

Planning Officer: Michael Eastham

Planning Application Ref: Y/82/20/RES

Location: Land to the south of Ford Lane and East of North End Road, Yapton, BN18 0DS

Description of works: Approval of reserved matters following outline consent Y/80/16/OUT for 4.5ha of residential development comprising of 3.4ha of land for the erection of 100 No. dwellings (up to 30 (30%) affordable housing) together with 1.1ha of land set aside for public open space, strategic landscaping, 2.2ha of public open space, green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road (resubmission following Y/19/20/RES). This application may affect the setting of listed buildings, affects the character & appearance of the Church Lane, Yapton Conservation Area & affects a Public Right of Way. This site falls within Strategic Site SP2 (Zero Rated).

Comments on Application:

- I have considered this application by means of a desktop review, using the information and plans submitted as well as online resources.
- There are significant on and off-site trees, many of which enjoy statutory protection (TPO/Y/2/17) and will be adversely affected by these proposals. There is no supporting arboricultural information submitted with the application - a requirement of BS5837:2012 – Trees in relation to design, demolition and construction. As such, were this application to now proceed, we will not have sufficient information to guarantee such trees would be adequately respected and protected. The applicant has submitted Tree Survey and Arboricultural Impact Assessment (AIA) V1, June 2020 inclusive of Tree Protection Plans, from RPS Group Plc. The tree survey data is comprehensive and I am broadly in agreement with their category ratings.
- Furthermore, trees are a material consideration in the planning process and so until such time as we are in receipt of the full suite of Arboricultural reports and plans, these proposals cannot be properly considered. My recommendation can only be for REFUSAL at this stage.

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- Having considered the proposals in some detail and anticipating the provision of further information, I take this opportunity to provide general and specific comments, both of which I hope will strongly influence the layout design as it evolves.

General comments on application:

- There does not appear to be an approved surface water drainage (and foul water sewer) strategy for the site. These fundamental elements of the design ought to be addressed to our satisfaction in association with layout proposals, so that we are not subsequently held hostage to flood mitigation measures which could then impact heavily on retained trees/landscape plans/open space provision.
- I draw attention to the nominal root protection areas (RPA) of retained trees and their growth potential as obvious constraints to the siting of any SUDS (e.g. attenuation pond, swale) or introduction of subterranean utility apparatus.
- Any improvements to existing or creation of new watercourses within the RPA of preserved trees to be fully considered, details provided in advance and to our satisfaction. Where there is a significant risk of damage to those trees arising from such operations, then an alternative strategy should be proposed.

Specific comments and areas of tree/development conflict identified from Planning Layout, Drg. no. 065 Rev. A

- With only one tree of note wholly within the site and the remainder growing along perimeter, it seems unreasonable to see any mature tree of good health and form as anything other than an asset to development of this site. As such I find it unacceptable that substantial conflicts (highlighted below) between the majority of those trees and construction are proposed. Those mature trees are already of considerable landscape and high public amenity value so must be afforded sufficient room to allow future growth without constraint if they are to flourish post-development.

- **Regrettably there is a reluctance to consider any alteration to the line of existing bare-earth PROW F357 which runs through the nominal RPA of the solitary high value tree located wholly within the site.** This might be tolerable were it not for the proposed introduction of hard standing which as things stand will likely involve construction at depth. The mature (Cat A) lime tree is visually impressive and should be a landmark centrepiece for the estate, with uniform crown development on all sides.

A 'No-dig' construction method may subsequently be proposed but such work is not without risk and frequently incorrectly installed or after substantial ground compaction or alteration of levels has occurred. I conclude that there is no overriding justification for RPA incursion to this most significant of trees and recommend only a slight re-alignment of the Public Right of PROW to accommodate RPA (+2m buffer zone) to ensure minimal disturbance. **Unresolved.**

It is my understanding that footways and bridleways can be diverted under the Highway Act or Town and Country Planning Act if there is a planning application pending.

I am pleased to note the tree is formally recognised as a new generation (or emerging) veteran (AIA, para. 4.6) and is to be protected as such. However, the proposed protection measures are not sufficient in my view and do not match Government guidance which promotes the use of buffer zones of at least 15 times larger than the diameter of the tree or 5metres beyond the edge of the tree's canopy - whichever is greater.

In this context a 'buffer' should provide a protective barrier against any potentially harmful activity. RPA incursion of any kind is incompatible with this definition.

- **The line of existing bare-earth PROW F358 runs through the RPA of numerous trees growing near the east boundary of the site.** This might be tolerable were it not for the proposed upgrade to bridleway status, with finished surface material of crushed/compacted stone or similar. These are important landscape trees which should remain free of direct interference and without constraint to future crown/root expansion.
A 'No-dig' construction method may subsequently be proposed but such work is not without risk and frequently incorrectly installed or after substantial ground compaction or alteration of levels has occurred. I conclude that there is no overriding justification for RPA incursion to these important trees and recommend a slight re-alignment of the PROW to accommodate RPA (+2m buffer zone) to ensure minimal disturbance. **Unresolved** – There is no change to the layout nor specific mention of PROW treatment or upgrade within the AIA or any other document.
- **There appears to be a swale proposed to the east of the site (illustrated but not identified in any legend), which appears to intrude the root protection area of an important tree (opp. plot 29).** The siting of any SuDS feature without sufficient regard to existing and potential growth of retained trees is problematic and unlikely to gain the approval of Drainage Engineers. I urge revision of such a proposal and to allow for min. 3m easement outside of RPAs (plus 2m buffer zone) or to explore alternative locations within the site. **Unresolved** – Excavation is proposed within the RPA of T6 Oak (Category A, TPO). There is space to the west which can accommodate the swale without intruding into the RPA.

Conclusions:

- A sympathetic and high-quality development of this site is certainly achievable without undue detriment to retained on and off-site trees, although we are yet to have sight of the necessary arboricultural report and plans to demonstrate this has been properly considered - or is even an aspiration given the proposed Planning Layout.
- The above highlighted areas of conflict should be 'designed out' within a revised layout that upholds the higher-level development principles promoted within our Supplementary Planning Documents: Arun Design Guide (emerging) and Arun District Public Open Space, Playing Pitches and Built Facilities.
- As it stands, **this application should not be allowed to proceed otherwise there is a high risk of significant damage and/or diminution occurring to trees of landscape and high public amenity value.** I am therefore unable to lend it my support and register an **OBJECTION**.

Recommendations:

1. The applicants will need to employ the services of an Arboricultural Consultant to carry out a tree survey exercise and then prepare an Arboricultural Impact Assessment (AIA) which must be inclusive of; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan' – with the trees accurately plotted on same.

2. In the event that a RPA of any tree which is proposed for retention overlaps the development then BS5837:2012 requires that the Detailed Planning Application is accompanied by an Arboricultural Method Statement (AMS) and also most importantly a Tree Protection Plan – to both describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground.

Mark Warwick
Tree Officer / Parks and Greenspace Team

From: Amanda Scholes on behalf of Planning.Responses
Sent: 04 November 2020 13:05
To: Planning Scanning
Subject: FW: Y/82/20/RES
Attachments: Y.82.20.RES.pdf

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From: Mark Warwick <Mark.Warwick@arun.gov.uk>
Sent: 02 November 2020 14:47
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Cc: Michael Eastham <Michael.Eastham@arun.gov.uk>
Subject: Y/82/20/RES

Please find attached my updated report following further submission from the applicant.

Kind regards,

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