
Delegated report Officer: Stuart Hammond

Application ref. DMOT/2022/1565

The approval of detail reserved by condition nos. 13 and 16 (regarding landscaping and woodland planting scheme) of permission ref. DMPA/2021/1686 for demolition of existing buildings and clearance of site (except for existing offices and substation), erection of a pallet distribution centre (Use Class B8), with associated offices and welfare areas, forklift wash and storage areas, gatehouses, parking, landscaping and other associated works at Tetron Park, Former Bison Precast site, William Nadin Way, Swadlincote, DE11 0BB

Valid date: 07/12/2022

Consults expired: 18/01/2023

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

Given the nature of the application, the following were consulted:

Derbyshire Wildlife Trust (DWT) - No objection

I have reviewed the submitted plans relating to condition nos. 13 and 16 (regarding landscaping and woodland planting scheme). The proposed species mixes include a wide range of native trees and shrubs and should provide biodiversity benefits once established. We therefore have no objection to the discharge of the conditions.

Landscape Officer - No objection / comments

It seems that if a baseline was agreed, there is nowhere to go with this, as none of the changes asked for have been implemented. Native species hedgerows in South Derbyshire, have 70-75% Hawthorn. I have never seen a hedgerow with so many species included.

National Forest Company (NFC) - No objections / comments

With regards to the staking and protection details, plan 06 shows a detail for shrub and bushy shrub planting which is considered acceptable.

In terms of species mix, we note that this mix was on the Landscape Concept plan however, we still consider that a higher proportion of tree species in the mix is required. We would aim for 75% tree species with a reduction in the hawthorn, hazel and blackthorn. The proportion of oak should be increased and birch should be planted as a transplant as well as feathered stock.

With regards to the ecology mitigation measures, the logpiles and bird boxes shown on plan 04C are considered acceptable. You should seek the views of your retained ecological advisors with regards to the bat boxes and whether any further details are required under condition 14.

SDDC Biodiversity Officer - No objections from an arboricultural perspective

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 the approval of details of conditions attached to DMPA/2021/1686 planning permission. The principle of the development is already established and therefore the information to discharge the conditions will be assessed for acceptability against the condition wording, the relevant specific policies and guidance only. The condition sought for approval are 13 and 16. This is discussed below.

Planning assessment

Condition 13 states:

Notwithstanding the information submitted prior to the occupation of the development hereby approved a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping should evidence compliance with British Standard (BS) 3936: 'Part 1 - Specification for trees and shrubs', BS3969 - 'Recommendations for turf for general purposes' and BS4428 - 'Code of practice for general landscape operations (excluding hard surfaces)'. Hard landscaping shall be carried out in accordance with the approved details prior to occupation of the unit, whilst all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of the unit or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation

Reason: In the interest of the visual setting of the development and the surrounding area.

Condition 16 states:

Prior to the occupation of the development hereby approved a scheme for Woodland Planting of the identified area within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in the first planting season following the completion or first use of the site, whichever is the earliest and any trees which are removed or become seriously damaged or diseased within a ten year period shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the visual setting of the development and the surrounding area.

The following information was submitted in support of the application:

Detailed Planting Plan Sheet 1 of 2 – dwg ref: 2222/21-04C

Detailed Planting Plan Sheet 2 of 2 – dwg ref: 2222/21-05C

Typical Planting Details – dwg ref: 2222/21 - 06

In addition to this the application's cover letter makes reference to , the plans approved as part of parent permission DMPA/202/1686 which included a Landscape Concept Plan (dwg ref: 2222/21-02C). It argues that given this was approved it set a baseline in terms of landscape proposals. This is accepted.

Notwithstanding this, there has been comments made and amendments by the applicant. Subsequently, no objections are made by the consultees. It is noted that the NFC and Landscape Officer seek amended planting mixes in species that are in conflict. On this basis, the current mix is considered a suitable mix. The additional log piles which have been added are welcomed and are inline with Condition 14 - not for approval.

On this basis, the submitted information is acceptable and considered sufficient to satisfy condition 13 and 16.

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:	20/02/2023
Report agreed:	23/02/2023
Authorised officer:	Steffan Saunders
