

From: Claire Potts
Sent: 19 December 2017 09:13
To: Planning.Responses
Subject: FW: Nyton Nursery Application AL/102/17/RES

Please could the additional representation below be uploaded to the file AL/102/17/RES

Claire Potts BSc MSc MRTPI | Strategic Development Team Leader, Directorate of Place, Arun District Council | First Floor, Arun Civic Centre, Maltrovers Road, Littlehampton, BN17 5LF
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From: [REDACTED]
Sent: 18 December 2017 21:01
To: Claire Potts
Cc: Aldingbourne Parish; David Maddox; Martin Beaton
Subject: Re: Nyton Nursery Application AL/102/17/RES

Dear Claire,

We have reviewed the latest documents uploaded on to the Arun District Council planning portal and whilst we are very relieved to see that the LEAP has been moved away from our western boundary and that a tree screen is to be retained, we are still very concerned that the developer is still intending to remove the tree that is protected by the Tree Preservation Order.

I note from the Technical Arboricultural Appraisal of T15 (attached) the following points:

- The fact that the base of the tree is higher than the road has now been acknowledged.
- It is noted that the tree has been pruned which has left the tree with an imbalance. This work was carried out illegally by the contractor working on behalf of Arun Veterinary Group and we advised the Council at the time it was happening. A Tree Officer did attend site and has since written to them, but decided not to take any action. It would be very unjust if this illegal work can now be used as a reason to fell this substantial tree. We think that the impact of this branch being removed may be being overstated in order to justify its removal.
- The sketch showing the retaining wall is exactly what we feared would be required. In order to construct this wall the foundations of our fence will be undermined which will destabilise it. Also, the roots of our Laurel Hedge, which gives us essential screening will be severed, causing it to die.
- This option will require Party Wall consent which we will obviously not be agreeing to.
- The option to retain the tree and introduce steps would be much more preferable as it will ensure our hedge is retained and our fence undamaged. The Parish Council have proposed a route for the cycleway further to the east which seems much more practical. As I have pointed out before there is no space to slow cycles down before meeting the road and the alternative location off Barnett Close would be much more safe.

As has been pointed out by the Parish Council there is still insufficient detail provided by the Developer and very significant issues are being overlooked in an attempt to downplay their importance. We also pointed out to David Innes that the original Outline Planning Application redline boundary did not cover the area in question, which should

prevent it from being included in this Reserved Matters Application. We have not had a response to this and we hope that you will now resolve this issue.

Regards

Michael and Paula Olliff

From: [REDACTED]

Date: Friday, 8 December 2017 at 17:46

Subject: Re: Nyton Nursery Application AL/102/17/RES

Dear Martin,

Thank you very much for updating me. I am relieved that the application has been deferred as it does seem that there is very little detail submitted to date upon which to base a decision. I have not seen any detailed drawings for the cycleway particularly in relation to how they intend to resolve the changes in level.

I understand from Claire Potts at Arun DC that more drawings have been submitted and are due to be uploaded onto the Council's planning portal next week. We will see what they contain.

Claire has also spoken to the developer about carrying out works on the site and they have undertaken not to clear any trees and shrubs from along our western boundary which is a huge relief.

The key issue for us is to preserve these trees and it would appear that the only way we can guarantee their survival is for this cycleway to be relocated.

Thanks again and we will monitor developments closely.

Regards

Michael

Michael Olliff RIBA | Managing Director | Shareholder
Scott Brownrigg | 77 Endell Street, London WC2H 9DZ



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From: [REDACTED]

Date: Thursday, 7 December 2017 at 11:52

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C

Subject: Re: Nyton Nursery Application AL/102/17/RES

Dear Michael,

The Nyton Nurseries was discussed in broad terms. The council resolved to defer its decision on the reserved matters until its meeting on Tues 9th January. There are broadly four areas of concern: Namely the

surrounding screening and habitat protection, the drainage for which, as yet, there is no scheme on which we can comment, and the increasing pressure on the local medical facilities. The detail of the cycle route were not discussed but the developer and Arun already have my comments on that.

We were advised that some work was being undertaken on the site. The problem however for the Parish Council is that any landowner can undertake management work on their land and the question becomes when does management of the land become development? If you are concerned then you must draw this to the attention of Arun as the Planning Authority as they are the only ones with the power to act on this. You might like to copy any email to our district councillors (Keith Ballard and Christopher Hughes) and ask for their support in addressing any points. The Clerk to the Parish Council is also advising Arun's Planning Department of the Parish Council's concern about work on the site.

I have been advised this morning that Arun will consider the reserved matters on this application on the 17th of January

Apologies but I can't see the photographic files

Regards
Martin Beaton
Chairman

On 6 December 2017 at 18:13, Michael [REDACTED]

Dear Mr Beaton,

Unfortunately, I was unable to get to the meeting last night. Are you able to share with us the decision that was reached by the Parish Council?

I was working from home today and noticed that the contractors have already started to clear the site in anticipation of works starting soon. We are obviously worried that they may start removing the trees that we are so keen to see retained.

I look forward to hearing from you.

Kind regards

Michael

Michael Olliff RIBA | Managing Director | Shareholder

Scott Brownrigg | 77 Endell Street, London WC2H 9DZ

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From: [Redacted]

Date: Monday, 4 December 2017 at 20:19

To: [Redacted]

Subject: Re: Nyton Nursery Application AL/102/17/RES

Dear Mr Beaton,

Thank you very much for your email. This is very welcome news and we too are also concerned about the safety of cyclists approaching Nyton Road at this point. They will be coming down a slope and I don't think there is room to fit those staggered barriers in that would slow them down.

Thank you also for the invitation to attend the Parish Council meeting. I am working in London tomorrow, but will endeavour to get back in time.

Kind regards

Michael Olliff RIBA | Managing Director | Shareholder

Scott Brownrigg | 77 Endell Street, London WC2H 9DZ

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From: [Redacted]
Date: Saturday, 2 December 2017 at 14:31
To: [Redacted]
Subject: Re: Nyton Nursery Application AL/102/17/RES

Dear Mr Olliff

My apologies for the delay in replying. The issue of the cycle track was raised at a recent meeting between the Parish Councils, Arun and Developers. We suggested that Taylor Wimpy leave the trees and look at the option of creating a cycle route link further to the east possibly through to Barnett Close as we could not see any benefit of having a cycle route accessing a busy junction. If it were possible to construct a route further to the east then it would be closer to Church lane and other proposed cycle routes. Taylor Wimpey agreed to look at this option.

I hope that this update helps you.

You are welcome to attend the Parish Council meeting this Tuesday at 7pm at Aldingbourne Community Sports Centre. Meetings begin with public questions, an opportunity to raise such issues in public. It also provides opportunity to meet district councillors. Our county councillor, Derek Whittington, who is closely involved in cycling issues and former chair of the County Council Highways Committee, often attends.

Regards

Martin Beaton

Chairman APC

On 27 November 2017 at 14:20, Michael Olliff [REDACTED] b:

Dear Mr Beaton,

Chairman Aldingbourne Parish Council

We are writing to you as we understand that Taylor Wimpey have or will shortly be submitting an application to remove two trees that are currently the subject of Tree Preservation Orders. As you can see from the email trail below to Arun DC, the trees at risk are in the small strip of land between our house, Jacaranda and the Arun Veterinary Group on Nyton Road, Westergate.

These trees provide a very important screen to us from the busy A29 and we are very fearful that their removal will not only expose us to overlooking from the proposed new cycle path, but also to the noise and pollution from the A29. An important fact that is being overlooked by the developer and Arun DC is that this cycle path does not have planning permission. It was never included in the red line boundary which formed the application that was eventually won on appeal.

We would be very grateful if you would be prepared to meet us on site to see first hand the damaging effect this cycle path and the removal of the trees will have on our quality of life.

We look forward to hearing from you.

Michael and Paula Olliff

Begin forwarded message:

From: [REDACTED]

Subject: Re: Nyton Nursery Application AL/102/17/RES

Date: 13 November 2017 at 11:17:38 GMT

To: [REDACTED]

Cc: [REDACTED]

Good morning Claire,

Thank you for your note. I look forward to hearing from David.

We would also like to bring another point to your attention, which we feel is material when considering the proposed location of the cycle way. The developer doesn't appear to have submitted any detailed proposals at this stage and we question the viability of locating a path in this location.

The ground level immediately around the two trees that are protected by TPO/AL/1/13 is approximately 1m higher than the road level. We are worried that this fact is the reason why the trees are being proposed to be cut down. The distance between our boundary fence and the Garage building that belongs to Apogee House (now Arun Veterinary Group) is only about 2m. If the path is put in, then the developer will have to excavate down in order to create a slope, which at 1:12 would be at least 12m in length. Excavating this length so close to our boundary will sever the roots of our Laurel Hedge and destroy the only protection we will have remaining after they have cut down all the other trees.

We will be checking out what legal protection we have and will try and prevent any excavations that way, but we would urge the Council to refuse permission to cut down these trees and require the developer to find an alternative route for this path that is less damaging to neighbours quality of life.

Kind regards

Michael and Paula Olliff

On 13 Nov 2017, at 09:37, Claire Potts <Claire.Potts@arun.gov.uk> wrote:

Dear Michael and Paula,

Thank you for sending in your detailed comments and suggestions. As you have copied them to the case officer, David Innes, he will take them into account as he considers the application and carry out a further site visit if necessary. They will be logged on the file.

Kind regards

Claire

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-----Original Message-----

From: [REDACTED]
Sent: 11 November 2017 17:55
To: Claire Potts
Cc: Michael Eastham; David Innes
Subject: Nyton Nursery Application AL/102/17/RES

Dear Ms Potts,

Further to our telephone conversation we are very concerned regarding the detailed landscaping proposals that have now been submitted. As you can see from the attached drawings, our property Jacaranda is adjacent to the

site and the house is situated very close to the boundary. Our living room is on the first floor overlooking the site as is one of our bedrooms and our kitchen and dining room are on the ground floor. All these rooms have windows facing on to what is proposed to be a children's play area and cycle path. The cycle path is proposed to run immediately on the other side of our fence which will be within 2m of our house.

From looking at the landscaping plans for the whole development it would appear that all other existing houses bordering onto the proposed site are well screened with new or existing planting. Our property however, is going to be completely exposed with nearly all the very mature trees and shrubs being removed. We currently enjoy facing on to a natural wooded landscape and are well screened from the A29. If these plans are approved, then our quality of life will be significantly reduced. We will have to suffer the noise of the play area, cyclists and pedestrians walking close to our house and being able to see into our rooms and we will be greatly exposed to the noise and traffic pollution from the A29. These kinds of play areas like the one in Lime Avenue often attract teenagers after dark and we are concerned that as the proposed layout has no passive surveillance (except from us) it will encourage anti-social behaviour.

When the original outline application was submitted, we made representations and attended the public consultation sessions. We were given assurances by the developers and Arun DC Planning Officers that all efforts would be made to ensure we were well screened from the development and it would appear that these promises have been ignored.

We appreciate that these play areas have to be provided and that the footpaths are needed, however we do not feel that enough consideration has been given to how our quality of life will suffer. We have tried on many occasions to meet the developer, but they will not meet us to discuss our concerns. I have attached to this email a sketch that I have prepared that demonstrates how the play area and cycle way could be provided whilst at the same time retaining many of the existing trees so that there can be a landscaped buffer that will give us a bit of protection. We would also like some reassurances that lighting will be prohibited along our western boundary as these lights will shine either into our bedroom and living room if they are tall or into our kitchen and dining room if they are low level.

Another matter which is also of great concern to us is the proposal to remove some trees that are protected by Tree Preservation Orders. These trees are significant features in the village and the Holm Oak in particular is very special. Westergate used to have many of these trees and this is one of the last ones remaining. The Oak and Ash trees (T15, T17, T18 and T19) are acknowledged by the Arboricultural Consultant in the Tree Survey as being fine specimens with many years life in them. The only reason that the developer is planning to remove them is to put in the cycle route, which we strongly object to in this location and feel that it could be adequately provided along the access further to the west. A footpath could easily be accommodated whilst retaining these beautiful trees. There are other fine trees such as willows, hawthorns, elders etc that are also being proposed to be removed and whilst they are not as attractive visually do still provide valuable habitat to wildlife. On summer evenings we see bats flying around our garden, which we are sure will now be lost. We understood that the Tree Preservation Order covered more than just tree T15 and we hope that any application to remove these trees will be rejected.

We would be very grateful if you could meet us on site so that we can show you the issues first hand.

Yours sincerely

Michael and Paula Olliff
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Regards

Michael Olliff RIBA | Managing Director | Shareholder

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