

James Croucher

From: Graham Finding
Sent: 13 July 2023 15:25
To: James Croucher; Dan Kalley (he/him)
Subject: Planning Application ref:22/00779/FUL - Proposed Redevelopment of The Former Beales Store, PE1 2TA

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Good afternoon James

Following our telephone conversations, please find detailed below my very strong concerns regarding your recommendation for planning approval for the above site and the suggested Conditions therein. As requested by you, I have copied Daniel Kalley into this email so that you can ensure these comments are circulated to the members of the Planning Committee.

My main, and very significant concern remains that neither the Developers proposals, nor your suggested conditions, ensure that all new residents are fully protected from any noise nuisance potentially arising from Music at the Ostrich Inn. The obligations of the Agent of Change Principal, which as an Authority you are obligated to apply, has in no shape or form been met within the recommendations of your report.

As you directly reference in your report, the applicant was invited to redesign their scheme, but declined, and you have stated within your report that this is of concern to the pollution Control Team.

From the very outset when the applicant approached the planning Authority for pre-application advice regarding an (even more) densely packed proposal, there was no recognition of potential noise nuisance from The Ostrich Inn. This meant that no specific acoustic design in relation to The Ostrich was incorporated into the proposal submitted for planning in June 2022, and it was only after the design was completed that they carried out their initial (seriously flawed sound test). It took over 6 months for the applicant to submit an adequate and realistic sound report, and because at that time their detailed design was already complete they refused your requests to make any layout alterations which all acoustic specialists accept to be the most effective forms of noise control - the layout of individual dwellings, and the orientation of sensitive habitable rooms, including bedrooms, away from potential sources of noise nuisance.

Within the hierarchy of effective noise control measures, last in the list as being potentially effective is what is currently proposed - acoustic glazing and associated acoustic ventilation measures. The analysis of sound test data, the conclusions drawn from that data, and the resultant noise reduction measures incorporated in the design have proved to be very much a matter of interpretation with different views amongst acoustic specialists on effectiveness. It remains the case that your own Pollution Control Team have significant misgivings about the current proposals. What would be the most effective measures - layout design and reducing the noise at source (The Ostrich Inn), have not been in any way considered. I contacted the applicant's planning consultant over a year ago during their token public consultation exercise. I had to chase them for confirmation of receipt of my written comments, advising potential noise nuisance from The Ostrich Inn, and at no point over 12 months since have they entered into any dialogue suggesting the possibility of noise reduction measures at source - preferring instead to stubbornly refuse to concede that any noise reduction measures are necessary, and then belatedly conceding to the very least (possibly ineffective) measures possible.

There is only one opportunity for effective and comprehensive noise control measures to be put in place, that is now.

It is an obligation put upon the applicant under the Agent of Change Principal, and it is an obligation put on you as an authority to ensure effective compliance.

Once Planning Permission is granted, what the developer is obligated to carry out in terms of sound control measures is set, whether it is the current applicant or a developer that they sell the site onto.

If noise control measures are not adequate then it will fall on your own Noise Pollution Control Team to investigate noise complaints, and take action against the Ostrich, or others, if said complaints are upheld - **that's your very own pollution control team that have expressed serious reservations about the adequacy of the noise control measures proposed.**

The applicant references the number of nights each month that the Ostrich does not host live music, or hosts music of a quieter nature - this is an irrelevance - we host music 4 days a week, with a licence for up to 7 days a week - the potential for a worst case scenario in terms of both frequency and noise levels is supposed to apply under the Agent of Change Principal.

The applicant references that the Ostrich has no recorded noise complaints from other North Street residents. The fact that The Ostrich is a responsibly managed late night premises that does all it practically can to prevent causing a noise nuisance, should not be held as a stick to beat us with. Once again, it is the potential for Noise Nuisance complaints that the sound mitigation measures for the proposed development should be designed to beyond doubt address.

The statement that future occupants of the flats would move there in the knowledge that there is a city centre live music venue close nearby is a nonsense:

- No marketing material or estate agent conversation will reference this
- A large number of flats for developments of this kind are typically bought off plan by investors before a spade is put in the ground, then let, either to long term tenants, or very often to numerous short term tenants, with zero guarantee that they will move in with full knowledge of the potential noise nuisance.
- Should the Beales site be sold on, following granting of Planning Permission, the current site owner will have zero interest or obligation to ensure that future tenants are aware of the potential Noise Nuisance.

In respect to the particular proposed conditions, these are wholly inadequate:

C6 - Landscaping - (iii) Green Walls "Vertical Greening" - the proposal for the rear elevation Warehouse building is completely inaccurate. Virulent growth of this nature will be physically impossible without a planting bed of adequate width and particularly adequate depth. The location of this lies outside the curtilage of the site therefore cannot be achieved by any future developer - they will inherit an impossible design, which they will bring to the attention of the planning enforcement officer, who will then waive the obligation - therefore doing nothing to soften the impact of the existing warehouse building wall -

".....disappointed at the lack of windows, (or fake window) features in a largely blank wall....." - comment from your own Conservation Officer (North Street is also set within a Conservation Area).

The lack of vertical greening will not only fail to enhance the North Street elevation (as inaccurately suggested on the submitted elevation drawing) but will also mean that no nominal sound reduction can be achieved through deadening of noise emanating from the front door of The Ostrich Inn, located directly opposite.

From an acoustic perspective, good design here could have involved as a minimum recessed planters within the infilled former window openings, and ground floor Beales entrance door, in conjunction with a living wall, incorporating pockets, and changes of aspect that can provide effective sound reduction.

C11 - Acoustic Glazing. The Acoustic Glazing scheme described, although on the face of it detailed, beyond the technical specification represents the absolute minimum in terms of noise mitigation measures. This in no way provides a guaranteed solution for the worst case scenario that the Agent of Change Principal requires.

C13 - The proposed condition for an acoustic haven, and hours of use restrictions to the rooftop amenity space on the Warehouse building, is welcomed, but again, in order to comply with the Agent of Change Principal should equally apply to all other potentially affected outside amenity spaces. As a minimum this should include communal amenity space to the Central Building, The communal amenity space to the Westgate Building, and the ground floor amenity space between these buildings, It should further, specifically apply to the balconies to dwellings:

- Central Building - numbers 70 (first floor) 75 (second floor) 80 (third floor) 85 (fourth floor)
- Westgate Building - numbers 105, 109, 118, 119, 120, 121, 122, 123, 124

Unquestionably none of the above areas are adequately protected under the Agent Of Change Principal.

C34 - Outdoor Amenity Space Management Plan.

As referenced above, the restrictions on use suggested to the Warehouse building rooftop amenity space under C13, should equally be applied to all other potentially affected amenity spaces, to the Central Building, to The Westgate Building, to the ground floor spaces between them, and to the individual balconies identified under C13 above.

There are 125 flats proposed, therefore potentially in excess of 250 new residents.

As your Noise Pollution Team will testify, if a single one of those residents raises a legitimate noise nuisance complaint,, at anytime in the future, this will result in enforcement action against the Ostrich Inn, an enforcement issue that the correct and full application of The Agent Of Change Principal is supposed under current planning legislation to prevent.

It is the Developers free choice to apply to build residential dwellings in a predominately and historically non residential area,

It is the Developers free choice to apply to build residential dwellings opposite an existing established regular live music venue.

It is exactly this type of situation for which Central Government brought in the Agent Of Change Principal, as a particular protection to existing live music venues.

Under the Agent Of Change Principal in choosing to build close to an existing live music venue the Developer is supposed to go the extra mile to ensure that the venue is protected now, and in the future, from Noise Nuisance complaints, this has categorically not been done.

Under the Agent of Change Principal you as a Local Authority are obligated to ensure that the Developers proposals are at the very least guaranteed to prevent any future possibility of Noise Nuisance Complaints, this has not been done.

Should you as a local Authority knowingly fail to correctly and adequately apply the Agent Of Change Principal you lay yourself open to legal action in the future should legitimate Noise Nuisance complaints arise, which more robust sound control measures would have prevented.

There is absolutely no question, as evidenced in the doubt expressed by your own Pollution Control Team, that currently there is no guaranteed protection for the Ostrich Inn from noise complaints from future residents of the flats. On this basis (together with overdevelopment of the site, and the lack of suitable servicing provision) the planning application should be rejected until such time as it has been suitably amended.

Yours Sincerely

Graham Finding
The Ostrich Inn
17 North Street Peterborough
PE1 2RA

Date: 17th July 2023

James Croucher MTP MRTPI
Principal Planning Officer
Planning Services
Place and Economy Directorate
Peterborough City Council
Sand Martin House,
Bittern Way
Fletton Quays
Peterborough
PE2 8TY

Planning Application ref:22/00779/FUL - Proposed Redevelopment of The Former Beales Store, PE1 2TA

I am writing in response to a pre-committee representation from Mr Finding submitted on 14th July 2023.

I have taken each of Mr Finding's points in turn and commented, where necessary, in relation to acoustic matters.

Following our telephone conversations, please find detailed below my very strong concerns regarding your recommendation for planning approval for the above site and the suggested Conditions therein. As requested by you, I have copied Daniel Kalley into this email so that you can ensure these comments are circulated to the members of the Planning Committee.

My main, and very significant concern remains that neither the Developers proposals, nor your suggested conditions, ensure that all new residents are fully protected from any noise nuisance potentially arising from Music at the Ostrich Inn. The obligations of the Agent of Change Principal, which as an Authority you are obligated to apply, has in no shape or form been met within the recommendations of your report.

The Agent of Change principle means developers will be responsible for identifying and solving any sound problems, and avoid music venues running into expensive issues as a result of complaints (if they arise) from new neighbours to the vicinity.

For developers this means that where they are proposing residential development they should consider if there could be a significant adverse effect on future occupiers of that development from any nearby source(s) of noise such as pre-existing entertainment venue(s). Where a potential significant adverse effect is identified, developers are likely to be required to factor into their planning application suitable mitigation measures to avoid any significant adverse impacts on health and the quality of life for future occupiers.

It has been clearly demonstrated through the thorough and robust assessment of music noise from The Ostrich, on numerous occasions, that suitable measures have been identified. These include using the building envelope to mitigate noise to acceptable levels, as required by Planning Policy.

The obligations of the Agent of Change Principle has therefore be met.

As you directly reference in your report, the applicant was invited to redesign their scheme, but declined, and you have stated within your report that this is of concern to the pollution Control Team.

From the very outset when the applicant approached the planning Authority for pre-application advice regarding an (even more) densely packed proposal, there was no recognition of potential noise nuisance from The Ostrich Inn. This meant that no specific acoustic design in relation to The Ostrich was incorporated into the proposal submitted for planning in June 2022, and it was only after the design was completed that they carried out their initial (seriously flawed sound test).

We refute that the sound test was “seriously flawed”. It is accepted that the initial survey in April 2022 was not carried out on a night where loud punk/rock bands were playing, however, it still provided adequate data for, what seems to be more typically frequent entertainment noise emanating from The Ostrich Inn. Acoustic mitigation measures were updated in the September issue of the report (LAE1175.3) as a result of what was considered by Mr Finding to be more representative of music noise from the Ostrich.

A further survey in November 2022 identified that worst case LAeq(5min) noise levels were only increased by 2-3dB(A) from the levels assessed in September. The conclusions to the report remained unchanged and it was demonstrated that even these elevated noise levels, which occur infrequently (every 3-4 months), can be mitigated effectively to meet required internal criteria.

It took over 6 months for the applicant to submit an adequate and realistic sound report, and because at that time their detailed design was already complete they refused your requests to make any layout alterations which all acoustic specialists accept to be the most effect forms of noise control - the layout of individual dwellings, and the orientation of sensitive habitable rooms, including bedrooms, away from potential sources of noise nuisance.

The reason it took over 6 months to resubmit a noise assessment was due to the fact that “noisy” bands, according to Mr Finding, are on an approximate 3 to 4 month rota. Liaison with Mr Finding on 7th July 2022 identified that an appropriate weekend on which to carry out the monitoring was 14-17th July. However, due to planned annual leave the survey could not be undertaken. The next suggested date by Mr Finding was 4 months later on 18th – 19th November. However, an alternative of 8th-11th September was suggested as a similar, although “probably” quieter weekend. In order to expedite a resolution to the potential issues regarding noise from The Ostrich Inn,

arrangements were made and noise monitoring equipment was set up on Thursday 8th September. Mr Finding informed us on 9th September that the band “Black Dog Murphy” had cancelled for the Saturday night and were to be replaced by a quieter less popular band. Also, due to the Queens passing there would be fewer customers and the bands would be quieter. However, as equipment was already on site the survey continued over the whole weekend.

Report no. LAE1175.3 was issued on 26 September 2022. However, as the results of the survey were still not accepted as being “worst” case, the mitigation measures recommended were still not accepted and further monitoring was carried out on 18th-19th November. Mr Finding advised that the most popular local band, who draw a big crowd, had had to cancel due to illness and therefore there would be no music on the Saturday night. Monitoring went ahead, as agreed, on the Friday night.

Within the hierarchy of effective noise control measures, last in the list as being potentially effective is what is currently proposed - acoustic glazing and associated acoustic ventilation measures. The analysis of sound test data, the conclusions drawn from that data, and the resultant noise reduction measures incorporated in the design have proved to be very much a matter of interpretation with different views amongst acoustic specialists on effectiveness. It remains the case that your own Pollution Control Team have significant misgivings about the current proposals. What would be the most effective measures - layout design and reducing the noise at source (The Ostrich Inn), have not been in any way considered. I contacted the applicant's planning consultant over a year ago during their token public consultation exercise. I had to chase them for confirmation of receipt of my written comments, advising potential noise nuisance from The Ostrich Inn, and at no point over 12 months since have they entered into any dialogue suggesting the possibility of noise reduction measures at source - preferring instead to stubbornly refuse to concede that any noise reduction measures are necessary, and then belated conceding to the very least (possibly ineffective) measures possible.

ProPG: Planning & Noise – Professional Practice Guidance on Planning & Noise -: New Residential Development, Supplementary Document 2 suggests that in requiring good acoustic design there is a hierarchy of noise management measures. For “new build” residential development many of these measures can be implemented, i.e. maximising spatial separation, using topography and existing structures to screen the proposed development from significant noise sources, etc. However, as this proposal is for a conversion of an existing building, many of these options are not available to the developer. Although using the building envelope to mitigate noise is the last point in the list it is still recognised as a viable option and a key aspect in which to achieve acceptable internal noise levels.

Glazing and ventilation manufacturers are regulated by various technical bodies and products are designed to provide the highest performance and guarantee their products acoustic capabilities. This is not generally an area open to interpretation on their effectiveness.

There is only one opportunity for effective and comprehensive noise control measures to be put in place, that is now.

It is an obligation put upon the applicant under the Agent of Change Principal, and it is an obligation put on you as an authority to ensure effective compliance.

Once Planning Permission is granted, what the developer is obligated to carry out in terms of sound control measures is set, whether it is the current applicant or a developer that they sell the site onto.

*If noise control measures are not adequate then it will fall on your own Noise Pollution Control Team to investigate noise complaints, and take action against the Ostrich, or others, if said complaints are upheld - **that's your very own pollution control team that have expressed serious reservations about the adequacy of the noise control measures proposed.***

The applicant references the number of nights each month that the Ostrich does not host live music, or hosts music of a quieter nature - this is an irrelevance - we host music 4 days a week, with a licence for upto 7 days a week - the potential for a worst case scenario in terms of both frequency and noise levels is supposed to apply under the Agent of Change Principal.

The applicant references that the Ostrich has no recorded noise complaints from other North Street residents. The fact that The Ostrich is a responsibly managed late night premises that does all it practically can to prevent causing a noise nuisance, should not be held as a stick to beat us with. Once again, it is the potential for Noise Nuisance complaints that the sound mitigation measures for the proposed development should be designed to beyond doubt address.

If, as reiterated on a number of occasions by Mr Finding, there are no current issues relating to noise from The Ostrich from existing residents, why is it considered likely that the residents of the new development will complain? If The Ostrich is indeed responsibly managed there is no issue in relation to noise complaints. From observations of the adjacent dwellings to The Ostrich there is no evidence of secondary glazing or any mechanical ventilation for these residential units. Therefore, what is proposed as a more than adequate mitigation strategy for the nearest proposed apartments is by far in excess of what is provided at existing dwellings adjacent to The Ostrich.

The statement that future occupants of the flats would move there in the knowledge that there is a city centre live music venue close nearby is a nonsense:

- No marketing material or estate agent conversation will reference this

- A large number of flats for developments of this kind are typically bought off plan by investors before a spade is put in the ground, then let, either to long term tenants, or very often to numerous short term tenants, with zero guarantee that they will move in with full knowledge of the potential noise nuisance.

- Should the Beales site be sold on, following granting of Planning Permission, the current site owner will have zero interest or obligation to ensure that future tenants are aware of the potential Noise Nuisance.

In respect to the particular proposed conditions, these are wholly inadequate:

C6 - Landscaping - (iii) Green Walls "Vertical Greening" - the proposal for the rear elevation Warehouse building is completely inaccurate. Virulent growth of this nature will be physically impossible without a planting bed of adequate width and particularly adequate depth. The location of this lies outside the curtilage of the site therefore cannot be achieved by any future developer - they will inherit an impossible design, which they will bring to the attention of the planning enforcement officer, who will then waive the obligation - therefore doing nothing to soften the impact of the existing warehouse building wall -

".....disappointed at the lack of windows, (or fake window) features in a largely blank wall....." - comment from your own Conservation Officer (North Street is also set within a Conservation Area).

The lack of vertical greening will not only fail to enhance the North Street elevation (as inaccurately suggested on the submitted elevation drawing) but will also mean that no nominal sound reduction can be achieved through deadening of noise emanating from the front door of The Ostrich Inn, located directly opposite.

From an acoustic perspective there would be no meaningful reduction in sound from soft planting.

From an acoustic perspective, good design here could have involved as a minimum recessed planters within the infilled former window openings, and ground floor Beales entrance door, in conjunction with a living wall, incorporating pockets, and changes of aspect that can provide effective sound reduction.

C11 - Acoustic Glazing. The Acoustic Glazing scheme described, although on the face of it detailed, beyond the technical specification represents the absolute minimum in terms of noise mitigation measures. This in no way provides a guaranteed solution for the worst case scenario that the Agent of Change Principal requires.

A Validation Report has been requested which would include post construction noise monitoring within rooms affected by noise from live/amplified music. Therefore, this would guarantee that the required internal noise standards were met.

C13 - The proposed condition for an acoustic haven, and hours of use restrictions to the rooftop amenity space on the Warehouse building, is welcomed, but again, in order to comply with the Agent of Change Principal should equally apply to all other potentially affected outside amenity spaces. As a minimum this should include communal amenity space to the Central Building, The communal amenity space to the Westgate Building,

and the ground floor amenity space between these buildings, It should further, specifically apply to the balconies to dwellings:

- *Central Building - numbers 70 (first floor) 75 (second floor) 80 (third floor) 85 (fourth floor)*
- *Westgate Building - numbers 105, 109, 118, 119, 120, 121, 122, 123, 124*

Unquestionably none of the above areas are adequately protected under the Agent Of Change Principal.

All the areas mentioned above do not have a direct line of sight to the Ostrich inn, with balconies positioned on the northern elevations and are therefore completely screened by the building itself. North Street Building is 18m high and will provide significant screening in relation to noise reduction from The Ostrich Inn.

C34 - Outdoor Amenity Space Management Plan.

As referenced above, the restrictions on use suggested to the Warehouse building rooftop amenity space under C13, should equally be applied to all other potentially affected amenity spaces, to the Central Building, to The Westgate Building, to the ground floor spaces between them, and to the individual balconies identified under C13 above.

There are 125 flats proposed, therefore potentially in excess of 250 new residents.

As your Noise Pollution Team will testify, if a single one of those residents raises a legitimate noise nuisance complaint, at anytime in the future, this will result in enforcement action against the Ostrich Inn, an enforcement issue that the correct and full application of The Agent Of Change Principal is supposed under current planning legislation to prevent.

It would first have to be demonstrated that a Statutory Nuisance was actually occurring before a noise abatement notice was served on The Ostrich Inn. Based on the fact that The Ostrich is a responsibly managed late night premises that does all it practically can to prevent causing a noise nuisance and having no history of noise complaints from adjoining and adjacent residential receptors there does not seem to be any likelihood of noise complaints arising.

It is the Developers free choice to apply to build residential dwellings in a predominately and historically non residential area,

It is the Developers free choice to apply to build residential dwellings opposite an existing established regular live music venue.

It is exactly this type of situation for which Central Government brought in the Agent Of Change Principal, as a particular protection to existing live music venues.

Under the Agent Of Change Principal in choosing to build close to an existing live music venue the Developer is supposed to go the extra mile to ensure that the venue is protected now, and in the future, from Noise Nuisance complaints, this has categorically not been done.

Under the Agent of Change Principal you as a Local Authority are obligated to ensure that the Developers proposals are at the very least guaranteed to prevent any future possibility of Noise Nuisance Complaints, this has not been done.

Should you as a local Authority knowingly fail to correctly and adequately apply the Agent Of Change Principal you lay yourself open to legal action in the future should legitimate Noise Nuisance complaints arise, which more robust sound control measures would have prevented.

There is absolutely no question, as evidenced in the doubt expressed by your own Pollution Control Team, that currently there is no guaranteed protection for the Ostrich Inn from noise complaints from future residents of the flats. On this basis (together with overdevelopment of the site, and the lack of suitable servicing provision) the planning application should be rejected until such time as it has been suitably amended.

There is a need to integrate consideration of the economic and social benefit of the activity or policy under examination with proper consideration of the adverse environmental effects including the impact of noise on health and quality of life. This should avoid noise being treated in isolation in any particular situation i.e. not focusing solely on the noise impact without taking into account other related factors.

Given the outcomes and conclusions of the noise assessment, a Significant Observed Adverse Effect Level (SOAEL) has not been identified as described in the Noise Policy Statement for England (NPSE). The first aim of which is to ***avoid adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of sustainable development.*** However, even if it were the case, there is no Policy justification to refuse this application if a SOAEL was identified.

Yours sincerely



Louise M. Alderson BSc.(Hons) MIOA
Director
louise@laenvironmental.co.uk

Oundle Road.
Woodston.
Peterborough.
PE2 9QY.

RE- TPO - Rhine Close, 23/00004/TPO

To the Secretary of the Planning & Environmental Protection Committee for the meeting of 18th July 2023.

Dear Secretary.

I have had dialogue over the last few months with your Tree Protection Officer Stephen Chesney - Beales over the TPO,s for trees within Rhine Close. 23/00004/TPO and I need to set out my reasons for removing the TPO and potentially the 2 trees.

My reasons are:

1. The two trees are huge and in themselves cause safety issues with their branches falling off and damaging my property.
2. These trees have never really been maintained and again to expect a domestic owner to part with £2,000 – £3,000 every five to eight years for maintenance is unrealistic.
3. One tree is over 50ft in height. Aerial tree maintenance is required and I don't really know how you expect a domestic owner to fulfil this operation.
4. The trees take an awful lot of water from the ground leaving the ground dry and barren and difficult for domestic owners to grow plants and shrubs with copious watering needed, which will be metered and cost lots of money.
5. When these trees where part of the British Sugar Sports Field they were in there right element, but in a small domestic back garden they are a risk to the property, the children of that property and owners, let alone neighbours. I have at present a broken branch puncturing my shed roof.
6. I have been in touch with Olivia Hewitt, the Development Planning Manager at Vistry Partnerships through email on 16th May 2023, but there has been no acceptance of email, in fact purely radio silence. Presumably because of the cost of maintaining these trees.
7. Your TPO Stephen Chesney-Beales believes that it would be easy for anyone to maintain these trees given the TPO requirements. I think that this assertion in itself is at least unrealistic given the size of the trees and the equipment and safety requirements required for maintaining trees of this magnitude.

Please, please, please, remove these trees and replace them with a more sympathetic smaller type which can be easily maintained.

I have appended some pictures for reference.

Yours sincerely

Stephen & Sharon Smith.



Broken and dead branches often hang on live branches The shed is a 10ft wide, to give some scale on the overhanging branches



Branch penetrating my shed roof.



The largest tree, I couldn't get a good picture full size but this would be around 50% of the tree height and width.

Note: Bias approach by PCC re: trees and decisions. It would appear there is only one person making decisions to this point re: trees and TPOs. Where is the two eyes approach to prevent non bias, fair, and balanced decision making.

My complaint/objection to the TPO was addressed to the Head of the Planning department, however it was responded to by the PCC tree officer, who by addressing the complaint will have a bias view. My complaint was about many inconsistencies, I provided at personal cost, professional reports, and surveys. No additional reports 'independent reports have been provided by PCC' to allow a fair and balanced approach. In turn the very reports that I have paid for have been selectively dissected and referenced and used against my application. I am up against the views of one individual with no site visit, poor communication, and no evidence to support his conclusions or decisions. Just an individual's views.

The committee meeting, notice period is too short to allow preparation (4days for a site visit), and 7 full days to the meeting date, inc. 4 days to submit any written evidence. Of which I was out of the country for 4 with work commitments. It does not allow a reasonable period to prepare. Preparation time has been allowed by PCC internally, and not enough time allowed to defend the case, I feel this was unbalanced and unfair.

The report provided to the committee does not include all the information of my complaint, these are very prudent points in evidencing and supplying all required information for transparency for the committee to be able to make an informed decision on the outcome.

1. Are the trees subject of the TPO worthy of inclusion in a TPO in terms of their public visual amenity value?

Note not in a conservation area.

- **Annex 1;** Note: consultation from planning application 21/01574/OUT: PCC – Open Space Management Planning comments 're: Michael Britton senior landscape technical officer. *'Quote; I can confirm the application falls below the threshold for the requirement of offsite POS (non-strategic) PCC section 106 contributions. Furthermore, as the application would appear to not affect any existing public open space or amenity landscaping, we have no comments to make.*
- Views of neighbour's survey, clearly indicates vast majority agree no real amenity value, and not worthy of TPO / Wrong trees, wrong locations, and pose risk to property and life.
- Application 21/01574/OUT, planners describe the popular trees *'These trees are visible from the street scene so do have some public amenity value'. So would indicate low level. The planners and neighbours also note: the large poplars due to the size & risk.*
- **Annex 2;** Ref: risks mature poplar do pose to people and property, vs. amenity values, when mature in size; Example Ref: **Welwyn Hatfield Borough Council:** [LC 00 \(welhat.gov.uk\)](https://www.welhat.gov.uk)
The tree officer's response to this would be that they do not follow other councils, but surely reviewing what other councils do is a smart way to measure best practices.
- Letters were written by tree officer to ask opinion to surveyed residents, no responses 'so it does validate locals also see this as low value, by way of amenity value'– 'was any attempt made to knock on the doors of these residents and have a discussion after no responses to letters?

2. Is the making of the TPO reasonable and justified?

- 2010 Planning Application 10/00358/out – **(No tree issues on site noted by planners & tree officer, mentioned on rejection)**

- 2011 Planning Application 11/00719/out (**No tree issues on site noted by planners & tree officer, No mention on rejection**)
- 2021 – Planning Application 21/01574/out (Noted Tree report required) Noted main concern from neighbours is large poplars and Risk to property and life. **N.B. No Tree officer comments on this application.**
- 2022 Application 22/01542/out – addressed Tree concerns and mitigating points, and widely used building proposals.
- N.B. 2022 Application submitted 25.10.22 (Should be 8 weeks for a planning application but took 20 weeks) Decision issued 24.03.23 (tree officer evoked TPO on 16/03/23) So it took 5 months to issue a TPO ‘under expediency’! Although no pressures were in place, evidence from landowners, and reports issued from the planning application. These pressures are not prevalent and therefore the TPO was not necessary and need not be made permanent.

Conclusion of above these poplar trees have been present off site during all applications since 2010, with no mention of off-site poplar trees over 3 applications. All reports were noted to “retain trees”, using powers such as expediency to put in a TPO – was unnecessary and not justified.

- **Annex 3:** The off-site Lombardy poplar trees are mature, as noted in independent arboriculturist report, and submitted example public report from **Reading Borough Council** indicating life spans of these tree species tend to live between 30 to 50 years & evidence in topping poplar trees being an acceptable method of making safe and prolonging the trees. Link to report: [Work to Protect Lombardy Poplar Trees at Christchurch Meadows Begins this Month \(reading.gov.uk\)](https://www.reading.gov.uk/work-to-protect-lombardy-poplar-trees-at-christchurch-meadows-begins-this-month)
- Also reports from neighbours, *Sarah Raucci no: 101 Fulbridge road: Quote: Lombardy Poplar trees have a general lifespan of 30-50 years; I have lived at the property for 30 years; and the trees were well established then, they are more likely at the end of their life span. My once calming trees are causing me some moderate stress and anxiety and ruining the peaceful enjoyment of my property.* This statement is not nice to read as a neighbour who applied for planning, and this TPO is causing friction, when it was never needed.
- To evidence Poplar tree species age and to back the independent Arboriculturist report: RHS web site, notes ultimate height of species: Higher than 12 meters – indicate time to ultimate height 20-50 years. Ref: [Populus nigra 'Italica' \(m\) | Lombardy poplar/RHS Gardening](https://www.rhs.org.uk/plants/trees/shrubs/populus-nigra-italica)
- All reports and residents who own the trees clearly stated these trees were for retention during the planning application, not any report nor conversation alluded to anything different, including the independent arboriculturist reports.
- - 5 Sheridan Road submitted a topical plan, AIA, Tree plan and grading by an independent arboriculturist report at own cost as requested by PCC. – 1st report noted retention ‘and recommended topping the poplar trees ‘to prolong the longevity of an older tree’ is a widely acceptable. This was why the arboriculturist report described these trees could’ offer a further 20 to 40 years contribution, with good screening and wildlife habitat potential, and are of a benefit to the local landscape. Quote from Caroline Hall – Lady who carried out Arboriculturist independent report; notes submitted in the complaint to PCC head of planning; **Annex 4 ‘About the poplars, if the tree officer noticed in my schedule, there are no preliminary management recommendations. Long term management that I put down was to address safety concerns raised in previous correspondence from planners. It is not ideal to top trees in this way I agree, though it is a practice quite commonly used for these types of trees. Alternatively, they could just be removed.**

I consulted with another Arboriculturist about this, and they agreed entirely with me. They have a distinct landscape value in the ‘right’ setting.

- As PCC’s tree officer disagreed with the topping of these trees, it was removed from the report to appease this concern at additional expense to myself.
- Additional reference on safe to top popular trees; <https://www.trees.org.uk/Help-Advice/Help-for-Tree-Owners/Guide-to-Tree-Pruning>

Species	Tolerance to hard pruning Good, Fair or Poor	Optimum time to prune	Notes
Poplar	Good	Winter (mid)	Prone to bleeding

- To address previous planners & neighbours’ concerns (21/01574/OUT) on heights of trees and potential damage to roots, ‘quote *‘the large Lombardy poplars along the north-east boundary of the site are sizable and there is concern that their root protection areas will be impacted upon depending on where their dwelling would be constructed.* Notes need arboricultural impact assessment ‘on future application’.
- **Annex 5** Great consideration was applied to alleviate concerns with the offsite poplars in the planning application and with that Arboriculturist reports. This was to address planners & neighbours previous concerns raised on application (21/01574/OUT) and residents, and PCC’s tree officer. Mitigation was evidenced in the Arboriculturist reports: root protection areas, construction areas variation of 3 site options, with piled foundations to avoid root damage bearing in mind this is for ‘offsite poplar trees’ all independent arboriculturist reports went to great length to note options, root protection on foundations and cellular confinement systems ‘for protecting soils and tree roots’ for hard surface areas access drive and parking. This was to protect trees from any risk to damage and are all justified and proven construction methods when building near root protection areas. This also is in line with a Description of these trees could’ offer a further 20 to 40 years contribution, with good screening and wildlife habitat potential, and are of a benefit to the local landscape. This could be achieved inline with the remainder of the report, and the proposed dwelling can work in harmony with this when using special construction methods.
- As evidenced in the independent Arboriculturist report, loads of dead branches lack of maintenance, and confirmed by PCC tree officer and I quote: *The trees in question have numerous dead branches throughout the crowns, typical of the species and age of the trees, as I have acknowledged in the past, which may present a risk to adjacent landowners/occupiers. This is for the landowners to address, not the council.* So as a summary, its clear these trees are not maintained, conclusion from independent Arboriculturist report and PCC tree officer. So, applying a TPO, will make it ever more onerous to carry out maintenance, which will result in non-maintenance or a serious injury or property damage before action is taken. As I have previously stated there is a duty of care, and I have made this very clear – PCC does have a high hedges and trees policy which cover boundary trees/hedges.
- The planning application, 22/01542/out Section R3 – notes an element of the rejection of planning application is down to the TPO – even though trees should not be a reason for rejection. Especially off-site trees, with suitable protection methods as covered in the requirements highlighted by the previous planning application in 2021 and evidenced in the 2022 conclusions for acceptable mitigating methods.

Outcome recommendation

No TPO's to be applied.

TPO – to be removed from planning application ref: 22/01542/OUT – with no concerns moving forward on any new planning applications.

Poplar Trees from a safety aspect should be reviewed by PCC and exempt from TPO, and a decision on long term maintenance issued by one of PCC's recommended tree surgeons. Due to the animosity caused with neighbours this cost should be attributed to PCC. This is to ensure safety of residents, properties and the safeguarding of children that attend the nursery which is a place of work under a duty of care. Thus, allowing everyone to feel safe and enjoy their outside space.

I am in process of and will be raising an appeal for the whole planning application to the incorporate inspector, including the issued of the TPO on the Poplar trees off site.

N.B. 2021 Application - View of Peterborough City Council
Historic, Environment Management - No objection to public
Amenity Value.

02/11/2021

Email - Plng Control Enquiries - Outlook

Natural & Historic Environment Management - Peterborough City Council

Tel: 01733 453430



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Please consider the environment before printing this email

-----Original Message-----

From: planningcontrol@peterborough.gov.uk [mailto:planningcontrol@peterborough.gov.uk]

Sent: 15 October 2021 07:58

To: Michael Britton <michael.britton@peterborough.gov.uk>

Subject: Planning consultation notification 21/01574/OUT

Dear Michael

Please find correspondence from Planning Services at Peterborough City Council attached to this email in relation to the following application for Outline Planning Permission.

Proposal: Contruction of a single storey dwelling with all matters (appearance, landscaping, layout and scale) reserved

Site address: 5 Sheridan Road New England Peterborough

Reference: 21/01574/OUT

Planning Services

Peterborough City Council

Sand Martin House, Bittern Way, Fletton Quays, Peterborough PE2 8TY

T: 01733 453410

E: Planningcontrol@peterborough.gov.uk

W: www.peterborough.gov.uk/planning

02/11

02/11/2021

Email - Png Control Enquiries - Outlook

RE: Planning consultation notification 21/01574/OUT - 5 Sheridan Road New England Peterborough - Construction of a single storey dwelling with all matters (appearance, landscaping, layout and scale) reserved

Michael Britton <michael.britton@peterborough.gov.uk>

Tue 02/11/2021 11:57

To: Png Control Enquiries <planningcontrol@peterborough.gov.uk>

Cc: James Collingridge <James.Collingridge@peterborough.gov.uk>; Paul Robertson <Paul.Robertson@peterborough.gov.uk>; Darren Sharpe <darren.sharpe@peterborough.gov.uk>

Hello Jack

Thank you for consulting us, please see our comments on the form below:

**PCC - OPEN SPACE MANAGEMENT
PLANNING COMMENTS**

From: M.Britton – Senior Landscape Technical Officer
To: Case Officer – Jack Gandy

Application: 21/01574/OUT
Proposal - Construction of a single storey dwelling with all matters (appearance, landscaping, layout and scale) reserved
Location - 5 Sheridan Road New England Peterborough

Recommendation: No Objection

Comments:

I can confirm the Application falls below the threshold for the requirement of offsite POS (non-Strategic) PCC Section 106 Contributions.

Furthermore as the Application would appear to not affect any existing Public Open Space or Amenity Landscaping we have no comments to make.

Many Thanks - Michael

Michael Britton
Senior Landscape Technical Officer

WELWYN HATFIELD BOROUGH COUNCIL
CABINET – 6 FEBRUARY 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

MATURE LOMBARDY POPLARS

1 Executive Summary

- 1.1 Tree Officers have recorded a spate of incidents concerning mature Lombardy Poplars and no longer have confidence that visual or internal testing is capable of identifying decay and likelihood of risk. As a consequence it is recommended that all mature Lombardy Poplars should be felled and a replanting programme take place. This will affect 251 trees owned/managed by the Council, 105 trees owned by Herts Highways but managed under agency agreement by the Council and others on parks and open spaces owned by the Council.

2 Recommendations

- 2.1 That Cabinet agree to fell and grind out the stumps of all mature Lombardy Poplars in the borough over the course of the 2018/2019 financial year.
- 2.2 That Cabinet commit to replant appropriate new species of trees in place of the felled mature Lombardy Poplars over the coming years, as part of the Welwyn Garden City 2020 Centenary and Hatfield 2030+ Renewal projects.
- 2.3 That a full communications plan be prepared and frequently asked questions section be added to the website to explain the decision and the felling process to the public and other interested parties.
- 2.4 That a detailed risk-based felling schedule be prepared by the Landscape and Ecology Manager, Risk and Resilience Officer and appointed tree contractors.

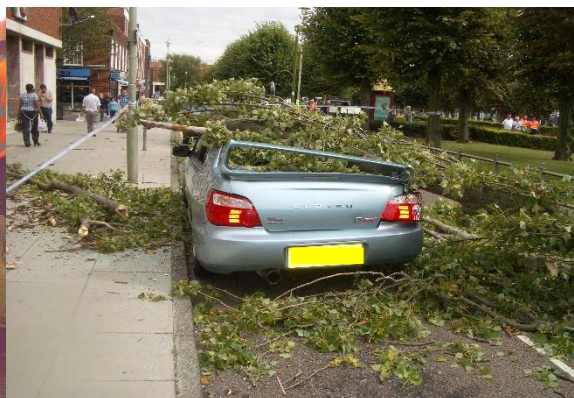
3 Explanation

- 3.1 The Council is currently responsible for about 30,000 individual trees around the borough alongside tree belts, orchards and woodlands.
- 3.2 The Trees and Woodlands Strategy sets out that the Council will inspect all individual trees on a three year cycle. Tree Officers carry out a visual inspection of each tree to judge its condition and to look for signs of decay and disease. Where issues are found, tree officers will then look more carefully at other trees of the same species and similar age to judge whether it is a recurring problem.
- 3.3 Since 2009 there have been a number of incidents affecting mature Lombardy Poplars: a tree fell across Bessemer Road in 2009 and was found to be rotten at the base; a tree fell on a car in Howardsgate in 2009 and was also found to be rotten at the base; a large branch fell in Parkway in 2017; a tree fell in Longmead

in 2017 and was found to be rotten at the roots; and most recently a tree hit damaged cars at Howicks Green and was found to be rotten at a height of 3 metres. Tree officers began to combine visual and internal testing as a result of the 2009 incidents, but in all subsequent incidents there was no indication prior to its failure that tree was decayed or diseased.



Bessemer Road



Parkway



Longmead



Howicks Green

- 3.4 These failures have been entirely unpredictable and in some cases weather-related occurrences and proportionate to the number of incidents associated with other species of tree. The Howicks Green incident however has highlighted new risk factors with this tree species that it is now necessary to take into consideration.
- 3.5 Lombardy Poplars are judged to be mature when between 70 and 90 years old. One of their characteristics is that the wood becomes very brittle with age, and this causes them to split and lose branches in high winds more readily than other species. They also have a propensity to internally decay without any outward signs. Lombardy Poplars were used extensively as part of the early landscaping plans for Welwyn Garden City and Hatfield (as they were judged to be similar to church spires that would generally be lacking) and are planted in many prominent places around the towns.
- 3.6 All of the above means that mature Lombardy Poplars pose a high risk, and tree officers are no longer confident that visual inspections, regardless of frequency, or even internal testing, can successfully identify decay or likelihood of risk. For this reason their professional advice is that all mature Lombardy Poplars in the borough should be felled.

4 Legal Implications

4.1 Case law generally indicates that the Council will not be held liable for incidents where it has a published best practice strategy and where investigations are undertaken by qualified officers in accordance with that strategy.

4.2 This should however be taken in the context of:

Section 3.1(b) of the Management of Health and Safety at Work Regulations 1999 which states that every employer shall make a suitable (appropriate & relevant to the situation) and sufficient (taking into account best practice and advice as well as Approved Codes of Practice/Guidance along with legislative requirements) assessment of the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking.

Section 1(3) of the Occupiers Liability Act 1984 which states that the duty is owed when the occupier is aware of the danger, or has reasonable grounds to believe it exists, knows or has reasonable grounds to believe that the trespasser is near or may come to be near the danger and the risk is one which an occupier may reasonably be expected to protect visitors from.

4.3 This situation may be tested however where tree officers are no longer confident that visual and internal testing can identify decay and likelihood of risk.

4.4 A number of recent cases have highlighted that a more frequent inspection regime may be appropriate for 'at risk' trees and trees in 'at risk' locations. This is currently being considered by tree officers as part of the emerging Trees and Woodlands Strategy and is scheduled for debate at Environment Overview and Scrutiny Committee (EOSC) in March 2018.

5 Financial Implications

5.1 It is estimated that the cost of felling and grinding out the stumps of all mature Lombardy Poplars in the borough is approximately £200,000. This comprises 251 trees owned/managed by the Council, 105 trees owned by Herts Highways and managed by the Council and at least 51 trees on parks and open spaces such as Stanborough Park.

5.2 It is estimated that the cost of purchasing, planting, maintaining and watering replacement trees for three years is approximately £63,000.

5.3 Discussions will take place with Herts Highways in respect of them covering the costs of felling and replanting their trees.

5.4 Once the detailed work programme is determined, it will be reported to the Executive Board along with the final budget implication. It is likely that the cost will be funded from the Council's reserves.

6 Risk Management Implications

6.1 The corporate Risk Register currently identifies "falling trees causing damage to people, property, open space, street, etc" and ranks it as 'low likelihood' and 'high impact'. In addition a new risk has been added specifically for mature Lombardy Poplars with a rank of 'high likelihood' and 'high impact'.

- 6.2 Officers are still investigating the age and condition of Lombardy Poplars in parks and open spaces owned by the Council. Depending on the outcome of these investigations it may necessitate an increase to the estimated expenditure and/or an addition to the detailed risk-based felling schedule.
- 6.3 Lombardy Poplars are particularly synonymous with Welwyn Garden City and appear on the logo of the Howard Centre and the Town Centre BID. As a result this will be considered as part of the communications strategy.
- 6.4 Tree officers will identify suitable alternative species for replanting based on the circumstances of the site and its surroundings.

7 Security and Terrorism Implications

- 7.1 There are no security or terrorism implications associated with this report.

8 Procurement Implications

- 8.1 The current tree management framework contract allows the Council to tender work on a cascade system.

9 Climate Change Implications

- 9.1 There are no climate change implications arising from this report, other than the general acknowledgement that trees help to reduce climate change by absorbing carbon dioxide.

10 Link to Corporate Priorities

- 10.1 The subject of this report is linked to the Council's Business Plan 2015-2018 and particularly Priority 1 to maintain a safe community, Priority 2 to protect and enhance the environment and Priority 5 to provide value for money.

11 Equalities and Diversity

- 11.1 An Equality Impact Assessment (EqIA) was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies.

Name of author	Ann MacDonald
Title	Landscape and Ecology Manager
Date	January 2018



09 SEP 2021

[Parks](#)

Work to Protect Lombardy Poplar Trees at Christchurch Meadows Begins this Month

- **Lombardy poplars in Christchurch Meadows require tree work to ensure they can be safely retained**
- **Work will start next week to prolong the longevity of the older trees**

WORK to protect the row of landmark poplar trees along the eastern boundary of Christchurch Meadows will begin this month.

The line of Lombardy poplars along the George Street frontage of Christchurch Meadows require tree work to ensure they can be safely retained.

Many of the trees in this area are believed to be almost 40 years old and are coming to the end of their natural life (this species tend to live between 30 to 50 years). This type of tree is also prone to snapping, and given the size and location of these trees, they will need to be reduced to a safer height from their current height of 18-22m.

Although some of the older trees are beginning to fail, the Council's succession planting programme for this line of trees, initiated over seven years ago, has taken into account the

limited life span of these trees and planned ahead for the future. 34 new poplar trees were added in 2014 and the majority of these are growing well. It is hoped the new healthier trees will eventually become the dominant ones along the row.

Since the majority of the trees are still healthy they will only be reduced to around 15m in height. The entire row has been successfully reduced to a similar height previously, so this is an appropriate height for them to begin regrowth again.

Where significant decay has been identified, a small number of trees will need to be reduced to a safer height of 5m to spur their healthy re-growth and over the longer term to catch up to the height of the rest of the trees.

Work will therefore need to start next week (13 September) while the weather and ground conditions are favourable. At the same time, work will be carried out to the lone poplar at the end of Wolsey Road, which is also showing signs of decay.

Similar work was carried out previously to a number of other poplars to the north of this area, which have now regrown.

Cllr Karen Rowland, Reading's Lead Councillor for Recreation, said: *"I'm heartened that we continue to monitor and care for this line of Lombardy Poplars, along the edge of our much-loved Christchurch Meadows. The stand of trees form a striking and much-loved landmark for views from within Reading and all along the Thames. We know that a number of these majestic trees are sadly coming to the end of their natural life – something we began to proactively plan for back in 2014 when we planted 34 new poplars here as part of an intentional succession planting programme to ensure this line of trees remains for the future.*

"We are also doing everything we can to prolong the longevity of the older trees with this latest round of height reduction. Given their location within a public area and next to a busy main road, we also have safety at the forefront of our minds.

"Although thankfully the majority of the poplars do not have a problem with decay, the entire line of poplars will need to be reduced to the same height, as the canopy effectively works as one in shielding from wind shear and other natural forces. Following this necessary work, the line of trees will be around 15 meters in height. Whilst this may initially look different, it is very much in the trees' interests and in time they will regrow up again to their current height. We will then need to carry out this similar height reduction again, or once every 3-5 years. Our expert tree officers will continue to monitor the poplars in this area to ensure their survival for many years to come. Importantly, the habitat, ecological and environmental benefits they offer will remain.

"The really good news is that of the new poplars we planted seven years ago, the majority are thriving and will hopefully soon take over as the dominant trees in this area, should the older poplars fail. This well-planned replanting work has meant we can renew what is a significant landscape feature in the area.

"This work links to our wider tree strategy, which details how we will manage and maintain our own trees, as well as undertaking our duties in terms of protection of trees and ensuring new trees are planted as part of developments in the town. The new strategy aims for 3,000

new trees on Council land by 2030, as well as increasing the proportion of land in Reading which is covered by tree canopy to 25% over the same timescale.”

Over the last decade, the Council has planted over 200 new trees every year, with the final total for the 2020-21 season reaching 351 – which exceeds the 330 trees planted during the Queen’s Jubilee year of 2012.

The tree planting has attempted to increase the diversity of the tree varieties across Reading – including trees ranging from oaks to rowans, and limes to pines. This is an important part of the Council’s new Tree Strategy – and a crucial step in its response to tackling the climate emergency.

ENDS

Notes to editors

Notes to Editors

The Council’s Tree Strategy and Biodiversity Action Plan can be viewed on the Council’s website at:

- Tree Strategy www.reading.gov.uk/planning/trees
- Biodiversity Action Plan <https://www.reading.gov.uk/planning/reading-biodiversity-action-plan>

Long Term Management.
Poplar trees.

From: Caroline Hall
Sent: 08 December 2022 09:51
To: Clark, David (SI EP PE ELEC S CSW-B)
Subject: Re: FW: 5 sheridan road, tree plan report (Option)

Do you want me to add a paragraph about option 3?

About the Poplars. If the tree officer noticed in my schedule, there are no preliminary management recommendations.

Long term management that I put down was to address safety concerns raised in previous correspondence from planners. It is not ideal to top trees in this way I agree, though it is a practice quite commonly used for these type of trees. Alternatively they could simply be removed.

I consulted with another arboriculturalist about this and they agreed entirely with me.

The trees are not the rarer Black Poplar, they are a specialist hybrid of the cultivar Lombardy Poplar, a Mediterranean tree, and a further subspecies to create a tree more suited to Northern European climate. They have distinct landscape value in the right setting, but they are not a native tree as the correspondence via planning is indicating.

Let me know if you would like me to amend the AIA.

Caroline

Caroline Hall, Arboriculturalist

BSc (Hons) Tech Cert (Arbor A)

[Redacted]



Arboricultural Implications Assessment for proposed new development at 5, Sheridan Road, Peterborough - Update March 2023

Site: 5, Sheridan Road, Peterborough PE1 3LG

Commissioned by: Mr David Clark

Date: July 2022, updated March 2023



Contents

- 1. Instructions**
 - 2. Limitations of this report**
 - 3. Tree inspection and site information**
 - 4. Arboricultural implications**
 - 5. Conclusions**
- References**
- Contacts**

APPENDICES

TREE SCHEDULE

TREE CONSTRAINTS PLAN

ARBORICULTURAL IMPACT ASSESSMENT

CELLULAR CONFINEMENT NOTE



Section 1

Instructions

- 1.1 This report was commissioned by Mr David Clark.
- 1.2 The client has commissioned the report to assist an outline planning application in respect of a new dwelling situated within the grounds of the above property.
- 1.3 The report will contain an Arboricultural Impact Assessment showing three proposed layout options, the preferred one to be confirmed under reserved matters.
- 1.4 Inspection date: 17th June 2022.
- 1.5 Inspected by Caroline Hall (Tech Cert (Arbor A)) – arboriculturalist.

Section 2

Limitations of this report

- 2.1 As trees are living plants their health and condition can change both by forces of nature, intervention by people or vehicles, and with the seasons. For this reason, the recommendations in the report are valid for one year only.
- 2.2 The trees were examined from ground level and to the guidance in BS5837:2012, thus trees with a stem diameter below 75mm at 1.5m from ground level are not included within the appraisal.
- 2.3 Soil samples were not taken during the survey. Engineering solutions in relation to foundation design are outside the scope of this report.
- 2.4 The report takes into account the site as laid out at the time of inspection. Any additional structures, alterations or extensions to buildings, altering of soil levels or trenching, without consultation, could render the report on the surveyed trees void.
- 2.5 Preliminary management considerations have been included within the Tree Schedule, and are regardless of the development, however, no tree should ever be regarded as completely safe or free from risk. Trees are dynamic, living

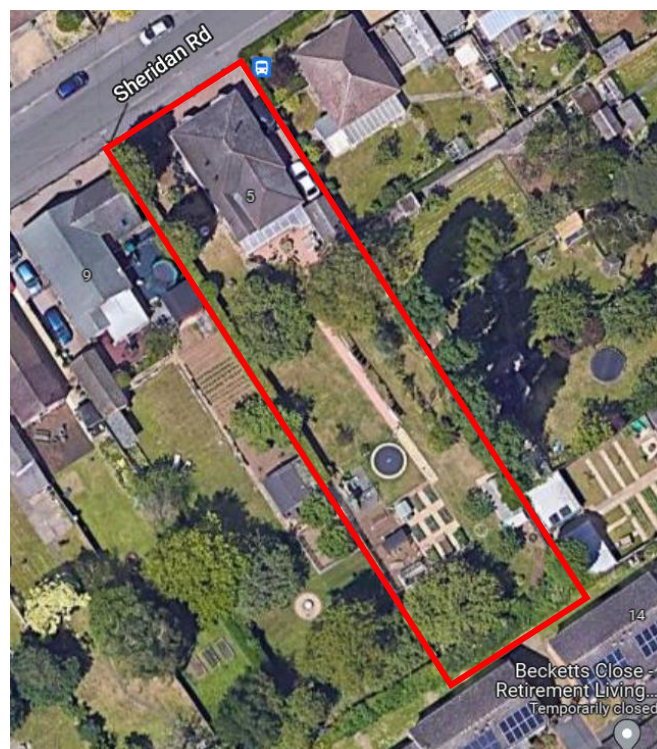


organisms subject to change and the physical and environmental conditions that surround them.

Section 3

Tree Inspection and Site Information

- 3.1 The trees were surveyed in relation to the guidance in the document BS 5837:2012-*Trees in Relation to design, demolition and construction – Recommendations*, and assessed to the criteria accompanying the survey sheet appended to this report. This update follows the removal of two fruit trees which were present at the time of the initial inspection.
- 3.2 The site is presently part of a residential dwelling with a large garden, which is proposed for development. The site is bordered with residential gardens to the south, east and west sides, and served by a driveway from the public highway from the north of the property. The area proposed for development has been used as a residential garden, and is landscaped with shrubs and trees.
- 3.3 A search to the local planning authority revealed that the site is not within a conservation area, and no trees within the proposed development area are protected under a TPO.





Section 4

Arboricultural Implications

- 4.1 11 trees form the basis of this assessment, 6 trees within the site and a further 5 off-site trees. Of these, 5 trees have received the classification of “B”, due to their present condition and expected future contribution, and 6 trees are classed as “C”, due to their expected longevity, and landscape value.
- 4.2 Trees classified as “B” are the 5 off-site Poplar trees. These trees have the potential to offer a further 20 to 40 years contribution, with good screening and wildlife habitat potential, and are of benefit to the local landscape. These trees are recommended for retention, any losses in respect of the development to be replaced within landscaping proposals.
- 4.3 Trees within the garden are managed for fruit production, screening and amenity contribution to the surrounding area. Preliminary management considerations are aimed at maintaining these trees under present conditions only, and may require a re-assessment should a change of land use lead to increased footfall or vehicular use.
- 4.4 The trees classified as “C” would not normally pose a constraint to the development, however, it is recommended that any losses be considered in terms of wildlife habitat potential. These consist of Fig, Plum, Walnut and Olive. These trees are situated within the site as part of the garden landscape and are not widely visible from publicly accessible areas.
- 4.5 **Layout Proposal 1**
- 4.5.1 Construction of Layout Proposal 1 for a new dwelling and associated driveway will necessitate the removal T5 Plum, a “C” category tree.
- 4.5.2 In addition to this, the parking space impacts upon the Root Protection Area (RPA) of T9, T10 and T12, the off-site Lombardy Poplar trees. This encroachment may be mitigated via specialist “no-dig” construction methods aimed at preserving the roots and surrounding soil, preferably by use of a cellular confinement system with granular infill, designed to accept the vehicular weight of vehicles likely to use the space.
- 4.5.3 The proposed bungalow footprint is almost wholly within the RPA of T10, T12 and T13, Lombardy Poplars. These trees are under third party ownership, and it is recommended that alternatives to their removal be a preferable



consideration. The trees receive the retention category “B”, and though they have moderately impaired quality, they are of considerable stature and widely visible from the surrounding area. It may be possible to construct the new dwelling using pile and beam methods rather than traditional strip foundations, which would not be a suitable method within the potentially affected RPAs of these trees. As foundation design is outside of the scope of this report, this advice is best sought via the engagement of a structural engineer.

4.6 **Layout Proposal 2**

4.6.1 An alternative layout is included within the proposed sketch plans appended to the end of this report. The proposal entails repositioning the building to the south of the site, and away from the RPAs of the Lombardy Poplars, T9, T10, T11, T12 and T13.

4.6.2 Construction of this proposed layout will not lead to the loss of any of the trees.

4.6.3 Layout of the parking space will encroach upon the RPAs of T9, T10 and T12, and mitigation methods as described within 4.5.2 above may be applied. This parking space could be moved, however, there are limited alternative positions that would not encroach RPAs.

4.6.4 There is a minor encroachment into the RPA of T13 with this layout, this is considered to be tolerable.

4.7 **Layout Proposal 3**

4.7.1 A further proposal, option 3, is L-shaped in design, and thus avoids any encroachment into the RPA of any of the Poplars.

4.7.2 The proposal will not lead to the loss of any of the trees.

4.7.3 Encroachment by the vehicular turning space over the RPA of the Poplars to be mitigated via specialist construction methods, for example, the use of cellular confinement with a granular infill, as described in 4.5.2. This will be further specified within the Arboricultural Method Statement.

4.7.4 There is a minor encroachment into the RPA of T3, this is considered to be tolerable. The tree is classed “C” and would not normally pose a constraint to a development.

4.8 The site can be accessed from the existing driveway. This driveway will form the construction site access and egress throughout the course of the project.



- 4.9 The site is presently screened from neighbouring gardens and the wider area by fencing, built structures and landscaping on all sides. Should the dwelling be constructed as per the second or third layout proposal, additional landscaping may be required as a screen to the southern boundary. While tree cover options are limited within a confined space, it is possible that this could be achieved with pleached or espalier trees, or climbing shrubs. This proposal also offers a garden area that is in front of the dwelling, thus allowing beneficial planting space between this and the existing house.
- 4.10 Any vegetation removed in preparation for the new development should be considered for their loss to wildlife habitat, and it is recommend any replacements be of suitable alternative species and in keeping with the local landscape.
- 4.11 The aspect of the new proposed dwelling to any of the three layout options is such that the mature Poplar trees are likely to shade the garden over the early part of each day, and leaf litter and tree debris will continue to fall over the garden and new driveway and parking area.
- 4.12 All of the trees will require protection during construction. This can be addressed in full within an Arboricultural Method Statement.

Section 5

Conclusions

- 5.1 Three alternative proposals have been considered for their impact upon the surrounding trees, and the potential for a new dwelling to co-exist with the present landscaping.
- 5.2 Layout option 1 will require the use of specialist construction methods for both the driveway parking space and foundations of the dwelling.
- 5.3 Layout option 2 will require specialist construction methods over the driveway parking area.
- 5.4 Layout option 3 will require specialist construction methods over the driveway parking area.
- 5.5 With regard to aspect, layout option 1 would offer a south facing garden, with greater opportunities for screening from surrounding properties than option 2 or 3, which both would have a north facing garden with space for screening from the existing dwelling.



- 5.6 It is possible to add additional landscaping within the site as screening from the surrounding area, and between the two properties on site.
- 5.7 There should be no significant loss to the landscape when the plot is viewed from the wider area, as the mature Poplars are recommended for retention.
- 5.8 An Arboricultural Method Statement details how construction can be executed with minimal disruption to the retained trees. The site has vehicular access from the driveway, and as there is limited on-street parking all construction operations are required to be carried out within the site. Details of construction methods near trees will be submitted with full plans.



References

BS5837:2012 - *Trees in relation to design, demolition and construction – Recommendations*

BS3998:2010 - *Tree work Recommendations*

European Tree Pruning Guide 1999

The Body Language of Trees – Claus Mattheck and Helge Breloer

Manual of Wood Decays in Trees – C Mattheck and K Weber

<http://www.forestry.gov.uk>

NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees – Issue 2

<https://nhbc-standards.co.uk/4-foundations/4-2-building-near-trees/>



Contacts

Name	Organisation	Email	Phone
David Clark	Property Owner	david.clark@electrium.co.uk	07711 046778
Caroline Hall	Arboriculturalist	carolinexhall@gmail.com	07947 653004



Appendices

TREE SCHEDULE

TREE CONSTRAINTS PLAN

ARBORICULTURAL IMPLICATIONS ASSESSMENT – LAYOUT PROPOSAL 1

LAYOUT PROPOSAL 2

LAYOUT PROPOSAL 3

CELLULAR CONFINEMENT NOTE

TREE SURVEY SCHEDULE



Tree no	Species	Height (m)	Stem diameter at 1.5 metres (mm)	Radius of nominal cir/ce	Root Protection area m ²	Branch Spread (m)	Height of Crown Clearance (m)	Age/Class	Physiological Condition	Structural Condition	*Preliminary Management Considerations	Estimated Remaining Contribution (years)	Category/Grading
T3	Fig <i>Ficus carica</i> (multi stem)	3	120, 160, 100, 100, 100	3.2	32	N1.5 S1.5 E1.5 W1.5	1.5	M	FAIR - regrown topped tree, sparse crown, tight fork	FAIR - branch stubs, pruning wounds, minor branch decay, exposed roots	NONE	10-20	C2
T4	Fig <i>Ficus carica</i> (multi stem)	3	100, 140, 130	2.6	21	N2 S2 E2 W2	1.5	SM	FAIR - regrown topped tree, minor bark cracks	FAIR - tight fork at base, pruning wounds, branch stubs, minor dead wood	NONE	10-20	C1
T5	Plum <i>Prunus domestica</i> (multi-stem)	3.5	100, 90, 80, 70, 70	2.2	15	N2 S2 E2 W2	1.5	SM	GOOD - typical of age and species, regrown topped tree, minor bark wound	GOOD - multi- stemmed, branch stubs	NONE	10-20	C1
T6	Olive <i>Olea europea</i>	7	120	1.4	7	N2 S2 E2 W2	1	SM	GOOD - typical of age and species	GOOD - minor exposed roots, low branches, minor bark cracks	NONE	20-40	C1

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TREE SURVEY SCHEDULE



Tree no	Species	Height (m)	Stem diameter at 1.5 metres (mm)	Radius of nominal cirlice	Root Protection area m ²	Branch Spread (m)	Height of Crown Clearance (m)	Age/Class	Physiological Condition	Structural Condition	*Preliminary Management Considerations	Estimated Remaining Contribution (years)	Category/Grading
T7	Fig <i>Ficus carica</i> (multi stem)	3	5 x 60	1.6	8	N2 S2 E2 W2	1	SM	GOOD - typical of age and species, regrown topped tree	FAIR - branch stubs, multi-stemmed	NONE	10-20	C1
T8	Walnut <i>Juglans regia</i>	12	620	7.4	174	N5 S5 E5 W4	1	SM	FAIR - die back from top, exudate from pruning wounds	FAIR - buttressed roots, minor dead wood scattered through upper crown, decay in old pruning wounds	Remove dead wood	10-20	C1
T9	Lombardy Poplar <i>Populus nigra Italica</i> (<i>Plantierensis</i> group) (off-site)	#25	450, 800	11.0	380	N3 S3 E3 W3	2	M	FAIR - sparse crown, dead wood scattered through crown, epicormics on stem	FAIR - adjacent fence, dead wood, buttressed roots	*NONE	20-40	B2
T10	Lombardy Poplar <i>Populus nigra Italica</i> (<i>Plantierensis</i> group) (off-site)	#25	1000	12.0	452	N2.5 S2.5 E2.5 W2.5	2	M	FAIR - sparse crown, dead wood scattered through crown, epicormics on stem	FAIR - adjacent fence, dead wood, buttressed roots	*NONE	20-40	B2

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TREE SURVEY SCHEDULE



Tree no	Species	Height (m)	Stem diameter at 1.5 metres (mm)	Radius of nominal cir/ce	Root Protection area m ²	Branch Spread (m)	Height of Crown Clearance (m)	Age/Class	Physiological Condition	Structural Condition	*Preliminary Management Considerations	Estimated Remaining Contribution (years)	Category/Grading
T11	Lombardy Poplar <i>Populus nigra Italica</i> (Plantierensis group) (off-site)	#15	400	4.8	72	N2.5 S2.5 E2.5 W2.5	2	M	FAIR - sparse crown, dead wood scattered through crown, epicormics on stem	FAIR - adjacent fence, dead wood, buttressed roots	*NONE	20-40	B2
T12	Lombardy Poplar <i>Populus nigra Italica</i> (Plantierensis group) (off-site)	#25	1000	12.0	452	N2.5 S2.5 E2.5 W2.5	2	M	FAIR - sparse crown, dead wood scattered through crown, epicormics on stem	FAIR - adjacent fence, dead wood, buttressed roots	*NONE	20-40	B2
T13	Lombardy Poplar <i>Populus nigra Italica</i> (Plantierensis group) (off-site)	#25	1000	12.0	452	N3 S3 E3 W3	2	M	FAIR - sparse crown, dead wood scattered through crown, epicormics on stem	FAIR - adjacent fence, dead wood, buttressed roots	*NONE	20-40	B2

*Preliminary management considerations are made regardless of the development, these recommendations are based upon the site use and area upon which the trees currently stand. Should the area be developed, a re-assessment of the trees in relation to health and safety may be required.

*regarding the Poplars - longer term management consideration to address safety as indicated within the delegated report dated 15.11.2021 "if trees are made safer by the owner of 5, Sheridan Road, then no objection would be raised" two options to consider are to either top down trees to 12 metres and allow to regrow, or remove, these recommendations are not considered to be necessary at present

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Key to Survey

Tree no: Number on plan

Species: Common name of tree

Height: Estimated in metres

Stem diameter: Measured in mm at 1.5 metres above ground level, multi stem values shown separately

Radius of nominal circle: Shown in metres as calculated to the guidance in BS5837

Root protection area m²: The total area in m² of the root protection area

Branch spread: Estimated extent of canopy cover, shown at each point, N, S, E, W in metres

Height of crown clearance: Estimated height of lowest branches

Age/Class: Y – Young, newly planted, self set or still supported on a stake

EST – Established, tree does not need support and is thriving

SM – Semi-Mature, within 1/3 of expected normal life

M – Mature, tree has reached maturity, and is within 2/3 of expected normal life

OM – Over Mature, tree is within the last stage of life, or is already in decline

D – Dead

Condition: GOOD – no significant defects seen

FAIR – some defects which can either be rectified, or will not have a significant impact on the health and safety of the tree

POOR – defects which can not be rectified, and could have a significant impact upon the overall health and safety of the tree

DEAD

Preliminary Management Considerations: The recommendations at this stage are purely for good arboricultural management and do not have any bearing upon the proposed development

Estimated remaining contribution – in years

Category/Grading – U – Tree is in poor condition, dead, of low arboricultural value, or may only contribute a further 10 years

A1 – Tree has high value, is a good example of its species, offering 40 years or more

A2 – Tree has high value, offers screening and landscape contribution for 40 years or more

A3 – Tree has high value, offers cultural or historical value for 40 years or more

B1 – Tree has moderate value, has a slightly impaired value, but offers 20 years or more

B2 – Tree has moderate value, has distinct landscape value, offering 20 years or more

B3 – Tree has moderate value, offers clear conservation or cultural benefits for 20 years or more

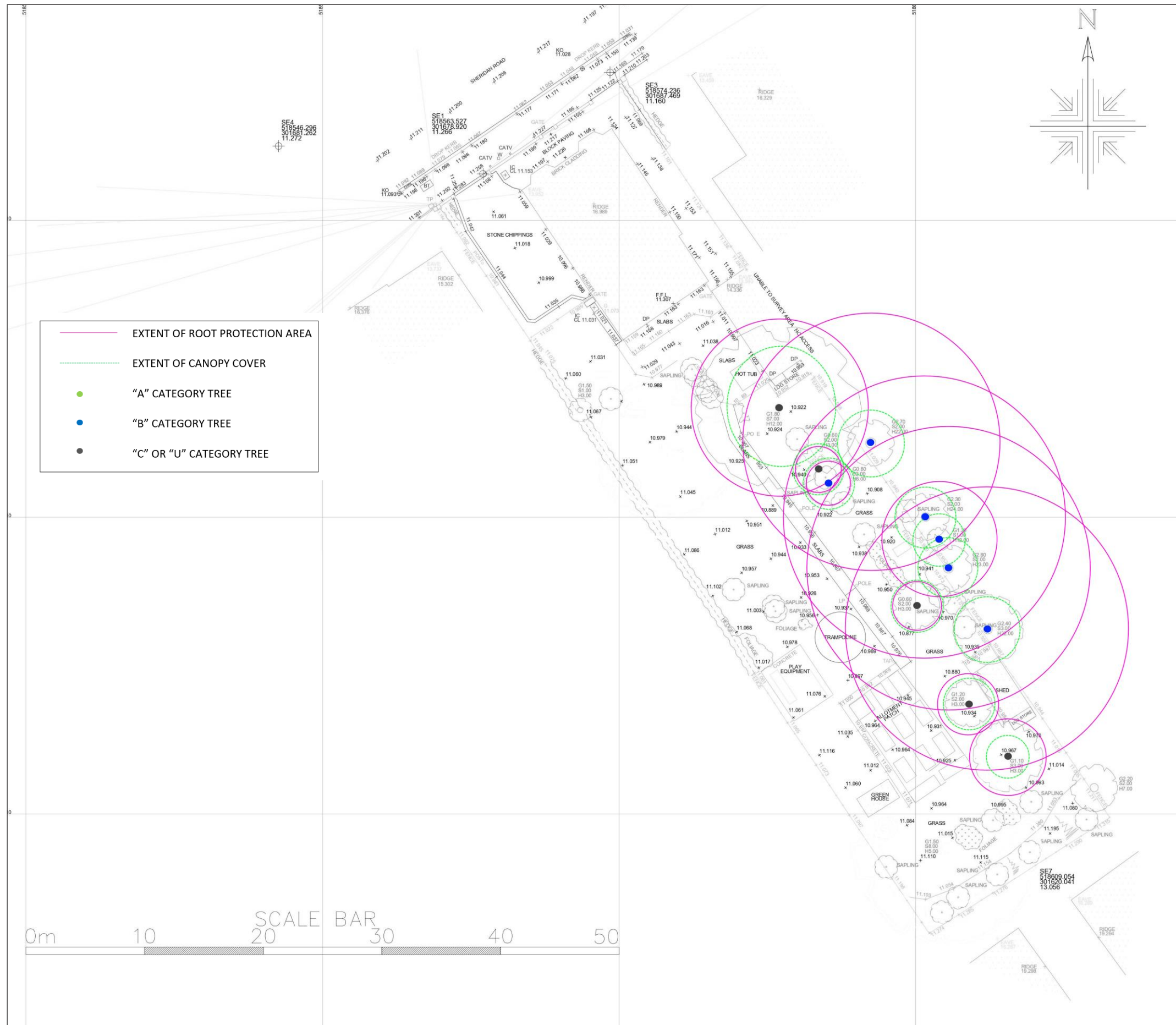
C1 – Tree is of low quality and value, offers at least 10 years but does not qualify in higher categories

C2 – Tree is of low quality and value, groups or woodlands with temporary landscape value, for at least 10 years

C3 – Tree is of low quality and value, has limited contribution in terms of landscape or conservation but offering 10 years or more

⚠ As trees are living plants their health and condition can change both by forces of nature, intervention by people or vehicles, and with the seasons. For this reason the recommendations in the report are valid for one year only

5 SHERIDAN ROAD, PETERBOROUGH
TREE CONSTRAINTS PLAN



5, SHERIDAN ROAD, PETERBOROUGH
ARBORICULTURAL IMPACT ASSESSMENT – LAYOUT PROPOSAL 1



- Encroachment into driveway area may be mitigated via specialist “no-dig” construction methods
- Encroachment into building footprint may require the engagement of a structural engineer, and specialist foundations, for example, pile and beam
- Removal of “C” category tree would not normally pose a constraint to a development

5, SHERIDAN ROAD, PETERBOROUGH
ARBORICULTURAL IMPACT ASSESSMENT – ALTERNATIVE LAYOUT PROPOSAL 2



- Encroachment into driveway area may be mitigated via specialist "no-dig" construction methods
- Encroachment into building footprint is tolerable

5, SHERIDAN ROAD, PETERBOROUGH
ARBORICULTURAL IMPACT ASSESSMENT – ALTERNATIVE LAYOUT PROPOSAL 3



- Encroachment into turning area may be mitigated via specialist “no-dig” construction methods
- Encroachment of T3 into building footprint is tolerable



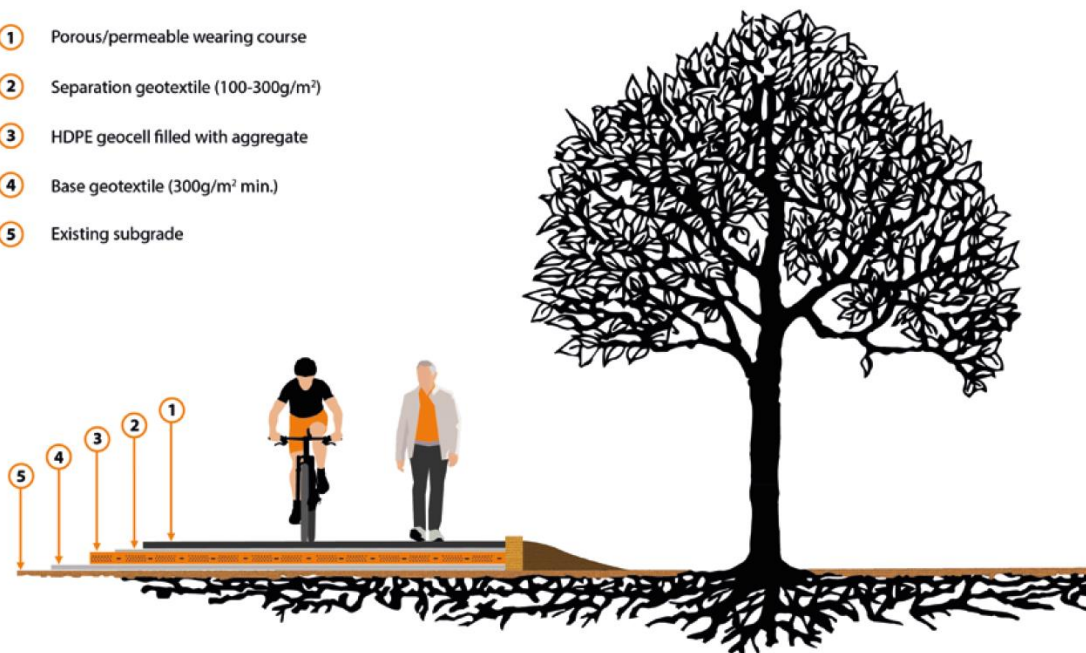
1. The use of cellular confinement systems is an effective method for protecting soils and tree root systems when new hard surfacing is required near trees. During construction, there will inevitably be some preparatory work on top of the tree root system, and as such there is an elevated risk of damage to the tree roots and surrounding soil. Careful working practices are required to minimise the effect of any root disturbance while the installation is carried out.

2. Tree roots can be directly damaged by compaction during site levelling, and use of a tracked excavator should be exercised with extreme caution. It is recommended to keep records during any excavation works, and consult with an arboriculturalist should any roots become exposed or vulnerable to damage.

3. The cellular confinement system must be filled with clean angular stone that contains no fine material. To protect the geocell membrane it is advised that geocells are overfilled by a minimum of 25mm. In order to function effectively it is crucial that all of the cells are fully expanded and filled to capacity. Therefore, if there is insufficient space for a cell to be expanded it should be cut away and discarded.

4. When cellular confinement systems are installed within tree root zones it is important that the wearing course is permeable so that air and water can reach the soil beneath. Systems should be put in place to ensure that the surface is regularly cleaned so that it maintains its porosity. The means to successfully prevent ground compaction during construction need to be planned from the conceptual stages of a building project. It may be that the no-dig surface needs to be installed and used during construction, and in other situations the ground may need to be protected until it is time to install the cellular confinement system. In this case, the project will require detailed planning to ensure suitable surfacing over the RPA is available during the project.

- ① Porous/permeable wearing course
- ② Separation geotextile (100-300g/m²)
- ③ HDPE geocell filled with aggregate
- ④ Base geotextile (300g/m² min.)
- ⑤ Existing subgrade



(No subject)

David Clark <

Mon 17/07/2023 11:41

To:Clark, David <









Sent from my iPhone