

Planning Officer: Ms Myer

Planning Application Ref: BR/227/19/PL

Location: 3 Southdown Road, Bognor Regis, PO21 2JS

Description of works: Removal of condition 5 imposed under BR/84/16/OUT (APP/C3810/W/16/3153767) relating to condition 5-details of all trees/bushes/hedges to be retained along with measures to protect them during demolition & construction works

Comments on Application:

- I refer in part to previous comments I have made, 4th July 2019 - in response to BR/193/19/DOC and where I registered an objection to the application to discharge the above condition. This subsequent application seeks to remove that condition.
- I stand by my earlier comments and while on and off-site trees may be surviving or indeed flourishing as the applicant states; on balance of probability, damage would have been inflicted on some of those trees as a direct result of the unauthorised actions taken.
- I have sought technical advice from senior colleagues in our planning department, with specific regard to the planning process and what options exist for us to progress this matter.

Conclusions:

- At this late stage of post-construction, the above condition can no longer affect the development in the positive way it was intended. As such, it ceases to be *necessary, enforceable* or *reasonable*, so will not satisfy the 'tests' for making of conditions as described in guidance within the National Planning Policy Framework.

Recommendations:

- As it stands, I see no reason to object to this proposal on arboricultural grounds.

Mark Warwick
Tree Officer / Parks and Greenspace Team