

Louise Alger

14 Silver Birch Drive
Middleton on Sea

West Sussex

21 October 2019

Neil Crowther,
Group Head of Planning,
Arun District Council,
Maltravers Road,
Littlehampton.

Ref - Planning Application M/80/19/PL

Dear Mr Crowther,

As a resident of Silver Birch Drive for over 15 years , and living in a property potentially backing on to the proposed development, and adjacent to the planned access road I would like to strongly object to the planning application M/80/19/PL for the following reasons:-

Totally Unsuitable Access

This is a commercial development operating 24/7 365 days a year. Access to this proposed development is down a very tiny spur road in the middle of a residential estate, right next to my house. Making this an access for a commercial business would be extremely dangerous. I have never seen the gate open for vehicular access, so it is not an established access route. Frontier Estates artists impression for access to this site is misleading.

Three years ago planning was agreed for thirteen houses using this very same access, when access was never viable without huge damage/destruction to the protected trees and their roots and a very well used footpath. I would like to draw your attention to the following enclosed documents -

1. Recommendation Report for Planning Permission - M/45/16/PL.
This states that trees are on the site, but none are affected by the development. If the voting councillors on the planning committee, in 2017, made their decision based on this information without a site visit then this is incorrect.
2. Picture of the proposed access road & tree in full bloom in May 2019
This shows the proposed road will be over the roots of the tree protected trees.

The canopy of the trees are too low for car, van and lorry access. Huge amounts of the tree will need to be chopped causing damage & destruction.

3. Independent Arboricultural Report - 10th November 2016

You will see it has been stated that 'The disturbance of a trees root system can result in a crown dieback and even death of the tree' 'The root protection area must be left free from any excavation and disturbance, and protected from compaction or contamination during any proposed works.

4. Independent Arboricultural Report - 24th August 2016

May I draw your attention to point 2, where the works required for access, known as Crown lifting, will be contrary to the health of the protected trees, as significant heartwood will be exposed, leading to the eventual demise of the trees.

Voting councillors, on the planning committee, must visit this site in order to make a fully informed decision.

Disruption to Public Right of Way

There will be significant amounts of commercial traffic over an ancient right of way. This will be very dangerous to the public and a great loss of amenity.

Over Development

This proposed, three storey plan, would be an over development in the semi rural environment on a huge scale and out of character with near by housing.

Highway Safety

The development of a large commercial business, so close to Comet Corner, will only introduce more traffic. This extra volume of vehicle movements will only further compromise the safety at Comet Corner and will give rise to new safety issues on Silver Birch Drive and the Yapton road roundabouts.

Inadequate Site Parking

Only 29 spaces planned for a 66 bedroom property, looking to employ over 100 staff. The idea of car sharing, use of public transport and staff cycling to work is an unrealistic fantasy proposed by the developers. The reality will be all the overflow cars parking in Silver Birch Drive and surrounding cul-de-sacs, on the road and bumped up on the pavements.

Air and Noise Pollution

There is every possibility this development will be in breach of the Clean Neighbourhood and Environmental Act 2006, section 102, light and noise pollution emitted from premises.

Increased Risk of Flooding

The planned site for the development is well known as a flood plain. Document enclosed:-

5. Pictures of flooding at Yapton road roundabout at the entrance of Silver Birch Drive.

Sewage/Drainage Issues

According to the Parish Council the sewage and drainage system is at full capacity and often goes into surcharge.

Destruction to Wildlife and Rural Environment

This site hosts a wealth of wildlife including owls, bats, great crested newts and a variety of birds. It is immediately adjacent to an ancient hedgerow and public footpath, which leads to Worms wood, managed by the Woodland Trust. This development can only takeaway this natural habitat, leading to the demise of this important wildlife and rural setting within Middleton on Sea.

Please reject this planning application.



Louise Alger

M/45/16/PL

Recommendation Report for Planning Permission

REF NO: M/45/16/PL

LOCATION: Land West of Yapton Road (Poultry Farm)
Middleton-on Sea

PROPOSAL: Demolition of redundant poultry farm buildings & dwelling & erection of 13 No. dwellings with associated access, car parking & landscaping. This application is a departure from the development plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The 13 dwellings would be 2 storeys in height and include one replacement detached dwelling located in the west corner of the site. The development comprises 10 detached dwellings and a terrace of 3 dwellings located around a central open space amenity area. The dwellings display a varied mix of housing types and forms. They comprise 5no. 4 bed, 5no. 3 bed and 3no. 2 bed.

SITE AREA

0.55 hectares

RESIDENTIAL DEVELOPMENT DENSITY

24 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

Protected trees are on the site, but none are affected by the development.

BOUNDARY TREATMENT

Hedging/fencing between 1 and 3m high along road frontage. To fields temporary wire fencing.

SITE CHARACTERISTICS

The site is occupied by a 2 storey brick dwelling and single storey outbuildings. A public footpath runs along the southern boundary. The premises previously operated as a poultry farm, but this use has ceased and the property is vacant.

CHARACTER OF LOCALITY

Predominantly rural on edge of residential. Fields to north. Housing estate to south.

RELEVANT SITE HISTORY

M/2/49

Pig sty horsebox and hovel

Approve

15-02-1949

report





0888.bjh.let

10th November 2016

Mrs L Alger
14 Silver Birch Drive
Middleton on Sea
West Sussex
PO22 6SJ

Dear Louise,

TPO'd Trees - Land West of Yapton Road (Poultry Farm) Middleton - M/45/16/PL

Thank you for updating me on events. I have as you asked reviewed the letter from Nick Smales at West Sussex County Council and also revisited the Arun DC website to check details lodged there. I am able to report as follows:-

- The website records that on 03/06/16 Arun received an Arboricultural Survey (undertaken in Sept 2015 but for some reason only ratified Jan 16) + Proposed Site layout Plan + Inspire Engineers Access Arrangements.
- I need to stress here that the Arb Survey is simply a Tree Survey with Root Protection Areas specified and a Plan showing Tree Constraints in the form of Root Protection Areas. This is standard Stage 1 work in accordance with BS5837:2012 Tree In Relation To Construction Recommendations which is the industry standard as far as Arboricultural practices are concerned. This Stage 1 work should be passed to their Architects so that they can design out any tree conflicts before submitting their Planning Layout Drawings. The next phase of work or Stage 2 is for them to have their Arboricultural expert draw up an Arboricultural Impact Assessment Report with Method Statement and Tree Protection Plan. This is a detailed assessment of the tree data overlaid onto the planning layout drawing and an assessment made of any areas of conflict so that either they can state that trees will be removed or if they are to be retained then the Method Statement MUST set out how they intend to mitigate any potential adverse impact on crowns and root systems – NO DIG and porous surfacing are commonly specified at this stage. The Tree Protection Plan then shows where the protective fencing will be set out and show where and how mitigation measures will be applied on the ground. **I found no such AIA report & Tree Protection Plan on the website so can only assume that it was not submitted in support of their application.**
- It is of note that their Stage 1 Tree Survey report clearly sets out under Section 2.7 to 2.10 *'The disturbance of a trees root system can result in crown dieback and even death of the tree.'* *'The root protection area must be left free from any excavation and disturbance, and protected from compaction or contamination during any proposed works.'*

- At the top of page 2 of the letter from Nick Smales to Mr Nick Gibb MP he states that *'All protected trees are being retained and the entirety of the development avoids the root protection areas. There is a short section of access road which runs close to one of the trees where a no-dig construction method is being proposed so as to avoid any disturbance to tree roots.'* I would suggest that this is nonsense as their own Engineers plan for the access road shows a culvert pipe being laid in the ditch = open trench excavation and then a brick head wall constructed on either side of the pipe. ALL of which is taking place within the RPA of the TPO'd Ash tree? So much for a no dig solution!!!! Further to this he makes no reference to above ground aspects of the same tree where it will be necessary to remove a low limb in excess of 300mm diameter making a large open wound open to fungal infection and decay low down on the main trunk and close to a major fork. This work is contrary to the recommendations of BS3998:2010 Tree Works.

- Moving on to the Daffyd Lloyd reports which were both submitted on 07/07/2016 one objecting to the proposals and the other accepting them. I find this very puzzling because in his first response he states (as I would have expected him to) that the applicant has not submitted an Arboricultural Impact Assessment report/tree protection plan that complies with BS5837 therefore quite naturally he objects to the proposals.

Let us then look at what he says in his second response – which as far as I can ascertain was based on NO ADDITIONAL reports/plans being provided by the applicants – it is of course possible that he talked this through with them on the telephone but then this is hearsay and he has nothing in writing or plans to support these assertions:-

'The proposed development would include the removal of none of the established trees.'

I agree – BUT it threatens the future health and vitality of a number of TPO'd trees.

The applicant has also outlined that the proposed development would only utilise existing hardstanding access areas for vehicles for site access.

I believe he was conned here because if you look out on site the access point beside the TPO'd Ash is compacted earth covered in grass and not hardstanding. Also if you add in that they will be ripping this out to lay the culverted pipe and headwall arrangement then there will be significant root disturbance taking place very close indeed to the tree and well within its RPA.

'The applicant has outlined the removal of G2, G3, T8 and T13 citing that these trees have a category "U" rating according to the BS5837 cascade chart. I would concur with this assertion.'

I agree.

'The applicant has also avoided actual encroachment into the given RPA's of the trees to be retained on/off the site.'

This is patently untrue as I have set out above.

Even more puzzling is to include a Condition relating to the removal of roots no larger than 25mm in diameter – if there is truly no excavation within tree RPA's then why do they need a condition relating to root severance??

Overall in the absence of the submission of an Arboricultural Impact Assessment & Method Statement and Tree Protection Plan I am not convinced that the TPO'd trees will survive this development if they are permitted to develop as they have proposed and the alleged full tree protection measures are clearly not being afforded to these trees with this layout.

I trust that this information will be of assistance to you in your discussions with Mr Gibb.

Yours sincerely,





0888.bjh.let

24th August 2016

Mr & Mrs C Alger
14 Silver Birch Drive
Middleton-On-Sea
West Sussex
PO22 6SJ

Dear Mr & Mrs Alger,

Trees at Former Poultry Farm, west of Yapton Road, Middleton-On-Sea

I refer to your instructions to visit site on Monday 22nd August to review the three trees to the rear of your property that are protected in law by Arun Tree Preservation Order : TPO/M/1/15. You have asked me to advise you on the likely impact of the development proposals currently placed before Arun District Council Planners [Application Reference: M/45/16/PL] seeking approval to the erection of 13 No. dwellings with associated access, car parking and landscaping.

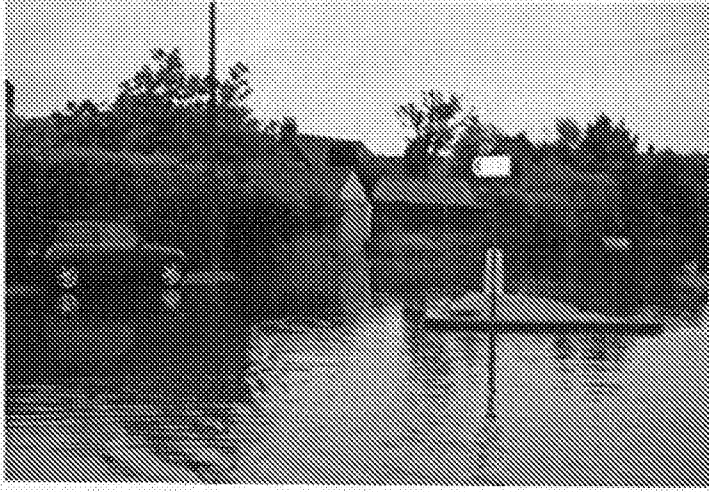
Having studied the application forms and plans and submissions on the Arun website I note that the Arun Tree Officer has stated that there has been no Arboricultural Impact Assessment Report and Method Statement and Tree Protection Plan submitted so he is unable to determine the true impact that the proposals will have on the three TPO'd trees on this site. A Tree Survey & Root Protection Area (RPA) schedule are basic planning requirements of **British Standard 5837:2012 – Trees In Relation to Construction Recommendations** so to assist me in my assessment of the likely impact of development on these trees I have had to undertake this exercise myself and attach for your attention the **Arboricultural Impact Assessment Report** which includes the Tree Survey Schedule; Root Protection Area Schedule and the Tree Constraints Plan showing the Root Protection Area within which there should be NO excavation works or construction of dwellings, garages or hard surfacing. BS5837 allows that if an arboricultural expert assesses that some intrusion into the RPA is acceptable then a Method Statement MUST be submitted explaining why it is acceptable and how this work can be achieved without damaging tree roots. I would reiterate at this point that no such Method Statement has been submitted despite the fact that there will be a considerable threat to the ongoing health and vitality of these three trees from the development works proposed. The areas I have particular concern for are:

1. There is a proposal to create a new hard surfaced tarmac road access through the RPA's of T1 & T2 – how is this going to be achieved without damaging tree roots?
2. There is a large diameter low branch on T2 to the east side which has already been shortened back but this would need to be completely removed to facilitate vehicular access under the canopy and other branches would have to be removed as well – termed Crown Lifting in BS3998. This would be contrary to the recommendations of BS3998-Tree Works in that a large surface area of heartwood would be exposed to fungal pathogens with the high probability that infection by same could lead to the eventual demise of the tree?
3. It is not clear what is to happen to the existing footpath link which runs to the south side of the site between the development site and the rear gardens of properties on Silver Birch Drive - but it is assumed that this will also be upgraded and hard surfaced with tarmac to take vehicular traffic. How is this to be achieved without damaging tree roots?

If they just condition it then it will be too late to address the issues and Arun Planners will be forced to back down and let the developers proceed as it will then be impossible to satisfy the Condition!

Yours sincerely,

Bernie Harverson



pictures of the
Flooding - Silver Birch
Roundabout / Yaphon
Road
2012.





Yapton Road
Flooding



- Roundabout in
Front of Dukes
Motors. Middleton
on Sea



- Ancton Lane
Flooding