DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0909-24**	**Applicant:**	**Seagate Homes (UK) Ltd**
Proposal:	Details of protected trees and existing trees (Conditions 16 and 17 of H02-0696-22)		
Location:	17 Barber Drove North Crowland Peterborough		
Terminal Date:	25th December 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework December 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 15 - Conserving and enhancing the natural environment

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge conditions 16 and 17 of permission H02-0696-22, both of which relate to details of tree protection.

Permission H02-0696-22 granted full planning permission for 41 dwellings on land at 17 Barbers Drove, North Crowland.

Site Description

The site comprises approximately 1.22ha and it is located to the north-east of Barbers Drove North and to the north-west of James Road.

Relevant History

H02-0696-24: Residential Development of 41 dwellings, new site access, internal roads, footpath links and landscaping - approved 09 October 2023

H02-0909-23: Details of Construction Management Plan and Method Statement, estate road and associated footways, surface water drainage scheme, site levels & floor levels, external materials of buildings and hard surfaced areas, landscaping and tree planting, boundary treatments, management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives (Conditions 3, 5, 7, 9, 10, 11, 12 & 13 of H02-0696-22) - conditions discharged 12 January 2024

H02-0143-24: Details of external materials (Condition 10 of H02-0696-22) - condition discharged 14 March 2024

H02-0397-24: Proposed temporary site construction entrance - approved 09 July 2024

H02-0405-24: Details of footway and estate road phasing and completion plan (Conditions 4 and 6 of H02-0696-22) - conditions discharged 09 July 2024

Consultation Responses

Tree Officer: If heed and action is taken in relation to the contents of : The 'Arboricultural Method Statement for proposed new development at Barbers Drove North development, Crowland,' dated October 2024 by Caroline Hall of 'Peace Arboriculture'. Paying particular attention to the detailed information in the plans entitled: 'TREE PROTECTION PLAN - NORTHWEST BOUNDARY' and 'TREE PROTECTION PLAN - SOUTHEAST BOUNDARY'. The affect that the proposed development will have on the trees will be kept to the minimum possible in the situation. Please ensure that should any trees be under a different custodianship/ ownership to the development, that the necessary permissions are obtained. A separate Tree Works Application has been submitted to obtain Permission to carry out works on preserved trees subject of Crowland Tree Preservation Order No 23 2022, detailed in the Arboricultural Method Statement, and the owner of the trees has been consulted.

Key Planning Considerations

Condition Requirements

The wording of conditions 16 and 17 are set out below for reference.
"16) Where trees are shown on drawing reference BARB-SH-PD-SL-02-F to be retained on site they shall be protected during construction work as follows:

i) chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made,

ii) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;

iii) no services shall be routed under the spread of the crowns of the trees to be retained;

iv) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;

v) if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on the site.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2023"

"17) None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. If any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of existing trees on the site, in the interests of the visual amenity of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2023."

The council's tree officer has reviewed the submitted information and has confirmed that the information is satisfactory for conditions 16 and 17 to be discharged.

Conclusion

The details address the requirements of conditions 16 and 17 of permission H02-0696-22.

Recommendation

Discharge Conditions 16 and 17.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for

private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.