

# Planning Committee Agenda

**7 December 2021 at 7pm**

**Council Chamber, Civic Centre, Chelmsford**

## **Membership**

Councillor J A Sosin (Chair)

## **and Councillors**

L Ashley, S Dobson, P Hughes, R J Hyland, J Lardge,  
R Lee, G H J Pooley, R J Poulter, T E Roper,  
E Sampson, C Shaw and I Wright

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City.

However, at present the Council is continuing to observe distancing at its meetings. To manage the number of public at this meeting anyone wishing to attend should obtain an admission pass beforehand. If you wish to apply for one or find out more about attending the meeting, please email Brian Mayfield in the Democracy Team: [brian.mayfield@chelmsford.gov.uk](mailto:brian.mayfield@chelmsford.gov.uk)

There is also an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance to [committees@chelmsford.gov.uk](mailto:committees@chelmsford.gov.uk). Further details are on the agenda page.

# PLANNING COMMITTEE

7 December 2021

## AGENDA

### 1. CHAIR'S ANNOUNCEMENTS

### 2. APOLOGIES FOR ABSENCE

### 3. DECLARATIONS OF INTEREST

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

### 4. MINUTES

To consider the minutes of the meeting on 2 November 2021

### 5. PUBLIC QUESTION TIME

Any member of the public may ask a question or make a statement at this point in the meeting, provided that they have submitted their question or statement in writing in advance. Each person has two minutes and a maximum of 20 minutes is allotted to public questions/statements, which must be about matters for which the Committee is responsible. The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Where an application is returning to the Committee that has been deferred for a site visit, for further information or to consider detailed reasons for refusal, no further public questions or statements may be submitted.

Any member of the public who wishes to submit a question or statement to this meeting should email it to [committees@chelmsford.gov.uk](mailto:committees@chelmsford.gov.uk) 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting.

### 6. LAND SOUTH-WEST OF PEMBROKE HOUSE, LONDON ROAD, GREAT NOTELY – 21/01821/FUL

### 7. 184 NEW LONDON ROAD, CHELMSFORD – 21/01932/FUL

8. 4 THE GREEN, WRITTLE, CHELMSFORD – 21/01258/FUL

9. PLANNING APPEALS

**MINUTES**  
**of the**  
**PLANNING COMMITTEE**  
**held on 2 November 2021 at 7:00pm**

**Present:**

Councillor J A Sosin (Chair)

Councillors L Ashley, S Dobson, J Lardge, R Lee, L Millane,  
G H J Pooley, T E Roper, E Sampson, C Shaw and I Wright

**1. Chair's Announcements**

For the benefit of the public, the Chair explained the arrangements for the meeting.

**2. Apologies for Absence**

Apologies for absence had been received from Councillors P Hughes, R J Hyland and R J Poulter. Councillor L Millane had been appointed as a substitute for Councillor R J Poulter.

**3. Declarations of Interest**

All Members were reminded that they must disclose any interests they knew they had in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they became aware of the interest. If the interest was a Disclosable Pecuniary Interest they were also obliged to notify the Monitoring Officer within 28 days of the meeting. Any declarations are recorded in the relevant minute below.

**4. Minutes**

The minutes of the meeting on 7 September 2021 were confirmed as a correct record.

**5. Public Question Time**

A statement was made by a member of the public on Item 6. Details are recorded under the relevant minute number below.



## 6. 28 Humber Road, Chelmsford – 21/01682/FUL

The Committee considered an application for a two-storey rear extension, garage conversion, proposed porch, roof alterations and the insertion of a new first-floor window at 28 Humber Road, Chelmsford.

A neighbour had submitted a statement in which he expressed his objection to the extent of the development, the proximity of the rear extension to his property and the resulting loss of view and light. The objector asked that the extension should be limited to no more than three metres depth.

Members shared the view of officers that the impact of the development was not sufficient to justify refusal of the application and that an acceptable relationship would be maintained with neighbouring properties. It was confirmed that extensions of three metres or less had permitted development rights but that as this application was for one of five metres planning permission was required.

RESOLVED that application 21/01682/FUL in respect of 28 Humber Road, Chelmsford be approved, subject to the conditions detailed in the report to the meeting.

(7.02pm to 7.12pm)

## 7. Planning Appeals

RESOLVED that the information on appeal decisions between 26 August and 20 October 2021 be noted.

(7.12pm to 7.13pm)

The meeting closed at 7.13pm

Chair

## **PLANNING POLICY BACKGROUND INFORMATION**

The Chelmsford Local Plan 2013 – 2016 was adopted by Chelmsford City Council on 27<sup>th</sup> May 2020. The Local Plan guides growth and development across Chelmsford City Council's area as well as containing policies for determining planning applications. The policies are prefixed by 'S' for a Strategic Policy or 'DM' for a Development Management policy and are applied across the whole of the Chelmsford City Council Area where they are relevant. The Chelmsford Local Plan 2013-3036 carries full weight in the consideration of planning applications.

## **SUMMARY OF POLICIES REFERRED TO IN THIS AGENDA**

- MPSPD** The Making Places Supplementary Planning Document was adopted in January 2021 and sets out detailed guidance for the implementation of the policy requirements set out in the Local Plan. It seeks to promote and secure high-quality sustainable new development. It is aimed at all forms of development, from large strategic developments, public spaces and places, to small extensions to individual homes.
- DM1** Policy DM1 - Size & Type of Housing - The Council will protect existing housing from redevelopment to other uses and will require an appropriate mix of dwelling types that contribute to current and future housing needs and create mixed communities. For developments of 10 or more dwellings, 50% of the new dwelling shall be constructed to meet requirement M4 (2) of the Building Regulations. On sites of 30 or more dwellings 5% off the affordable units shall also be provided as wheelchair user dwellings. Sites of 100 dwellings or more will need to comply with Ai), A ii) and Bi) and provide 5 % self-build homes which can include custom housebuilding; and provision of Specialist Residential Accommodation taking account of local housing needs.
- DM8** Policy DM8 - New Build & Structures in the Rural Area - Planning permission will be granted for new buildings in the Rural Area where the development would not adversely impact on the identified intrinsic character and beauty of the countryside and is for one of a number of prescribed developments. Planning permission will be granted for the redevelopment of previously developed land, replacement buildings and residential outbuildings subject to meeting prescribed criteria.
- DM13** Policy DM13 - Designated Heritage Assets - 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 Council will preserve Listed Buildings, Conservation Areas, Registered Parks and Gardens and Scheduled Monuments.
- DM15** Policy DM15 - Archeology - Planning permission will be granted for development affecting archaeological sites providing it protects, enhances or preserves sites of archaeological interest and their settings.
- DM16** Policy DM16 - Ecology & Biodiversity - The impact of a development on Internationally Designated Sites, Nationally Designated Sites and Locally Designated Sites will be considered in line with the importance of the site. With National and Local Sites, this will be balanced against the benefits of the development. All development proposals should conserve and enhance the network of habitats, species and sites.
- DM17** Policy DM17 - Trees, Woodland & Landscape Features - Planning permission will only be granted for development proposals that do not result in unacceptable harm to the health of a preserved tree, trees in a Conservation Area or Registered Park and Garden, preserved woodlands or ancient woodlands. Development proposals must not result in unacceptable harm to natural landscape features that are important to the character and appearance of the area.

- DM23** Policy DM23 - High Quality & Inclusive Design - Planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.
- DM25** Policy DM25 - Sustainable Buildings - All new dwellings and non-residential buildings shall incorporate sustainable design features to reduce carbon dioxide and nitrogen dioxide emissions and the use of natural resources. New dwellings and non-residential buildings shall provide convenient access to electric vehicle charging point infrastructure.
- DM26** Policy DM26 - Design Specification for Dwellings - All new dwellings (including flats) shall have sufficient privacy, amenity space, open space, refuse and recycling storage and shall adhere to the Nationally Described Space Standards. These must be in accordance with Appendix B. All houses in multiple occupation shall also provide sufficient communal garden space, cycle storage, parking and refuse and waste storage.
- DM27** Policy DM27 - Parking Standards - The Council will have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice (2009) or as subsequently amended when determining planning applications.
- DM29** Policy DM29 - Protecting Living & Working Environments - Development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions, unless appropriate mitigation measures can be put in place and permanently maintained.
- SPS1** Strategic Policy S1 Spatial Principles - The Spatial Principles will guide how the Strategic Priorities and Vision will be achieved. They will underpin spatial planning decisions and ensure that the Local Plan focuses growth in the most sustainable locations.
- SPS11** Strategic Policy S11 The Role of the Countryside - The openness and permanence of the Green Belt will be protected. Inappropriate development will not be approved except in very special circumstances. The Green Wedge has an identified intrinsic character and beauty and is a multi-faceted distinctive landscape providing important open green networks. The countryside outside of the Urban Areas and Defined Settlements, not within the Green Belt is designated as the Rural Area. 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.

## **VILLAGE DESIGN STATEMENTS**

VDS: Sets out the local community's view on the character and design of the local area. New development should respect its setting and contribute to its environment.

## **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) was published in February 2019. It replaces the first NPPF published in March 2012 and almost all previous national Planning Policy Statements and Planning Policy Guidance, as well as other documents.

Paragraph 1 of the NPPF sets out the Government's planning policies for England and how these should be applied. Paragraph 2 confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and should be read as a whole.

Paragraph 7 says that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development meant that the planning system has three overarching objectives; an economic objective; a social objective; and an environmental objective. A presumption in favour of sustainable development is at the heart of the Framework.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.



## Planning Committee

<b>Application No</b>	:	21/01821/FUL Full Application
<b>Location</b>	:	Land South West Of Pembroke House London Road Great Notley Braintree Essex
<b>Proposal</b>	:	<b>Construction 3 detached dwellings with associated garaging/cartlodges. New vehicular access to the highway, pedestrian access, drainage and associated landscaping.</b>
<b>Applicant</b>	:	Omtech Services Limited
<b>Agent</b>	:	Mrs Sharon Smith
<b>Date Valid</b>	:	17th September 2021

## Contents

1. Executive summary .....	2
2. Description of site .....	2
3. Details of the proposal .....	3
4. Other relevant applications .....	3
5. Summary of consultations .....	4
6. Planning considerations .....	4
7. Community Infrastructure Levy (CIL) .....	9
8. Conclusion .....	9

## Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

## **1. Executive summary**

- 1.1. The application has been referred to the Planning Committee by a ward councillor.
- 1.2. The application site is located on the west side of London Road north of the village of Great Leighs close to the border with Braintree. The site is roughly rectangular in shape and runs for approximately 126m along the road. It is a flat and open unmanaged field with grass and scrub. It provides an open space that contributes to the wider countryside beyond the defined settlement boundaries of both Great Leighs and Braintree.
- 1.3. The proposal seeks to construct three large detached five-bed houses and three triple garages with ancillary rooms above. The houses would be two storey, with pitched roofs with a 8.3m ridge height.
- 1.4. The site would be accessed via two new access points off London Road. The proposed parking arrangement would include triple garages and hardstanding.
- 1.5. The proposed development does not fall into any of the types of development listed in Policy DM8 of the Local Plan for which planning permission for dwelling houses in the Rural Area may be granted.
- 1.6. The proposed development would introduce sizable houses along with substantial garages, which would significantly reduce and adversely impact the rural qualities of the street scene in this location, which would be contrary to Policy S11 of the Local Plan.
- 1.7. The development would not reflect aspirations of Strategic Policies S1 and S7 which seek to encourage a reuse of previously developed land within Urban Areas and Defined Settlements without encroaching into the open countryside.
- 1.8. It is considered that to grant planning permission for the proposed development would undermine the development plan and plan-led system which would in itself be harmful.
- 1.9. No objections have been received in relation to the proposal.
- 1.10. The current application is a resubmission of an almost identical scheme, which was refused in 2020 (20/02059/FUL refers).
- 1.11. Refusal is recommended.

## **2. Description of site**

- 2.1. The site is located outside of any Defined Settlement boundary. It sits south of a small pocket of residential and non-residential properties on London Road in the Rural Area known as Youngs End. The southern end of Great Notley is approximately half a kilometre to the north. The northern end of Great Leighs lies about 1.3km to the south. Great Leighs racecourse lies to the southwest on the other side of the A131.
- 2.2. The application plot is currently a grass/scrub field on the western side of London Road. The A131 is located to the west of the site.

- 2.3. The immediate surroundings represent a rural street with a small number of houses interspersed with large gaps and areas of green open spaces and agricultural fields.
- 2.4. The site does not contain any buildings, structures or hardstanding. There is no current use of the land.

### 3. Details of the proposal

- 3.1. This proposal seeks to construct three detached five-bed houses and three triple garages with ancillary rooms above. The houses would have two storeys, pitched roofs with ridges at 8.3m. The three houses would be spread out spaciouly across the 126m wide site frontage.
- 3.2. Each house would provide approximately 250 sqm of internal space plus an additional 44 sqm of habitable space above the garage.
- 3.3. The development would be accessed via two new vehicular access points off London Road. The properties would also each have a pedestrian access to the public pavement. The proposed parking arrangement would include triple garages and hardstanding.
- 3.4. The shared access to the two northernmost plots would continue to the back of the application site to finish with the site boundary with the adjoining field.
- 3.5. The proposed houses would be provided with substantial gardens, above the set minimum standards in the Local Plan.
- 3.6. The properties are proposed to be constructed to Passivehouse standards.

### 4. Other relevant applications

- 4.1. 20/02059/FUL – Refused 1<sup>st</sup> Match 2021  
Construction of 3 dwellings with detached cartlodges with room-in roof over. New accesses to highway, drainage and associated landscaping

*Reasons:*

*1*

*Policy DM8 of the Chelmsford Local Plan 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 site is not previously developed land. The proposal is not a re-use or replacement of the existing buildings. It is not an infilling of a built-up frontage. It is also not of exceptional design quality or innovative in nature despite the proposed Passivehaus aspect. The proposed development does not fall into any of the types of development listed in policy DM8 for which planning permission may be granted for and is therefore contrary to the development plan. To grant planning permission would undermine the development plan and plan-led system which would in itself be harmful.*

*The proposed dwellings and garages would represent bulky and prominent development in this rural location contrary to the existing character of the area which is intercepted with open fields and a*

*small pocket of existing buildings. The intrinsic character and beauty of this rural vicinity would be adversely impact as a result of the proposals contrary to Policies S11 and DM8 and the National Planning Policy Framework.*

2

*Paragraph 109 of the National Planning Policy Framework (2019) states that development proposals that might result in an unacceptable impact on highway safety, or the residual cumulative impacts on the roads network as a result of the proposals would be severe, should be refused.*

*The development falls outside of a defined settlement area where the function of Secondary Distributors between defined settlement areas are protected by prohibiting direct access onto these roads. The proposed accesses would lead to conflict and interference with the passage of through vehicles to the detriment of the principal function of Secondary Distributors. The introduction of further points of possible traffic would result in detrimental impact on highway safety. The proposed access points would conflict with aims of the National Planning Policy Framework (2019) as the residual and cumulative impacts on the road network would be considered significant resulting in an unacceptable impact on the highway safety and function.*

*In addition, the proposed landscaping to front of the development adjacent to London Road would encroach onto highway land, which would interfere with the passage of users of the highway and over time be detrimental to the integrity of the highway.*

## **5. Summary of consultations**

*Braintree District Council – no response received.*

*Great & Little Leighs Parish Council – no response received.*

*Public Health & Protection Services – 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.*

*Essex County Council Highways - the impact of the proposal is acceptable to the Highway Authority, subject to conditions.*

*Recycling & Waste Collection Services – no response received.*

*ECC Historic Environment Branch - the Historic Environment Record shows that the proposed development site lies on the route of the Chelmsford-Braintree-Long Melford Roman road (EHER 6057). As a result, the possibility exists for the site to contain the remains of Roman (or later) extramural settlement, as well as evidence of the road itself in the form of metalling or roadside ditches. The archaeological work will comprise an archaeological evaluation of the site carried out prior to the commencement of development.*

*Local residents – no representations received.*

## **6. Planning considerations**

### **Main Issues**



- 6.1. Whether the proposed development is acceptable in this location in principle and comply with the requirements of the Local Plan and the National Planning Policy Framework (2021).
- 6.2. Whether the proposed development would adversely impact the beauty and intrinsic character of the Rural Area.

***Policy and principle of development***

- 6.3. The National Planning Policy Framework 2021 (NPPF) sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): the three objectives are the economic objective, the social objective and the environmental objective.
- 6.4. Chapter 15 of the National Planning Policy Framework seeks to conserve and enhance the natural environment. Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

*“(b) recognising the intrinsic character and beauty of the countryside (...)”.*

- 6.5. Chapter 9 of the NPPF (2021) is about promoting sustainable transport. Paragraph 110 of the National Planning Policy Framework (2021) states that development proposals should ensure that *“(b) safe and suitable access to the site can be achieved for all users”*. In addition, paragraph 111 states that *“development should be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 6.6. The adopted Development Plan sets out the Council’s Spatial Strategy which is a framework for sustainable housing and job growth integrating the necessary infrastructure to deliver development whilst safeguarding and enhancing key existing environmental, social and economic assets and resources. This is achieved by directing development first and foremost to the main urban areas and new ‘greenfield sites’ with smaller allocations within Defined Settlement Boundaries.
- 6.7. 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.
- 6.8. The Local Plan implements in detail the Spatial Strategy and its objectives which, amongst other matters, includes protecting the intrinsic character and beauty of the countryside. This is achieved by identifying Urban Areas and Defined Settlement Boundaries (DSBs) to create a defensible boundary that reflects the nature, size, setting and character of village settlements and to protect the countryside from urban sprawl and avoid the undesirable consolidation of a more dispersed development pattern.

- 6.9. Strategic Policy S11 of the Chelmsford Local Plan states that the intrinsic character and beauty of the Rural Area outside of the Green Belt, and not designated as the Green Wedge, will be recognised, assessed and development will be permitted where it would not adversely impact on its identified character and beauty. Beyond these areas 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 Local Plan.
- 6.10. 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.
- 6.11. The application site is located on the west side of London Road north of the village of Great Leighs close to the Borough border with Braintree. The site is roughly rectangular in shape and runs for approximately 126m along the road. It is a flat and open field laid with grass. It provides open space that contributes to the wider countryside beyond the defined settlement boundaries of both Great Leighs and Braintree.
- 6.12. The previous planning application has determined that the site is not previously developed land as it is grassland used at some point for grazing and has not been developed in any way, it is simply open countryside. The land does not contain any structures or hardstanding. The proposal is therefore for development of undeveloped land in the Rural Area. It is noted that the condition of the land has not changed since the previous planning application (20/02059/FUL).
- 6.13. The external appearances of the dwellings would not represent exceptional design quality or be innovative in nature. The proposed houses are large, bulky and of a common type and form. They would contrast with the existing (some extended) nearby local cottages. The large garages would add further bulk to the physical form and prominence of the proposed dwellings. The fact

that the proposed dwellings would be constructed to a Passivhaus standard would not outweigh the policy restrictions.

- 6.14. The proposed development would add a significant physical building mass to the existing sporadic settlement pattern which is a combination of open fields and low-rise ribbon housing. This would be harmful to the appearance and character of this rural vicinity.
- 6.15. The proposed development does not fall into any of the types of development listed in Policy DM8 for which planning permission may be granted. By introducing sizable houses along with huge garages, the proposal would significantly reduce and adversely impact the rural qualities of the street scene in this location, which would be contrary to Policy S11 of the Local Plan. The development would also be contrary to Strategic Policies S1 and S7 which seek to encourage a reuse of previously developed land in and within Urban Areas and Defined Settlements without encroaching into the open countryside. To grant planning permission would undermine the development plan and plan-led system which would in itself be harmful.
- 6.16. Refusal reason 1 of the previous application has not been overcome by the current submission.

#### ***Neighbour relationship***

- 6.17. The proposed dwellings including their size and position within the plot would be identical to the previously proposed scheme. The relationship with the neighbouring properties would not change as the result of the current submission. The relationship with neighbouring properties would be acceptable.

#### ***Access and parking***

- 6.18. The proposed new access points include two vehicular driveways, one private, one shared and three pedestrian paths connecting the houses with the pavement. The shared driveway is depicted as leading further into the land beyond the proposed development.
- 6.19. The previous proposal included a refusal reason relating to highway safety. The Highway Authority considered the scheme unsatisfactory and in conflict with aims of the NPPF as the residual and cumulative impacts on the road network would be considered significant, resulting in an unacceptable impact on highway safety and function. In addition, the Highway Authority had previously raised objection to the proposed landscaping to front of the development adjacent to London Road. The proposed landscaping would have encroached onto highway land, which would interfere with the passage of users of the highway and over time would have become detrimental to the integrity of the highway.
- 6.20. A highway report relating to the previous objections raised by the Highway Authority is provided with the current application. The current proposal, alongside the prepared desk top review, has been considered by the Highway Authority. In light of the study and alterations to the landscaping, which would now not encroach onto highway land, the Highway Authority has not objected to the current proposal. No objections have been raised in relation to the parking areas and arrangement for the proposed development.
- 6.21. As such the revised scheme overcomes the second refusal reason of the previous planning proposal (20/02059/FUL). The proposed development would be provided with adequate access from a public road and no part of the development would invade onto the highway land.

### ***Internal spaces standards***

- 6.22. The houses would each have 5 bedrooms. All internal spaces would meet the required internal space standards for a property of this size.

### ***Garden Provision***

- 6.23. The dwellings would be positioned fairly centrally within their plots with amenity spaces to front, sides and rear. The proposed garden sizes would be above the required standards set in the Local Plan. The proposed private amenity spaces for the proposed houses would be of an acceptable size for the size of the houses.

### ***Sustainable Development - Planning Balance***

- 6.24. The Design and Access Statement which accompanies the application focuses on sustainability features and qualities of the proposed project. It argues that the proposed development would be located in a highly sustainable location and states that the Council does not recognise that. The Statement refers to Strategic Policy S2 of the Local Plan which addresses climate change and flood risk. It also refers to the NPPF and three overarching objectives to sustainable development: economic, social and environmental.
- 6.25. The three NPPF's objectives were considered under the previous proposal. Only limited weight was attributed to the scheme in fulfilling its economic and social roles of sustainable development. The growth needs of the Council's administrative area, as previously, are being realised through the ability to demonstrate five years' worth of specific deliverable sites.
- 6.26. Whilst the site is on a bus route, the pedestrian or cyclable access to amenities is not easy or safe due to the high speed limits and necessity to cross a major roundabout. Therefore, it is highly likely that the occupiers of the development would choose to travel by private vehicle, which has been notably encouraged by the proposed triple garages to each property with additional hardstanding for vehicle parking. The proposed scheme does not boost or promote sustainable transport and neither aims to reduce the carbon footprint of the development by proposing parking spaces for up to 6 cars per dwelling.
- 6.27. The environmental aspect of the project has been also considered previously. The current scheme is not different to the one previously proposed. As considered previously, the indicated highly sustainable technologies which would be utilised in order to achieve Passivehaus standards and certification would not be ground-breaking or result in a proposal which would perform better than one built using the top end of existing technology. The proposed construction methods have been only afforded limited weight in providing environmental benefits.
- 6.28. Whilst the sustainable construction methods are welcomed, as they would be in any building project, these would not outweigh the harm to the Rural Area arising from the proposals and the fact that the proposal is contrary to policies S1, S11 and DM8 of the Local Plan as outlined above.
- 6.29. Whilst the location of the site adjoins other residential properties, it is outside of any defined settlement, in a clear and distinct Rural Area. The development, by urbanising the site and introducing large scale buildings and domestication would be harmful to the rural character of the area. Significant weight is attributed to that harm.

## **RAMS**

- 6.30. New residential development at this site has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has provided a financial contribution towards mitigation at the local wildlife site.

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

- 7.1. This application may have been CIL liable. If the application had been recommended for approval, a CIL charge may have been payable.

## **8. Conclusion**

- 8.1. The scheme proposes three large dwellings, including domestic paraphernalia and outbuildings, on previously undeveloped land, which does not fall within the boundary of any Defined Settlement.
- 8.2. The proposed houses would not represent exceptional design or innovative nature. The Passivehouse standards would be achieved by utilising highly sustainable technologies that are already available on the market and would not be ground-breaking or result in a proposal which would perform better than one built using the top end of existing technology.
- 8.3. The proposal is not compliant with the objectives of the National Planning Policy Framework (2021) and Chelmsford Local Plan (2020).

## **RECOMMENDATION**

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

### **Reason 1**

Policy DM8 of the Chelmsford Local Plan 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 site is not previously developed land. The proposal is not a re-use or replacement of the existing buildings. It is not an infilling of a built-up frontage. It is also not of exceptional design quality or innovative in nature despite the proposed Passivehaus aspect. The proposed development does not fall into any of the types of development listed in policy DM8 for which planning permission may be granted for and is therefore contrary to the development plan. To grant planning permission would undermine the development plan and plan-led system which would in itself be harmful.

The proposed dwellings, garages and domestication would represent bulky and prominent development in this rural location contrary to the existing character of the area which comprises open fields and a small pocket of buildings. The intrinsic character and beauty of this rural vicinity would be adversely impacted as a result of the proposals contrary to Policies S11 and DM8 and the National Planning Policy Framework.

## **Background Papers**

Case File

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**Braintree District Council**

Comments
No response received

**Great & Little Leighs Parish Council**

Comments
No response received

**Essex County Council Highways**

Comments
<p>19.10.2021 - Your Ref: 21/01821/FUL</p> <p>Our Ref: CO/EGD/SD/RM/CHL/21/1821/48994</p> <p>Date:- 18th October 2021</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <p>1. 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;</p> <p>i. the parking of vehicles of site operatives and visitors,</p> <p>ii. loading and unloading of plant and materials,</p> <p>iii. storage of plant and materials used in constructing the development,</p> <p>iv. wheel and underbody washing facilities.</p> <p>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.</p> <p>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</p>

## Notes - MUD / DEBRIS ON HIGHWAY

Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.

2. Prior to first occupation of the development, each of the two vehicular accesses, shown in the Proposed Site Plan, drawing no. 04, Revision E, at its centre line shall be provided with a clear to ground visibility splays with dimensions of 2.4 metres by 120 metres in both directions, retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the vehicular accesses and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

3. All new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

4. Prior to first occupation of the development and notwithstanding the details shown in the Proposed Site Plan, drawing no. 04 Revision E:

- i. The vehicular accesses shown shall be constructed at right angles to the highway boundary and to the existing carriageway.
- ii. The vehicular access serving the single dwelling shall not exceed 4 metres wide
- iii. The vehicular access serving the 2no. dwellings shall not exceed 5 metres wide.
- iv. Each vehicular access shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge, to preserve pedestrian priority.
- v. The developer shall upgrade the existing footway on the north side of London Road along the entire site frontage up to south west boundary of Pembroke House to 2 metres wide.
- vi. The developer to pay the costs of all necessary traffic regulation orders and legal processes associated with the highway works.
- vii. Provision of all signing and lining in association with the highway works.

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 and policy DM9 accessibility and transport sustainability.

#### Notes

- i. There are two existing telegraph poles carrying overhead cables, in close proximity to each of the proposed vehicular accesses. The telegraph pole at the shared access for the two dwellings would obstruct vehicular access and impede vehicle manoeuvres and would therefore need to be relocated at the applicants cost, details to be agreed with and at no cost to the Highway Authority.
- ii. The telegraph pole close to the vehicular access for the single dwelling may obstruct vehicular access and or impede vehicle manoeuvres. If this is the case it would need to be relocated at the applicants cost, details to be agreed with and at no cost to the Highway Authority.
- iii. The applicant would need to contact the statutory service provider to arrange for these works.

5. 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.

6. 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.

7. Prior to first occupation of the proposed development, the vehicle parking areas including the garage parking, shown in the Proposed Site Plan, drawing no. 04 Revision E, shall be constructed ready for use. The vehicle parking areas and associated turning areas shall be retained in this form at all times.

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.

#### Notes.

Each dwelling is provided with a 3no. bay garage 6 metres long. This is not in full accord with the Parking Standards. The recommended minimum internal dimensions for a single garage are 3 metres wide by 7 metres long. The applicant asserts that in the 3no. bay garages, one bay would accommodate cycle and other domestic storage. However, each garage has 3no. parking spaces to the front of each garage in full accord with the parking Standards. The off-street parking provision level would therefore be provided in accordance with the Parking Standards.

8. 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.

9. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

#### General

i. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate agreement with the Highway Authority to regulate construction works. This will include the submission of detailed engineering drawings for approval and where required, a safety audit.

ii. The above to be provided at no cost to the Highway Authority

iii. The above to be imposed on the planning permission (if granted) by planning obligation or condition, as necessary.

iv. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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.

#### Informatives:

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) or by post to:

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU

## Recycling & Waste Collection Services

### Comments

No response received

## ECC Historic Environment Branch

### Comments

08.10.2021 - Dear Sir/Madam,

RE: 21/01821/FUL - Land South West Of Pembroke House, London Road, Great Notley

The above application has been identified on the weekly list and checked by the Historic Environment Advisor of Essex County Council.

The Historic Environment Record shows that the proposed development site lies on the route of the Chelmsford-Braintree-Long Melford Roman road (EHER 6057). As a result, the possibility exists for the site to contain the remains of Roman (or later) extramural settlement, as well as evidence of the road itself in the form of metalling or roadside ditches.

In view of this, the following recommendation is made in line with the National Planning Policy Framework:

RECOMMENDATION: Full condition

(i) No development or preliminary ground works shall take place within the site until a Written Scheme of Investigation for the programme of archaeological work has been submitted to and approved in writing by the local planning authority.

(ii) No development or preliminary ground works shall take place until such time that the programme of archaeological work has been carried out in accordance with the approved Written Scheme of Investigation.

The archaeological work will comprise an archaeological evaluation of the site carried out prior to the commencement of development. The City Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief will be produced from this office detailing the work required on request.

If you have any questions please do not hesitate to contact me.

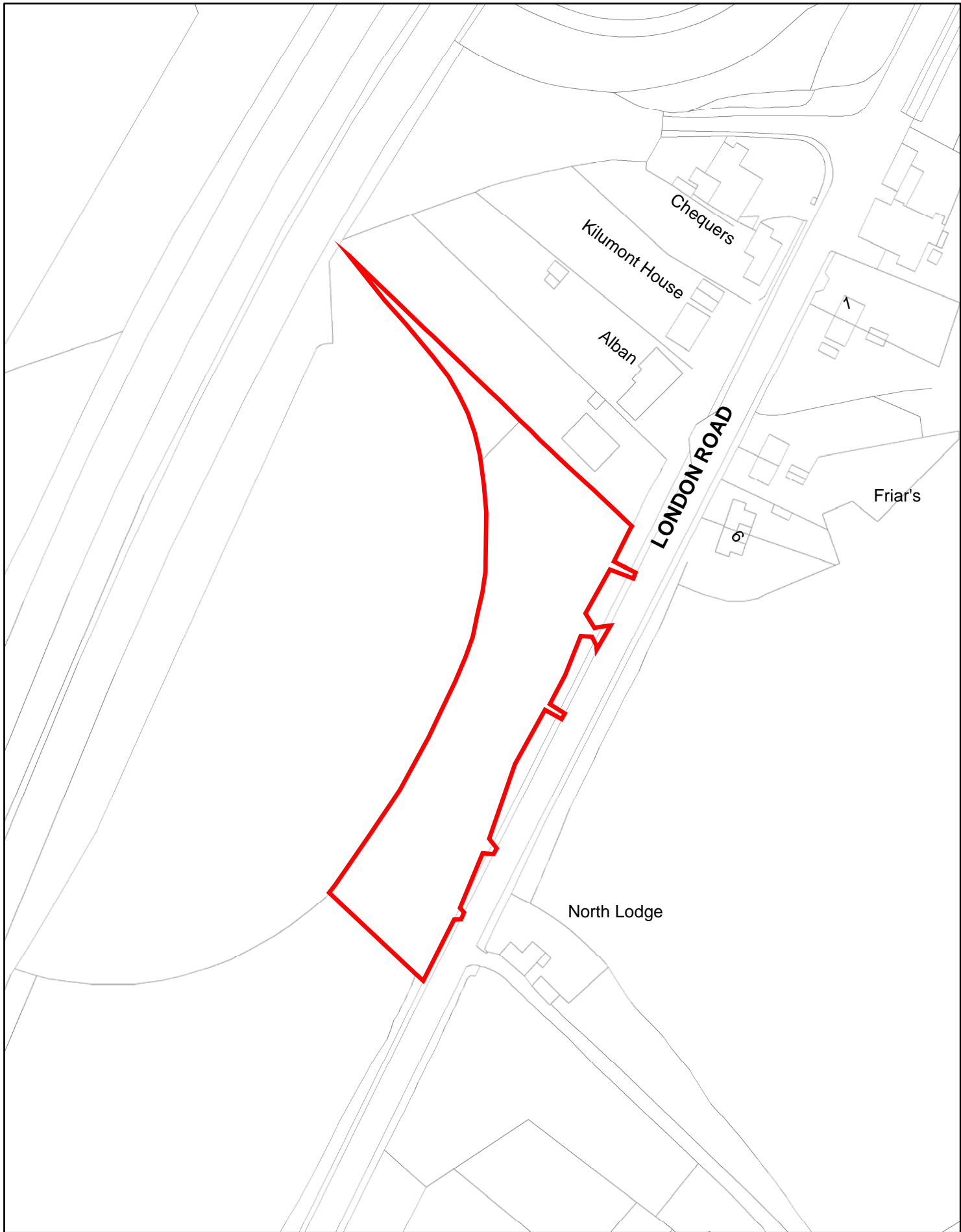
Yours sincerely

### **Public Health & Protection Services**

Comments
28.09.2021 - 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.



0 12.5 25 50 Metres

1:1,250



**Planning Committee**  
**\*\*21/01821/FUL\*\***

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

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

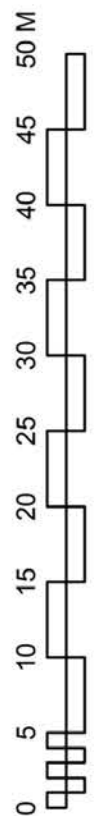
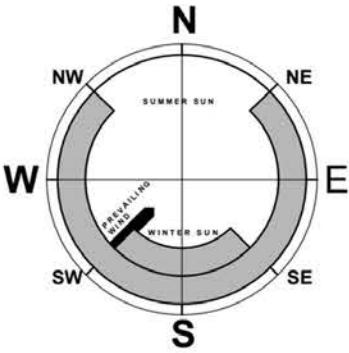
Telephone: 01245 606826



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D - 24/6/21 - updated with new land registry info  
C - 29/12/20 - Extra dimensions added at planning request  
B - 2/12/20 - Plans updated following landscaping  
Rev A - 15/11/20 - Plans updated following client emails

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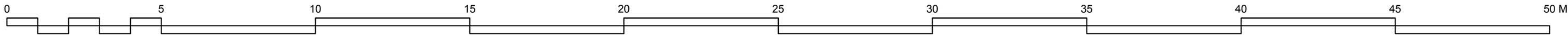
PROJECT  
Land adj. to Pembroke House  
London Road  
Great Leighs  
Chelmsford  
CM77 7QL

DRAWING  
Proposed Site Plan Context

SCALE	DATE	DRAWN BY	CHECKED
1:500 @ A1	Jun 2020		
DRAWING NUMBER	JOB NUMBER	STATUS	REV
07	478	Not For Construction	D

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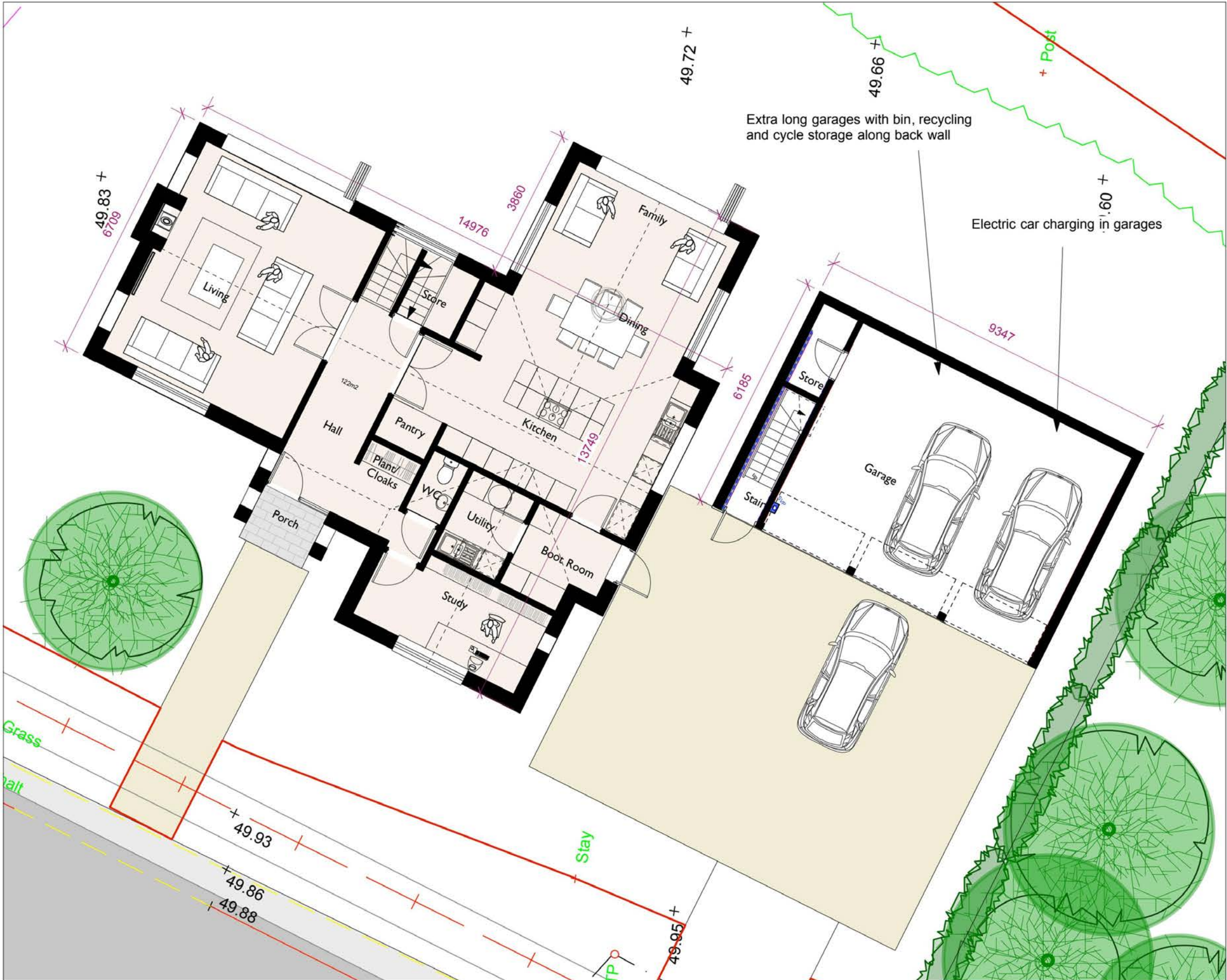
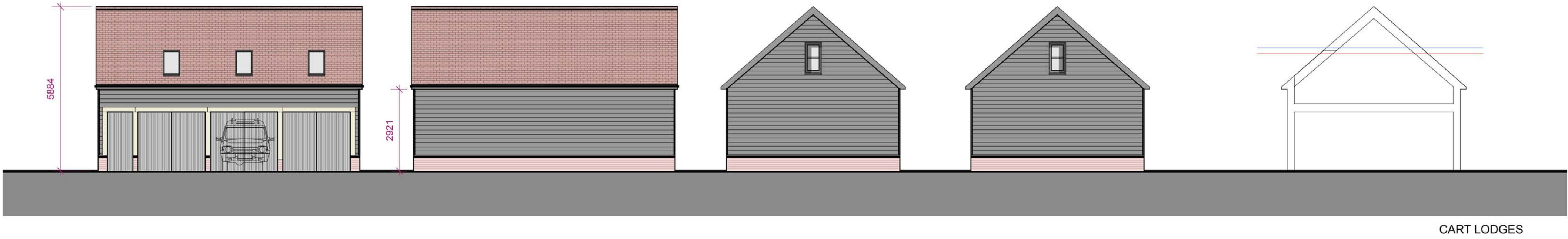




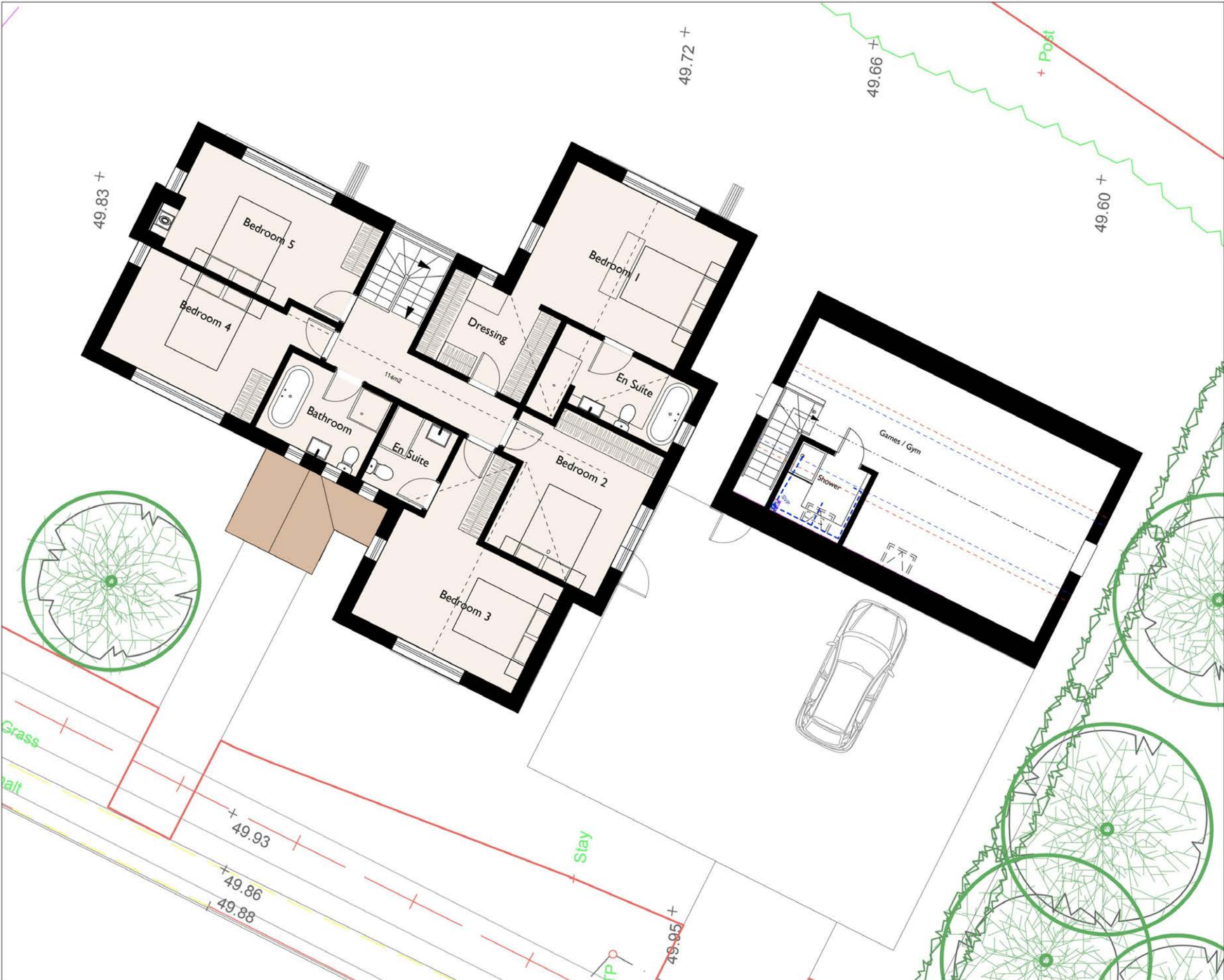
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GROUND



FIRST

B - 16/9/21 - Extra dimensions added  
A - 3/8/21 - Cart lodges reduced in height  
Rev

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DRAWING  
Proposed House Type C

SCALE	DATE	DRAWN BY	CHECKED
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DRAWING NUMBER	JOB NUMBER	STATUS	REV
11	478	Not For Construction	B

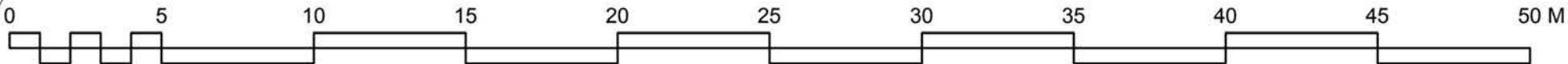
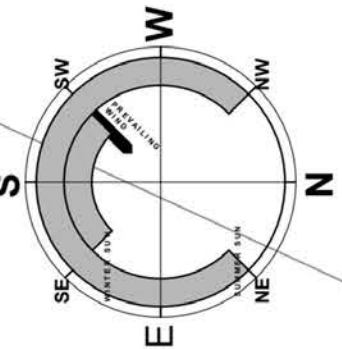
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Rev E - 24/6/21 - updated with new land registry info  
D - 29/12/20 - Extra dimensions added at planning request  
C - 2/12/20 - Plans updated following landscaping  
B - 15/11/20 - Plans updated following client emails  
A - 9/6/20 - Plans updated following client emails

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DRAWING  
Proposed Site Plan First

SCALE	DATE	DRAWN BY	CHECKED
1:200 @ A1	Jun 2020		
DRAWING NUMBER	JOB NUMBER	STATUS	REV
05	478	Not For Construction	E

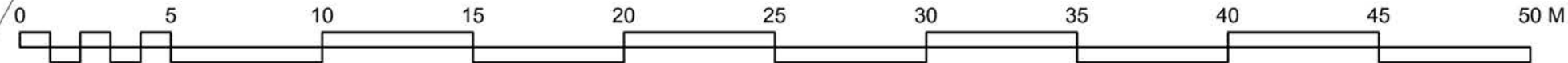
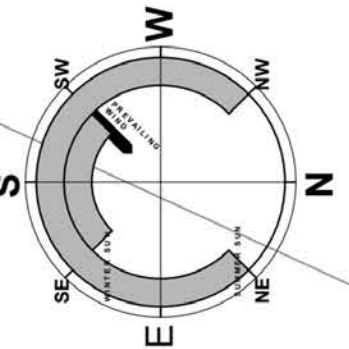
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Rev

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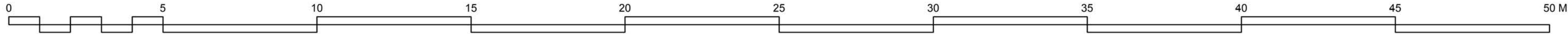
DRAWING

Proposed Roof Block Plan

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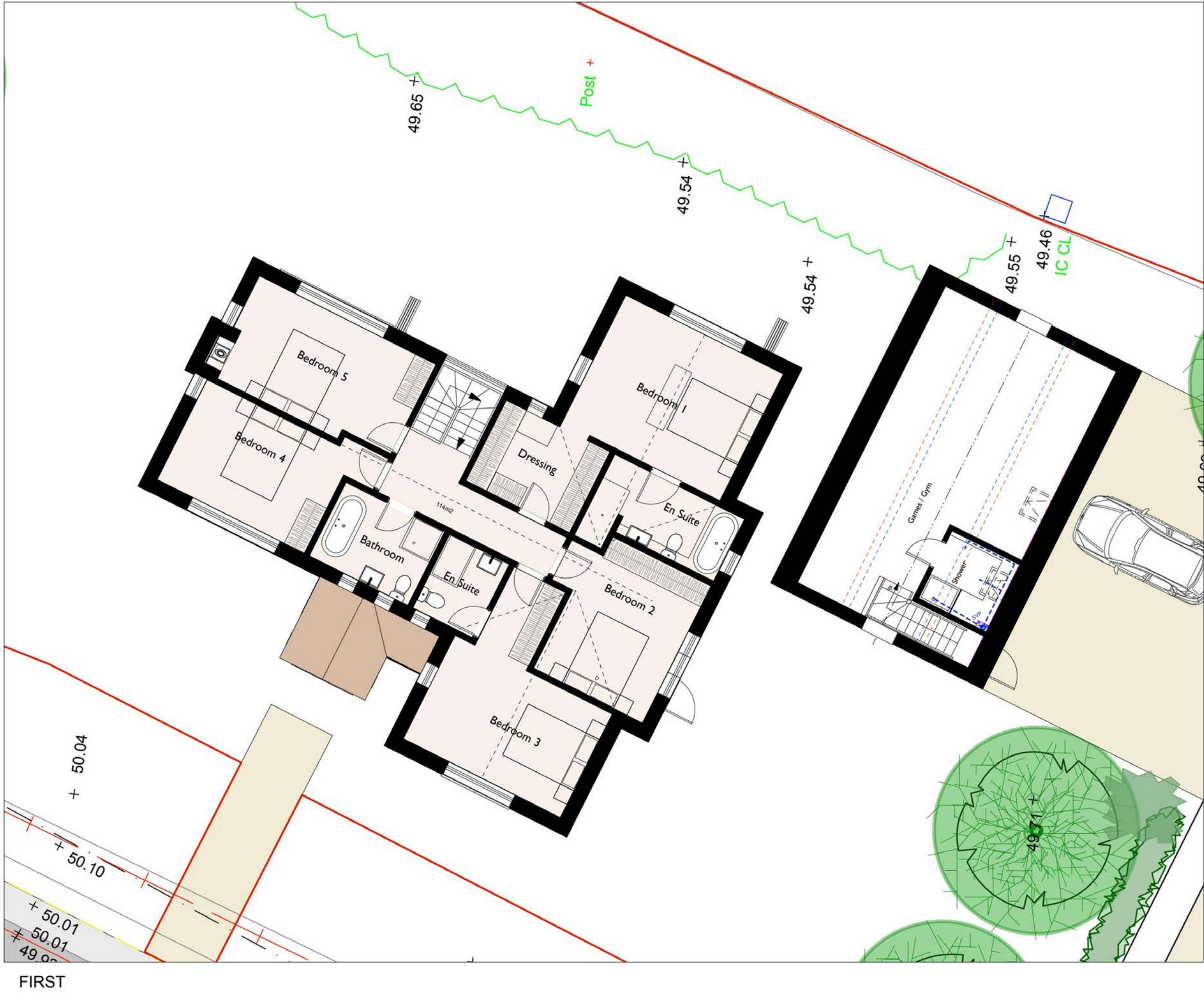
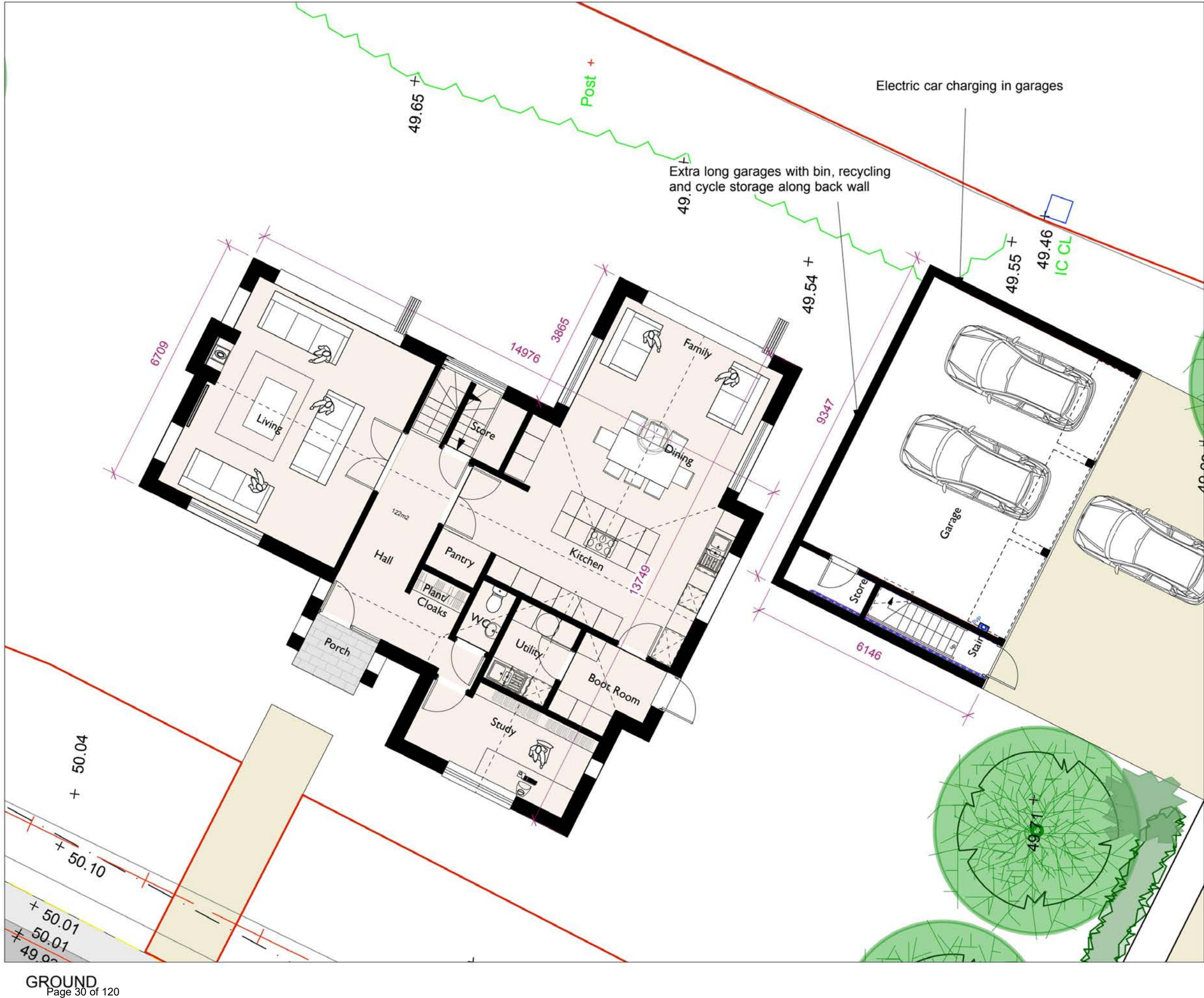
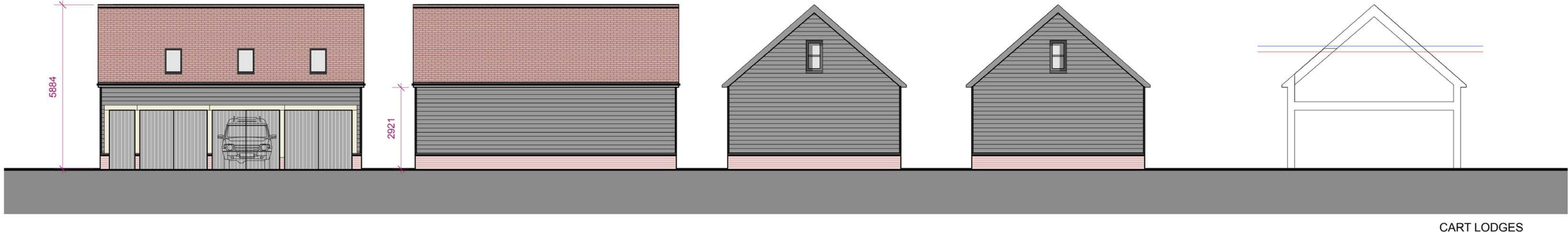




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B - 16/9/21 - Extra dimensions added  
Rev A - 3/8/21 - Cart lodges reduced in height

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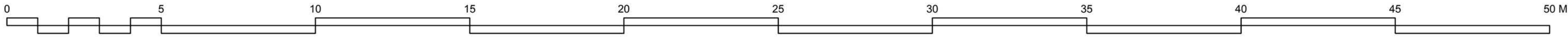
PROJECT  
Land adj. to Pembroke House  
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DRAWING  
Proposed House Type B

SCALE	DATE	DRAWN BY	CHECKED
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DRAWING NUMBER	JOB NUMBER	STATUS	REV
10	478	Not For Construction	B

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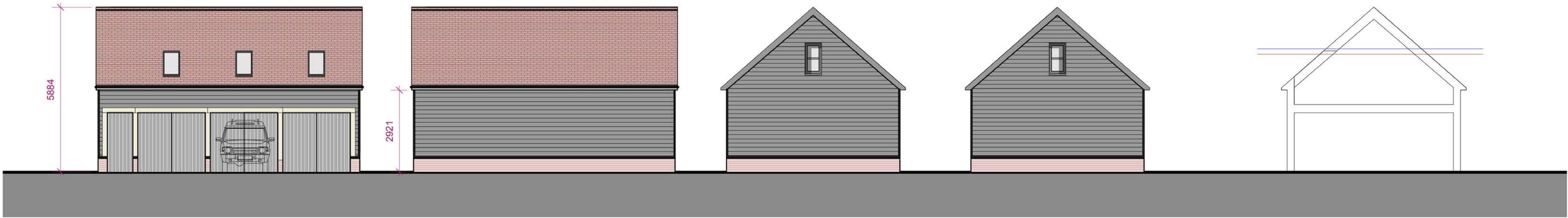
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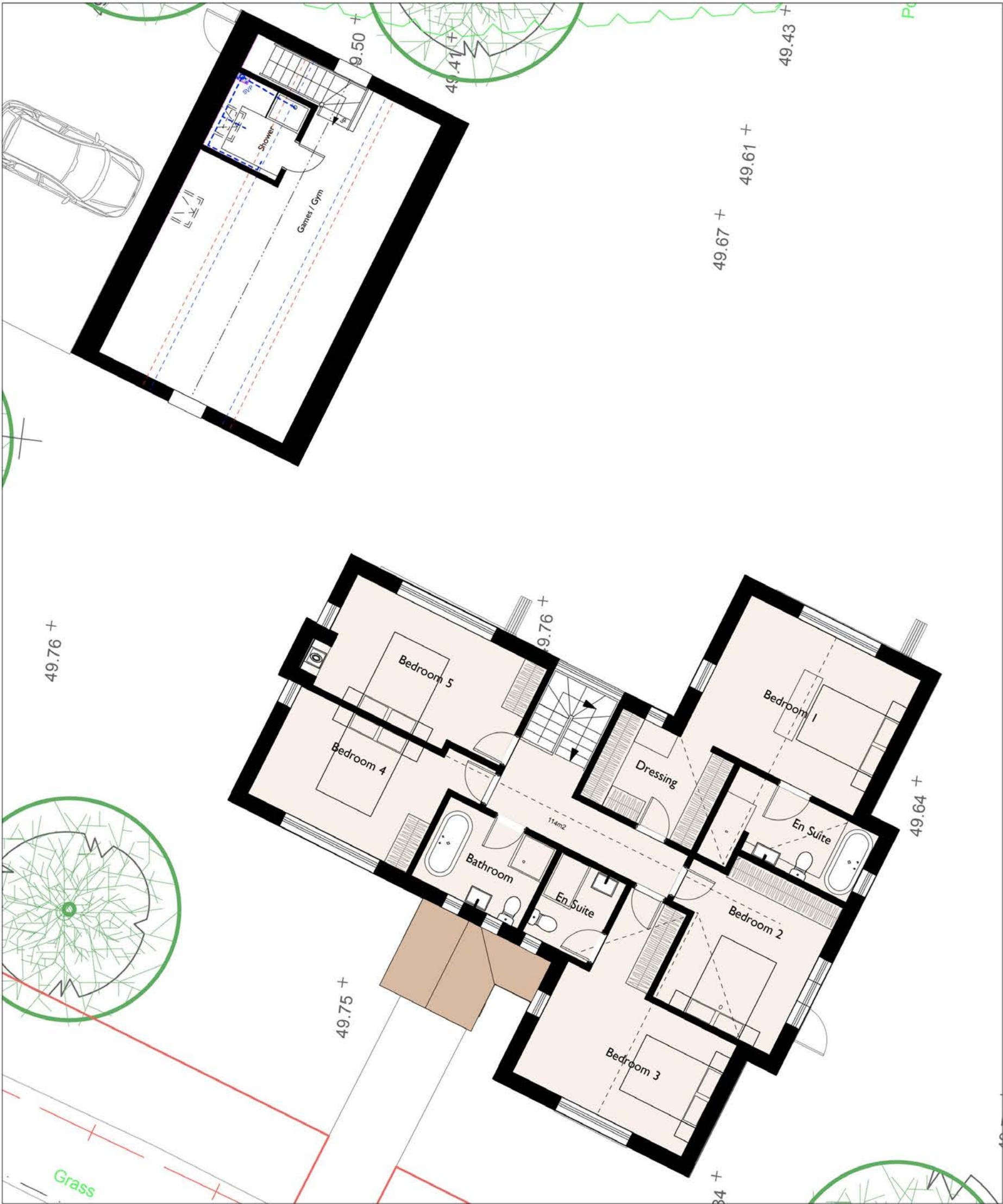
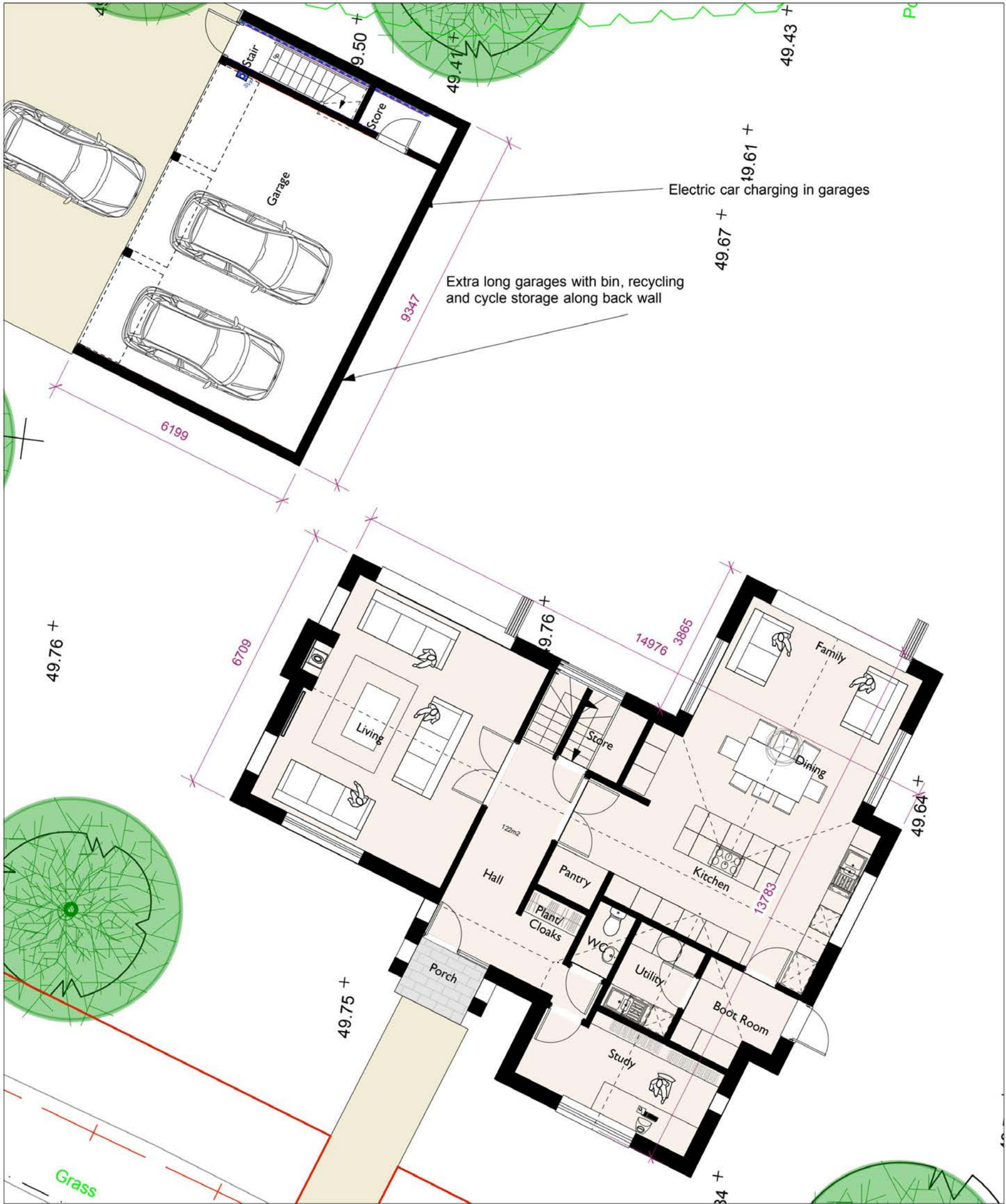
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HOUSES



CART LODGES



- G - 16/9/21 - Extra dimensions added
- F - 3/8/21 - Cart lodges reduced in height
- E - 23/7/21 - House types updated
- D - 2/12/20 - Plans updated following landscaping
- C - 15/11/20 - Plans updated following client emails
- B - 10/8/20 - Plans updated following pre app
- Rev A - 9/6/20 - Plans updated following client emails

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DRAWING  
Proposed House Type A

SCALE 1:100 @ A1	DATE Jun 2020	DRAWN BY	CHECKED
DRAWING NUMBER 06	JOB NUMBER 478	STATUS Not For Construction	REV G

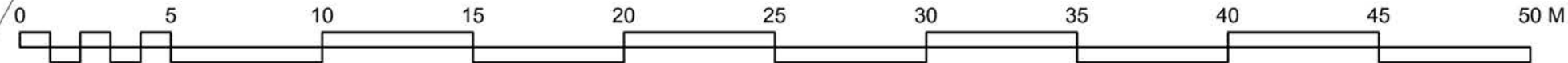
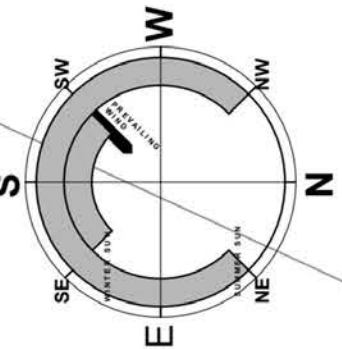
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North Lodge

Def

LONDON ROAD

- Rev
- E - 24/6/21 - updated with new land registry info
  - D - 29/12/20 - Extra dimensions added at planning request
  - C - 2/12/20 - Plans updated following landscaping
  - B - 15/11/20 - Plans updated following client emails
  - A - 9/6/20 - Plans updated following client emails

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Omtch Services Ltd

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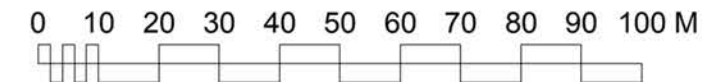
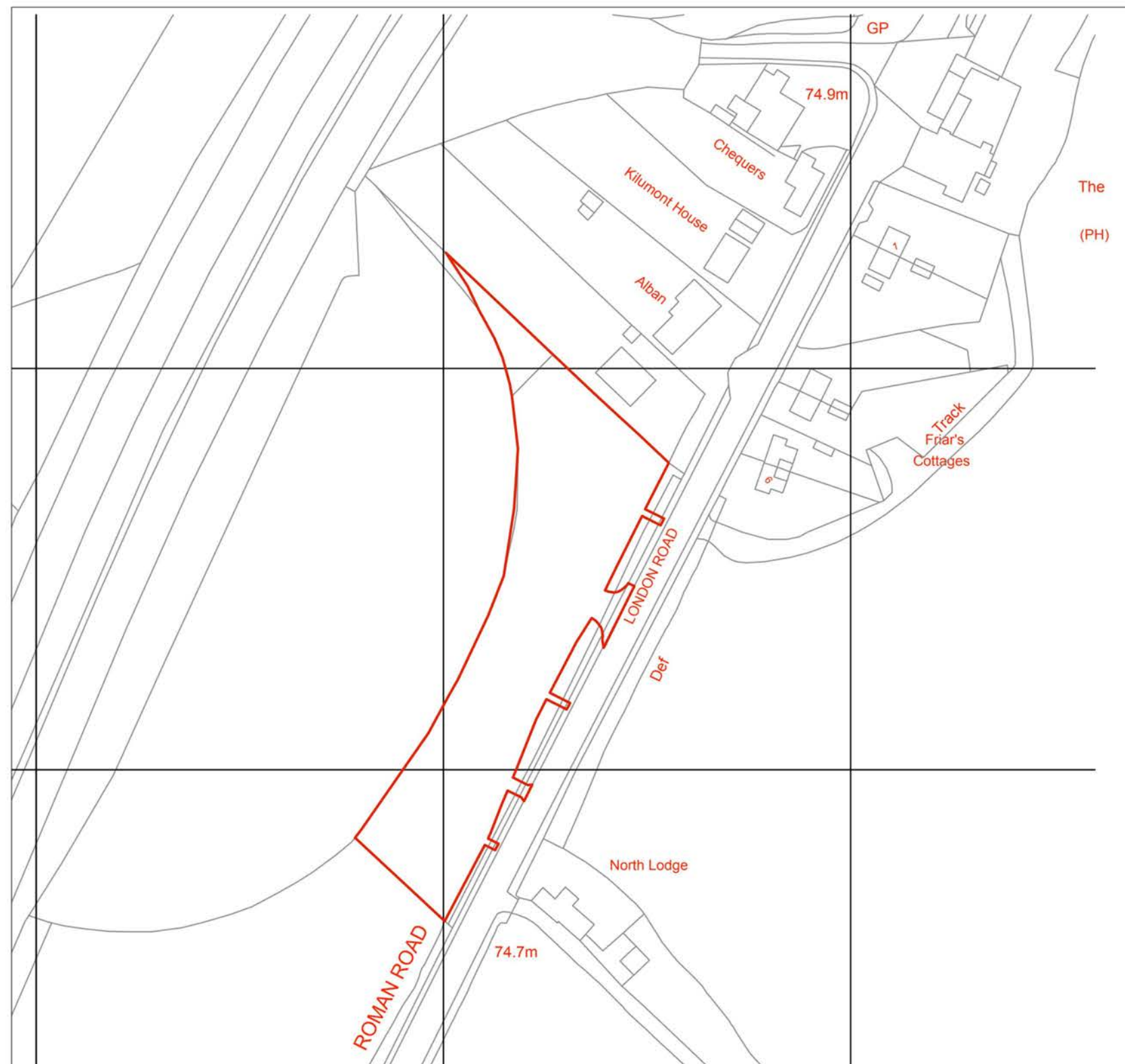
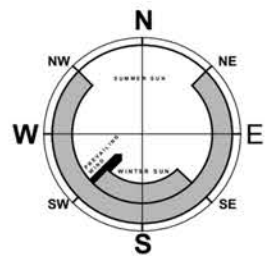
DRAWING

Proposed Site Plan Ground

SCALE	DATE	DRAWN BY	CHECKED
1:200 @ A1	Jun 2020		
DRAWING NUMBER	JOB NUMBER	STATUS	REV
04	478	Not For Construction	E

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C - 24/6/21 - updated with new land registry info

B - 25/1/21 - updated

Rev A - 29/12/20 - updated

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CLIENT Omtech Services Ltd		DRAWN BY	CHECKED	DRAWING NUMBER 01	JOB NUMBER 478	STATUS Preliminary		REV C	This drawing is copyright and remains the property of Beech Architects Ltd. Original size A3. Scale shown will be incorrect if reproduced in any other format
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H - 6/9/21 - Notes updated  
G - 3/8/21 - Cart lodges reduced in height  
F - 23/7/21 - House type elevations updated  
E - 20/7/21 - House type elevations updated  
D - 29/12/20 - Extra dimensions added at plannings request  
C - 2/12/20 - Plans updated following landscaping  
B - 15/11/20 - Plans updated following client emails  
Rev A - 10/8/20 - Plans updated following pre app

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DRAWING Proposed London Road Streetscene			
SCALE 1:150 @ A1	DATE Jun 2020	DRAWN BY	CHECKED
DRAWING NUMBER 08	JOB NUMBER 478	STATUS Not For Construction	REV H

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Craig Beech  
Beech Architects  
Church Farm Barn  
The Street  
Suffolk  
Thorndon  
Eye  
IP23 7JR

Our Ref: 061/2021/01 - Please quote in all correspondence.

01 March 2021

Dear Craig,

**20/02059/FUL Construction of 3 dwellings Chelmsford – Highways Comments**

I refer to your request for highway advice concerning your proposed development on this site, for the erection of 3 dwellings with detached cart lodges, accessed off London Road, Great Leighs. For site layout plan refer **Appendix A**. I have undertaken a desk top review and can offer the following observations.

**Policy**

Essex County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011:

**Policy DM1      General Policy**

The Highway Authority will protect the highway network for the safe and efficient movement of people and goods by all modes of travel by ensuring that:

- i. all proposals are assessed and determined in relation to the Development Management Route Hierarchy Policies (Policies DM2 – DM5);
- ii. where vehicular access is accepted in principle; the number of access points will be kept to a minimum on roads designated within the Development Management Route Hierarchy;
- iii. where access is accepted in principle; new access points will be designed and constructed in accordance with the current standards;
- iv. where existing access is to be used, substandard accesses will be improved and/or upgraded in accordance with the current standards for the category of road;
- v. all proposals are assessed and determined against current standards for the category of road having regard to the capacity, safety and geometry of the highway network;
- vi. all proposals have safe and convenient access for sustainable transport modes commensurate to its location;
- vii. proposals will not create a significant potential risk or be detrimental to the safety of the highway network.

*Cont'd...*

## Policy DM3      Secondary Distributors

### **Between Defined Settlement Areas:**

The Highway Authority will protect the function of Secondary Distributors between defined settlement areas by:

- i. prohibiting direct access;
- ii. prohibiting intensification of use of an existing access;
- iii. requiring improvements to existing substandard accesses.

Exceptions may be made where access is required to developments of overriding public, environmental, national and/or regional need.

### **Within Defined Settlement Areas:**

The Highway Authority will protect the function of Secondary Distributors within defined settlement areas by:

- iv. ensuring that where there are overriding safety concerns and where access is available to a lower category of road in the Development Management Route Hierarchy this is used;
- v. ensuring that new access points will be designed and constructed in accordance with the current standards;
- vi. requiring improvements to existing substandard accesses.

In 2012 we saw the introduction of National Planning Policy Framework (NPPF), with a presumption in favour of sustainable development.

**NPPF 109:** Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### **Planning application**

The highway authority, in considering a planning application, will aim to assess the development against NPPF paragraph 108 to 110, including these specific objectives:

- i. Road Safety* – That it is safe for all users
- ii. Sustainability and Accessibility* – That it promotes sustainable, high-quality alternatives to the private car and to achieve developments accessible to all vehicles and people.
- iii. The Impact on Highways and Transportation Infrastructure* – With the main considerations being safety and congestion.

The site is located off London Road, which is adopted highway. The site proposed for construction of three units, has been recommended for refusal by ECC highways, refer **Appendix B**.

*Cont'd...*



The ECC reasons stated are, as summarised:

1. The Highway Record has been consulted and it is confirmed the landscaping proposed to front of the development adjacent to London Road would encroach to highway land. (Policy DM1.)

2. The proposal would lead to the creation of two new vehicular accesses onto London Road, which is Secondary Distributor in the ECC route hierarchy, whose function is to carry traffic safely and efficiently between substantial rural populations and on through routes in built up areas within the region. The development falls outside of a defined settlement area where the policy states that the Highway Authority will protect the function of Secondary Distributors between defined settlement areas by prohibiting direct access, prohibiting intensification of use of an existing access and require improvements to existing substandard accesses. The slowing and turning of vehicles associated with the use of the proposed accesses would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety. Any development proposal which seeks to create a new access or to increase or change the use of an existing access on this category of road outside of a defined settlement area will attract a recommendation of refusal from the Highway Authority. The proposal is contrary to policy DM3.

### **Road Safety**

The proposed development identifies two points of access onto the adopted road London Road, which has a 40mph speed limit in place.

Towards the west of the frontage there is a proposed private drive to serve a single unit. Towards the east of the frontage is a proposed shared access to the other two proposed units.

The achieved visibility at both proposed accesses are in excess of the 2.4 x 120m visibility splays normally required within a 40mph limit, in accordance with DMRB standards. Refer to Photographs 1 – 4.



**Photographs 1 and 2:** Visibility achieved from the proposed drive location

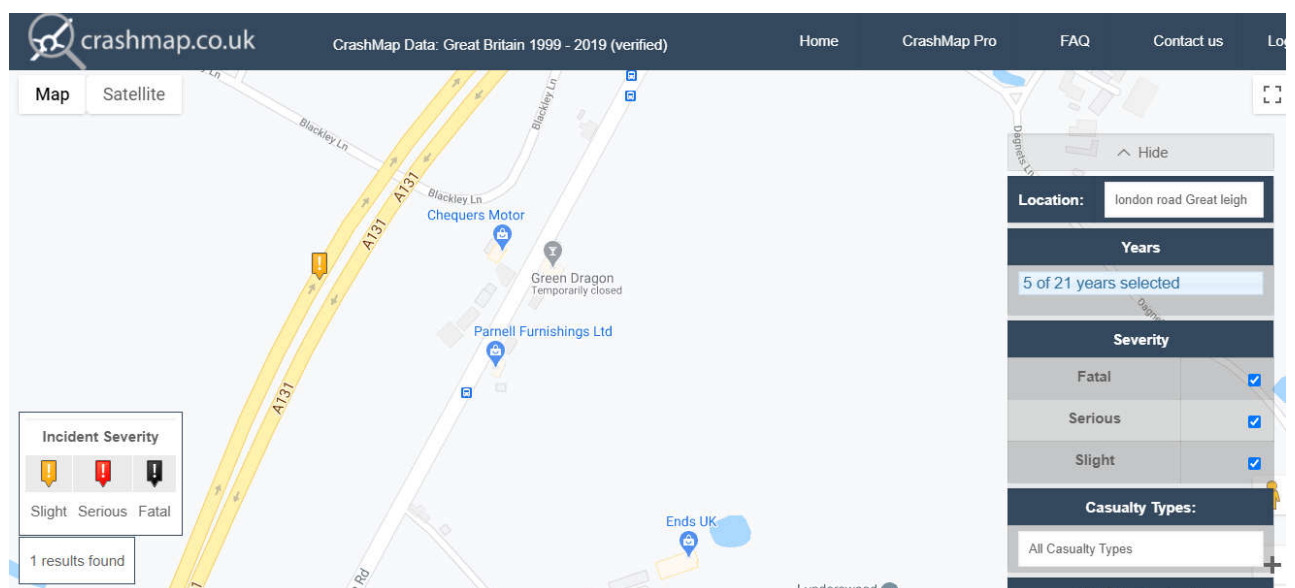
*Cont'd...*



**Photographs 3 and 4:** Visibility achieved from the proposed shared access location

The proposed accesses also meet the required widths standards.  
The proposed accesses therefore meet the required safety standards.

Reviewing the recent injury accident history on London Road, there have been no recorded slight personal injury accidents within the vicinity of the site in the past 5 years, refer to Screen shot 1 below.



**Screen shot 1:** Zero injury accident record London Road (Source: Crash map)

The existing use of London Road is thus considered safe.

There are a number of existing accesses on London Road, as identified in the submitted context plan, **Appendix C**. Not all of these existing accesses are constructed to the proposed access standards and yet there is an absence of evidence of existing conflict, as a result of slowing and turning vehicles. This demonstrates that the slowing and turning of vehicles associated with the use of the proposed accesses would not result in conflict or interference with the passage of through vehicles.

*Cont'd...*

### **Sustainability and Accessibility**

The proposed development is within 100m of local bus stops providing access to bus services including 42B, 70, 352 and 621. Destinations include Chelmsford, Galleywood, Braintree, Colchester and Witham. Refer to screen shots below identifying the bus stop facilities, which includes raised kerbs.

The location is thus considered sustainable, from a transport perspective.



**Screen shot 2 and 3: Local bus stops (Source: Google)**

London Road has existing footways along both sides of the road in the vicinity of the site. Whilst these are not of standard width, they provide adequately for pedestrian access.

### **Impact**

The proposed three units will add approximately 20 daily trips, 2 trips in the peak hour. This would be imperceptible and not result in an unacceptable impact on highway safety, or a residual cumulative impact on the road network that would be severe.

### **ECC recommendation**

*Reason 1.* related to proposed landscaping in relation to the highway boundary, suggesting encroachment to highway land.

If ECC can identify for the applicant, where the encroachment is considered to take place the architect is willing to update the landscaping proposals accordingly. For example, further setting back the line of proposed landscaping or adding an explanatory note regarding further boundary maintenance.

*Reason 2.* related to London Road being classed as Secondary Distributor in the ECC route hierarchy and Policy DM3.

London Road was bypassed some years ago (Photograph 5), A131 dual carriageway now accommodating the high speed, high flows between Great Leigh and Great Notley.

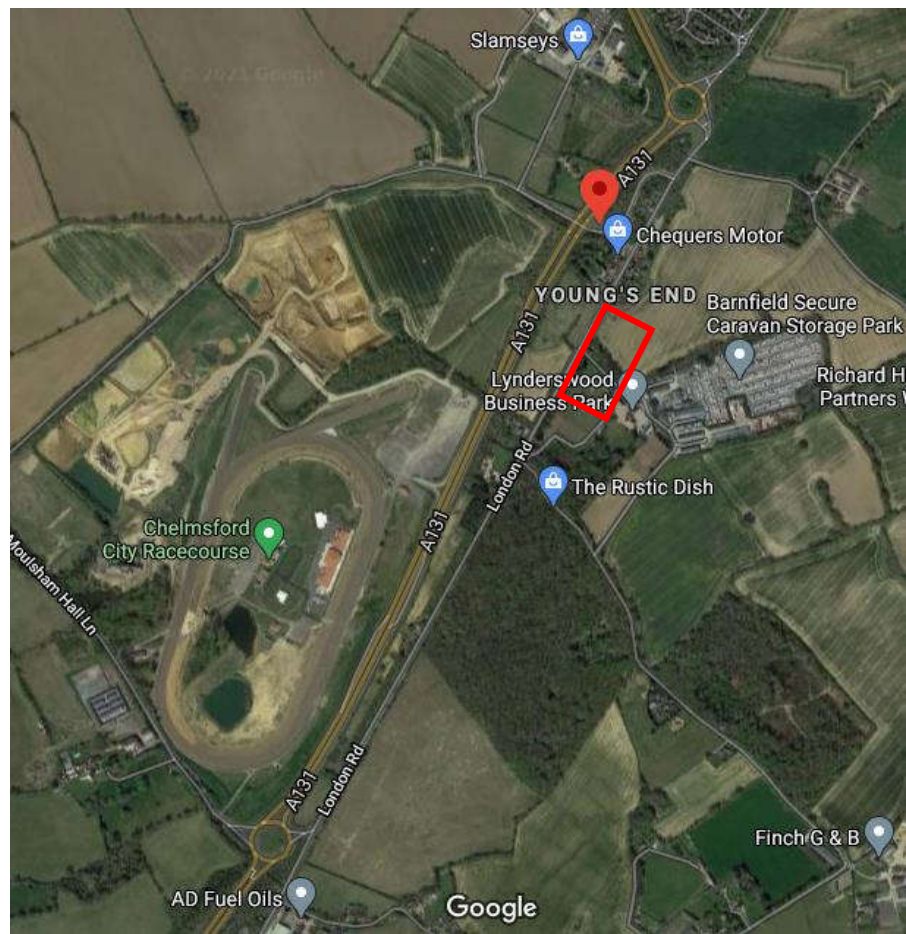


**Photograph 5: A131 bypass**

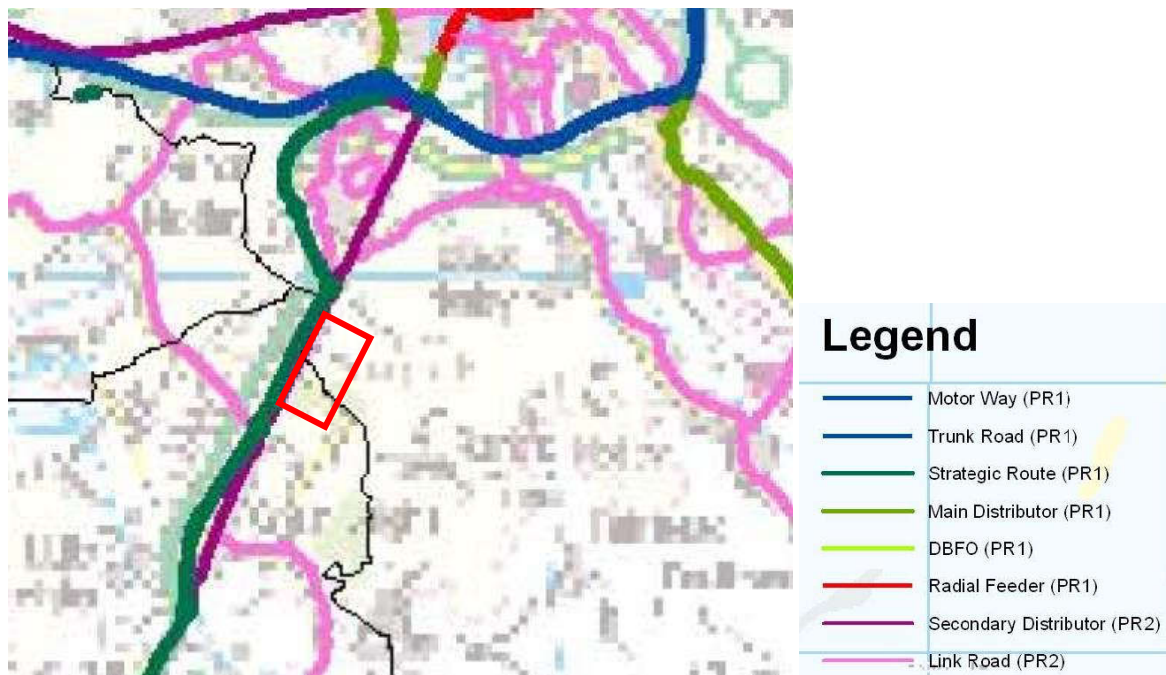
*Cont'd...*



Refer to Screen shots 4 and 5, which identifies the site location (red rectangle) as Secondary Distributor and the surrounding road network.



Screen Shot 4: Site location (Source: Google)



Screen Shot 5: Extract from ECC route hierarchy

Cont'd...

Extracts taken from 'Appendix A Revisions to Essex Highway Maintenance Strategy supporting document' suggests that Secondary Distributor roads are '*Classified Road (B and C class) and unclassified urban bus routes carrying local traffic with frontage access and frequent junctions.*'; and describes them as:

*'In rural areas these roads link the larger villages and HGV generators to the Strategic and Main Distributor Network. In built up areas these roads have 30 mph speed limits and very high levels of pedestrian activity with some crossing facilities including zebra crossings. On-street parking is generally unrestricted except for safety reasons'.*

Given the absence of evidence of existing accident occurrence as a result of the existing active roadside frontage in the vicinity of the proposed site (Appendix C), it would appear that the 2011 Development Management Policy DM3 is outdated and does not reflect the application of NPPF.

Policy DM3 allows exceptions to be made where access is required to developments of environmental need. This is the case here given the proposed development is intending to build the first homes certified 'Passivehaus'.

### **Summary**

It is considered that the 2011 Development Management Policies are outdated.

Since the 2011 Development Management Policies, NPPF policy has been fully embraced and implemented.

Landscaping proposals can be clarified and updated, once ECC clarifies where encroachment may take place.

In light of NPPF's presumption in favour of sustainable development, with negligible additional trip numbers; an absence of injury accidents locally; provision of safe accesses that meet required visibility and widths standards and a sustainable and accessible location, demonstrates that the proposed three residential units will not result in unacceptable impact on highway safety.

NPPF Paragraph 109 *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

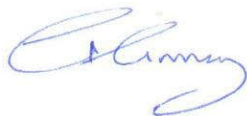
It is considered that this is a safe location for this development. There is no evidence to suggest that this proposal will result in unacceptable impact on highway safety. I believe that the proposed development is acceptable in highway terms and meets the highway design standards and latest NPPF policy.

*Cont'd...*

I trust this letter addresses your brief, and I have no objection to you using this document as part of any submission in relation to the above site. However, if you have any queries or wish to discuss further, please do not hesitate to contact me.

Kind regards

Yours sincerely



Carol Grimsey CEng CIHT  
For and on behalf of G H Bullard & Associates LLP

Enc.

**Appendix A:** Proposed site layout plan  
**Appendix B:** ECC Consultation response  
**Appendix C:** Context plan

## Page 43 of 120



## Appendix B: ECC Consultation response

### Essex County Council Highways

Comment Date: Wed 24 Feb 2021

Your Ref: 20/02059/FUL

Our Ref: CO/EGD/SD/RM/CHL/20/2059/48994

Date:- 25th February 2021

#### Recommendation for Refusal

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. The Highway Record has been consulted and it is confirmed the landscaping proposed to front of the development adjacent to London Road would encroach to highway land.

The proposal would interfere with the passage of users of the highway and over time be detrimental to the integrity of the highway. It is therefore contrary policy DM1.

2. The proposal would lead to the creation of two new vehicular accesses onto London Road, which is Secondary Distributor in the ECC route hierarchy, whose function is to carry traffic safely and efficiently between substantial rural populations and on through routes in built up areas within the region. The development falls outside of a defined settlement area where the policy states that the Highway Authority will protect the function of Secondary Distributors between defined settlement areas by prohibiting direct access, prohibiting intensification of use of an existing access and require improvements to existing substandard accesses. The slowing and turning of vehicles associated with the use of the proposed accesses would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety. Any development proposal which seeks to create a new access or to increase or change the use of an existing access on this category of road outside of a defined settlement area will attract a recommendation of refusal from the Highway Authority. The proposal is contrary to policy DM3.

The proposal is therefore contrary to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.



## Page 45 of 120



C-291220 - Extra dimensions added at plantings request B-1/11/20 - Plans updated following landscaping Rev A - 5/11/2020 - Plans updated following client emails		 www.beacharchitects.com		Project Name: 291220 - Beach Project Location: 291220 - Beach Project Address: 291220 - Beach Project Phone: 291220 - Beach Project Email: 291220 - Beach	
CLIENT		Orlando Sentinel Ltd 1901 E. Lake Nona Road Unit 100 Lake Nona, FL 32159 Tel: 407.777.1000 Fax: 407.777.1001		DATE: 1/5/20 SCALE: 1/8" = 1'-0"	
PROPOSED SITE PLAN		DRAWING NUMBER: 0178 JOB NUMBER: 478 NOT FOR CONSTRUCTION		DRAWN BY: CHECKED STATUS: REV C	
THIS DRAWING IS COPYRIGHTED AND NOT BE LOANED, REPRODUCED, COPIED, OR REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF BEACH ARCHITECTS, LLC. ANY VIOLATION OF THIS AGREEMENT WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.		THIS DRAWING IS A PRELIMINARY DESIGN AND NOT TO BE USED FOR CONSTRUCTION. ANY VIOLATION OF THIS AGREEMENT WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.			



## Planning Committee

<b>Application No</b>	:	21/01932/FUL Full Application
<b>Location</b>	:	184 New London Road Chelmsford CM2 0AR
<b>Proposal</b>	:	<b>Application for the installation of rear garden play equipment.</b>
<b>Applicant</b>	:	Gemma Hill
<b>Agent</b>	:	Thomas Hogg
<b>Date Valid</b>	:	1st October 2021

### Contents

<a href="#">1. Executive summary</a>	.....	Error! Bookmark not defined.
<a href="#">2. Description of site</a>	.....	Error! Bookmark not defined.
<a href="#">3. Details of the proposal</a>	.....	Error! Bookmark not defined.
<a href="#">4. Other relevant applications</a>	.....	Error! Bookmark not defined.
<a href="#">5. Summary of consultations</a>	.....	Error! Bookmark not defined.
<a href="#">6. Planning considerations</a>	.....	Error! Bookmark not defined.
<a href="#">7. Community Infrastructure Levy (CIL)</a>	.....	Error! Bookmark not defined.

### Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

## **1. Executive summary**

- 1.1. The application has been referred to the Planning Committee by a ward councillor due to concerns about the impact the development would have on the neighbour's amenity.
- 1.2. The application site is located within the Urban Area of Chelmsford and is in the new London Road Conservation Area. It is a residential dwelling with a relatively large rear garden.
- 1.3. The application seeks planning permission for children's play equipment in the rear garden. The equipment is close to the northern boundary of the site which is shared with No.182 New London Road.
- 1.4. A planning application was submitted in June to retain the play equipment as it was originally installed. Planning permission was refused as the equipment included elevated platforms and walkways which would allow for direct views over the rear of No.182 and its garden.
- 1.5. The current application seeks planning permission for an amended version of the play equipment. It would be moved further away from the boundary with No.182; tree screening would be planted on the northern boundary; the elevated platforms would be enclosed by panels to stop views to the north; and the previously proposed bridge would be inverted so that the walkway is lower in height.
- 1.6. The change in position of the play equipment, introduction of tree planting and modifications to the equipment would mean that the equipment would no longer offer harmful views over No.182. Officers are content that the proposal would not be harmful to amenity and that the previous reason for refusal has been overcome by the amended scheme.
- 1.7. The screening of the structure from key views and its individual linked elements means that, whilst it is visible from the adjacent gardens, its scale and form does not undermine the wider character of spacious gardens and there is no adverse impact on the Conservation Area.
- 1.8. Approval, subject to conditions, is recommended.

## **2. Description of site**

- 2.1. The application site is located within the Urban Area of Chelmsford and is in the new London Road Conservation Area. It is a residential dwelling with a relatively large rear garden.
- 2.2. Play equipment has already been installed close to the northern boundary which is shared with No.182 New London Road. The boundary with No 182 is a brick wall approximately 1.6m in height.
- 2.3. The garden of the application site has been landscaped following a recent planning application (see history) with modest vegetation. Some taller hedges/trees have been retained on the boundary with No 186. An outbuilding has been constructed at the bottom of the garden next to a swimming pool along the boundary with No 182. Some mature trees are present within the rear gardens of Nos 182 and 186.

## **3. Details of the proposal**

- 3.1. The application seeks planning permission for children's play equipment. Whilst the play equipment has already been installed, the application proposes amendments to the equipment.

The application does not seek planning permission to retain the original equipment that has already been installed.

- 3.2. The key differences between the equipment that was installed (and refused planning permission) and the current proposal are set out below.

	Installed scheme (refused planning permission)	Current proposal
<b>Distance from boundary with No.182</b>	0.7m at its closest.	2m at its closest.
<b>Western platform</b>	Open sided above 0.9m from platform level.	Full height panel to platform installed on the rear.
<b>Linking bridge</b>	Middle of bridge 1.75m from ground level.	Bridge inverted so middle is 1.14m from ground level.
<b>Eastern platform</b>	Open sided above 0.9m from platform level.	Full height panel to platform installed on the rear.
<b>Screening</b>	None proposed.	Tree planting proposed.

#### 4. Other relevant applications

- 4.1. 21/01173/FUL – Refused 11<sup>th</sup> August 2021  
Retrospective application for the installation of rear garden play equipment.
- 4.2. The refusal reason for the above application stated:

*Policy DM29 of the Local Plan states that development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing. Development must also avoid unacceptable levels of polluting emissions, unless appropriate mitigation measures can be put in place and permanently maintained.*

*The children's play equipment constructed 0.7m away from the boundary with No 182 New London Road due to its scale, design and siting harms the living conditions of the occupiers of No 182 by resulting in visual intrusion, loss of privacy from overlooking and noise and disturbance. The harm could not be overcome by the imposition of reasonable conditions.*

*The proposal fails to safeguard the amenity of the adjacent neighbour, 182 New London Road and is contrary to the aims of planning policy DM29 of Chelmsford Local Plan.*

#### 5. Summary of consultations

- 5.1. Public Health & Protection Services – No comments.
- 5.2. Local residents – the following concerns were raised: 2 comments in support. 2 objections raising the following concerns:
- Structure is unneighbourly
  - Direct overlooking of No.182
  - Planting would not eradicate visual intrusion, loss of privacy and noise disturbance
  - Disregard for planning regulations
  - No attempt to remove the play equipment
  - Planting trees would take time to mature

- Trees would impact stability of the wall

## 6. Planning considerations

### *Main Issues*

- 6.1. The main issue is whether the proposal would safeguard the amenity of neighbouring occupiers.
- 6.2. Policy DM29 of the Local Plan states that planning permission will be granted for development proposals provided the development safeguards the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does not result in unacceptable overlooking or overshadowing. The development shall also not result in excessive noise, activity or vehicle movements and be compatible with neighbouring uses by ensuring that the development avoids unacceptable levels of polluting emissions by reason of noise, light, smell, fumes, vibrations or other issues, unless appropriate mitigation measures can be put in place and permanently maintained.
- 6.3. Planning permission was previously refused for the existing play equipment as it was installed 0.7m away from the boundary with No 182 New London Road and its scale, design and siting was considered to harm the living conditions of the occupiers of No 182 due to visual intrusion, loss of privacy from overlooking, and noise and disturbance.
- 6.4. The current proposal introduces several key differences and elements to address the previous reason for refusal. The key differences are set out earlier in this report.
- 6.5. The equipment would be moved further away from the boundary. In addition, panels would be installed to the raised platforms so that views are not available over the boundary towards No.182.
- 6.6. In addition to the amended position of the equipment, and the changes to the equipment itself, the application also proposed planting to the north of the equipment adjacent to the boundary. The proposed screening of *Photina fraseri* (red robin) is acceptable. This species provides year round screening.
- 6.7. The proposed planting sizes include 1.8m stems and 1.2m of growth (3m in total) which would allow for an immediate screen. The trees would need to have a minimum select standard form with a 10-12cm girth to be at 3m and above once planted, which would be required by a condition.
- 6.8. Concern has been raised that the planting could introduce stability issues with the boundary wall. A root barrier could be installed in the planting pits, adjacent to the wall, which would reduce the risk of the roots affecting the foundations of the wall. A condition could secure this.
- 6.9. The proposed amendments to the play equipment to move it away from the boundary and introduce planting mean that the equipment would not be so visually intrusive to the neighbour. Further, the introduction of the planting and the amendments to the equipment itself would mean that it would not offer harmful views over the neighbours property and garden. The revised siting and proposed planting would reduce noise and disturbance to a level which would be comparable to ordinary use of a garden.
- 6.10. On balance, it is considered that the current proposal, subject to conditions, safeguards the amenity of the neighbouring occupiers.

## **Other Matters**

- 6.11. 184 New London Road is a c.1900 red brick villa, which forms part of a group of similar characterful buildings within the southern part of the New London Road Conservation Area.
- 6.12. The spacious rear gardens are a feature of the Conservation Area and help define its character. Whilst the structure is sizable, the individual linked elements mean that its massing is broken into smaller parts. The structure is not visible from public areas, but could be seen from the adjoining gardens. The use of timber in most of its construction helps to give it a natural appearance.
- 6.13. The screening of the structure from key views and its individual linked elements means that, whilst it is visible from the adjacent gardens, its scale and form does not undermine the wider character of spacious gardens and there is no adverse impact on the Conservation Area.

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

- 7.1. The proposal is not CIL liable.

## **RECOMMENDATION**

**The Application be APPROVED subject to the following conditions:-**

### **Condition 1**

The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Condition 2**

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

Reason:

In order to achieve satisfactory development of the site

### **Condition 3**

Prior to the first use of the play equipment hereby approved *Photina fraseri* (red robin) shall be planted in accordance with the approved drawings and have minimum select standard form of 10-12cm girth to be at 3m and above once planted. The planting pits shall include a root barrier along the length of the planting adjacent to the boundary with No.182 New London Road. The planting and planting pits shall be retained as such thereafter.

Reason:

The planting is required as specified to reduce the visual impact of the development and to screen it in the interests of safeguarding the amenity of No.182 New London Road in accordance with Policy DM29 of the Local Plan. Root barriers are required to reduce the risk of the planting affecting the roots of the boundary wall.

## Notes to Applicant

- 1 In order to cause minimum nuisance to neighbours, the applicant is strongly advised to follow guidelines for acceptable working hours set out by the Council's Public Health and Protection team.

### Noisy work

- Can be carried out between 0800 and 1800 Monday to Friday
- Limited to 0800-1300 on Saturdays
- At all other times including Sundays and Bank Holidays, no work should be carried out that is audible beyond the boundary of the site

### Light work

- Acceptable outside the hours shown above
- Can be carried out between 0700 and 0800; and 1800-1900 Monday to Friday

In some circumstance further restrictions may be necessary.

For more information, please contact Chelmsford City Council Public Health and Protection Services, or view the Council's website at [www.chelmsford.gov.uk/construction-site-noise](http://www.chelmsford.gov.uk/construction-site-noise)

## Positive and Proactive Statement

The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework to promote the delivery of sustainable development and to approach decision taking in a positive way.

## Background Papers

Case File

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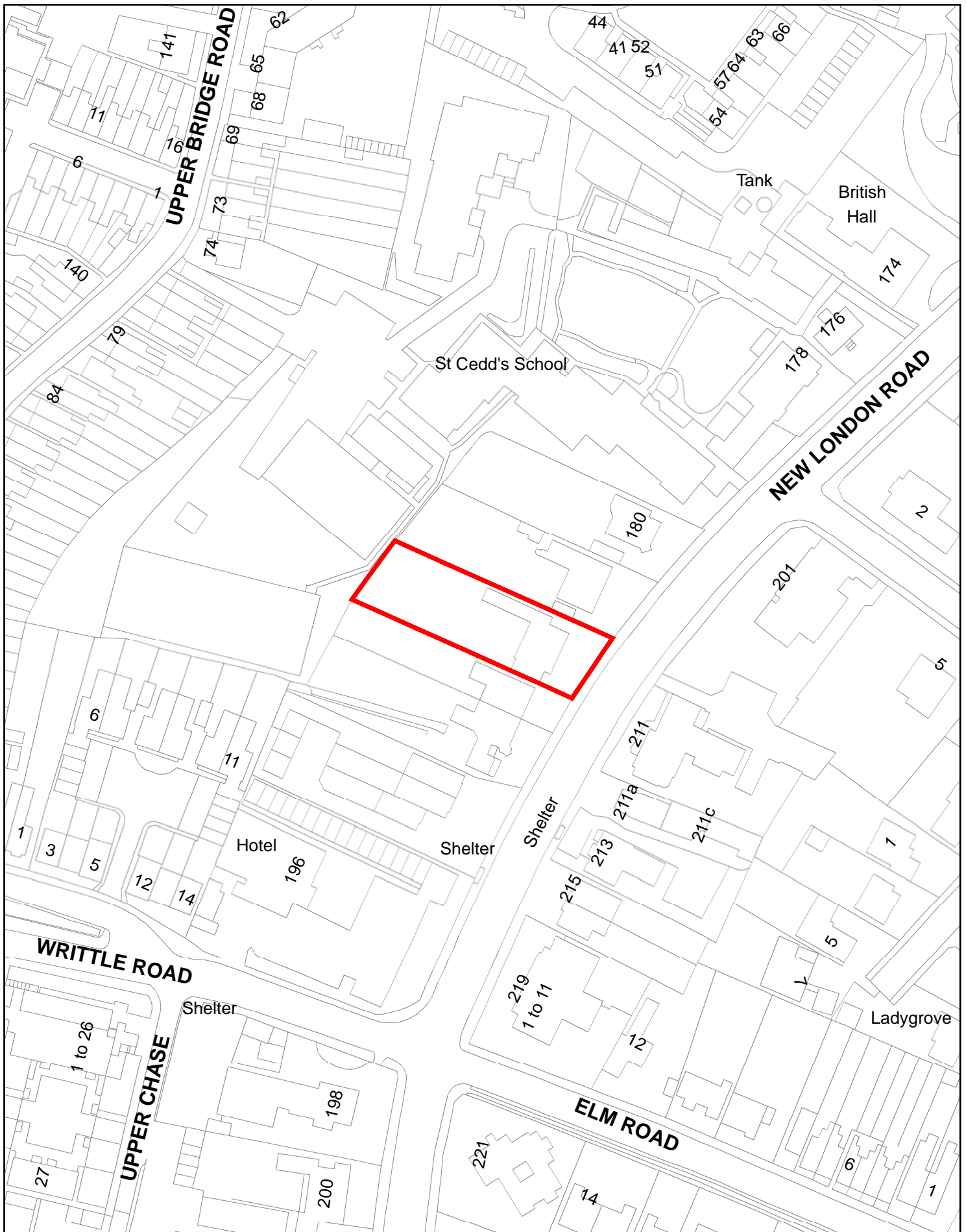
**Public Health & Protection Services**

Comments
07.10.2021 - No PH&PS comments with regard to this application.

**Local Residents**

Comments
<p>2 comments in support.</p> <p>2 objections raising the following concerns:</p> <ul style="list-style-type: none"> <li>- Structure is unneighbourly</li> <li>- Direct overlooking of No.182</li> <li>- Planting would not eradicate visual intrusion, loss of privacy and noise disturbance</li> <li>- Disregard for planning regulations</li> <li>- No attempt to remove the play equipment</li> <li>- Planting trees would take time to mature</li> <li>- Trees would impact stability of the wall</li> </ul>





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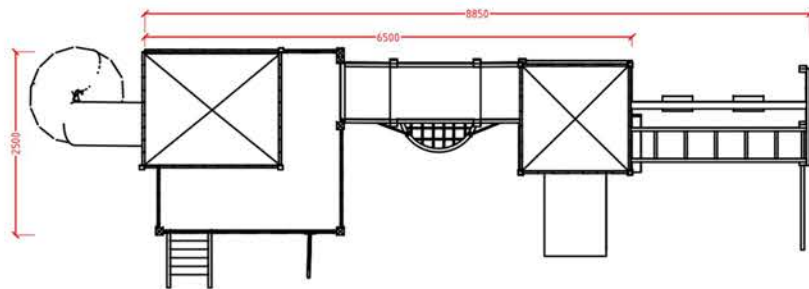


**Planning Committee**  
**21/01932/FUL**

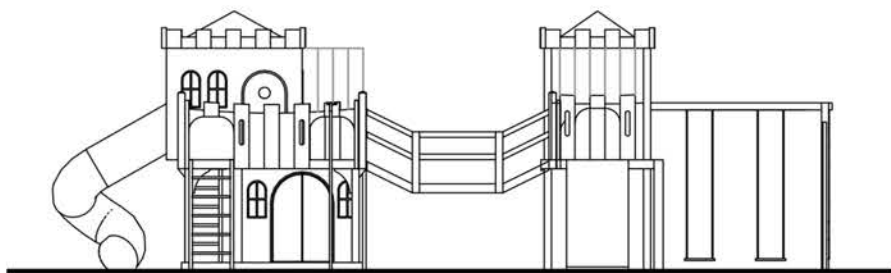
**Planning & Development Management**  
**Directorate for Sustainable Communities**

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

Telephone: 01245 606826



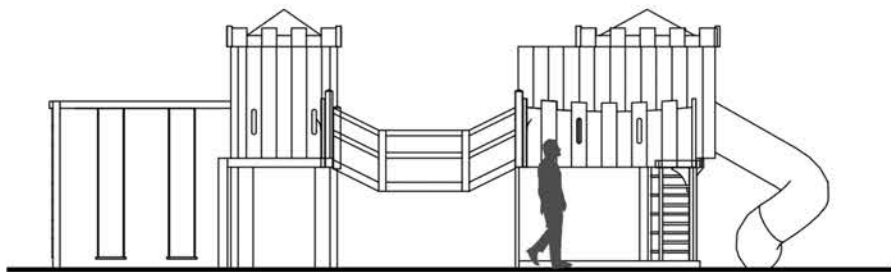
Floor Plan 1:100



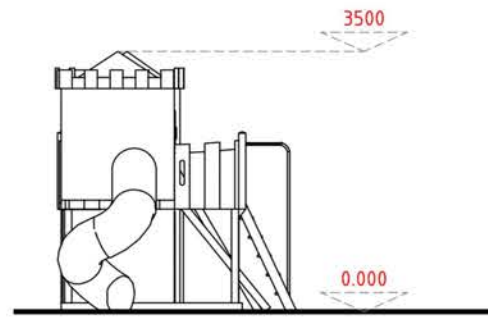
Front S Elevation 1:100



Side E Elevation 1:100



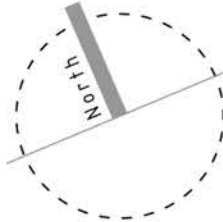
Rear N Elevation 1:100



Side W Elevation 1:100



A - Amended following recent refusal 21/01173/FUL - Sep 2021  
B - Front and side elevations amended - Oct 2021



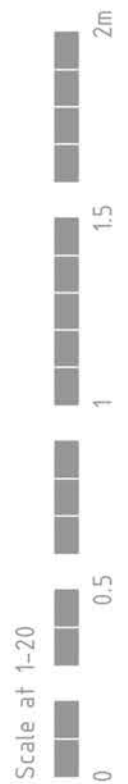
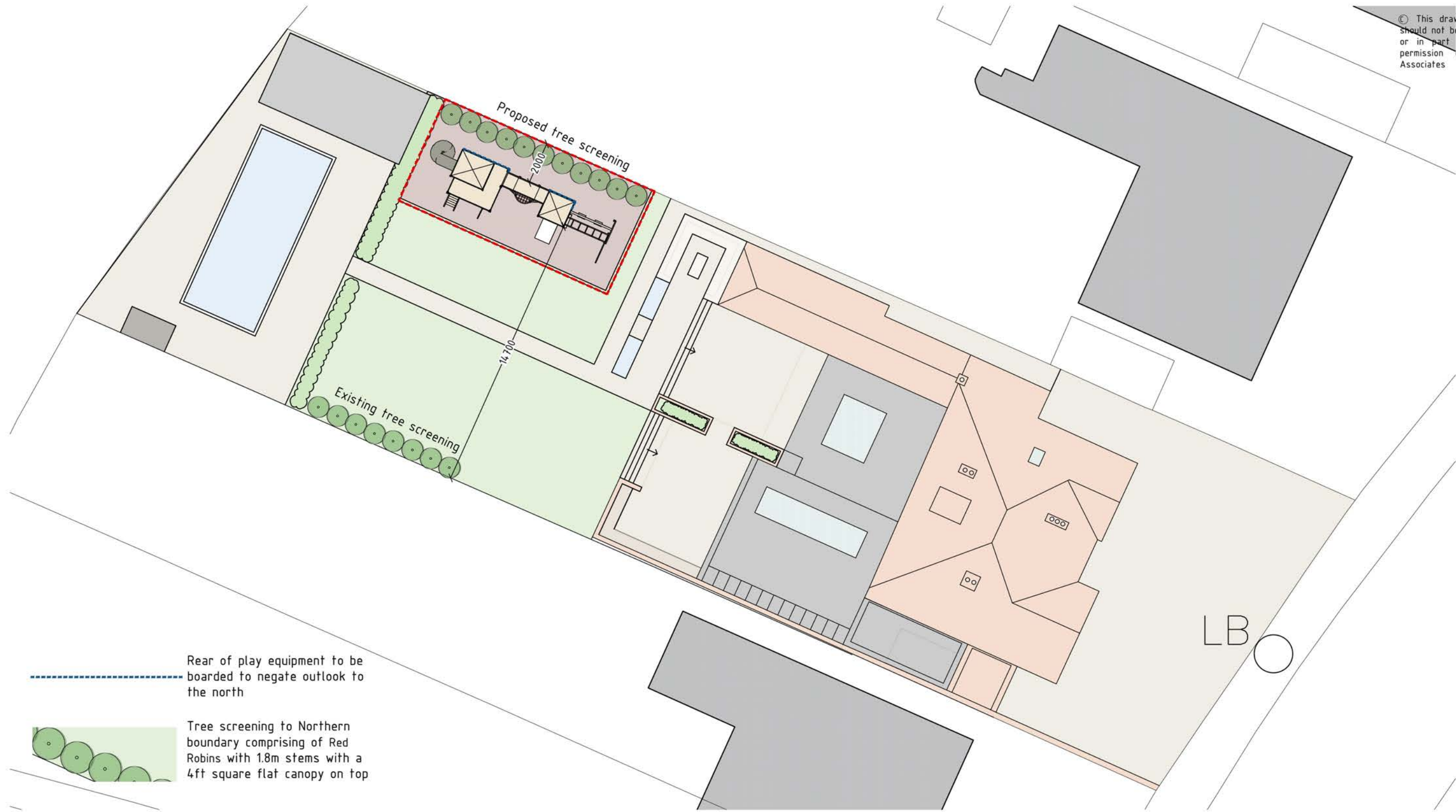
<b>EPA</b> structural engineering & architectural services	WEST END BARN, THE STREET, RAYNE, BRAINTREE, ESSEX, CM77 6RY T 01376 349929 e info@epadesign.co.uk w www.epadesign.co.uk		Drawn TH	Drg T03B Project 12097
			Date May 2021	
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			Paper A3	

184 New London Road, Chelmsford  
Essex, CM2 0AR

Retrospective Application for Garden Play Equipment



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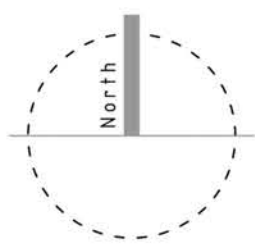
Rear of play equipment to be boarded to negate outlook to the north

Tree screening to Northern boundary comprising of Red Robins with 1.8m stems with a 4ft square flat canopy on top

Location of play house

- A - Amended following recent refusal 21/01173/FUL - Sep 2021
- B - Additional noted added to drawing - Sep 2021
- C - Additional noted added to drawing - Oct 2021

184 New London Road, Chelmsford  
Essex, CM2 0AR  
Retrospective Application for Garden Play Equipment  
Proposed Site Plan



<b>EPA</b> structural engineering & architectural services	WEST END BARN, THE STREET, RAYNE, BRAINTREE, ESSEX, CM77 6RY T 01376 349929 e info@epadesign.co.uk w www.epadesign.co.uk		Drawn TH	Drg <b>12097 T02C</b>
			Date May 2021	
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			Paper A3	





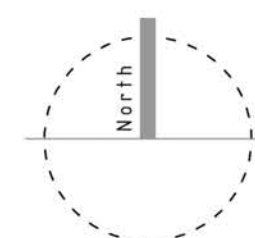
Location Plan 1:1250

Scale at 1:125



Block Plan 1:500

Scale at 1:50



<b>EPA</b> structural engineering & architectural services	WEST END BARN, THE STREET, RAYNE, BRAINTREE, ESSEX, CM77 6RY T 01376 349929 E info@epadesign.co.uk W www.epadesign.co.uk		Drawn TH	Project 12097 Drg 01
			Date May 2021	
			Scale 1:1250 & 1:500	
			Paper A3	

184 New London Road, Chelmsford  
Essex, CM2 0AR

Retrospective Application for Garden Play Equipment

Location & Block Plan



## Planning Committee

<b>Application No</b>	:	21/01258/FUL Full Application
<b>Location</b>	:	4 The Green Writtle Chelmsford Essex CM1 3DU
<b>Proposal</b>	:	<b>Proposed garden shed</b>
<b>Applicant</b>	:	Mrs Debbie Quick
<b>Agent</b>	:	
<b>Date Valid</b>	:	5th August 2021

## Contents

1. Executive summary.....	2
2. Description of site.....	2
3. Details of the proposal.....	3
4. Other relevant applications.....	3
5. Summary of consultations.....	3
6. Planning considerations.....	4
7. Community Infrastructure Levy (CIL).....	6

## Appendices:

Appendix 1	Consultations
Appendix 2	Drawings

## **1. Executive summary**

- 1.1. The application has been referred to the Planning Committee by a ward councillor due to the potentially harmful impact on the integrity of the listed wall.
- 1.2. The application site is located within the Defined Settlement of Writtle and is in the Conservation Area. It is a residential plot that contains a listed building and a boundary wall which is also a listed structure. The rear garden has an irregular form with a large and wider part of it is located further away from the rear of the property.
- 1.3. The proposal seeks to construct a tool shed in the far end of the rear garden. It would be used for storage of garden equipment. The proposed building would be positioned 1 metre from the north boundary wall. It would have a mono-pitched roof with a height of 2.2 metres on the rear and sides and 2.44 metres in height on its front. The building would be 7.4 metres in width and 4 metres in depth.
- 1.4. The proposed shed would marginally encroach onto the outer root protection area of some trees located along the western boundary. To minimize impact on roots, the foundations would be constructed on screw piles that would be carefully located to avoid roots. A void of 30 – 50mm would be left under the building to ensure gaseous exchange and water infiltration.
- 1.5. A condition is recommended to ensure compliance with the submitted tree protection plan and arboricultural method statement.
- 1.6. The shed would be positioned 1 metre away from the listed wall on the northern boundary of the plot. This wall also acts as a retaining wall on the side of 8 St Johns Green which is at a lower level. The shed would be placed on screw piles, resulting in minimal additional loading on the boundary wall. The size of the roof would generate a large volume of surface water. This can be resolved by installing appropriate rainwater goods dispersing to a new soakaway at least 6 metres from the wall.
- 1.7. Details of rainwater goods and surface water disposal would be secured by a condition which requires these details to be provided and approved by the Local Planning Authority prior to the installation of the roof of the shed.
- 1.8. The proposed shed, whilst substantial in size, would be positioned away from the neighbouring properties resulting in no adverse impact, in terms of overshadowing, overbearing or overlooking.
- 1.9. The shed would be sizeable and would be glimpsed from surrounding gardens. It would be a large feature within the walled garden but would not be unduly intrusive or harmful to the setting of the listed building or the Conservation Area. Similar sized outbuildings are present in the immediate vicinity.
- 1.10. Approval, subject to conditions, is recommended.

## **2. Description of site**

- 2.1. The site lies within the Defined Settlement of Writtle and within the Conservation Area. 4 The Green is a grade II listed building and forms a part of group of listed buildings in this central area of Writtle.
- 2.2. The application plot is irregular in form where the main dwelling sits in a south-west corner of the plot. It has a driveway on its east side with a large-detached garage. The plot narrows in the middle and then widens again approximately 11 metres from the rear of the house. The rear part of the garden is large and is fully enclosed by gardens of the neighbouring properties.
- 2.3. The garden area is also enclosed by a brick wall which is listed. It has been repaired and partially reconstructed some time ago. Due to the ground level differences in the area, the wall acts also as a retaining wall on the north boundary with 8 St Johns Green.
- 2.4. There are several young trees in the rear garden of the application plot. These are protected by a conservation area preservation order.

### **3. Details of the proposal**

- 3.1. The proposal seeks to construct a tool shed in the far end of the rear garden of 4 The Green. It would be used for storage of garden equipment.
- 3.2. The proposed building would be positioned 1 metre from the north boundary line. It would have a mono-pitched roof with height of 2.2 metres on rear side and 2.44 metres in height on its front. The building would be 7.4 metres in width and 4 metres in depth.
- 3.3. The proposal has been amended during the life of the application and the proposed shed is now proposed to be located away from the protected trees, turned at 90 degrees from the original proposal and along the northern boundary.

### **4. Other relevant applications**

- 4.1. None.

### **5. Summary of consultations**

- 5.1. Public Health & Protection Services – no comments.
- 5.2. Writtle Parish Council – the Planning and Development Committee had no objection in principle to the proposal, however, the Committee stated that visually the location of the shed is too close to the heritage wall and should be moved at least 2 metres from the wall.
- 5.3. Local residents – the following concerns were raised:
  - the boundary brick wall between the application plot and its neighbour to the north is of indetermined age and was partially repair recently by the neighbour; it acts as a retaining wall due to the ground difference between the application site and the neighbouring site to the rear;



- the large dimensions (32qsm) of the roof of the proposed shed would result in all the rain water pouring into the narrow space between the shed and the brick wall, which would deteriorate the condition of the wall and might lead to its collapse;
- climate change exacerbates the problem as rain becomes more frequent;
- there are trees within the garden of the application plot;
- question whether the proposed size of the outbuilding would be classified as a garden shed;
- due to the ground level difference the shed would appear much taller when viewed from the neighbour's side;
- following the repositioning of the shed concerns were raised relating to the impact on the integrity of the wall and any future damage to the wall caused by the shed;
- it is believed that the proposed foundations would also be a problem due to the ground level difference;
- if the listed wall is damaged following the construction of the shed, the cost of the repair of the wall would be high;
- it has been suggested to move the shed by 2m away from the listed wall, which would alleviate the neighbours' concerns.

## **6. Planning considerations**

### ***Main Issues***

- 6.1. Whether the proposed shed would harm or undermine the integrity of the listed boundary wall.

### ***Impact on the heritage assets***

- 6.2. The revised plans position the shed parallel to the northern boundary. The shed would be located within the walled garden and measure 7.4m x 4m, of timber construction with a low mono-pitched roof sloping to the rear (north).
- 6.3. The shed would be sizeable but would not be seen in the context of the listed building or from key public views. It would be glimpsed from surrounding gardens. It would be a large feature within the walled garden but due to the distance from the listed building (20 metres) and traditional appearance it would not be unduly intrusive or harmful to the setting of the listed building or the Conservation Area.
- 6.4. The northern boundary wall forms part of a walled garden to 8 St Johns Green. It is an attractive feature but appears to have been rebuilt in the mid-twentieth century on the line of the nineteenth century wall garden.
- 6.5. The ground level to the north is approximately 0.8 metres lower; the wall therefore acts as a retaining wall between the application plot and No 8 St Johns Green. The shed would be 1m from the wall and placed on screw piles, there would therefore be minimal additional loading on the boundary wall. The size of the roof would generate a large volume of surface water, which if not dealt with adequately could lead to the deterioration of the adjacent boundary wall in the long term. This, however, could be resolved by having rainwater goods dispersing to a new soakaway at least 6 metres from the wall.
- 6.6. A condition is attached requiring details of rainwater goods and surface water disposal to be submitted and approved by the Local Planning Authority prior to the installation of the roof.

- 6.7. The proposed shed would result in no adverse impact on the setting of the listed wall and subject to the attached condition would not result in damage to it.

***Relationship with the neighbouring properties***

- 6.8. The shed would be posited at the far end of the garden of the application site. It would not be positioned within close proximity of any of the residential houses in the vicinity. It is noted that garden and other types of outbuilding (such as garages) are a common feature within the area.
- 6.9. Concerns have been raised by one of the neighbours about the overbearing impact the shed would have on the enjoyment of their rear garden.
- 6.10. The shed would be low in height with a roof leaning away from the northern boundary line, there also would be a gap of 1 metre from the shed to the boundary line. Whilst the shed would be visible from the far end of the rear garden of the neighbouring property to the north, No 8 St Johns Green, only the top of the roof would be noticeable. The shed would not be readably visible from the rear patio area of this neighbouring site as it would be obscured by the two existing outbuildings within the neighbour's garden positioned along the listed wall.
- 6.11. The neighbouring plot No 8 St Johns Green has an informal seating area under the listed wall in the far end of the garden. It is however considered that this area would not suffer from a detrimental impact from the proposed shed. Due to the ground level difference this sitting area is already shaded by the wall, and the new outbuilding 1 metre from the wall would not result in major overshadowing of this area.
- 6.12. Concerns have been raised that the shed would undermine the structural qualities of the wall which could lead to its collapse. However, the proposed foundation would not result in any substantial weight on the wall, and appropriate water disposal methods are considered adequate to ensure the wall's strength isn't damaged in short or long term.
- 6.13. The relationship with the neighbouring properties, including No 8 St Johns Green, is considered to be satisfactory.

***Impact on the protected trees***

- 6.14. The application is supported by an arboricultural impact assessment report and tree protection plan. These show that the shed would marginally encroach on the outer root protection area of the tree.
- 6.15. Specialist foundation design has been proposed to mitigate for the species rooting habits because they are shallow and less tolerant of change. The proposed screw piles would reduce the disturbance to the surrounding soils, which is acceptable. Provision would also be made for gaseous and water exchange to continue post development by the creation of a void beneath the shed.
- 6.16. Minor crown lifting is required to the tree, but this would not likely impact the long-term health of the tree. The amended location of the proposed shed creates a better relationship with the copper beech tree.
- 6.17. There would be no adverse impact on the health of the preserved trees located within the rear garden of the application site. Subject to the attached condition requiring the development to

the carried out in complete accordance with the recommendation set in the arboricultural impact assessment report.

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

7.1. The proposal is not CIL liable.

### **RECOMMENDATION**

**The Application be APPROVED subject to the following conditions:-**

#### **Condition 1**

The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Condition 2**

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

Reason:

In order to achieve satisfactory development of the site.

#### **Condition 3**

Prior to their use, details of the materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason:

To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area in accordance with Policy DM13 of the Chelmsford Local Plan.

#### **Condition 4**

In relation to tree protection, tree surgery and construction methods, the development shall be carried out in accordance with the submitted arboricultural report entitled Arboricultural Impact Assessment Report dated 5 October 2021, Rev No SHA 4 The Green, subject to such minor variations as may be agreed in writing by the local planning authority.

Reason:

To safeguard the existing protected trees in accordance with Policy DM17 of the Chelmsford Local Plan and ensure water drainage within the site.

#### **Condition 5**

Prior to the installation of the roof of the development hereby permitted details of rainwater goods and surface water disposal, including any additional soakways, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason:

To ensure the proposed development would not result in any damage to the listed wall in accordance with Policy DM13 of the Chelmsford Local Plan.

### **Background Papers**

Case File

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**Public Health & Protection Services**

Comments
11.08.2021 - No PH&PS comments with regard to this application.

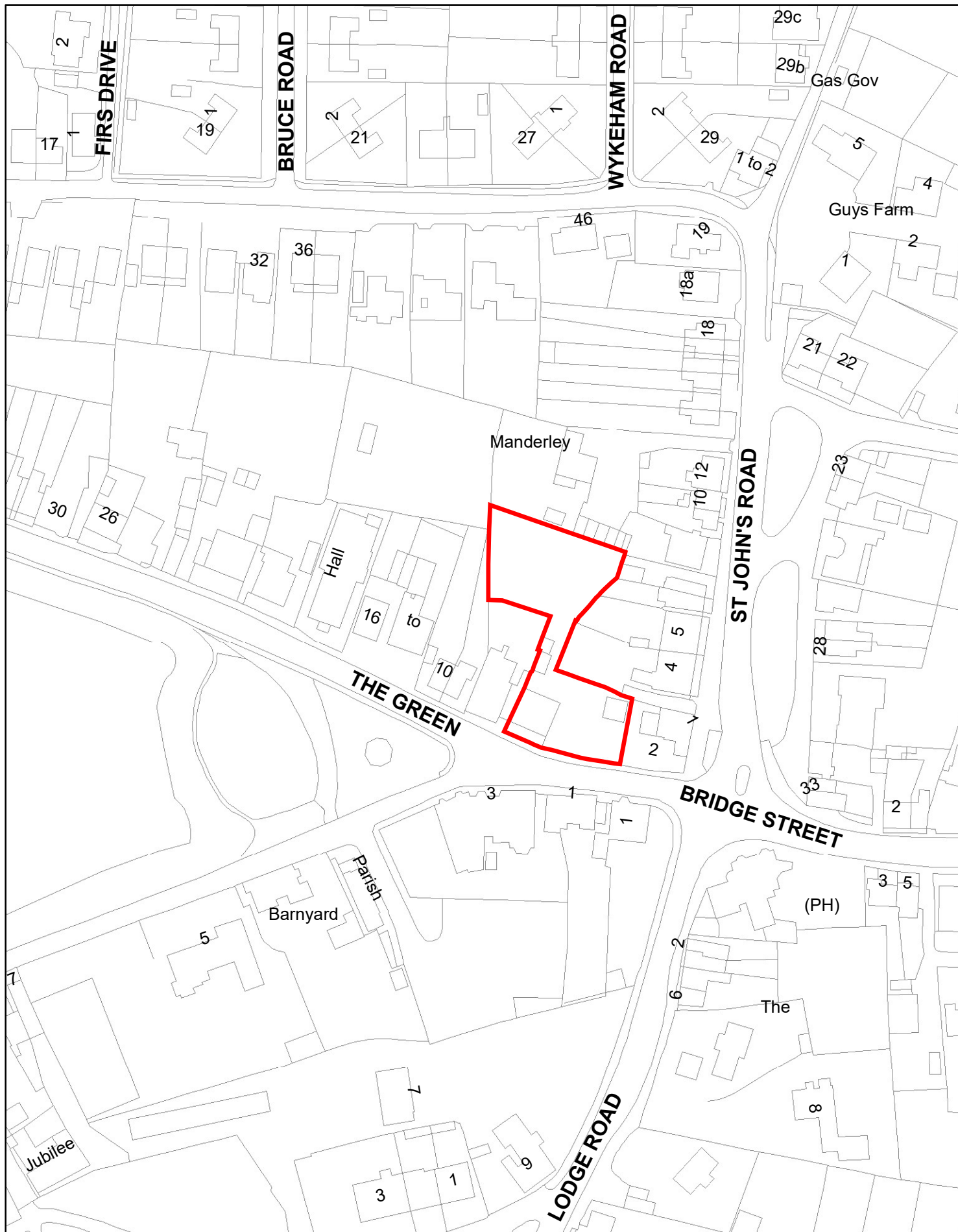
**Writtle Parish Council**

Comments
17.11.2021 - The Planning and Development Committee had no objection in principle to the proposal. Visually the location is too close to the heritage wall and should be moved at least 2 metres from the wall.

**Local Residents**

Comments
<p>Representations received –</p> <ul style="list-style-type: none"> <li>- the boundary brick wall between the application plot and its neighbour to the north is of indetermined age and was partially repair recently by the neighbour;</li> <li>- it acts as a retaining wall due to the ground difference between the application site and the neighbouring site to the rear;</li> <li>- the large dimensions (32qsm) of the roof of the proposed shed would result in all the rain water being pour on to the narrow space between the shed and the brock wall, which would deteriorate the condition of the wall and might lead to its collapse;</li> <li>- climate change exacerbates the problem as rain becomes more frequent;</li> <li>- it has been pointed out that there are trees within the garden of the application plot;</li> <li>- it has been questioned whether the proposed size of the outbuilding would be classified as a garden shed;</li> <li>- due to the ground level difference the shed would appear much taller when viewed from the neighbour's side;</li> <li>- following the repositioning of the shed concerns were raised relating to the impact on the integrity of the wall and any future damage to the wall caused by the shed;</li> </ul>

- it is believed that the proposed foundations would also be a problem due to the ground level difference;
- if the listed wall is damaged following the construction of the shed, the cost of the repair of the wall would be high;
- it has been suggested to move the shed by 2m away from the listed wall, which would alleviate the neighbours' concerns.



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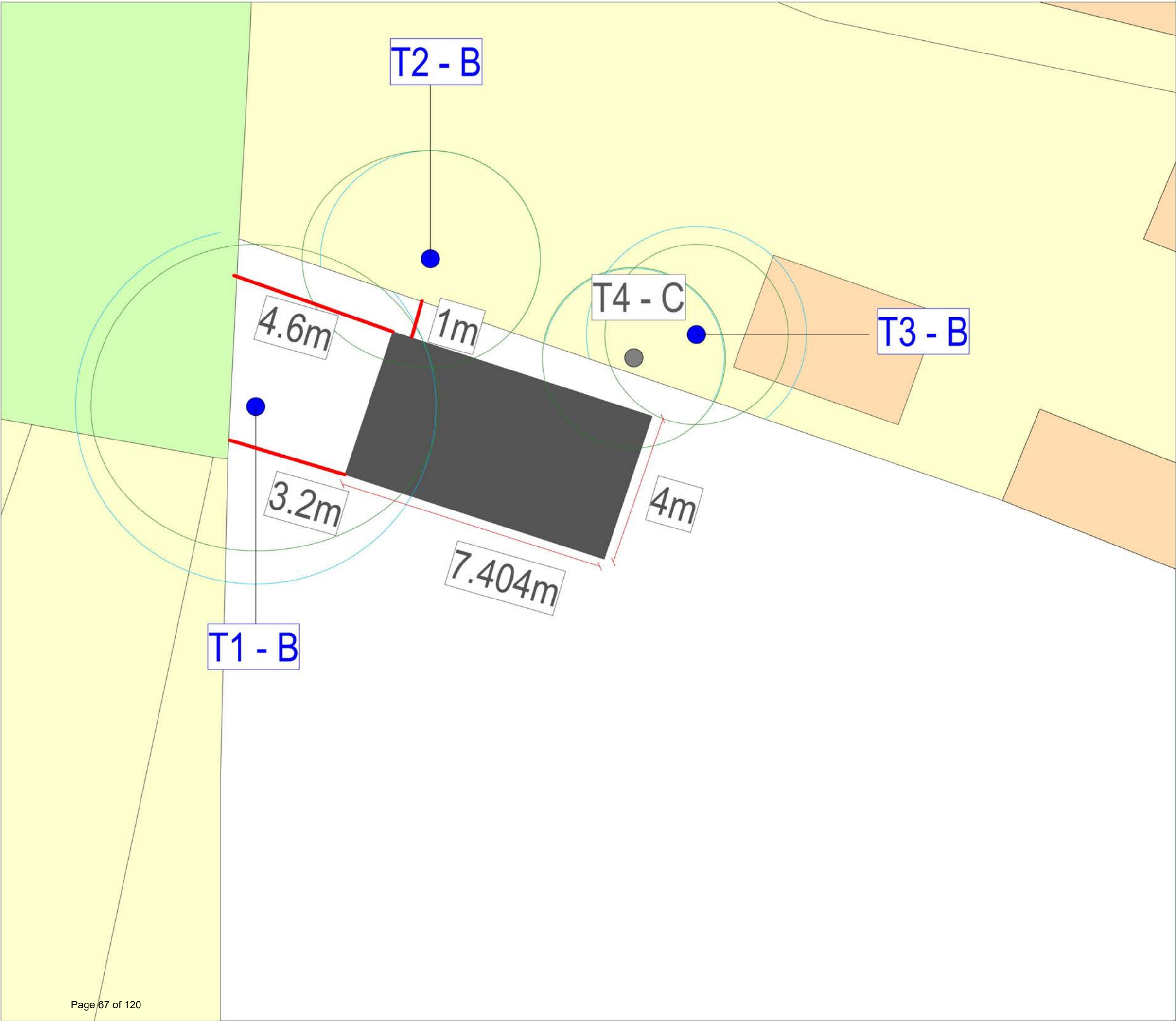
**Planning Committee**  
**21/01258/FUL**

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

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

Telephone: 01245 606826





- Notes
- 1. Contractors to check all dimensions on site
  - 2. Discrepancies must be reported to the Arboricultural Consultant before proceeding
  - 3. The original of this drawing was produced in colour, a monochrome copy should not be relied upon.
  - 4. It is the responsibility of the contractor to ensure necessary consents for tree works are in place
  - 5. This drawing is copyright © Sharon Hosegood Associates Ltd

Rev :	Description :	Authorized :
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Sharon Hosegood  
ASSOCIATES

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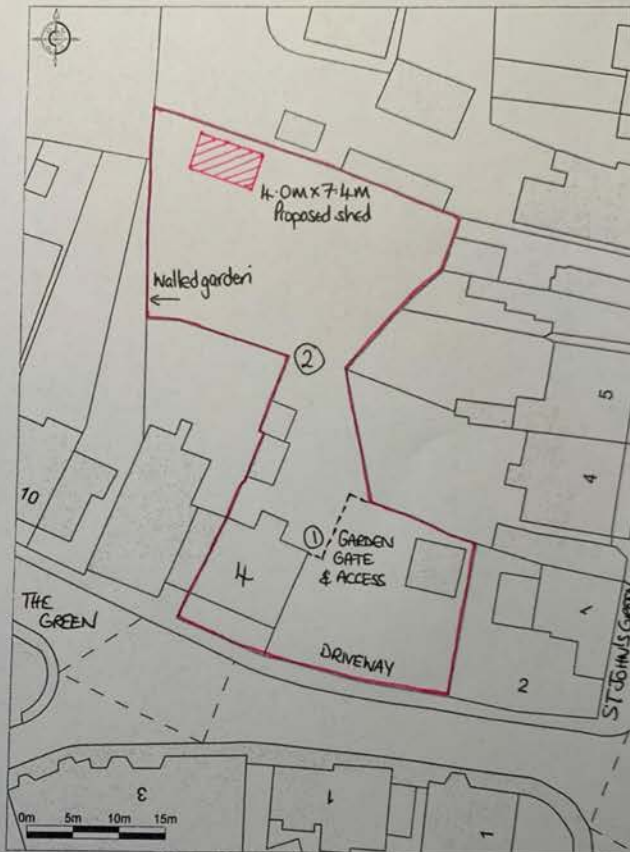
Client  
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Site Address

4 The Green, Writtle

Drawing Title	Orientation	Drawn	Authorized
Block Plan		ND-H	SMH
Date	Drawing Number	Scale	Drawing Status
5.10.21	SHA 4 The Green Block plan	1:250@A3	For Issue
Revision			
-			

4 The Green, Writtle  
CM1 3DU

APPLICATION NUMBER - 21/01258/FUL



Promap

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License number 100022412. Titled Scale: 1:500

Garden equipment shed

1:500

① PHOTO FROM GATE

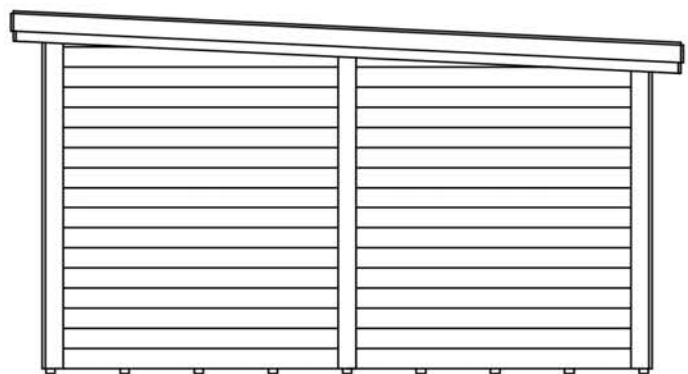
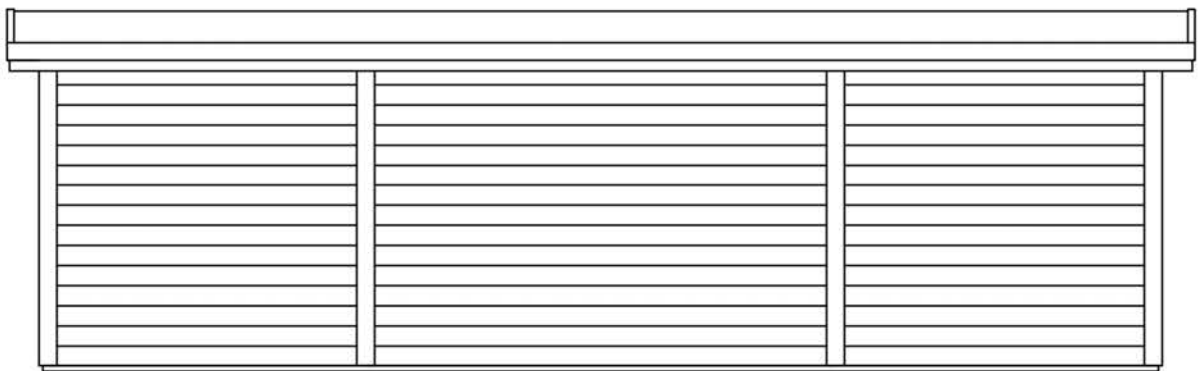
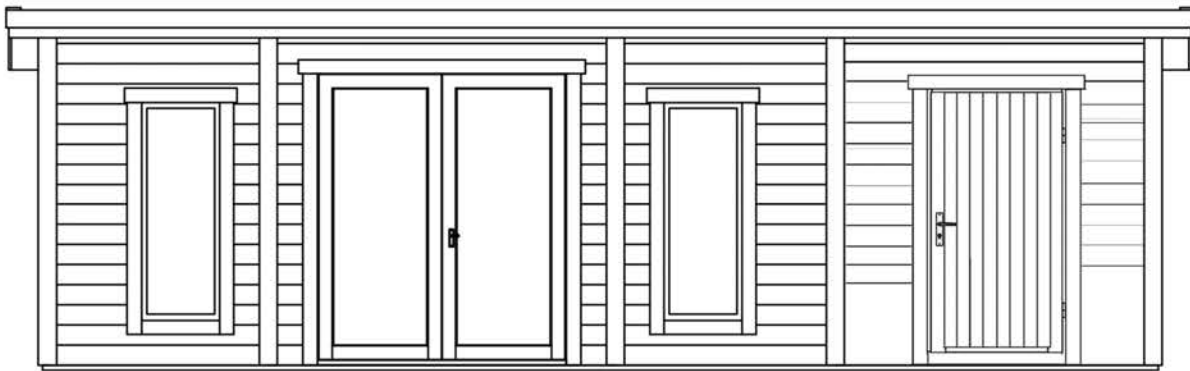
② PHOTO FROM MIDGARDEN OPENING

4.0m x 7.4m  
Proposed shed



# Lillevilla

1:50



4 The Green, Writtle  
CM1 3DU

APPLICATION NUMBER- 21/01258/FUL



Promap

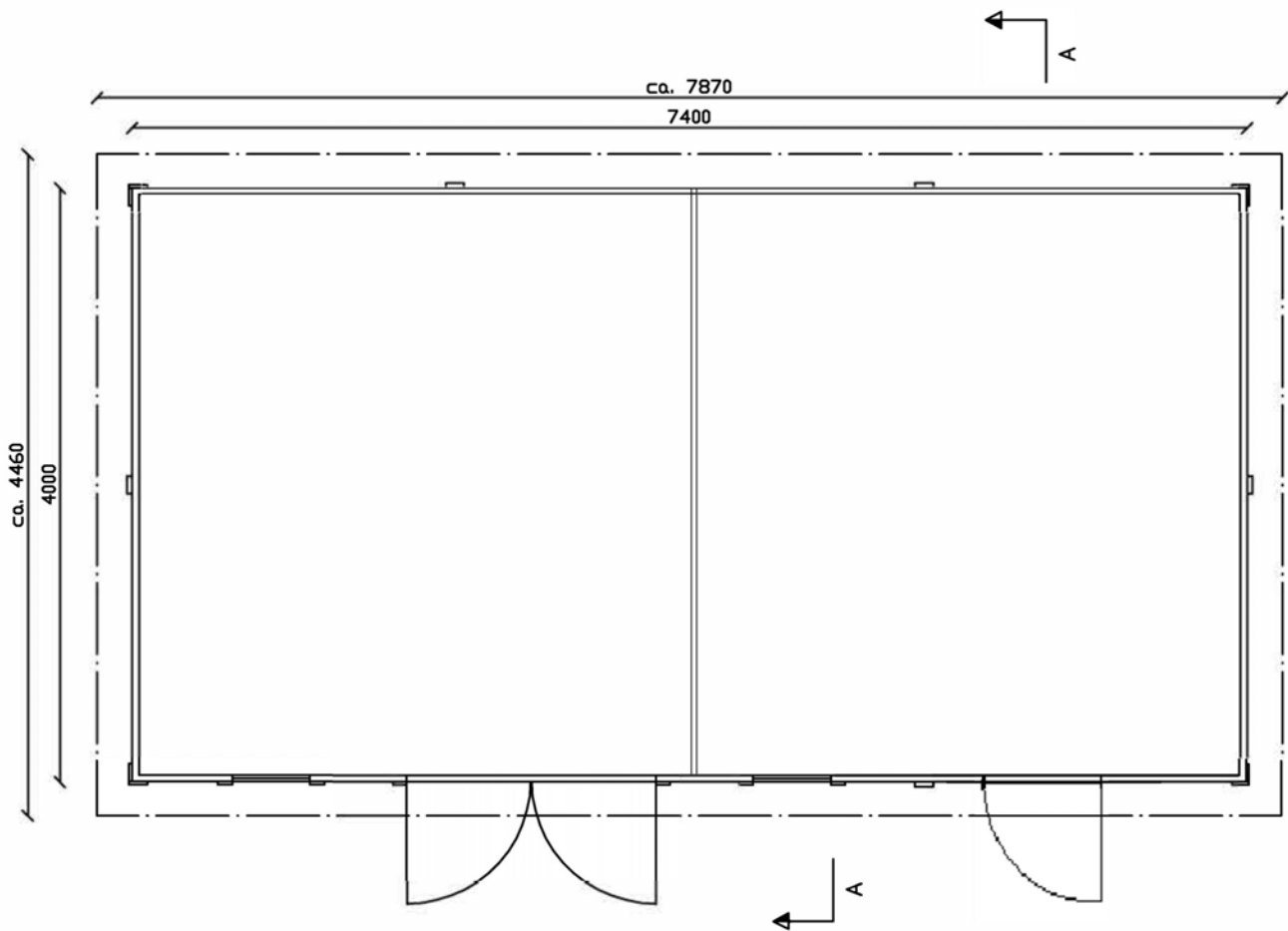
LANDMARK INFORMATION GROUP

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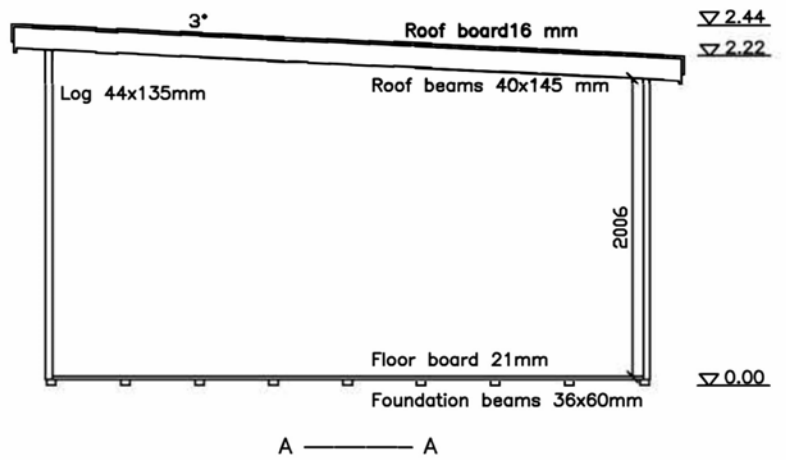
Ordnance Survey © Crown Copyright 2019. All rights reserved.  
License number 100023412, Perpetual Right - 1-2396

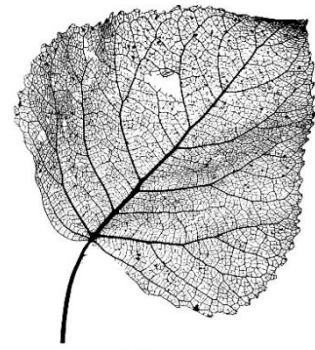
PROPOSED NEW SHED

4.0M X 7.4M



1:50





**Sharon Hosegood**  
ASSOCIATES

**21/01258/FUL**

ARBORICULTURAL IMPACT ASSESSMENT REPORT  
BS 5837:2012 'Trees in relation to design, demolition and construction. Recommendations'

report

SITE

4 The Green, Writtle,  
Chelmsford, CM1 3DU

CLIENT

Mrs D. Quick

**Sharon Durdant-Hollamby**  
FICFor FArborA BSc (Hons) Tech Cert (ArborA)

**DATE: 5 October 2021**  
**OUR REF: SHA 4 The Green**

OUR CONTACT DETAILS: 01245 210 420  
sharon@sharonhosegoodassociates.co.uk

## Executive summary

This report is submitted in connection with a planning application for a garden shed at 4 The Green, Writtle, Chelmsford CM1 3DU. I have provided all information in accordance with the British Standard (BS 5837: 2012 '*Trees in relation to design, demolition and construction. Recommendations*' (referred to as BS).

There is one onsite tree, T1 an early mature copper beech and three offsite trees; T2 Norway maple, T3 yew and T4 Lawson cypress which are subject of this survey. The property is within a Conservation Area but the trees are not protected by a Tree Preservation Order.

The garden shed is proposed to be located in the most sensible location for the garden. This has been adjusted slightly from the original proposal, to be favourable to the copper beech tree. The shed is within the outer root protection area of the copper beech tree by 10.5%. In order to minimize impact on roots, the foundations will be installed on screw piles that will be carefully located to avoid roots. A void of 30 – 50mm will be left under the building to ensure gaseous exchange and water infiltration. Any downpipes from gutters will be directed under the foundations.

Between the garden and neighbouring property is a listed boundary wall. A trial pit was dug which found that foundations are at least 500mm deep, and therefore it is reasonable to assume that the wall acts as a root barrier as the trees are in early maturity and likely to be rooting in the top 600mm.

The crowns of the offsite trees and the beech will clear the roof and be able to mature over it. A minor amount of crown lifting to the copper beech is recommended for ease of construction.

Providing the methods in this report are followed there will be no adverse impact from this proposal.

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## Contents

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Heading number	Detail	Page number
1	Introduction and background	4
2	Statement of instructions and issues addressed	4
3	The site	4
4	The trees	5
5	The proposal	5
6	Arboricultural Impact Assessment	5
7	Conclusions	11
8	Recommendations	11

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## Appendices

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1	Tree survey sheets	13
2	Tree survey plan SHA TSP	16
3	Tree protection plan SHA TPP	17
4	Tree surgery schedule	18
5	Tree protection specification	20
6	Arboricultural method statements incorporating site supervision	24
7	Tree related legislation affecting the site	27
8	Statement of methodology and reference material	30
9	Caveats & Exclusions	32
10	My experience and qualifications	34
11	Glossary	36



## 1. Introduction:

1.1. This report accompanies a planning application to Chelmsford City Council for a proposed garden shed at 4 The Green, Writtle, CM1 3DU. The work is in accordance with BS 5837:2012 *'Trees in relation to design, demolition and construction. Recommendations'* (referred to as BS).

1.2. This report details tree condition, the impact of the proposal on, and from, the existing trees and the measures taken to protect trees to be retained. It also includes tree surgery recommendations.

1.3. The survey has resulted in a layout as shown in the tree protection plan at Appendix 3. Where technical terms are used, explanations are found in the glossary.

## 2. Statement of instructions and the issues addressed:

2.1. I was instructed by Mrs D Quick to:-

2.1.1. Carry out a tree survey in accordance with BS 5837:2012 *'Trees in relation to design, demolition and construction – Recommendations'* (BS);

2.1.2. Analyse the proposals and the impact on trees to be retained;

2.1.3. Produce a tree protection plan, showing the location of the tree protection fencing in accordance with the BS and a specification for the protection of the existing trees;

2.1.4. Provide a tree surgery schedule which includes work to facilitate construction, based on the layout of, and works to, trees due to their condition or previous management;

2.1.5. Provide arboricultural method statements in as much detail as is practical at this stage.

2.2. The issues addressed are tree condition, and how the proposal impacts on the site and vice versa.

## 3. The site:

3.1.4 The Green, Writtle is a large linked detached property with a large L shaped rear garden. It backs on to a property in St John's Green. The area to which this application applies is the north-western corner of the garden.

- 3.2. *Site soils:* An assessment of soils on-site was carried out by a desktop analysis using the National Soil Resources Institute website which identified the soils as likely to be slightly acid loamy and clayey soils with impeded drainage. This is a guide only and detailed on-site soil analysis should be undertaken by the project engineer to inform the foundation design.

#### **The trees:**

- 4.1. *Generally:* There are 4 individual trees which are the subject of this survey. Full details are found in the survey sheets at appendix 1 and their location on the tree survey plan *SHA 4 The Green TSP* at appendix 2.

- 4.2. *BS retention category:*

T1 beech, T2 Norway maple and T3 yew are classified as category B (moderate value) under the BS. T4 Lawson cypress is category C (low value).

- 4.3. *Legislation:*

There no tree preservation orders existing on site. The site is in a Conservation Area. Further details on legislation are found at appendix 7.

## **5. The Proposal**

- 5.1. For a new garden shed.

## **6. Arboricultural impact assessment:**

- 6.1. *Summary of the impact on trees:* Development can adversely impact on trees by causing them to be removed to facilitate the development, or in the future, by adversely affecting their potential for retention through disturbance in root protection areas (RPAs) or through post development pressure to prune or remove.
- 6.2. Tree roots can be asphyxiated and die if the rooting zone becomes compacted and soil structure damaged which can easily occur, particularly on clay soils, even with the passage of light vehicles. At the design stage, disturbance within the RPA should be avoided. If unavoidable (which may need demonstrating), consideration must be given to any construction activity such as demolition, including removal of existing hard surfaces, changing soil levels and the provision of services where within RPAs, as well as new surfaces and structures.

6.3. At the planning stage, any works proposed with RPAs must be shown to be achievable with minimal impact on retained trees. Areas should be identified where a detailed Arboricultural Method Statement will be required post planning consent.

6.4. *Comments on specific trees and the arboricultural impact:*

**T1 copper beech (Category B).**

The copper beech is growing near the north west corner of the garden in a soft landscaped area, partly covered with a geotextile membrane. It is 12m high with an average crown spread of 10m and the height of the lowest branches are c.3m. The tree generally has a good vitality, although there are two slender dead branches on the eastern side.



*Photo 1 of T1 and T2 looking approximately north*

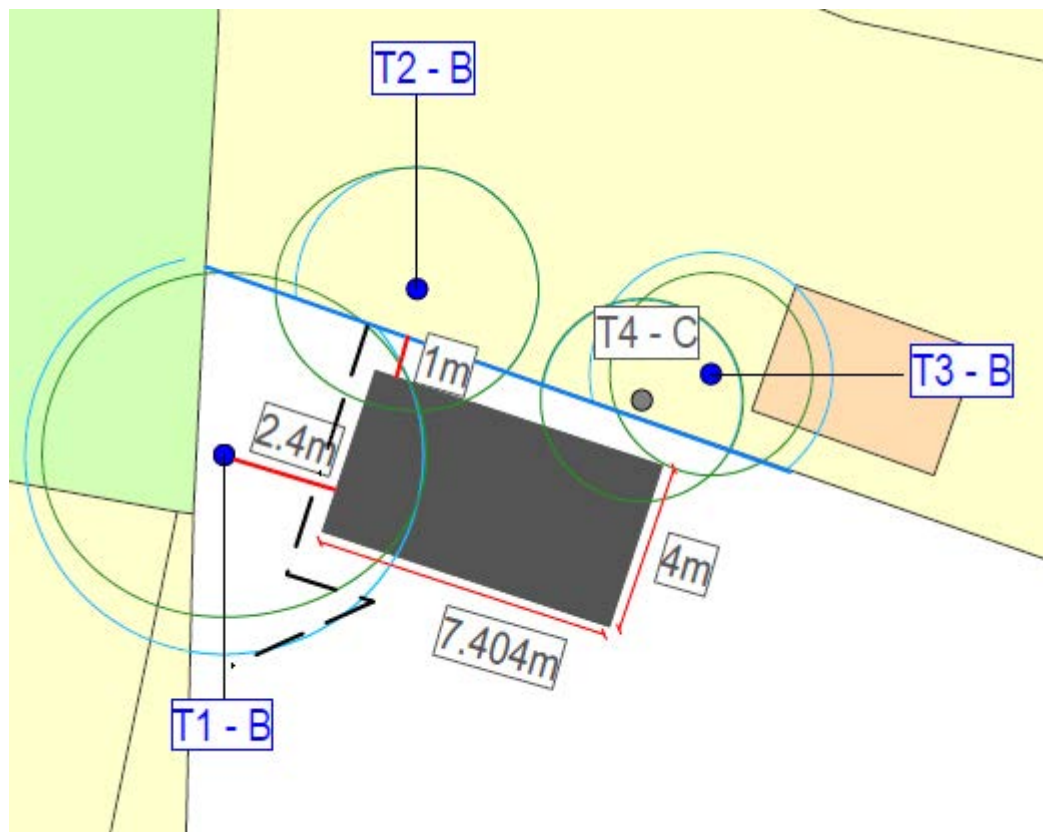




*Photo 2 of crown clearance of T1 and two dead branches*

Arboricultural impact assessment:

- *Summary:* The tree will be retained and protected during works in accordance with the tree protection plan at appendix 3 to a specification at appendix 5. The garden shed will be installed by erecting components on site, accessed from the parking area via a garden gate and walking across the lawn.
  
- *Impact on the roots:*  
 The proposed shed is on the outer edge of the north-eastern quadrant of the root protection area equating to 10.5%. Beech roots tend to be shallow and less tolerant of change than other species, therefore the foundation will be installed by carefully located ground screws (see figure 1) under arboricultural supervision. There will be a 30 – 50mm void under the base to ensure continued gaseous exchange and water infiltration. Any drainage downpipes will be directed under the shed.



Plan 1 – extract from SHA 4 The Green TPP. Do not scale - north is vertical



Figure 1 – adapter screw

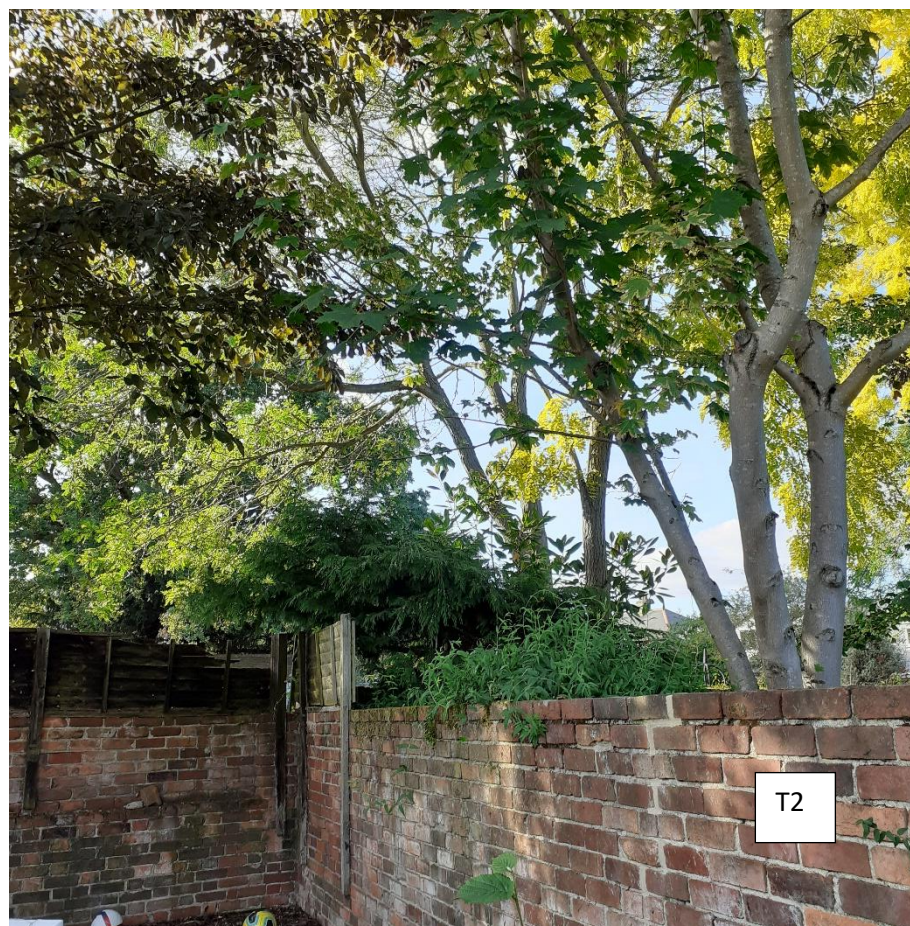


- *Impact on the crown:*

The tree has a crown clearance of c.3m but for ease of construction I recommend a crown lift of 3.5m. The crown will continue over the shed as it matures.

6.5. Offsite trees: T2 Norway maple (B), T3 yew (B) and T4 Lawson cypress (C)

The three trees are growing behind a Listed boundary wall. T2 Norway maple is in early maturity, set back 1m from the wall. The tree is 12m tall with a crown spread of 6m, with some localized dieback on the southern side due to shading. T3 is an attractive early mature yew growing close to an outbuilding. T4 is a low quality Lawson cypress tree which has been topped at 5m with 30% dieback.



*Photo 3 of T2 trunks looking towards the north eastern corner*





*Photo 4 of T3 and T4 looking north*

*Arboricultural Impact Assessment:*

*Impact on the roots:* During the site visit, I dug a small trial pit away from the trees to try to determine the depth of the foundations. I dug down to 500mm and did not continue as I did not want to dig an unnecessarily deep hole next to a Listed wall. This was not the bottom of the foundation. As the trees are in early maturity, and most trees root in the top 600mm, I consider it highly unlikely that there will be any tree roots on site.

*Impact on the crowns:* The crown of T2 will be able to overhang and mature over the shed. T3 is set back from the wall and T4 is not impacted.

7. Conclusions:

- 7.1. The garden shed is proposed to be installed in the most sensible location for the garden. This has been adjusted slightly from the original proposal to be favourable to the copper beech tree. The shed is within the outer root protection area of the copper beech tree by 10.5%. In order to minimize impact on roots, the foundations will be instructed on screw piles that will be carefully located to avoid roots. A void of 30 – 50mm will be left under the building to ensure gaseous exchange and water infiltration. Any downpipes from gutters will be directed under the foundations.
- 7.2. Between the garden and neighbouring property is a listed boundary wall. A trial pit was dug which found that foundations are at least 500mm deep, and therefore it is reasonable to assume that the wall acts as a root barrier as the trees are in early maturity and likely to be rooting in the top 600mm.
- 7.3. The crowns of the offsite trees and the beech will clear the roof and be able to mature over it. A minor amount of crown lifting the copper beech is recommended for ease of construction.
- 7.4. Providing the methods in this report are followed there will be no adverse impact from this proposal.

8. **Recommendations:**

- 8.1. That a copy of this report, including an A3 colour copy of the tree protection plan. The arboricultural documents will be part of site induction by the main contractor to all sub-contractors.
- 8.2. That the foundation design takes into account trees to be retained
- 8.3. That there are no ground level changes with the area shown on the plan by tree protection fencing.
- 8.4. That the installation of the screw piles is carried out under arboricultural supervision.

**Sharon Durdant-Hollamby**

FICFor FARborA BSc (Hons) Tech. Cert. (Arbor A)

Director

Sharon Hosegood Associates Ltd

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## Appendix 1

### Tree survey sheets

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Tree Number	Botanical Name (Common name)	Age	Dia (mm)	Stems	Height (crown height)	Ult ht (m)	N	E	S	W	Cond	Life Exp	BS Cat	RPR (m)	RPA (m <sup>2</sup> )	Comments	Recommendations
T1	Fagus sylvatica 'Purpurea' (Copper Beech)	M	410	1	12(3)	20	5	5	4	5	Fair	40+	B2	4.92	76.06	Reasonable form and condition. Epicormics on stem. Historically crown lifted and occluded well. Historically crown lifted with flush cuts. Dieback in crown. Major deadwood in crown. 4.3m from wall north and 0.4m East from wall. Overhangs neighbouring garden to the east and provides screening between properties. Two slender secondary branches have died back, but the crown is otherwise healthy. The North eastern Corner is laid to a geotextile membrane overlaid with woodchip. The southern part is an informal border.	Remove major deadwood.

Tree Number	Botanical Name (Common name)	Age	Dia (mm)	Stems	Height (crown height)	Ult ht (m)	N	E	S	W	Cond	Life Exp	BS Cat	RPR (m)	RPA (m <sup>2</sup> )	Comments	Recommendations
T2	Acer platanoides (Variegated Norway Maple)	SM	250	1	12(3)	20	3	3	3	4	Fair	20+	B2	3	28.28	Offsite tree. Reasonable form and condition. Stem data estimated as offsite. Stem divides below 1.5m. Dieback in crown. Crown distorted due to group pressure. Set back 1m from wall. Trial pit dug next to wall down to 500mm. This is not the bottom of the foundation, enough to state that it is reasonable that the wall is a root barrier to the depth of its foundations. Small amount of dieback on south western aspect due to shading. 5m from wall to the west.	
T3	Taxus baccata (Yew)	EM	250	1	7(4)	15	3	3	3	3	Good	40+	B2	3	28.28	Offsite tree. Reasonable form and condition. Stem data estimated as offsite. Epicormics on stem. Growing next to low rise building. Good, dense vitality.	
T4	Chamaecyparis lawsoniana (Lawson Cypress)	SM	100 100 150	3	3.5(2.5)	15	3	3	3	3	Poor	10+	C2	2.47	19.17	Poor shape & form. Low vitality. Declining. Plotted by eye as not on topo. Stem data estimated as offsite. Stem divides below 1.5m. Dieback in crown. Topped tree with 30% dieback.	

### Explanation of the tree survey sheets

The tree survey has been carried out in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'. Below is an annotation of the abbreviations in the sheet and their meanings.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15			
Tree Number	Botanical Name (Common name)	Age	Dia (mm)	Stems	Height (crown height)	Ult ht (m)	N	E	S	W	Cond	Life Exp	BS Cat	RPR (m)	RPA (m²)	Comments	Recommendations

#### 1 Tree

**T** - Tree, **G** - Group of trees, **H** - Hedge and **S** -shrub mass

#### 2 Species - Botanical name and (Common name)

#### 3 Age

**NP** – Newly planted, **Y** – Young - an establishing tree that could be easily transplanted

**SM** - Semi-mature - an established tree still to reach its ultimate height and spread with considerable growth potential.

**EM** – Early mature – a tree reaching its ultimate height and whose growth is slowing, however it will still increase considerably in stem diameter and crown spread.

**M** – Mature – a tree with limited potential for further significant increase in size, although likely to have a considerable safe useful life expectancy

**OM** – Over-mature – a senescent or moribund tree with a limited safe useful life expectancy

**V** – Veteran – a tree older than typical for the species and of great ecological, cultural or aesthetic value.

#### 4 Dia (mm)

Diameter of the stem in millimetres at 1.5m above ground level for single stemmed tree or in accordance with Annex C of BS 5837 for multi-stemmed trees or trees with low forks or irregular stems.

#### 5 Stems

Number of stems. Multi-stemmed is m/s

#### 6 Height (Crown height)

Height in metres from the ground to the top of the crown

(Crown height) – height of canopy above ground level

#### 7 Ult ht (m)

Height in metres that could be reasonably expected for the species given its condition, past management and location.

#### 8 NSEW

The crown spread from the trunk to the tips of the crown at the four cardinal points



#### 9 Cond

Physiological condition. Good, fair, poor or dead

#### 10 Life Exp

Estimated remaining contribution in years; <10, 10+, 20+ and 40+.

#### 11 BS Cat

Category in accordance with Table 1 and section 4.5 of BS

**U** – unsuitable for retention. Existing condition is such that they cannot be realistically retained as living trees in the context of the current land use for longer than 10 years. Note, category U trees can have existing or potential conservation value which might be desirable to preserve.

**A** – high quality and value (non-fiscal) with at least 40 years remaining life expectancy

**B** – moderate quality and value with at least 40 years remaining life expectancy

**C** – low quality and value with at least 10 years remaining life expectancy, or young trees with a stem diameter below 150mm

A, B and C category trees are additionally graded into: 1 – mainly arboricultural values, 2 – mainly landscape values and 3 – mainly cultural values including conservation

#### 12 RPR (m)

RPR – Root protection area radius (m)

#### 13 RPA – Root protection area (m<sup>2</sup>)

#### 14 Comments

Detailed comments about the tree

#### 15 Preliminary recommendations

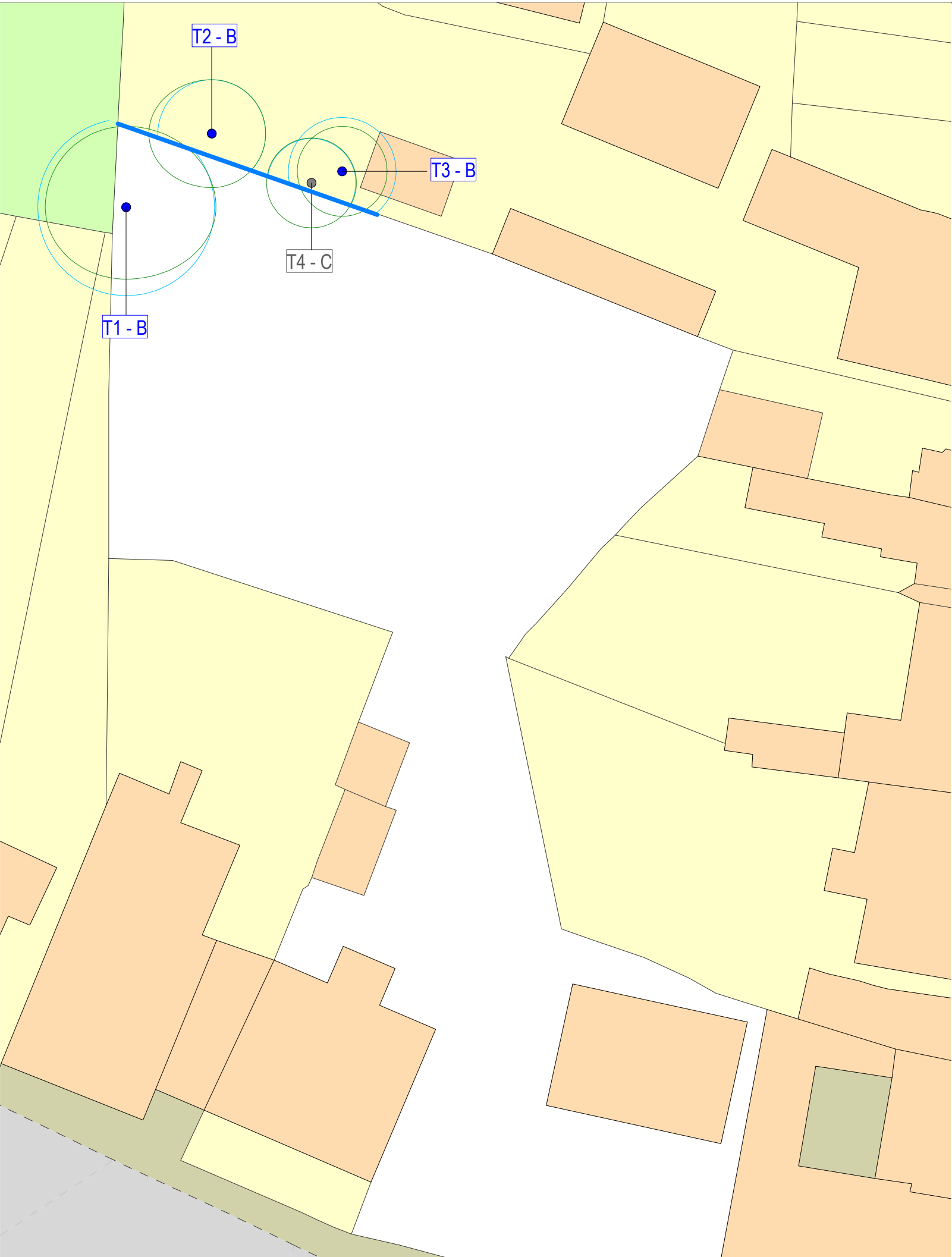
Recommendations based on the tree's conditions and its current surroundings.

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## Appendix 2

### Tree survey plan 4 The Green TSP

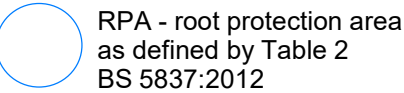
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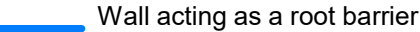
- T1 - A Category A - high quality and value
- T1 - B Category B - moderate quality and value
- T1 - C Category C - low quality and value
- T1 - U Category U - unsuitable for retention



Crown spread



RPA - root protection area  
as defined by Table 2  
BS 5837:2012



Wall acting as a root barrier

Notes

- Contractors to check all dimensions on site
- Discrepancies must be reported to the Arboricultural Consultant before proceeding
- The original of this drawing was produced in colour, a monochrome copy should not be relied upon.
- It is the responsibility of the contractor to ensure necessary consents for tree works are in place
- This drawing is copyright © Sharon Hosegood Associates Ltd

Rev :	Description :	Authorized :
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Sharon Hosegood Associates Ltd

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Client

Quick,D

Site Address

4 The Green, Writtle

Drawing Title	Orientation	Drawn	Authorized
Tree Survey Plan		ND-H	SMH
Date	Drawing Number	Scale	Drawing Status
5.10.21	SHA 4 The Green TSP	1:250@A3	For Issue

Revision

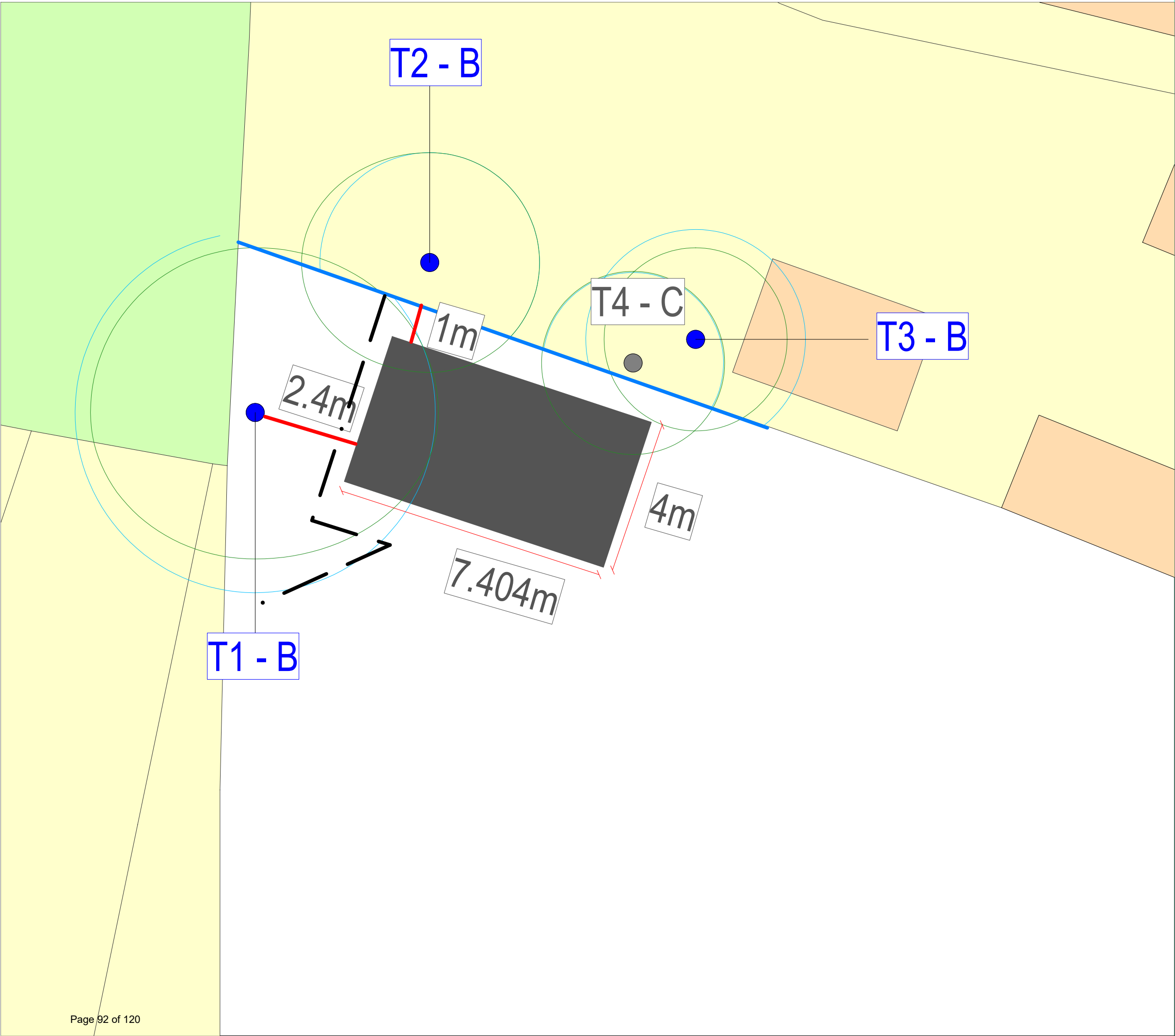
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## Appendix 3

### Tree protection plan 4 The Green TPP

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- T1 - A Category A - high quality and value
- T1 - B Category B - moderate quality and value
- T1 - C Category C - low quality and value
- T1 - U Category U - unsuitable for retention

- Crown spread
- RPA - root protection area as defined by Table 2 BS 5837:2012
- Wall acting as a root barrier

- Notes
- Contractors to check all dimensions on site
  - Discrepancies must be reported to the Arboricultural Consultant before proceeding
  - The original of this drawing was produced in colour, a monochrome copy should not be relied upon.
  - It is the responsibility of the contractor to ensure necessary consents for tree works are in place
  - This drawing is copyright © Sharon Hosegood Associates Ltd

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
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Client

Quick,D

Site Address

4 The Green, Writtle

Drawing Title	Orientation	Drawn	Authorized
Tree Protection Plan		ND-H	SMH
Date	Drawing Number	Scale	Drawing Status
5.10.21	SHA 4 The Green TPP	1:250@A3	For Issue

Revision  
-

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## Appendix 4

### Tree surgery schedule

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**Tree surgery schedule**

All works to be carried out in accordance with BS 3998:2010 'Tree works – Recommendations'. All pruning cuts to be made at suitable growing points in the line with the principles of 'Natural target pruning'. An ecological check is required by a competent person prior to tree works being carried. Works should not take place until planning permission is granted and all pre-commencement conditions are discharged.

Tree no.	Species	BS category	Proposed works	Reason
T1	Copper Beech	B	Crown lift to achieve 3.5m clearance and remove any dead wood	To ease construction of the proposed shed and for safety reasons

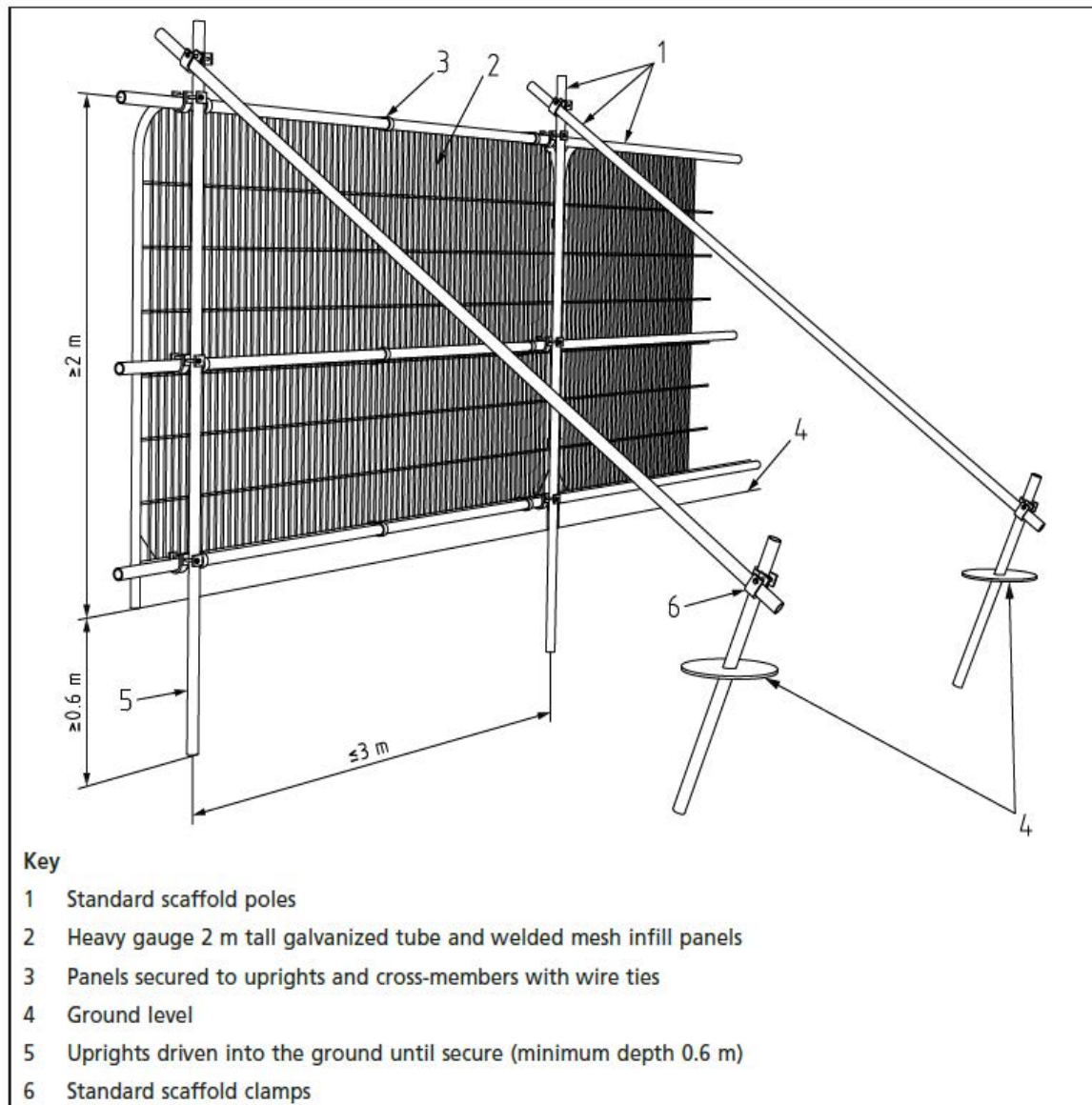
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## Appendix 5

### Tree protection specification

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Figure 2 Default specification for protective barrier



Tree protection fencing specification from BS 5837:2012 Figure 2

Section 6.2.2 of BS.

Barriers should be fit for purpose of excluding construction activity and appropriate to the degree and proximity of work taking place around the retained trees(s). Barriers should be maintained to ensure that they remain rigid and complete.

The default specification is shown above at Figure 2. Care should be taken when locating the vertical poles to avoid underground services and structural roots. Where it is not possible to drive a pole into the ground, for example on hard surfacing, figure 3 overleaf, applies.

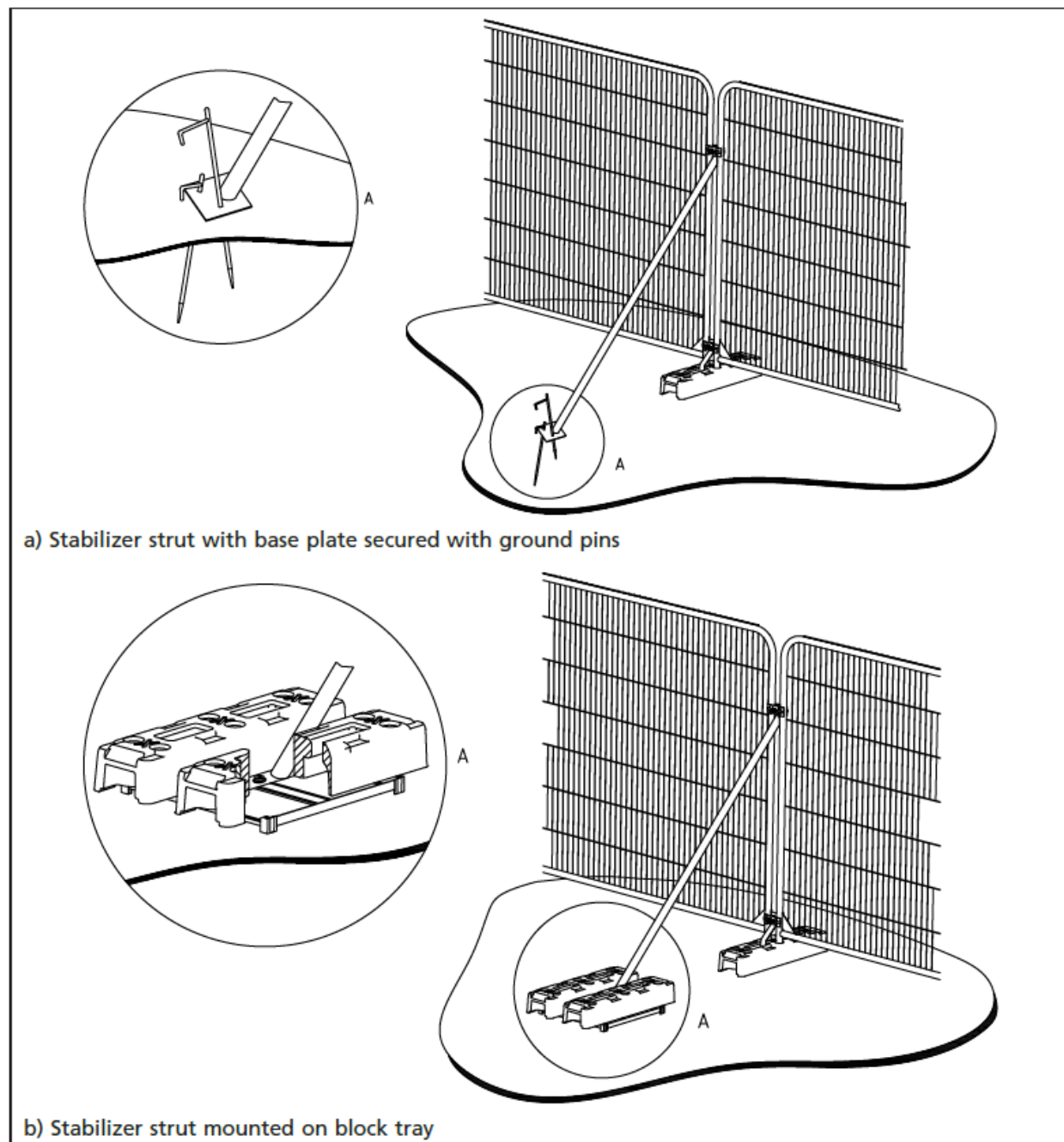
**On this site orange mesh fencing supported by metal pins will suffice as an alternative.**

The location for the tree protection fencing is shown on the tree protection plan delineated by a black dashed line. The location of the fencing is out the outer edge of the root protection area and the dimensions from fixed points are shown on the drawings. All weather signs should be affixed to the barriers, no more than 12m apart.

## BRITISH STANDARD

## BS 5837:2012

Figure 3 Examples of above-ground stabilizing systems





Suggested site warning sign format



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## Appendix 6

### Arboricultural method statement

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**Tree works:**

Recommendations for tree works can be found in the tree surgery schedule in Appendix 5. All works shall be in accordance with BS 3998:2010 '*Tree work. Recommendations*'. The use of a competent and insured tree surgery contractor is necessary to comply with this. The main contractor and tree surgery contractor must ensure that any necessary consents have been received from the local authority and that no protected species are harmed whilst carrying out site clearance or tree surgery works. Within root protection areas, stumps, shrubs and other vegetation must be removed by hand or using stump grinding machinery to minimize root damage of retained trees. Where poisoning of stumps is specified, this must be carried out by competent operatives. Only chemicals approved for this purpose and used in accordance with the manufacturer's instructions will be used.

The following information must be sought:

- Current employers, public and product liability insurance
- Waste carriers' licence
- Qualification and experience of key personnel, including relevant NPTC certificates
- COSHH assessment
- Tool and task based risk assessment, including a Working at Height Risk Assessment
- Site specific risk assessment
- Emergency procedure plan
- Method Statement

A list of suitable tree surgeons is found at:

<http://www.trees.org.uk/find-a-professional/Directory-of-Tree-Surgeons>

Bio security measures are important and found at:

<https://www.forestry.gov.uk/biosecurity>

**Fires:** Fires on site should be avoided if possible. If unavoidable, they should be situated far enough so that there is no risk of damage to the trees, taking into consideration the wind direction.

**Site and fuel storage, cement mixing and washing points:** All site storage areas, cement mixing and washing points for equipment and vehicles and fuel storage areas should be outside root protection areas unless otherwise agreed with the Local Planning Authority. No discharge of potential contaminants should occur within 10m of a retained tree stem or where there is a risk of run off into Root Protection Areas.

#### **Arboricultural site supervision**

*An initial site meeting:*

One site supervision visit will take place during the installation of the ground screws. The locations of the screws will be based on the designers layout, but locally adjusted to avoid roots greater than 25mm.



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## Appendix 7

### Tree related legislation

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### **Tree preservation orders**

The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

No Tree Preservation Orders affect the site.

### **Conservation Area:**

The site lies within the Writtle Conservation Area. This means that before any tree work can take place, six weeks' notice (a section 211 notice) must be given to the Local Planning Authority (LPA).

The LPA can either raise no objection, or if they object, they must serve a tree preservation order. A section 211 application is not required to carry out works listed within the tree surgery schedule of this report provided that this report is submitted as part of the planning application and that planning permission is granted. All pre-commencement conditions must be met prior to undertaking such works.

### **Ecological considerations**

The Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2010 and the Countryside and Rights of Way Act 2000, provide statutory protection to species of flora and fauna including birds, bats and other species that are associated with trees.

### **Occupiers Liability Act 1957 and 1984**

The Occupiers Liability Act (1957 and 1984) places a duty of care to ensure that no reasonably foreseeable harm takes place due to tree defects. Therefore, this report includes recommendations within the tree tables for work required for safety reasons. 'Common sense risk management of tree (National Tree Safety Group 2012)' states that *'The owner of the land on which a tree stands, together with any party who has control over the tree's management, owes a duty of care at Common Law to all people who might be injured by the tree. The duty of care is to take reasonable care to avoid acts or omissions that cause a reasonably foreseeable risk of injury to persons or property'*.

### **Common law**

This enables pruning back to the boundary line providing the work is reasonable. Other restrictions, such as tree preservation orders/conservation areas still apply.

The owner of a tree is not obliged to trim their trees or hedges to prevent them from crossing over a boundary. Whilst the tree owner is not obliged to cut back the branches, the person whose property is overhung has the right to cut back the branches to the boundary providing there are no planning or legal restrictions on the trees such as Tree Protection Orders or if they are located in a church yard, in which case suitable consent must be obtained. Such pruning works must be undertaken to a suitable standard and must not cause damage to the tree.

The resulting debris remains the property of the tree owner, but you must not cause any damage to their property when returning it back to them and you do not have the right to trespass on the tree owner's property in carrying out the works. In the interests of good neighbourly relations, we would encourage neighbours to discuss their intentions with each other before carrying out such works, providing the work is reasonable and that the trees are not subject to TPO or Conservation Area protection.



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## Appendix 8

### Statement of methodology and reference material

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## Statement of methodology

Review of architects plans

Site visit made by Sharon Durdant-Hollamby on 23 September 2021. Meeting with the client, followed by a phone discussion with the shed provider.

Tree survey using Visual Tree Assessment carried out in accordance with BS 5837:2012 '*Trees in relation to design, demolition and construction – Recommendations*' (BS). All investigations were from ground level only and binoculars were used when necessary. All trees with a trunk diameter of 75mm or above were surveyed. Obvious hedges and shrub masses were identified where appropriate. Information collected is in accordance with recommendations in subsection 4.4.2.5 of BS and include species, height, diameter, branch spread, crown clearance, age class, physiological condition, structural condition and remaining contribution. Each tree was then allocated one of four categories (U, A, B or C).

TPO/Conservation Area check carried out.

Digital plan purchased

## Received material

2 Foundation Requirement 2021, Adapter screw SGC 1200, Lillevilla LV365 (442)elevation scale, LV365 block layout (rev1), SGC\_1200

## Reviewed text

BSI. BS 3998:2010 *Tree work-Recommendations*.

BSI. BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations*

R.G.Strouts and T.G.Winter 'Diagnosis of ill-health in trees' TSO 1994

Chelmsford City Council website

C. Mattheck 'The body language of trees' 2015

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## Appendix 9

### Caveats & Exclusions

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### Specific report caveats

1. At the time of writing this report, the protected tree status is correct. However, this can change. Therefore, I advise that a further check is made with Chelmsford City Council before any works to trees take place.
2. No internal diagnostic equipment was used other than a sounding mallet and probe and all inspections were from ground level only, with the aid of binoculars where necessary.
3. The survey is concerned solely with arboricultural issues.
4. Any changes in ground level, or excavations near to tree roots not discussed within this report may change the stability and condition of the trees and a further examination would be required.
5. As trees are a dynamic living organism this report is only valid for a period of 12 months, in respect to their health and condition.
6. Only the trees listed in this report have been examined.
7. The measure of offsite trees has been estimated, except any crown within the site overhang which is measured. Where the crown of an onsite tree overhangs the boundary, the crown spread in this direction is also estimated.
8. The base and trunk of the offsite trees could not be examined, and therefore a full assessment of the trees condition could not be made.
9. The tree information is from the time of the survey. Some pests, diseases and fungi only appear seasonally, therefore it is possible not all issues that may affect the health of the trees could be observed.

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## Appendix 10

### My experience and qualifications

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## Profile

Sharon is an Expert Witness, chartered arboriculturist and Director of Sharon Hosegood Associates Ltd. Sharon had eleven years' experience as a local government tree and landscape officer before joining DF Clark Contractors as a tree consultant in 2005. In 2007 she formed an environmental practice in Essex with the owner. As managing director, she built up the ecological and arboricultural consultancy to a team of 20. She is a regular presenter and an occasional trainer for Trevor Roberts Associates. She appeared on BBC1 in July 2015 and September 2015, in 'Britain Beneath Your Feet' demonstrating tree radar at the Burghley Country Park, Lincs, with Dallas Campbell, the consumer programme 'Rip Off Britain', and latterly, again with tree radar equipment, Springwatch, investigating the rooting of the Major Oak at Sherwood Forest in June 2018. Sharon was the technical coordinator and chair of the Institute of Chartered Foresters national study tour 2016 'The streets of London'. In November 2018 Sharon presented at the Annual International Arboricultural Summit in Hong Kong. In May 2021 she became President of the Institute of Chartered Foresters.

<b>Specialties:</b>	<p>Trees in relation to development, including appeals and planning hearings</p> <p>Tree root investigations, including TreeRadar</p> <p>Tree hazard evaluation</p> <p>Tree preservation orders</p> <p>Trees and well-being with community engagement</p>
<b>Professional bodies:</b>	<p>President of the Institute of Chartered Foresters</p> <p>Fellow of the Institute of Chartered Foresters (ICF)</p> <p>Former Assessor and member of the ICF examination board</p> <p>Fellow of the Arboricultural Association</p>
<b>Qualifications:</b>	<p>Cardiff University Law School Bond Solon Civil Expert Certificate</p> <p>Arboricultural Associations Technicians Certificate</p> <p>BSc (Hons) Geography and Landscape Studies</p> <p>Managing Safely IOSH (2017)</p>
<b>Awards:</b>	<p>Top student award for the Technician's certificate in 2005</p> <p>The Broomfield Hospital Woodland Management project she has managed since 2009 has won the following awards:</p> <p>The Essex Biodiversity Awards (nomination)</p> <p>The Excellent Community Engagement Award (NHS Forest)</p> <p>Green Flag and Green Apple Award</p> <p>Highly commended for the Health Sector Journal Award 2013</p>



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## Appendix 11

### Glossary

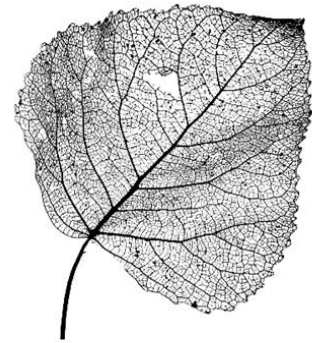
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<b>Arboriculture</b>	Formerly all aspects of the culture of trees, especially for forestry. Latterly, the art and science of cultivating and managing trees as groups and individuals, primarily for amenity and other non-forestry purpose.
<b>Arboricultural method statement</b>	Methodology for the implementation of any aspect of development that is within the root protection area, or has the potential to result in loss of or damage to a tree to be retained.
<b>Arboriculturist</b>	Person who has, through relevant education, training and experience in the field of trees in relation to construction.
<b>Biodiversity</b>	The variability among all living organisms of an ecological complex.
<b>Biomechanical</b>	Pertaining to the mechanical functions and properties of living organisms, such as trees.
<b>Body language</b>	In trees, the outward display of growth responses and/or deformation in response to mechanical stresses.
<b>Branch</b>	A limb extending from the main stem or parent branch of a tree.
<b>Branch bark ridge</b>	The raised arc of bark tissues that forms the acute angle between a branch and its parent stem
<b>Branch collar</b>	The swelling or roughened bark often found at the base of a branch which should be left intact if the branch is to be pruned off.
<b>Cambium</b>	Layers of meristematic cells in the cells peripheral to the phloem that give rise to bark.
<b>Canopy</b>	The topmost layer of twigs and foliage in a tree.
<b>Co-dominant</b>	In trees, a similarity between two or more stems or branches with regard to their size and their position within the canopy.
<b>Construction exclusion zone</b>	An area based on the root protection area from which access is prohibited for the duration of the project.
<b>Crown</b>	In arboriculture, the main foliage-bearing portion of a tree.
<b>Crown lifting</b>	The removal or shortening of the branches that form the lower part of the crown of a tree.
<b>Crown reduction</b>	Pruning in order to reduce the size of the crown of a tree.
<b>Crown thinning</b>	Pruning inside the crown of a tree in order to reduce its density.
<b>Defect</b>	In relation to tree hazards, any feature of a tree which detracts from the uniform distribution of mechanical stress, or which makes the tree mechanically unsuited to its environment.
<b>Dieback</b>	The death of part of a plant, usually starting from a distal point and often progressing proximally in stages.
<b>Epicormic</b>	Pertaining to shoots or roots which are initiated on mature woody stems; shoots can form in this way from dormant buds or they can be adventitious.
<b>Failure</b>	In connection with tree hazards, a partial or total fracture within woody tissues or loss of cohesion between roots and soil.
<b>Flush cut</b>	A pruning cut close to the parent stem which removes part of the branch bark ridge.
<b>Foreseeable</b>	In hazard assessment, pertaining to failure and associated injury of damage which are predictable on the basis of evidence from a tree and its surroundings.

<b>Fungi</b>	Organisms of several evolutionary origins, most of which are multicellular and grow as branched filamentous cells within dead organic matter or living organisms.
<b>Hazard</b>	A thing, a process or a potential event that has the potential to cause harm.
<b>Heartwood</b>	The dead or predominantly dead central wood of various tree species whose outer living wood, sapwood, has a finite and pre-determined lifespan.
<b>Independent in the landscape</b>	Point at which a newly planted tree is no longer reliant on excessive or abnormal management intervention in order to grow and flourish with realistic prospects of achieving its full potential contribute to the landscape.
<b>Landscape character</b>	A distinct, recognisably and consistent pattern of elements in the landscape that make one landscape different from another, rather than better or worse.
<b>Mulch</b>	Material laid down over the rooting area of a tree or other plant to help conserve moisture, suppress weeds and encourage a beneficial microflora.
<b>Mycorrhizal</b>	Pertaining to an intimate symbiotic association between plant roots and specialised fungi.
<b>PICUS</b>	The Picus Sonic Tomograph is a non-invasive tool for assessing decay in trees. It works on the principle that sound waves passing through decay move more slowly than sound waves traversing solid wood. By sending sound waves from a number of points around a tree stem to a number of receiving points, the relative speed of the sound can be calculated and a two-dimensional image of the cross-section of the tree can be generated
<b>Pollard</b>	A term for a pollarded tree
<b>Pollarding</b>	The complete or partial removal of the crown of a young tree so as to encourage the development of numerous branches; also, further cutting to maintaining this growth pattern.
<b>Probability</b>	A statistical measure of the chance that a particular event (e.g. a specific failure of a tree or specific kind of harm to persons or property) might occur.
<b>Resistograph</b>	<p>The IML-RESI system is based on the measurement of drilling resistance.</p> <p>The IML-RESI operates in a similar manner to a normal drill. A drilling needle with a diameter of 1.5mm is inserted into the wood under constant drive. While drilling, the resistance is measured as a function of the drilling depth of the needle. The data is printed and stored electronically at a scale of 1:1 simultaneously.</p> <p>Although invasive the relatively small needle diameter causes very little damage, testing is normally only undertaken to confirm the remaining stem wall thickness in decaying trees.</p>
<b>Risks</b>	The likelihood of the potential harm from a particular hazard becoming actual harm.
<b>Root protection area</b>	A layout tool indicating the 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. BS 5837:2012 <i>'Trees in relation to design, demolition and construction – Recommendations'</i> .



<b>Root flare</b>	Thickened and expanded base of a tree stem at ground level from which buttress roots form.
<b>Rootplate</b>	The central part of the root system of a tree, consisting of the large-diameter main roots and a dense mass of smaller roots and soil.
<b>SULE</b>	Safe useful life expectancy of a tree (Barrell)
<b>Stub cut</b>	A pruning cut which is made at some length distal to the branch bark ridge.
<b>Target pruning</b>	The pruning of a twig or branch so that tissues recognisably belonging to the parent stem or branch are retained and not damaged.
<b>Targets</b>	In tree hazard assessment, persons or property or other things of value which might be harmed by mechanical failure of the tree or by objects falling from it.
<b>Tree Preservation Order</b>	In Great Britain, an order made by a local authority, whereby the authority's consent is generally required for the cutting down, topping or lopping of specified trees.
<b>Tree protection plan</b>	Scale drawing, informed by descriptive text where necessary, based upon the finalized proposal, showing trees for retention and illustrating the tree and landscape protection measures.
<b>Veteran tree</b>	<i>'A tree that has passed beyond maturity and is old, or aged, in comparison with other trees of the same species'</i> . Ancient Tree Guide No. 4 (ATF, 2008).
<b>Vigour</b>	In tree assessment, an overall measure of the rate of shoot production, shoot extension or diameter growth.
<b>Vitality</b>	In tree assessment, an overall appraisal of physiological and biomechanical processes, in which high vitality equates with near-optimal function, in which high vitality equates with healthy function.
<b>Visual Tree Assessment (VTA)</b>	In addition to the literal meaning, a system expounded by Matlack and Breloer (1995) to aid the diagnosis of potential defects through visual signs and the application of mechanical criteria.
<b>Wound</b>	Injury caused to a tree by a physical force.



**Sharon Hosegood**  
ASSOCIATES

ARBORICULTURAL IMPACT ASSESSMENT REPORT  
BS 5837:2012 'Trees in relation to design, demolition and construction.  
Recommendations'

**21/01258/FUL**

SITE

4 The Green, Writtle,

Chelmsford, CM1 3DU

CLIENT

Mrs D. Quick

**Sharon Durdant-Hollamby**  
FICFor FArborA BSc (Hons) Tech Cert (ArborA)

**DATE: 5 October 2021**  
**OUR REF: SHA 4 The Green**

Sharon Hosegood Associates  
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Lordship Rd, Writtle, Chelmsford, Essex CM1 3WT  
Company Registration Number: 9361038 Director: Sharon M. Durdant-Hollamby

# Appeals Report

Appeal Decisions received between 20/10/2021 and 24/11/2021

## PLANNING APPEALS

Total Appeal Decisions Received	16	
Dismissed	12	75%
Allowed	4	25%
Split	0	0%

### Written Reps

#### Barns Springfield Hall Lawn Lane Chelmsford Essex

<b>Reference</b>	20/00457/CUPAQ
<b>Proposal</b>	Determination as to whether the prior approval of the local planning authority is required for the proposed change of use of Agricultural Building to a dwellinghouse (Class C3).
<b>Appeal Decision</b>	Appeal Dismissed - 20/10/2021
<b>Key Themes</b>	Whether the development would be permitted development.
<b>Agreed with CCC on</b>	Operations not a conversion; not in agricultural use; curtilage too large to be permitted development.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Barns Springfield Hall Lawn Lane Chelmsford Essex

<b>Reference</b>	20/00456/FUL
<b>Proposal</b>	Reuse and adaptation of an existing building to create dwelling. The building is of permanent construction and suitable for its intended use.
<b>Appeal Decision</b>	Appeal Dismissed - 20/10/2021
<b>Key Themes</b>	Character and appearance; Whether capable of conversion; Listed buildings; Green Wedge; Ecology
<b>Agreed with CCC on</b>	Not capable of conversion; Harm to rural character of the area; Harmful to heritage asset; Harmful to Green Wedge designation; Not demonstrated that protected species would not be harmed.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Barns Springfield Hall Lawn Lane Chelmsford Essex

<b>Reference</b>	20/00468/FUL
<b>Proposal</b>	Repair and reconstruction of existing buildings to create 2no dwellings, along with change of use to residential and alteration to fenestrations.
<b>Appeal Decision</b>	Appeal Dismissed - 20/10/2021



<b>Key Themes</b>	Character and appearance; Whether capable of conversion; Listed buildings; Green Wedge; Ecology
<b>Agreed with CCC on</b>	Not capable of conversion; Harmful to rural character of the area; Harmful to heritage asset; Harmful to Green Wedge designation; Not demonstrated that protected species would not be harmed.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Barn At Romans Farm South Hanningfield Road Rettendon Common Chelmsford Essex

<b>Reference</b>	20/00092/CUPAQ
<b>Proposal</b>	Determination as to whether the prior approval of the local planning authority is required for the proposed change of use of Agricultural Building to a Dwellinghouse (Class C3).
<b>Appeal Decision</b>	Appeal Dismissed - 09/11/2021
<b>Key Themes</b>	- Whether the proposal represented permitted development
<b>Agreed with CCC on</b>	- agreed that the works to convert the building would exceed what could be described as a conversion and would be so extensive as to amount to substantial rebuilding works.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Land South West Of Rivaside Maltings Road Battlesbridge Wickford Essex

<b>Reference</b>	20/00818/FUL
<b>Proposal</b>	Part retrospective application for the construction of a fence and access gates. Construction of formation of vehicle access.
<b>Appeal Decision</b>	Appeal Dismissed - 02/11/2021
<b>Key Themes</b>	Whether the proposal would be inappropriate development in the Green Belt, including its effect on openness If the development is inappropriate, that any harm by reason of inappropriateness is outweighed by other considerations so as to amount to very special circumstances
<b>Agreed with CCC on</b>	Harm to the Green Belt and openness No very special circumstances
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

#### Site At 131 - 141 Springfield Road Chelmsford

<b>Reference</b>	21/00186/FUL
<b>Proposal</b>	Proposed addition of second floor to each building for residential use, together with 3 storey rear extensions to provide stairwells & accommodation to create 4 new dwellings.
<b>Appeal Decision</b>	Appeal Dismissed - 12/11/2021
<b>Key Themes</b>	- the impact on the character of the area. - the impact on the living environments of neighbouring properties- the effect on European designated Sites
<b>Agreed with CCC on</b>	- Inspector agreed that the proposal would be harmful to the character of the area. - The Inspector considered that the proposal would be harmful to the living conditions of future occupants by reducing their outlook and natural light.- The development would likely have an adverse impact on European Designated Sites.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

**Buildings North West Of Bartletts Farm East Hanningfield Road Rettendon Chelmsford Essex**

<b>Reference</b>	20/01194/FUL
<b>Proposal</b>	Proposed extensions to link existing buildings and convert to form new bungalow.
<b>Appeal Decision</b>	Appeal Dismissed - 12/11/2021
<b>Key Themes</b>	Sustainability of location; extent of works
<b>Agreed with CCC on</b>	Not sustainable location
<b>Disagreed with CCC on</b>	Extent of works required
<b>Costs Decision</b>	None

**Land North East Of The Old Vicarage Wykes Road Highwood Chelmsford Essex**

<b>Reference</b>	21/00421/FUL
<b>Proposal</b>	Siting of a temporary mobile home to support equestrian breeding facility.
<b>Appeal Decision</b>	Appeal Allowed - 12/11/2021
<b>Key Themes</b>	Green Belt; Justification for rural worker
<b>Agreed with CCC on</b>	Inappropriate & harmful to GB
<b>Disagreed with CCC on</b>	Justification for temporary Rural Worker accommodation
<b>Costs Decision</b>	None

**Land South West Of Cards Road Sandon Chelmsford Essex**

<b>Reference</b>	20/01720/FUL
<b>Proposal</b>	Proposed flexible electricity generation facility with associated ancillary infrastructure, access and boundary treatment.
<b>Appeal Decision</b>	Appeal Allowed - 18/11/2021
<b>Key Themes</b>	Rural character and appearance; non-designated heritage assets.
<b>Agreed with CCC on</b>	Development would be incongruous and visually intrusive and harmful to the character and appearance of the area. Moderate impact to the significance of the nearest non-designated heritage asset.
<b>Disagreed with CCC on</b>	The development would provide support for the transition to renewable and green energy. Additionally, a local need has been identified by UK Power Networks for additional energy generation in this area. The site is the most sequentially preferable of those set out in the site assessment. Cumulatively, considerations weigh heavily in favour of the appeal proposal, and in this instance outweigh the harm that would result from it.
<b>Costs Decision</b>	None

**Agricultural Building At Oak Lodge Farm Leighams Road Bicknacre Chelmsford Essex**

<b>Reference</b>	21/00174/FUL
<b>Proposal</b>	Demolish existing building. Construction of new dwelling.
<b>Appeal Decision</b>	Appeal Allowed - 15/11/2021
<b>Key Themes</b>	- the proposed development is contrary to policy DM8
<b>Agreed with CCC on</b>	- the proposed development is contrary to policy DM8
<b>Disagreed with CCC on</b>	- the fall back position is strong and in this case outweigh the conflict with policy DM8
<b>Costs Decision</b>	None

**Bushmoor Kennels Goat Hall Lane Chelmsford Essex CM2 8PH**

<b>Reference</b>	19/00145/S73
<b>Proposal</b>	Removal of condition 10 of approved permission 19/00145/OUT - (Demolition of existing kennels and outbuildings. Construction of 3 dwellings. Access, siting and scale not reserved matters, landscaping and appearance reserved matters). To allow for permitte
<b>Appeal Decision</b>	Appeal Dismissed - 12/11/2021
<b>Key Themes</b>	Removal of condition removing permitted development rights for extensions.
<b>Agreed with CCC on</b>	The need to protect the openness of the Green Belt provides clear justification for the removal of permitted development rights.
<b>Disagreed with CCC on</b>	n/a
<b>Costs Decision</b>	None

**Householder****44 Wilfred Waterman Drive Springfield Chelmsford CM1 6AZ**

<b>Reference</b>	21/00236/FUL
<b>Proposal</b>	Part two storey part single storey rear extension
<b>Appeal Decision</b>	Appeal Dismissed - 08/11/2021
<b>Key Themes</b>	An adverse impact on the amenities and privacy of the neighbours.
<b>Agreed with CCC on</b>	The extension would worsen the relationship with the neighbouring properties.
<b>Disagreed with CCC on</b>	-
<b>Costs Decision</b>	None

**47 Wood Street Chelmsford CM2 9BQ**

<b>Reference</b>	21/00124/FUL
<b>Proposal</b>	New formation of access.
<b>Appeal Decision</b>	Appeal Dismissed - 08/11/2021
<b>Key Themes</b>	Impact of the proposed access to the safety of highway users.
<b>Agreed with CCC on</b>	Agreed that the proposed access would result in unacceptable harm to the safety of highway users.
<b>Disagreed with CCC on</b>	None
<b>Costs Decision</b>	None

**72 Henniker Gate Springfield Chelmsford Essex CM2 6SB**

<b>Reference</b>	20/01427/FUL
<b>Proposal</b>	Proposed front dormer.
<b>Appeal Decision</b>	Appeal Dismissed - 08/11/2021
<b>Key Themes</b>	Harm of dormer on the character and appearance of the local area. Failure to comply with DM23 of Local Plan.
<b>Agreed with CCC on</b>	Agreed on harm to the character and appearance of the Local Area. Agreed on failure to comply with DM23 of Local Plan.
<b>Disagreed with CCC on</b>	None
<b>Costs Decision</b>	None



**138 Ongar Road Writtle Chelmsford CM1 3NX**

<b>Reference</b>	21/00905/FUL
<b>Proposal</b>	Double storey side extension. single and double storey rear extension. Removal of existing sun room/conservatory. Removal of existing car port/shed. External and internal refurbishment works. Addition of first floor window to front elevation. Relocation o
<b>Appeal Decision</b>	Appeal Allowed - 19/11/2021
<b>Key Themes</b>	The impact on highway safety
<b>Agreed with CCC on</b>	N/A
<b>Disagreed with CCC on</b>	The impact on highway safety
<b>Costs Decision</b>	None

**43 Waterhouse Lane Chelmsford CM1 2TE**

<b>Reference</b>	21/00844/FUL
<b>Proposal</b>	Construction of new fence to front. Replacement double gates to replace existing gate.
<b>Appeal Decision</b>	Appeal Dismissed - 19/11/2021
<b>Key Themes</b>	Harmful impact to the character and appearance of the areaImpact to highway safety and the free flow of traffic
<b>Agreed with CCC on</b>	Harmful to the character and appearance of the area.
<b>Disagreed with CCC on</b>	Impact to highway safety and the free flow of traffic
<b>Costs Decision</b>	None

**TREES APPEALS**

Total Appeal Decisions Received	1	
Dismissed	1	100%
Allowed	0	0%
Split	0	0%

**Householder****11 Blackwood Chine South Woodham Ferrers Chelmsford CM3 5FZ**

<b>Reference</b>	20/05243/TPO
<b>Proposal</b>	T1 - Silver birch - Fell. Reason: due to the size, proximity to neighbours house, possible damage to pavement and our wall. Proposed replacement planting.
<b>Appeal Decision</b>	Appeal Dismissed - 29/10/2021
<b>Key Themes</b>	
<b>Agreed with CCC on</b>	The tree appears to be in good health. There is insufficient evidence to demonstrate that damage is being caused by the tree. The proposed felling would result in considerable harm to the character and appearance of the area.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None