
5 June 2019

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 13TH JUNE, 2019 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

1. To receive apologies for absence.
2. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
3. To confirm the Minutes of the meeting of the Committee held on 22 May 2019. **(Pages 3 - 4)**
4. To consider any items that the Chairman agrees to take as urgent business.

Items Recommended for Approval.

5. DM/19/1270 - 51 Oakley Lane, Hassocks, BN6 8BB **(Pages 5 - 8)**
6. DM/19/1352 - 4 Wyngates, Copthorne Bank, Copthorne, Crawley, RH10 3QX **(Pages 9 - 18)**

Items Recommended for Refusal.

None.

Other Matters.

7. TP/19/0005 - Butchers Shaw, Ardingly, RH17 6UB **(Pages 19 - 24)**
8. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

Working together for a better Mid Sussex



Human Rights Act

The reports and recommendations set out in this agenda have been prepared having regard to the requirements of the Human Rights Act 1998.

Risk Assessment

In formulating the recommendations on the agenda, due consideration has been given to relevant planning policies, government guidance, relative merits of the individual proposal, views of consultees and the representations received in support, and against, the proposal.

The assessment of the proposal follows the requirements of the 1990 Town and Country Planning Act and is based solely on planning policy and all other material planning considerations.

Members should carefully consider and give reasons if making decisions contrary to the recommendations, including in respect of planning conditions.

Where specifically relevant, for example, on some applications relating to trees, and on major proposals which are likely to have a significant impact on the wider community, potential risks associated with the proposed decision will be referred to in the individual report.

NOTE: All representations, both for and against, the proposals contained in the agenda have been summarised. Any further representations received after the preparation of the agenda will be reported verbally to Members at the meeting. Any other verbal or additional information will be presented at the meeting.

The appropriate files, which are open to Member and Public Inspection, include copies of all representations received.

Members are also reminded the representations, plans and application file will also be available for inspection at these offices from 6.00 p.m. on the day of the meeting.

To: **Members of Planning Committee:** Councillors G Marsh, P Coote, G Allen, P Budgen, R Cartwright, E Coe Gunnell White, J Dabell, R Eggleston, A MacNaughton, M Pulfer, D Sweatman and N Walker

**Minutes of a meeting of Planning Committee
held on Wednesday, 22nd May, 2019
from 7.27 - 7.28 pm**

Present:

G Allen	P Coote	G Marsh
P Budgen	J Dabell	M Pulfer
R Cartwright	R Eggleston	D Sweatman
E CoeGunnellWhite	A MacNaughton	N Walker

1 ELECTION OF CHAIRMAN.

Councillor Coote nominated Councillor Marsh as Chairman of the Committee for the 2019/20 Council year. This was seconded by Councillor Dabell and with no further nominations put forward, this was agreed.

RESOLVED

That Councillor Marsh be elected Chairman of the Committee for the 2019/20 Council year.

2 APPOINTMENT OF VICE CHAIRMAN.

Councillor Marsh nominated Councillor Coote as Vice-Chairman of the Committee for the 2019/20 Council year. This was seconded by Councillor Walker and with no further nominations put forward, this was agreed.

RESOLVED

That Councillor Coote be appointed Vice-Chairman of the Committee for the 2019/20 Council year.

3 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

None.

The meeting finished at 7.28 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

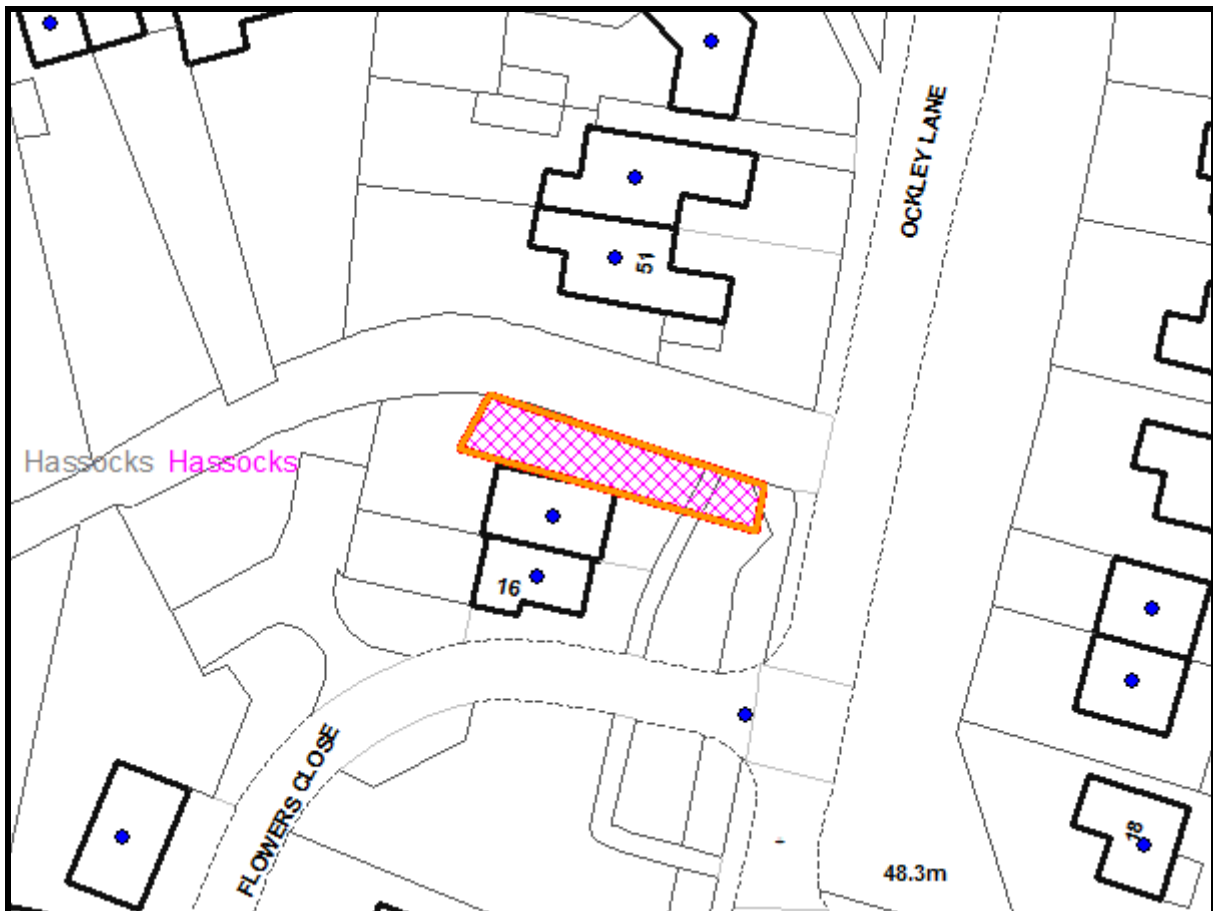
Planning Committee

13 JUN 2019

RECOMMENDED FOR PERMISSION

Hassocks

DM/19/1270



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**51 OCKLEY LANE HASSOCKS WEST SUSSEX BN6 8BB
4 X MULTI STEMMED ASH - CROWN LIFT TO A HEIGHT OF 6M ON
GARDEN SIDE OF 51 OCKLEY LANE AND REDUCE BACK GROWTH
ABOVE THIS BY MAXIMUM OF 2M.
MISS ANNE HATTON**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Tree Preservation Order / Tree Preservation Order Points / Archaeological Notification Area (WSSC) / Highways Agreement (WSSC) /

ODPM CODE: Tree Application

WARD MEMBERS: Cllr Sue Hatton / Cllr Benedict Dempsey / Cllr Alexander Sparasci /

CASE OFFICER: Irene Fletcher

PURPOSE OF REPORT

The application seeks consent for works to four Ash trees covered by a Tree Preservation Order HA/02/TPO/97, as described, and this application has come before Committee as the applicant is a relative of a Council member.

RECOMMENDATION

It is recommended that permission be granted subject to the condition set out in Appendix A

REPRESENTATIONS

None received

HASSOCKS PARISH COUNCIL

RECOMMEND APPROVAL. It was noted that the applicant is entitled to cut back the overhanging branches level with his boundary, however this would leave some unsightly spurs (which will either die or sprout useless water shoots). Therefore it is advised that it would be better for the tree if these could be taken back to a natural joint or the main trunks.

ASSESSMENT

Policy DP37 of the District Plan deals with tree matters and states out that the Council will support the protection and enhancement of trees. In respect of tree works, the policy sets out the following will be taken into account:

- The condition and health of the tree;
- The contribution of the trees to the character and visual amenity of the local area;

And

- The amenity and nature conservation value of the trees; and
- The extent and impact of the works; and
- Any replanting proposals (where necessary)

The trees are located in a line between 51 Ockley Lane and 17 Flowers Close. They are within the garden of 17 Flowers Close, along the boundary line. There is a public footpath between this property and 51 Ockley Lane. The trees are protected for their group value, rather than as individual specimens, and form a valuable wildlife corridor, screening and a separation between settlements.

The trees have previously been crown lifted and are multi stemmed specimens of low individual merit. They overhang the garden of the neighbouring property to an extent and it is considered justifiable to remove up to 2m of higher level branches to allow more light to the garden and prevent encroachment. Crown lifting up to 6m should balance the tree and promote better healing than reducing lower growth.

With regard to the Parish Council comments, a condition will be attached requiring compliance with British Standards. It would not be considered reasonable in this instance to remove all stems back to the main trunk as the crowns have already been lifted. The, fairly minimal proposed works, are considered appropriate to address the situation without promoting excessive regrowth.

It is considered that the works are reasonable to allow more light to the garden and will not impact unduly on its long term health or amenity value. It is considered that the application compliances with the above Development Plan policy and can be supported.

APPENDIX A – RECOMMENDED CONDITIONS

1. The work shall be carried out in accordance with BS 3998:2010 "Recommendation for Tree Work".

Reason: To ensure that the work is carried out to a satisfactory standard.

INFORMATIVES

1. Prior to the commencement of the works hereby permitted, checks shall be made for the presence of nesting birds and other wildlife protected under the Wildlife and Countryside Act 1981.

APPENDIX B – CONSULTATIONS

Parish Consultation

RECOMMEND APPROVAL. It was noted that the applicant is entitled to cut back the overhanging branches level with his boundary, however this would leave some unsightly spurs (which will either die or sprout useless water shoots). Therefore it is advised that it would be better for the tree if these could be taken back to a natural joint or the main trunks.

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MID SUSSEX DISTRICT COUNCIL

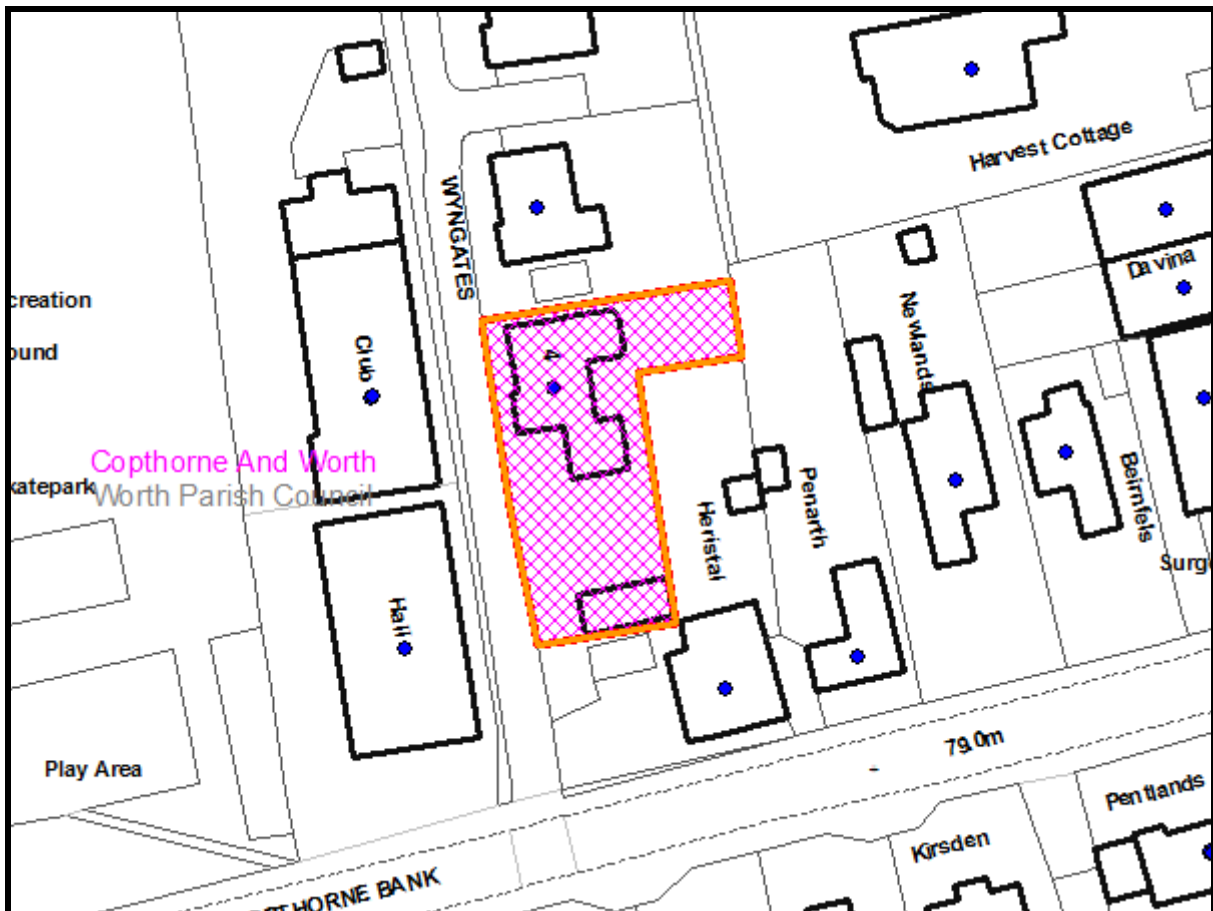
Planning Committee

13 JUN 2019

RECOMMENDED FOR PERMISSION

Worth Parish Council

DM/19/1352



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**4 WYNGATES COPTHORNE BANK COPTHORNE CRAWLEY
REMOVAL OF EXISTING CONSERVATORY WITH REPLACEMENT
DOUBLE STOREY REAR EXTENSION.
MR AND MRS SPENCER**

POLICY: Article 4 Direction / Article 4 Direction / Areas of Special Control for Adverts / Built Up Areas / Classified Roads - 20m buffer / Green Belt / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) / SWT Bat Survey /

ODPM CODE: Householder

8 WEEK DATE: 17th June 2019

WARD MEMBERS: Cllr Paul Budgen / Cllr Christopher Phillips /

CASE OFFICER: Caroline Grist

Purpose of Report

To consider the recommendation of the Divisional Lead, Planning and Economy on the application for planning permission as detailed above.

Executive Summary

This application seeks planning permission to replace an existing conservatory with a two storey rear extension at 4 Wyngates, Copthorne Bank.

The application is before committee as the agent is an elected Member for the Copthorne and Worth Ward.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework.

The proposed extension is deemed acceptable in terms of design and scale and would not detract from the appearance of the dwelling or character of the area. The proposal is also not considered to cause harm to neighbouring residential amenities.

The proposal is therefore deemed to comply with policy DP26 of the Mid Sussex District Plan 2014-2031, policy COP04.1 of the Copthorne Neighbourhood Plan as well as the broader requirements of the NPPF.

Planning permission should therefore be granted.

Recommendation

It is recommended that permission be granted subject to the conditions listed at Appendix A.

Summary of Consultations

(Full responses from Consultees are included at the end of this report as Appendix B.)

Summary of Representations

No representations have been received in response to this application.

Parish Council Observations

Worth Parish Council support the application.

Introduction

This application seeks planning permission to replace an existing conservatory with a two storey rear extension at 4 Wyngates, Copthorne Bank.

The application is before committee as the agent is an elected Member for the Copthorne and Worth Ward.

Relevant Planning History

06/00705/FUL - Demolition of Wyngates and the erection of 2 four bed detached dwellings. Permitted.

06/02023/FUL - Demolition of Wyngates and the erection of 1 No. 4 bed dwelling (Plot 4) amendment to application number WP/06/0705/FUL. Permitted.

DM/15/1209 - Garage conversion, alterations to door and window openings, new garage, new drive and new boundary wall to replace fence. Permitted.

DM/16/1053 - Proposed garage conversion and single storey extension. Refused.

DM/16/1884 - Single storey rear utility room extension, garage conversion and internal alterations. Permitted.

Site and Surroundings

4 Wyngates is a west facing, detached, two storey dwelling. It is constructed of red bricks, with tile hanging at the first floor level, plain tiled roof and upvc windows. The property has been previously altered, as the original garage and utility room has been converted and extended to form part of the dwelling. A detached, single bay garage is located to the south of the dwelling. Due to the shape of the plot, the property has private garden to the side and rear, enclosed by red brick walls and timber fencing.

The property is located within the built up area of Copthorne and forms one of four dwellings, constructed as a small development post 2006. Neighbouring dwellings

are located to the north, south and east. Copthorne Village Hall and Social Club are located to the west.

Application Details

Planning permission is sought to replace an existing conservatory at the rear of the property with a two storey extension. This would enable the current lounge and first floor bedroom to be enlarged. An en-suite would also be created in the bedroom. The extension is to be 4.1 metres deep and 4.7 metres wide. A pitched roof design is proposed that would follow the existing eaves and have a ridge height of 7.3 metres.

The existing chimney would be re-located 3.5 metres behind its current position. All works are to be completed in materials to match the host dwelling.

List of Policies

Mid Sussex District Plan 2014-2031

The District Plan was formerly adopted on the 28th March 2018.

DP26 - Character and Design

Copthorne Neighbourhood Plan

The Copthorne Neighbourhood Plan has had its regulation 14 Draft Plan published and consultation finished on the 30th April 2017. The plan is a material consideration in the determination of planning decisions but carries little weight.

COP04.1 - Building Extensions

National Policy

National Planning Policy Framework (NPPF - 2019)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently.

Paragraph 47 states: *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.'*

National Planning Policy Guidance

Assessment (Consideration of Key Issues)

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

The main issues considered relevant to this application are the proposed design and impact on the character of the area and impact on neighbouring residential amenity.

Impact on the Character of the Area

One of the key issues is the design and the subsequent visual impact on the character of the area. The NPPF makes reference to the importance of good design at para 127 which states in part that:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.'*

Such requirements are similar to those found at district level within DP26 which states in part that:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area; and*
- protects valued townscapes and the separate identity and character of towns and villages.'*

Policy COP04.1 of the Copthorne Neighbourhood Plan states that:

'Building extensions will be permitted provided they are in accordance with the Neighbourhood Plan and meet the following criteria:

- a) *The scale, height and form of the extension should be subservient to the existing building and should be in character with the street scene. Where appropriate, special regard should be paid to sustaining and enhancing the setting and features of heritage assets and the areas of townscape character.*
- b) *The traditional boundary treatment of an area is retained and where feasible reinforced.*
- c) *Suitable access and on-site parking is provided without detriment to neighbouring properties.*
- d) *Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- e) *Historic vistas are maintained. These are identified as:*
 - *Edge of Copthorne Common south of A264*
 - *Copthorne Golf Course north of A264*
 - *All brooks and streams within village boundary*
 - *Views across to North and South Downs*
 - *Rowfant and its surrounding landscape*
- f) *Materials are compatible with materials of existing/surrounding buildings.'*

The application property is located within a modern development. Dwellings on Wyngates are of a similar design but have a consistent use of materials.

The proposed extension is considered to be of a size and scale that is proportion to the main dwelling and would appear subservient through the lower ridge height. The design reflects the host building, using materials to match and continuing the existing roof form. Due to the position of the dwelling in the streetscene, there would be some views of this addition. As the proposed extension would appear subservient, is of an appropriate design not and overly dominant it is considered that there would not be a harmful impact to the character and appearance of the area.

The extension is therefore deemed to be of an appropriate scale and design that would not detract from the character of the area, thereby according with policy DP26 of the District Plan and policy COP04.1 of the Copthorne Neighbourhood Plan.

Impact on neighbouring amenities

Policy DP26 of the District Plan also relates to amenity and states that:

'All applicants will be required to demonstrate that development ... does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29).'

Policy COP04.1 of the Copthorne Neighbourhood Plan states:

'Building extensions will be permitted provided ... amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'

Policy DP26 of the Mid Sussex District Plan states that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy,

outlook, daylight and sunlight, and noise, air and light pollution. The test, as set out under policy CDNP04.1 Copthorne Neighbourhood Plan, is that the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded. Where a policy contained in a development plan for an area conflicts with another policy in the development plan, under section 38(5) of the Planning and Compulsory Purchase Act 2004, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. Due to the status of the Copthorne Neighbourhood Plan, policy DP26 is considered to take precedence therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

The proposed extension would be positioned approximately 2.0 metres from the shared boundary with 3 Wyngates. No. 3 has its detached garage closest to this boundary; therefore this house is positioned approximately 5.0 metres away from this boundary. Due to the distance between the proposed extension and this neighbour it is considered that the development would not result in a loss of light. This distance, combined with the reduced roof height and position of the extension in relation to this neighbour, would ensure that there would not be a significant loss of outlook. One window is proposed on the side elevation facing No. 3, where there is an existing window. As the proposed window would relate to the en-suite, which is shown as being obscure glazed on the submitted plans; it is considered that harm would not be caused to this neighbour's privacy.

Due to the residential nature of the proposed development there would not be any significant harm regarding noise, air or light pollution. It is therefore considered that the proposed development would not have an adverse impact on neighbouring amenity, in accordance with DP26 of the District Plan and policy COP04.1 of the Copthorne Neighbourhood Plan.

Planning Balance and Conclusions

The proposed extension is deemed acceptable in terms of design and scale and would not detract from the appearance of the dwelling or character of the area. Nor is the proposal considered to cause harm to neighbouring residential amenities.

The proposal is therefore deemed to comply with policy DP26 of the Mid Sussex District Plan 2014-2031, policy COP04.1 of the Copthorne Neighbourhood Plan, as well as the broader requirements of the NPPF.

Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved plans

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

3. No external materials shall be used other than those specified on the approved plans and application form without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	SPENCER-06		08.04.2019
Existing Floor and Elevations Plan	SPENCER-04		08.04.2019
Proposed Floor and Elevations Plan	SPENCER-05		08.04.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

Support.

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MID SUSSEX DISTRICT COUNCIL

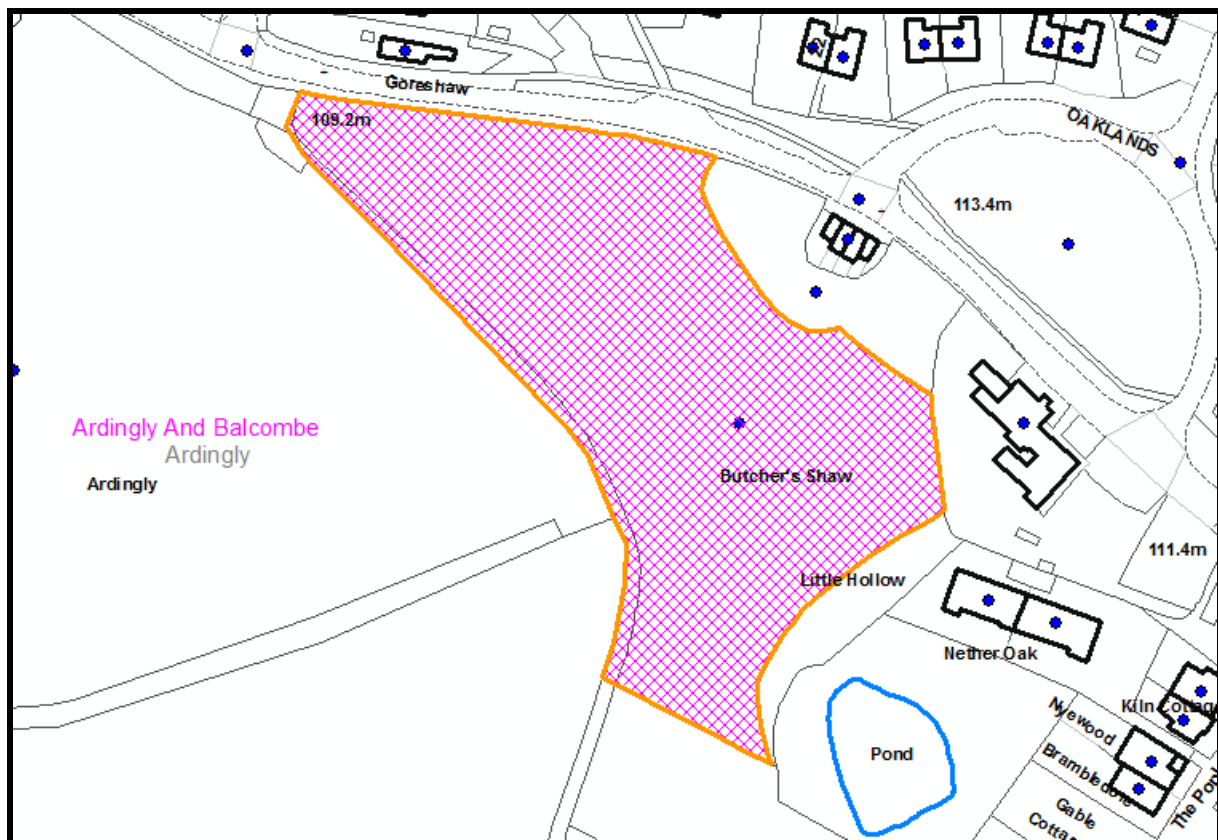
Planning Committee

13 JUN 2019

OTHER MATTERS

Ardingly Parish Council

TP/19/0005 Butchers Shaw, Ardingly



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REPORT

Members are being requested to consider whether or not to confirm a new Tree Preservation Order (TPO), TP/19/0007 refers, on a woodland known as Butchers Shaw in Street Lane, Ardingly.

The trees comprise a mix of mature trees, predominantly oak, ash and hornbeam with a little understorey mainly comprising holly and hazel, remaining.

The trees are classified as Ancient Woodland and are located within a Conservation Area.

The frontage trees are highly visible from Street Lane and form part of a transition between the village of Ardingly and its rural outskirts. Almost directly adjoining the site are other frontage trees protected under TPO (AR/01/TPO/11 refers) and following this, other trees protected under TPO (TP/17/0001 refers). The Conservation Area of Ardingly, which is in two parts, then continues.

BACKGROUND

The trees are considered to be under threat due to the continued erosion of the understorey. Complaints were received regarding felling, the use of heavy machinery, ground disturbance by heavy plant and bonfires.

There have been a number of complaints over the last couple of years and requests to make a TPO on the land. A number of visits have been made to the land by both the Tree Officer and Planning Investigation staff.

Up until the Order was served, it was considered that the Conservation Area afforded adequate protection to the woodland, but incremental works, as well as the denudation of the woodland, planting of inappropriate species, the storage of heavy plant/equipment in root protection areas, bonfires and the owners intention to create a wildflower meadow have given rise to concerns, and it was considered that further protection was need. The Conservation Area status of the land does not protect young trees or understorey. This is the purpose of making a Woodland Order.

The trees scored an average of 20 on the TEMPO assessment, definitely meriting protection by TPO.

The woodland was previously protected by Order (ref TP/18/0007). This Order was not confirmed mainly due to the fact that a further objection was made on the grounds that the map was incorrect.

THE OBJECTION

Various objections have been submitted on behalf of the owner of the woodland. This may be summarised as follows:

- Unnecessary additional layer of protection and difficult to understand what public benefit will ensue from the TPO. The area is already protected by its Conservation Area status. The area was included in MSDC document 'Conservation Areas in Mid Sussex ' because of its value.

The owner has removed dumped materials and invasive weeds from the land and engaged bodies such as the Forestry Commission, Natural England and the Small Woods Association for advice.

The owner wishes only to enhance the woodland and carry out beneficial woodland management for the benefit of wildlife and the local community.

- The only additional benefit conferred by the TPO is to protect naturally regenerating tree saplings but given the owner's desire to protect the woodland, this appears superfluous and disproportionate
- Glades and open areas are integral features of woodlands
- The local authority cannot control the planting of trees and only a limited area of fruit trees has been planted
- No evidence exists to demonstrate that clearance works have removed understorey or seedlings
- The storage of plant and machinery under canopies etc. has been exaggerated by the LPA and cannot be said to have impacted unduly on the woodland
- Bonfires are a normal and routine way of disposing of brash and other arising from woodland management. It is an overreaction on the council's part to use this as justification for making an Order
- The council is disingenuous to advise that the making of a TPO does not involve an additional burden or paperwork on the owner. The owner will be required to justify or provide reasons for works to TPO trees.
- No basis for the claim that the owners activities have caused 'cumulative damage which has occurred over a period of time' to the woodland
- The owner has recently met with the Forestry Commission and a programme of works has been recommended.
- Requirements of 2012 regulations not complied with; specifically that the council did not provide reasons for making the Order, nor attach a map to either the public copy or the site notice.
- TEMPO assessment has not been made available and, even if it had, it is considered unreasonable and it is extremely doubtful, that if properly applied, the woodland would have scored 20.

- Felling licence has been granted and MSDC has misrepresented the substance of this. That this level of work has been agreed by the Forestry Commission further undermines the rationale of making a TPO

THE LETTER OF SUPPORT

A local resident has submitted a representation in support of the Order, making the following points;

- The woodland was in a virtually untouched state for many years until the current owner purchased it and systematically cleared the understorey. This has resulted in a gravely detrimental effect on wildlife including the use of heavy machinery which has destroyed wildlife corridors and habitat
- Planings and rubble have been imported to create hard roadways which have impacted wildlife habitats and corridors. There were no wide tracks previously, just a narrow path; it was certainly in no way 'woodland maintenance'. I visited this woodland 25 years ago and it was a wildlife haven
- Several trees have been felled, creating wide open spaces through the woodland
- Previous google images show a virtually unbroken canopy of foliage before Mr White began to clear the trees
- More clearance work has taken place and the diggers have gone on to dig out a pond and level areas throughout the woodland in an entirely inappropriate way
- Protection of bats, dormice etc. has been ignored

EVALUATION OF COMMENTS

With regard to the letter received on behalf of the woodland owner, it has been confirmed to the owner that a TPO protects seedlings and young trees as well as understorey. A Conservation Area designation does not protect against the removal of young trees, seedlings or understorey.

Photographic evidence is available to show the woodland in July 2016 and shows the removal of a substantial amount of trees and understorey.

It is contended that an additional level of protection, such as that provided by the TPO, would allow some natural regeneration, indeed, that is the purpose of a woodland Order. Whilst reasons are required for works to TPO trees, as long as the works are required in the interests of beneficial woodland management, then there

would be no resistance to the works. This would also be in accordance with government advice which advises that the purpose of a woodland Order is that ..."it should not hinder beneficial woodland management" (Guidance: Tree Preservation Orders and Trees in Conservation Areas 6 March 2014).

If the owner wishes to manage the woodlands in a proper and consistent manner, the TPO imposes no additional burdens, and, at MSDC the same form is used to make both applications/notifications with a TPO area or a Conservation Area. No additional paperwork is required. The only difference is that reasons for the work are required. In the case of a felling licence or other beneficial management, this would be considered sufficient reason.

The tree officer has met with the owner and a representative from the Forestry Commission, and has agreed to some thinning with some of the remaining trees, mainly around the fringe of the site by way of a felling licence. The tree officer has not resisted this. A felling licence has been granted, which allows some 30% thinning over the next 5 years. A TPO would, in no way, hinder this management.

Whilst some glades and open spaces are beneficial to woodlands, nevertheless, the cleared ground is either completely bare or planted with inappropriate and domestic planting.

With regard to the statement that the TPO has not been served correctly and did not include the necessary information, the notice was delivered by hand and there is a certificate of service for this. The officer also displayed the site notice; this is also evidenced, although it should be noted that, by its nature, such a document is in a public place in order for the public to look at it.

The TEMPO assessment is not considered to be a detailed and objective report. It is intended to provide an indication only of the tree officer's view of the woodland. It is an average score and takes into account the whole woodland and the lifespan of the whole woodland.

Members should be aware that application has been made to remove three mature trees from Butchers Shaw, (ref DM/19/1677) close to the boundary with The Oak pub site. This application has been made by the owner of the site and, if permission is granted, MSDC would not be able to legally require replacement trees as the land is not in the ownership of the applicant.

With regard to the representation received supporting the TPO, the author has been advised that wildlife issues are a matter for the police.

The planning Investigations team have investigated the matter of imported materials, and, whilst there was found to be a breach of planning control, it was not felt to be

expedient to pursue enforcement action. This is considered to be a separate matter from the making of the TPO. Photographic evidence is available showing the woodland in July 2016 and more recently.

The Parish Council have been contacted as they requested that a meeting be arranged with an officer from the Forestry Commission. Following this meeting, they wish to raise no objection to the making of the Order.

ASSESSMENT

It is considered that trees have significant public amenity value and value as a woodland in their own right and that it was expedient to issue an Order in accordance with government advice. It also provides additional protection for its Ancient Woodland designation.

It is also consistent with the making of other Orders on the land between the two Conservation Areas.

If it is the owner's stated aim to conserve and enhance the woodland, then the TPO will provide no obstacles to this and although reasons are required, this will place such reasons in the public domain and may lead to less allegations against the owner.

Officers are content that the trees meet the relevant criteria for inclusion in the Order and that their protection is justified, and it is considered that the Order should be confirmed.

RECOMMENDATION

It is recommended that the Order is confirmed.