
Delegated report Officer: Steven Mott

Application ref. DMOT/2021/1677

Approval of details required by condition 22 (tree and hedgerow protection measures) attached to ref. 9/2014/0886 (Outline application (all matters except for access to be reserved) for the residential development for up to 68 dwellings together with associated highway works, public open space, landscaping, associated drainage infrastructure and creation of pedestrian and cycle ways) at Land at SK2720 7907 (Site A) Park Road, Cadley Park, Swadlincote

Valid date: 01/11/2021

Consults expired: 27/01/2022

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

This application seeks approval of details required by conditions set out on the host permission, as described above. The host permission forms the most relevant planning history for this application.

Responses to consultations and publicity

No consultations were made for this application.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are set out in the officer report relating to the host permission.

Planning considerations

This application seeks to discharge condition 22 attached to outline planning permission 9/2014/0886 which granted permission for up to 68 dwellings at the site. The principle of the development has been established and the following assessment takes into account only the matter which is relevant to the condition concerned, i.e. the acceptability of the proposed details in respect of the retained trees/hedgerows.

Planning assessment

Condition 22 of permission 9/2014/0886 states the following :

"No site clearance works or development shall take place until there has been submitted to the Local Planning Authority for its written approval a scheme showing the type, height and position of protective fencing to be erected around each tree or hedgerow to be retained. The scheme shall comply with BS 5837:2012. No site clearance works or development shall be commenced in the vicinity of the protected tree or hedgerow until such a scheme is approved in writing by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with the approved scheme. The area surrounding each tree or hedgerow within the protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

- (i) There shall be no changes in ground levels;*
- (ii) No material or plant shall be stored;*
- (iii) No buildings or temporary buildings shall be erected or stationed;*
- (iv) No materials or waste shall be burnt within 20 metres of any retained tree or hedgerow; and*
- (v) No drain runs or other trenches shall be dug or otherwise created;*

without the prior written consent of the Local Planning Authority.

Reason: A later period for compliance would risk damage to trees and hedgerows in the initial stages of

construction which could jeopardise the appearance of the area and biodiversity."

A detailed layout plan which generally reflects the final RM layout has been submitted which includes the trees/hedgerows on the southern, south-eastern, and northern boundaries to be retained and how these will be protected during construction, including details of the protective fencing to be erected. It is noted that these protective features have already been put in place.

The features identified for protection and the protection measures submitted are considered appropriate for the development and on that basis it is, therefore, recommended that the condition can be discharged.

Recommendation

Approve

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	28/06/2022
Report agreed:	28/06/2022
Authorised officer:	Sarah Beeby
