



**Planning Committee**  
**5<sup>th</sup> March 2024**

<b>Application No</b>	:	23/01916/PIP Permission in Principle
<b>Location</b>	:	Land Adjacent White Cottage South Street Great Waltham Chelmsford Essex
<b>Proposal</b>	:	<b>Permission in principle for the erection of one 1.5-2 storey dwelling house, with associated parking spaces, garage and garden areas.</b>
<b>Applicant</b>	:	Ms Stephanie Dodwell
<b>Agent</b>	:	Miss Lilli Bartella
<b>Date Valid</b>	:	7th December 2023

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## 1. Executive summary

- 1.1. The application is referred to the Planning Committee at the request of a local Ward Member (Councillor Steel) so that the principle of development on this plot and its impact on the Rural Area, the Conservation Area and the setting of South House and White Cottage, which are listed buildings, can be considered by the Planning Committee.
- 1.2. This application seeks to establish the principle of development on the site. There are no other matters to be considered with this proposal referred to as an application for permission in principle. The description of the proposal however states that permission is sought for a two-or three-bedroom, 1.5-2 storey dwelling with a garage and other associated domestic paraphernalia.
- 1.3. The application site is located outside of the Defined Settlement of Great Waltham but falls within the Great Waltham Conservation Area. It is also considered to form a part of the setting of South House and White Cottage, which are grade II listed buildings.
- 1.4. The application is considered to be contrary to national and local planning policies on the grounds that the development is located within the Rural Area outside of the Defined Settlement boundary, results in adverse impact on the character and beauty of the Rural Area, results in adverse impact on the historic setting of South House and the Great Waltham Conservation Area, fails to demonstrate adequate protection of ecology, and fails to mitigate recreational disturbance within a zone of influence of European designated site (more commonly known as RAMS mitigation which is further explained at 'Habitat Regulations' section of this report).
- 1.5. Refusal is recommended.

## 2. Description of site

- 2.1. The application site is a plot of land located to the southwest of White Cottage, South Street. The site is located outside of the Defined Settlement of Great Waltham but lies within the Great Waltham Conservation Area.
- 2.2. The site is situated between two grade II listed buildings: White Cottage to the east and South House to the west. The undeveloped and vegetated site between the two listed buildings forms a part of their historic setting.
- 2.3. The land is currently an area of grass, enclosed by native hedgerows. There are also a number of mature trees on the site, which are a range of native and non-native species; these are protected by their Conservation Area location. The natural characteristics of the site contribute towards character and appearance of the Conservation Area.
- 2.4. The transition from village (more urbanised) character to rural character is evident within this section of street, with more close-knit housing grain giving way to looser grain of properties interspersed with strong presence of greenery. This character directly relates to the positioning of this site relative to the Defined Settlement. The south side of South Street has an overtly more verdant character compared to north side which has a strong influence on local character.
- 2.5. Access to the site is via a 5-bar timber gate, situated to the northeastern boundary adjoining South Street.



### 3. Details of the proposal

- 3.1. This application for permission in principle seeks to establish the principle of development on the site. There are no other matters to be considered with this proposal.
- 3.2. No indicative plans have been submitted with the application to show any buildings on the plot or any potential layout of development within the site.
- 3.3. The description of the proposal seeks permission for a two-or-three-bedroom, 1.5-2 storey dwelling with a garage and other associated domestic paraphernalia.
- 3.4. There is an existing vehicular access, which is currently gated, from South Street. It is likely intended to reuse this existing access but no plans confirming this are provided.
- 3.5. The permission in principle route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail and wider considerations of the development. The permission in principle route has 2 stages: the first stage establishes whether a site is suitable to obtain 'permission in principle', and the second stage considers more 'technical details' and is where full development details reserved under the initial stage would be assessed.
- 3.6. Certain types of development are excluded from obtaining a grant of permission in principle. The Planning Practice Guidance (PPG) advises that development on land not defined as previously developed can apply for permission in principle via the application route (PPG Paragraph: 004 Reference ID: 58-004-20190315).
- 3.7. The PPG advises that applications for Permission in Principle (PIP) must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise. The scope of decision-making at permission in principle stage is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. The provisions of Habitat and Species Regulations 2017 also apply at permission in principle stage (PPG Paragraph: 005 Reference ID: 58-005-20190315).

### 4. Other relevant applications

- 4.1. 01/01583/OUT – Refused on 1st February 2002. Outline application for new dwelling.

It was concluded that the proposed development would have a detrimental impact on the rural landscape and character of the area. It would have resulted in harm to the Conservation Area in that it would detract from the openness of the site and result in the loss of mature trees and hedges, all which make up the character of this part of the Conservation Area.

- 4.2. 10/01409/OUT - Refused on 31st March 2011. New dwelling (all matters reserved).

It was determined that the proposal conflicted with local plan policies as it was located outside the Defined Settlement boundary, within the Rural Area. Furthermore, it was considered that

the proposed building, together with the associated garden area and domestic paraphernalia would have been visually intrusive and harmful to the open character of the site and the character and appearance of the countryside.

It was considered that the proposed new building, parking area, the need for visibility splays for the vehicular access (which would require removal of a significant level of vegetation) and domestic paraphernalia would all have had an adverse impact on the setting of South House and the views over the agricultural land to the south. As such it was considered that the proposed development would have resulted in an adverse impact on the character of the Conservation Area.

#### 4.3. 11/00066/REFUSE Appeal Dismissed on 9<sup>th</sup> March 2012. New dwelling (all matters reserved).

The Inspector upheld the Council's decision (as above) and stated that no adequate justification for the appeal development which would meet the Development Plan policies had been put forward. The site was correctly identified, and it lies within the Rural Area. The development in Rural Areas is restricted by the Development Plan policies. Planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise.

With regards to the impact on the Conservation Area and the setting of the listed building, the Inspector concluded that the proposed development would not have preserved or enhanced the character and appearance of the Great Waltham Conservation Area and would have adversely impacted on the setting of the Grade II listed building South House.

## 5. Summary of consultations

- Great Waltham Parish Council – no objections.
- Essex County Council Highways - impact of the proposal is acceptable to the Highway Authority, subject to conditions involving removal of the existing hedge and possible trees.
- Public Health & Protection Services - this residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles.
- Local residents – no representations received.

## 6. Planning considerations

### *Main Issues*

- 6.1. Whether the principle of development is acceptable on this plot.
- 6.2. Whether the proposal would impact on the character and beauty of the Rural Area beyond the Defined Settlement boundary.
- 6.3. Whether the character of the Conservation Area and the setting of the listed buildings would be sufficiently preserved by the proposal.

### ***The principle of the development***

- 6.4. Strategic Planning Policy S1 sets out the Spatial Principles upon which the Local Plan is based. The Policy states that the Council will require all new development to accord with the Spatial Principles, which include: optimizing the use of suitable previously developed land for development; locate development at well-connected and sustainable locations; respecting the character and appearance of landscapes and the built environment; focusing development at the higher order settlements outside of the Green Belt and respecting the existing development pattern and hierarchy of other settlements.
- 6.5. Strategic Policy S11 of the Chelmsford Local Plan states that the intrinsic character and beauty of the Rural Area will be recognised, assessed and development will be permitted where it would not adversely impact on its identified character and beauty. Planning permission for development within the Rural Area will be permitted if it would fall within the categories of development expressly identified in the relevant policies of the Chelmsford Local Plan.
- 6.6. Policy DM8 relates to new buildings in the Rural Area. This states that planning permission will be granted for new buildings and structures in the Rural Area where the development will not adversely impact on the identified intrinsic character and beauty of the countryside and where the development falls into one of the listed criteria. The listed criteria include:
- i) A local community facility where there is a demonstrated need; or
  - ii) Agriculture and forestry or the sustainable growth and expansion of an existing, authorised and viable business where it can be demonstrated that there is a justified need; or
  - iii) Local transport infrastructure and other essential infrastructure; or
  - iv) Appropriate facilities of outdoor sport, outdoor recreation and cemeteries; or
  - v) A rural worker's dwelling; or
  - vi) Housing which secures the optimal viable use of a heritage asset or enabling development to secure the future of a heritage asset; or
  - vii) Housing which includes the re-use of redundant or disused buildings which leads to an enhancement to the immediate setting; or
  - viii) A dwelling which is of a design of exceptional quality or innovative nature; or
  - ix) Infilling in otherwise built-up frontages; or
  - x) Limited affordable housing for local needs; or
  - xi) Extensions or alterations to buildings; or
  - xii) Redevelopment of previously developed land; or
  - xiii) Replacement buildings; or
  - xiv) Residential outbuildings.
- 6.7. Policy DM9 states that planning permission will be granted for infilling in the Rural Area provided that:
- i) the site is a small gap in an otherwise built-up frontage; and
  - ii) the development does not detract from the existing character or appearance of the area, and would not unacceptably impact on the function and objectives of the designation.
- 6.8. 'Infilling' is defined as filling the small gaps within existing groups of dwellings or buildings. For the purposes of this policy, a gap is normally regarded as 'small' if it can accommodate no more than one property or building. In some circumstances, the context and character of the

development pattern of the immediate area will allow for more than one property, or building, within these gaps. Each site will be assessed on a case-by-case basis.

- 6.9. Great Waltham Village Design Statement (VDS) is an adopted supplementary document which contains guidelines for future development in the village. These guidelines include provision for new residential development for a small number of new dwellings; sympathetic infill developments; modest edge of village development; two-bedroom starter homes.; social housing; there is no support for further “executive” properties. All new development should be no different in scale to that of the surrounding buildings.
- 6.10. The application site is situated outside of the Great Waltham Defined Settlement boundary. Whilst it is relatively close to Great Waltham village, it does not form part of this village and exhibits clear signs of being a part of the Rural Area with mature vegetation fronting the road and enclosing the rest of the site. These attributes form an integral part of the street and area character.
- 6.11. The application site is not considered to form an infill plot in accordance with Policy DM9, because it is not bordered by development on both sides. The application site represents a wide section of road frontage and is very shallow in depth which in the event of being developed would unavoidably force development close to the street and not be in keeping with the local pattern (grain) of development as exists. The grain of housing in this section of street, owing to its edge of village location, transitions quickly from tighter grain to looser grain and open or vegetated frontage is a notable characteristic of land situated to the west of this site. Residential properties in the vicinity to the northern side of South Street occupy much narrower plots with private gardens being primarily set at the back.
- 6.12. On the west side of the site is a listed building which is set within a large plot, set back from South Street and with notably more limited presence of buildings to street. It is screened from the road by a brick wall and mature vegetation. It is a large house with large gardens in a secluded setting that borders the Defined Settlement boundary, but it is not included within it. The application site is a part of the setting of this house.
- 6.13. Given the application site has a wider frontage than other residential plots and is not bordered by a ribbon of houses on the western side, the plot is not a small gap in an otherwise built up frontage and does not therefore meet the requirements of Policy DM9. The conclusion is that the application site does not form an infill plot.
- 6.14. The application site does not contain any dwellings or other type of development. The proposals would therefore not fall within the definition of previously developed land (PDL) or a replacement of a dwelling in the Rural Area. Criteria listed in Policy DM8 under xii) and xiii) are not met.
- 6.15. This proposal does not contain details of any dwellings within the application site and seeks only to establish the principle of development. Criteria viii) of Policy DM8 cannot therefore be considered with this application.

#### ***Impact on the character of the countryside***

- 6.16. The application site is currently an undeveloped parcel of land enclosed by mature trees and hedge and is clearly at the pivot between village and rural character. Any new dwelling within the site would be very visible and prominent from several public vantage points and would affect the open setting of this part of South Street. The visual amenity of the area would also be degraded by

changing the verdant nature of the site to an urban plot with all associated paraphernalia including the access, driveways, parking, garden patios and furniture, lighting. Existing mature trees in addition to large areas of road facing vegetation would need to be removed to accommodate the development and provide adequate visibility splays for the use of the site for residential purposes, which would further harm the rural character of the site and locality.

- 6.17. The proposed development would not respect the existing village layout and would result in erosion to the rural character of the southern side of South Street with the addition of a further residential property, ultimately increasing urban character at the cost of rural character and natural beauty. The building itself, as a matter of principle, together with any related works or paraphernalia would be visually intrusive and harmful to the character and beauty of the countryside beyond the village envelope which is contrary to Strategic Policy S11 and Policy DM8.

***Impact of the proposal on the character of the Conservation Area***

- 6.18. Chapter 16 of the NPPF deals with conserving and enhancing the historic environment. Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset including from its alteration or destruction, or from development within its setting, should require clear and convincing justification. Further, it is stated that local planning authorities should refuse consent for development that impacts the significance of heritage assets, unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 6.19. Policy DM13 states that the impact of any development proposal on the significance of a designated heritage asset or its setting, and the level of any harm, will be considered against any public benefits arising from the proposed development.
- 6.20. Where there is substantial harm or total loss of significance of the designated heritage asset, consent will be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss; or all of the following apply:
- i. the nature of the heritage asset prevents all reasonable uses of the site; and
  - ii. use of the asset is not viable in itself in the medium term, or not demonstrably possible in terms of grant funding; and
  - iii. the harm or loss is outweighed by bringing the site back into use.
- 6.21. Where there is less than substantial harm to the heritage asset this will be weighed against the public benefits of the development proposal, including securing the optimum viable use of the heritage asset. The Council will take account of the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution that conservation of heritage assets can make to sustainable communities, local character and distinctiveness.
- 6.22. The application site is located to the western side of Great Waltham village and the majority of the plot falls within the Great Waltham Conservation Area, other than a small section adjacent to the driveway of South House. The adjacent buildings are grade II listed, White Cottage to the east, and South House to the west.
- 6.23. The Conservation Area is centred on St Laurence's Church and a strong part of the area's character is derived from the relationship between the built-up areas with the surrounding parkland of the Langleys Estate, agricultural and otherwise verdant land, which forms the setting to the village.

- 6.24. Historically the application site appears to have been an orchard associated with South House. Whilst there are currently no individually exceptional trees on the site, the existing native boundary treatments and mature trees add to the character of the site and are an appropriate association with the historic setting of South House. The land currently provides an open setting adjacent the drive to South House, which is considered to be an important feature, as it adds to the status of the approach and provides separation between South House and the more tight knit development around the green to the east. Essex County Council Highways Authority have commented on the application requesting a condition requiring a 2.4 metre visibility splay across the entire frontage of the site. In order to comply with that highways requirements a significant level of vegetation would need to be removed, which would be harmful to the existing character of the area and the setting of the listed building, and which could not be reasonably or adequately replaced given the proposed function of the site.
- 6.25. The site is currently very visible from four different approaches, from South Street east to west, from Duffries Close and from Cherry Garden Road. From the four approaches, particularly Duffries Close, the site currently gives an open setting and views over the agricultural land to the south. As described, the village giving way to natural surroundings is an intrinsic attribute of the Conservation Area character.
- 6.26. The proposal is to build a detached dwelling of 1½ or 2 stories on the site. No analysis of the site's contribution to the Conservation Area or the setting of the listed building has been provided in accordance with the NPPF requirements. Only the tree survey is provided, which identifies that some trees can be cleared based on arboricultural merit.
- 6.27. It is noted that a similar proposal was considered under an outline application in 2010 (10/01409/OUT refers) with all matters reserved. That application sought a 3-bedroom 1½ storey cottage style building within the site. This application was refused and dismissed at appeal based on the impact on the rural character of the area, the impact on the Conservation Area and the setting of the listed building at South House.
- 6.28. 2011 appeal decision stated [APP/W1525/A/11/2161806]:
- “the site adds to the character and appearance of the conservation area as an open feature which helps to separate the main conservation area from the ribbon of development which continues beyond it, providing a link to the rural area within which the village is set. It also provides space in the setting of South House which is visually beneficial to both the listed building and the conservation area.”*
- 6.29. Since the site context is not notably different to the 2011 appeal decision and with a lack of any new information or supporting grounds, the heritage issues stated within the previous refusals have clearly not been overcome with the current submission. This is confirmed by assessment of this proposal.
- 6.30. Given that any new building, parking area, the need for visibility splays (which would require removal of a significant level of vegetation) and domestic paraphernalia would all have an adverse impact on the setting of South House and the character of the Conservation Area, and taking into the account the planning history of the site, the development would result in identifiable harm on the character and the setting of the designated heritage assets. Any harm to heritage assets must be given considerable weight in planning assessment.

- 6.31. It is noted that the application form contains the site information, and it is stated that the site is being used for antisocial activities. With the new house the antisocial activities would cease. The Council however does not consider this justification for the development would outweigh the harm to the heritage assets.
- 6.32. Given that no clear public benefit would arise from the development, the proposal conflicts with the objectives of the NPPF and Policy DM13.

#### ***Other matters***

- 6.33. Supporting information available within this application for permission in principle is not sufficient to establish and consider other planning matters including the relationship with the neighbouring residential properties, whether the development would comply with the nationally prescribed development standards, and whether the new property would be provided with adequate access and parking provision, for example. These matters would, in the event that permission in principle were to be granted, need to be considered alongside other detailed matters as part of the technical details consent stage.

#### ***Ecology consideration***

- 6.34. Chapter 15 of the NPPF requires that planning decisions should minimise impact on and provide net gains for biodiversity. Paragraph 186 of this states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.
- 6.35. Chelmsford Local Plan Policy DM16 states that all development proposals should:
- i. Conserve and enhance the network of habitats, species and sites (both statutory and non-statutory, including priority habitats and species) of international, national and local importance commensurate with their status and give appropriate weight to their importance; and
  - ii. Avoid negative impacts on biodiversity and geodiversity, mitigate unavoidable impacts and as a last resort compensate for residual impacts; and
  - iii. Deliver a net gain in biodiversity where possible, by creating, restoring and enhancing habitats, and enhancing them for the benefit of species.
- 6.36. The site is an undeveloped parcel of land which contains a number of mature trees. This environment might be conducive to various protected species and their habitats.
- 6.37. The application does not contain sufficient information from a qualified ecologist to demonstrate that there are no protected species, or habitats which would support them, within the site. Therefore, it has not been demonstrated that the proposals would not result in harm to protected species or their habitat.
- 6.38. In the absence of adequate survey information regarding protected species and their habitat, the application fails to demonstrate that there would not be harm arising from the proposed development in respect of ecology and is contrary to the requirements of Local Plan Policy DM16 and the objectives of Chapter 15 of the NPPF.



## **Habitat Regulations**

- 6.39. Section 15 of the NPPF requires that when determining planning applications, local planning authorities should apply the principle that if significant harm to biodiversity resulting from development cannot be avoided adequate mitigation, or, as a last resort, compensated for, then planning permission should be refused.
- 6.40. Chelmsford Local Plan Policy DM16 requires that Developments that are likely to have an adverse impact (either individually or in combination with other developments) on European Designated Sites must satisfy the requirements of the Habitats Regulations, determining site specific impacts and avoiding or mitigating against impacts where identified.
- 6.41. Where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Prior to RAMS completion, the authority will seek contributions, where appropriate, from proposed residential development to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitats Regulations and Habitats Directive.
- 6.42. The proposal site falls within a 'zone of influence' identified by Natural England for likely significant effects to occur to a European designated site, in this case specifically the Blackwater Zone of Influence. Those likely significant effects will occur through increased recreational pressure when considered either alone or in combination with other residential development.
- 6.43. The application fails to provide information to allow the likely significant effects to be ruled out or mitigated. The proposal development is therefore in conflict with the NPPF and Local Plan Policy DM16.

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

- 7.1. The application may be CIL liable and there may be a CIL charge payable.

## **8. Recommendation**

**The Application be REFUSED for the following reasons:-**

### **Reason 1**

Policy DM8 relates to new buildings in the Rural Area. This states that planning permission will be granted for new buildings and structures in the Rural Area where the development will not adversely impact on the identified intrinsic character and beauty of the countryside and where the development falls into one of the listed criteria.

Policy DM9 states that planning permission will be granted for infilling in the Rural Area provided that the site is a small gap in an otherwise built-up frontage; and the development does not detract from the existing character or appearance of the area and would not unacceptably impact on the function and objectives of the designation.



Given the application site has wide frontage and is not bordered by a ribbon of houses on the western side, the plot does not meet the requirements of Policy DM9 and is not considered to form an infill plot.

The application site does not contain any dwellings or other type of development. The proposals would therefore not fall within the definition of previously developed land (PDL) or a replacement of dwellings in the Rural Area. Criteria listed in Policy DM8 under xii) and xiii) are not met.

The proposal conflict with the aims of Policies DM8 and DM9 of the Local Plan.

## **Reason 2**

Strategic Policy S11 of the Chelmsford Local Plan states that the intrinsic character and beauty of the Rural Area will be recognised, assessed and development will be permitted where it would not adversely impact on its identified character and beauty.

Policy DM8 relates to new buildings in the Rural Area. This states that planning permission will be granted for new buildings and structures in the Rural Area where the development will not adversely impact on the identified intrinsic character and beauty of the countryside.

The application site is currently an undeveloped parcel of land enclosed by mature trees and the hedge and defines the end of village boundary. Any new dwelling within the application site would be very visible from several public vantages and would affect the open setting of this part of South Street. The visual amenity of the area would be degraded by changing the verdant nature of the site to an urban plot with all associated paraphernalia including the access, driveways, parking, garden patios and furniture, lighting. Existing mature trees in addition to large areas of road facing vegetation would need to be removed to accommodate the development and provide adequate visibility splays for the use of the site for residential purposes, which would further harm the rural character of the site and locality.

The proposed development would not respect the existing village layout and would result in erosion to the rural character of the southern side of South Street with the addition of a further residential property, ultimately increasing urban character at the cost of rural character and natural beauty. The building itself, as a matter of principle, together with any related works or paraphernalia would be visually intrusive and harmful to the character and beauty of the countryside beyond the village envelope which is contrary to Strategic Policy S11 and Policy DM8.

## **Reason 3**

Chapter 16 of the National Planning Policy Framework (NPPF) deals with conserving and enhancing the historic environment. Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset including from its alteration or destruction, or from development within its setting, should require clear and convincing justification. Further, it is stated that local planning authorities should refuse consent for development that impacts the significance of heritage assets, unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh that harm or loss.

Policy DM13 states that the impact of any development proposal on the significance of a designated heritage asset or its setting, and the level of any harm, will be considered against any public benefits arising from the proposed development.

The site contributes to the character and appearance of the Conservation Area as an open and undeveloped feature. The contribution this site makes to the Conservation Area and setting of South House are intrinsic to their character.

Redevelopment of this site with new building, parking area, appropriate visibility splays (which would require removal of a significant level of vegetation) and domestic paraphernalia would all have an adverse impact on the setting of South House and the Conservation Area.

No sufficient justification has been provided with this submission to outweigh the identified harm to the heritage assets. No substantial public benefit would arise from the development. As such any adverse impact on the character of the designated heritage assets has not been justified as it is required by the NPPF and Policy DM13.

#### **Reason 4**

Chapter 15 of the NPPF requires that planning decisions should minimise impact on and provide net gains for biodiversity. Paragraph 186 of this states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.

Chelmsford Local Plan Policy DM16 states that all development proposals should:

- iv. Conserve and enhance the network of habitats, species and sites (both statutory and non-statutory, including priority habitats and species) of international, national and local importance commensurate with their status and give appropriate weight to their importance; and
- v. Avoid negative impacts on biodiversity and geodiversity, mitigate unavoidable impacts and as a last resort compensate for residual impacts; and
- vi. Deliver a net gain in biodiversity where possible, by creating, restoring and enhancing habitats, and enhancing them for the benefit of species.

The site is an undeveloped parcel of land which contains a number of mature trees. This environment might be conducive to various protected species and their habitats.

In the absence of adequate survey information regarding protected species and their habitat within the site, the application fails to demonstrate that there would not be harm arising from the proposed development in respect of ecology and is contrary to the requirements of Local Plan Policy DM16 and the objectives of Chapter 15 of the NPPF.

#### **Reason 5**

Section 15 of the National Planning Policy Framework (NPPF) requires that when determining planning applications, local planning authorities should apply the principle that if significant harm to biodiversity resulting from development cannot be avoided adequate mitigation, or, as a last resort, compensation for, then planning permission should be refused.

Policy DM16 of the Chelmsford Local Plan states that where appropriate, contributions from developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

The proposal site falls within a 'zone of influence' identified by Natural England for likely significant effects to occur to a European designated site, in this case specifically the Blackwater Zone of Influence. Those likely significant effects will occur through increased recreational pressure when considered either alone or in combination with other residential development.

The application fails to provide information to allow the likely significant effects to be ruled out or mitigated. The proposal development is therefore in conflict with the NPPF and Local Plan Policy DM16.

#### **Notes to Applicant**

- 1 This application would be liable for a payment under the Community Infrastructure Levy Regulations (as Amended) 2010 if planning permission had been granted. If an appeal is lodged and subsequently allowed, the CIL liability will be applied.
  
- 2 Please note that the refusal reason in relation to the lack of mitigation for increased recreational pressure to a European designated site could be overcome through a financial contribution or legal agreement to secure a financial contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Further information is available at: <https://www.chelmsford.gov.uk/planning-and-building-control/essex-coast-rams/>

#### **Positive and Proactive Statement**

The Council offers a pre-application advice service to discuss development proposals and ensure that planning applications have the best chance of being approved. The applicant did not take advantage of this service. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework to deliver sustainable development.

## Great Waltham Parish Council

Comments
The Parish Council has no objections.

## Essex County Council Highways

Comments
<p>It is noted that the proposal is located in a conservation area.</p> <p>For the vehicular access please refer to the Arboricultural Advice on Development Feasibility document, Project Ref: 958 18th September 2023:</p> <ul style="list-style-type: none"> <li>o The vehicular access would be located centrally to site frontage and adjacent to the South Street carriageway and would require complete removal of the trees T7 and T8. See Tree Survey Plan Land at South Street, drawing Ref: 958-sk01 ' 29th August 2023.</li> <li>o Appropriate visibility splays could be provided. However, this would require facing back and possible removal and replanting behind the visibility splay alignment of the existing hedges H14 and H15.</li> </ul> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Prior to first occupation of the development, the vehicular access, location in principle at tree locations T7 and T8 shown in the Tree Survey Plan Land at South Street, drawing Ref: 958-sk01 ' 29th August 2023, at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the South Street carriageway. This would require facing back and possible removal and replanting behind the visibility splay alignment of the existing hedges H14 and H15. Such vehicular visibility splays shall be provided and retained free of any obstruction at all times.</li> </ol> <p>Reason: To provide adequate inter-visibility between vehicles using the vehicular access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.</p> <ol style="list-style-type: none"> <li>2. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for; <ol style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors,</li> <li>ii. loading and unloading of plant and materials,</li> <li>iii. storage of plant and materials used in constructing the development,</li> <li>iv. wheel and underbody washing facilities.</li> <li>v. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.</li> </ol> </li> </ol>

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

3. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing South Street carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres and shall be provided with an appropriate vehicular crossing of the highway verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

5. There shall be no discharge of surface water from the development onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

6. Prior to first occupation of the proposed development, off-street vehicle parking provided in accordance with the Parking Standards. In this instance no less than 2no. parking spaces each 2.9 metres by 5.5 metres shall be provided, sited clear of the highway boundary and any visibility splays. The vehicle parking area and associated turning area shall be retained at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

7. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Please include the informative for 2 and 3 above:

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

--

**Public Health & Protection Services**

Comments
08.12.2023 - This residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off-road parking) and/or 1 charging point per 10 spaces (where off-road parking is unallocated).

**Local Residents**

Comments
No representations received.

**Appendix 2 – Drawings**





0 5 10 20 Metres

1:800



**Planning Committee  
23/01916/PIP**

**Planning & Development Management  
Directorate for Sustainable Communities**

PO Box 7544 Civic Centre  
Duke Street, Chelmsford, CM1 1XP

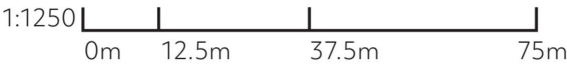
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Telephone: 01245 606826

# SITE LOCATION PLAN



Scale: 1:1250 @ A4

NORTH





# Arboricultural Advice on Development Feasibility

For proposed development of Land at South Street, Great Waltham

Title: EX481870

Date: 18<sup>th</sup> September 2023  
Project Ref: 958

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- APPENDIX 1 Professional Profile for Oisín Kelly
- APPENDIX 2 Tree Schedule
- APPENDIX 3 Tree Survey Plan (ref: 958-sk01)
- APPENDIX 4 Tree Constraints Plan (ref: 958-sk02)

# **1 INTRODUCTION**

## **1.1 Background**

- 1.1.1 Arborterra Ltd is instructed carry out a preliminary survey and provide advice on Arboricultural issues relating to proposed development of Land at South Street.
- 1.1.2 The survey and advice have been carried out / prepared by Mr Oisin Kelly, Arboricultural Consultant, MArborA, MAE. Mr Kelly's professional profile is contained at APPENDIX 1.

## **1.2 The Site**

- 1.2.1 The site comprises land defined by title deed EX481870. The site contains a number of trees of mixed species, including several trees of mixed species situated on-site adjacent the northern boundary with South Street.
- 1.2.2 The site is situated within Great Waltham Conservation Area and outside of the village development boundary. South House (to the south-west) and White Cottage (to the East) are Grade II Listed buildings. A sycamore tree located off-site within the curtilage of White Cottage, is the subject of a Tree Preservation Order. The TPO'd tree is referred to in the TPO and in this report as Sycamore T1.
- 1.2.3 Subject to certain exemptions, consent is required under the Tree Preservation Order (TPO) in order to cut down, top, lop, uproot, wilfully damage, or wilfully destroy a tree to the TPO applies.
- 1.2.4 Similar protection is provided for all other trees in a Conservation Area, again subject to certain exceptions. However, rather than needing to obtain consent, the obligation is to provide the Council with six week's prior written notice of intended works. During this six week period the Council may serve a TPO, in which case an application for consent under the TPO is required as described at 1.2.3 above.

## **1.3 The Proposal**

- 1.3.1 The proposal is for a single detached small dwelling that would be carefully designed with vernacular architecture respecting the nearby Grade II Listed Buildings.

## 2 THE TREE SURVEY

### 2.1 Method

- 2.1.1 The tree survey was carried out on 29/08/2023.
- 2.1.2 Trees were plotted to an Ordnance Survey Plan. Tree positions were determined by consumer grade GPS, measurements on-site and cross-referencing with geo-referenced aerial photographs. Tree positions as shown should be considered approximate only.
- 2.1.3 All observations were made from ground level. Unless otherwise indicated tree stem diameters were measured. Where visibility allowed, tree heights were measured with a laser rangefinder. Tree crown spreads were paced out to the four cardinal points.
- 2.1.4 The trees were categorized for their quality / value in accordance with “Trees in relation to design, demolition and construction – Recommendations” (BS5837:2012)<sup>1</sup>. The categorisation is intended to assist in determining which trees should be removed or retained in the event of development. The categories are summarised as follows:
- Category A: trees of high quality
  - Category B: trees of moderate quality
  - Category C: trees of low quality
  - Category U: trees not worthy of retention because of their condition
- 2.1.5 Root Protection Areas (RPAs) have been calculated in accordance with BS5837:2012. (See 3.2.2 below for an explanation of RPAs). The default shape of the RPA is a circle centred on the tree stem. In this instance, there are no factors that indicate it is appropriate to modify the shape of the RPAs.

### 2.2 Results

- 2.2.1 The numbers of trees surveyed by category are detailed in the table below.

Table 1. Count of trees surveyed, by Quality Category

Quality category	Trees	Groups	Hedges*
A	0	0	3
B	2	0	
C	5	2	
U	3	0	
<b>TOTALS</b>	<b>10</b>	<b>2</b>	<b>3</b>

\* Quality categories apply to trees only

- 2.2.2 The Tree Schedule at APPENDIX 2 contains tabulated data on the trees including details of their type, size, condition, RPA size and ‘quality category’.

<sup>1</sup> BS5837 is a standard reference document used by local planning authorities and the Planning Inspectorate when considering trees in the development context.



2.2.3 The Tree Survey Plan at APPENDIX 3 shows the location of the trees in relation to the existing site layout. The trees are coloured to indicate their 'quality categories' as described above.

## 2.3 Photographs from the tree survey

Photo 1. View looking east past the site from South Street. Approximate extent of site indicated by red brace (curly bracket). Hedges as labelled.



Photo 2. View looking west-south-west past the site from South Street. Approximate extent of site indicated by red brace (curly bracket). Site continues approximately 5m off bottom left of photos.



Photo 3. Sycamore T1, which is the subject of a TPO.



Photo 4. Sycamore T1. The lowest branch extending over site provides a clearance of 4.5m at the boundary, rising over the site.





Photo 5. Leyland cypress T2 and holly T3. Leyland cypress T2 appears to have been topped, but no clear view was available. Holly T3 is an understorey tree shaded by T1 and T2. There are no clear views of T3 from South Street.



Photo 6. Leyland cypress T4. Once topped at 4m. Five or so upright stems from 4m. One of five leaders dying back from top. Epicormic shoots from 0 to 4m could be removed. Warrants reduction in height and 1.5m spread.



Photo 7. Top of cypress T4 showing die-back.



Photo 8. English elm T8 is dead. Its removal is exempt from Conservation Area controls.





Photo 9. Norway maple T6. Subdominant leader on W side dying back from tips. Cause unclear. Dominant leader on SE side.



Photo 10. Norway maple T6 as viewed from South Street, showing dead twigs in west side of crown. Based on my preliminary survey, it seems more likely than not that the tree will recover.

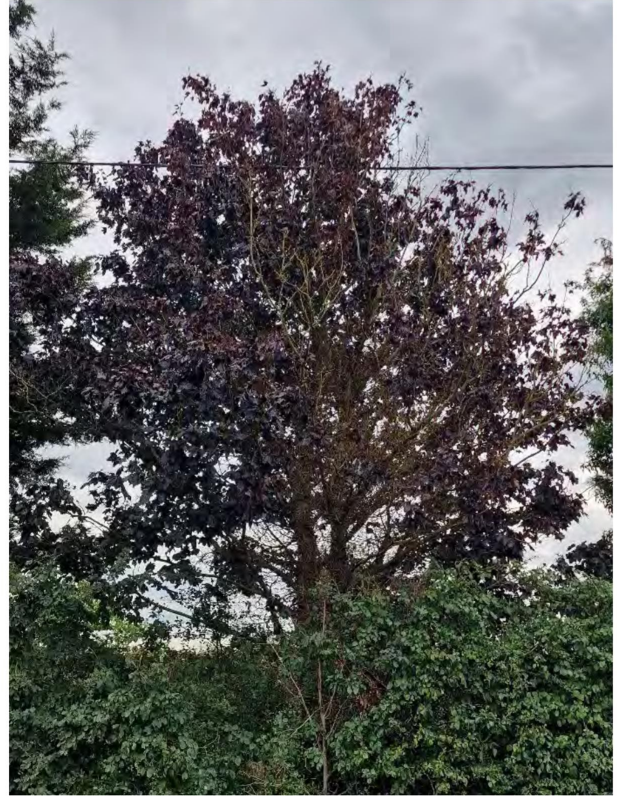


Photo 11. Lawson cypress T8 has a small live crown due to smothering ivy. Appears likely to die within the next few years.



Photo 12. Closer view of Lawson cypress T8 upper crown.





Photo 13. Colorado blue spruce T8. There is scattered die-back of laterals and premature loss of 2 year and older foliage. Ivy is establishing in crown.



Photo 14. Die back in upper crown of spruce T8. The top 1m or so of the leading shoot is dead. Tree appears to be in terminal spiral of decline, and appears unlikely to recover.



Photo 15. Lawson cypress T10. Some browning and loss of 2 year and older foliage, but no die-back.



Photo 16. Closer view of cypress T10's crown. It is uncertain whether tree will recover, but benefit of the doubt should be given.





*Photo 17. Leyland cypress TG11. It is recommended that low branches over the site are removed to provide 4m clearance. The upper crown could be cut back on the site side by 1m.*



*Photo 18. Leyland cypress TG11. The top of one tree has failed and is 'hung-up' over the site. This should be removed.*



*Photo 19. Mixed hedge H13 on southern boundary.*



### 3 PRELIMINARY ADVICE

#### 3.1 Tree Condition

3.1.1 English elm T5 is dead and is recommended for removal. Removal of T5 is exempt from Conservation Area controls. However, for trees in a Conservation Area that dies, section 213 of the Town and Country Planning Act 1990, places an obligation on the landowner to:

*plant another tree of an appropriate size and species at the same place as soon as he reasonably can.*

3.1.2 Lawson cypress T7 is in poor condition and is unlikely to recover. It is anticipated the tree will die within the next 5 years or so. Removal of T7 is NOT exempt from Conservation Area controls. However, if a notice of intent to fell T7 was served on the Council, I can see no reasonable basis on which the Council would make a TPO on this tree.

3.1.3 Colorado blue spruce T8 is in poor condition and is unlikely to recover. It is anticipated the tree will die within the next 5 years or so. Removal of T8 is NOT exempt from Conservation Area controls. However, if a notice of intent to fell T8 was served on the Council, I can see no reasonable basis on which the Council would make a TPO on this tree.

#### 3.2 Constraints on Development

3.2.1 It is assumed for this further advice that T5, T7 and T8 will be removed due to their condition. The Tree Constraints Plan at APPENDIX 4 shows the remaining trees, i.e. excluding T5, T7 and T8, along with the following information:

- trees proposed for removal or retention;
- Root Protection Areas (RPAs); and,
- target notes in relation to the development proposals and arboricultural constraints.

3.2.2 Root Protection Areas (RPAs) are the nominal minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority. The British Standard BS5837:2012 states that the 'default position' is that there should be no buildings within the RPAs of retained trees. There may be some scope to encroach a little, but the applicant would need to show that no harm would come to the trees, either as: (a) a result of the development; and (b) as a result of the reasonable use of the property. So for instance in the case of the latter, regardless of root protection, if the tree were so close to the proposed dwelling that it would be perceived as dangerous or overbearing, or cause unacceptable shade etc, it might be considered that the long term retention of the tree was unrealistic, and the proposal would be considered accordingly. For hard landscaping, e.g. drives or patios, BS5837:2012 recommends that new hard landscape should not occupy more than 20% of the RPA. Care should be taken applying this threshold because in practice, the actual construction footprint of hard surfaces may exceed the finished footprint, for example to slopes and need for kerbing etc.



- 3.2.3 I have assumed that trees outside of the site will be retained, e.g. T1 and TG11.
- 3.2.4 Lawson and Leyland cypress are exotic species of low ecological value, although they do provide bird nesting opportunities. Consequently they are often value less than broadleaf and native species. However, in this context, there are other cypress trees alongside this stretch of South Street and they do contribute to the street scene and character of the Conservation Area in the immediate vicinity of the site. I would expect the local planning authority to resist removal of these trees.
- 3.2.5 There is perhaps more scope to seek removal of Leyland cypress T2 and T12, which are less prominent in the street scene. This may provide greater flexibility in layout design.

### Access

- 3.2.6 The removal of T7 and T8 does provide sufficient room for a vehicular access into the site. However, a detailed highway visibility assessment is required to assess whether sections of hedge H14 would be required to clear obstructions within the required visibility splays.
- 3.2.7 There is some ambiguity regarding the application or otherwise of Conservation Area controls to hedgerows, The issue is whether or not the plants within the hedge are trees. There is no clear legal or botanical definition of what constitutes a tree or shrub – both are woody perennials. In the case of privet H15, privet is generally accepted as a shrub, not a tree (although privets can grow to tree-sized statures, even in the UK). However, H14 is comprised of tree species such as elm, hawthorn and plum etc., albeit that H14 is clearly trimmed and maintained as a hedge. The matter is therefore subject to the discretion of the local planning authority, normally the Tree Officer. However, any plants within the hedgerow that have stem diameters (at 1.5m) below 75mm are exempt from Conservation Area controls.
- 3.2.8 Notwithstanding the possible application of Conservation Area controls to H14, consideration also need to be given to the application or otherwise of The Hedgerow Regulations. [Section 3 of The Regulations states:](#)

*3(1) Subject to paragraph (3), these Regulations apply to any hedgerow growing in, or adjacent to, any common land, protected land, or land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys, if—*

*(a) it has a continuous length of, or exceeding, 20 metres; or*

*(b) it has a continuous length of less than 20 metres and, at each end, meets (whether by intersection or junction) another hedgerow.*

*(2) Subject to paragraph (3), a hedgerow is also one to which these Regulations apply if it is a stretch of hedgerow forming part of a hedgerow such as is described in paragraph (1).*

*(3) These Regulations do not apply to any hedgerow within the curtilage of, or marking a boundary of the curtilage of, a dwelling-house.*

...

[Please refer to entire section for full context].

3.2.9 In my view, it seems unlikely that hedge H14 would be considered to satisfy the exemption at sub-paragraph 3 above, i.e. the hedge is NOT *“within the curtilage of, or marking a boundary of the curtilage of, a dwelling-house”*. I assume that the site is NOT designated common land or protected land. Whether or not therefore The Hedgerow Regulations apply seems to be dependant on whether the site is *“land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys”*.

3.2.10 The Regulations states that

*“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock ..., the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly”*

3.2.11 I defer to John Dagg on whether the land meets these criteria and therefore whether The Hedgerow Regulations apply to H14.

3.2.12 In respect of hedge H13, the matter seems clearer and in my opinion The Hedgerow Regulations do apply.

3.2.13 Regardless, it should be noted that The Hedgerow Regulations do not apply to trimming of the hedge in accordance with normal management practise. That is, within reason, the hedge can likely be reduced in height and width.

3.2.14 However, whilst at this stage I have not conducted a full hedgerow assessment, it seems unlikely to me that either H13 or H14 would qualify as ‘Important’ under the Regulations. On this basis, if a Hedgerow Removal Notice was served on the Council, they would be unable to serve a Hedgerow Retention Notice. Of course, this is separate and distinct from the development control process, under which the retention or removal or pruning of the hedge is a material consideration, i.e. pruning or removing the hedge could form the basis, in whole or in part, of a reason for refusal.

## **4 SUMMARY**

- 4.1.1 Removal of T5, T7 and T8 is justified by their condition.
- 4.1.2 The local planning authority will probably seek retention of the other trees adjacent the boundary with South Street: T1, T3, T4, T6, TG9 and T10.
- 4.1.3 There is a case to be made for removal of Leyland cypresses T2 and T12.
- 4.1.4 Removal of T7 and T8 provides space for a new vehicle access into the site. However, visibility splays need to be considered in relation to the impact on hedge H14.

-- END --

# APPENDIX 1

## Professional Profile for Oisin Kelly

## **PROFESSIONAL PROFILE FOR OISIN KELLY**

Oisín is an Arboricultural Consultant with over 30 years' experience across planning, subsidence, tree-risk management, aviation and utility sectors. He acts as an Expert Witness in relation to planning appeals, tree-related subsidence, tree-related property damage and personal injury, and alleged contraventions of tree preservation orders and felling licenses. Oisín has appeared in Magistrates Court, County Court and High Court (including the Technology and Construction Court). He has provided written representations on planning appeals and has appeared at Hearings. He also provides arboricultural services to planners, developers, local authorities, architects and their agents.

### ACADEMIC QUALIFICATIONS

BSc Forestry (hons)

Diploma in Management Studies

### MEMBERSHIPS

Member of the Arboricultural Association

Member of the Academy of Experts

Associate Member of the Institute of Chartered Foresters

### EXAMPLE Projects

BPT Limited v Patterson & Patterson [2016] Central London County Court (TCC)

Brown v Harlow Council [2011] Central London County Court

Lovett, Newman and Barton v Epping Forest District Council [2011] Harlow Magistrates Court

Berent v Family Mosaic Housing [2011] EWHC 1353 (TCC)

Lamb & Lamb v Hampshire County Council [2010] Central London County Court

Loftus-Brigham v Ealing LBC [2003] EWCA Civ 1490,

Eiles v Southwark LBC [2006] EWHC 1411 (TCC)

University of Essex: Tree risk management and arboricultural consultancy at their Colchester, Loughton and Southend Campuses, which contain around 3000 individual trees, and many more in groups and woodlands, of which around 100 are veteran trees. Design of Tree Management Database.

Lawford House is a development of 10 residential units within a parkland setting containing veteran trees. The initial Arboricultural Survey identified the relevant constraints allowing appropriate impact avoidance and mitigation to be 'designed-in'. The consultation phase included representations on a new and existing TPO, which were subsequently revoked and a new TPO re-made in accordance with Oisín's recommendations.

Bolingbroke Park is a major development of 231 residential units and involved detailed consultation with planners at pre-application, application and during construction. Other inputs included Arboricultural Impact Assessments, Arboricultural Method Statements, Veteran Tree Management Plans and appointment as the Arboricultural Clerk of Works.

Bell School Development Site is a residential development of 270 dwellings, comprising houses and apartments, including affordable housing and 100-bed student living accommodation for the Bell Language School. The site is in the Southern Fringe Growth Area of Cambridge. I supported the scheme from design through to planning consent, including consultation meetings with the local planning authority.



Support of various Councils in the redevelopment and infill development of sites on the Housing Revenue Account for affordable housing, including surveys, reports, preliminary advice and public consultations.

#### CAREER HISTORY

##### *Arborterra Ltd*

2019 to present	Co-owner, Arboricultural Consultant	Expert Witness and Arboricultural Consultant providing clients with advice relating to trees and development, tree preservation, tree risk management and tree-related subsidence damage.
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##### *Self-employed Sole Trader*

2015 – 2019	Arboricultural Consultant	Expert Witness and Arboricultural Consultant providing clients with advice relating to trees and development, tree preservation, tree risk management and tree-related subsidence damage.
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##### *Landscape Planning Group Limited*

2013 - 2015	Principal Consultant	Arboricultural Consultant. To line manage and lead the Planning Team of Arboriculturists, Ecologists and Landscape Architects to meet sales and revenue targets. To manage projects within agreed deadlines, making maximum use of potential revenue opportunities, whilst maintaining client satisfaction.
2008 - 2013	Principal Consultant	Arboricultural Consultant. As above for delivery of Tree Risk Management Services.
2006 - 2008	Regional Manager	Regional Manager of Colchester Officer providing Arboriculture, Ecology and Landscape Services across planning, local government and risk management sectors. Arboricultural Consultant
2004-2006	Director of Technical Services	To provide a focus for commercial innovation in technical skills, system evolution, equipment, software, hardware and R&D. Arboricultural Consultant
2002 – 2004	Head of Insurance of Services	Main client contact and technical authority for provision of tree-related subsidence services to loss adjusters, engineers and insurers across the UK. Line Management of Arboricultural Consulting Staff and administrative support. Arboricultural Consultant
1997 – 2002	Consulting Arboriculturalist	Fee earner specialising in tree-related subsidence.

##### **London Borough of Hounslow**

1994 - 1997	Senior Arboricultural Officer	Team leader with responsibility for budgetary control and staff. Maintaining Council owned trees. Providing arboricultural advice to the Planning Department in respect of development control, enforcement and tree preservation
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##### **London Borough of Redbridge**

1991 - 1994	Assistant Arboricultural Officer	Maintaining Council owned trees. Providing arboricultural advice to the Planning Department in respect of development control and tree preservation
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# APPENDIX 2

## Tree Schedule

## Key to Tree Schedule

<b>Type</b>	T - Tree (individual) TG - Tree group S - Shrub SG - Shrub Group H - Hedge W - Woodland
<b>Num</b>	Unique reference number
<b>Species</b>	Species common name
<b>Stem Diam</b>	Stem diameter at 1.5m format: diameter (mm) x no. of stems
<b>Ht</b>	Tree height (m)
<b>Sprd N</b>	Crown spread north (m)
<b>Sprd S</b>	Crown spread south (m)
<b>Sprd E</b>	Crown spread east (m)
<b>Sprd W</b>	Crown spread west (m)
<b>Age Class</b>	YO - Young SM - Semi-mature EM - Early mature MA - Mature SE - Senescent
<b>Cond Class</b>	Condition Class: G - Good F - Fair P - Poor D - Dead or dying

<b>Comments</b>	Survey Comments
<b>Recommendations</b>	Survey Recommendations
<b>Life span</b>	Anticipated remaining 'useful' lifespan in years  0 - Dead <10- less than 10 years 10+- 10 to 20 years 20+- 20 to 40 years 40+- more than 40 years
<b>Qual Cat</b>	BS 5837:2012 Quality Categories  Made of of a letter prefix A- High quality or value B- Moderate quality or value C- Low quality or value U- Poor quality or value  ...and a number suffix 1- mainly arboricultural values 2- mainly landscape value 3- mainly ecological, cultural or social value
	'-' indicates value not applicable, for example: - lines or areas of trees and shrubs have a single crown spread measurement under spreadN. - Quality Categories do not apply to hedges and shrubs

Tree Schedule  
Land at South Street

Type	Num	Species	Stem Diam.	Ht	Sprd N	Sprd S	Sprd E	Sprd W	Age Class	Cond Class	Comments	Recommendations	Life span	Qual Cat
T	1	Sycamore	700 x1	15.6	5	6.5	5	6.5	EM	G	Recently TPOd. Epicormic at 4.5m West side, extending west, ascending slightly.		40+	B1
T	2	Leyland cypress	460 x1	11	3.5	3.5	3.5	3.5	EM	G	Appears to have been topped, but no clear view was available.		40+	C2
T	3	Holly	95 x3	6	2.75	2.75	1	2.75	SM	F	Growing beneath canopy of sycamore. There are no clear views of T3 from South Street.		40+	C1
T	4	Leyland cypress	650 x1	15	4	4	4	4	EM	F	Once topped at 4m. 5 or so stems from 4m. 1 of 5 leaders dying back from top. Epicormic shoots from 0 to 4m could be removed. Warrants reduction in height and 1.5m spread.		10+	C1
T	5	English elm		6	2	2	2	2	SM	D	A dead tree. Its removal is exempt from Conservation Area controls.	Fell due to condition	0	U
T	6	Norway maple Schwedlerii	360 x1	10	4	4	4	4	SM	F	Dbh@1m, below swelling for bifurcation at 1.5m. LV line through NW side of crown. Ivy previously severed and dead parts through crown. Live ivy around base obstructed full inspection. Subdominant leader on W side dying back from tips. Cause unclear. Dominant leader on SE side. Based on my preliminary survey, it seems more likely than not that the tree will recover.		20+	B2
T	7	Lawson cypress	300 x1	8.5	1.5	1.5	1.5	1.5	EM	P	Small live crown. Ivy has become dominant. Likely to die in next few years.	Fell due to condition	<10	U
T	8	Colorado Blue Spruce	380 x1	12.5	3	3	2.5	3	EM	P	There is scattered die-back of laterals and premature loss of 2 year and older foliage. Ivy is establishing in crown. Die back in upper crown. The top 1m or so of the leading shoot is dead. Tree appears to be in terminal spiral of decline, and appears unlikely to recover.		<10	U
TG	9	Spindle	120 x1 70 x2	4.5	2.5	-	-	-	MA	G			20+	C3

Tree Schedule  
Land at South Street

Type	Num	Species	Stem Diam.	Ht	Sprd N	Sprd S	Sprd E	Sprd W	Age Class	Cond Class	Comments	Recommendations	Life span	Qual Cat
T	10	Blue Lawson cypress	250 x1	12	3	3	3	3	EM	F	Some browning and loss of 2+year foliage, but no die-back.		20+	C2
TG	11	Leyland cypress	230 x1	12	3.5	-	-	-	SM	G	Crown lift to 4m over site. Reduce overhang of upper crown by 1m. Remove snapped top of second tree from front. Which is hung up above site		20+	C2
T	12	Leyland cypress	700 x1	16	5	5	5	5	EM	F	Bifurcates, poss topped, at approx 6m.		10+	C1
H	13	Holly, field briar, privet, hawthorn, elm (dead),, blackthorn	0 x1	2.5	2	-	-	-	-	-	Ht 2.5 to 5. It is unclear if hedge is on or off-site. It is adjacent agricultural land. Hedgerow Regulations likely to apply.		-	-
H	14	Elm, Hawthorn, Plum et al	0 x1	3	1	-	-	-	-	-	Need to consider if hedge is subject to the Hedgerow Regulations. It was unclear at survey whether the hedge is on or off site. It is mostly located on road side of old wire fence. At east end, woody stems in band 70cm wide. 1.3m off road edge . Hedge face right up to road edge. Possible obstruction to visibility splays.		-	-
H	15	Privet	0 x1	1.2	0.45	-	-	-	-	-	Clipped.		-	-

# APPENDIX 3

## Tree Survey Plan (ref: 958-sk01)

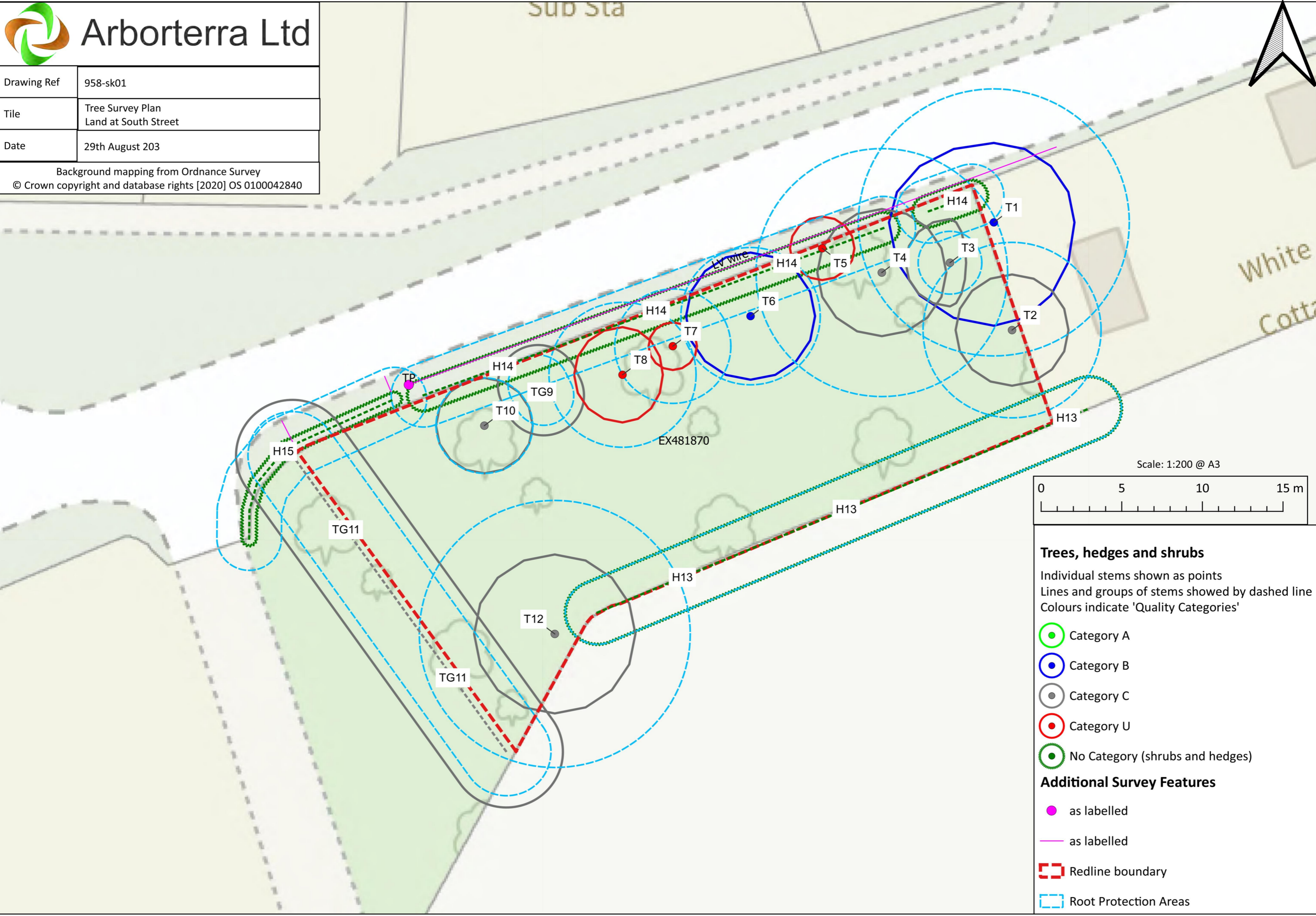
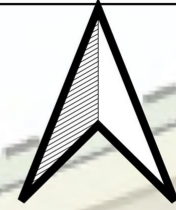


Drawing Ref 958-sk01

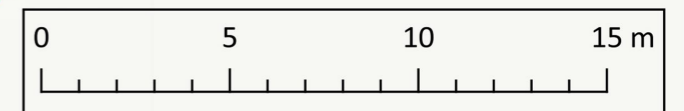
Tile Tree Survey Plan  
Land at South Street

Date 29th August 203

Background mapping from Ordnance Survey  
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Scale: 1:200 @ A3







**Trees, hedges and shrubs**

Individual stems shown as points  
Lines and groups of stems showed by dashed line  
Colours indicate 'Quality Categories'

-  Category A
-  Category B
-  Category C
-  Category U
-  No Category (shrubs and hedges)

**Additional Survey Features**

-  as labelled
-  as labelled
-  Redline boundary
-  Root Protection Areas



# APPENDIX 4

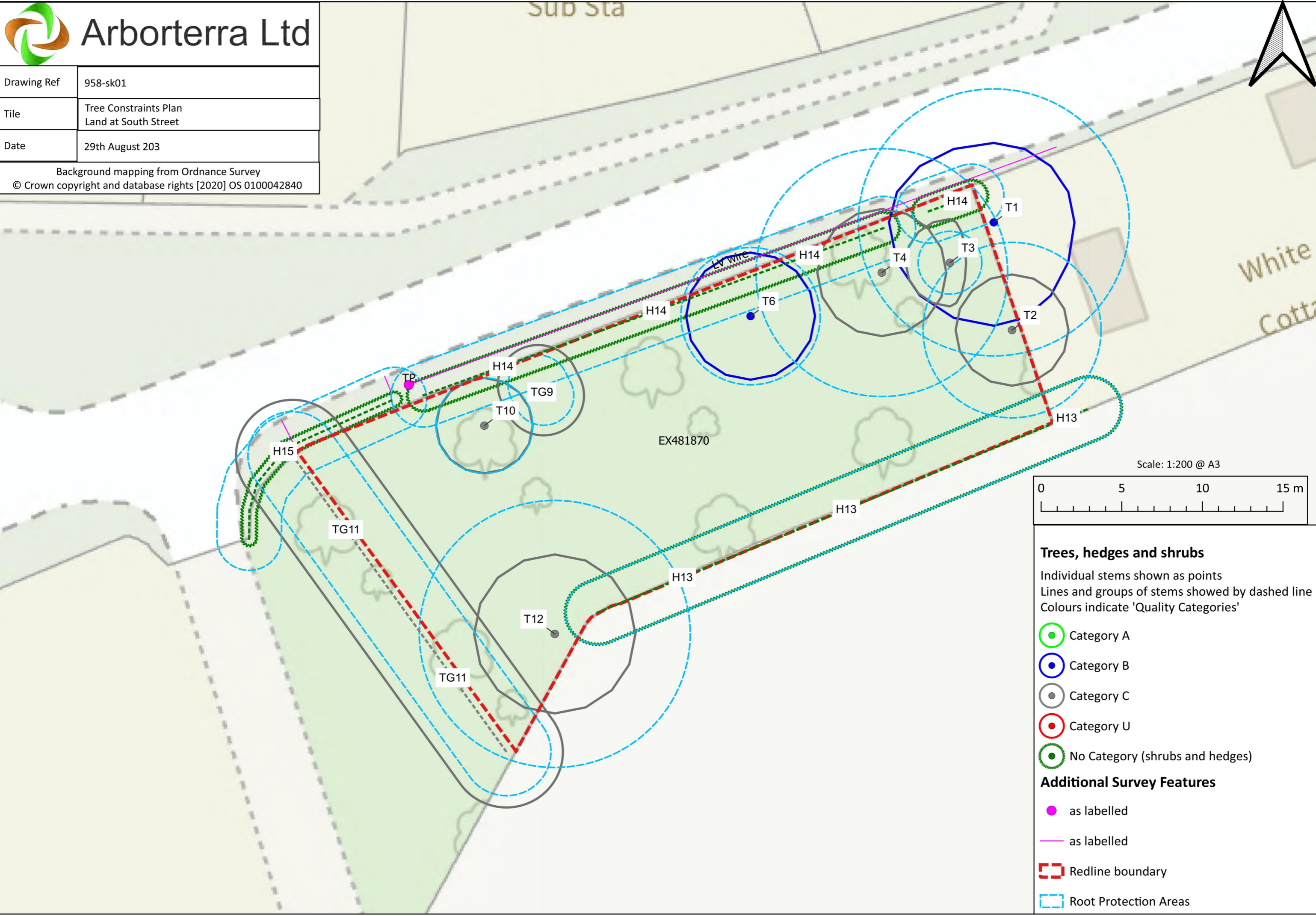
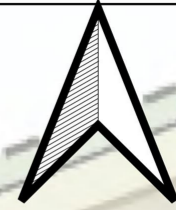
## Tree Constraints Plan (ref: 958-sk02)

Drawing Ref 958-sk01

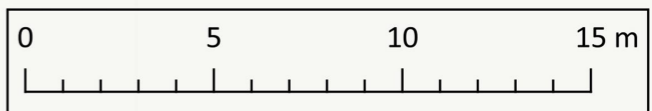
Tile Tree Constraints Plan  
Land at South Street

Date 29th August 203

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Scale: 1:200 @ A3







### Trees, hedges and shrubs

Individual stems shown as points  
Lines and groups of stems showed by dashed line  
Colours indicate 'Quality Categories'

-  Category A
-  Category B
-  Category C
-  Category U
-  No Category (shrubs and hedges)

### Additional Survey Features

-  as labelled
-  as labelled
-  Redline boundary
-  Root Protection Areas



**Arborterra Ltd**

[info@arborterra.co.uk](mailto:info@arborterra.co.uk)

[www.arborterra.co.uk](http://www.arborterra.co.uk)