first occupation of the dwelling house it shall be provided with an operational electric vehicle charge point. Such charge point shall thereafter be retained.

REASON: To make provision for the charging of electric vehicles in accordance with government guidance in the National Planning Policy Framework.

## **Informatives**

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application and negotiating acceptable amendments to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for a revised scheme, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## ITEM 2

<b>TPO Reference:</b>	<b>TPO 1/2023</b>
<b>Address:</b>	<b>57 The Chase, Thundersley, Benfleet, Essex, SS7 3BZ (Cedar Hall)</b>
<b>Description of Proposal:</b>	<b>Tree Preservation Order</b>
<b>Case Officer:</b>	<b>Mr Stephen Garner</b>
<b>Provisional Order Expiry Date:</b>	<b>17/07/2023</b>

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### Purpose of Report

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

### Summary

This report relates to an Oak (*Quercus Robur*) tree located to the front of No.57 The Chase, Thundersley. The tree sits on the eastern corner of the junction between The Chase and Tudor Close and is currently the subject of a provisional TPO which was made on 17<sup>th</sup> January 2023 and will expire on 17<sup>th</sup> July 2023.

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

The tree is considered to contribute to the amenity of the streetscene and officers consider that the tree 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 consider that a tree warrants protecting, they may issue a provisional TPO which lasts for a period of six months. Whether to issue a TPO will be supported by an assessment of the tree by officers, its suitability for protection and its contribution to the amenity of the surrounding area.

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

This Oak tree sits to the front of No.57 The Chase, Thundersley. Application 22/0893/FUL to demolish No.57, a bungalow, and erect a new dwelling was submitted in December 2022. In assessing this application, officers were concerned that the tree might be removed during the course of the works, which had happened at the property next door. Permission was granted for the demolition of the property and to construct a new larger dwelling on 16<sup>th</sup> January.

## Action Taken

To inform whether to issue a TPO, the council undertake 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 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.

A TEMPO assessment was undertaken with a total score of 20/25 which shows that the tree definitely merits a TPO. A copy of the TEMPO assessment can be found at Appendix 1 to this report.

Following the TEMPO assessment, on 17<sup>th</sup> January 2023 officers issued a provisional TPO to protect the Oak tree. A copy of this provisional TPO can be found at Appendix 2. Copies of this were hand delivered to No.57 The Chase.

On Tuesday 21<sup>st</sup> February 2023 officers received a complaint from a resident via a councillor that works had been undertaken to an oak tree to the front of No.57 The Chase. On visiting the site, it was obvious that the works had not occurred on that day and after speaking to people in the house and informing them that the tree was protected, they stated that UK Power Networks had undertaken the works to the tree. After contacting UK Power Networks on 21<sup>st</sup> February, they stated they would get back to officers with more information as it was unusual that they would fell an entire tree and not just cut branches near the powerlines back.

UK Power Networks contacted officers again on Thursday 23<sup>rd</sup> February to inform that their contractors were back on site again to finish felling the tree. Officers immediately attended the site and stopped any further work to the tree and proceeded to inform the contractors that the tree was protected and that the works were unauthorised. It should be noted that no evidence of rotten branches or logs were immediately visible or identifiable on the site visit.

The contractors stated that they had checked whether the tree was preserved, which turned out to be six months prior to carrying out the works, when the tree was not preserved. Copies of the TPO were at this point again provided to the occupants of the dwelling and the contractors, and a site notice erected on what was left of the tree to make any interested party aware of the TPO.

What was left and what is currently there is the trunk from the poorly carried out pollard, leaving the main tree as a single upstand that has begun to experience some good levels of growth after the works. A comparison of the tree before and after the works were undertaken can be seen in Appendix 3.

UK Power Networks and their contractor have been advised by officers that they need to check if trees are preserved closer to the time of the actual works.

## 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 before the 17<sup>th</sup> July 2023.

Representations objecting to the Order has been received from the owner of the property, which make the following points:

- UK Power Networks carried out the works which left the tree in its current state
- The tree had been allowed to grow to an unmanageable size which was interfering with the power lines
- At the time of checking there was no TPO on the tree
- Originally UK Power Networks were going to just trim the branches back but began noticing rotten branches and had to remove more branches to even up the trees crown
- The tree now looks out of place and is an eyesore
- The tree will shed leaves and acorns onto the driveway and footpath making it uneven and slippery
- Falling acorns and branches have damaged my vehicle during high winds
- The tree will cause subsidence to the new house

The owner of the property has also submitted a letter from a tree surgeon which is attached to this report in Appendix 4. In summary, the letter states that after inspection the tree is considered to have a low amenity value and that there are pockets of decay that penetrate to the centre of the trunk with signs of bracket fungus. The overall recommendation is that the tree is removed in its entirety and be replaced with a suitable alternative.

A site visit was conducted on 24<sup>th</sup> May 2023 with Ryan Lynch the councils Operational Services Manager who is LANTRA certified and qualified. His findings are detailed in Appendix 5 however, Mr Lynch ended his assessment stating:

*"At this point in time I have no concern with regards to the safety of the tree and would therefore recommend this lovely old tree is monitored whilst it tries to recover from the works carried out. I would recommend the tree is visited twice a year to monitor its progress and inspect for disease/decay as a result of the works carried out."*

It should be noted that following the site visit and also the visit whilst the contractors were there, that no decay or rotten wood was immediately visible or identifiable. Indeed, percussive tests on the tree carried out by Mr Lynch indicated that the base was solid and not hollow which would be an indication of decay.

Following the response from the owner of the property and the submitted letter from their tree surgeon, as well as the outcome of the findings from the councils own specialist, a new TEMPO assessment has been undertaken which can be found at Appendix 6.

The tree as it stood when it was initially preserved warranted protection with a score of 20/25. Whilst the tree as it currently stands scores lower on the TEMPO assessment than when the TPO was initially issued, the assessment still indicates that the tree warrants protection. This is particularly prudent given the advice received by the council's specialist that they have no concerns currently with the tree and that it is monitored as it tries to recover from the traumatic works.

To address some of the comments objecting to the TPO, whilst the tree currently looks out of place, it has the potential to grow and will over time stand out less in the streetscene as it grows more leaf cover within the crown of the tree.

Falling leaves and acorns, whilst an inconvenience, can be remedied by clearing up any leaf litter and is something that many tree owners do in the autumn. It is the responsibility of a tree owner to maintain their tree(s) in a safe and suitable manner, dead or dangerous branches should be removed. Placing a TPO on a tree does not prevent works to a tree, it just restricts them to ensure that the health of the tree and the amenity it offers to the surrounding area are at the heart of any works which take place.

The tree has likely been in existence since before the existing house and if the house is to be demolished and rebuilt, it would be possible to construct the new dwelling, so it is not impacted by the tree's roots through the creation of root protection barriers. It is also possible through regular maintenance of the tree that the size of the crown can be kept in check to ensure the root system of the tree does not greatly expand in size to reduce the potential risk of damaging property.

Whilst the tree has a lower score in the TEMPO assessment currently than it did when the provisional Order was made, it still scores highly enough to warrant protection. Furthermore, there is the potential that with careful future management and care that the tree will continue to grow and flourish under the circumstances. Given its prominent location on a corner plot, it is considered that even in its current state, it has a good amenity value which will only increase as the tree recovers.

On this basis, 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 in protecting the tree, this does not prevent further suitable works to the tree itself, or in the event that the tree's health declines at some point in the future or it becomes dangerous, its removal. Indeed, the authority receive many applications every year to undertake pruning or reduction works to preserved trees which are acceptable and part of maintaining a tree and ensuring that it doesn't grow too large for its growing environment.

It should also be noted that this tree will require regular maintenance to remove epicormic growth (growth on the lower parts of the trunk), as detailed in the response from Ryan Lynch, but this should not happen immediately so that the tree can have some time to recover from the works. It will also require maintenance to ensure that long brittle stems are removed where appropriate to encourage good, strong stems to grow following the works to the tree. Once the crown has established, a cyclical scheme of works to the tree is likely to be required to ensure the tree maintains a good shape and form, and also does not interfere with the nearby power lines. This maintenance is the responsibility of the tree owner and any works to the tree would need to be approved by the Local Planning Authority as part of an application.

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

The Council can confirm the provisional Tree Preservation Order, which will protect the tree. 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 and it may be felled.

### **Implications of Inaction**

Not confirming the Order could result in the loss of the tree. This would have the potential to further harm the character and appearance of the streetscene by removing the beneficial amenity value added to it by this prominent tree.

## Financial Implications

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

## Conclusion

The tree as it was when the Order was made, made a strong positive contribution to the amenity of the surrounding area and despite the works, still provides a reasonable contribution to the amenity of the surrounding area.

The tree scored highly in the TEMPO assessment, even after the unauthorised works, justifying the need and expediency of protection to merit a TPO whilst officers have justified the reasoning behind making the TPO, contrary to the objection comments 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 a Tree Preservation Order in respect of the tree **BE CONFIRMED**.**

## Appendix 1 – TEMPO Assessment

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

### SURVEY DATA SHEET & DECISION GUIDE

Date: 16/01/2023

Surveyor: Stephen Garner

#### Tree details

TPO Ref (if applicable): N/A  
Owner (if known): Unknown

Tree/Group No: 1  
Species: Oak  
Location: Front of 57 The Chase, Thundersley

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

##### a) Condition & suitability for TPO

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

Score & Notes	
5 – The tree has good shape and form, and it appears to be in good health	

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

##### 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

Score & Notes	
5 – The tree appears well established but relatively young and well cared for would seem to have a good long life ahead of it	

\*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	Highly suitable	Score & Notes 5 – the tree is very large and on a prominent corner plot
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	

### 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 2
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	

### Part 2: Expediency assessment

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

5) Immediate threat to tree	Score & Notes 3 – The neighbouring property after being granted consent for extensive works removed the tree to the front of their tree and planning permission is expected to be granted at the property this tree is situated in.
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
7-10	Does not merit TPO
11-14	TPO defensible
15+	Definitely merits TPO

Add Scores for Total: 20	Decision: Issue TPO
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## Appendix 2 – Tree Preservation Order

## Town and Country Planning Act 1990

### The Tree Preservation Order 1/2023, 57 The Chase, Thundersley, Benfleet, Essex SS7 3BZ

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 1/2023, 57 The Chase, Thundersley, Benfleet, Essex SS7 3BZ.

#### 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 17th January 2023

Signed on behalf of Castle Point Borough Council

A handwritten signature in black ink, appearing to read "S. Gower".

Authorised by the Council to sign in that behalf



**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 in the front garden close to the front boundary

**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: 1/2023

Signed on behalf of CASTLE POINT BOROUGH COUNCIL

*S. Gower*

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



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### Appendix 3 – Before and After Photographs



Image 1 – April 2009



Image 2 – September 2016



Image 3 – April 2021



23/02/2023 11:18:54 am

Image 4 – 23<sup>rd</sup> February 2023



16.06.23 10:16

Image 5 – 16<sup>th</sup> June 2023

## Appendix 4 – Owners Tree Surgeon Assessment



Tree report for large standing stem of a *Quercus robur* (common oak) at 57 The chase, Benfleet SS73BZ.

At first visual inspection the standing stem has a low amenity value and is extremely close to 11,000 KVA uninsulated overhead powerlines which will cause severe problems if tree is allowed to interfere with cables. Second climbing inspection tree has several wet pockets of decay that penetrate to the center of the trunk, signs of bracket fungus and gamma derma fungus what are both fungus' that effect the inner structure of the tree. Ref BS2998 these types of decay and fungus should be removed as they are not manageable.

My recommendations: tree to be removed in its entirety as it has a low amenity value and the potential of complete failure and decay. Tree to be replaced with a suitable tree allowing clearance from overhead powerlines when tree matures.

Jonathan Estall

## Appendix 5 – Council’s Tree Assessment

My findings from our inspection of the Quercus Robar (Oak) below.

My first thoughts when inspecting this mature Oak is that the works carried out on the tree were most certainly not inline with BS 3998. It is my opinion that the works carried out have adversely effected the sustained growth of this tree due to the complete removal of canopy. Any pruning is a form of damage and needs to be carefully considered, the wounds left are open to disease and are then often a cause of decay therefore pruning and the resultant wounds should be kept to a minimum. If such heavy pruning was needed it should have been a phased removal over a number of years to retain enough leaf area for satisfactory physiological function and not the complete removal of all the canopy.

Notwithstanding the above looking at what's left of the tree I can confirm that it is very straight and therefore not unbalanced, there are no signs of decay or bracket fungus visible and the ground level inspection with a nylon percussion hammer also indicates there is no decay within the tree at this level. The tree is showing a large amount of epicormic growth from ground level all the way up and all around its circumference. This growth will be a direct result of the work and is a sign of stress, it is the tree desperately trying to compensate for the lack of leaf surface the works have caused. The growth should be monitored and in time the lower growth removed cleanly back to its point of origin in winter before the growth exceeds 20mm in diameter (all growth is currently needed)

At this point in time I have no concern with regards to the safety of the tree and would therefore recommend this lovely old tree is monitored whilst it tries to recover from the works carried out. I would recommend the tree is visited twice a year to monitor its progress and inspect for disease/decay as a result of the works carried out.

Regards Ryan

**Ryan Lynch**  
Operational Services Manager  
Environment Directorate

## Appendix 6 – Updated TEMPO Assessment

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

### SURVEY DATA SHEET & DECISION GUIDE

Date: 16/06/2023

Surveyor: Stephen Garner

#### Tree details

TPO Ref (if applicable): N/A  
Owner (if known):

Tree/Group No: 1  
Species: Oak  
Location: Front of 57 The Chase, Thundersley

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

##### a) Condition & suitability for TPO

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

Score & Notes
1 – the tree is currently in a poor condition due to the level of work undertaken to it, but it is showing signs of regrowth following the works.

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

##### 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

Score & Notes
4 – The tree appears well established but relatively young and well cared for has the continued potential to have a good long life ahead of it, although it is possible that the works could shorten the life of the tree.

\*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	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 – the tree is still relatively large but is smaller in size compares to previously and on a prominent corner plot.

##### 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

Score & Notes
1

## **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

5 – Extreme works have already been undertaken to the tree and it is clear that the desire is there to continue to fell the tree by the property owner.

## **Part 3: Decision guide**

Any 0	Do not apply TPO
1-6	TPO indefensible
7-10	Does not merit TPO
11-14	TPO defensible
15+	Definitely merits TPO

Add Scores for Total: 14	Decision: Confirm TPO
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