
Delegated report Officer: Sarah Atherton

Application ref. DMOT/2023/0567

The approval of details reserved by condition 8 (Hard and Soft Landscaping) relating to planning permission ref. DMPA/2020/1460 on Land at SK2420 2230, Drakelow Park, Walton Road, Drakelow, Swadlincote

Valid date:	02/05/2023
Consults expired:	17/01/2025
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

South Derbyshire District Council - Tree Officer

Subsequent comments: The comments confirm review of the Risk Assessment & Method Statement for McAuliffe Drakelow Riverside -Bray Bros Landscapes Ltd and Arboricultural Impact Assessment and Method Statement 23/05/2024. The comments offer brief appraisal of the contents and confirm the Site Specific Risk Assessment covers the risks of felling and clearance to a satisfactory standard and that there are no objections to the felling proposals that are required to allow the development. 07/01/2025

Initial comments: The comments appraise the Arboricultural Impact Assessment and Method Statement April 2023 and summarise the species and category of 72 trees proposed for removal to facilitate the attenuation pond within the Riverside Parcel. They note the trees are a component of woodland W1, which is assessed as Category A. and the understory group - G44, another component part of W1 assessed as category c trees and including self-set saplings of mixed broadleaved trees and yew. They note trees proposed to be retained on the edge of the attenuation pond will be protected with a barrier, as marked on plan and to BS5837.

The comments further confirm review of the proposed replacement planting detailed in the landscape plan. They confirm excavation work within the RPA's will be undertaken with Arboricultural supervision. In review of the proposed removal they state felling works in the woodland will have a minor detrimental impact upon the visual amenity of the area and that the replacement planting around the attenuation pond will mitigate the minor loss of woodland and provide new habitat.

They note that felling and extraction will require the use of forest machinery and advise the designation of extraction routes be designated on a plan and marked out within the woodland prior to the commencement of felling work the proposed works . They further advise the accesses for excavation machinery and vehicles removing spoil should be designated to avoid all remaining trees and marked up, again prior to commencement of works. They state the spoil removed should not be spread within the retained woodland or around any retained trees and that, prior to commencement, a designated disposal area must be agreed, where retention of spoil is intended to form later landscaping this should be agreed in a landscaping plan. 01/08/2023

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

Condition 8 required:

The hard and soft landscape details submitted pursuant to condition 1 shall include trees to be retained

showing their species, spread and maturity; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; street furniture; play equipment; refuse or other storage units; and retained historic landscape features and proposals for restoration. Details submitted in respect of reserved matters approval DMPA/2021/1035 shall be carried out in accordance with details approved by DMOT/2021/1835 unless amended by any further submissions to discharge this condition.

Reason: In the interests of the appearance of the area and to ensure a high quality of design across the development.

This application seeks to discharge the requirements of the condition in terms of the trees to be retained and removed to facilitate the development of the pond within the Riverside parcel.

Planning assessment

The covering letter in support of the application sets out that the application has been prepared to support Condition 30 and the drainage details submitted for Pond 3 within the Riverside Parcel. It confirms the pond is located within the existing woodland and the Arboricultural Impact Assessment submitted has been prepared to show the trees proposed for removal in order to enable construction of the pond.

The Arboricultural Impact Assessment received with the initial application has been updated and substituted during the consideration of the application, a Risk Assessment was also later submitted in support of the application. The South Derbyshire District Council Tree Officer has confirmed review and acceptability of these documents in terms of the trees to be retained, and the methods of removal of trees for the purposes of constructing the pond.

The scope of this application is limited to the removal of trees necessary to facilitate the attenuation pond within this area of the development. This pond forms part of the site wide drainage strategy and provides surface water attenuation not only for this area of the development but also areas of the wider development.

The requirements of condition 8 in terms of the final hard and soft landscaping for the Riverside Parcel, approved under application reference DMPA/2023/0970, remain to be discharged. Similarly the long-term arrangements for the management and maintenance of the woodland within this parcel and the woodland areas across the site are under consideration under a separate application from this submission. This application provides only to meet the requirements of condition 8 in terms of showing the removal and retention of trees around the attenuation pond.

On this basis it is considered that the information submitted for the area shown within the assessments and on the appended plans, together with the comments of the Tree Officer and the requirements of condition 8 in respect of the tree removal and retention around the pond within the riverside parcel can be discharged. Further submission of details to satisfy condition 8 in respect of the proposed hard and soft landscaping, as set out within the condition remain outstanding for this and any other areas within the wider site (unless discharged under a separate application prior to the date of this permission) and the condition requirements remain to 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:	14/01/2025
Report agreed:	17/01/2025
Authorised officer:	Steffan Saunders
