

PLANNING COMMITTEE AGENDA

Tuesday, 25th July 2023 at 7.15pm

**Council Chamber, Braintree District Council, Causeway House,
Bocking End, Braintree, CM7 9HB**

THIS MEETING IS OPEN TO THE PUBLIC

Members of the public will be able to view and listen to this meeting via YouTube.
To access the meeting please use the link below:

<http://www.braintree.gov.uk/youtube>

Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Councillor J Abbott

Councillor J Beavis

Councillor L Bowers-Flint

Councillor T Diamond

Councillor M Fincken

Councillor J Hayes

Councillor D Holland (Vice-Chairman)

Councillor A Hooks

Councillor A Munday

Councillor I Parker (Chairman)

Councillor F Ricci

Councillor P Schwier

Councillor G Spray

Substitutes: Councillor M Ault, Councillor K Bowers, Councillor M Green, Councillor P Heath, Councillor L Jefferis, Councillor J Pell, Councillor G Prime, Councillor S Rajeev, Councillor W Taylor, Councillor M Thorogood, Councillor P Thorogood, Councillor J Wrench, Councillor B Wright

Apologies: Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

Any Member who is unable to attend a meeting is able to appoint a Substitute. Written notice must be given to the Governance and Members Team no later than one hour before the start of the meeting.

D GASCOYNE
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF MEMBERS' INTERESTS

Declarations of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI), or Non-Pecuniary Interests (NPI)

Any Member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Public Question Time - Registration and Speaking

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public may ask questions or make a statement to the Committee on matters listed on the Agenda for this meeting.

All questions or statements should be concise and should be able to be heard within the 3 minutes allotted to each speaker.

Anyone wishing to ask a question or make a statement is requested to register their interest by completing the Public Question Time registration [online form](#) by **midday on the second working day** before the day of the meeting.

For example, if the meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

When registering for Public Question Time please indicate whether you wish to attend the meeting 'in person', or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

Please note that completion of the on-line form does not guarantee you a place to speak during Public Question Time. You will receive email notification from the Governance Service confirming whether your request is successful.

Confirmed registered speakers will be invited to speak immediately prior to the relevant application/item. All registered speakers will have three minutes each to ask their question or to make a statement. The order in which registered speakers will be invited to speak is: members of the public, Parish Councillors/County Councillors/District Councillors/Applicant/Agent.

The Chairman of the Committee has discretion to extend the time allocated to registered speakers and to amend the order in which they may speak.

In the event that a registered speaker is unable to connect to the meeting, or if there are any technical issues, their question/statement may be read by a Council Officer.

Further information on Public Question Time is available on the [Council's website](#).

Health and Safety

Anyone attending a meeting of the Council is asked to make themselves aware of the nearest available fire exit. In the event of an alarm sounding, you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point where you should stay until it is safe to return to the building.

Substitute Members

Only the named Substitutes on this Agenda may be appointed by a Member of the Committee to attend in their absence. The appointed Substitute becomes a full Member of the Committee with participation and voting rights.

Documents

Agendas, Reports and Minutes may be accessed via www.braintree.gov.uk

Data Processing

For further information on how the Council processes data, please see the Council's Privacy Policy:

https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

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Webcast and Audio Recording

Please note that this meeting will be webcast and audio recorded. You may view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-tv/core/portal/home>. The meeting will also be broadcast via the Council's YouTube Channel.

Comments and Suggestions

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended you may send these to governance@braintree.gov.uk

1 Apologies for Absence**2 Declarations of Interest**

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meetings of the Planning Committee held on 18th April 2023 (copy to follow) and 4th July 2023 (copy previously circulated).

4 Public Question Time

(See paragraph above)

5 Planning Applications

To consider the following planning applications:-

- | | | |
|-----------|---|------------------|
| 5a | App. No. 22 02409 FUL - Coxs Yard, Rayne Road, BRAINTREE | 6 - 43 |
| 5b | App. No. 22 03266 FUL - Land adjacent to Nightingales Farm, Brickhouse Road, COLNE ENGAINE | 44 - 69 |
| 5c | App. No. 23 00362 REM - Land at The Airfield, EARLS COLNE | 70 - 89 |
| 5d | App. No. 23 01016 FUL - 4 Crittall Drive, BRAINTREE | 90 - 102 |
| 6 | Tree Preservation Order 01 2023 - Land adjacent to Meadow Croft, Station Road, EARLS COLNE | 103 - 124 |
| 7 | Tree Preservation Order 02 2023 - Land East of Bournebridge Hill, GREENSTEAD GREEN | 125 - 179 |
| 8 | Urgent Business - Public Session | |

To consider any matter which, in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

9 Exclusion of the Public and Press

To agree the exclusion of the public and press for the consideration of any items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this agenda there were none.

PRIVATE SESSION

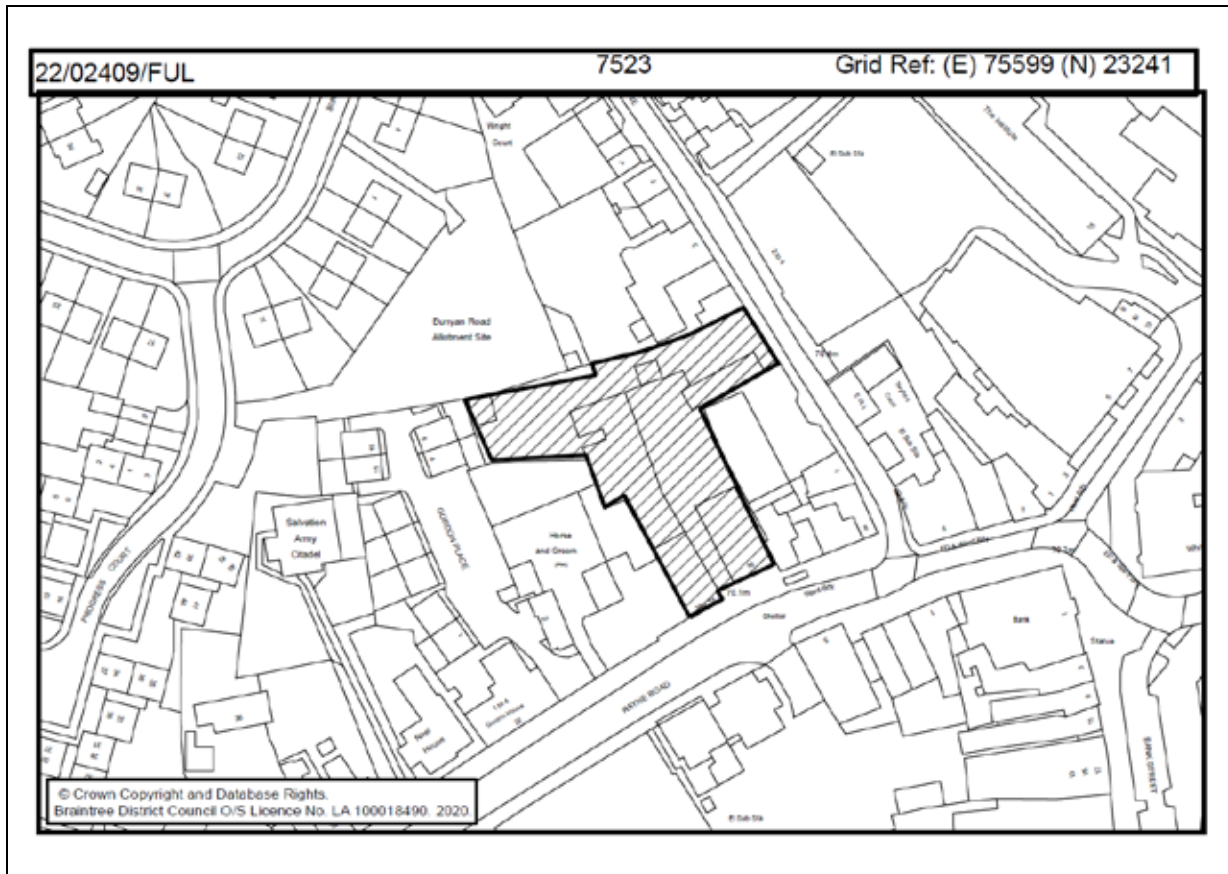
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10 Urgent Business - Private Session

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Report to: Planning Committee	
Planning Committee Date: 25th July 2023	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	22/02409/FUL
Description:	Redevelopment of Cox's Yard (Total of 1no. Class E Commercial, Business and Service unit and 15no. residential units) – See Paragraph 6.2 for full description.
Location:	Coxs Yard, Rayne Road, Braintree
Applicant:	Mr Brian Martin, Wyndcrest Ltd, 28 Church Road, Stanmore, HA7 4XR
Agent:	Mr Andrew Stevenson, Andrew Stevenson Associates, Bigods Hall, Bigods Lane, Great Dunmow, CM6 3BE
Date Valid:	14th September 2022
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms outlined within the Recommendation section of this Committee Report, and subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overtturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Lisa Page For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2516, or by e-mail: lisa.page@braintree.gov.uk

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>As outlined above, it is recommended that the decision is subject to a Section 106 Agreement which seeks to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

	<p>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</p> <p>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 22/02409/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan 2013-2033 § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The site is located within the defined development boundary and is allocated on the Proposals Map of the Adopted Local Plan as a residential site of 10 or more dwellings.
- 1.2 Planning permission has previously been granted on the site for a similar character of development (Application References 18/01273/FUL and 16/00211/FUL), which are now extant. The submitted proposal is a similar layout to the previously approved schemes.
- 1.3 Some former buildings on the site have been demolished (under the above applications), and some of those which remain are to be demolished as part of this application. The buildings to be demolished are of poor condition and do not contribute positively to the Conservation Area and setting of nearby Listed buildings. Their removal does not raise any concerns.
- 1.4 The overall layout and detailed design of the scheme would result in a high-quality development. It would result in wider improvements to the character, appearance and setting of the Conservation Area and nearby listed buildings. The layout provides soft landscaping which includes trees to mitigate the loss of those previously removed.
- 1.5 In addition to the positive weight assigned to the delivery of 15no. residential units on this allocated site, further weight is assigned to the proposal for the 1no. Class E unit (sited within the primary shopping frontage). This element would positively contribute to the vitality and viability of the town.
- 1.6 The development utilises existing accesses on Rayne Road and Panfield Lane. The Highway Authority have raised no objection to the proposal subject to conditions. In terms of parking, the provision falls short of the standards by 1 space, and no visitor spaces are provided. However, given the town centre location and proximity to public car parks and public transport provision, this is not objectionable.
- 1.7 Amenity garden space is provided for all the units in accordance with the Essex Design Guide Standards and all of the units comply with Nationally Described Space Standards. Whilst the outlook for some of the ground floor units is restricted, it is on balance considered that the development would provide for acceptable living accommodation.
- 1.8 The development does result in the potential for some overlooking to the garden of No. 3, however, given the similarities of the scheme with that of previously granted applications, it would be unreasonable for Officers to recommend refusal of the application due to impact on neighbouring amenity.

- 1.9 The development is acceptable in terms of ecology, contamination and flood risk.
- 1.10 Accordingly, it is recommended that planning permission is granted for the proposal, subject to conditions, and the completion of a Section 106 Agreement.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the application is categorised as a Major planning application.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The site is located within the defined development boundary and Town Centre Boundary. It is allocated on the Proposals Map of the Adopted Local Plan as a residential site for 10 or more dwellings.

5.2 The site is further situated within the defined Conservation Area and partly within the Primary Shopping Area.

5.3 The site comprises of a vacant shop and showroom on the frontage and a range of single storey workshops to the rear (some now demolished). The site is bordered by commercial development to the south and residential development to the north.

5.4 The site benefits from existing vehicular accesses from Rayne Road and Panfield Lane.

5.5 The site is located within Flood Zone 1 (a low risk of flooding).

6. PROPOSAL

6.1 The application proposes the following:

- Demolition of the existing showroom and workshop to the rear of the site;
- Erection of a two storey building incorporating 1no. Class E (Commercial, Business and Service) unit and 3no. 1 bed flats;
- Refurbishment of No. 18 Rayne Road to create 2no. 1 bed dwellings;
- Erection of 2no. semi-detached 2 bed dwellings fronting Panfield Lane;
- Parking for 16no. vehicles;
- Associated landscaping, refuse and cycle storage.

6.2. The complete description of development for the proposal is as follows:

Redevelopment of Cox's Yard to include; demolition of existing showroom (No. 16 Rayne Road) and erection of a 2 storey building incorporating 1no. Class E Commercial, Business and Service unit and 3no. flats; refurbishment of No. 18 Rayne Road to create 2no. residential units; erection of 2no. semi-detached dwellings fronting Panfield Lane with associated on plot parking; wider demolition of existing commercial buildings within the site and erection of 8no. flats, together with associated amenity space and landscaping, refuse and cycle storage, and parking provision for 16no. vehicles. (Total of 1no. Class E Commercial, Business and Service unit and 15no. residential units).

6.3 This results in 13no. 1 bedroom units and 2no. 2 bedroom units (15 residential units in total) and 1no. Class unit.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water

7.1.1 Comment that there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. The foul drainage from this development is in the catchment of Braintree Water Recycling Centre that will have capacity for these flows.

7.1.2 Advise that development will lead to an unacceptable risk of flooding downstream and that Anglian Water will need to plan effectively if permission is granted. Request the imposition of a condition requiring an on-site drainage strategy.

7.2 Essex Police

7.2.1 Welcome opportunity to consult on this development to assist the developer demonstrate their compliance with these policies by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring the risk commensurate security is built into each property and the development as a whole.

7.3 Natural England

7.3.1 The site falls within 'Zone of Influence' for one or more European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs). Habitat Regulation Assessment (HRA) should be undertaken to secure necessary mitigation,

7.4 NHS England

7.4.1 Comment that the development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. A

planning obligation is sought for £6,900 to increase capacity for the benefit of patients of the primary care network operating in the area.

7.5 BDC Ecology Officer

7.5.1 No objection subject to securing:

- a) a financial contribution towards visitor management measures at Blackwater Estuary Special Protection Area and Ramsar Site and Essex Estuaries Special Area of Conservation in line with Essex Coast Recreational Disturbance Avoidance Mitigation Strategy.
- b) Biodiversity Enhancement Measures.

7.6 BDC Waste Services

7.6.1 Initially sought clarification regarding the proposed bin store and its location in terms of accessibility for 26 tonne waste vehicles.

7.6.2 Following submission of revised plans no objections raised subject to conditions.

7.7 ECC Archaeology Consultant

7.7.1 Advise that a programme of archaeological evaluation has been completed in accordance with a Written Scheme Investigation, and no further fieldwork is required.

7.8 ECC Highway Authority

7.8.1 No objection subject to conditions relating to construction traffic management plan, vehicular and pedestrian arrangements implemented prior to occupation, submission of a residential travel information pack.

7.9 ECC Historic Buildings Consultant

7.9.1 Initially raised an objection due to the impact on the setting of listed buildings and the Conservation Area.

7.9.2 Following submission of revised plans, no objections raised subject to conditions relating to materials, windows, joinery, landscaping, boundary treatments, landscaping details and roofing materials.

7.10 ECC Lead Local Flood Authority

7.10.1 No objection subject to conditions relating to detailed surface water drainage scheme for the site, maintenance plan detailing maintenance arrangements and yearly maintenance logs.

8. PARISH / TOWN COUNCIL

8.1 N/A

9. REPRESENTATIONS

9.1 The application was advertised by way of site notice, neighbour letters and newspaper advert. 1 letter of representation has been received raising the following comments:

- Flats are within 2.5 metres from south fence of No. 3 Panfield Lane. Will result in overshadowing and overlooking into garden;
- Submitted documents do not refer to the 'Listed' status of No. 3;
- There is a holiday let use of the building in the grounds of No 3 and thus concern regarding impact of construction noise. Seek conditions to be imposed restricting hours of working;
- Concern regarding replacement of boundary fencing;
- Party Wall concerns and damage to holiday let during construction.

10. PRINCIPLE OF DEVELOPMENT

10.1 National Planning Policy Framework (NPPF) 2019

10.1.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; 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).

10.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

10.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

10.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of

land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

- 10.1.5 In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

10.2 Development Plan

- 10.2.1 The Council's statutory Development Plan consists of the Braintree District Local Plan (2013 to 2033).

- 10.2.2 The application site is located within the defined development boundary and is allocated on the Proposals Map of the Adopted Local Plan as a residential site for 10 or more dwellings.

- 10.2.3 Part of the site (No. 16 Rayne Road) also lies within the Primary Shopping Area. Policy LPP10 of the Adopted Local Plan states that within such areas, a balance between retail shops and non-retail town centre uses has to be maintained in order to secure the vitality and viability of the primary shopping area. Class E are one of the uses that will be permitted in primary frontages.

- 10.2.4 Policy LPP1 of the Adopted Local Plan states, within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material adverse detriment to the existing character and historic interest of the settlement.

- 10.2.5 The principle of development is therefore accepted subject to being in accordance with the criteria of above policy and all other relevant material planning considerations.

10.3 5 Year Housing Land Supply

- 10.3.1 The Council has an up-to-date Local Plan which has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033.

- 10.3.2 To this annual supply the Council must add the backlog which it has not delivered at that level since the start of the Plan period. This figure is

recalculated each year and as of April 2022 stands at 1,169 across the 5 Year Housing Land Supply.

- 10.3.3 The Council must also apply a buffer to the housing land supply based on the results of the Housing Delivery Test. In the latest results published on the 14th January 2022, the Council had delivered 125% of the homes required. This means that the Council is required to apply the lowest level of buffer at 5%.
- 10.3.4 Taking the above into account, the Council's latest 5 Year Housing Land Supply position for 2022-2027 shows a supply of 4.86 years. This position is marginal and with a number of strategic sites starting to deliver homes alongside other permissions, that situation is likely to change.
- 10.3.5 Nevertheless, as the Council cannot demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out-of-date. However, this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

11. SITE ASSESSMENT

11.1 Layout, Design, Appearance and Impact upon the Character and Appearance of the Area / Heritage

- 11.1.1 The application includes the demolition of existing redundant buildings on the site - excluding No.18 (some former buildings have already been demolished under earlier permissions). The buildings to be demolished are either of poor condition and appearance and are not considered to positively contribute to the Conservation Area or locality more widely. There is no objection to their removal.
- 11.1.2 The proposed development consists of redevelopment of the site including; two blocks of two storey flats to the north of the site (Plots 4-11) which consist of 8no. 1 bed units). Each block is served via an entrance door positioned centrally on the front south elevation which opens into a central stairway which provides access to the flats. The overall height of the buildings is 8 metres and the fenestration proposed is balanced and symmetrical. The walls are proposed to be finished in a brick with a slate roof which is appropriate for the site context. These units also benefit from some shared landscaping which would provide amenity for future occupiers as well as softening the development and extent of hard standing across the site.
- 11.1.3 To the east of the site and fronting Panfield Lane, 2no. dwellings are proposed (Plots 15 and 16). These are 2 storey in height and provide 2no. bedrooms. On the front east elevation facing onto Rayne Road, a modest appearance is proposed with a single dormer, front door with a rain canopy

and ground floor window for each dwelling. The overall scale and appearance relates well to the built form on Panfield Lane, and these dwellings would enhance the Conservation Area and be sympathetic to the adjacent listed building at No.3.

- 11.1.4 To the Rayne Road frontage, the existing former car show room (No.16 Rayne Road) is proposed to be demolished and replaced with a two storey building (Plots 1-3). At ground floor, the building would contain a single commercial unit and 1 flat. As noted above, this unit falls within the Primary Shopping Frontage, and thus the Class E commercial unit is supported by Policy LPP10 of the Adopted Local Plan which permits Class E uses. This element would positively contribute to the vitality and viability of the town and is supported. This block also contains 2 flats at first floor.
- 11.1.5 The building of Plots 1-3 is designed with a double gable to reduce its overall bulk which is assisted by the height which is 8 metres to the ridge. To the Rayne Road street scene, the building would have a traditional and simple design, with well-balanced fenestration and high quality architectural detailing. In terms of materials, this building would be constructed in smooth render above a brick plinth, with a clay tile roof, which would further positively contribute to the locality.
- 11.1.6 No.18 Rayne Road (Plots 13 and 14) is proposed to be retained, refurbished and converted into 2no. 1 bedroom dwellings, with private rear amenity space. It is currently in poor condition, detrimental to the character and appearance of the Conservation Area and its refurbishment is welcomed. To the ground floor front south elevation, it is proposed to retain a traditional shop frontage appearance, which is a positive aspect of this aspect of the development. It would result in an enhancement of the street scene, and wider Conservation Area.
- 11.1.7 A communal detached refuse/cycle store with a meter cupboard is proposed to the rear of No.18 which would serve units 1-14. The proposed building measures 7 x 5.5 metres with an overall height of 4.3 metres. In terms of siting, it is relatively discreet and is of a simple form and design appropriate for the site.
- 11.1.8 Internal to the site is the parking provision. The hard surfacing for this includes asphalt and block paving. In addition to the landscaped amenity areas provided for Plots 4-11, there is some soft planting within the parking area, which would soften the development. Boundary treatments to the perimeter of the site are retained as timber fencing, whilst the new boundary at the entrance from Rayne Road would comprise a 1.8 metre high brick wall. The hard and soft landscaping approach would add to the quality of the development.

11.2 Heritage

- 11.2.1 The site is situated within the designated Conservation Area and within the setting of nearby Listed buildings, in particular No.3 and No.5-7 Panfield

Lane to the rear of the site, and also the Horse and Groom Inn adjacent to the site in Rayne Road. The application has been submitted with a Historic Recording Report and Heritage Statement.

- 11.2.2 The Council has a statutory duty under s.66(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 (LBCA) to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest they possess.
- 11.2.3 Policies within the Adopted Local Plan and the NPPF emphasise the desirability of new development making a positive contribution to local character and distinctiveness in terms of the Conservation Area and setting of heritage assets.
- 11.2.4 As already set out, there is no objection to the demolition of buildings which do not contribute positively to the Conservation Area and setting of nearby Listed buildings.
- 11.2.5 In terms of the replacement development, during the course of the application revised plans have been received to address concerns raised by the Historic Buildings Consultant regarding the design, layout and appearance of the scheme due to the impact on the setting of Listed buildings and the character of the Conservation Area. As discussed above, the development is considered appropriate to the character and appearance of the Conservation Area, with enhancements on the Rayne Road and Panfield Lane street scene specifically. Equally, due to the scale of development, and the layout and design of the built form, there would be no unacceptable impact upon the setting of nearby listed buildings.
- 11.2.6 The Historic Buildings Consultant raised no objection to the proposal subject to conditions being imposed relating to materials, details, hard and soft landscaping and boundary treatments.
- 11.2.7 Further, in regard to heritage is matters of archaeology. In this regard, a programme of archaeological evaluation has been completed at the above site in accordance with an approved Written Scheme of Investigation (WSI). A report has been received and approved and no further fieldwork is required. Therefore there is no further requirements for archaeological investigation.
- 11.3 Amenity of Future Occupiers
 - 11.3.1 The Nationally Described Space Standards (NDSS) sets out the requirements for the gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas. Officers have reviewed the floor areas proposed and are satisfied that the proposal accords with the minimum gross internal floor areas as detailed in the NDSS requirements.
 - 11.3.2 The Essex Design Guide (EDG) refers to amenity space for flats, and links with Policy LPP35 of the Adopted Local Plan which requires on-site

amenity space to be provided in accordance with the adopted guidance. The EDG details that for 1 bed flats, communal residents' gardens must be provided on the basis of a minimum area of 25sq.m per flat, whilst for 2 bed dwellings, 50sq.m is a common size standard.

- 11.3.3 The 2no. dwellings (Plots 15 and 16) are provided with private amenity space in excess of the 50sq.m standard. Additionally, the flats are provided with external amenity provision, both via private areas and shared areas, with a total provision that also meets with the standards.
- 11.3.4 Whilst the development meets with NDSS and the EDG as set out above, the outlook for some of the flats would be deficient. Two of the ground floor flats within block 8-11 would have their rear living/dining/kitchen windows facing out onto the boundary fence at around 2.6 - 2.8 metres. Whilst this would impact on their outlook, light, and general amenity, it is similar to what has been approved previously at the site and is considered on balance acceptable. A similar scenario results with Plot 1 and Plots 13 and 14. Of note however for all these cited units, is that the outlook is onto their own private amenity space.

11.4 Ecology

- 11.4.1 Policy LPP66 of the Adopted Local Plan requires that development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development.
- 11.4.2 A Bat Survey (prepared by Essex Mammal Surveys dated May 2022) has been submitted as supporting documentation. The summary of the report states, *'The interior of most of the buildings received daylight illumination via missing doors, gaps in the wall and transparent panels in the roof. In such conditions, bats seek out dark areas or crevices in which to roost and the lack of such features meant that the buildings were less suitable for bats. In addition, the line of sheds had considerable evidence of an infestation of feral pigeons, with the guano, feathers and odour associated with this species immediately apparent upon entering the building. Experience has found that when pigeons are present to this extent then it is a deterrent to colonisation by bats. Externally, there were no cavities that might offer potential roosting opportunities for bats.'*
- 11.4.3 The Bat Survey has been reviewed by the Council's Ecology Officer who is content that bats are not a constraint to development. They are further satisfied that the application is provided with sufficient ecological information for the determination of the application. The development is acceptable in terms of ecological impacts subject to the imposition of conditions, including bespoke biodiversity enhancements. This would deliver net gains for biodiversity, as outlined under Paragraph 174d and 180d of the NPPF.

11.5 Highway Considerations

- 11.5.1 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residential residual cumulative impacts on the road network would be severe. Policy LPP52 of the Adopted Local Plan requires that, the development proposed should not have a detrimental impact on the safety of highways or any other public right of way, and its users.
- 11.5.2 In terms of access, there is an existing vehicular access from Rayne Road situated between No.18 Rayne Road and the existing car showroom, which is to be utilised to access the central parking area (which provides the parking provision for the commercial unit, and all the residential units - except Plot 16). There is also an existing vehicular access from Panfield Lane which would be utilised for access to the on-plot parking for Plot 16.
- 11.5.3 The Highway Authority have reviewed the application and raise no objection to the proposal subject to conditions requiring submission of a construction traffic management plan prior to commencement of development, and that the vehicular and pedestrian access arrangements be provided prior to occupation.
- 11.5.4 Turning to parking provision, Policy LPP43 of the Adopted Local Plan requires that development will be required to provide vehicular and cycle parking in accordance with the Essex Vehicle Parking Standards.
- 11.5.5 The Essex Vehicle Parking Standards refers to a minimum of 1 vehicle space per 1 bedroom dwelling and 2 spaces per 2+bedrooms, with 0.25 visitor spaces per dwelling. Whilst the Parking Standards does not set out requirements under the new Class E Use Class, it sets out that the former A1 and A2 uses required 1 parking space per 20sq.m, whilst the former B1 use required 1 space per 30sq.m. On this basis, the residential element would require 17 parking spaces, with an additional 4 visitor spaces, and the commercial Class E would require 1 space.
- 11.5.6 The application proposes 17 vehicle parking spaces to serve the entirety of the development, and thus would fall short of the standards. However, the Essex Vehicle Parking Standards states that reductions of vehicle standards maybe considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport. As set out above, the site is in a highly sustainable location within walking distance of shops and services in the town centre. There is also a bus stop in close proximity on Rayne Road providing an alternative mode of transport to Braintree, Witham and Colchester. Braintree Railway Station is also within 0.5 miles from the site and within walking distance. The modest reduction in the car parking spaces for this scheme, which relates primarily to the provision of visitor spaces, is therefore considered acceptable.

- 11.5.7 Further, in regard to parking, whilst no details have been provided in terms of electric car charging points, which is required by Policy LPP42 of the Adopted Local Plan, a condition is imposed to secure details of this provision.
- 11.5.8 A Refuse Strategy Plan has been submitted as supporting documentation which sets out the approach for refuse collection. The proposed refuse store located to the rear of Plots 13 and 14, is within 15 metres from the adopted road (Rayne Road) and is located approximately 25 metres from the flats at Plots 4 – 11. Refuse for the dwellings at Plot 15 and 16 would be collected from their frontage. This approach provides acceptable refuse collection across the site. (The recommended Section 106 Agreement includes a clause to ensure that the section of internal private road can be utilised by the refuse vehicle when collecting bins).
- 11.5.9 In terms of cycle provision, the development includes a secure cycle store with the provision for 12 bicycles. This would provide cycle storage for the flats, whilst Plots 13 and 14 would also be able to utilise their rear courtyard area for such storage. For the dwellings (Plots 15 and 16), secure cycle storage provision is shown to be provided in the rear garden. A condition is imposed to ensure that racks are provided within the store and that the storage is also provided for the dwellings prior to occupation. This cycle provision is a benefit to the scheme in terms of encouraging sustainable patterns of travel.
- 11.6 Impact upon Neighbouring Residential Amenity
- 11.6.1 The NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. Policy LPP52 of the Adopted Local Plan seeks to ensure that there is no unacceptable impact on the amenity of nearby properties including, privacy, overshadowing, loss of light and overbearing impact.
- 11.6.2 The nearest neighbouring residential property is situated at No.3 Panfield Lane (Panfield House) and their rear garden adjoins the northern boundary of the application site. The proposed block of flats (Plots 8 to 11) is within close proximity to the boundary and the presence of the nearest 1st floor windows (3no. bedroom windows and 2no. bathroom windows) do have the potential to result in overlooking. However, it is noted that the previously approved scheme granted in 2018 proposed 2 block of flats in an almost identical position to that currently proposed and the rear elevation of that approved scheme is also almost identical to that currently proposed. Indeed, a previous application granted in 2016 (Application Reference 16/00211/FUL) also proposed a similar layout. Given that this relationship between the block of flats and neighbouring properties has previously been accepted by Officers it would be unreasonable to refuse the application on this basis given the similarities with the previously approved schemes. In addition, following a site visit to No.3 Panfield Lane, it is clear that there is established planting within their garden that would reduce the amount of

overlooking. A condition is proposed to be imposed requiring the bathroom windows at first floor level to be obscure glazed.

- 11.6.3 There are further residential properties to the west in Gordan Place, with 2no. dwellings backing onto the development site – towards one of the blocks of flats (Block 4-7). Due to their being no flank windows proposed to this block, there would be no unacceptable overlooking to these neighbours. In addition, due to the relationship between them, there would be no harm to outlook or light.
- 11.6.4 A further consideration in terms of neighbouring amenity is the impact during construction. In addition to the residential properties already discussed above, it is also noted that No. 3 Panfield Lane, has a separate unit of accommodation which forms part of the northern boundary (this is utilised as a Guest House). Given the relationship between the site and neighbours, the development has the potential to adversely impact upon the amenity of occupiers through any piling and general noise and disturbance. To ensure that the development does not result in harm to amenity, a construction management plan (CMP) condition is imposed, which would address matters relating to piling, hours of working, dust and soil management and similar.

11.7 Flooding and Drainage Strategy

- 11.7.1 Policy LPP74 of the Adopted Local Plan states that new development shall be located on Flood Zone 1 or areas with the lowest probability of flooding, taking climate change into account and would not increase flood risk elsewhere. Policy LPP76 of the Adopted Local Plan states all new developments of 10 or more dwelling will incorporate Sustainable Drainage Systems (SuDs) appropriate to the nature of the site.
- 11.7.2 The site is situated within Flood Zone 1 and the application has been submitted with a Drainage Strategy and Maintenance Statement (prepared by Civil Engineering Practice dated June 2018). The submitted report has been reviewed by the Lead Local Flood Authority and they have raised no objection subject to conditions relating to a detailed surface water drainage scheme for this site being submitted to and approved in writing by the Local Planning Authority. They have also proposed a condition is imposed relating to submission and approval of a maintenance plan and yearly logs. Subject to conditions, the proposal therefore accords with Policies LPP74 and LPP76 of the Adopted Local Plan.

11.8 Contamination

- 11.8.1 Policy LPP70 of the Adopted Local Plan states that proposals for all new development should prevent unacceptable risks from all emissions and other forms of pollution. Proposals for development on, or adjacent to land which is known to be potentially affected by contamination, or land which may have a particular sensitive end use or involving the storage and/or use of hazardous substances, will be required to submit an appropriate

assessment of the risk levels, site investigations and other relevant studies, remediation proposals and implementation schedule prior to, or as part of any planning application.

11.8.2 A Geo Environmental Site Investigation Report (prepared by Brown2Green dated August 2022) has been submitted as supporting documentation. The summary of the report states, *'The Tier I Human Health Risk Assessment has determined that the presence of elevated concentrations of arsenic, lead and individual PAHs within the underlying made ground would pose an unacceptable level of risk to human health of future site occupants and site users where active exposure pathways are created by the development of the site. The Tier I Controlled Water Risk Assessment has determined that there are no concentrations of potential contaminants within the underlying soils that would pose an unacceptable level of risk to controlled waters. The monitoring and risk assessment for bio-genic ground gas concluded that ground gas would not pose an unacceptable level of risk to future site users and the development. The risk assessment in respect to the future planting and towards sensitive ecological receptors identified that the elevated concentrations of copper and zinc are at levels that would pose an unacceptable level of risk to future planting and sensitive ecological receptors. The risk assessment in respect to water supply infrastructure identified that the presence of minerals oils within the made ground would pose an unacceptable level of risk to the integrity of PE or PVC pipework. Recommendations for remediation were made.'*

11.8.3 The Environmental Health Officer has reviewed this submitted report and is satisfied with the remediation process as outlined in the report subject to a condition that remediation is carried out prior to the commencement of the development. Prior to occupation a signed certificate should be submitted to confirm that the remediation works have been completed. The Environmental Health Officer has also commented that an Environmental Management Plan should be submitted, and this should include a Construction and Demolition Method Statement. On this basis, the development would accord with the NPPF and Policy LPP70 of the Adopted Local Plan.

11.9 Trees and Landscaping

11.9.1 Policy LPP65 of the Adopted Local Plan states that prominent trees which contribute to the character of the local landscape and are considered to have reasonable life expectancy will be protected by Tree Preservation Orders particularly if they are considered to be under threat from removal. Trees which make a positive contribution to the character and appearance of their surroundings will be retained unless there is good Arboricultural reason for their removal, for example they are considered to be dangerous or in poor condition. Similarly, alterations to trees such as pruning, or crown lifting, should not harm the tree or disfigure it.

11.9.2 An Arboricultural Impact Assessment (AIA) and Method Statement (prepared by Tracy Clark Tree Consultancy dated Sept 2022) has been

submitted as supporting documentation. This documents details that there a number of trees located off site but close to the boundary - all trees are protected by virtue of the site being within Conservation Area. Whilst the AIA details that 2no. trees are to be removed (1no. Elder - Category U, and 1no. Hawthorn - Category C), these have been since been removed with both being permitted under the earlier permission. A further tree (1no. Silver Birch) has also been removed from site, pursuant to Application Reference 22/01539/TPOCON. Whilst the removal of any established tree is regrettable, their removal was required to facilitate the development of the site or due to health of the tree/ wider health and safety aspects. The proposed application includes a soft landscaping scheme which proposes tree replanting, which would assist in mitigating against this loss.

11.9.3 The report further states that, pruning of the crowns of off-site trees T2-T7 and T11 is necessary to facilitate construction access. It is acknowledged that the need to prune the crowns to facilitate access was established in the previous planning consent for the site. Additionally, T2-T7 are ash trees susceptible to ash dieback and their long-term retention is questionable. Tree protection measures are recommended to ensure that all retained trees on and adjacent to the site are subject to suitable protection during demolition and construction operations.

11.9.4 A Landscaping Plan has been submitted with the application which details the approach to hard and soft landscaping. As this does not provide a full specification for the planting and materials of hard standing, a condition is recommended to ensure that a high-quality scheme is realised.

12 Habitat Regulation Assessment

12.1 Policy SP2 of the Adopted Local Plan states, contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy 2018 – 2038 (RAMs).

12.2 In terms of the wider ecological context, the application site sits within the Zone of Influence of one or more of the following:

- Blackwater Estuary Special Protection Area and Ramsar site;
- Dengie Special Protection Area and Ramsar site;
- Essex Estuaries Special Area of Conservation.

12.3 It is therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of these sites.

12.4 An Appropriate Assessment (Habitat Regulation Assessment Record) has been completed in accordance with Natural England's standard guidance. Subject to the proposed mitigation measures set out in the Council's Habitat Regulations Assessment being secured these mitigation measures

would rule out the proposed development causing an adverse effect on the integrity of the above European Designated Sites.

12.5 The proposed mitigation measures would consist of the securing of a financial contribution of £156.76 per dwelling erected towards offsite visitor management measures at the above protected sites.

12.6 This financial contribution is to be secured through a Section 106 Agreement. On this basis, the proposal accords with Policy SP2 of the Adopted Local Plan.

13. PLANNING OBLIGATIONS

13.1.1 Paragraph 56 of the NPPF sets out that planning obligations should be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL regulations).

13.1.2 Policy SP6 of the Adopted Local Plan states that all development must be supported by the provision of infrastructure, services and facilities that are identified to serve the needs arising from the development. The policy refers to various types of infrastructure, services, and facilities, including transportation and travel and social infrastructure which includes health and wellbeing and open space.

13.2 Healthcare

13.2.1 Officers have identified that a planning obligation in relation to healthcare is required to mitigate the impacts of the development and a Section 106 Agreement is being drafted which covers this matter.

13.2.2 In response to their consultation on the application NHS England state that the proposed development is likely to have an impact on the services of the surgeries which operate within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area. The development could generate approximately 33 new residents and subsequently increase demand upon existing constrained services. A sum of £6,900 is sought for additional primary care floorspace to support this additional population and the costs.

13.3 Open Space

13.3.1 To accord with the Open Space SPD a financial contribution is sought towards the provision of outdoor sports, equipped play, open space, and allotments.

13.3.2 The Applicant has agreed to the payment of the above obligations to be secured by a Section 106 Agreement.

14. CONCLUSION

14.1 PLANNING BALANCE AND CONCLUSION

14.1.1 The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:

- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

14.1.2 As the Council cannot currently demonstrate a 5 Year Housing Land Supply, the 'titled balance' pursuant to Paragraph 11d) of the NPPF is engaged. As a consequence, the most important Development Plan policies relevant to the provision of housing are currently out-of-date due to a lack of 5 Year Housing Land Supply. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies. In this regard it is considered that Policy LPP1 of the Adopted Local Plan, which seeks to restrict development outside defined development boundaries to uses appropriate to the countryside, can only be afforded moderate weight. Similarly, it is considered that Policy SP3, which sets out the spatial strategy for North Essex, can only be afforded less than significant, but more than moderate weight.

14.1.3 In this case, it is not considered that pursuant to Paragraph 11d) (i) that the application of policies in the Framework provide a clear reason for refusing the proposed development.

14.1.4 As such, pursuant to Paragraph 11d) (ii) it is necessary to consider whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposed development, when assessed against the policies in this Framework taken as a whole. Such an assessment must take account of the economic, social and environmental

impact of the proposed development and these matters must be considered in the overall planning balance.

14.1.5 As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

14.2 Summary of Adverse Impacts

14.2.1 The adverse impacts and the weight that should be given to these factors are set out below:

Amenity for future occupiers

14.2.2 Whilst the development meets with NDSS and the EDG, the outlook for some of the flats would be deficient. However, this scenario has previously been approved and accepted on previously approved applications and is accepted given the constraints of a town centre redevelopment. Limited weight is assigned to this issue.

Overlooking to neighbours

14.2.3 The proposed blocks of flats (Plots 8 to 11) would result in overlooking to No.3 Panfield Lane from the presence of 1st floor windows. However, it is noted that the previously approved scheme granted in 2018 proposed 2 block of flats in an almost identical position to that currently proposed and the rear elevation of that approved scheme is also almost identical to that currently proposed. Following a site visit to this neighbour it is clear that there is established planting within their garden that would reduce the amount of overlooking. Moderate weight is assigned to this matter.

Car parking provision

- 14.2.4 The on-site parking provision falls short of the standards by 1 space, and no visitor spaces are provided. However, given the town centre location and proximity to public car parks and public transport provision this is justified. This is considered to have neutral weight in the planning balance.

14.3 Summary of Public Benefits

- 14.3.1 The public benefits arising from the proposal and the weight that should be given to these factors are set out below:

Compliance with the Development Plan

- 14.3.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.
- 14.3.3 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the application site is located within a defined development boundary where the principle of development is acceptable. The proposal therefore accords with Policy LPP1 of the Adopted Local Plan and this weighs in favour of the proposal in the overall planning balance in accordance with the presumption in favour of sustainable development. Significant weight is assigned to this.

Delivery of Market Housing

- 14.3.4 The development would result in the delivery of 15no. residential market units. This would contribute to the Councils 5 Year Housing Land Supply position, but given the scale of development, only limited weight is assigned to it.

Location and Access to Services and Facilities

- 14.3.5 The site is situated within a town centre location within walking distance of the railway station, local services, and facilities. There is a bus stop in close proximity providing an alternative mode of sustainable travel connections to the wider Braintree area, Witham, and Colchester. The site is thus considered to be in a highly sustainable location. Significant weight is assigned to this.

Character and Appearance of the Area and Heritage

- 14.3.6 The existing site is in a poor condition which is having a detrimental impact on the character and appearance of the locality – including the

Conservation Area. The submitted proposal would enhance the locality and have a positive impact on the street scene, and the wider Conservation Area and setting of listed buildings. This benefit is afforded significant weight.

Economic and Social Benefits

- 14.3.7 The proposal would deliver economic benefits during the construction period and economic and social benefits following occupation of the development in supporting local facilities. This benefit is however only attributed limited weight given the scale of development proposed.

14.4 Conclusion

- 14.4.1 Taking into account the above, while there are conflicts with the Development Plan which weigh against the proposal, it is considered that the proposal complies with the Development Plan when taken as a whole. Officers consider that there are no material considerations, that indicate that a decision should be made other than in accordance with the Development Plan. The Planning Balance is concluded below.

14.5 Planning Balance

- 14.5.1 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, it is recommended that planning permission is granted for the proposed development.

15. RECOMMENDATION

- 15.1 It is therefore RECOMMENDED that subject to the Applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

- § Financial contribution of £6,900 towards NHS.
- § Financial contribution of £2,165,65 towards Habitat Regulation Assessment.
- § Financial contribution of £22,656.47 towards outdoor sports provision, equipped play; open space and allotments.
- § A clause to ensure that the section of internal private road can be utilised by the refuse vehicles.

The Planning Development Manager or an authorised Officer be authorised to GRANT planning permission under delegated powers in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

- 15.2 Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the date of the resolution to GRANT planning permission by the Planning Committee, the Planning Development Manager may use his delegated authority to refuse the application.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Refuse Information	5785-24	N/A
Landscaping	5785-21	L
Proposed Elevations	5785-15	C
Proposed Elevations	5785-14	C
Proposed 1st Floor Plan	5785-13	C
Proposed Ground Floor Plan	5785-12	C
Proposed Block Plan	07	M
Proposed Elevations and Floor Plans	19	C
Proposed Floor Plan	16	C
Proposed Elevations	17	C
Location Plan	01	N/A
Proposed Floor Plan	08	A
Proposed Elevations	09	B
Proposed Floor Plan	10	B
Proposed Elevations	11	C
Location Plan	5785- 01	N/A
Existing Block Plan	5785- 02	N/A
Proposed Floor Plan	5785- 08	A
Proposed Elevations	5785- 09	A
Proposed Floor Plan	5785- 10	B
Proposed Elevations	5785- 11	B
Street Scene	5785-20	B

Condition(s) & Reason(s)

Condition 1

The development hereby permitted shall being not later than three years from the date of this decision.

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

Condition 2

The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason: For the avoidance of doubt and in the interests of proper planning.

Condition 3

No development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- A full topographical site survey showing existing levels including: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals; and levels of adjoining buildings and their gardens;
- Full details of the proposed finished floor levels of all buildings, proposed garden levels, proposed levels along all site boundaries, and proposed levels for all hard and soft landscaped surfaces.

The development shall only be carried out in accordance with the approved details.

Reason: To avoid the excessive raising or lowering of ground levels and therefore any buildings within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy. To ensure that the development does not prejudice the appearance of the locality. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.

Condition 4

No above ground development shall commence until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the use of appropriate materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

Condition 5

No above ground development shall commence until additional drawings that show details of proposed new windows, doors, and shopfront at a scale between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason: To ensure the use of appropriate detailing within the Conservation Area.

Condition 6

No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- The provision of parking for operatives and contractors within the site;
- Safe access in / out of the site;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing and underbody washing facilities;

- Measures to control the emission of dust, dirt and mud during construction;
- A scheme to control noise and vibration during the construction phase, including details of any piling operations;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;
- Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of neighbouring amenity and highway safety and convenience.

Condition 7

Prior to commencement of development, remediation of the site shall be carried out in accordance with submitted reports (Geo-Environmental Site Investigation Report Ref. No. 3113/Rpt 2v1 August 2022 and the subsequent Remediation Method Statement, Coxs Yard 16-18 Rayne Road, Braintree CM72QH Ref. No. 3113/Rpt 3v1 August 2022) and in accordance with the Governments 'Land contamination risk management (LCRM) guidance' and in association with the Essex Contaminated Land Consortiums Land Affected by Contamination: Technical Guidance for Applicants and Developers.

Any amendment of these proposals that relates to the risk associated with contamination shall be submitted to the Local Planning Authority for prior approval.

Should contamination be found that was not previously identified during any stage of the application it shall be made safe and reported immediately to the Local Planning Authority. The site shall be assessed in accordance with the aforementioned Technical guidance and a remediation scheme shall be submitted for approval by the Local Planning Authority.

Reason: To ensure that any potential contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to adequately deal with contamination.

Condition 8

Prior to first occupation of the development hereby granted permission, the Applicant shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the Applicants' Contaminated Land assessment.

Reason: To ensure that any potential contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to satisfactorily deal with contamination.

Condition 9

No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - No work

Reason: To protect amenities of the occupiers of nearby residential properties and surrounding areas.

Condition 10

All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions submitted to and approved in writing by the Local Planning Authority. On all buildings satellite dishes shall not be fixed to the street elevation of buildings or to roofs.

Reason: In the interests of visual amenity having regard to the location of the site within Conservation Area.

Condition 11

No occupation of the development shall take place until the vehicular and pedestrian access arrangements as shown on the planning application drawings have been provided or completed.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Condition 12

No development except demolition shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; To ensure the effective operation of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment; Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 13

Prior to first occupation of the development hereby granted permission, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 14

The Applicant or any successor in title, must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Condition 15

Prior to occupation a Biodiversity Enhancement Layout, providing the finalised details and locations of the proposed enhancement measures, shall be submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

Condition 16

The development shall be carried out in accordance with the approved Arboricultural Report listed above, undertaken by Tracy Clarke Tree Consultancy dated September 2022. The tree protection measures set out shall be installed prior to commencement

of development, including demolition.

Reason: To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

Condition 17

Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason: To enhance the appearance of the development and in the interests of amenity and privacy.

Condition 18

The development hereby permitted shall not be occupied until the 1st floor bathroom windows on the northern rear elevations of the two blocks of flats, have been fitted with obscured glazing to a minimum of level 3, and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the finished internal floor level of the room in which the window is installed and thereafter retained as such.

Reason: In the interests of residential amenity and in order to secure the privacy of adjoining occupiers.

Condition 19

Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate to the public network, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To prevent environmental and amenity problems arising from flooding.

Condition 20

Prior to the first occupation of the development hereby approved, cycle provision in the form of secure rear storage within the rear garden of Plots 15 and 16, and provision for the storage of 12no. cycles within the shared store, shall be provided and thereafter retained.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

Condition 21

Prior to installation, details of any proposed external lighting to the site shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be installed, retained, and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason: In the interests of visual amenity.

Condition 22

No occupation of the development hereby granted permission shall occur until details to demonstrate the provision of at least one dedicated electric vehicle charging point for both Plots 15 and 16, and a strategy for electric vehicle charging for Plots 1-14 have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the development and thereafter retained.

Reason: In interest of securing sustainable development and contributing to reduce carbon emissions.

Condition 23

Prior to installation of any meter cupboards on the external front or side (if a corner plot) elevations of the buildings hereby approved, details of the location, design, materials and colour shall be submitted to and approved in writing by the Local Planning Authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason: To ensure that the development does not prejudice the appearance of the locality.

Condition 24

Prior to the first occupation of the development hereby approved, details of the proposed brick wall enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of any associated piers, materials of construction and type of bond. Thereafter the means of enclosure for the development, shall be carried out as approved, and as otherwise shown on the approved site plan prior to the first occupation of the development.

Reason: In the interest of visual amenity and the character and appearance of the

locality.

Informative(s)

Informative 1

If the development for which you have been granted planning permission involves the allocation of a new postal number(s) would you please contact the Planning Department, Causeway House, Braintree, CM7 9HB. Tel Braintree 01376 552525, upon commencement of the development to enable the early assignment of a postal number(s).

Informative 2

All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org.

Informative 3

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- a) Trenches, pits, or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed.
- b) Materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge.
- c) Rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge.

Informative 4

The Applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. (Trees, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present).

Informative 5

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Informative 6

A public sewer is shown on record plans within the land identified for the proposed

development. It appears that development proposals will affect existing public sewers. It is recommended that the Applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

Informative 7

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact the Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Informative 8

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP16	Housing Provision and Delivery
LPP35	Housing Mix, Density and Accessibility
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP46	Broadband
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP53	Conservation Areas
LPP54	Demolition in Conservation Areas
LPP57	Heritage Assets and their Settings
LPP59	Archaeological Evaluation, Excavation and Recording
LPP71	Climate Change
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP73	Renewable Energy Schemes
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems

APPENDIX 3:

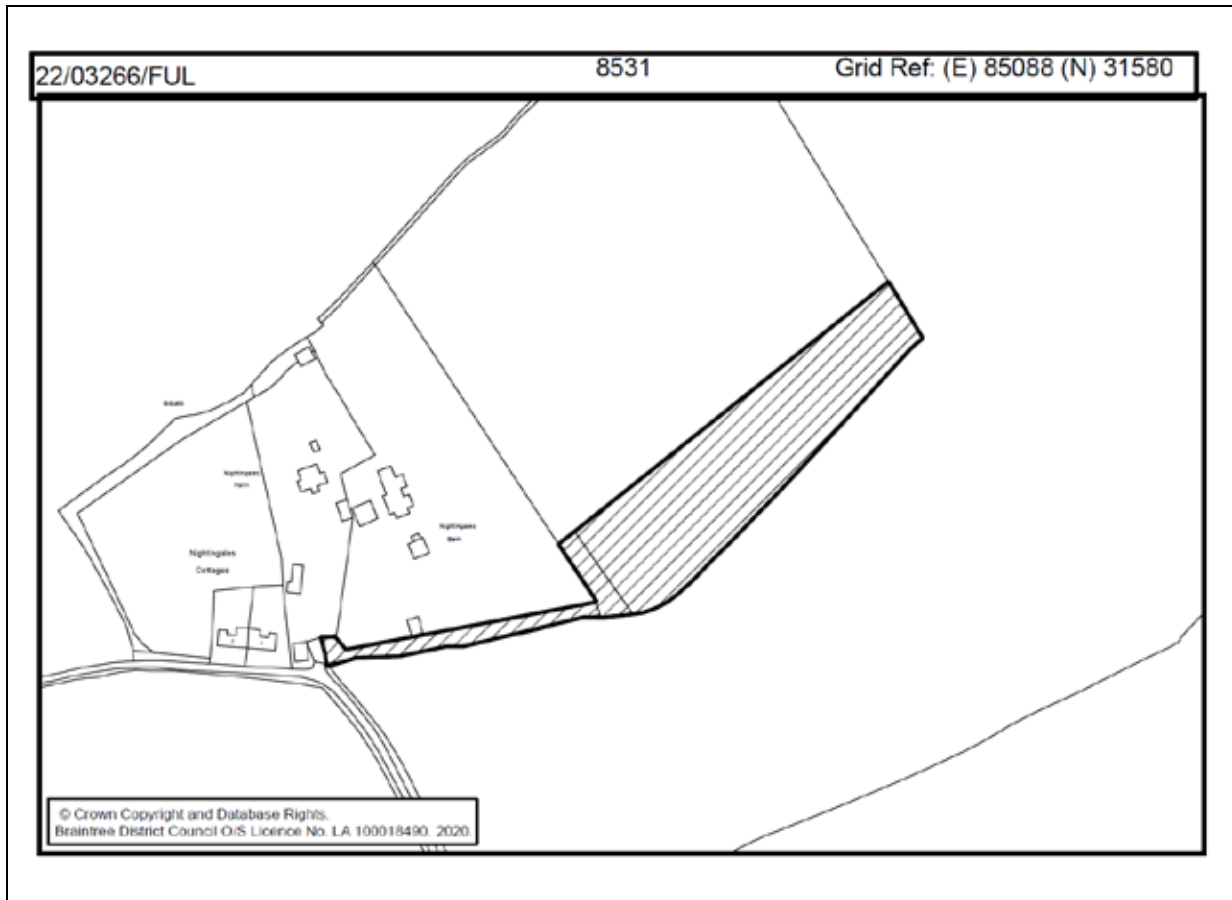
SITE HISTORY

Application No:	Description:	Decision:	Date:
89/02194/P	Redevelopment To Form Small Shop Units With Ancillary Storage And Offices Above	Withdrawn	29.03.90
90/01079/PFBN	Proposed Redevelopment To Form Small Shop Units With Ancillary Storage And Offices Above	Granted with S106 Agreement	16.04.02
90/01746/PFBN	Demolition Of Dilapidated Shop Unit	Granted	15.01.91
16/00211/FUL	Demolition of redundant buildings and redevelopment of the site to provide 10 no. flats and 1 no. dwelling, refurbishment of existing shop and reconstruction of existing showroom, both with accommodation above	Granted with S106 Agreement	27.06.16
18/01273/FUL	Redevelopment of Cox's Yard for residential development for the provision of 12 flats to be accessed from Rayne Road and one detached dwelling to be accessed from Panfield Lane, including demolition of redundant building, parking, landscaping and amenity areas. Works to 16-18 Rayne Road including replacement of the existing showroom with residential accommodation and a retail frontage, and refurbishment of the existing shop with accommodation over.	Granted with S106 Agreement	05.03.19
21/01802/NMA	Non-Material Amendment to permission 18/01273/FUL granted	Granted	28.06.21

	<p>05.03.2019 for: Redevelopment of Cox's Yard for residential development for the provision of 12 flats to be accessed from Rayne Road and one detached dwelling to be accessed from Panfield Lane, including demolition of redundant building, parking, landscaping and amenity areas. Works to 16-18 Rayne Road including replacement of the existing showroom with residential accommodation and a retail frontage, and refurbishment of the existing shop with accommodation over. Amendment would allow for: - Amendments to roof ridge.</p>		
22/01539/TPOCON	<p>Notice of intent to carry out works to tree in a Conservation Area - T1: Ash - Fell to ground level and grind out stump</p>	No Objection	19.07.22

Report to: Planning Committee	
Planning Committee Date: 25th July 2023	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	22/03266/FUL
Description:	Erection of stables and covered equine arena with associated parking and access road.
Location:	Land Adjacent To Nightingales Farm Brickhouse Road Colne Engaine
Applicant:	Michel and Mette Assouline, Assouline Dressage, C/O Agent
Agent:	Mr Sam Lees, Reeve Brown, Linkwood Stud, Halstead, CO9 2PE
Date Valid:	30th November 2022
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Lisa Page For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2516, or by e-mail: lisa.page@braintree.gov.uk

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.
Legal Implications:	<p>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not; c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> § Planning Application submission: <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 22/03266/FUL.</p> <ul style="list-style-type: none"> § Policy Documents: <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan 2013-2033 § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site is located to the north-east of Colne Engaine outside of the defined development boundary, and thus is located within the countryside. It forms an open field bounded by landscaping along its southern and eastern edges.
- 1.2 The proposal would introduce equestrian development that meets with the criteria of Policy LPP51 of the Adopted Local Plan, and thus the principle of the development is supported. In addition, it is a rural enterprise that is considered to be of an economic and social benefit to the local rural community consistent with the planning objectives contained within Paragraphs 84 and 85 of the NPPF.
- 1.3 In terms of layout, design, and appearance, the proposal would result in a high-quality development, and would result in no harm to the wider rural locality, including to landscape character.
- 1.4 The development is considered acceptable from a highway perspective, and there would be no harm to the nearby Protected Lane.
- 1.5 No adverse impact arising from the development has been identified with respect to neighbouring residential amenity. Equally the development would be acceptable in terms of impacts upon landscape features.
- 1.6 In addition, subject to conditions, the development would be acceptable in terms of ecology and flood risk and drainage.
- 1.7 The application is therefore recommended for approval.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the application is categorised as a Major planning application.

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site is located to the northeast of Colne Engaine outside of its defined development boundary so is considered for the purposes of this application to be located within the countryside.

5.2 The site itself is located to the east of Brickhouse Road and is presently an unoccupied open field bounded by trees along its southern and eastern edges. In terms of scale, the application site is approximately 0.75 Hectares. It is noted that the gradient of this site decreases to the east due to its location within the Peb Valley.

5.3 The surrounding area is generally rural in character and appearance interspersed with residential and commercial buildings. Noticeable nearby properties include the residential Nightingale Farm and Barn to the west and Brickhouse Farm to the south which includes existing equestrian facilities.

5.4 The site is not within a Conservation Area and there are no listed buildings within the immediate locality.

5.5 The adjacent section of Brickhouse Road to the west is identified as a 'Protected Lane'.

5.6 In terms of flood risk, the site is located in the lowest Flood Zone 1.

6. PROPOSAL

6.1 The application seeks equestrian development for 'Assouline Dressage', who provide Para dressage training (as has been set out by the Applicant, the business model is to train International Para and able-bodied Olympic horses and riders). By way of background to the proposal, it has been outlined that 'Assouline Dressage' have operated from a nearby site since 2005 providing 24 stables. However, it is considered that, that site can

longer meet the requirement for the Para dressage training, and thus this purpose-built facility is proposed.

- 6.2 Planning permission is sought for equestrian facilities consisting of a part single, part two-storey stable block providing 8 stables, and a detached covered riding area. The proposed facility would not operate as a Livery Yard nor be open to the public and it is not proposed to operate as a Riding School, and no Equestrian Shows or Competitions would operate from the premises. Rather the proposal relates solely to the training of International Para and able-bodied Olympic horses and riders.
- 6.3 The stable block would have an L-shape and would measure at its largest some 33.0m by 30.3m with areas of overhanging sections. The building's form would consist of a wider single storey gabled section incorporating rooflights along its ridge with a reduced eaves and ridgeline intersecting with a taller two-storey element with half hipped ends, two dormers and three rooflights. At ground floor, the building would accommodate 8 stables, multiple rooms for storage, a kitchen, and a toilet. The first floor is indicated to be used as an associated storage space. This building would be finished in black timber weatherboard cladding, red brick plinths and slate roofing.
- 6.4 The covered riding arena would be of a functional appearance consisting of a low-pitched roof supported via a steel beams. This building would have a footprint some 21.8m wide and 61.8m deep with an eaves and maximum height of some 5.25m and 6.25m respectively. The submitted plans indicate that the roof would be fibre cement finished in grey with featheredged boards used at ground floor to enclose the riding area.
- 6.5 As part of the works, a parking and landscaped area is proposed to the front of the site with hardstanding. The site would be accessible from a newly formed 3 metre wide grasscrete track connecting the site to Brickhouse Road. A fenced manure compound with a muck trailer is also proposed within the site. It is indicated that the field to the north of the site is owned by the Applicants and would be used for grazing.
- 6.6 In terms of how it is anticipated that the site would operate, the owners have confirmed that their clients (who are usually national and international), would send their horses for long term training and rarely attend the site themselves. As set out later in this report, the business would employ 3 full time staff and one part time employee, and it is anticipated that the development would result in 3-4 daily vehicle movements.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 BDC Ecology

- 7.1.1 No objections subject to conditions.

7.2 BDC Environmental Health

7.2.1 No objections subject to conditions.

7.3 BDC Landscape Services

7.3.1 No comments have been received to this application, but on the earlier withdrawn application which sought an identical proposal, the Landscape Officer noted the proximity of the site to a public right of way and protected lane and comments that the high level of established landscaping on the southern boundary would help to screen the proposal from the adjacent right of way, and requested that if approved, conditions requiring a Tree Protection Plan and landscape scheme be imposed to protect nearby trees and to mitigate the visual mass of the equestrian facilities.

7.4 ECC Highway Authority

7.4.1 No objections subject to conditions.

7.5 ECC Local Lead Flood Authority (LLFA) – SuDS

7.5.1 No objections subject to conditions.

8. PARISH / TOWN COUNCIL

8.1 Colne Engaine Council

8.1.1 Colne Engaine Parish Council object to the application, re-iterating concerns expressed to the earlier application, which are as follows:

- The building is beyond a scale expected in this location;
- Increased traffic movement unacceptable on a rural narrow road;
- Inadequate parking.

9. REPRESENTATIONS

9.1 The application was advertised by way of site notice, neighbour letter, and newspaper advertisement.

9.2 31 letters of representation supporting the application have been received raising the following comments:

- The existing business benefits the surrounding area through upkeep of the land with the existing access well maintained;
- The business has been successful and provides local jobs and training including apprenticeships;
- Will not result in any noticeable increase in traffic;
- No existing issues relating to access or light pollution;

- If refused would result in a loss to the local area and the National Paralympic sport;
 - The business has historically trained multiple successful disability dressage horses for international events - would further improve the specialist and world class facilities;
 - There are few similar facilities in the area;
 - Complaints relating to the state of the highway stem are not solely related to the existing site but also farm traffic and winter damage;
 - The majority of users would come by car with limited potential usage of horse boxes as the horses would be stabled on site;
 - The site would be used less intensively than a livery yard;
 - No historic complaints about the previous site with the scale and management of the business limiting potential access and highway problems;
 - The road is not frequently used, and the parking would be suitable for the scale of the development.

9.3 37 letters of representation objecting to the application have been received raising the following comments:

Principle of development

- Existing equestrian facilities on Brickhouse Road could be used in a similar way for para riders;
- Query why larger facilities are required that could represent overdevelopment of the surroundings;
- The proposed use would be for the training of elite riders and the buying/selling of dressage horses and would not be open to the public / limited benefits of the scheme to the wider community;
- Inappropriate location for the development;
- Would remove a historic easement for the access of the site.

Design and Appearance / Character and appearance

- The proposed buildings would be out of keeping with the appearance and scale of the landscape and would use inappropriate materials;
- The scale of the proposed works would be highly visible from and out of keeping for Brickhouse Road;
- Concerns relating to light pollution for the rural setting.

Residential Amenity

- The noise and activity generated by the site would be to the detriment to neighbouring amenity including at a nearby outbuilding converted to tourist accommodation;
- Concern that the first floor element of the proposed stables could be used for habitable accommodation or the entire building could be converted at a later date;

- The manure generated by the site could be smelt by nearby dwellings as well as the adjacent footpath and would lead to increased vermin.

Highways

- There are no bridleways or byways in proximity to the site designed to accommodate horse riders;
- Insufficient parking for a development of this scale both on a day to day basis and if used for events;
- The site access is unsuitable for the scale of the proposed usage and has poor visibility entering and leaving the road;
- The road has the potential to contain archaeological finds that could be damaged by increased road usage;
- Recent increased road traffic has led to ground vibrations that have damaged nearby properties;
- The recommended highways conditions cannot be feasibly achieved due to land ownership issues;
- Brickhouse Road is single lane with limited passing spaces making it ill suited for larger vehicles;
- Will result in deterioration of verges and increased potholes;
- Brickhouse Lane is a Protected Lane and should be treated as such in terms of usage and appearance;
- There is already an equestrian facility in close proximity that results in heavy good vehicles – the proposal will increase this;
- Increased risk of accidents to the detriment of the safety of vehicles and other road users. There is a nearby primary school in Colne Engaine;
- Congestion concerns on Brickhouse Road and Colne Engaine as a whole.

Other Issues

- Would have limited employment and financial benefits to the locality;
- Lack of information relating to drainage and waste;
- Detriment of the wildlife and biodiversity of the surrounding area;
- Flood risk concerns.

10. PRINCIPLE OF DEVELOPMENT

10.1 National Planning Policy Framework (NPPF) 2021

- 10.1.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; 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).

10.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

10.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

10.2 Development Plan

10.2.1 The site is located within the countryside as defined in the Adopted Local Plan. Policy LPP1 of the Adopted Local Plan seeks to confine new development within town development boundaries and village envelopes and goes on to state that outside these areas countryside policies will apply.

10.2.2 Policy LPP51 of the Adopted Local Plan supports the provision of equestrian facilities, including the erection of stable buildings subject to set criteria, relating to there being no significant effect on important landscape or nature conservation interest or any adjacent residential area; that vehicle movements generated by any new building is able to be safely and efficiently accommodated on the existing road network without detriment to the character of the local area; that bridleways, byways or other usable off-road routes in the vicinity are designed to accommodate horse riders; that sufficient land is available for grazing and exercise where necessary; and that there is no significant effect on the setting of designated or non-designated heritage assets. As set out later in this report, the development meets with the set criteria and thus the principle of development is acceptable.

11. SITE ASSESSMENT

11.1 Design, Appearance and Impact upon the Character and Appearance of the Area

11.1.1 Paragraph 126 of the NPPF (2021) states that the creation of high quality places is fundamental to what the planning and development process should achieve. Paragraph 134 states that development that is not well designed should be refused.

11.1.2 Policy SP7 of the Adopted Local Plan states that new development should respond positively to local character and context to preserve and enhance

the quality of existing places and their environs. Whilst Policy LPP52 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height, and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials and use appropriate landscaping.

- 11.1.3 The application site is an area of land associated with Nightingales Farm and is presently undeveloped. The proposed development would consist of a part single, part two-storey stable block, and a detached covered riding area which has a greater footprint. This present design is representative of extensive earlier design work between the Agent and Officers with particular focus on the stable block. The choice behind this form was intended to give a distinct appearance and high-quality finish to each of these elements and to represent the status associated with the stable buildings.
- 11.1.4 The resulting design of the stable is intended to represent a more traditional appearance for this usage both in terms of form, detailing and materials. It is noted that this does include more residential features such as dormers, but this is not considered to detract from the main building. This form also establishes a physical and functional subservience to the less articulated and prominent riding area. The separation to the main residential property also establishes a clear separation between the residential and equestrian uses. The riding arena in contrast is of a simple form to reflect its intended use. Both elements, would by reason of their size, detailed design and materials, result in a high-quality design and appearance, that is suitable for its use and appropriate to its setting.
- 11.1.5 In regard to landscape character, Policy LPP67 of the Adopted Local Plan is of relevance. Policy LPP67 sets out that the LPA will take into account the different roles and character of the various landscape areas in the District, and recognise the intrinsic character and beauty of the countryside, in order to ensure that any development permitted is suitable for the local context. Proposals for new development shall be informed by the District Council's Landscape Character Assessments (LCA).
- 11.1.6 In regard to the LCA, the site is located within the Colne River Valley Landscape Character Area (A4) which is formed of shallow river valleys predominantly pastorally grazed by horses. This guide states that: Sensitive key characteristics and landscape elements within this character area include riverside pasture, thick hedgerows in places and a number of local vernacular buildings with timber frames, colour wash walls and thatched roofs (the loss of which, would alter the character of this area). The skyline of the valley slopes is visually sensitive to potential new development, which may be visible within open and framed views across and along the valley. Views to the valley sides from adjacent Landscape Character Areas are also sensitive to potential new development.

- 11.1.7 The application site is located on the Colne Engaine side of the Colne Valley landscape area with Countess Cross on the opposite eastern side. Within the more immediate setting, Brickhouse Road runs along the edge of this valley with the land sloping towards the valley to its east. The proposed development would be located within this downwards slope but would be separated from the water channel within. Along its southern flank, the boundary abounds a PROW and is more broadly visible from Brickhouse Road. This section is characterised by established landscaping and trees.
- 11.1.8 In landscape terms, the two greatest impacts of the proposal are considered to stem from the two-storey scale of the stable building and the addition of built form deeper into the Colne Valley than the surrounding built form. The resulting effect is that built form would be at least partially visible from the surrounding streetscene, PROW and wider valley views. Nevertheless, it must be considered whether this landscape impact constitutes material harm in these regards. No objection has been raised by the BDC Landscape Consultee, who previously stated that the established level of landscaping along the southern boundary of the site screens the site from the adjacent PROW. Conditions are recommended however, to ensure this screening is maintained through a tree management plan along with a landscaping scheme to mitigate the visual impact of the proposed development. Subject to these conditions and taking into account the existing landscaped enclosure of the site, the proposal is considered to have a satisfactory impact on the surrounding landscaped character area and protected lane.
- 11.2 Impact on Neighbouring Residential Amenity
- 11.2.1 Policy LPP52 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy. Such requirements are further enforced by the NPPF.
- 11.2.2 The proposed development would be located towards the eastern side of the application site with a material separation to any dwellings. The nearest property is Nightingales Barn to the west which is occupied by the Applicants. Along the western boundary of the application site is Nightingales Farm, with its main property positioned on the opposite side to this Nightingales Barn obscuring any views. At the shared entrance to these dwellinghouses is a converted cartlodge which is used as holiday lets.
- 11.2.3 With a separation of some 130 metres to this building, it is not considered that the proposal would impact its light, outlook, or privacy in any material regard. This would similarly mitigate any potential noise or activity impacts for the surrounding properties. In terms of increased vehicle traffic stemming from the development, this cartlodge is already next to a highway

and the adjacent vehicle highway is served by two separate dwellings. Taking this into account, it is not considered to materially worsen the existing situation.

- 11.2.4 Based on the comments from Environmental Health, to protect neighbouring amenity during the construction process, the hours of work would be limited through condition. To protect amenity more broadly, the hours of HGV movements would be similarly limited once the site is in use.
- 11.2.5 It has been confirmed by the Agent that no floodlighting would be included in the development and no details of such have been submitted. Should any future application seek additional lighting these considered on their own merit.
- 11.2.6 Some concern was raised regarding the potential for residential occupation within the stable building. While this has not been indicated in the proposed plans, the imposition of a condition is recommended to prevent this potential use.

11.3 Highway Considerations

- 11.3.1 Paragraph 110 of the NPPF explains that, when assessing specific applications for development, it is important to consider whether safe and suitable access to the site can be achieved for all users. Paragraph 110 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.3.2 Policy LPP52 of the Adopted Local Plan requires new developments to be provided with a safe and suitable access, without detriment to the local road network, in order to maintain highway safety for all highway users, whilst Policy LPP43 of the Adopted Local Plan states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards.
- 11.3.3 In terms of the traffic generated by the development, the submitted information indicates that the business would employ 3 full time staff and one part time employee. Information submitted by the Applicant estimates that the development would result in 3-4 daily vehicle movements of varying sizes and purposes.
- 11.3.4 Brickhouse Lane is a relatively narrow road that serves multiple existing dwellings, farms, and equestrian facilities representative of its rural setting. The concerns raised by third parties in regard to impacts upon the highway network whether through additional traffic, safety concerns or physical degradation of the existing road are noted. Essex County Council as the Highway Authority have reviewed the application and raise no objections, subject to conditions. It is noted that the local road network is already used for a wide variety of purposes including nearby equestrian facilities. Taking

this into account with the relatively limited amount of traffic projected to be generated by this development, it is not considered that the proposal results in harm to highway capacity, safety, or convenience.

- 11.3.5 With reference to the Protected Lane, Policy LPP69 of the Adopted Local Plan is of relevance. This seeks to conserve the traditional landscape and nature conservation character of roads designated and sets out that any proposals that would have a materially adverse impact on the physical appearance of these Protected Lanes or generate traffic of a type or amount inappropriate for the traditional landscape and nature conservation character of a protected lane will not be permitted. As set out above, it is not considered that the development would have a materially adverse impact on the Lane, and in this respect is considered acceptable.
- 11.3.6 Turning to matters of parking, the layout provides an area of hard standing to accommodate at least 4 vehicles and two horse boxes, together with turning provision. The parking would be accessible through a newly created track connecting to an existing access onto Brickhouse Road. Given the scale of the development and its proposed operation, this is considered acceptable.

11.4 Flooding Matters

- 11.4.1 Although the site lies within Flood Zone 1 (a low probability of flood risk), due to the scale of development, it is required to be submitted with a flood risk assessment (FRA). In this regard a Flood Risk & Drainage Assessment dated 10/05/2023, accompanies the application.
- 11.4.2 This sets an illustrative outline drainage strategy designed to manage surface water on site. The development is unlikely to place additional persons at risk of flooding and is unlikely to increase flood risk elsewhere as a result of the proposed development through the loss of floodplain storage, impedance of flood flows or increase in surface water runoff.
- 11.4.3 The Local Lead Flood Authority (LLFA), as the statutory consultee on surface water, have reviewed the application and raised no objections to the development, subject to the imposition of standard conditions.

11.5 Waste Disposal and Drainage

- 11.5.1 As highlighted in the comments from BDC Environmental Health, care should be taken to ensure that waste including manure is handled and removed appropriately. Following these comments, the position of the manure storage area was removed away from the site's boundary with a PROW.
- 11.5.2 The recommended drainage condition from Environmental Health would also be imposed to ensure that inappropriate foul water drainage does not cause harm to the surroundings.

11.6 Ecology and Landscape

- 11.6.1 The application has been reviewed by the Council's Ecologist who has confirmed that given the scope and scale of the proposed works, the impacts of development to designated sites, protected species, priority species and habitats can be predicted.
- 11.6.2 Although the site is located within the Impact Risk Zone (IRZ) of Chalkney Wood Site of Special Scientific Interest (SSSI), the proposals do not trigger a consultation with Natural England for this statutory designated site. Further the application site is situated a sufficient distance from this designated site and the proposals are unlikely to impact the woodland.
- 11.6.3 There is sufficient ecological information available for determination and certainty provided of the likely impacts on Protected and Priority species/habitats so the development can be made acceptable. It is recommended that bespoke biodiversity enhancements should be secured for to deliver net gains for biodiversity within the design, as outlined under Paragraph 174 and 180 of the NPPF. The recommended informatives from BDC Ecology in relation to mitigation good practice and nesting birds is imposed, however, as there is no lighting proposed this suggested informative is not required. A condition is imposed to control this matter.
- 11.6.4 In regard to landscape features, Policy LPP65 of the Adopted Local Plan states that proposals for new development should not be detrimental to distinctive landscape features. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced. It is noted that the development does not propose the loss of any existing trees or hedgerows within the application site, or indeed on the boundary. To ensure that no harm is caused by the proposal in landscaping terms, a condition requiring a tree protection and landscaping plan is recommended to be imposed.

12. PLANNING BALANCE AND CONCLUSION

- 12.1. The site is located outside of a development boundary as defined by the Adopted Local Plan, and within a countryside location. Policy LPP51 of the Adopted Local Plan supports the provision of equestrian facilities, subject to them meeting a certain criteria.
- 12.2 The proposal would introduce a rural enterprise that is considered to be of an economic and social benefit to the local rural community consistent with the planning objectives contained within Paragraphs 84 and 85 of the NPPF.
- 12.3 In terms of layout, design, and appearance, the proposal would result in a high-quality development, and would result in no harm to the wider rural locality, including to landscape character.

- 12.4 The development is considered acceptable from a highway perspective, and there would be no harm to the nearby Protected Lane.
- 12.5 No adverse impact arising from the development has been identified with respect to neighbouring residential amenity. Equally the development would be acceptable in terms of impacts upon landscape features.
- 12.6 In addition, subject to conditions, the development would be acceptable in terms of ecology and flood risk and drainage.
- 12.7 Accordingly, it is concluded that the benefits of the proposal outweigh the harms identified, and subject to suitable conditions it is recommended that planning permission is granted for the proposal.

13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made:

Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Highway Plan	21170/01	B
Location / Block Plan	C001	N/A
Proposed Plans	EQU-017-00	K
Proposed Plans	EQU-017-003	C
Section	C002 (NW Elevation)	V1
Section	C002 (SE Elevation)	V1

Condition(s) & Reason(s)

Condition 1

The development hereby permitted shall begin not later than three years from the date of this decision.

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

Condition 2

The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason: For the avoidance of doubt and in the interests of proper planning.

Condition 3

The external materials and finishes shall be as indicated on the approved plans and/or schedule.

Reason: To ensure that the development does not prejudice the appearance of the locality.

Condition 4

Prior to the first use of the development hereby permitted, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions as shown on Drawing No. 2117/01 REV B, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Condition 5

No site clearance or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays and Bank Holidays - No work

Reason: To protect the amenities of the occupiers of nearby residential properties and the surrounding areas.

Condition 6

There shall be no HGV movements for delivery purposes to or from the site (e.g. for feed delivery, manure removal), outside of the following times:

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays and Bank Holidays - No work

Reason: To protect the amenities of the occupiers of nearby residential properties and the surrounding areas.

Condition 7

Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site and adjacent to the site, from damage during the carrying out of the development have been submitted to the Local Planning Authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the Local Planning Authority.

No materials, goods or articles of any description shall be stacked, stored, or placed at any time within the limits of the spread of any of the existing trees, shrubs, or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables, or other services) shall be carried out within the extent of the spread of any existing trees, shrubs, and hedges unless the express consent in writing of the Local Planning Authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

Reason: To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the rural area.

Condition 8

Prior to the first use of the site, a landscaping scheme shall be submitted

incorporating a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour, and type of material for all hard surface areas and method of laying, refuse storage, signs, and lighting.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the rural area.

Condition 9

Prior to the installation of any external lighting at the site (excluding flood lighting), a lighting design scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved by the Local Planning Authority. The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed on the site.

Reason: In order to protect biodiversity and protected species, the amenity of the locality and to avoid unnecessary light pollution and to allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Condition 10

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order (England) 2015 (as amended), the Equestrian facility shall not be lit by way of floodlighting.

Reason: In the interests of visual and residential amenity and/or to protect ecology.

Condition 11

The buildings hereby permitted shall be used solely for the stabling and exercise of

horses, and the storage of associated equipment and foodstuffs. There shall be no commercial livery, equestrian shows or competitions at the site, and no residential uses shall take place whatsoever.

Reason: To protect the amenities of the occupiers of nearby residential properties and the surrounding areas, and in the interests of highway considerations.

Condition 12

Prior to the first use of the development hereby approved, a Biodiversity Enhancement Layout, providing the finalised details and locations of the proposed biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be implemented in accordance with the approved details, prior to the first use of the development, and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

Condition 13

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event, OR, if impracticable.
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; To ensure the effective operation of SuDS features over the lifetime of the development; To provide mitigation of any environmental harm which may be caused to the local water environment; Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 14

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that Local Planning Authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 15

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 16

The Applicant or any successor in title, must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Condition 17

Prior to the erection of any gates / fences / walls or simailar, full details of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height, and materials of the enclosures. The enclosures as approved shall be provided prior to the first use of the development hereby approved and shall be permanently retained as such.

Reason: In order to secure the satisfactory development of the site and in the interests of visual amenity.

Informative(s)

Informative 1

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- b) Materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- c) Rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge.

Informative 2

The Applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees/hedges and buildings are likely to contain nesting birds between 1st March and 31st August inclusive and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Informative 3

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The publics rights and ease of passage over public footpath no 10 (Colne Engaine) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

Informative 4

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the Applicant temporarily closing the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the Applicant and any damage caused to the route shall be rectified by the Applicant within the timescale of the closure.

Informative 5

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 or by post to: SMO1 Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP51	Equestrian Facilities
LPP52	Layout and Design of Development
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP69	Protected Lanes
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan

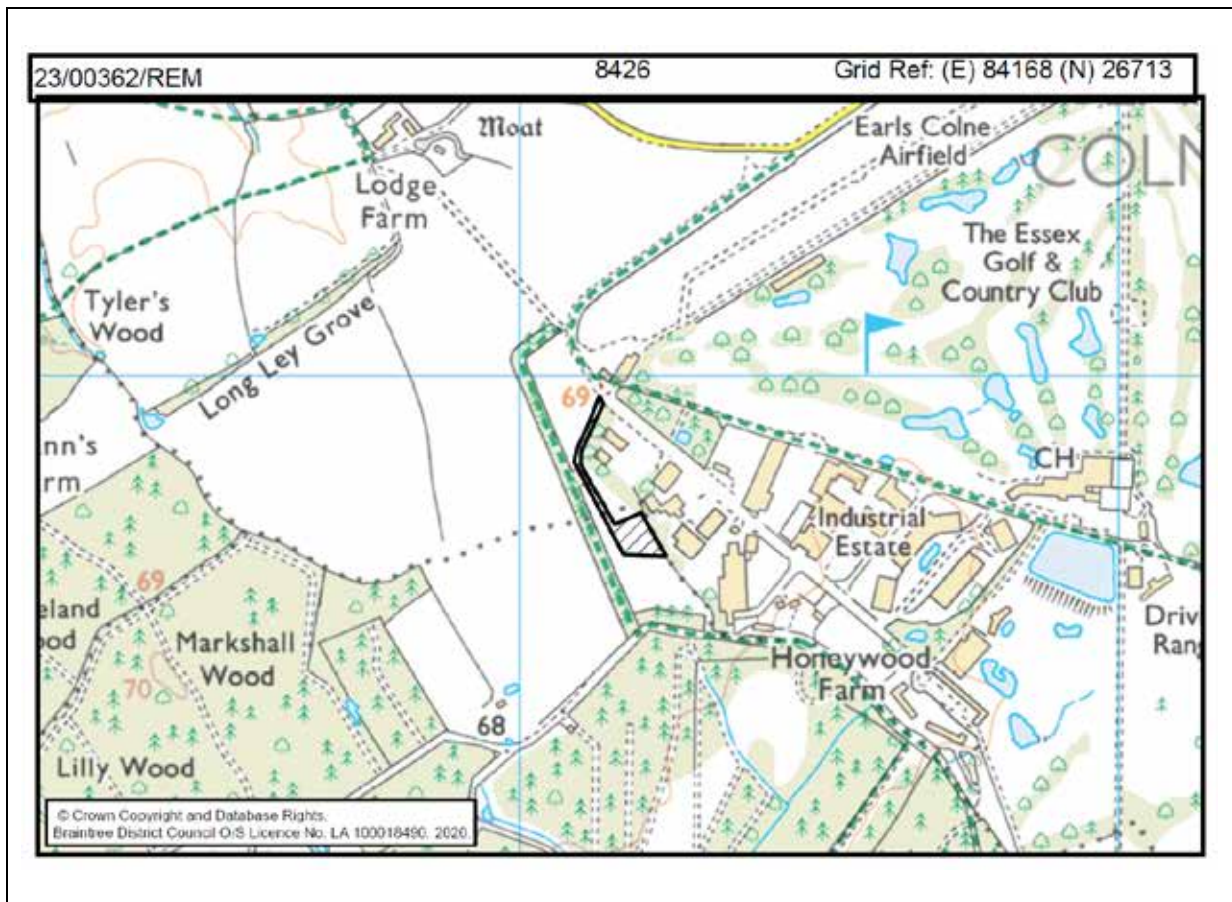
APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
21/00250/FUL	Erection of stables and covered equine arena with associated parking and access road	Withdrawn	24.03.23

Report to: Planning Committee	
Planning Committee Date: 25th July 2023	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	23/00362/REM
Description:	Application for approval of reserved matters (in respect of layout, scale, appearance, access and landscaping) pursuant to application 21/03483/VAR for: Removal of Condition 18 (Maximum finished height) of permission 17/01157/OUT granted on 25/11/2019 for: Outline planning application with all matters reserved for the erection of up to 10,220m ² of B1, B2 and B8 employment floor space relating to the development of part of the southern parcel of the site for B8 external storage.
Location:	Land At The Airfield Earls Colne
Applicant:	Mr Ben Hobbs, Hobbs Estates Ltd, Honeywood, Earls Colne Business Park, Earls Colne, Essex, CO6 2NS
Date Valid:	22nd February 2023
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overtturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Janine Rowley For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2551, or by e-mail: janine.rowley@braintree.gov.uk

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not; c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> § Planning Application submission: <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 23/00362/REM.</p> <ul style="list-style-type: none"> § Policy Documents: <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan 2013-2033 § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site is located within the Earls Colne Airfield Employment Policy Area. This Business Park is classified as an Employment Policy Area within the Adopted Local Plan.
- 1.2 The site subject to this application comprises undeveloped land currently laid out with hardstanding. The application site benefits from outline planning permission, together with land to the north and south, for up to 10,220sq.m of B1, B2 and B8 employment floorspace pursuant to Application Reference 17/01157/OUT. This application was granted outline planning permission on 25th November 2019.
- 1.3 This outline planning application was subsequently varied by Application Reference 21/03483/VAR which was granted on 31st May 2022 (the variation related to Condition 18 of the original outline planning permission which restricted maximum finished heights). This current Reserved Matters application is submitted pursuant to Application Reference 21/03483/VAR.
- 1.4 The Applicant now seeks approval of the reserved matters consisting of layout, scale, appearance, landscaping, and access for B8 external storage. It is noted that previously the site has been granted consent under Application Reference 21/00396/REM for B8 external storage. The sites immediately to the north and south of the application site are currently under construction following the approval of Application References 21/00411/FUL and 22/00787/REM.
- 1.5 Policies LPP2 and LPP3 of the Adopted Local Plan state that within defined Employment Policy Areas, proposals for uses other than those within Use Classes B1, B2 and B8 will be refused. This proposal is therefore policy compliant.
- 1.6 The proposal would maintain a policy compliant use of the site, carrying an economic and social benefit consistent with the planning objectives contained within Paragraph 11 of the NPPF.
- 1.7 In terms of scale, appearance and layout, no adverse impacts have been identified from the development. No adverse impacts have been identified on highways grounds and the provision of the access is deemed acceptable. There would be no harm arising to neighbouring residential amenity, ecology, or flood risk. The proposal is considered to be acceptable in planning terms.
- 1.8 Accordingly, it is recommended that Reserved Matters are approved.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the application is categorised as a Major planning application.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site is located within the Earls Colne Airfield Employment Policy Area. This industrial estate is classified as an Employment Policy Area within the Adopted Local Plan.

5.2 The site subject to this application comprises undeveloped land currently laid out with hardstanding. The application site benefits from outline planning permission, together with land to the north and south, for up to 10,220sq.m of B1, B2 and B8 employment floorspace pursuant to Application Reference 17/01157/OUT. This application was granted outline planning permission on 25th November 2019.

5.3 This outline planning application was subsequently varied by Application Reference 21/03483/VAR which was granted on 31st May 2022 (the variation related to Condition 18 of the original outline planning permission which restricted maximum finished heights). This current Reserved Matters application is submitted pursuant to Application Reference 21/03483/VAR.

5.4 The site is bounded to the west and south by a substantial and well establish hedge line, which is identified as structural landscaping within the Adopted Local Plan. To the east, the site is bounded by existing industrial units associated with the Earls Colne Business Park.

5.5 In terms of the wider context, further countryside lies to the west and south of the site. To the north, planning permission has been granted under Application Reference 21/00411/FUL for a haulage yard and an ancillary two-storey modular office building. The Earls Colne Airfield is located to the north of the haulage yard site. The site immediately to the south of the application site is currently under construction following the approval of Application Reference 22/00787/REM for the erection of two buildings for B8 use.

5.6 Reserved Matters were previously approved for a larger site area (than currently proposed within this application) for B8 external storage and

ancillary parking (Application Reference 21/00396/REM). Following the grant of planning permission for Application Reference 21/00411/FUL and approval of Reserved Matters under Application Reference 22/00787/REM, the previous Reserved Matters for external B8 storage use can no longer be implemented. This application effectively seeks permission for the use on a smaller area of the site, situated in between the two other permissions described above.

6. PROPOSAL

- 6.1 The application seeks approval for the reserved matters in respect of layout, scale, appearance, access, and landscaping relating to the development of the site for B8 external storage. The site is located between the abovementioned plots which are currently under construction.
- 6.2 The proposed development would comprise a hard surfaced open space for external B8 storage. The layout and external surface for the site has been specifically designed to accommodate the needs of the future occupier, Milbank Concrete Products Ltd, who produce large concrete structures and foundations for the construction industry.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water Consultee

- 7.1.1 No comments given as the site is located outside of their jurisdiction area.

7.2 Essex County Fire and Rescue Service

- 7.2.1 Access for Fire Service purposes is considered satisfactory subject to access routes and hard standings being capable of sustaining a minimum carrying capacity of 15 tonnes. More detailed observations on access and facilities for Fire Service will be considered at Building Regulations consultation stage.

7.3 ECC Archaeological Consultant

- 7.3.1 The proposed development lies on land that was formerly part of a WWII Airfield at Earls Colne. Earls Colne was one of the first airfields built by the US army in Britain, becoming operational in May 1943. In 1946 the airfield was put on care and maintenance. The airfield was equipped with three runways linked by a perimeter track, with 36 frying pan dispersals and 15 loops. The site of the proposed development is in the former location of one of the loops which was still extant into the 1950's. The removal of the structural remains of the airfield would have caused significant damage to any earlier archaeological deposits and it is unlikely that any below ground remains associated with the military use of the site survive. There will be no requirement for any archaeological investigation.

7.4 ECC Highways

7.4.1 No objections.

7.5 ECC Suds

7.5.1 No objections subject to a number of informatives relating to flood risk responsibilities.

8 PARISH / TOWN COUNCIL

8.1 Earls Colne Parish Council

8.1.1 No objections.

9. REPRESENTATIONS

9.1 No letters of representation have been received.

10. PRINCIPLE OF DEVELOPMENT

10.1 National Planning Policy

10.1.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; 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).

10.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, Paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.

10.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

10.1.4 Paragraph 82 of the NPPF outlines that planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial

Strategies and other local policies for economic development and regeneration. Paragraph 83 of the NPPF states that planning policies and decisions should recognise and address the specific locational requirements of different sectors.

10.2 Development Plan

- 10.2.1 Currently the Council's statutory Development Plan consists of the Braintree District Adopted Local Plan (2013-2033).
- 10.2.2 The application site is located within an Employment Policy Area as outlined within the Adopted Local Plan.
- 10.2.3 Policy LPP3 of the Adopted Local Plan states that within defined Employment Policy Areas proposals for uses other than those within Use Classes B1, B2, and B8 will be refused, which is reinforced by Policy LPP2 of the Adopted Local Plan which states that all employment sites, including sites or buildings in current or recent use as an employment site, will be retained for such uses where they continue to offer a viable and sustainable location for such employment uses.
- 10.2.4 The principle of redevelopment of the site for employment and industrial uses has been previously considered acceptable and established under the extant outline planning permission (Application Reference 17/01157/OUT) which granted permission with all matters reserved for the erection of up to 10,220sq.m of B1, B2 and B8 employment floor space. The original outline planning application was subsequently varied under Application Reference 21/03483/VAR. It is noted that part of the proposed application site, has been previously approved for external storage (Use Class B8) under Application Reference 21/00396/REM.
- 10.2.5 The application has been submitted pursuant to Application Reference 21/03483/VAR. Therefore, the principle of this application for reserved matters is considered acceptable. The reserved matters consist of: Appearance, Layout, Scale, Access, and Landscaping. These detailed matters are assessed below.

11. SITE ASSESSMENT

11.1 Scale, Appearance and Layout

- 11.1.1 Paragraph 126 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 134 states that development that is not well designed should be refused.
- 11.1.2 Policy LPP52 of the Adopted Local Plan seeks to secure the highest possible standards of design and layout in all new development.

- 11.1.3 The application site is contained by the buildings and uses under construction to the north and south of the application site (Application References 21/00411/FUL and 22/00787/REM). Beyond this is a tree bund perimeter on the southern and western boundaries, which is identified as structural landscaping in the Adopted Local Plan. As such the site is well screened from view. Further beyond the structural landscaping is agricultural land owned by the Marks Hall Estate. To the east of the site is the Earls Colne Business Park separated by dense vegetation and fencing.
- 11.1.4 In relation to appearance, scale and layout, no buildings are proposed as part of this proposal which solely relates to the provision of external storage. The appearance of the site would therefore be a hard surface bound by existing vegetation to the east and west. The layout of the site would include a large area of hardstanding to accommodate an external storage area to be occupied by Milbank Concrete Products limited who currently operate within Earls Business Park. The access would be from the north-east of the site as per the outline consent illustrative drawings.
- 11.1.5 The development would be in accordance with the approved parameter plans with relation to the developable area of the site. As the proposal comprises only open B8 storage, there is no built form which could cause any harm to the surrounding landscape. The height of external storage is proposed to be restricted to 8m by way of condition. This is 4m lower than the permissible building heights on the adjacent sites. It is noted that external storage has been previously accepted in principle on a larger area in this location following the approval of Application Reference 21/00396/REM.
- 11.1.6 It is therefore concluded that the proposed open storage at the site would be heavily screened from the surrounding area, given the buildings to the north, east and west of the site and the structural landscaping. Given the height of the external storage is to be restricted, it would not result in harm to the character and appearance of the surrounding area.
- 11.2 Landscaping
- 11.2.1 No landscaping is proposed within the site. It is noted that a 2m native hedge is proposed to the bund and various other planting schemes as part of the wider site, in addition the existing hedges and trees to the eastern boundary are to be retained. For example, following approval of Application References 21/00411/FUL and 22/00787/REM for the use and buildings to the north and south, these sites will incorporate soft landscaping.
- 11.2.2 Whilst it is regrettable that no landscaping is to be provided within the application site, given the nature of the use, extent of hardstanding proposed and the landscaping planned for the wider site, on balance no objection is raised.

11.3 Ecology

- 11.3.1 The Ecological impact of developing the overall site was assessed in full at the outline planning application stage and is not for consideration as a reserved matter. No material changes have occurred to the ecological conditions of the site and no additional surveys are required.
- 11.3.2 In accordance with the outline planning consent (Application Reference 17/01157/OUT as varied by 21/03483/VAR) a roost assessment of the Oak trees located on the eastern boundary of the southern section of the site was carried out and confirms that the trees will still have moderate potential for bat roosting suitability. The Biodiversity Management Plan provides a number of mitigation measures to prevent disturbance to nesting birds and other mammals during the construction process. With regards to the site lighting scheme, this has been designed in a manner to minimise light spillage onto sensitive ecological areas.
- 11.3.3 The Councils Ecology Officer has reviewed the application and the ecology reports ACJ Ecology Limited, March 2022, Reserved Matter 21 report (ACJ Ecology Ltd, March 2022, soft landscaping plan (Andrew May Arboricultural Consultancy Limited, March 2022), and the revised Lighting Strategy Drawing 43711/LC/M dated 22nd June 2022 submitted and agreed under Application Reference 22/00787/REM. The Councils Ecology Officer, based upon the ecological information submitted, has raised no objections subject to a condition to ensure all mitigation and enhancement measures of the above documents are imposed to conserve and enhance protected and priority species.

11.4 Impact on Neighbouring Residential Amenities

- 11.4.1 One of the core principles set out in the NPPF is that planning should *'always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants'*. This is supported by Policy LPP52 of the Adopted Local Plan.
- 11.4.2 There are no residential properties within the immediate locality of the site and the nearest residential properties would be sufficiently distanced from it to prevent any harm to their amenity. No impact is considered to arise to nearby commercial/industrial uses as a consequence of the development.
- 11.4.3 The application is therefore considered to satisfy national and local policies designed to safeguard neighbouring residential amenity.

11.5 Highway Considerations

- 11.5.1 Paragraph 104 of the NPPF is explicit that development proposals should identify and pursue opportunities to promote walking, cycling and modes of transport. Paragraph 105 of the NPPF goes on to state the planning system should actively manage patterns of growth in support of these objectives.

- 11.5.2 Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 111 of the NPPF states development shall only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.5.3 Similarly, amongst other matters Policy LPP42 of the Adopted Local Plan, requires new developments to be provided with a safe and suitable access, without detriment to the local road network, in order to maintain highway safety for all highway users.
- 11.5.4 The access would be located to the north of the site. The proposed access road from the existing Southern Perimeter Road is part of the road network privately owned by the wider business park. It is 7m wide in the vicinity of the site and caters for a range of vehicle movements. The B1024 in the vicinity of the access to the business park has an approximate width of 5.3m.
- 11.5.5 The impact of a mixed-use development on the highway network in principle was assessed at the outline planning application stage with a thorough review of the transport assessment examining the impact of the proposed development on the existing highway network, with no objections raised by Essex County Council Highways. The impact on the highway network is not for reconsideration as part of this application.
- 11.5.6 With regard to the site layout, ECC Highways have been consulted and no objections have been raised to the proposal in relation to the position and layout of the access which is deemed appropriate to meet the needs of the development without resulting in harm to the surrounding highway network.
- 11.5.7 Essex Parking Standards (2009) states that relating to B8 use 1 space per 150sq.m plus 1 space per 20sq.m retail area for customer parking in terms of vehicles, 1 space per 500sq.m for staff plus 1 space per 1000sq.m for visitors.
- 11.5.8 There are no buildings associated with the proposals. The Applicant has confirmed no specific car parking is allocated within the site as it is proposed to be used primarily as an open storage facility. In addition, any vehicles which use the site for deliveries and collection would be able to use the area of hardstanding. No objection to the proposal was made by Essex Highways. On balance, taking into account the specifics of the use in this case, it is considered that no allocated/identified vehicle parking spaces is acceptable.
- 11.5.9 Overall, no objections are raised by Essex County Council Highways or Officers to the proposed access or parking provision.

11.6 Heritage and Archaeology

11.6.1 The likely heritage impact of the proposed development of the overall site was assessed at outline planning application stage. The application site is not located within or near a Conservation Area or Listed Building. Essex County Council Place Services (Archaeology) have raised no objection in relation to the archaeological surveys or investigation works. It is not considered the proposal would cause a harmful impact on heritage or the historic environment.

11.7 Flood Risk and Drainage

11.7.1 The site lies within Flood Zone 1 (a low probability of flood risk). Flood risk and drainage were considered in general terms at outline planning application stage and relevant conditions were attached to the outline planning permission. The Environment Agency and ECC SuDs advisors have confirmed they have no objections this application.

11.8 Lighting

11.8.1 Policy LPP70 of the Adopted Local Plan indicates that external lighting should be designed as an integral element of the development and provides guidance on the design of the lighting.

11.8.2 As required by the outline planning permission (Application Reference 21/03483/VAR) a site wide lighting strategy has already been approved and is not for reconsideration as part of this application.

11.8.3 This application is accompanied by a Site Lighting Restrictions document, which confirms the proposed lighting and details at what times of the day, depending on the month, the lights will be operational and for how long. A condition is recommended to ensure the proposed restrictions are adhered to in perpetuity.

11.8.4 Lighting in respect of its impact upon biodiversity has been addressed above.

11.9 Contamination

11.9.1 Contamination was reviewed at the outline planning application stage and a thorough review has been carried out under Application Reference 21/00396/REM whereby a report carried out by GEMCO Phase 2 Geo-Environmental Assessment February 2021 demonstrated any development on site would not give rise to contamination and the risk to controlled waters is low. Furthermore, Application Reference 22/02788/DAC (relating to Condition 16c) confirms the remediation has been successfully undertaken.

12. CONCLUSION

- 12.1 The principle of development of the site has been established under the extant outline planning permission (Application Reference 17/01157/OUT as varied by application reference 21/03483/VAR). The application seeks approval of the reserved matters to provide an external storage use (Use Class B8).
- 12.2 The site is located within an Employment Policy Area as outlined on the Proposals Map contained within the Adopted Local Plan. Policy LPP2 of the Adopted Local Plan states that within defined Employment Policy Areas proposals for uses other than those within Use Classes B1, B2, and B8 will be refused, which is further reinforced by Policy LPP3 of the Adopted Local Plan.
- 12.3 The proposal would maintain a policy compliant commercial use of the site, carrying an economic and social benefit, consistent with the planning objectives contained within Paragraph 11 of the NPPF.
- 12.4 In terms of scale, appearance and layout, no adverse impact arising from the development has been identified. No adverse impacts have been identified on highways grounds and the provision of the access is deemed acceptable. There would be no harm arising to neighbouring residential amenity, ecology, or flood risk.
- 12.5 Consequently, the proposal is considered to be acceptable in planning terms and therefore it is recommended that the Reserved Matters are approved.

13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made: Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Block Plan	21094/001 J	N/A
Location Plan	21094/303A	N/A

Condition(s) & Reason(s)

Condition 1

The development hereby permitted shall take place not later than two years from the date of this approval.

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

Condition 2

The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason: For the avoidance of doubt in the interests of proper planning.

Condition 3

The development shall only be carried out in accordance with the submitted Site Lighting Restrictions dated 17th January 2023.

Reason: To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

Condition 4

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Reserved Matter 20 report (ACJ Ecology Ltd, March 2022), Reserved Matter 21 report (ACJ Ecology Ltd, March 2022), soft landscaping plan (Andrew May Arboricultural Consultancy Ltd, March 2022), and the revised Lighting Strategy Drawing D43711/LC/M dated 22 June 2022, and the Site Lighting Restrictions Letter (Hobbs Estates, 17th January 2023), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person, e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

The mitigation measures shall be fully implemented prior to first use of the

development hereby permitted.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Condition 5

The development hereby approved shall be carried out in accordance with the GEMCO Phase Geo-Environmental Assessment dated February 2021 and GEMCO Phase Geo-Environmental dated 25th August 2022 reference 2096220825 for the site.

The mitigation measures shall be fully implemented prior to first use of the development hereby permitted.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 6

There shall be no external storage exceeding 8m in height above ground level.

Reason: To ensure that the visual impact of the proposed development is acceptable in landscape terms, that the development is in keeping with existing development adjacent to the site and to ensure the development is not a danger to aircraft taking off or landing on the adjacent Airfield.

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP5	Employment
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Rural Enterprise
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP45	New Road Infrastructure
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP63	Natural Environment and Green Infrastructure
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Climate Change
LPP73	Renewable Energy Schemes
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

APPENDIX 3:

SITE HISTORY

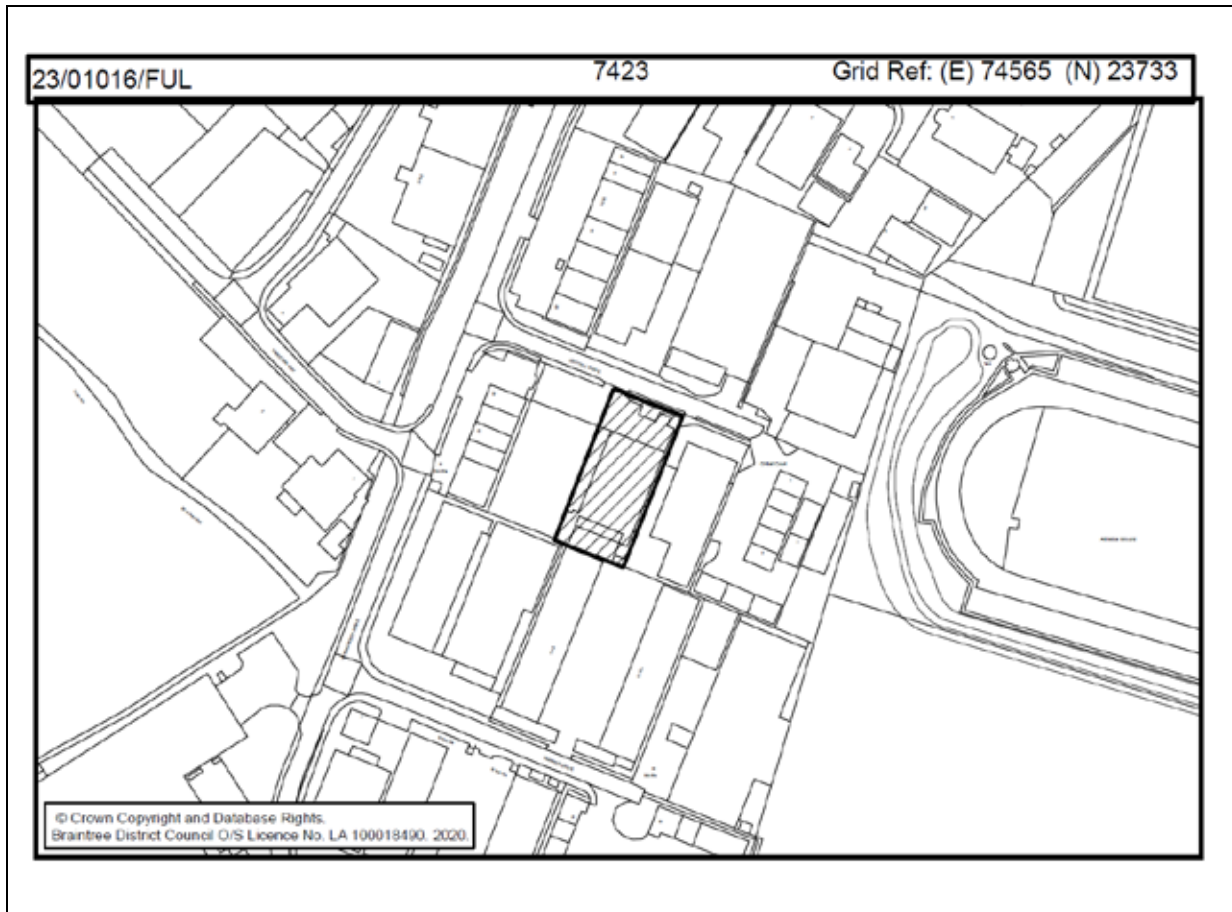
Application No:	Description:	Decision:	Date:
17/00002/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Outline Planning Application with some matters reserved - Development of 10,220sq.m. B1, B2 and B8 floor space	Screening/ Scoping Opinion Adopted	30.03.17
17/01157/OUT	Outline Planning Application with all matters reserved for the erection of up to 10,220m2 of B1, B2 and B8 employment floor space.	Granted with S106 Agreement	25.11.19
21/00373/DAC	Application for approval of details as reserved by conditions 6, 9, 12, 13, 14 and 16 of approved application 17/01157/OUT	Granted	22.11.22
21/00396/REM	Application for the approval of reserved matters (in respect of layout, scale, appearance, access and landscaping) pursuant to outline planning permission 17/01157/OUT granted 25.11.2019 for the erection of up to 10,220m2 of B1, B2 and B8 employment floor space. Reserved matters relates to the development of the southern parcel of the site for B8 external storage and ancillary parking.	Granted	23.03.22
21/00411/FUL	Change of Use of land to be used as a Haulage Yard (Sui Generis) with associated works, security	Granted	30.12.22

	fencing, access and landscaping with the erection of a two-storey building to be used as ancillary office space.		
21/03483/VAR	Removal of Condition 18 (Maximum finished height) of permission 17/01157/OUT granted on 25/11/2019 for: Outline Planning Application with all matters reserved for the erection of up to 10,220m2 of B1, B2 and B8 employment floor space.	Granted with S106 Agreement	31.05.22
22/00787/REM	Application for the Approval of Reserved Matters (in respect of layout, scale, appearance, access and landscaping) pursuant to application 21/03483/VAR removal of Condition 18 (Maximum finished height) of permission 17/01157/OUT granted on 25/11/2019 for: Outline Planning Application with all matters reserved for the erection of up to 10,220m2 of B1, B2 and B8 employment floor space relating to the development of part of the southern parcel of the site for two buildings to provide B8 floorspace.	Granted	23.12.22
22/02788/DAC	Application for approval of details as reserved by conditions 10 & 16C of approved application 17/01157/OUT	Granted	10.01.23
22/03376/DAC	Application for approval of details as reserved by Condition 10 (Surface Water Drainage) of approved application 21/00411/FUL.	Granted	15.02.23
23/00482/DAC	Application for approval of details as reserved by	Granted	09.05.23

	condition 4 of approved application 22/00787/REM		
23/00483/DAC	Application for approval of details as reserved by condition 6 of approved application 21/00411/FUL	Granted	09.05.23
23/00659/DAC	Application for approval of details as reserved by condition 10 of approved application 22/00787/REM	Granted	03.05.23

Report to: Planning Committee	
Planning Committee Date: 25th July 2023	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	23/01016/FUL
Description:	Change of use of land to open storage.
Location:	4 Crittall Drive, Braintree, Essex
Applicant:	Mr Michael Shorten, Braintree District Council, Causeway House, Bocking End, Braintree, Essex, CM7 9HB
Date Valid:	17th April 2023
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overtturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Sam Trafford For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2520, or by e-mail: sam.trafford@braintree.gov.uk

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	The application was subject to the statutory application fee paid by the applicant for the determination of the application.
Legal Implications:	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not; c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding. <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p>

	<p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> § Planning Application submission: <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 23/01016/FUL.</p> <ul style="list-style-type: none"> § Policy Documents: <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan 2013-2033 § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site consists of a vacant plot of land situated on Crittall Drive, within the Springwood Industrial Estate. The site is located within the designated settlement boundary of Braintree & Bocking, and on land allocated as an Employment Policy Area. A former industrial building has recently been demolished on the site, after being condemned. It is intended to redevelop the site in the following few years.
- 1.2 The application seeks full planning permission to change the use of the site from a B2 use to an open air storage B8 use, on a temporary 3 year basis. This would enable the site to carry on contributing to the local economy, whilst plans are drawn up for redevelopment.
- 1.3 The application accords with the policies set out in the Council's Adopted Local Plan, and the National Planning Policy Framework. The principle of development is accepted.
- 1.4 The application does not propose any physical forms of development to accommodate the open air storage use. Although the character and appearance of the site would be changed, it would not become out of keeping with the general street scene, which is industrial in its context. The site is relatively well obscured in views from Springwood Drive and the site would be used for open air storage on a temporary 3 year basis.
- 1.5 The proposal would not provide parking which exceeds the maximum permissible by the Adopted Parking Standards. Existing access arrangements would not be adversely affected by the proposed change of use.
- 1.6 There are no residential dwellings within sufficient proximity so as to be detrimentally affected by the proposed change of use. In any case, the proposed use would be a lower intensity use generally than the previous B2 industrial use. Neighbouring industrial units would not be inhibited by the proposed change of use.
- 1.7 Officers are satisfied that the application complies with the relevant policies, and there would be no adverse harms caused through the proposed change of use. It is recommended that the application is granted, subject to a condition restricting the length of the permission to 3 years from the date that planning permission is granted. On expiry of the 3 years, the site would need to be reinstated to its former state, which is as a vacant plot of land. This is to prevent uncontrolled materials being left on the site.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the Applicant is Braintree District Council.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site consists a plot of recently vacant land, situated along Crittall Drive on the Springwood Industrial Estate. The location is within the designated settlement boundary of Braintree and Bocking and is allocated as an Employment Policy Area. The size of the site is approximately 2,124sq.m.

5.2 The site is enclosed to both sides and to the rear by neighbouring industrial units. As a result, the site is not particularly prominent in the street scene, although it is visible in glimpsed views when travelling southward on Springwood Drive.

5.3 Until recently, a building existed on the site, owned by BDC but which had become vacant, and had been condemned. In 2022, prior notification was made to demolish the building and an application made to ascertain whether prior approval would be required (Application Reference 22/03086/PDEM). This application was determined as 'Prior Approval Required and Given' at Planning Committee on 20th December 2022.

6. PROPOSAL

6.1 Following the demolition of the former building on the site, the land has become disused and although it is understood enquiries are ongoing regarding the redevelopment of the site for a future employment use, at present the site is not contributing to the local economy despite its location within an Employment Policy Area.

6.2 The application seeks planning permission for a change of use, on a temporary basis, for 3 years, to accommodate a B8 'Open Storage' use.

6.3 An operator is currently lined up to occupy the site, should planning permission be forthcoming. This operator already operates from a site on Springwood Industrial Estate and would use the site to store materials in respect of their business. The site would not need to be staffed once it is

operated as an open air storage, however staff from the operators' main business building close by would frequent the site with forklift vehicles, and also vehicles would drop off and collect from the site as necessary. The site would not involve any form of retail element.

6.4 No physical development is proposed as part of the application.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 ECC Highways

7.1.1 ECC Highways states that, from a highways perspective, they have no comments to make on the proposals.

8. PARISH / TOWN COUNCIL

8.1 Parish/Town Council

8.1.1 N/A

9. REPRESENTATIONS

9.1 Neighbours were consulted by way of letter, and a site notice was displayed outside of the site for a period of 21 days. No representations have been received in connection with this application.

10. PRINCIPLE OF DEVELOPMENT

10.1 Paragraph 81 of the National Planning Policy Framework (NPPF) states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

10.2 The application site is located within the designated development boundary as set out in the Adopted Local Plan. The site is also within the Employment Policy Area as defined by the Adopted Local Plan.

10.3 Policy LPP3 of the Adopted Local Plan relates to applications where the site is situated within an Employment Policy Area. This policy states that within such areas, the following uses will be considered appropriate and will be permitted and retained:

- a. Office use, research and development, and industrial processes (other than industrial processes falling within Use Class B2) (Use Class E(g)).
- b. *General industrial (use class B2) and storage and distribution (use class B8).*
- c. *Repair of vehicles and vehicle parts.*

- d. *Waste management facilities as appropriate taking into account neighbouring uses.*
- e. *Services specifically provided for the benefit of businesses or workers based on the employment area.*

Changes from B2 or B8 to E (other than E(g) Offices, Research and Development, Light Industrial) will not be permitted.

- 10.4 The building that existed prior on the site was used for purposes related to plastic fabrication, before it became vacant. The existing use of the site falls within a B2 use.
- 10.5 B2 uses are protected by Policy LPP3 of the Adopted Local Plan, which states that proposals seeking to change the use of sites from a B2 use to another use will not be permitted, unless that use falls within those specified. The use of the site for purposes related to B8 is therefore considered to be acceptable in terms of principle.
- 10.6 Both the Adopted Local Plan and the NPPF are strongly supportive of encouraging a strong and competitive economy. The proposed change of use would allow the site to continue to make a contribution to the local economy, and to support local businesses, whilst plans for the future redevelopment of the site on a more permanent basis are prepared.
- 10.7 Officers are satisfied that the application is acceptable in terms of principle.

11. SITE ASSESSMENT

11.1 Design, Appearance and Impact upon the Character and Appearance of the Area

- 11.1.1 Paragraph 126 of the NPPF states that good design is a key aspect of sustainable development. Policy SP7 of the Adopted Local Plan states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.
- 11.1.2 Policy LPP52 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.
- 11.1.3 No physical alterations are proposed as part of the application. The application only seeks planning permission for a change of use. However, there can be material impacts to the character and appearance of the street scene and the Industrial Estate, by virtue of the proposal resulting in uncontrolled goods being stored on an open site.

- 11.1.4 The surroundings of the site are entirely industrial. On industrial estates it is usual for buildings to be designed to prioritise their function over form. The application site is readily visible in views from Crittall Drive, and in some glimpsed views from Springwood Drive.
- 11.1.5 There are areas used for open storage within the Industrial Estate, for example at the plot opposite to the site which is used in connection with Pace Fuelcare, and at Build Base on Tamdown Way, where there is a particularly large amount of open air storage of building materials.
- 11.1.6 The proposed use of the site therefore would not appear out of keeping with the rest of the Industrial Estate, and also it is relatively well obscured from views at Springwood Drive. It is further noted that the open air storage would take place for a temporary 3 year period.
- 11.1.7 Officers are satisfied that in respect of design and appearance, the application is acceptable.

11.2 Highway Considerations

- 11.2.1 The site is served by an existing vehicular access. The scale of the access is such that it has been designed to serve HGV's who would have previously accessed the site.
- 11.2.2 The Adopted Parking Standards sets out a maximum standard for parking in respect of a B8 use. This states that a maximum of 1 space for each 150sq.m of space shall be provided. The application site measures approximately 2124sq.m, and therefore a maximum of 14 spaces are permitted. The application form states that 5 spaces shall be retained at the site, which is less than the maximum permitted.
- 11.2.3 The application is considered acceptable in respect of highway considerations.

11.3 Impact upon Neighbouring Residential Amenity

- 11.3.1 The site is located within the Springwood Industrial Estate. The use of the site as open air storage is generally a less intensive use than the previous B2 industrial use. However, it would take place outside, and therefore there would be no shielding for noises emanating from the site.
- 11.3.2 There would be no residential dwellings within close proximity which could be affected by the proposed change of use.
- 11.3.3 The proposed operation of an open storage use at the site would not inhibit or detrimentally affect the use of the neighbouring industrial units.

11.4 Temporary Permission

- 11.4.1 It is recommended that, in the event that the application is approved, a condition is attached to the planning permission to require the B8 use to cease 3 years from the date on the planning permission. At this time, the use of the site will return to a B2 use, and the Applicants will have 6 weeks to return the site to its current state, i.e. a vacant plot of land.
- 11.4.2 The reason for this is to prevent the possibility of goods and/or waste, or other forms of uncontrolled materials, being left on the site for an indefinite amount of time. In order for the use as an open air storage to cease, all elements being stored will need to be removed. In any case, it is understood that the intention will be for the site to be redeveloped once the 3 years has expired.

12. CONCLUSION

- 12.1 Officers are satisfied that the application complies with the relevant policies, and there would be no adverse harms caused through the proposed change of use. It is recommended that the application is granted, subject to a condition restricting the length of the permission to 3 years from the date that planning permission is granted. On expiry of the 3 years, the site shall be reinstated to its former state, which is as a vacant plot of land. This is to prevent the uncontrolled storage of materials on the site.

13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Location Plan	N/A	N/A
Block Plan	N/A	N/A
Planning Statement	N/A	N/A

Condition(s) & Reason(s)

Condition 1

This permission shall expire on 28 July 2026 and on, or by, that date the use of the site for the purposes hereby permitted within this permission shall be discontinued. Within 6 weeks of the discontinuance of the use of the site for these purposes, the site shall be fully restored to its condition as at the 05 May 2023.

Reason: This permission for a limited period is granted only in the light of circumstances appertaining in this case.

Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plan(s) / document(s) listed above.

Reason: For the avoidance of doubt and in the interests of proper planning.

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP5	Employment
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
22/03086/PDEM	Application for prior notification of proposed demolition - Demolition of disused industrial building.	Prior Approval Required and Given	23.12.22

Report to: Planning Committee	
Planning Committee Date: 25th July 2023	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	01/2023/TPO
Description:	To consider an Objection to Tree Preservation Order 01/2023
Location:	Land Adjacent to Meadow Croft, Station Road, Earls Colne
Landowner:	Earls Colne Golf Course, Station Road, Earls Colne, Colchester
Date Served:	2nd February 2023
Recommendation:	It is RECOMMENDED that the following decision be made: § To confirm the provisional Tree Preservation Order (TPO) in the interests of amenity.
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	A summary of the Appendices is included at the end of this Committee Report.
Case Officer:	Ana Patriarca For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2586, or by e-mail: ana.patriarca@braintree.gov.uk

Purpose of the Report:	This report considers objection(s) to the making of a Tree Preservation Order (TPO).
Financial Implications:	The cost of making the Tree Preservation Order (TPO) has been met from existing budgets.
Legal Implications:	<p>The Council is required to follow the legislative framework in place for making a Tree Preservation Order (TPO). The proposals set out within this report are in line with that legislative framework.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>If the Recommendation to confirm the provisional Tree Preservation Order (TPO) is agreed by the Planning Committee, the TPO will be subsequently confirmed by the Local Planning Authority (LPA).</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	<p><u>Consultation</u> The Provisional TPO has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.</p> <p><u>Climate Change</u> If the Order is not confirmed there is a risk that the visual amenity of the area will be diminished, and the tree(s) contribution of carbon sequestration will be lost.</p> <p><u>Risk</u> Compensation rights could arise if the Council subsequently refuses an application for tree work and the tree or part of it then fails or causes damage.</p>
Equality and Diversity Implications	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ol style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people

	<p>who share a protected characteristic and those who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> § Copy of Tree Preservation Order (TPO), including Site Location Plan § Copy of TEMPO Assessment § Extract of Tree Survey schedule and map § Photos § Representations Received <p>(See Appendix for copies of the above)</p> <ul style="list-style-type: none"> § Part VIII of the Town and Country Planning Act 1990 (as amended) § The Town and Country Planning (Tree Preservation) (England) Regulations 2012 § Section 192 of the Planning Act 2008 § Part 6 of the Localism Act 2011 <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § National Planning Policy Guidance (NPPG) § Braintree District Local Plan 2013 - 2033 § Braintree District Council Tree Strategy <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. Purpose of the Report

1.1 This report considers the objections raised by Mrs Jennifer Smith to the making of Tree Preservation Order 01/2023.

2. Recommendations

2.1 That Tree Preservation Order No. 01/2023 at Land Adjacent to Meadow Croft, Station Road, Earls Colne is confirmed, to ensure that the visual amenity is retained by securing protection of this group of trees.

3. Background

3.1 An application for a Hedgerow Removal Notice (22/03323/HDG) informing the Council of the intent to remove and replace a hedgerow and the trees growing along the hedgerow was submitted by Mrs Jennifer Smith and deemed valid on 24th January 2023.

3.2 A Report on Tree and Hedgerow Removal and Replacement was submitted in the context of the abovementioned application. This report included an assessment of the existing trees which recognised these four trees as Cat B1 trees (Appendix 3) according to BS 5837:2012 "Trees in relation to design, demolition and construction – Recommendations". Category B refers to trees that may be somewhat smaller or moderate quality or value, capable of making a significant contribution to the area for 20 or more years and Subcategory 1 respects to arboricultural qualities.

3.3 This report prompted a site visit by Ana Patriarca, the Tree and Landscape Officer for Landscape Services. The trees were viewed from Station Road. A TEMPO assessment was carried out (Appendix 2) and the scores corroborated the trees were worthy of a Tree Preservation Order. It was considered these trees contributed significantly to the local landscape and that their felling was unwarranted and unacceptable.

3.4 A provisional Tree Preservation Order (TPO) was subsequently served on 2nd February 2023 (Appendix 1). A copy of the provisional Order was sent to Colne Valley Golf Club, Station Road, Earls Colne, and neighbouring properties.

3.5 An undetermined number of days later, Mrs Jennifer Smith made contact to discuss the Hedgerow Removal Notice and the phone call involved discussion around the TPO, details of the original application and the resulting report from Place Services, as well as the process that would follow should the need for Committee referral arise.

3.6 The result of the call was an e-mail objecting to the Tree Preservation Order which was received on 1st March 2023 (Appendix 4). Due to the unresolved nature of the objection, this matter must be reported to the Planning Committee for determination.

4. Representations

- 4.1 After the provisional TPO was served, objections were received from Mrs Jennifer Smith, raising the following issues.
- 4.2 Mrs Smith states she intended to widen the footpath along Station Road “once the hedge had been removed and re-instated, for the benefit of those walking from the new houses near De Vere Road and pedestrians making their way to and from Colne Engaine”.
- 4.3 Mrs Smith considers that the Tree Preservation Order served on this group of trees makes this widening impossible to accomplish.
- 4.4 Mrs Smith states she intended to replace the trees. In addition, she states they planted the trees in question approximately 20 years ago and claims their aim is always to enhance the area.

5. Assessment

- 5.1 This group of four trees (composed by three Oaks and one Field Maple) are in good overall health and provides high amenity value to the area. The trees are growing behind the hedgerow along Station Road and are very visible from the highway and surrounding residential properties (Appendix 5)
- 5.2 The four trees are located immediately outside the Conservation Area boundary. Their removal along with the hedgerow would have a negative impact on the character of the lane and create a different aspect for the residents of De Vere Road and the perception of the edge of settlement.
- 5.3 The existing footpath along the north side of Station Road is wide enough to accommodate two walkers (as shown on photos on Appendix 5). There is also a 2m wide footpath running along the opposite south side of Station Road which serves the new development.
- 5.4 The trees are growing behind the hedge proposed for removal. The Oak nearest to the road is T4, located approximately 1.5m from the edge of the road. The remaining trees within the protected group are more than 2m away from the edge of the road. If Mrs Smith wishes to improve to the footpath along Station Road this could still be achieved without the felling of this group of trees, provided that an adequate method statement taking the Root Protection Areas (RPA) into account is submitted and followed.
- 5.5 The Tree Survey submitted by Mrs Smith within the context of the Hedgerow Removal Notice shows each individual tree within this protected group as Cat B1 which concurs with our assessment of their arboricultural value; as such they are considered to be worthy of protection.

6. Conclusion

6.1 While the objections received are noted, in this case and following further assessment, it is concluded that the trees are worthy of protection.

7. Options

7.1 The options are:

- 1) To confirm the provisional Tree Preservation Order in the interests of amenity.
- 2) Not to confirm the provisional Tree Preservation Order and allow the owner(s) to prune/fell the tree(s) as they see fit.

8. RECOMMENDATION

8.1 It is RECOMMENDED that the following decision be made:

To confirm the provisional Tree Preservation Order in the interests of amenity.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX:

Contents:

- Appendix 1: Copy of 01/2023/TPO
- Appendix 2: Copy of TEMPO assessments
- Appendix 3: Extract of Tree Survey schedule and map
- Appendix 4: Representations Received
- Appendix 5: Photos

APPENDIX 1:

Copy of 01/2023/TPO

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

**Town and Country Planning Act 1990
TPO 01/2023/TPO**

The Braintree District Council, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 make the following Order:- Land Adjacent to Meadow Croft, Earls Colne Golf Course, Station Road, Earls Colne

Citation

1. This Order may be cited as TPO 01/2023/TPO

Interpretation

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

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsections (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

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

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provisions for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 02 day of February 2023

"The Common Seal of BRAINTREE DISTRICT COUNCIL was hereunto affixed in the presence of:

Authorised Signatory



SCHEDULE

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

REF. ON MAP	DESCRIPTION	SITUATION
T1	Oak	Along the boundary of the field, to the north of Station Road
T2	Oak	Along the boundary of the field, to the north of Station Road
T3	Field Maple	Along the boundary of the field, to the north of Station Road
T4	Oak	Along the boundary of the field, to the north of Station Road

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

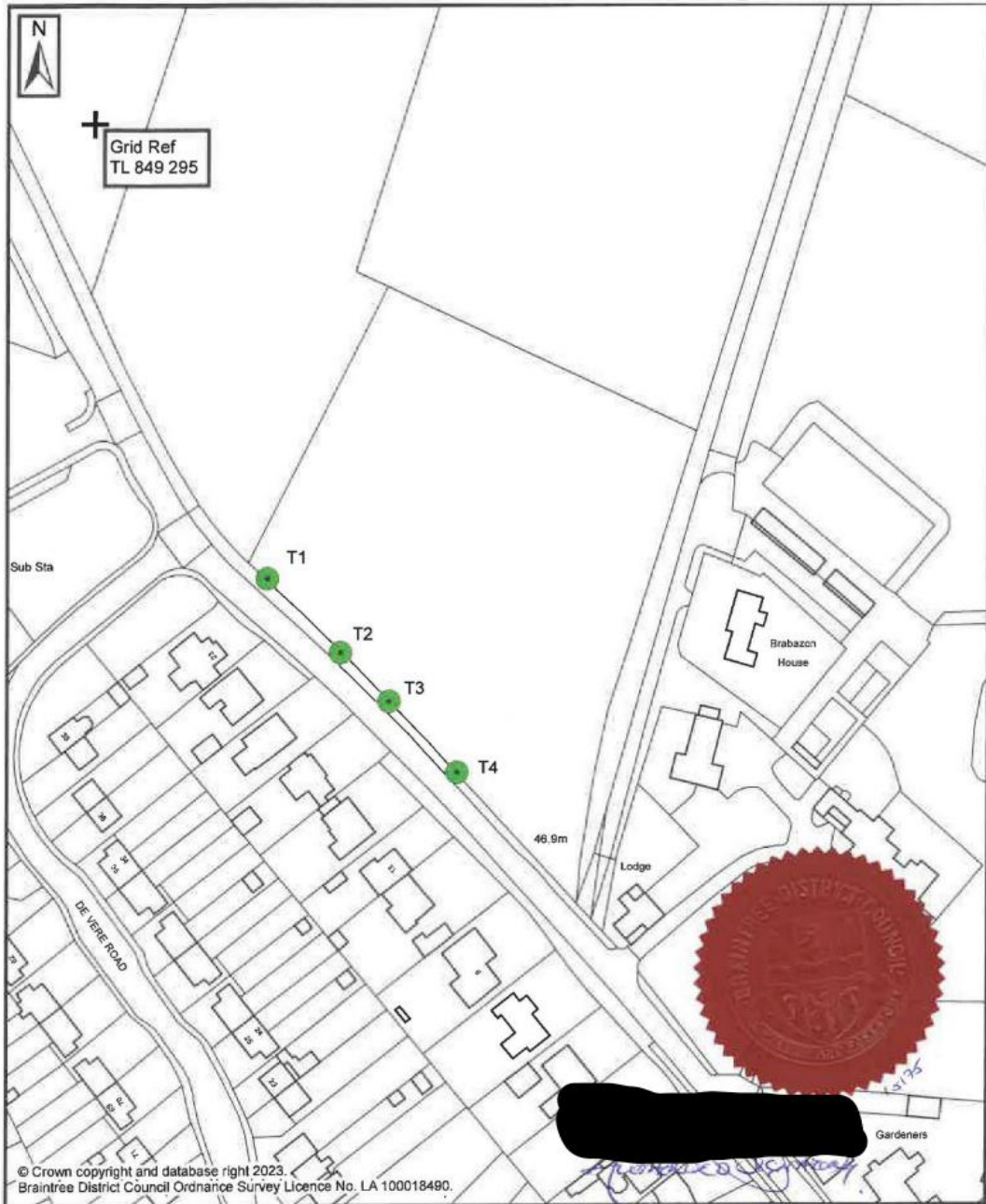
REF. ON MAP	DESCRIPTION	SITUATION
	NONE	

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

REF. ON MAP	DESCRIPTION	SITUATION
	NONE	

Woodlands
(within a continuous black line on the map)

REF. ON MAP	DESCRIPTION	SITUATION
	NONE	



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Planning Department

Date: JANUARY 2023

Ref: 116-4-959

Drawn: DF

Scale: 1:1250
 TL 8429

TREE PRESERVATION ORDER 01/2023

LAND ADJACENT TO MEADOWCROFT
 EARLS COLNE GOLF COURSE
 STATION ROAD
 EARLS COLNE



APPENDIX 2:

Copy of TEMPO assessments:

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 31.01.23 Surveyor: Ana Patrinoce

Tree details
 TPO Ref (if applicable): T1 Tree/Group No: _____ Species: Oak
 Owner (if known): _____ Location: Along Station Rd. Earls Colne
G. father's field Developments Ltd

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
 - 3) Fair/satisfactory Suitable
 - 1) Poor Unlikely to be suitable
 - 0) Dead/dying/dangerous* Unsuitable
- * Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes
5 - good shape and condition

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

- 5) 100+ Highly suitable
 - 4) 40-100 Very suitable
 - 2) 20-40 Suitable
 - 1) 10-20 Just suitable
 - 0) <10* Unsuitable
- * Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes
5 - oak (+100)

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes
4 - highly visible as located along the road

d) Other factors

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

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes
4 - part of a prominent group and visual reference to the village approach.
(good amenity value and contribution to the sense of arrival to CC)

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
2 - Hedgerow removal request received

Part 3: Decision guide

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

Add Scores for Total:
20

Decision:
TPO worthy

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 21.03.23 Surveyor: Ana Patricia

Tree details
 TPO Ref (if applicable): T2 Tree/Group No: _____ Species: Oak
 Owner (if known): Source Location: Station Rd Earls Cote

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes

5 - good condition

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

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

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

Score & Notes

5 - Oak (+100)

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

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes

4 - highly visible as located along the road
Good amenity value and contribution to street appeal to EC

d) Other factors

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

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes

4 - part of a prominent group and visual reference to the village approach.

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

2 - Hedge row removal request received

Part 3: Decision guide

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

Add Scores for Total:

120

Decision:

TPO worthy

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 21.01.23	Surveyor: Ana Patrícia
Tree details	
TPO Ref (if applicable): +3	Tree/Group No: Species: Field Maple
Owner (if known): same	Location: Station Road Farto Cotine

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

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

Score & Notes

5 - good condition

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

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

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

Score & Notes

4 - field Maple (without the other trees shading it, growth conditions will improve)

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes

4 Highly visible as located along the road. Good amenity value and landscape contribution

d) Other factors

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

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes

4 - part of prominent group and visual reference to the village approach.

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

2 - Hedgehog removal request received

Part 3: Decision guide

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

Add Scores for Total:

19

Decision:

TPO worthy

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 21.01.23	Surveyor: Ana Patrícia
Tree details	
TPO Ref (if applicable):	Tree/Group No:
Owner (if known): T4	Species: Oak
same.	Location: Station Road Earls Cote

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |
- * Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes
5 - good condition, crown slightly sparse, maybe thirsty

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

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |
- * Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes
4 - oak (given the above)

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes
4 Highly visible. Good amenity and landscape contribution to village sense of arrival.

d) Other factors

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

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

Score & Notes
4 Part A prominent group and visual reference for the village approach.

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|--|
| 5) Immediate threat to tree inc. s.211 Notice | |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Score & Notes
2 - Hedgerow removal request received

Part 3: Decision guide

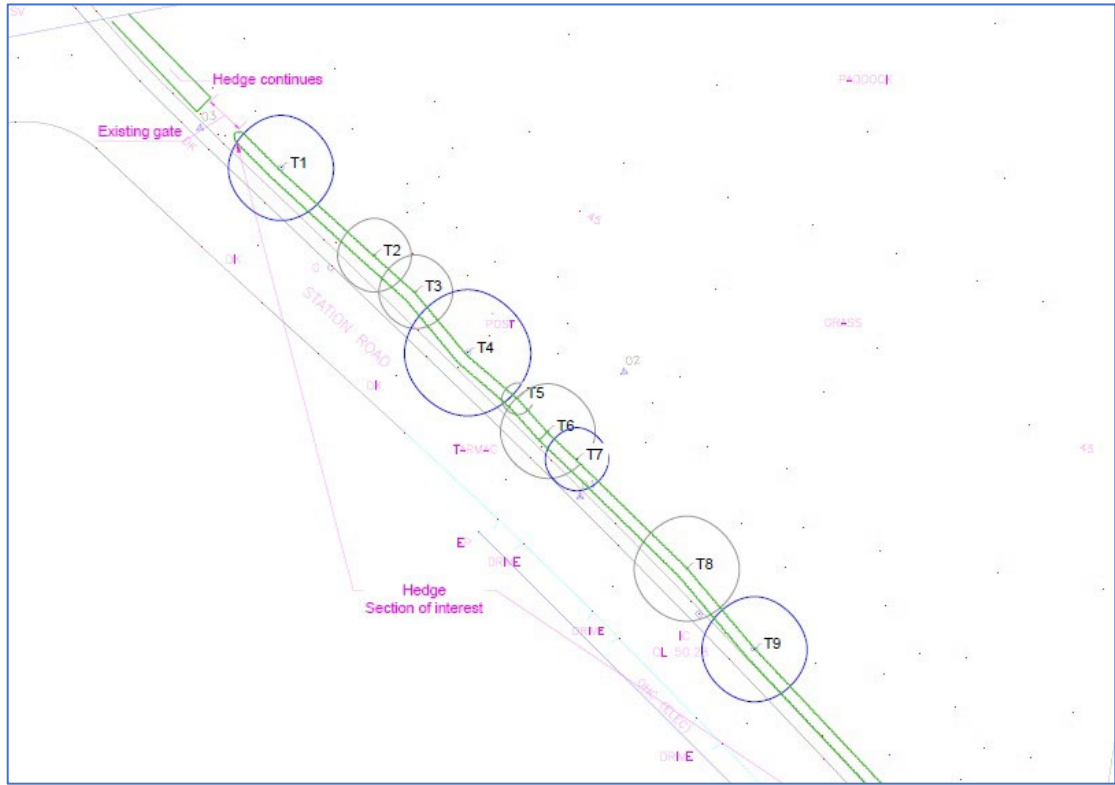
- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:
19

Decision:
TPO Worthy

APPENDIX 3:

Extract of Tree Survey schedule and map submitted in support of application 22/03323/HDG



The Cherries, Ashen Road,
Clare, Suffolk, CO10 8LG
T: 01787277912
E: roger@skilledecology.co.uk
W: www.skilledecology.co.uk

**Tree Survey at
Colne Valley Golf Course**



Tree No.	Species	Stem Diam @ 1.5m (mm)	Height (m)	Crown Spread				Age Range	Physiological Condition	First main branch	Crown Clearance	Comments	Recommendations	Remaining contribution (Yrs)	Amenity	RPA Radius	RPA Area
				N	S	E	W										
T1	English oak	530 x1	12	5	5	5	5	EM	G			Good crown condition.		40+	B1	6.4	127
T2	Field maple	290 x1	8.5	3.5	3.5	3.5	3.5	EM	F			Sparse, chlorotic crown. Bark loss around buttress flare.		20+	C1	3.5	38
T3	Field maple	330 x1	9	3.5	3.5	3.5	3.5	EM	F			Sparse, chlorotic crown		10+	C1	4	49.3
T4	English oak	540 x1	12	6	6	6	6	EM	F			Slight impoverishment. Epicormic development.		40+	B1	6.5	132
T5	Hawthorn	110 x1	4.5	1.5	1.5	1.5	1.5	EM	F			Sparse crown. Twig die-back	Fell and replace as part of Landscape Scheme	10+	C1	1.3	5.5
T6	English oak	320 x1	10.5	4.5	4.5	4.5	4.5	EM	F			Buttress wound on E side. Occasional wounds to stem and branches. Sparse crown.	Fell and replace as part of Landscape Scheme	20+	C1	3.8	46.3
T7	Field maple	270 x1	9.5	3	3	3	3	EM	F			Slightly sparse crown. Removal of T6 would favour growth of T7	Fell and replace as part of Landscape Scheme	40+	B1	3.2	33
T8	English oak	380 x1	9.5	5	5	5	5	EM	F			Large area of bark absent on N buttress. Large wound on SE from 0 to 500mm, 300mm wide. Sparse crown. Scattered die-back.	Fell and replace as part of Landscape Scheme	20+	C1	4.6	65.3
T9	English oak	400 x1 320 x1	11.5	5	5	5	5	EM	G			Sparse crown epicormic development. Large wound at base.	Fell and replace as part of Landscape Scheme	40+	B1	6.1	119

APPENDIX 4:

Representations Received

Sent: 01 March 2023 14:07

To: Patriarca, Ana <ana.patriarca@braintree.gov.uk>

Subject: RE: TPO 01/2023 - Land Adjacent to Meadow Croft, Earls Colne, Essex.



Dear Ana

Thank you for speaking with me last week. We are disappointed that you are wanting to attach TPOs to the trees in your response. Our long term view was that the footpath could have been widened once the hedge had been reinstated for the benefit of those walking from the New houses near Devere Road and pedestrians making their way to and from Colne Engaine. We would of course have replaced the trees plus others as is our normal method. We planted the trees in question approximately 20 years ago when we first became the land owners together with more than 100 across our land. Our aim is always to enhance the area. With this in mind we appeal your decision.

Kind regard

Jennifer Smith

APPENDIX 5:

Photos taken 12/07/2023



Oak T1



Oak T2



Field maple T3



Oak T4



Aspect of Station Road facing west. The entrance to Meadow Croft sits on the right and the arrow is pointing to Oak T4.



Aspect of Station Road facing east as you approach the boundary of Earls Colne Conservation Area. The entrance to De Vere Road is on the right and the first tree on the left is Oak T1.



Aspect of Station Road facing east towards Earls Colne, with two walkers walking along the north footpath, adjacent to the protect trees.



Aspect of Station Road facing east towards Earls Colne, with two walkers walking along the north footpath and the protected trees along boundary.

Report to: Planning Committee	
Planning Committee Date: 25th July 2023	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Reference No:	02/2023/TPO
Description:	To consider an Objection to Tree Preservation Order 02/2023
Location:	Land East of Bournebridge Hill, Greenstead Green, Essex
Landowners:	<ul style="list-style-type: none"> - BELLWAY HOMES LIMITED, Woolsington House, International Drive, Woolsington, Newcastle Upon Tyne NE13 8BF (owning Land on the North side of Oak Road, Halstead); - SIMON HENRY COOKE, Deers, Deers Green, Clavering, Saffron Walden CB11 4PX; - JONATHAN SIMON COOKE, Stocking Green Farm, Stocking Green, Radwinter, Saffron Walden CB10 2SS ADAM NICHOLAS COOKE, 10 Tanza Road, London NW3 2UB; - SWITHIN ANTHONY WATERER, Mill Hill Cottage, Chapel Hill, Belchamp Walter, Sudbury CO10 7AZ; and - JULIAN GEOFFREY WATERER, PO Box 3007, St. John's, Antigua & Barbuda, West Indies.
Date Served:	23rd February 2023
Recommendation:	<p>It is RECOMMENDED that the following decision be made:</p> <p>§ To confirm the provisional Tree Preservation Order (TPO) in the interests of amenity.</p>
Options:	<p>The Planning Committee can:</p> <ul style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	A summary of the Appendices is included at the end of this Committee Report.
Case Officer:	<p>Ana Patriarca</p> <p>For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2586, or by e-mail: ana.patriarca@braintree.gov.uk</p>

Purpose of the Report:	This report considers objection(s) to the making of a Tree Preservation Order (TPO).
Financial Implications:	The cost of making the Tree Preservation Order (TPO) has been met from existing budgets.
Legal Implications:	<p>The Council is required to follow the legislative framework in place for making a Tree Preservation Order (TPO). The proposals set out within this report are in line with that legislative framework.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>If the Recommendation to confirm the provisional Tree Preservation Order (TPO) is agreed by the Planning Committee, the TPO will be subsequently confirmed by the Local Planning Authority (LPA).</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	<p><u>Consultation</u> The Provisional TPO has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.</p> <p><u>Climate Change</u> If the Order is not confirmed there is a risk that the visual amenity of the area will be diminished, and the tree(s) contribution of carbon sequestration will be lost.</p> <p><u>Risk</u> Compensation rights could arise if the Council subsequently refuses an application for tree work and the tree or part of it then fails or causes damage.</p>
Equality and Diversity Implications	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people

	<p>who share a protected characteristic and those who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> § Copy of Tree Preservation Order (TPO including site location plan) § Copy of TEMPO Assessment § Representations Received § Photos <p>(See Appendix for copies of the above)</p> <ul style="list-style-type: none"> § Part VIII of the Town and Country Planning Act 1990 (as amended) § The Town and Country Planning (Tree Preservation) (England) Regulations 2012 § Section 192 of the Planning Act 2008 § Part 6 of the Localism Act 2011 <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § National Planning Policy Guidance (NPPG) § Braintree District Local Plan 2013 - 2033 § Braintree District Council Tree Strategy <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council’s website: www.braintree.gov.uk.</p>

1. Purpose of the Report

1.1 This report considers the objections raised by Mr Simon Edwards to the making of Tree Preservation Order 02/2023.

2. Recommendations

2.1 That Tree Preservation Order No. 02/2023 at Land East of Bournebridge Hill, Greenstead Green, Essex is confirmed, to ensure that the visual amenity is retained by securing protection of this group of trees.

3. Background

3.1 An application for an Outline Application for up to 200 residential dwellings was submitted by Gladman Developments on 14th March 2019 and validated on the same day (Application Reference 19/00493/OUT).

3.2 This application prompted a site visit by Ana Patriarca and David Watson, Tree Officers for Landscape Services (David Watson has since then left the Council's employment). The trees were viewed from the A131, Oak Road, adjacent lanes, from along Bourne Brook, and from within the fields. A TEMPO assessment was carried out (Appendix 2) and the scores corroborated the trees were worthy of a Tree Preservation Order. It was considered these trees had high amenity value and contributed significantly to local landscape and should be retained.

3.3 A provisional Tree Preservation Order (13/2019/TPO) was subsequently served on 10th June 2019 and lapsed on the 10th December 2019.

3.4 This provisional Tree Preservation Order has now been re-served under the reference number 02/2023. A copy of the provisional order was sent to the owners (now Bellway, Simon Cooke, Jonathan Cooke, Adam Cooke, Swithin Waterer, Julian Waterer) and neighbours. A letter of objection was received on 17th March 2023 from Mr Simon Edwards of Bourne Farm (Appendix 4)

3.5 Due to the unresolved nature of the objection, this matter must be reported to the Planning Committee for determination.

4. Representations

4.1 After the provisional TPO was served, objections were received from Mr Simon Edwards of Bourne Farm, raising the following issues.

4.2 Despite being broadly in support of the contents of the order, Mr Edwards objects to the inclusion of a portion of the garden of Bourne Farm House within the southern western boundary of the woodland area W1 of the this Tree Preservation Order.

- 4.3 Mr Edwards considers the area to be of little amenity value and no historical value as it is occupied by young self-seeded Silver Birch, Hornbeam and Beech trees.
- 4.4 In addition Mr Edwards states these trees are not part of W1 which is delineated along its entirety length by a ditch separating both from the field to the north (object of a granted planning permission) and the garden of the residential property.
- 4.5 Mr Edwards requests the redrawing of the boundaries of W1 so that it only encloses the area that borders the road and footpath (as show on his plan Appendix) as he feels it would be unreasonable and unnecessary to apply these regulations to the area in question.

5. Assessment

- 5.1 This Tree Preservation Order includes 24 individual trees (23 Oaks and one Field Maple) which had already been covered by the lapsed Tree Preservation Order 13/2019 and which received no objections to. All 24 trees are mature and prominent specimens located along the boundaries of the agricultural fields and they are very visible from the A131, Oak Road, adjacent lanes, from along Bourne Brook, and from adjacent fields and neighbouring properties (Appendix 1).
- 5.2 This Tree Preservation Order also includes an area marked as Woodland W1 which is the focus of Mr Edwards' objection.
- 5.3 The woodland W1 has intrinsic historical value. The area is depicted as a stretch of woodland bordering a track (now known as PRoW 88-19) in several old maps going back to the 1800's (Appendix 3).
- 5.4 The woodland W1 area includes a mixture of trees of various ages and species, and it is crossed by PRoW 88_19. The woodland area W1 includes trees that span from mature Oaks to younger Hornbeam, Beech, Silver Birch and Maple trees and saplings. The mature Oaks are predominantly located along the edge of the track whereas the smaller trees populate the understory along the track and the junction areas near Primrose Cottage and Bourne Farm. The mixed nature of the group adds diversity, texture, and screening to the buffer zone between the PRoW and the agricultural land, soon to be developed (Appendix 5).
- 5.5 The trees located along the PRoW can be viewed from the A131, Oak Road, adjacent lanes and fields. Their immediate amenity value is evident to all the PRoW users and woodland W1 future amenity potential increases with the growing pressure from users moving into adjacent new developments.
- 5.6 Following the grant of planning permission at appeal of Application Reference 19/00493/OUT and the prospective creation of a link road which will cross PRoW 88_19 there is an effective high risk of these trees being

felled, pruned, or damaged in ways which would have a significant impact on the amenity.

- 5.7 The independent landscape consultants (Wynne-Williams Associates) who prepared the Report on Landscape Impact of the Proposed Residential Development on Land Off Bournebridge Hill on behalf of Braintree District Council in the context of Application Reference 19/00493/OUT mentions the potential reduction of recreational value, perceptual tranquillity, and countryside views which the permitted development is expected to have in relation to PRow 88_19. The same document recommends that denser buffer planting along the eastern site boundary would need to be provided to mitigate the visual effects on receptors using the track.
- 5.8 Although Bourne Farm is not part of the abovementioned application, the woodland area Mr Edwards is objecting to is adjacent to PRow 88_19. When making this Tree Preservation Order, careful consideration was given to determining the boundaries of woodland area W1. The Order incorporates allowances for growth, maintenance, and regeneration to ensure that all the trees within the designated area are preserved. This not only includes existing trees at the time the Order was made, but also encompasses any new trees that are planted or naturally grow within the area. This is crucial for preserving the overall integrity and amenity value of the woodland and it guarantees that all trees will continue to positively contribute to the sense of place, biodiversity, and local character.
- 5.9 The designation of a Tree Preservation Order does not exclude maintenance works to the trees with prior consent. Although it is understood that this Order adds an extra layer of work to the regular maintenance of the trees within of Bourne Farm's garden, it is considered that the public benefit of protecting these trees outweighs the inconvenience. The potential loss of the whole woodland, or parts of it, would have an irreparable impact on the local amenity value and public enjoyment of the area.

6. Conclusion

- 6.1 While the objections received are noted, in this case and following further assessment, it is concluded that the trees are worthy of protection.

7. Options

- 7.1 The options are:

- 1) To confirm the provisional Tree Preservation Order in the interests of amenity.
- 2) Not to confirm the provisional Tree Preservation Order and allow the owner(s) to prune/fell the tree(s) as they see fit.

8. RECOMMENDATION

8.1 It is RECOMMENDED that the following decision be made:

To confirm the provisional Tree Preservation Order in the interests of amenity.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX:

CONTENTS:

- Appendix 1: Copy of 02/2023/TPO
- Appendix 2: Copy of TEMPO assessment for the woodland area W1
- Appendix 3: Two extracts of maps showing PRow 88_19 (1896 and 1924)
- Appendix 4: Representations Received
- Appendix 5: Photos
- Appendix 6: Copy of TEMPO assessment of full 02/2023/TPO

APPENDIX 1:

Copy of 02/2023/TPO

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

**Town and Country Planning Act 1990
TPO 02/2023/TPO**

The Braintree District Council, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 make the following Order:- Land East of Bournebridge Hill, Greenstead Green, Essex

Citation

1. This Order may be cited as TPO 02/2023/TPO

Interpretation

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

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsections (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

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

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provisions for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 23rd day of February 2023

"The Common Seal of BRAINTREE DISTRICT COUNCIL was hereunto affixed in the presence of:

[Redacted signature]

Authorised Signatory



SCHEDULE
SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

REF. ON MAP	DESCRIPTION	SITUATION
T1	Oak	Bourne farm boundary, overhanging track to west
T2	Oak	Bourne farm boundary, overhanging track to west
T3	Oak	Bourne farm boundary, overhanging track to west
T4	Oak	Bourne farm boundary, overhanging track to west
T5	Oak	Boundary west of Bourne farm
T6	Oak	Boundary west of Bourne farm
T7	Oak	Field to East of Bournebridge Hill (A131)
T8	Oak	Field to East of Bournebridge Hill (A131)
T9	Oak	Along boundary of woodland to west of Bourne farm
T10	Oak	Along boundary of woodland to west of Bourne farm
T11	Oak	Along boundary of woodland to west of Bourne farm
T12	Oak	Along boundary of woodland to west of Bourne farm
T13	Oak	Along south boundary of the property on Bourne Brook bank
T14	Field Maple	Along south boundary of the property on Bourne Brook bank
T15	Oak	Along hedge row between two fields, east of Bournebridge Hill (A131)
T16	Oak	Along hedge row between two fields, east of Bournebridge Hill (A131)
T17	Oak	Along hedge row between two fields, east of Bournebridge Hill (A131)
T18	Oak	Along hedge row between two fields, east of Bournebridge Hill (A131)
T19	Oak	Along south boundary of the property on Bourne Brook bank

T20	Oak	Along south boundary of the property on Bourne Brook bank
T21	Oak	Along hedgerow on the field located between Conies Road and Oak Road, Halstead
T22	Oak	North boundary of field between Conies Rd and Oak Rd, Halstead (near garages)
T23	Oak	North boundary of field between Conies Rd and Oak Rd, Halstead (near garages)
T24	Oak	North boundary of field between Conies Rd and Oak Rd, Halstead (near garages)

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

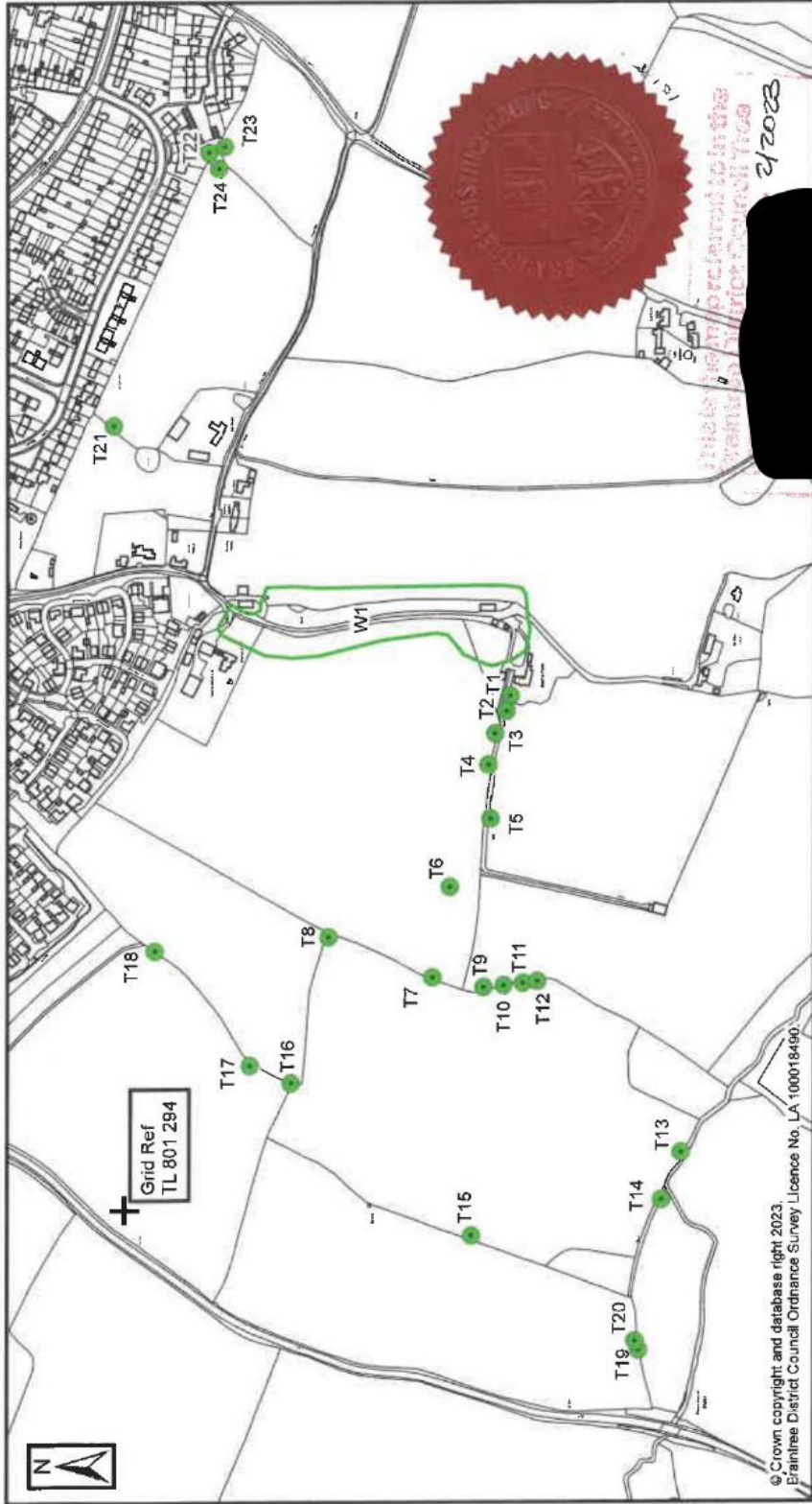
REF. ON MAP	DESCRIPTION	SITUATION
	NONE	

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

REF. ON MAP	DESCRIPTION	SITUATION
	NONE	

Woodlands
(within a continuous black line on the map)

REF. ON MAP	DESCRIPTION	SITUATION
W1	Mixture	Along PRoW of Oak Road
		NONE



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Braintree District Council Ordnance Survey Licence No. LA 100018490.

Planning Department

Date:	FEBRUARY 2023
Ref:	115-4-957
Drawn:	DF
Scale:	1:5000 TL 8029

TREE PRESERVATION ORDER 02/2023
LAND EAST OF BOURNEBRIDGE HILL
HALSTEAD



2/2023
This site plan is referred to in the
Planning Department Council File

APPENDIX 2:

Copy of TEMPO assessment for the woodland area W1.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PATRICK + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: W1 Species: OAK + HORSE BEAM
 Owner (if known): Location: Along PLOW off Oak Road

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 5 Mixed woodland including boundary oaks on West side of PLOW

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

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

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

Score & Notes
 5 Woodland composed of a majority of oak trees.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 4 Visible from PLOW and neighbouring properties.

d) Other factors

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

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

Score & Notes
 4 Relevant for PLOW landscape character.

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 1

Part 3: Decision guide

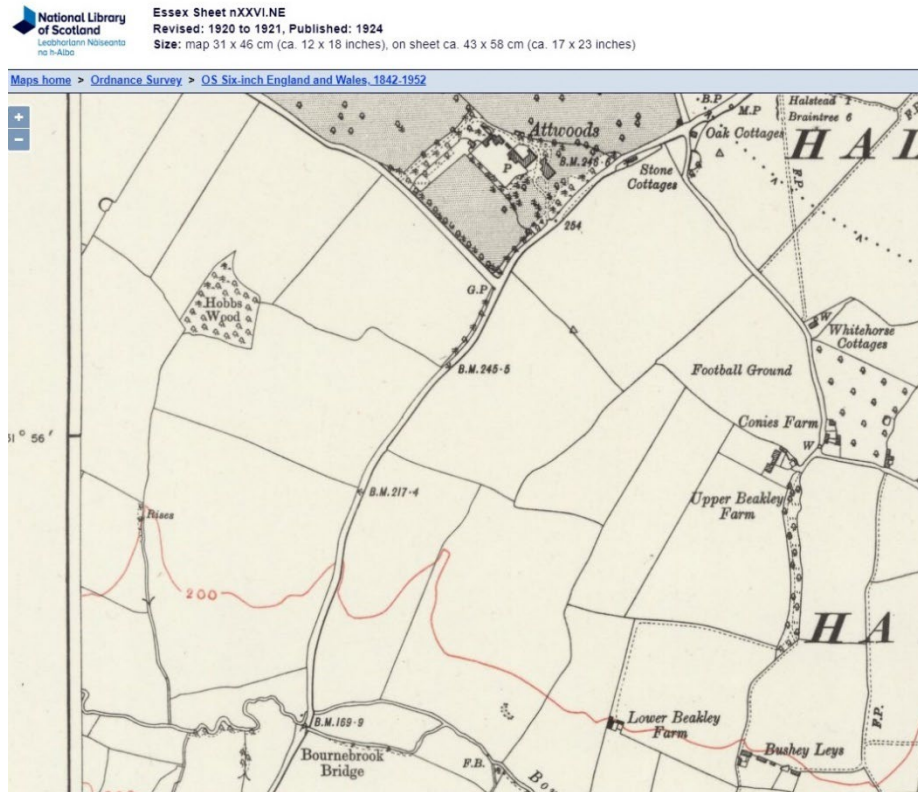
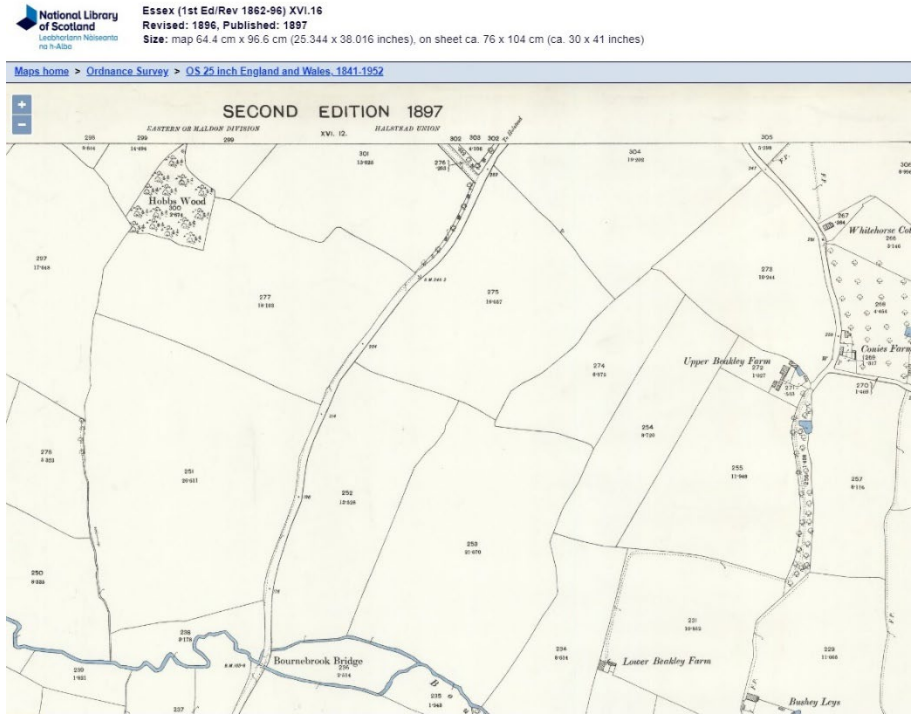
- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
 19

Decision:
 TPO worthy

APPENDIX 3:

Two extracts of maps showing PRoW 88_19 (1896 and 1924)



APPENDIX 4:

Representations Received

17 MAR 2023

Planning Development Manager
Sustainable Development
Braintree District Council
Causeway House
Braintree
Essex
CM7 9HB

[REDACTED]
Oak Road
Halstead
Essex
[REDACTED]

2nd March 2023

Dear Sir,

Tree Preservation Order No. 02/2023/TPO

Thank you for your letter dated 23rd February 2023 regarding this Tree Preservation Order.

I am broadly in support of the contents of the order but would like to object to the inclusion of a portion of the garden of Bourne Farm House within the south western boundary of the woodland area W1 as marked on your plan.

The area that you have included is part of the garden of the property and whilst there is a small area of self-seeded *Betula pendula*, *Carpinus betulus* and *Fagus sylvatica* in that area these are young plants and are of little amenity value and certainly no historical value. These are clearly not part of W1 which is delineated along its entire length by a ditch separating it both from the field to the north (which has recently obtained planning permission and is nothing to do with Bourne Farm) and the garden of the residential property.

Attached to this letter is a plan showing the area referred to, along with a series of photographs which clearly shows this to be the case.

I respectfully request that you redraw the boundaries of the woodland W1 so that it only encloses the area that borders the road and footpath as shown in the other plan enclosed, as I feel it would unreasonable and unnecessary to apply these regulations to the area in question.

I look forward to your comments in this regard.

Yours sincerely,

[REDACTED]
Simon Edwards
[REDACTED]

Plan showing Northern Section of Bourne Farmhouse Garden and locations of attached photographs

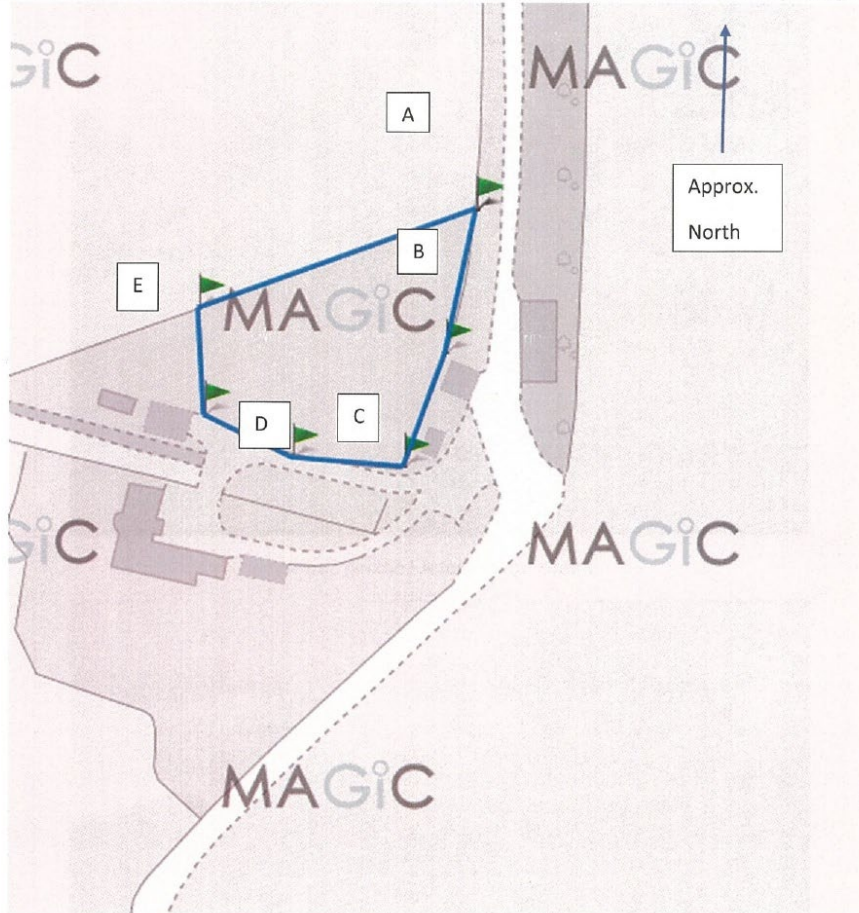




Photo from Point A Looking South



Photo from point A looking West



Photo from Point B looking South



Photo from Point B looking West



Photo from Point C Looking North



Photo from Point D Looking North



Photo from Point E Looking East

Plan Showing actual boundary of woodland bordering Bourne Farm Driveway



APPENDIX 5:

Photos taken 12/07/2023



North entrance of PRow
88_19 and north boundary of
woodland W1



Aspect of PRow heading south (35m into the PRow).



100m into the PRow heading south and aspect of the woodland looking east (below)





150m into the PRow 88_19 heading south.



Aspect of the mix of trees present within woodland W1.



Aspect of woodland edge arriving at Bourne Farm facing south. The entrance to Bourne Farm House is behind the metal container structure on the right.



Aspect of woodland edge arriving at Bourne Farm facing west. The area subject to objection is behind the metal container. The area of self-seeded Birch, Beech and Hornbeam the landowner mentions on his objection is highlighted in blue (below).





Aspect of woodland edge arriving at Bourne Farm.



Aspect of woodland edge facing north from the area in front of the metal containers. Bourne Farm is on the left.

APPENDIX 6:

Copy of TEMPO assessment of full 02/2023/TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019	Surveyor: ANA PATRICARCA + DAVID WATSON
Tree details	
TPO Ref (if applicable):	Tree/Group No: W1 Species: OAK + HORW BEAM
Owner (if known):	Location: Hony Prow off Ca n Road

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
⑤ Mixed woodland including boundary oaks on west side of Prow

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

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

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

Score & Notes
⑤ Woodland composed of a major of oak trees.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
④ Visible from Prow and neighbouring properties

d) Other factors

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

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

Score & Notes
④ Relevant for Prow landscape character

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
①

Part 3: Decision guide

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

Add Scores for Total:
19

Decision:
TPO worthy

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANSA PARRIARCA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T1 Species: Oak
 Owner (if known): Location: Bourne farm boundary

overhanging the track to west

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 3 Mature Oak showing a nice typical shape

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

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

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

Score & Notes
 5

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 4 Visible from PROW and adjacent fields

d) Other factors

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

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

Score & Notes
 1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 1

Part 3: Decision guide

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

Add Scores for Total:
 14

Decision:
 TPO defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PATRIARCA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T2 Species: OAK
 Owner (if known): Location: Bourn farm boundary

Overhanging the track to the left

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 ③ Mature Oak showing a double stem

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

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

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

Score & Notes
 ⑤

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 Visible from
 ④ Prow and adjacent fields

d) Other factors

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

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

Score & Notes
 ①

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 ①

Part 3: Decision guide

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

Add Scores for Total:
 14

Decision:
 TPO defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PATRIAREA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T3 Species: OAK
 Owner (if known): Location: Brown farm boundary

Our hanging line trace do best

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 ③ Mature Oak showing a double stem

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

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

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

Score & Notes
 ⑤

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 ④ visible from
 Prow and
 adjacent fields

d) Other factors

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

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

Score & Notes
 ①

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 ①

Part 3: Decision guide

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

Add Scores for Total:
 14

Decision:
 TPO defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PATRIARCA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T4 Species: OAK
 Owner (if known): Location: Bourne farm boundary

Overhanging the track to West

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 3 Mature oak showing nice typical shape

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

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

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

Score & Notes
 5

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 4 Visible from PLOW and adjacent fields

d) Other factors

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

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

Score & Notes
 1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 1

Part 3: Decision guide

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

Add Scores for Total:
 14

Decision:
 TPO defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PAMARCA + DAVID NASHALL

Tree details
 TPO Ref (if applicable): Tree/Group No: TS Species: OAK
 Owner (if known): Location: Boundary to west of Bourn farm

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 ③ Boundary oak showing nice typical shape

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

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

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

Score & Notes
 ⑤

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 ④ visible from road and adjacent fields

d) Other factors

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

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

Score & Notes
 ①

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 ①

Part 3: Decision guide

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

Add Scores for Total:
 14

Decision:
 TPO defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PATIAROA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T6 Species: OAK
 Owner (if known): Location: Boundary to west of Bourne farm

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 ③ Boundary Oak showing nice typical shape

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

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

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

Score & Notes
 ⑤

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 ④ visible from Prow and adjacent fields

d) Other factors

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

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

Score & Notes
 ② Prominent tree

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 ①

Part 3: Decision guide

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

Add Scores for Total:
 15

Decision:
 TPO defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 4.2.2019 Surveyor: ANNA PATRICK + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T7 Species: OAK
 Owner (if known): Location: field to east of
 Bovenbridge hill (A131)

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 ② Mature Oak showing nice typical slope

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

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

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

Score & Notes
 ⑤

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 ④ Visible from road and adjacent fields

d) Other factors

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

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

Score & Notes
 ② Prominent tree

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 ①

Part 3: Decision guide

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

Add Scores for Total:
 15

Decision:
 TPO defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PATRIARCA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: 78 Species: OAK
 Owner (if known): Location: field to east of Barnebridge Hill (A121)

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 ③ Mature Oak showing good form

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

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

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

Score & Notes
 ⑤

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 ④ Visible from road and adjacent fields

d) Other factors

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

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

Score & Notes
 ①

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 ①

Part 3: Decision guide

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

Add Scores for Total:
 14

Decision:
 TPO defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PARRALUCA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T9 Species: OAK
 Owner (if known): Location: Along the boundary of the woodland to West of Bourne farm

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 3 Mature Oak showing good form

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

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

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

Score & Notes
 5

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 3 visible from adjacent fields

d) Other factors

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

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

Score & Notes
 2

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 1

Part 3: Decision guide

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

Add Scores for Total:
 14

Decision:
 TPO defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2018 Surveyor: ANA PATEJARCA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T10 Species: Oak
 Owner (if known): Location: Along the boundary of the woodland to west of Bourne farm

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 ③ Mature Oak showing good form

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

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

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

Score & Notes
 ⑤

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 ③ visible from adjacent fields

d) Other factors

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

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

Score & Notes
 ②

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 ①

Part 3: Decision guide

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

Add Scores for Total:
 14

Decision:
 TPO defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PASLIARCA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T11 Species: OAK
 Owner (if known): Location: Along the boundary of the woodland to West of Bourn farm

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 ③ Mature oak showing good form

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

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

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

Score & Notes
 ⑤

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 ③ Visible from adjacent fields

d) Other factors

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

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

Score & Notes
 ①

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 ①

Part 3: Decision guide

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

Add Scores for Total:
 13

Decision:
 TPO defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PATRIARCA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: 712 Species: OAK
 Owner (if known): Location: Along the boundary of the woodland to west of Bourne farm

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 ③ Mature Oak showing good form

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

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

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

Score & Notes
 ⑤

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 ③ visible from adjacent fields

d) Other factors

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

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

Score & Notes
 ①

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 ①

Part 3: Decision guide

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

Add Scores for Total:
 13

Decision:
 TPO defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019	Surveyor: ANA PATRIARCA + DAVID WATSON
Tree details	
TPO Ref (if applicable):	Tree/Group No: T13 Species: OAK
Owner (if known):	Location: Along south boundary of the property on Burne Brook bank

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
③ Mature Oak showing good form

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

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

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

Score & Notes
⑤

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
③ visible from adjacent fields

d) Other factors

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

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

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- | | | | |
|-------------------------------|---|---------------|---|
| 5) Immediate threat to tree | <table border="1"> <tr> <td>Score & Notes</td> </tr> <tr> <td>①</td> </tr> </table> | Score & Notes | ① |
| Score & Notes | | | |
| ① | | | |
| 3) Foreseeable threat to tree | | | |
| 2) Perceived threat to tree | | | |
| 1) Precautionary only | | | |

Part 3: Decision guide

- | | | | | | | | |
|-----------------------|-----------------------|--|-----------------------|----|--|-----------|----------------|
| Any 0 | Do not apply TPO | <table border="1"> <tr> <td>Add Scores for Total:</td> </tr> <tr> <td>14</td> </tr> </table> | Add Scores for Total: | 14 | <table border="1"> <tr> <td>Decision:</td> </tr> <tr> <td>TPO defensible</td> </tr> </table> | Decision: | TPO defensible |
| Add Scores for Total: | | | | | | | |
| 14 | | | | | | | |
| Decision: | | | | | | | |
| TPO defensible | | | | | | | |
| 1-6 | TPO indefensible | | | | | | |
| 7-11 | Does not merit TPO | | | | | | |
| 12-15 | TPO defensible | | | | | | |
| 16+ | Definitely merits TPO | | | | | | |

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PATRIARCA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T14 Species: FIELD MAPLE
 Owner (if known): Location: Along South boundary of the property on Bourne Brook bank

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 5 Mature Maple showing very good form

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

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

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

Score & Notes
 5

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 3 Visible from adjacent fields

d) Other factors

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

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

Score & Notes
 2 Particularly good form and large individual

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 1

Part 3: Decision guide

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

Add Scores for Total:
 16

Decision:
 TPO worthy

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA RAMALHA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T15 Species: OAK
 Owner (if known): Location: Along the hedge row between the two properties (fields) by Bournebridge Hill (A131)

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 5 Mature Oak showing good form

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

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

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

Score & Notes
 5

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 3 Visible from adjacent fields

d) Other factors

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

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

Score & Notes
 2

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 1

Part 3: Decision guide

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

Add Scores for Total:
 16

Decision:
 TPO worthy

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PATRIARAT

Tree details
 TPO Ref (if applicable): Tree/Group No: T16 Species: OAK
 Owner (if known): Location: Along the hedgerow between East of the two properties (fields) by Burnelbridge Hill (A131)

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 5) Mature Oak showing good form

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

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

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

Score & Notes
 5)

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 3) visible from adjacent fields

d) Other factors

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

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

Score & Notes
 2) Prominent tree

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 1)

Part 3: Decision guide

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

Add Scores for Total:
 16

Decision:
 TPO worthy

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2010 Surveyor: ANA PATRIARCA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T17 Species: Oak
 Owner (if known): Location: Along the hedgerow between the two properties (fields) by ^{east of} bridge full (A131)

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 5 Mature Oak showing a nice typical shape

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

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

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

Score & Notes
 5

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 4 Visible from highway and adjacent fields

d) Other factors

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

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

Score & Notes
 2 Prominent tree

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 1

Part 3: Decision guide

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

Add Scores for Total:
 17

Decision:
 TPO worthy

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PARRICARCA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T18 Species: OAK
 Owner (if known): Location: Along the hedgerow between the two properties (fields) by Burne bridge Hill (A131)

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 5 Mature Oak showing a nice typical shape

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

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

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

Score & Notes
 5

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 4 visible from highway and adjacent fields

d) Other factors

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

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

Score & Notes
 2 prominent tree

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 1

Part 3: Decision guide

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

Add Scores for Total:
 17

Decision:
 TPO worthy

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PATRICARCA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T19 Species: OAK
 Owner (if known): Location: Along south boundary of the property on Bourne Brook bank

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 ③ Mature Oak showing good form

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

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

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

Score & Notes
 ⑤

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 ④ Visible from highway and adjacent fields

d) Other factors

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

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

Score & Notes
 ①

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 ①

Part 3: Decision guide

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

Add Scores for Total:
 14

Decision:
 TPO defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PATRICIARCA + DAN'D WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T20 Species: OAK
 Owner (if known): Location: Along south boundary of the property on Prouse Brook bank

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 ③ Mature Oak showing good form

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

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

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

Score & Notes
 ⑤

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 ④ visible from highway and adjacent fields

d) Other factors

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

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

Score & Notes
 ①

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 ①

Part 3: Decision guide

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

Add Scores for Total:
 14

Decision:
 TPO defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PATRIARCA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T21 Species: OAK
 Owner (if known): Location: Along a hedgerow in the field

located between Connors Road and Oak Road Halstead

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 5 Mature Oak showing nice typical shape

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

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

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

Score & Notes
 5

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 3 visible from several neighbouring properties

d) Other factors

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

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

Score & Notes
 2

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 1

Part 3: Decision guide

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

Add Scores for Total:
 16

Decision:
 TPO worthy

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019	Surveyor: ANA PATRARCIA + DAVID WATSON
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Tree details	Tree/Group No: T22 Species: OAK
TPO Ref (if applicable):	Location: North boundary of field between
Owner (if known):	Connies Road and Oak Road Hatstead

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS (near garages)

Part 1: Amenity assessment

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

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

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

Score & Notes	5 Mature Oak showing nice typical shape
--------------------------	---

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

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

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

Score & Notes	5
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c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes	3 visible from several neighbouring properties
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d) Other factors

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

- | | | | |
|--|---|--------------------------|---|
| 5) Principal components of arboricultural features, or veteran trees | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Score & Notes</td> <td>2</td> </tr> </table> | Score & Notes | 2 |
| Score & Notes | | 2 | |
| 4) Tree groups, or members of groups important for their cohesion | | | |
| 3) Trees with identifiable historic, commemorative or habitat importance | | | |
| 2) Trees of particularly good form, especially if rare or unusual | | | |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) | | | |

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- | | | | |
|-------------------------------|---|--------------------------|---|
| 5) Immediate threat to tree | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Score & Notes</td> <td>1</td> </tr> </table> | Score & Notes | 1 |
| Score & Notes | | 1 | |
| 3) Foreseeable threat to tree | | | |
| 2) Perceived threat to tree | | | |
| 1) Precautionary only | | | |

Part 3: Decision guide

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

Add Scores for Total:	16
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Decision:	TPO worthy
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TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PATRIARCA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T23 Species: OAK
 Owner (if known): Location: North boundary of field between

Comes Road and Oak Road Halstead
 (near garages)

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 5 Mature Oak showing nice typical shape

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

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

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

Score & Notes
 5

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 3 Visible from several neighbouring properties

d) Other factors

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

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

Score & Notes
 2

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 1

Part 3: Decision guide

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

Add Scores for Total:
 16

Decision:
 TPO worthy

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14.2.2019 Surveyor: ANA PATRICIA + DAVID WATSON

Tree details
 TPO Ref (if applicable): Tree/Group No: T24 Species: OAK
 Owner (if known): Location: North boundary of field between Connies Road and Oak Road (near garage)

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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

Score & Notes
 3) mature Oak with twin stem

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

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

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

Score & Notes
 5)

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

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

Score & Notes
 3) visible from several neighbouring properties

d) Other factors

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

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

Score & Notes
 2)

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes
 1)

Part 3: Decision guide

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

Add Scores for Total:
 14

Decision:
 TPO defensible