



**REPORT of
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
18 JUNE 2025**

Application Number	TPO 01/25
Location	46 East Street, Tollesbury, CM9 8QE
Proposal	Confirmation of TPO 01/25
Applicant	T.Reynolds
Target Decision Date	2 April 2025
Case Officer	Matt Bailey
Parish	TOLLESBURY
Reason for Referral to the Committee / Council	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation.

1. RECOMMENDATION

CONFIRM Tree Preservation Order (TPO) 01/25 without any modifications.

2. SITE MAP

Please see below.

Tree Preservation Order		Details	
<p>To the front of 46 East Street, Tollesbury</p>		<p>T1 - Ash</p>	
<p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>		<p>Scale: 1:625</p> <p>Organisation: Maldon District Council</p> <p>Department: Department</p> <p>Comments: TPO 20/24</p> <p>Date: 02/10/2024</p> <p>MSA Number: 100018588</p>	
<p>www.maldon.gov.uk</p>			

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 In September 2024 an application (24/00696/TCA) was submitted to fell the T1 Ash Tree. The Councils Arboricultural Consultant raised an objection stating that,

The tree is highly visible from the public realm and makes a high contribution to the local visual amenity value. Although the applicant has stated that damage to the driveway is occurring no evidence of this has been supplied to prove this. The removal of the tree would have a high negative impact on the local visual amenity and regular maintenance pruning would help to keep the tree at a suitable size and limit potential damage to property by restricting root growth. Therefore, this application will be refused on Arboricultural grounds, and it is advised a Tree preservation Order to be served on this tree.

- 3.1.2 The tree has been previously reduced through application 14/01035/TCA which would help restrict root growth and keep the tree at a suitable size for its location. It is recommended that the applicant undertakes a crown reduction by 3-4m back to previous pruning points as this will help to limit any potential damage and limit the trees overall size'.
- 3.1.3 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment, which is the nationally accepted system of scoring the amenity value of a tree, was carried out by the Councils Arboricultural Consultant. The TEMPO assessment scored the tree 17 out of 25 and concluded that the tree definitely merited a TPO. Therefore, a TPO was served as a provisional order on 21 January 2025, which must be confirmed within six months to become permanent and thus continue the trees protection.
- 3.1.4 One letter of objection has been received from the owner of 46 East Street relating to the serving of the TPO 01/25 located on the grass verge to front of / north 46 East Street.
- 3.1.5 The objection remains unresolved; therefore, the question of whether or not to confirm the TPO has been brought before members to determine.
- 3.1.6 For the purposes of the report going forwards, the tree (Ash) subject to this report will be referred to as T1.

3.2 The Site

- 3.2.1 The T1 (as identified in the TPO) is located to the front/north of 46 East Street on the grass verge adjacent to the pavement, within a residential setting. It is situated within the defined development boundary of Tollesbury and within the designated Conservation area.
- 3.2.2 The T1 is highly visible from the public realm of East Street and therefore provides high visual amenity.
- 3.2.3 An assessment of the T1 suggests it is suitable for retention and has a lifespan of 20 to 40 years.

4. MAIN RELEVANT POLICIES

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

4.1 Relevant Planning Guidance/Documents

- National Planning Policy Guidance (NPPG).

4.2 Other Relevant Guidance:

- Wildlife and Countryside Act 1981 (as amended)
- The Conservation of Habitats and Species Regulations 2017

4.3 Government Guidelines:

4.3.1 Government guidelines advise that the Local Planning Authority (LPA) is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

4.3.2 If Members decide to confirm TPO 01/25, the owners have the right to make an application to the High Court to challenge the validity of the TPO. There are specific grounds on which this application must be made:

1. That the TPO is not within the powers of the Act, or
2. That the requirements of the Act or Regulations have not been complied with in relation to the TPO.

4.3.3 There are costs involved in this procedure which can be awarded. An application must be made within six weeks of the date the TPO was confirmed.

5. MAIN CONSIDERATIONS

5.1 The T1 is situated to the north/front of 46 East Street, Tollesbury. The T1 tree is visible from the public realm of East Street and therefore provides high visual amenity.

5.2 An assessment of the tree shows it to be in good condition, free of ill health and major defects with a well-balanced crown. In its location it is expected that the tree can continue to thrive for 20 to 40 years.

5.3 NPPG states (Paragraph 10 reference ID: 36-010-21040306) 'It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. However, it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases, the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.'

5.4 The T1 is located within a Conservation Area. An application was submitted in September 2024 to fell the tree (24/00696/TCA) however, this was subsequently refused, and a TPO was served for the following reason, '*the proposed works to T1,*

Ash tree would have a detrimental impact on the character and appearance of the surrounding conservation area and therefore, the works to these trees cannot be found acceptable and a Tree Preservation Order under reference 20/24 has been served on 8th October 2024'.

- 5.5 As the correct procedure for serving the TPO 20/24 was not followed, the TPO was revoked and re-served (reference 01/25) on 21 January 2025.
- 5.6 In the interest of protecting this prominent landscape feature and the amenity value of the tree within the locality, the Ash tree was assessed using the TEMPO which is designed as a guide to decision making and stands as a record that a systematic assessment has been undertaken. The TEMPO considers all of the relevant factors in the TPO decision making chain including amenity assessment, expediency assessment and decision guide. Within the assessment the Ash tree scored 'good' for the suitability of a TPO for amenity due to its size and location which is visible within the public realm of East Street. The assessment showed the tree to be in good condition. The expediency assessment reflected the immediate threat to the tree, as there is pressure to remove the tree due to driveway damage and conflict with the garage building. In addition, an application had been submitted to fell the tree (24/00696/TCA). The Ash tree scored an overall total 17 out of 25 which means that the tree definitely merits a TPO.
- 5.7 It is worth noting that the guidance provided alongside the TEMPO assessment acknowledged that the reason for serving the TPO can be quite minor (precautionary only).
- 5.8 It should be noted that the TPO would not prevent future works to the trees from being carried out, however it would control any such works to ensure that they were suitable, justified and did not harm the health of the trees or the amenity value they offer to the surrounding area.

6. **ANY RELEVANT SITE HISTORY**

Application Number	Description	Decision
14/01035/TCA	T1 Ash Tree – Reduce crown by 3 to 4 metres. T2 Chestnut - Fell	Allowed to proceed.
24/00696/TCA	T1 Ash Tree – Fell	TPO served.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Interested Parties**

- 7.1.1 **One** letter has been received **objecting** to the TPO 01/25 and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Ash tree is a woodland tree unsuitable for an urban setting in close proximity to buildings. There are more suitable ornamental trees that could be planted.	Noted.
Concern about the damage tree is causing to my property.	No evidence submitted.

Objection Comment	Officer Response
Heave of pavers causing trip hazard to persons on my property.	Noted.
Possible threat to house foundations.	No evidence submitted.
Canopy striking high sided vehicles.	This could be managed with a reduction to crown.
Canopy obscuring school warning sign.	This could be managed with a reduction to crown.
Utility cables pass through canopy.	This could be managed with a reduction to crown.
Tree does not appear to be healthy.	The Council's Arboricultural Officer has not raised any concerns regarding health of tree.

8. **CONCLUSION**

8.1 The (T1) Ash tree, subject of the TPO, makes a contribution to the character and appearance of the surrounding area due to its size and location. Given that the TEMPO assessment scored 17 for the tree it definitely merits serving a TPO, it is considered that the TPO should be confirmed to prevent the felling of the tree or inappropriate works being carried out which could harm the amenity value and overall health of the tree.

8.2 **Photo of Ash tree (T1)**

