

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: BE/29/26/TC

LOCATION: Liseve Lodge
84 North Bersted
PO22 9AQ

PROPOSAL: Fell 1 No. Willow. This tree is in the North Bersted Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is located at Liseve Lodge, 84 North Bersted Street, Bognor Regis.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BE/79/24/TC	1 No. Poplar (T1) fell to ground level. 1 No. Elm (T2) fell to ground level. (These trees stand in the North Bersted Conservation Area.)	No Objection 10-10-24
BE/150/20/TC	Fell 2 No. Sycamore trees within the North Bersted Conservation area.	No Objection 12-01-21
BE/98/20/TC	Fell 2 No. Poplar trees (T1 & T2). Various works to 10 No. Poplar trees (T3 - T12) within the North Bersted Conservation area.	No Objection 04-11-20

Relevant planning history noted.

REPRESENTATIONS

Bersted Parish Council - No response received.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

TREE OFFICER

I visited the above location on 30th April 2025 to determine this Town & Country Planning Act 1990 (as amended) s211 Notice.

On arrival it was evident the tree had already been felled, leaving a stump of approximately 1.5m height. It was not possible to confirm if the tree had been dead or alive prior to this recent work, but exposed surface tissue was dry to touch, which at this time of year would suggest it could have been dead or at the very least in declining condition. The photographs submitted with the application are inconclusive.

Whilst unsatisfactory to be confronted with this situation, the application form made available subsequent to my visit clearly gives notice of intent to fell a dead tree. A period of five working days would ordinarily be adequate notice, dispensing with the need to validate and progress an application.

Conclusions

We must accept the applicant/agent has provided sufficient notice prior to felling a dead tree.

The usual duty to plant a replacement tree under these circumstances can be precluded, given the limited scope for establishment and adjacent woodland compartment with a high density, mature tree population.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Conservation Area.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under reference ID 36-119-20140306, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order".

The works to the trees are to be judged having regard to amenity.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

It is noted that the tree has already been felled. Following comments from the Tree Officer, an adequate notice had been provided for the removal of a dead tree and, as such, no objection is raised to the works undertaken.

Special attention has been given to the desirability of preserving or enhancing the character or appearance of the conservation area. This proposal preserves the character and appearance of the conservation area.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

NO OBJECTION