

001\_DP\_ Upminster&CranhamRA\_P19\_2332\_041019

4<sup>th</sup> October 2019

London Borough of Havering  
Town Hall  
Main Road  
Romford  
RM1 3BD

FAO William Allwood

Dear William

**Planning Application Reference P0248.19**  
**Objection Letter on behalf of Upminster & Cranham Residents' Association**  
**Hall Lane Miniature Golf Course, Hall Lane, Upminster RM14 1AU**

I write, on behalf of Upminster & Cranham Residents' Association, in response to planning application reference P0248.19 ("the application"), comprising an outline planning application for "*the demolition of all buildings and structures on site, and redevelopment of the site providing up to 48 residential dwellings, creation of a new highway access, public open space and landscaping and related infrastructure*" at Hall Lane Miniature Golf Course, Hall Lane, Upminster ("the site").

As set out in detail below, Pegasus Group raise objections, on behalf of Upminster & Cranham Residents' Association, to the application on the following grounds:

- the loss of designated open space and the non-compliance of the development proposal with Development Plan policy, including Policy DC18 of the adopted Havering Core Strategy and Development Control Policies Development Plan Document (adopted 2008);
- insufficient evidence to demonstrate that there would not be an adverse effect on the significance of designated heritage assets located in close proximity to the site, as well as any potential impact on non-designated heritage assets of archaeological interest;
- insufficient evidence to demonstrate, and then justify where necessary, the impact of the proposal on existing trees at the site, with potential associated impacts in terms of ecology, neighbouring residential amenity and the character of the surrounding area; and
- insufficient evidence to demonstrate that the proposal would not result in unmitigable ecological impact on protected species.



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## **SITE DETAILS & PLANNING CONTEXT**

In the context of the adopted Development Plan for area, which in the context of the site comprises of the London Plan, the Havering Core Strategy and Development Control Policies 2008 (CSDCP) and the Havering Site Specific Allocation DPD 2008, the site is notably designated under Policy DC18 of the CSDCP as protected '*parks, open spaces, playing field and allotments*'.

The site is currently operated as an 18-hole miniature golf course and has been operated for this use since the 1930's, previously under private ownership and in more recent years under public ownership. The site is approximately 3.5 hectares in size and is accessed from Hall Lane. Free car parking is available in the nearby Upminster Hall Playing Field situated 200 metres from the site.

As owners of the site, the London Borough of Havering have proceeded to appropriate the site for planning purposes under section 122(2A) Local Government Act 1972, and then dispose of the site as open space following this appropriation under section 233(4) Town and Country Planning Act 1990. Correspondingly, they are proposing the site for residential development, which is the subject of this planning application. For clarification, the applicant, Mercury Land Holdings Ltd, are wholly owned by the London Borough of Havering.

Despite this context, the site is still proposed to be designated under Policy 18 of the emerging Havering Local Plan as protected '*open space, sports and recreation facilities*'.

In addition to the open space designation of the site, there are also a number of other constraints that need to be carefully considered as part of the determination of this planning application. These constraints relate to heritage, ecology and arboriculture, with associated impacts on the character of the area, neighbouring amenity and in ecological terms. There are a number of high-quality trees across the site and an identified potential for protected species; therefore there is a potential associated adverse impact of the development proposal in arboricultural and ecological terms, with potential for impact on the character of the area as a result of the loss of trees, as well as potential impact on neighbouring amenity. As discussed in detail below, the site is also in close proximity of a number of designated heritage assets, and there is also potential for non-designated heritage assets of archaeological interest.

## **LOSS OF OPEN SPACE**

As noted above, the site is designated as protected 'open space / sports & recreational use' under both adopted and emerging local planning policy.

For clarification, Policy DC18, and the related Policy DC20, of the adopted CSDCP, which are key adopted policies for the determination of this application, related to the principle of this development, state:



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## "Policy DC18

*The Council will seek the retention and enhancement of all public open space and recreation, sports and leisure facilities that are in private and public ownership.*

*Where it is shown that public open space or other land /building is surplus to requirements because other facilities exist in the locality to meet the standards set out in Policy DC20 alternative uses will be allowed.*

*Priority will be given to other recreation/leisure uses such as allotments or sports pitches where there is an identified need for such a use. Where no such needs exists then other uses may be approved provided that there is no conflict with other Core and Development Control policies and there is no unacceptable impact on the local environment or amenities of local residents.*

*Any loss of open space to a non recreation/leisure use must be accompanied by an improvement to the quality of open space in the vicinity or to remedying qualitative and quantitative deficiencies in open space elsewhere in the Borough."*

## "Policy DC20

*The Council will seek to ensure that there is adequate provision of a varied range of accessible leisure and recreation facilities throughout the borough.*

*The Council will have regard to the following walking distances in order to improve the distribution of public open space:*

- *Regional Park (400 ha) 3.2 to 8 km*
- *Metropolitan Park (60 ha) 3.2km*
- *District Park (20ha) 1.2km*
- *Local Park (2ha) 800m*

*The Council will also seek to achieve the following standard of provision:*

- *Children's Play Space 0.8 hectares per 1,000 population with access to formal/informal play provision within 400 m of home*
- *Allotments 0.18 hectares per 1,000 population with access within 800 m of home*
- *Sports pitches 0.75 hectares per 1,000 population with access within 1200 m of home*

*In order to make the best use of facilities, the Council will promote the dual use of education sports and recreation facilities by the public."*

As such, with consideration to the wording of these policies, there is a need for the applicant to firstly demonstrate that the site is surplus to requirements because other facilities exist in the locality to meet the standards set out in Policy DC20, and then if this can be demonstrated show that other recreation/leisure uses, such as allotments or sports pitches, are not required with no identified need for such uses. Only if it is shown that the existing use or alternative recreation/leisure uses are not needed, can alternative, non-recreation/leisure uses, such as residential development, be considered.

Consequently, the applicant of planning application P0248.19, has produced and submitted an Open Space Assessment in support of the application, with a revised Open Space Assessment produced for the application in March 2019, related to open space provision in the area with consideration to alternative leisure/recreational uses for the site, in line with Policy DC18. The applicant has also produced and submitted a Golf Facilities Needs Assessment (GFNA) to consider reuse of the site for golf use.

The GFNA concludes that the site is not needed for golf use and that there are no gaps in provision of golf facilities in the Borough. However, notably England Golf have provided a



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report to the application which finds that there is in fact a need to provide and develop entry level golfing facilities that offer more informal playing opportunities. We consider that this site can meet this identified need, particularly given that it has already been used for informal golf play, and therefore a reuse in line with England Golf's requirements could, and should, be explored in this instance.

In relation to alternative recreation/leisure uses, with reference to the standards set out under Policy DC20, and the Council's Open Space Assessment Report (2016) standards, which forms part of the evidence base of the emerging Havering Local Plan; the revised Open Space Assessment produced for the application (OSA) concludes that there is no allotment provision within an 800m catchment area of the site. It also concludes that there is limited access to natural / semi-natural greenspace in the area. The OSA provides justification for the lack of natural / semi-natural greenspace explaining that this is still acceptable because of nearby access to public rights of way within the Green Belt. We strongly contest this claim as access to public rights of way are not equivalent to access to natural / semi-natural greenspace. The OSA also concludes that the site is not within 1.2km of a District Park but is within 3.2km of a Metropolitan Park. The OSA appears to 'double-count' Upminster Playing Fields and Windmill Field as having 'features of a park', to justify the lack of access to a District Park, whilst still being considered an amenity greenspace and providing children's play space. We agree that these sites consist of amenity greenspace and children's play space but contend that they also represent a 'park' in the context of Policy DC20 and the Council's Open Space Assessment Report (2016) standards.

As such, the proposal would fail to accord with Policy DC18 because an allotment facility and natural / semi-natural greenspace does not exist in the locality to meet the standards set out in Policy DC20, which requires allotments within 800m of a home; or with the Council's Open Space Assessment Report (2016), which requires both allotments and natural / semi-natural greenspace within 800m of a home. The proposal also fails to meet standards for access to a District Park. Therefore, these alternative recreation/leisure use should be considered for the site before an alternative non-recreation/leisure uses.

Notably the Council's Open Space Assessment Report (2016), states that there are waiting lists across the Borough for allotments, highlighting a need for allotments. The Report states *"there are waiting lists for allotments across LBH; suggesting that demand for allotments is not currently being met by supply. All allotments are assessed as high value reflecting the associated social inclusion and health benefits, their amenity value and the sense of place offered by provision. Continuing measures should be made to provide additional plots in the future"*. As such, there is an identified need, as shown in the Council's own evidence base, and therefore in line with Policy DC18, priority should be given to this alternative recreation/leisure use before a non-recreation/leisure use can be considered. There is no evidence submitted with the application that reuse of the site for allotments has been actively considered and sought for this site. Indeed, the OSA itself states that *"further assessment is needed to understand the demand for allotments in the locality"* thereby highlighting that there is a potential need for allotments and that the application proposal is not fully justified in relation to the loss of protected open space.

The OSA notably concludes that *"this assessment has not been able to conclusively demonstrate that the site could be considered as being surplus"*, which, as noted above, is a key criteria of Policy DC18. We contend the statement in the OSA conclusion that public



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open space could be provided on site as part of the residential development to mitigate the loss of the site as open space, as this would clearly not mitigate the loss of the entire site as open space. We also contend the statement in the OSA conclusion that 86% of residents in the area have access to private gardens and that this somehow mitigates the loss of the site as open space, as this does not replace the need for public open space and the need to protect open space as set out in the Council's own latest evidence base and with consideration to national policy, given the established benefits of open space, such as health and well-being benefits. We also contend the Council's overall conclusion which states "*assuming that the Council is prepared to contribute to the improvement of quality of publicly accessible open space in the vicinity or elsewhere in the Borough, a change in use of Hall Lane pitch and putt would comply with Policy DC18*". Contributing to the improvement of other open space does not negate the need to meet the initial part of Policy DC18, which the OSA itself confirms the proposal does not meet, and it also would not mitigate the loss of the site as protected open space. This is not withstanding the issues of delivering such improvements, or alternative land for open space, which I discuss further below.

We therefore strongly contend that the proposal fails to comply with Policy DC18, on this basis.

With regard to the above, and the clear need to protect the site for open space given the need for leisure/recreational uses, such as allotments, it is therefore considered that the proposal also does not accord with policy DC7 of the CSDCP, which states "*the Council will, in partnership with other bodies, seek to retain and increase access to recreation and leisure opportunities by retaining existing facilities where a need exists*".

In terms of national planning policy, paragraph 97 of the NPPF states that "*existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."*

Policy 18 of the emerging Havering Local Plan reiterates these provisions.

It is noted that within correspondence between the Local Planning Authority (LPA) case officer and the applicant, saved on the application page of the Council's website, the case officer has focussed on b) of paragraph 97 above, and asked the applicant to confirm how the loss of the site would be replaced by equivalent or better provision in terms of quantity and quality in a "*suitable location close to Hall Lane*" and how this would be secured, referencing a potential S106 agreement or 'land swap'.



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It is firstly important to reiterate that, in line with Section 38 of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the Development Plan is the starting point for the determination of this application, and it has been shown above that the proposal does not accord with the Development Plan. Notwithstanding this, it is difficult to see where a suitable location close to Hall Lane could be delivered to provide replacement space of equivalent or better provision in terms of quantity and quality, particularly given the land constraints of the urban area to the north, east and south of the site and the Green Belt constraints to the west and north-west of the site. And it is also unclear how a Section 106 agreement would be able to be entered into, when the London Borough of Havering constitute both the sole owner of the site and the LPA, with the Council being unable to enforce against itself in relation to any potential breach of covenant.

In addition to the above, Policy 12 of the emerging Havering Local Plan states that "*all major development proposals must be supported by a Health Impact Assessment (HIA) to demonstrate that full consideration has been given to health and wellbeing*". A HIA does not seem to have been submitted with the application, and therefore given the advanced nature of the emerging Local Plan and the weight that can be afforded to it, and particularly given the implications of the loss of open space on health and wellbeing, it is considered that the LPA should require the applicant to provide such an assessment given the implications for the determination of the application.

On the basis of the above, we believe there are strong grounds to refuse this planning application on the basis of the loss of open space, with the application being unable to demonstrate that the existing use of the site is surplus to requirements, or that there is not an identified need for either the existing use or another recreation/leisure use, such as use for allotments, with consideration to Policy DC18 of the adopted Havering Core Strategy and Development Control Policies 2008.

## HERITAGE

### Setting of Designated Heritage Assets.

The site is located less than 200 metres to the south of the Grade II\* Listed Upminster Hall (List UID 1079889) and approx. 230 metres south of the Grade II listed 'Medieval Grange Barn, 228m south east of Upminster Court' Scheduled Monument (List UID 1001991). The Grade II listed Upminster Court Park and Garden (List UID 1001586), with the associated Grade II listed Upminster Court building (List UID 1079931), Grade II listed 'Stable Block at Upminster Court' (List UID 1183723) and the Grade II listed 'Entrance piers and gates to Upminster Court' (List UID 1079888) are located approx. 350 metres to the north-west of the site.

The listing of the Grade II\* Listed Upminster Hall (List UID 1079889) states:

*"C15-16. Two storey, timber-framed, and covered with roughcast colourwashed. Consisting of a centre with cross-wings and a further wing attached to the north end of the house. The*



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*cross-wings are gabled and jettied over the ground floor where there are traditional wood oriel windows on brick bases. Upper floors have wooden mullion and transom windows with leaded lights; that in the north cross-wing an old 4-light one, with a modern 5-light window in the south cross-wing, 2-light leaded casements in each of the gables, carved wooden bargeboards. To north of south projecting wing 2 storey porch, jettied on 2 sides and with shaped bracket to dragon-beam. Entrance on north side of porch. Front of porch with 4-centred arch over modern window. Moulding to overhang. Three-light mullion and transom window in upper floor of porch. Gable with old carved bargeboards and pendant. Centre of the house has 3-light mullion and transom window to ground floor and 1 old 4-light window to 1st floor. Gable over with carved bargeboards. Old tile roofs. Main stack to north of centre with 4 diagonal shafts. Wing to north probably C17, with old 4-light wood mullion and transom windows with leaded lights. The ground floor window modern, 2-light casement window in gable which is of shallower pitch than the rest of the roofs. Stack to south of roof of gable with 2 diagonal shafts. South wing has stack with 4 diagonal shafts. Plain 2 storey south side with various wood mullion and transom windows, all modern. Rear elevation has modern single storey portion to south and across centre of main block. North section has 2 storey gabled jettied wing with 4-light wooden casements to each floor and steep gable with plain bargeboards. Remainder of rear part set back with various gables and windows of similar character to rest of house. First floor central rear window has a canted bay with ogee roof possibly C17, altered. Remains of wood bellcote on roof. North side has 3 sashes to each floor. Interior: Porch opens into site of screens passage, both walls of which have been removed. The ground floor of the south wing is all 1 room. Hall has modest C18 plaster panelling cornice, stone fireplace surround and paving. Ceiling has exposed beams, including some with gouged chamfered mouldings. Staircase constructed round a well, off the north-east corner of the hall, early C18 with 3 delicately turned balusters of 3 types to each tread, cut strings, carved brackets and ramped handrail. Ceiling with simple coved cornice. North-east room of 1st floor with simple C18 Chinese fret dado."*

The listing of the 'Medieval Grange Barn, 228m south east of Upminster Court' Scheduled Monument (List UID 1001991) states:

### "Reasons for Designation

*A grange barn is a large barn belonging to, or associated with a grange; a farm or outlying estate of a religious order. Medieval grange barns were often used for storing tithes from the estates belonging to the religious order. From the time of St Augustine's mission to re-establish Christianity in AD 597 to the reign of Henry VIII, monasticism formed an important facet of both religious and secular life in the British Isles. Settlements of religious communities, including monasteries and abbeys, were built to house communities of monks, canons (priests), and sometimes lay-brothers, living a common life of religious observance under some form of systematic discipline. They belonged to a wide variety of different religious orders, each with its own philosophy. Monasteries were inextricably woven into the fabric of medieval society, acting not only as centres of worship, learning, and charity, but also, because of the vast landholdings of some orders, as centres of immense wealth and political influence. Many monasteries acted as the foci of wide networks including parish churches, almshouses, hospitals, farming estates and tenant villages. Some 225 of these religious houses belonged to the order of St Augustine. The Augustinians were not monks in the strict sense, but rather communities of canons - or priests - living under the rule of St*



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*Augustine. In England they came to be known as 'black canons' because of their dark coloured robes and to distinguish them from the Cistercians who wore light clothing. From the 12th century onwards, they undertook much valuable work in the parishes, running almshouses, schools and hospitals as well as maintaining and preaching in parish churches. Despite some alterations and fire damage in the past, the medieval grange barn at Upminster survives well. It will contain archaeological information and environmental evidence relating to the barn and the landscape in which it was constructed.*

## Details

*The monument includes a medieval grange barn situated on a west facing slope overlooking the Ingrebourne River. This weather-boarded aisled barn is about 44m long and 11m wide and has nine bays. There is a gabled entrance in the centre of the north side. The thatched and half-hipped roof is of crown post construction with reversed assembly in the aisles. There is a three rail arrangement of aisle walls with ventilation at the top. The grange barn was built in about the mid 15th century by Waltham Abbey, when the adjacent Upminster Hall served as a retiring place or hunting seat for the abbot. Waltham Abbey was an Augustinian Abbey at Epping Forest, 22km to the north-east. It was initially founded perhaps as early as about 1030 as a collegiate church of secular canons. It was rebuilt and designated as an Abbey in 1184, after which it became one of the most important and prosperous Abbeys in the country. It was suppressed in 1540. The grange barn formed part of the extensive estates of the Abbey and continued in use after the dissolution. By 1813, three of the bays of the barn had been floored in oak. In 1937, the barn was purchased by Hornchurch Urban District Council. It was re-thatched in 1965 but was damaged by fire in 1973. In 1976, it was opened as an agricultural and folk museum. Dendrochronological analysis of some of the timbers indicates a likely date range of AD 1423-1440 for the felling of the assemblage. Modern additions and services attached to the barn are excluded from the scheduling, but the ground beneath is included."*

The site is separated from the Grade II\* Listed Upminster Hall and the Grade II listed 'Medieval Grange Barn, 228m south east of Upminster Court' Scheduled Monument by existing residential development located along The Fairway. The site is separated from the Grade II listed Upminster Court Park and Garden, with the associated Grade II listed Upminster Court building, Grade II listed 'Stable Block at Upminster Court' and the Grade II listed 'Entrance piers and gates to Upminster Court', by residential development accessed off Hall Lane.

Regarding the setting of these designated heritage assets, although this existing residential development would provide a visual screening, national planning policy contained in the NPPF and NPPG is clear that the setting of a heritage asset is not solely established by the visual and physical connection of the surroundings with the heritage asset, and that other consideration such as historic, social and economic connections can also be relevant to setting. This was notably clarified by the High Court in *Steer v Secretary of State for Communities and Local Government & Ors [2017] EWHC 1456 (Admin)*. Although the later associated Court of Appeal case (*Catesby Estates and SSCLG v Steer and Historic England 2018*) allowed the associated appeal and reinstated the planning permissions, in relation to the matter of setting, the Court of Appeal judgement is clear that the effect of a proposal on



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setting is for the decision-maker on a case-by-case basis, where visual effects are considered alongside other factors, such as historic association for example.

The NPPF defines the 'setting of a heritage asset' as *"the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*. As concluded in the above-mentioned High Court case, the word "experienced" has a broad meaning, which is capable of extending beyond the purely visual.

It is therefore clear that the development proposal has the potential to affect the setting of nearby designated heritage assets.

Paragraph 189 of the NPPF is clear that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It states *"as a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary"*.

As such, it is considered that the effect of the development proposal on the setting of surrounding designated heritage assets should be carefully considered and assessed as part of the planning application, and the LPA should require the applicant to describe and assess the significance of any heritage assets affected, including any contribution made by their setting, through a Heritage Assessment, and consult with Historic England for their views in this regard.

## Archaeology

There are archaeological records of medieval activity in the vicinity of the above-mentioned Grade II\* listed Upminster Hall, with consideration to the Historic England Records. The close proximity of the designated heritage assets mentioned above, including the Grade II listed 'Medieval Grange Barn, 228m south east of Upminster Court' Scheduled Monument gives potential for heritage assets of archaeological interest at the site. Indeed, the listing of the Grade II listed 'Medieval Grange Barn, 228m south east of Upminster Court' notes that the Scheduled Monument *"will contain archaeological information and environmental evidence relating to the barn and the landscape in which it was constructed"*. Given the close proximity of the site to this Scheduled Monument, there is potential for associated archaeological remains. This context therefore means there is potential for the site to include heritage assets with archaeological interest.

Paragraph 189 of the NPPF states that *"where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation"*.



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As such, it is considered that the LPA should require the applicant to provide an Archaeological Assessment to assess the potential for heritage assets with archaeological interest and any associated impact as a result of the development proposal.

## Potential Impact

Paragraph 193 of the NPPF states *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*. And in relation to non-designated heritage assets, paragraph 197 states *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*. For clarification, footnote 63 of the NPPF states *“non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets”*.

Policy CP18 of the adopted CSDCP states *“all new development affecting sites, buildings, townscapes and landscapes of special architectural, historical or archaeological importance must preserve or enhance their character or appearance. Contributions may be sought towards the preservation or enhancement of historic assets where appropriate”*.

As such, in light of both Development Plan and national planning policy, until the production of the necessary Heritage and Archaeological Assessment(s) and the potential heritage impacts of the proposal are sufficiently assessed, then the LPA cannot determine whether the development proposal would be acceptable in heritage terms, and / or what level of mitigation would be required if development would not be precluded following the required assessments. Therefore, at this stage, without this further information, the LPA cannot sufficiently determine that the proposal would not harm the significance of designated and / or potential non-designated heritage assets in the area.

## ARBORICULTURE & ECOLOGY

The site contains a number of trees and the application is supported by an Arboricultural Impact Assessment (AIA) which identifies and classifies trees on and around the site. These include several high quality (category A & B) classified trees. The AIA notes that many trees will need to be removed to facilitate residential a development at the site, however it does not provide sufficient assessment to demonstrate, and then justify where necessary, the impact of the proposal in arboricultural terms, with potential associated impacts in terms of ecology (with implications for the Preliminary Ecological Appraisal submitted with the application), amenity of neighbouring residents in terms of privacy and overlooking, and impact on the character of the surrounding area, which is well defined by the presence of trees in open spaces and the public realm.



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It is also noted that the Woodland Trust have commented on the application, raising concerns that four oak trees at the site display veteran tree characteristics. The AIA has not considered these trees appropriately in this regard, with the impact of the development on the trees unclear. The AIA has not provided appropriate root protection areas for these trees in this regard, in accordance with relevant Natural England standing advice.

As such, until the AIA is amended, or replaced with a suitable AIA, which sufficiently assess the impact of the development on existing trees, along with associated impacts, as noted above, then it is unclear if the development could be acceptable, or made acceptable through appropriate mitigation, in relation to arboriculture. Therefore, at this stage, without this further information, the LPA cannot sufficiently determine that the proposal would not cause unmitigable harm to existing trees, with potential associated impacts in terms of ecology, amenity of neighbouring residents and the character of the area.

In terms of ecology, the Preliminary Ecological Appraisal submitted with the application, produced in February 2019, found that further surveys were required in relation to bats, great crested newts, reptiles and badgers. These surveys do not appear to have been carried out. Therefore, there is insufficient information regarding potential impact on these protected species. Policy CP16 (Biodiversity and Geodiversity) of the CSDCP states “*the Council will seek to protect and enhance the boroughs rich biodiversity and geodiversity, in particular priority habitats, species and sites*”. Therefore, at this stage, without this further information, the LPA cannot sufficiently determine that the proposal would not cause unmitigable harm to protected species.

## CONCLUSION

On the basis of the above, it is considered that there are a number of grounds on which this application should be refused, related to the loss of designated open space; the potential impact of the development, without further evidence to the contrary, on the significance of designated and / or non-designated heritage assets; the potential unmitigable impact of the development, without further evidence to the contrary, on protected species; and the potential unmitigable impact of the proposal, without further evidence to the contrary, on existing trees at the site, with associated impacts in terms of ecology, amenity of neighbouring residents in terms of privacy and overlooking, and the character of the surrounding area.

Yours sincerely



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