

CHECAA

Craigweil House and its Environs **Conservation Area Association**

'Preserving our Regal, Historic and Architectural Heritage for Future Generations'

Objection (4) to AW-155-17-PL – Build house in front garden of Brus Lodge, 28 Kingsway – 12-7-2017

Head of Planning Application,
Arun District Council
Maltravers Road
Littlehampton
BN17 5LF

BY EMAIL

12 July 2017

Dear Sir,

OBJECTION (4) TO AW/155/17/PL - Build Detached House in front garden of Brus Lodge, 28 Kingsway, within the Craigweil House Conservation Area and the Craigweil House Area of Special Character.

INTRODUCTION

After having secured the designation of this area (plan attached) as the Craigweil House Area of Special Character (ASC) in 2003 and as the Craigweil House Conservation Area (CA) in 2009, CHECAA's 200 plus members have pursued their Aims and Objectives of Association and have worked towards ensuring that all development applications for the area are monitored to ensure that they will serve to make a '*positive contribution*' and will '*preserve or enhance the character or appearance of the conservation area and its setting*' pursuant to, respectively, Planning Policy Area 1 of the Local Plan for Arun District Council 2003 and Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Area 2 of the Arun District Council (ADC) Local Plan 2003 and are also compliant with all other provisions of that Local Plan.

To this end, CHECAA maintains a Planning Application Scrutiny Committee which examines every planning application submitted for development within the CA. Craigweil Private Estate, where Brus Lodge is located, is part of the CA and is all within its setting. CHECAA then makes appropriate representation to the Local Planning Authority (LPA) whenever it considers that a planning proposal may in any way breach the criteria of the above designations by causing harm. **This application, as with the previous three, to develop the front garden of Brus Lodge, causes CHECAA great concern for it will destroy the last remaining verdant amenity created to the original 1930 Auty/Du Cros design concept in Kingsway - the main access road to the Estate.**

THE SITE; HOUSE; SETTING AND HISTORY

To fully understand the importance of the proposed development site, it must be remembered that the whole area is steeped in Regal, and attendant, history which is set out in detail in the CA Statement which so few Officers appear to have studied, including the current temporary Conservation/Design Officer whom CHECAA members are astonished to find pays so little attention to Craigweil's unique dual designation as an ASC and CA. **She pays scant attention to status or to respecting the importance of the setting complete with the massive significance of trees from the original design of the Estate and we find this a matter of great concern.** She makes brief reference to paragraph 132 of the National Planning Policy Framework (NPPF) but draws no conclusion and gives no opinion upon it and we find that unhelpful. **She goes on, in just 4 lines, to assert that there will be no adverse impact on the three Local Listed houses - 'Brus Lodge (28 Kingsway); 'The White House' (24 Kingsway) and 'Little Fellows' (31 The Drive, immediately south of the site) – and this expressed view is considered to be uninformed and absurd for the adverse impact is gross, in CHECAA's opinion.**

Referring to the proposed **new three storey house which will become the first such house in Kingsway** or Wychwood Walk and Wychwood Close – with only two such in The Drive, both of which are beach facing and not obtrusive. ***This three storey house can only be harmful to the setting of the CA and, adjacent Heritage Assets and will certainly not preserve or enhance it or its setting but create an undesirable precedent.***

Admittedly, the applicant's claim to have reduced the footprint of the development is true but this is at the cost of including a second floor and that is not acceptable. To extend that practice, as a design principle, the footprint could be reduced further by adding a third floor and keeping the same floor area! We suggest that the very process should be self-excluding for it is extreme and inappropriate for the setting of this very sensitive area of the CA. One floor more and we have a block of flats!

Yet, the proposed house, she then states, unrealistically, in our view, for it flies in the face of the vast amount of data and drawings submitted, will be such that ***'It sits comfortably in the street scene, achieving a balanced relationship with the existing built form and allowing the park-like qualities of the conservation area to remain predominant.'*** CHECAA says this is abject nonsense for it will damage and destroy the street scene and certainly not ***'sit comfortably'*** in it.

However, if this Officer considers that the proposed house does ***'sit comfortably in the street scene'*** then we suggest that she is directing herself to the wrong part of the street, Kingsway. Officers – even Inspectors, without begging the question of those who know, all too often and incorrectly, comment upon the large extent of 'infill development' when, in fact, there has been very little infill building at all and that warrants explanation for the benefit of all for the timing of the creation of Craigweil is significant and all important, yet still miss-understood as being 'infill building'.

What is notoriously overlooked is the fact that building started in 1933, the year that Hitler became Chancellor of Germany as leader of the Nazi Party and tensions in Europe rose. He was no lover of Great Britain and the virtual continuation of World War 1 was correctly anticipated here, except for a few who thought that 'peace in our time' could be negotiated! Our manhood was conscripted to the Armed Forces and domestic building ground to a halt. Air raid shelters and fortifications against invasion and air raids were the priority, together with the manufacture of munitions and war machinery. The Air Raid Warden Service was set up and activated in 1937 and, among other things, building at Craigweil halted. It resumed after World War 2 but luxury houses were not in demand – there was no money, for the country was effectively Bankrupt! Building resumed on an ad hoc basis in the late 1940's to early 1950's and virgin plots in Wychwood Walk were built around 1984 and The Drive, later still. **Thus the Estate evolved slowly and more gradually than was expected to be the case, but this was not infill building.**

The area was not a CA or ASC – none of that had been invented - conservation areas were introduced only in 1967 – so some houses designed before the war were built after the war and then new houses were built to sub-Auty/Du Cros standards and this was probably largely dictated according to materials available at the time.

Graham Steaggles, the English Heritage Historic Areas Adviser, walked the whole area, later designated as the Craigweil House Conservation Area, and, inter alia, commented to the writer and Conservation Officer of the day that there had been a *'loss of landscape characteristics in areas of Kingsway and recently poorly designed buildings'*. He praised No. 21 Kingsway but derided those to its east and opposite Brus Lodge. This expert opinion is faithfully recorded in the CA Statement and in his letter he said:- *'Conservation Area status should not be seen as an end in itself, designation without commitment and suitable management and resources and a clear understanding of implications for owners, residents and the Local Authority would be unwise.'* Hence the urgent need to preserve existing heritage assets and enhance.

This statement carries with it the message that **WE ALL HAVE A REPOSIBILITY to maintain and raise the standards – the character and appearance and setting – of Craigweil House CA** and this will not come at Brus Lodge without **PRESERVING** the existing spectacular visual amenity of the Group of trees to the north boundary from east to west by imposing a Group Tree Preservation Order and by ensuring that there is no garden infill 3 storey house, the design of which is unexceptional, is allowed to be built. **Our Consultant Arboricultural recommended a Group TPO in the last application and reinforces this view in reporting of AW/155/17/PL at page 3, paragraph 3.7.**

True, it has a reduced footprint leaving marginally more space between it and adjacent properties, but at the price of losing the setting of Brus Lodge when, patently, a large house – the largest in Kingsway – demands a large garden to set it off as is presently the case. And that is why it has largely existed for 84 years. It also adversely affects the setting of The White House and houses to the north who will now see no trees and shrubs and that peaceful setting, which was a significant part of their decision to live here: they will see bricks and mortar which cannot be right!

The CA Statement also says:-

'There is a low density character in the estate, particularly in Kingsway, and goes on to speak of, 'The sense of spaciousness throughout the Craigweil Estate...' This garden infill will be damaging to the character and appearance of the CA and make no 'positive contribution' to the ASC in our view. There is no spaciousness, or sense of spaciousness, as is demanded in the CA Statement and by English Heritage for this conservation area – irrespective of what was allowed nearby before CA in 2009.

Elsewhere, the Design Officer reports – quite inaccurately – that:-

'Perimeter trees and shrubbery at the front boundary will be largely retained and when viewed from Kingsway, the new development will be experienced as nestling among greenery. While the new building will feature in street scene views, it will not be unduly intrusive and the locally distinctive park-like quality of the street scene will be little affected.'

CHECAA's Consultant Arboriculturalist states: '... the (felling) proposals affect almost all of the tree cover (to the north, front of the house facing Kingsway) and only two trees (Norway Maple & Pittosporum) are to be retained.' Building will kill these.

CHECAA prefers the opinion of its Master of Arboriculture and appreciates that most trees and shrubs to the front will be felled and that, if a wall, gate posts and hard surfacing to the front is allowed, then the remaining two will be killed. This means that there will be no 'poetic' 'new development nestling among greenery'!

These ridiculous claims of Ms. Haywood are totally unsupported by any evidence presented by the applicant and could not be further from the case for the fact is that even trees subject to Tree Preservation Orders are shown as destined to be removed and that the whole front is to be hard surfaced (contrary to the Article 4 Direction attached to the Conservation Area designation) and that every tree and shrub to the street frontage will be killed or removed. *This superb verdant feature of Craigweil enjoyed by so many will be destroyed irretrievably, and this development will have a devastatingly damaging and irreversible effect upon the site, Kingsway, the adjacent Local List Heritage Assets and the Conservation Area.*

Astonishingly, the Conservation/Design Officer makes absolutely no reference to the building of a front wall, with gate posts, or the consequences of this, which will require footings to be excavated and filled with toxic, burning concrete that will kill off all feeder roots and sever 180 degrees of the root system just inches (or millimeters) away from the boles of every existing tree and shrub – **the wall building will totally destroy all the trees and shrubs on the north, Kingsway facing, end of this site. We say that these matters warrant deep consideration and we ask that the Decision Maker accords great weight to the conservation of these irreplaceable assets – all part of the setting of the CA - in accord with paragraph 132 of the NPPF.**

But the tree risk goes much further for there is an unexplained issue regarding access which is casually mentioned only on a drawing annotated in tiny print: ***'Existing site access amended'***. **And that amendment is on third party land – not the applicant's!** A footpath access – causing further harm to the much lauded wide grassed verge – also appears on a plan, also outside the site and on third party land. **Both will cause harm.**

Both these access amendments are soundly within the Root Protection Areas of the two trees subject to the protection of Arun District Council by Tree Preservation Order AW/1/2016, requested by CHECAA, and confirmed so recently as the 4 May 2016. The applicant fails even to address this or any concern regarding the protection of the trees when the fact is that no vehicle, construction plant or materials could even enter the site without causing harm to the feeder roots (all within the top 600mm of the soil) of these protected trees and, undoubtedly, killing them, if they have not already been felled.

CHECAA has twice made application for plans and sectional drawings of the proposed wall, gate posts and hard surfacing to the front of the property which we say conflicts with the Article 4 Direction of the CA and should not be allowed and none has been forthcoming from the applicant. A previous drive will raise ground levels significantly.

CHECAA has commissioned a further study of the site and trees and shrubs from a leading Arboricultural Consultant, Mr. Bernie Harverson, M. Arb., and we will leave the explanation as to the adverse effect this development and the building of the wall and brick gate piers and construction of hard surfacing to the front of the house – between the house and the existing front fence – will have upon them. He will also explain the professional miss-direction of Lizard Landscapes, instructed by the applicant to assess and report on the trees. **The most serious aspect of Lizard Landscapes reporting is that they are not tree experts – Arboriculturalists – and BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' – requires that such a qualified person should report. Consequently, we ask that their report should not be taken into account.** Should it be considered then we ask that it be accorded little weight and that errors and omissions it contains be closely considered.

Nor has any authority or consent been granted, by the owners of the road and verges and trees and shrubs and grass thereon, for the applicant to take over, for access, the coveted grass verge so highly valued by the Estate creators and lauded by Graham Steaggles, Historic Areas Advisor in his report when he said; ***'The appraisal (for CA) should not be shy of identifying negative aspects of intrusion and damage to the whole, in this case the loss of landscape characteristics in areas of Kingsway and recent poorly designed buildings.'*** He went on, addressing an audit of heritage assets to deal with ***'the landscape in order to inform a baseline for future management'***.

The design and appearance of the house does not display any individuality or grandeur and, therefore, does not embrace the ethos of the estate or its concept. Consequently, the proposal would have a detrimental effect on the appearance of the surrounding Conservation Area. It therefore follows that the proposal would neither preserve nor enhance the appearance of the conservation area as a whole.

‘Little Fellows’, 31 The Drive, the very first house designed by Joshua Auty, FRIBA, instructed by Sir Arthur Du Cros (and built and gifted by him to his daughter as a wedding present!) enjoys, as part of its setting, the spacious north view as seen in the attached photograph. However, if this house is allowed then the view will be bricks and mortar and none of the trees and greenery to the north will be seen. A line from the pitch of the roof of Brus Lodge, on the right, shows the approximate height and that splendid view will be destroyed. Further, the house extends south, towards Little Fellows, to the point where the swimming pool is cut off from the photograph. Bricks, mortar and many over-looking windows, as in the ‘South Elevation’, will replace the 84 year old outlook!

That can only be harmful to the setting of the heritage asset and the CA but also conflict with the provisions of Planning Policy GEN7 in that ((iv) *it will have an unacceptable adverse impact on adjoining property etc; (ii) it fails to respond positively to the identified characteristics to create attractive places and spaces and respects and enhances local distinctiveness* ‘and that the scheme fails to display high quality design and layout appropriate to its immediate setting. Manifestly it fails these tests of GEN7.

Should this development be allowed then the whole setting will be destroyed and, as with other parts of the setting mentioned, paragraph 132 of the NPPF says ‘*The more important the asset, the greater the weight should be* ‘Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, and harm or loss should require clear and convincing justification’. This garden is also a designated Heritage Asset!

At paragraph 133, the NPPF goes on to say: ‘*Where proposed development will lead to substantial harm or total loss of a designated heritage asset, local authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss*’.

CHECAA is firmly of the view that the proposed development does not, even remotely, reflect the character or grandeur in keeping with the original aspirations of the estate creators and that the overall harm and loss that will result from it will far outweigh any possible public benefit which would result from it and that it should be refused.

We say, as is stated by a refusing Appeal Inspector that: ‘*It is of greater relevance, in terms of the CA’s overall character and significance, and this particular proposal, that the Craigweil Estate remains the spacious planning layout that was created in the 1930’s and was intended to serve individual designed houses on substantial plots amongst forest trees. Today the spacious layout, grassed roadside verges, mature trees and a variety of plot sizes and buildings in park-like settings all contribute to the CA’s character and to its significance as a heritage asset.*’ Craigweil’s bird population, within the 5km radius of Pagham has distressingly been reduced in recent years and this year there have been no sightings of Starlings, Thrushes or Sparrows and few, even, of Blackbirds – all of which used to abound here. The Inspector took account of the fact that individual houses cumulatively contributed towards the destruction of wildlife habitats and so it will be if this copse of trees is allowed to be removed.

GENERAL ISSUES

More International and British Royalty and other dignitaries from throughout the world walked this area, within the grounds of Craigweil House between the 22 January 1929 and the 14 May 1929 than have ever trodden any other area in the country, other than the Royal Palaces, and even the land itself has to be regarded as virtually hallowed and sacrosanct and respected as such. It is special and to be treasured and preserved – not desecrated and developed for profit.

The site is wrongly described as being ‘28a Kingsway’ – **IT IS NOT!** Royal Mail allocates street numbers and the Local Authority allocates street names. For many years, ‘28a Kingsway’ has been the address of the eastern wing of Brus Lodge, with a separate entrance, and has been and is a ‘granny flat’ and the home of a Mrs. Vera Blanckart, Mother of the applicant, Mrs. Angela Colley, and Mother-in-Law of the joint owner of Brus Lodge, her husband – Mr. David Colley. The Electoral Roll confirms this. And the correct description of the land to be developed is the **‘GARDEN WEST OF BRUS LODGE’ and this is GARDEN GRABBING!**

For 84 years, most of it has been the front side garden of, and an integral part of, the house ‘Brus Lodge’ as designed and laid out by the eminent Architect appointed by Sir Arthur Du Cros., Bart., owner of Craigweil House where recuperated King George the Fifth with Queen Mary in 1929. Architect Auty had a brief to create an estate of properties *‘of beauty and exclusiveness on the Estate which will be shared by that fortunate community of buyers who establish their homes at Craigweil ...ornamented by forest trees and other delightful features, of which each house erected will have its share, whilst elsewhere on the Estate the surroundings are park like – a notable contrast to the common form of development.*

This development proposal falls sadly short of the Auty/Du Cros standards.

The street landscape was deemed important and described thus: *‘Restrictions have been imposed which, without being onerous, will serve to preserve the surroundings from uncontrolled or undesirable development. The roads through the Estate have on either side deep verges, grass – studded with trees and flowering shrubs, thus perpetuating an environment of great charm. The Estate is set in richly wooded country, with houses rich in shrubbery and woodland affording beautiful seclusion.*

Indeed, an advertisement offered ‘Houses In The Country By The Sea’ – such was the extend of the tree population, and understandably so for the whole Estate was described as having been ‘carved out of a forest’ – and so it was - and CHECAA contends that this historic, heritage asset must be preserved and that means ‘not harmed’. What Auty and Du Cros conceived at Craigweil will be enhanced by the refusal of the application which represents the wanton destruction of the superb group of trees which front this site. These will continue to complement the planting of more forest trees throughout the Estate (as is now being done in Queensway) and will continue the urgently needed restoration of the Estate to its former glory.

ARTICLE 4 DIRECTION

Attached to the CA is an Article 4 Direction requiring planning consent for any hard surfacing of the space between the front of a house and the boundary – in this case the northern fence.

No application has been made; and no details have been submitted regarding this and, yet, it appears on drawings and is there to be implied and that does not satisfy the CA requirements in CHECAA's view.

Maybe the LPA will consider that this is covered by SI 2015 No.595 (Article 7) but we think that a fully detailed application should be made, with drawings and sections, for each access in the normal way to create a proper planning application.

An important implication of that is that if tree roots are to be protected then the level of the hard surfacing will rise by some 600mm (2 feet) and will be above the front door level. And, the excavation, scraping and creation of a base with scalplings and sand and cement will destroy all tree feeder roots throughout the whole length of the frontage and that negates the ridiculous claim that trees will be retained – that whole area is marked out for hard surfacing! We ask that hard surfacing is not allowed. If consent is granted we ask that NO access be granted from The Drive.

FINAL

CHECAA contends that the effect on the character and appearance and setting of the Craigweil House Conservation Area which will result from the removal of the trees and shrubs and the insertion into the Brus Lodge front garden of this three storey house does not satisfy the criteria that conservation area designation clearly defines and demands and which is that all development must serve to preserve or enhance the character or appearance or setting of the Conservation Area and, accordingly, we ask that this application be REFUSED.

Yours faithfully,

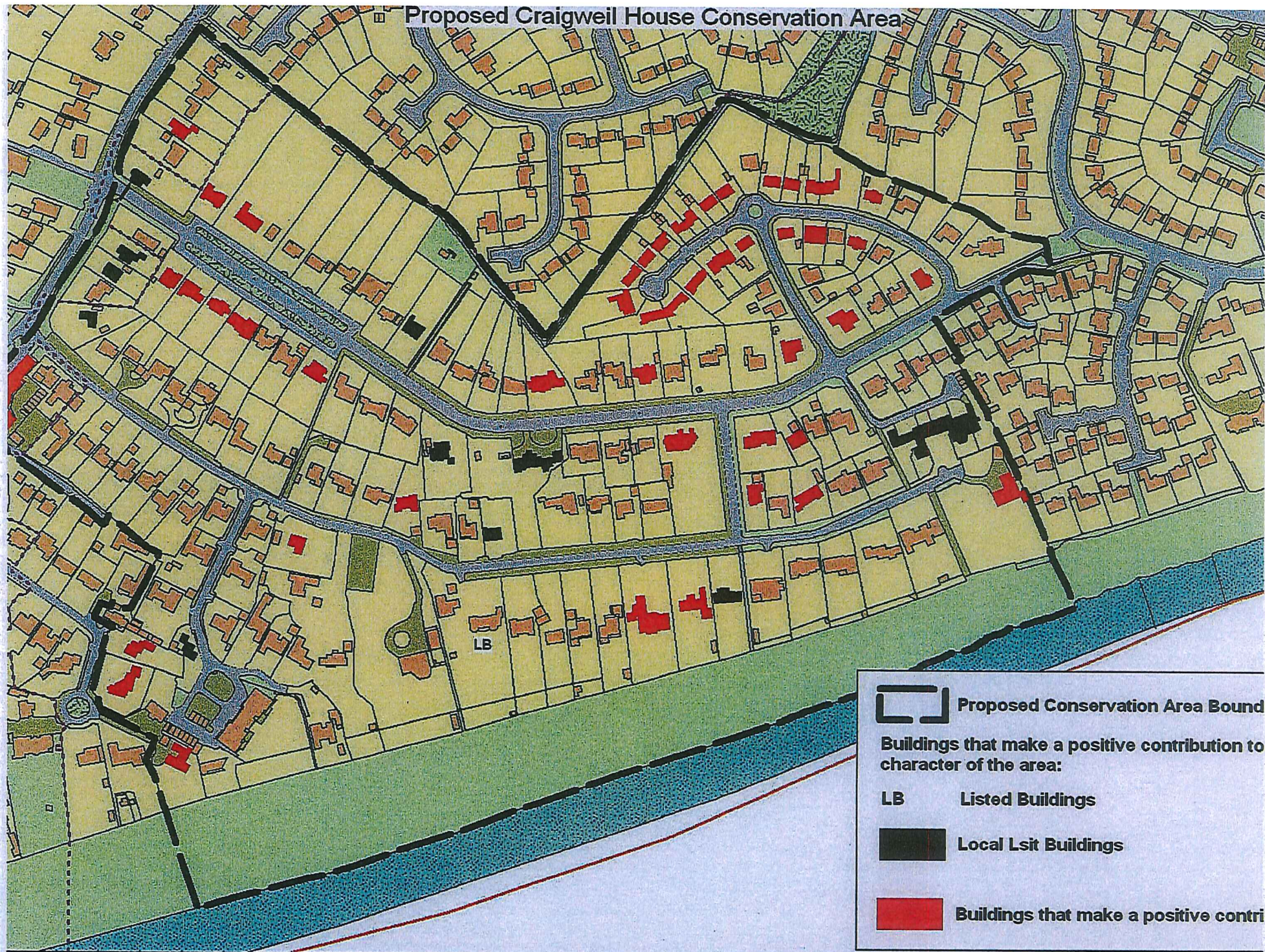
Richard D. Ostler
Chairman

Attached: Plan of Craigweil House CA; Photograph taken from 'Little Fellows'; South elevation drawing produced by the applicant; Arboricultural Consultant's Report.

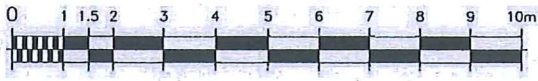
Established 20 January 2001

Chairman: Richard D. Ostler: 'Silvergates', 52 The Drive, Craigweil-on-Sea, Aldwick, PO21 4DT
Registered under the Data Protection Act

Proposed Craigweil House Conservation Area





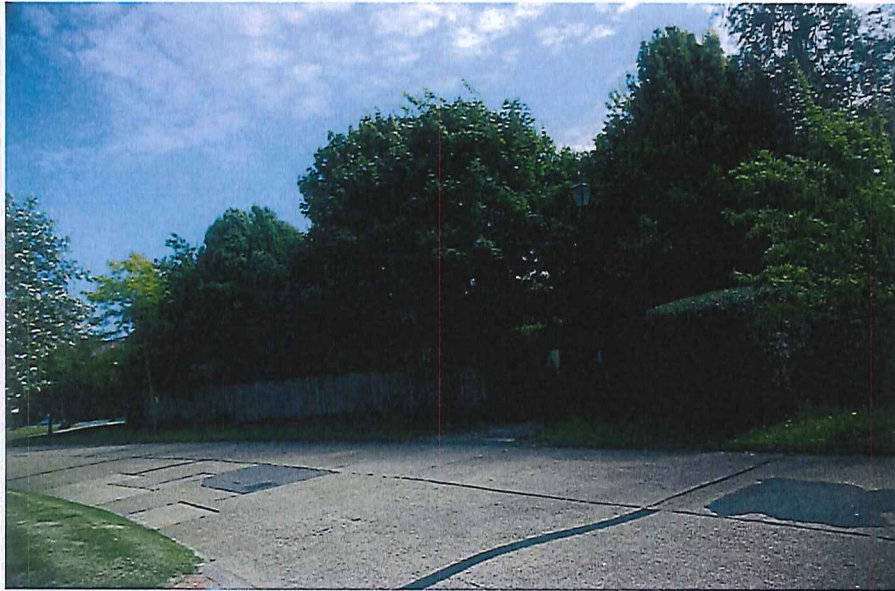


south elevation



0841.bjh.July17

3 Foxcombe Cottages - South Harting - West Sussex GU31 5PL



ARBORICULTURAL REVIEW OF PLANNING APPLICATION AW/155/17/PL

for the proposed re-development of

Brus Lodge - 28 Kingsway, Aldwick

- prepared on behalf of CHECAA-
by

Bernie Harverson (M.Arb)

1.0 Introduction

- 1.1 This property sits within the *Craigweil House Conservation Area* and two of the frontage trees – T1 Norway Maple and T2 Pittosporum are protected by virtue of a Tree Preservation Order – TPO/AW/1/16.
- 1.2 This is the second time that I have been asked by *Craigweil House and its Environs Conservation Area Association (CHECAA)* to review planning proposals for the redevelopment of this site the first occasion being in January 2016 with application reference – AW/367/15/PL.
- 1.3 The current proposals [as was also the case with the previous application] involve the sub-division of the existing plot at No 28 to create a new plot onto which a new detached building with integral garage would be constructed with revised access and a new drive/forecourt area.
- 1.4 There is an existing access point from Kingsway which serves a small garage and the proposals show the adaptation of this to provide the new access point for the detached dwelling.
- 1.5 The Architects on this project are **The Seaman Partnership** and they have employed **Lizard Landscape Design** to prepare the Tree Survey and Root Protection Schedules & Initial Arboricultural Assessment works and then from this they have prepared the supporting Arboricultural Method Statement report inclusive of Tree Protection Plan.

2.0 Clients Brief

- 2.1 I am instructed by **Mr Richard Ostler** acting in his capacity as Chairman of the *Craigweil House and its Environs Conservation Area Association*. The Plans which I have been asked to consider are:-
 - **Substitute Site Plan – TSP481PL22 Rev A – 18.07.17**
 - **Substitute Existing & Proposed Street Elevation – TSP481PL25Rev B - 18.07.17**
- 2.2 I have not been afforded access to the site for this purpose and my inspection was conducted from the north on Kingsway road verge (owned by the Estate) and looking over the boundary fence as well as looking at the site from the south via the rear of No.31 The Drive - which immediately backs on to the application site.
- 2.3 All of the photographs (with the exception of the two at 3.8) of the site which are included in this report were taken by Mr Ostler on 27th July 2017 and I can confirm that they are a true representation of the site that I viewed on the 25th July.

3.0 Visual Tree Assessment

- 3.1 I attended site on Tuesday 25th July 2017 to carry out the VTA exercise [from ground level only].
- 3.2 As I was not afforded access to the tree bases my assessment is confined to a visual impact assessment and not a tree by tree survey exercise that I would normally carry out in accordance with BS5837 recommendations. As a result of this I will be obliged to take the tree survey data prepared by Lizard Landscape Design (11th May 2017) at face value.
- 3.3 In terms of individual tree content there are only two mature individuals of significance along this road frontage and both have been made the subject of a TPO - **T1 Norway Maple** and **T2 Pittosporum** [TPO AW/1/16].
- 3.4 The remaining trees and shrubs are all multi-stemmed evergreen species which merge together to provide a dense green screen which completely obscures any views into and out of the site.
- 3.5 I walked up the road to the east and west of the application site and looked back across the frontage from both directions and from my perspective these trees stand out - in that they are the only remaining evergreen vegetation of this type and density to be found throughout Kingsway – thus collectively they have a very significant part to play in the setting of the Conservation Area.
- 3.6 Viewed from the south side of the application site from within the rear garden of 31 The Drive the importance and significance of the evergreen screen of trees is abundantly clear as no properties along the northern side of Kingsway can be seen. The individual specimen Norway Maple and Pittosporum are highlighted.
- 3.7 Considering again and viewing the site again as described in items 3.4 to 3.6 above, the view which I held and reported on in January 2016 is only reinforced and I remain firmly of the view that the site frontage trees at this location [from the eastern boundary with Brus Lodge to the boundary with No 24 Kingsway] relate as an entity in the landscape and thus should have been preserved as such in Group format under the Tree Preservation Order and not as individual trees.

Group of Bay Laurels

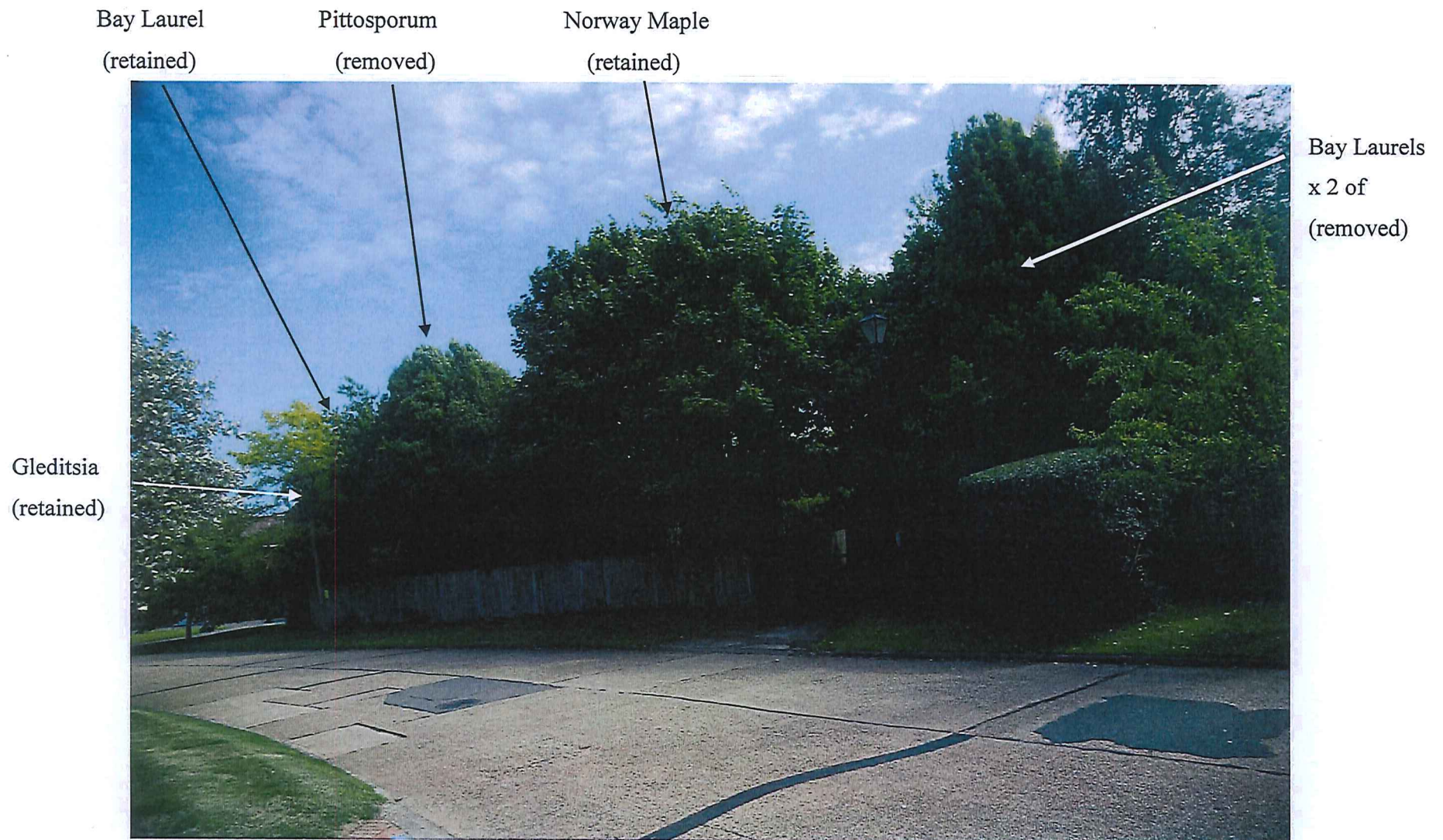
TPO T1-Norway Maple

TPO T2 – Pittosporum

Bay Laurel



- 3.8 Viewed from the north-west side of the application site from Kingsway - the individual specimen Norway Maple and Pittosporum are highlighted.



- 3.9 For comparison and to highlight the visual significance and importance of these trees I include here pictures of the site taken by me in January 2016 as compared to those taken more recently by Mr Ostler in July 2017. It is evident from these that the evergreen screen is important all year round and then in the Summer months this is further enhanced by the deciduous trees when they are all in leaf.



Jan 2016



July 2017



4.0 Existing Tree Schedule and Schedule of Tree Works (Lizard Landscape, Design, Ecology – 11.05.17)

4.1 The statistical data in this report in terms of tree heights; diameters; spreads and age class have as far as I was able to determine out on site been accurately stated.

4.2 However, with reference to the Tree Species and Tree Numbering I have a number of concerns :-

- Tree T04 has been wrongly identified as a Sycamore when in fact it is a Norway Maple [an error repeated from previous application].
- Classification of the groupings of plants has been referred to as **Shrubs** [abbreviated to SH in the schedule] which undermines their value and significance in the landscape - as they are clearly trees and NOT shrubs.
- The best of the individual evergreen trees is a Pittosporum which has been recognised for its value in the landscape by being TPO'd.
- I have highlighted this tree in the photographs at Section 3 of this report but note that in their survey it has not been afforded a tree number and has been lumped in with a Shrub grouping thus again undermining its value and significance in the landscape.
- None of the surveyed trees has been afforded a grading classification higher than C which BS5837 states to be 'trees of low quality' – I find this to be grossly inaccurate and undervaluing the tree stock and cannot agree with this assessment at all as there are clearly trees and also groupings of moderate B grading which BS5837 states to be 'trees where retention is desirable'.

In particular trees: **Bay Laurel** in SH02 (which I assess as a B grade); **Pittosporum** in SH02 (which I assess as an A grade);

Norway Maple T04 (which I assess as a B grade) and also collectively the **Trees in SH02** across the entire road frontage which are in my opinion worthy of a B grading.

4.3 The calculation of Root Protection Areas derived from the statistical data is as far as I can gauge accurately stated and shown on the plans.

4.4 One key issue which I would point out is that their report shows tree (i) within SH02 as being retained **BUT** in the schedule it only says retain Bay tree – which by my measurements is outside of the red line development site? I took taped measurements whilst on site on 25th and these show that (i) is in fact the TPO'd Pittosporum and not a Bay tree thus we can only assume that they intend to remove the TPO'd Pittosporum to facilitate development!

5.0 Arboricultural Method Statement (Lizard Landscape, Design, Ecology – 11.05.17)

5.1 Overall the report is well structured and set out but I have concerns over some of the conclusions that are drawn from the data that has been collected.

5.2 At 1.1 – last sentence – *‘The development scheme would require the realignment of the existing site access and entrance with the proposed entrance remaining on the Kingsway to the south-west of the site area.’* This raises a number of issues:-

- It is my understanding that the widening would take place on land that the applicant does not own.
- IF it is implemented then how do they intend to accomplish this without damaging the roots of the TPO’d Norway Maple which is only 1m distance and this is well within its Root Protection Zone.

5.3 At 1.3 – Second sentence – *‘To the northern edge of the site are a number of mature Trees (T01, T03, T04, T05) and a mixed species Shrub Group (SH02) which includes Leylandii, Ilex, Fuchsia, Bay and Pittosporum.’*

- Firstly, none of the trees listed are mature, particularly T01 which is a young tree in the grass verge outside the site.
- Secondly, they list Bay and Pittosporum as shrubs when in fact they are the only mature trees on the site.

5.4 At 1.5 – *‘The existing retained trees are to be protected where possible in accordance with the guidance contained within BS5837:2012...’*

I would take issue here with the terminology *‘where possible’* [one of a number of references within this document and repeated on the associated plans] my concern would be that this Method Statement will form the basis of the Planning Approval and be given to the contractors to comply with and all they have to say is that it was not possible to protect the trees as shown and thus they have reduced or modified the protection measures = to the detriment of tree health and vitality. To my mind either you can or cannot protect the trees as stipulated by BS5837:2012 – to leave it as it is worded would mean that Arun Planners could not take enforcement action to ensure tree protection takes place.

- 5.5 At 2.1 - Second sentence – *‘The proposals affect a number of the existing trees on site; a number shall require removal and others shall require detailed protection to enable their retention within the proposed scheme.’*
- This statement grossly misrepresents their intentions - because the proposals affect almost all of the tree cover and only two trees (Norway Maple & Pittosporum) are to be retained.
- 5.6 At 2.2 – *‘The following trees and vegetation shall require removal in order to accommodate the development proposals. The majority of the trees and shrubs are of low quality and condition’*
- I believe they have stated in error that the Bay Laurel will be retained whereas in fact the tree they show on all their plans is the Pittosporum in SH02 not the Bay which is outside the development site.
 - With the exception of the Bay within SH02 it then goes on to list almost every tree and shrub stating that they will be removed in their entirety to accommodate the proposals.
 - It defines all of the trees as being of low quality and condition – when in my opinion you have a mix of quality/gradings here with one high A grade tree (**Pittosporum**) and quite a few moderate B grade trees and groups (**Holly T03; Norway Maple T04; Bay in SH02 and SH02 as a group**).
- 5.7 At 2.3 – *‘The bay is due to be retained and renovated, all basal growth is to be removed and the tree crown lifted to 1.50 metres height from the ground ...’*
- I believe they mean the Pittosporum and not the Bay.
 - As these works are not directly required to facilitate the development works and the site is within a Conservation Area I do not think they can legally do any works without first having submitted a Section 210 - 6 week notification of intent.
- 5.8 At 3.1 – *‘Contractor movements; site access and operations; storage and compound;’*
- I have major concerns about the adequacy of protection measures and contractor movements shown - since their Tree Protection Plan shows no fencing erected on the inner face of the TPO’d Norway Maple and the Holly.

- Similarly there is no protective fencing on the verge outside thus they can freely park contractors vehicles and store materials and even mix concrete here.
- 5.9 At 3.1 – ***‘Implementation of services and utilities’***
- To the best of my knowledge no details have been submitted for consideration as to where these services and utility connections will be routed and how they will impact on the retained tree cover.
- 5.10 At 4.1 – ***‘Storage and Compound Areas’***
- Given my comments at 5.8 above I think it is very important that they specify where these will be located on site as outside the tree protection areas currently seems to include up to the trunks of the Maple and Holly and on the grass verge outside.
- 5.11 At 4.13 – ***‘All trees to be retained on site shall be protected with fencing erected around the area of mature vegetation in accordance with BS5837:2012.....’***
- No protective fencing has been shown on the Tree Protection Plan around the TPO’d Norway Maple or Holly on the inside face and on the outer face no fencing has been shown to encompass the grass verge outside.
- 5.12 At 4.16 – Given the sensitivity of this site and the tight working space and the inadequacies of protection highlighted above I think it is important that Arun DC Planners impose a condition requiring a Pre-Commencement Meeting takes place prior to any demolition, construction or excavation occurs – the Arun Tree Officer must be present at this meeting to verify that all Protective Fencing is ‘Fit for Purpose’ and has been erected as shown on the Tree Protection Plan.
- 5.13 At 4.20 to 4.24 ***‘Ground Protection : Tree Protection Zone – ‘No Dig’ Construction’***
- They describe in detail the materials that will be used to create the porous ‘No Dig’ car parking forecourt but nowhere is there any description [or cross section drawing] to show how this will tie in levels wise with the road outside in Kingsway given that the uplift of materials will see the car park some 350mm to 400mm above existing ground levels. I think they should be asked to explain this and include a cross section drawing from Kingsway through the line of the existing access going south through the site.
- 5.14 At 5.5 – ***‘Wherever existing trees are removed to accommodate development, contingency should be made for relocation of removed trees if possible or the replanting of young trees with suitable species for the site location ..’***

- To the best of my knowledge there is no Landscape Scheme that accompanies this application showing the detail of mitigation planting measures.

5.15 Significant Omissions From The Method Statement:-

- There are no details submitted to show where the surface and foul water drains will be located.
- There are no details submitted of where the soakaways will be positioned on site.
- There is no Monitoring and Site Supervision by an Arboricultural Expert specified as required to comply with BS5837:2012.
- The Method Statement makes no mention of how the brick walls; gate piers and support posts will be constructed - all are within the RPA's of retained TPO'd trees and are clearly shown on all of their submitted plans.
- There is mention of widening the access into the grass verge but no explanation of how this will be achieved without damaging the roots of the TPO'd Norway Maple.

5.16 Lizard Design – Tree Constraints Plan – LLD856/01 Rev 03 – 11.05.17

- There are two very significant Bay trees to the right hand side of the existing concrete access drive – neither are mentioned or even plotted on this plan. There appears to be scope to retain both trees.
- There is reference in the annotations on the plan to the Bay tree – surely they mean the Pittosporum?

5.17 Lizard Design – Tree Protection Plan – LLD856/02 Rev 02 – 11.05.17

- No Tree Protective Fencing is shown around the TPO'd Norway Maple and Holly.
- No protective fencing is shown outside to encompass the grass verge all of which is within the RPA's of the Pittosporum and Maple.

6.0 Conclusions

- Their proposals would result in significantly undermining the evergreen tree screen across the frontage of the site and despite them employing a Landscape company, rather than an expert Arboriculturist as recommended in BS5837:2012, to undertake the tree assessment works I see nothing that constitutes a Landscape Planting Scheme to mitigate the tree loss and enhance the Conservation Area for the future - thus the loss is permanent and undermines and harms the Conservation Area.
- The Bay tree will be retained but it is outside of the development site (and retained within the front garden to No 28).
- The tree which they wrongly identify as the Bay is in fact the TPO'd Pittosporum tree located within the development site.
- Two significant Bay trees to the west side of the existing access drive have not been plotted or surveyed and yet these are good trees which should and indeed can readily be retained.
- The applicants tree reports are misleading and undervalue and misrepresent the true quality and condition of the tree stock on this site by stating that what are clearly trees are in their opinion shrubs and that there is nothing of moderate or high grading on this site - when in fact there clearly is.
- The Arboricultural Method Statement is fundamentally flawed for the following reasons:-
 1. The complete lack of any reference to the construction of the walls and gate piers which are shown on the development plans - without such detailed information on the mitigation measures to be employed it is impossible to determine the extent of harm which will be caused.
 2. There is mention of widening the access into the grass verge but no explanation of how this will be achieved without damaging the roots of the TPO'd Norway Maple.
 3. There are no details submitted to show where the surface and foul water drains will be located.
 4. There are no details submitted of where the soakaways will be positioned on site.
 5. There is no Monitoring and Site Supervision by an Arboricultural Expert specified as required to comply with BS5837:2012 where RPA's overlap development and mitigation measures have to be employed.



BH 1

Qualifications & Experience



QUALIFICATIONS AND EXPERIENCE

- My name is Bernie Harverson and I am a self-employed independent arboricultural consultant in private practice. I take instructions primarily in the South of England but also on occasions work nationwide and abroad and have offices at : –
3 Foxcombe Cottages, South Harting, West Sussex GU31 5PL and also at Cedar Court, 5 College Street, Petersfield GU31 4AE
- I hold the following arboricultural qualification - **Master of Arboriculture** (Royal Forestry Society – 1976)
- I have **forty-six** years of practical and managerial experience in the arboricultural industry including periods in the public and private sectors.
- My Local Government sector experience comprises one year as a tree surgeon with Brighton Parks and nine years spent in Arboricultural Officer posts with both Westminster City Council and Portsmouth City Council
- My past practical experience in the private sector includes two years at Tilhill Forest Nursery and over ten years for various companies as a Climbing Arborist/Tree Surgeon.
- Managerial work in the private sector includes two years as manager of Beechings Tree Surgery Company and twelve years with CBA Trees as an Arboricultural Consultant.
- As an independent self employed Arboricultural Consultant I now provide a comprehensive range of services including :-
tree surveys, appraisals, assessments and inspections with particular reference to planning and development and tree safety audits with a service offered as a climber to undertake full climbing inspections to better understand the condition of a given tree before prescribing a management strategy.
- I also undertake litigation work appearing as an Expert Witness in Court Actions and at Planning Appeals, Hearings and Public Local Inquiries.