

Mrs Jill Steward  
Tudor Homes (Sussex) Ltd  
59 Bryher Island  
Port Solent  
Portsmouth  
P06 4UF

Date: 18th July 2019

Please ask for: Mr S Davis  
Tel: 01903 737874

Your Ref:

Our Ref: BR/193/19/DOC

Dear Sir/Madam,

**Town & Country Planning Act 1990 (as amended)**  
**Town and Country Planning (Development Management Procedure) (England) Order 2015**  
**Retrospective approval of details reserved by condition imposed under APP/C3810/W/16/3153767**  
**(BR/84/16/OUT) relating to Condition Nos 5 - trees/bushes/hedges to be retained, 6 - construction**  
**method statement, 7 - surface water drainage, 8 - refuse & recycling, 10 - cycle storage (Please note**  
**that these houses have already been built).**  
**3 Southdown Road Bognor Regis**

Notification regarding the above application:

#### **Condition Number 5**

No development shall take place, including demolition, until details of all trees/bushes/hedges to be retained, along with measures to protect them during demolition and construction works, have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with such approved details

#### **Decision:**

Arun District Council have decided to **REFUSE details reserved by condition for the following reasons:**  
The Councils Tree Officer commented on 04/07/19 that:-

#### **Comments on Application:**

Condition 5 - 'trees/bushes/hedges to be retained' was imposed under APP/C3810/W/16/3153767 (BR/84/16/OUT) and not (BR/153/17/RES). As such, I have considered Condition 3 - imposed under the Reserved Matters application which supercedes and greatly expands upon the earlier condition 5 at Outline stage.

A retrospective application (post completion of construction work) for the discharge of condition relating to ground/tree protection measures can never be satisfactorily discharged in the absence of a pre-commencement site meeting with the local authority tree officer to inspect the same and/or an

auditable trail of site monitoring (with photographic evidence) at key stages of the development by an arboricultural expert.

Conclusions:

I am not aware of any pre-commencement site inspection having been undertaken nor detailed site supervision and monitoring at key stages of the development. The project arboriculturist is a landscape architect; that would not usually satisfy the requirements of BS5837:2012 for the undertaking of such an exercise.

Furthermore, it was evident from my site visits of April 26th and May 1st 2018 when investigating an alleged breach of this condition, that there had been little regard for implementation of the required ground/tree protection measures and while attempts were made (at my instruction) to correct the situation in accordance with the approved plan, it was too late for any visiting officer to be confident that no significant damage had occurred to the ongoing health and vitality of retained trees both on and off-site. It is highly likely that the opposite is the case which I expect to bear-out over time.

Recommendations:

Regrettably I am unable to recommend we 'sign off' this condition nor can envisage ever being able to do so.

Please do not hesitate to contact the above officer if you require any further assistance.

Yours faithfully

A handwritten signature in black ink, appearing to be 'NC' with a flourish, followed by a small dot.

Neil Crowther  
Group Head of Planning