

Planning & Environment COMMITTEE A G E N D A

**For a Meeting to be held on Tuesday 27th August 2024
at 7.30pm
at Champions Manor Hall, Hullbridge Road,
South Woodham Ferrers**

**Membership:
Councillor D Thompson Chairman
Councillor S Wilson Vice-Chairman**

Councillor M Sismey
Councillor P Ferry
Councillor A Shearring

Councillor G Piesse
Councillor J Birch

Councillor A John
Councillor M O Brien

Local residents are welcome to attend this meeting. At the meeting, your elected Councillors will take decisions affecting YOU, the Community, and the Town. At the beginning of the meeting there is an opportunity for you to make representations, answer questions and give evidence in respect of any item of business on the agenda. The public may participate for up to 15 minutes for this purpose. If you have any queries, please telephone the Town Clerk on 01245 321 817. Please join us.

**Karen Atkins
Town Clerk
21st August 2024**



1. Apologies if Absence

To RECEIVE apologies for absence.

2. Dispensation considerations

To consider any dispensations, as required. Standing Order 12. Dispensation requests shall be in writing and submitted to the Town Clerk as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

3. Declarations of Interest

Any Member declaring an interest is asked to state whether this is a pecuniary registerable or non-registerable interest. Clarification, if required, can be sought prior to the meeting with the Chairman or the Town Clerk.

4. Confirmation of Minutes

To APPROVE the minutes of the meeting held on 30th July 2024 as a true record.

5. Public Questions

In accordance with Standing Order 3.e to allow up to 15 minutes for members of the public to make representations, answer questions and give evidence in respect of any item of business covered by the Committees terms of reference. At the close of this item members of the public will no longer be permitted to address the Committee; Members with pecuniary interests will also not be permitted to speak, address the Committee on those interests and must leave the meeting when the item in relation to their interest is being discussed.

6. Budgetary Position

The budgetary position as at 21/8/2024 is attached to the agenda.

7. Previous Planning Decisions and Appeals

To note the City Council planning decisions which differ from the Town Council recommendations will be circulated prior to the meeting.

8. Planning Applications

To consider and agree comments on the planning applications as detailed on the list circulated and displayed on the Town Council noticeboards and website.

9. National Planning Policy Framework (NPPF) Consultation

Committee to consider a response to the consultation. The Town Council are consultees only.

https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system?utm_source=MEMBERS&utm_campaign=4e7cb7bfbb-EMAIL_CAMPAIGN_2018_06_08_03_15_COPY_01&utm_medium=email&utm_term=0_206970988f-4e7cb7bfbb-369831861&mc_cid=4e7cb7bfbb&mc_eid=9086d2d306

10. Items to Note

- Fenn report attached to agenda
- The gates for the John Cox have been commissioned to start mid/late September 2024.
- Two new bird boxes' will be installed on delivery at the Garden of Remembrance

11. The Garden of Remembrance

Committee to consider a future Winter project to use of the land at the top of the Garden of Remembrance as a Pet scattering copse. Report circulated separately to agenda prior to meeting.

12. Wader Roost Clements Green Creek

Councillor Shearring to update on the wader roost disturbance on remnant saltmarsh adjoining Marsh Farm.

13. Report to Council

To note items for report to the next Council meeting is on 22nd of October 2024.

14. Media Coverage

To consider whether any items on this agenda warrant a media release and if applicable agree a Councillor to comment.

15. Next Meeting

The next meeting of the Planning and Environment Committee will be on 24th of September 2024 at 7.30pm.

Any member who is unable to attend the meeting should send their apologies and reason to the Town Clerk prior to the meeting.

Detailed Income & Expenditure by Budget Heading 21/08/2024

Month No: 5

Cost Centre Report

	Actual Year To Date	Current Annual	Variance Annual	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
300 Environment General							
4325 Litter Control	1,702	2,800	1,098		1,098	60.8%	
4328 Tree Works	10,600	3,500	(7,100)		(7,100)	302.9%	9,560
4700 Street Furniture & Signage	1,235	4,000	2,765		2,765	30.9%	
4705 Hanging Baskets	12,572	13,200	629		629	95.2%	
4710 Roundabout Sponsorship	1,837	2,000	163		163	91.9%	
4720 Fenn Maintenance	1,379	4,500	3,121		3,121	30.6%	
Environment General :- Indirect Expenditure	29,325	30,000	675	0	675	97.8%	9,560
Net Expenditure	(29,325)	(30,000)	(675)				
6000 plus Transfer from EMR	9,560						
Movement to/(from) Gen Reserve	(19,765)						
310 Garden of Remembrance							
1300 Garden of Remembrance Income	4,397	14,300	9,903			30.7%	
Garden of Remembrance :- Income	4,397	14,300	9,903			30.7%	0
4010 Water	69	150	81		81	45.7%	
4760 GoR Supplies	2,054	5,000	2,946		2,946	41.1%	
4765 GoR Maintenance	1,475	6,200	4,725		4,725	23.8%	
4770 GoR Security	0	5,000	5,000		5,000	0.0%	
Garden of Remembrance :- Indirect Expenditure	3,598	16,350	12,752	0	12,752	22.0%	0
Net Income over Expenditure	800	(2,050)	(2,850)				
Grand Totals:- Income	4,397	14,300	9,903			30.7%	
Expenditure	32,923	46,350	13,427	0	13,427	71.0%	
Net Income over Expenditure	(28,526)	(32,050)	(3,524)				
plus Transfer from EMR	9,560						
Movement to/(from) Gen Reserve	(18,965)						

Planning Differences for Meeting 27th August 2024

24/05111/TPO 90 Albert Road

T1 Silver Birch- Crown Lift by 4m to previous pruning points, 2m Crown Reduction and remove Deadwood. Reason: To maintain good health of the tree

SWFTC Cllr.: AS

SWFTC Planning & Environment Minute: PE-24-44

It was agreed that the Planning and Environment Committee has NO OBJECTIONS to this application.

Chelmsford City Council: Split Decision

See attached Officer Report and Decision Notice from Chelmsford City Council.

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

Agent:

Mr Freddie Baldry
Hermanns
Burnham Road
Althorne
CM3 6DP

Applicant:

Mr Clive Spillett
90 Albert Road
South Woodham Ferrers
Chelmsford
CM3 5LS

PERMISSION TO CARRY OUT WORK TO PRESERVED TREE(S)

LOCATION: **90 Albert Road South Woodham Ferrers Chelmsford CM3 5LS**
PROPOSAL: **T1 Silver Birch- Crown Lift by 4m to previous pruning points, 2m Crown Reduction and remove Deadwood. Reason: To maintain good health of the tree**
TPO REF: **TPO/2003/040**
APPLICATION NO: **24/05111/TPO**
DATE RECEIVED: **19th June 2024**
DRAWING NO(s): **AERIAL IMAGE;**

The Council has given consideration to the application specified above, and hereby gives notice of its decision for:

The Application be PART APPROVED for: T1 Silver birch – 2 m crown reduction.

Condition 1

The tree surgery hereby permitted shall be carried out within two years from the date of this permission.

Reason: As required under the Town and Country Planning Regulations 2012.

Condition 2

The tree surgery shall be undertaken in accordance with British Standard 3998:2010 Tree Work - Recommendations.

Reason: To promote good arboricultural practice and safeguard the existing trees.

The Application be PART REFUSED for: T1 Silver birch – 4 m crown lift.

Reason 1

The tree is in early maturity and with an even and rounded canopy of good physiological health. The tree is visible from surrounding roads, Albert Road, Carisbrooke Drive, Connaught drive and contributes to the amenity value of the area. There is already an approximate clearance of 2.5 - 3 m from the ground to the canopy that should be sufficient for a residential driveway. Further, the crown lift was proposed in conjunction with a crown reduction (which has been approved). The sum total of wounding would be

substantial and could compromise the tree's ability to regenerate, leaving it susceptible with open pathways for pests and disease; especially accounting for Betula's weak decay defences. The wounding and loss of photosynthetic material from multiple crown operations would be excessive and would likely compromise the tree's ability to recover.

Notes to Applicant

- 1 WARNING: You run the risk of being prosecuted if you do not adhere to the approved specification when carrying out work on the protected trees. The person carrying out the approved work must have a copy of the decision notice with them.

- 2 Tree surgery is a skilled operation, and it is recommended that you consider seeking the services of a competent tree surgeon before carrying out the works. The Arboricultural Association holds a directory of competent tree surgeons which is available on their website: <https://www.trees.org.uk>

- 3 Before operations, the person undertaking the work to the tree(s) must ensure that it does not contain any bat roosts or nesting birds. The bats can be found in the tree cavities and cracks within the dense ivy or epicormic growth. This is because it is an offence under the Wildlife and Countryside Act 1981; the Habitat Regulations 2017 and the Countryside Rights of Way Act 2000 (CROW) to intentionally or recklessly kill, damage or disturb bats and their roosts, or intentionally take, damage or destroy the eggs or nest of any wild bird while in use or being built. Further information is available on the Bat Conservation Trust website at www.bats.org.uk.

- 4 The British Standard 3998: 2010 - Tree Work - Recommendations states in para 7.2.2: Species of Betula, (Birch) which generally have particularly weak defences against development of decay, and should be pruned as sparingly as possible, without exposing heartwood or ripe wood.

Date: 6 August 2024

Signed:

Keith Holmes

KEITH HOLMES

Planning Development Services Manager

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE NOTES ATTACHED

Notes

- 1) Any person who has suffered damage or has incurred expenditure in consequence of a refusal of consent, or of any grant of consent subject to conditions or (in certain instances) of a direction for replanting a woodland area may claim compensation. Compensation is not payable in respect of any trees which are the subject of a certificate by the Chelmsford City Council when giving a decision upon an application; particulars of any such certificate are incorporated in this notice of decision.

- 2) If the applicant is aggrieved
 - i. by the decision of the authority to refuse to consent or to grant consent subject to conditions;

 - ii. by any certificate or directions given by the authority in pursuance of the provisions of the Tree Preservation Order;

He / she may by notice in writing served within 28 days of the receipt of this notice, appeal to:

Environment Appeals
Room 3A Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
Email: treeandhedgeappeals@planninginspectorate.gov.uk

in accordance with Town and Country Planning (Tree Preservation) (England) Regulations 2012.



DECISION MADE BY THE DIRECTOR OF SUSTAINABLE COMMUNITIES

Application No	:	24/05111/TPO Works to trees subject to a TPO
Location	:	90 Albert Road South Woodham Ferrers Chelmsford CM3 5LS
Proposal	:	T1 Silver Birch- Crown Lift by 4m to previous pruning points, 2m Crown Reduction and remove Deadwood. Reason: To maintain good health of the tree
TPO Reference	:	TPO/2003/040
Applicant	:	Mr Clive Spillett
Agent	:	Mr Freddie Baldry
Date Valid	:	19th June 2024
Development Type	:	Works to trees subject to a TPO (T01)
Drawing No(s)	:	AERIAL IMAGE;
Target Date	:	13th August 2024
Consult Expiry	:	17th July 2024

Site description

- Situated off Albert Road
- Detached dwelling
- Within South Woodham Ferrers Urban Area

Officer's report

The tree is situated within a shared driveway between No.90 and No. 92 Albert Road. The tree is a mature specimen with views from public vantage points such as Albert Road, Carisbrooke Drive and Connaught drive. The tree adds amenity value to the locality and softens the otherwise built residential area.

The tree pertains an even canopy and displays signs of good physiological health. No obvious indication of pests or disease were noted however the western aspect was not able to be assessed.

The tree has previously been managed by ways of 4 m crown lift (with the removal of sub-lateral branches) last approved in 2019 (19/05020/TPO). 5 years prior an application for a 1.5 m lateral reduction and 4 m height reduction was also approved (14/05270/TPO). The result of prior works has resulted in a rounded canopy habit and an approximate ground clearance of 2.5 – 3 m.

As advised in recommendations from BS 3998:2010 tree work; due to the volume of wounding and leaf loss, it is not usually arboricultural best practice to undertake multiple pruning operations in addition to a crown reduction. Given birch typically have a poor pruning tolerance due to weak decay defences this further substantiates that the proposal put forward is excessive.

The works to reduce the crown 2 m would be suitable and manage the tree within its setting, previous pruning points are clear, and the reduction proposed would not reduce the tree past these.

However, the 4 m crown lift in addition to the crown reduction would be excessive. There is sufficient clearance underneath the tree for a residential setting and vehicles. To undertake a crown lift in conjunction with a crown reduction would result in a substantial sum of wounding, leaving the tree with open wounds susceptible to pests and disease, from which the tree, due to poor defences, may not recover. It is recommended that once the tree has recovered from crown pruning operations that a crown lift should be applied for.

For the reasons given above and having regard to all other relevant matters, the 2 m crown reduction to T1 silver birch is acceptable, however the 4 m crown lift to T1 is excessive and should be refused.

Consultations

South Woodham Ferrers Town Council – No objections

CONSULTATION EXPIRY DATE

17th July 2024

RECOMMENDATION

The Application be PART APPROVED for: T1 Silver birch – 2 m crown reduction.

Condition 1

The tree surgery hereby permitted shall be carried out within two years from the date of this permission.

Reason: As required under the Town and Country Planning Regulations 2012.

Condition 2

The tree surgery shall be undertaken in accordance with British Standard 3998:2010 Tree Work - Recommendations.

Reason: To promote good arboricultural practice and safeguard the existing trees.

The Application be PART REFUSED for: T1 Silver birch – 4 m crown lift.

Reason 1

The tree is in early maturity and with an even and rounded canopy of good physiological health. The tree is visible from surrounding roads, Albert Road, Carisbrooke Drive, Connaught drive and contributes to the amenity value of the area. There is already an approximate clearance of 2.5 - 3 m from the ground to the canopy that should be sufficient for a residential driveway. Further, the crown lift was proposed in conjunction with a crown reduction (which has been approved). The sum total of wounding would be substantial and could compromise the tree's ability to regenerate, leaving it susceptible with open pathways for pests and disease; especially accounting for *Betula's* weak decay defences. The wounding and loss of photosynthetic material from multiple crown operations would be excessive and would likely compromise the tree's ability to recover.

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Background Papers

Case File

Planning Applications To Be Considered at Meeting 27th August 2024

24/01034/FUL	95	Inchbonnie Road	Single storey rear extension	DT
24/01058/FUL	13	Thornborough Avenue	Proposed porch linking house and garage.	MS
24/00951/FUL	14	White Tree Court	Installation of a prefabricated balcony to the rear.	SW
24/01039/FUL	10	Station Approach	Single storey rear extension	DT
24/01106/LBC	29	Kings Way	Partial replacement of the main roof tiling, and partial repair of the main roof surface. The works include renovation of the 7No. roof dormers and associated windows.	AS
24/01128/FUL	140	Inchbonnie Road	Demolition of existing conservatory and construction of single storey side extension. Demolition of section of garden wall and construction of new fence. New window to ground floor side elevation.	JB

Please note that we are not the Planning Authority for these details please sign up for application alerts in your area from Chelmsford City Council.

Fen report

Cattle Pens

Essex Wildlife have reported:

“Unfortunately, we will be now unable to have cattle on site this year due to a couple of reasons-

-Resources within the grazing team

-Health & safety- we aren` t 100% confident that the fence is secure enough and there is a risk of the cattle escaping

Going forwards could the meadow be put forward for a rotational hay cut or cut and collect to stop it scrubbing up, as the fence line isn` t being replaced?”

Essex Wildlife carried out repairs during July 2024 to the fencing, which they now deem as still not secure.

The application for the fenced off area was done in 2015 and will expire in August 2025. We have informed the planning inspectorate that we do not intend to renew the fencing and have informed Essex Wildlife of this and will obtain a quote to remove the fencing (to gauge an idea of possible costs)- expected to be done in the next financial year, in order to restore the area back to open space and comply with the terms of the planning application.