

Sandra Edwards

From: Nicola Spencer on behalf of Planning
Sent: 18 May 2018 16:02
To: Planning.Responses; Planning Scanning
Subject: FW: Objection A/64/18/T Caffyns Audi
Attachments: Supporting Information A_64_18_T.pdf

Nicola Spencer | Technical Support Manager, Planning Department, Arun District Council | Location: First floor, Arun Civic Centre,
Maltravers Road, Littlehampton, BN17 5LF

Internal: 37446 | External: +44 (0) 1903 737500 ext 37446 | E-mail: nicola.spencer@arun.gov.uk

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Save the environment - think before you print.

From: Michael Fick [REDACTED]
Sent: 18 May 2018 14:19
To: Planning
Subject: Objection A/64/18/T Caffyns Audi

Caffyns Audi must not be allowed to get away with simply proposing replacement of the two Copper Beech trees, which they seem to think, is all that they need to do to remain within the law. That is apart from the fact that the proposed species are completely different in every way.

Under the Town and Country Planning Act it is a criminal offence when anyone, in contravention of a TPO cuts down, uproots or wilfully destroys a tree or tops, lops or wilfully damages a tree in a way that is likely to destroy it. Anyone found guilty of this offence is liable, if convicted in the Magistrates' Court, to a fine of up to £20,000. In serious cases, a person may be committed for trial in the Crown Court and, if convicted, is liable to an unlimited fine. In determining the fine, the court must have regard to any financial benefit which has accrued, or is likely accrue, in consequence of the offence.

Section 1(1) of the Criminal Damages Act 1981 says: "*A person who without lawful excuse destroys or **damages** any property belonging to another intending to destroy or **damage** any such property or being reckless as to whether any such property would be destroyed or **damaged** shall be guilty of an offence.*" The Act interprets Property as belonging to any person having the custody or control of it; or having a charge on it - such as a TPO.

If the wilful destruction of a protected tree is shown to be beneficial to a proposed development any fines are unlimited and are set at the discretion of the court.

I know I am quoting the legal position that officers at Arun will already be aware of, but looking at the available evidence, BOTH of the above certainly apply, which when looking at the planning application audit trail (see attached) appears to have been pre-determined. Another example of an organisation with deep pockets "gaming" the planning system?

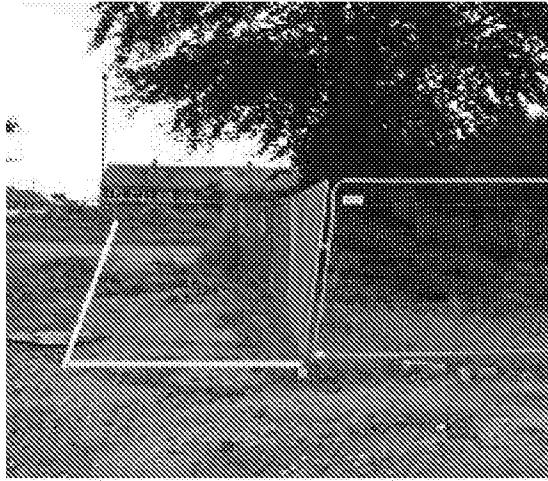
It's even more outrageous when it is reported that one of the workmen on site has said that that they were only doing what they were told.

Arun must take action and make an example of them to deter other developers or landowners that may be thinking of doing the same.

Regards
Michael

Failure to Comply with the TPO and the Root Protection Area (RPA)

Eastern Beech



Fencing needs to be extended as shown by the white line.

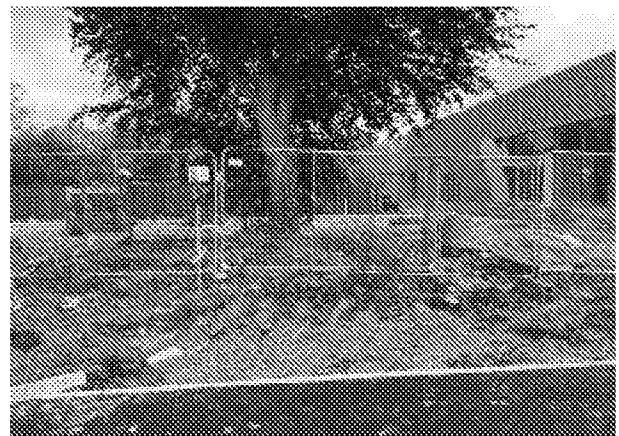
Arun's Consultant Arboriculturist was concerned that the RPA around the **eastern Beech** was inadequate, and wanted the fencing extended by 2m.

He drew the white line on the photograph on the left to show where he wanted the fence to be moved to.

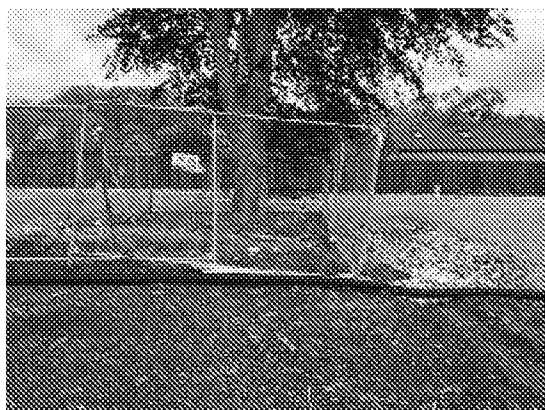
His report says: "*the Site Manager agreed to undertake this work the same day. On this basis I am now happy to sign off on this project and allow them to carry out the construction phase of works.*"

He also noted "*The fencing panels are fine as they are of HERAS galvanised mesh construction BUT they have been footed into rubber blocks which are not rigid and can easily be moved about by the building contractors and thus are not 'Fit For Purpose'.*"

The photograph to the right of the **eastern beech tree** was taken last weekend. It appears to show the fenced off area falls short of the Consultants recommendations.



Western Beech



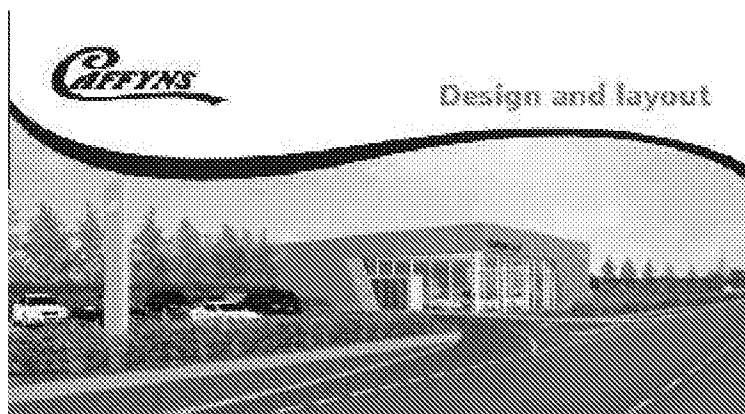
The photograph on the left shows the placement of protective fencing.

As you can see, the fencing on the east (right hand) side of the tree is barely 1m from the trunk.

Note also the extensive groundwork, which will have undoubtedly caused problems. The rubber blocks the fencing panels were footed into also appear to be missing or identical to those the Consultant raised concerns about.

So it appears a total disregard of the TPO conditions was either deliberate or wilful negligence? Is the fencing, "*Fit for Purpose*" as required by BS5837: 2012 and as stipulated by the Planning Inspector that they are to comply with the PJC AMS report which clearly defines the standard as that of Figure 2 in BS5837."

Artists Impression: Caffyns Consultation Boards (Public Exhibition 2015)



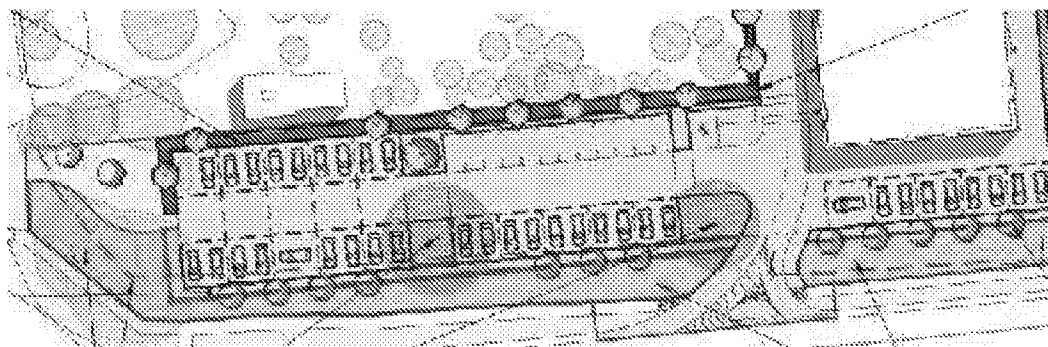
The artist's impression assumes the two Copper Beech trees would be felled, allowing the showroom and brand signage maximum visibility to passers-by.

The large "Pylon" Audi sign is where the western Beech tree is located.

Caffyns Audi had no choice but to submit plans that included the trees because of the TPO.

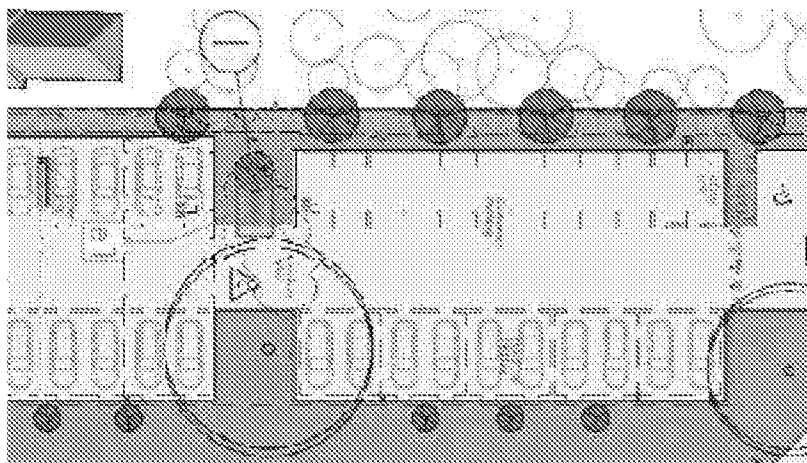
Site layout Plan

The plans clearly show the proposed car park spaces encroaching into the right hand side of the **western Beech tree's** RPA.

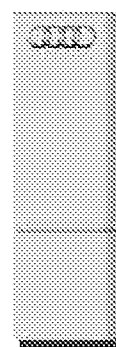


Signage Plan

A 4.5m "Used Car" Pylon sign is shown at point "T". It appears to sit uncomfortably on top of a tree. It is also obvious that the **western Beech tree** will hide the sign from the A259 and that its crown will need "ongoing management" so as not to grow over it.



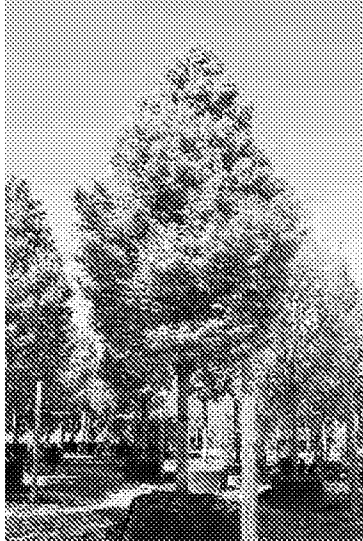
"Pylon" Sign



Plan shows the car park encroaching into the western Beech Tree's RPA.

The proposed replacement tree species

Eastern Copper Beech (T1) - fell due to approved construction works having compromised the life expectancy. Replant with one *Carpinus betulus* 'Fastigiata' in the same place.



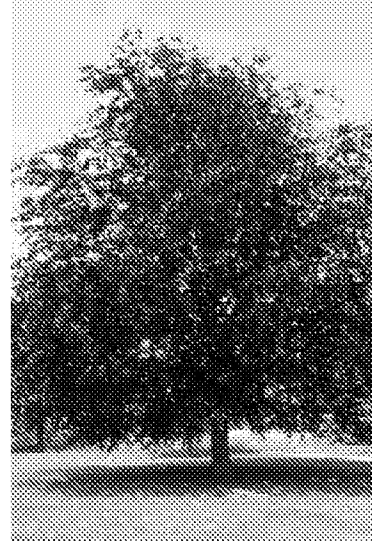
***Carpinus betulus* 'Fastigiata'**
(Pyramid Hornbeam) A medium-sized deciduous tree; crown narrow when young, becoming compact and ovoid.

Mature height: 25 metres

Mature Spread: 8 meters

Growth Rate: Moderate to Slow

Ultimate height: 20 to 50 yrs



Copper Beech
A large woodland tree

Mature height: 30 to 40 meters

Mature Spread: 12 to 18 meters

Western Copper Beech (T2) - fell due to approved construction works having compromised the life expectancy. Replace with 5 x *Sorbus aria* 'Majestica' in locations recommended by the Tree Officer.

***Sorbus aria* 'Majestica'**

Type Hardy

Mature height: 8-12 metres

Mature Spread: Up to 6 meters

Growth Rate: Moderate to Slow

Size after 25 years 7m x 5m (height x width)

