

**SOUTH PLANNING COMMITTEE**

**SCHEDULE OF ADDITIONAL LETTERS**

**Date: 13<sup>th</sup> September 2016**

**NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting**

Item No.	Application No.	Originator:
5	16/02491/REM	SC Trees
<p>Comment in response to updated footpath details from applicant dated 10/01/18:</p> <p>Dwg. No: LO-FP425 Proposed Footpath Tree Locations Verified: Yes Constraints: Tree Preservation Orders SS/00002/59 - SC/00050/11 &amp; SC/00077/12 Previous Tree Service consultee comments: 07/04/2016, 30/06/2016, 16/01/2017, 18/05/2017 &amp; 11/09/2017</p> <p>Notes:</p> <p>1.1 There appears to have been a fundamental misunderstanding of the Council's Tree Team's concerns' regarding the proposed footpath. We have stated no direct objection to the previous route in so far as it passed parallel to the site boundary. It is the impact upon the protected trees and the hedgerow at the roadside with Sandford Avenue that is our primary concern and the lack of supporting arboricultural interpretation and mitigation for those impacts that particularly concern the Tree Team (see section 1.2 below). This revised plan continues to fail to address those concerns.</p> <p>1.2 The following is an extract from SC Trees consultee comments dated 11th September 2019 section: 2.2 Footpath - visibility splay steps and bridge – the revised plans show a proposed footway along the western boundary of Leasowes that crosses the brook by a new bridge that then extends up the bank directly onto the verge and road edge of Sandford Avenue at a point where there is no roadside footpath. The indicative plan for a bridge across the brook is not supported by an Arboriculture method statement. The AMS suggests that the construction of this path (where it impacts on the RPAs' of trees') is to be of a no dig construction using a cellular confinement system, some generic guidance for which is given in appendix D &amp; F of the Arboriculture Method Statement and Appendix Bi of the Arboriculture Survey. But the detail for the whole project falls short of what is expected for the discharge of conditions and offer no dialog on mitigating the hazards of bringing pedestrian access onto a road verge without a public footpath. To date we have seen no arboricultural implications assessment on the need for the likes of hard standing at the roadside, lighting and provisions for disabled access and we have concerns that this pedestrian access will give rise to complications that will have to be resolved through actions that have a negative impact on the protected roadside trees. In the absence of specific details and arboricultural implications for the bridge and possible visibility splay / interface with a busy road the Tree Service is still unable to comment on the viability of this proposed pedestrian access.</p> <p>1.3 This submission seeks and fails to address our concerns regarding the impacts of the proposed footpath; it also fails to address the numerous other concerns raised in our consultee comments dated 11/09/2017. On the basis that e applicant appears to suffer from a repeated failure to understand the Tree Service's written and verbal</p>		

representations all of which we consider could be resolved if given proper attention, we would be happy to once more sit down with the applicant and their agents and discuss the issues and appropriate mitigation or revisions to plans.

1.4 Issues to discuss in relation to the path are:

(a) Is there a need for the long sinuous path through the wood? The original route has always been workable but the Sandford Road edge is where we have most concerns due to the need for a visibility splay and a safe platform for pedestrians waiting to cross the road etc.

(b) Identification of the Tree protection zones during path construction.

(c) Method for construction the path and bridge – e.g. working in a linear route along the paths route without vehicles and materials travelling across the RPAs of retained trees.

(d) Of key importance is the treatment of the roadside access and how it will function without disturbance to the roadside trees.

(e) We recommend that over and above the Council Tree Officer the applicant should engage a competent arboriculturist to be included in the discussions and actively encouraged communicate with the applicant’s design team.

Item No.	Application No.	Originator:
5	16/02491/REM	Case Officer

Officer comment in response to the above comments from SC Trees:

Tree protection measures were approved under Condition 6a of the outline permission, including for the access and proposed footpath areas. The condition requires the written agreement of the Planning Authority before any material variation to the approved tree protection plan. The vehicular access is on broadly the same alignment as the outline application and is considered to be acceptable in tree protection terms. The footpath alignment was also originally shown in broadly the same alignment as that approved under the outline application (running north-south along the western boundary of the eastern half of the site). However, the most recent plan submitted by the applicant (10/01/18) involves a material variation to the original footpath alignment which triggers the requirement for prior approval under Condition 6a of the outline permission.

The latest footpath plan shows the proposed footpath as running in a different alignment, diverging from the site access and paralleling the site frontage. This has attracted objections from the Trees service given the potential implications for trees. The case officer has advised the agent to withdraw the updated footpath plan and revert to an alignment similar to that shown in the outline application. The trees service has also raised some additional issues related to the effect of the proposed footpath on trees on the site frontage. These detailed matters will be the subject of further information submissions under the discharge of conditions procedure as part of an updated tree protection plan. A meeting between the applicant, the trees service and the case officer is being arranged in order to progress this. In the meantime however, the default position is that the footpath will continue to be on the general alignment approved under the outline application.

An acceptable alignment for the proposed footpath is available and has been approved under the outline application. This matter is covered further under planning conditions attached to the outline application (6a, 8b) and a supplementary footpath condition recommended under the current application. Detailed footpath and tree protection issues can therefore be progressed separately as part of the discharge of conditions process without affecting the ability to determine the current reserved matters application.

Item No.	Application No.	Originator:
5	16/02491/REM	Case Officer
<p data-bbox="151 232 1082 264"><u>Amendment to resolution and recommended planning conditions:</u></p> <p data-bbox="151 304 1422 741"><u>Change to officer recommendation:</u> The officer report recommends that permission is 'part-approved' for reserved matters and discharge of condition 5v (Flood Risk Assessment). An accompanying advisory note clarifies that permission is not granted for details of landscaping (outline Condition 8a) and tree protection (outline Condition 6a). For the avoidance of doubt it is confirmed that the reserved matters and flood risk assessment details are recommended for approved but the detailed landscaping and tree protection details required under Conditions 6a and 8a of the outline consent are not approved at this stage as further detailed information is required. The landscaping information submitted with the current application is considered sufficient to be acceptable for reserved matter purposes. However, more detailed information is required under Conditions 6a and 8a. It is requested for the sake of clarity that the recommendation set out in the officer report is updated with the following wording:</p> <p data-bbox="151 781 416 813">Recommendation:</p> <ol data-bbox="151 817 1414 999" style="list-style-type: none"> <li>1) That permission for reserved matters is approved.</li> <li>2) That the information pursuant to condition 5v of permission reference 14/01173/OUT (flood risk assessment) is discharged;</li> <li>3) That the information pursuant to conditions 6a(detailed landscaping) and 8a (tree protection) of permission reference 14/01173/OUT are not discharged at this stage.</li> </ol> <p data-bbox="151 1039 1422 1328"><u>Change to recommended planning conditions:</u> Some of the recommended conditions listed in Appendix 1 of the officer report were carried forward from the outline application. This was to emphasise that these matters, including drainage and tree protection had not been approved and would need to be progressed separately under the discharge of conditions procedure. However, following an officer review it is considered that as the conditions in the outline application continue to have full effect there is no need to duplicate them in Appendix 1. Accordingly, an updated conditions schedule to replace that given in Appendix 1 is contained below:</p> <ol data-bbox="151 1368 1422 2007" style="list-style-type: none"> <li>1. Subject to the conditions in this decision notice the development shall be carried out strictly in accordance with: <ol style="list-style-type: none"> <li>i. the application form and associated supporting documents;</li> <li>ii. dated approved application documents and plans and drawings, namely: <ul data-bbox="325 1630 1273 2007" style="list-style-type: none"> <li>• P-01 Site plan rev E</li> <li>• 1628 P-10 - Housetype A - 2 Bed semi-Layout1Condition 5</li> <li>• 1628 P-11 - Housetype B - 3 Bed semi-Layout1</li> <li>• 1628 P-12 - Housetype C - 4 Bed Dormer Bungalow-Layout1</li> <li>• 1628 P-13 - Housetype D - 3 Bed Detached-Layout1</li> <li>• 1628 P-14 - Housetype E - 4 Bed Detached-Layout1</li> <li>• 1628 P-15 - Housetype F - 4 Bed Detached REVISED-Layout1</li> <li>• 1628 P-16 - Housetype G - 4 Bed Detached-Layout1</li> <li>• 1628 P-17 - Garage plans-Layout1</li> <li>• Sand 8450/A 1003</li> </ul> </li> </ol> </li> </ol> <p data-bbox="268 2047 1422 2114">Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.</p>		

## Construction Management Plan

2. A construction management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The plan shall detail how the construction phase will be managed in order to prevent any unacceptably adverse effects to local amenities and the environment, including with respect to construction traffic, noise, dust and management of surface water during the construction phase. The construction management plan shall be implemented in accordance with the approved details.

Reason: To ensure that the local environment and amenities are subject to appropriate protection during the construction phase.

*Note: All amendments' and modifications to the approved plans and particulars; or plans and particulars issued for the delivery of reserved matters; or establishment of services or special engineering measures that will require encroachment into the tree protection zone(s) identified in the approved tree protection plan will be supported by a supplementary arboricultural impact assessment and method statement; and the proposed amendments' / works will not be enacted upon without the written approval of the Planning Authority.*

3. Exact details of the specification for the proposed footpath and raised wooden walkway and the crossing point at Sandford Avenue including visibility splays shall be approved in writing of the Local Planning Authority prior to the commencement date. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of tree protection and pedestrian safety.

4. All development, demolition, site clearance, landscaping and biodiversity enhancements shall occur strictly in accordance with the Ecological Assessment (Star Ecology, June 2014), unless otherwise approved in writing by the Local Planning Authority. Works shall be overseen and undertaken, where appropriate, by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of and enhancements for wildlife, in accordance with MD12, CS17 and section 118 of the NPPF.

Note: The timescale for commencement of the development hereby permitted shall be as set out in Condition 3 of the outline permission reference 14/01173/OUT. Informative notes on ecology, highways, drainage, tree protection and electric vehicle charging also to be included.

<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
5	16/02491/REM	Case Officer
The officer has been involved in dialogue with a drainage consultant acting on behalf of the owner of 30 Alison Road which sits to the west of the site with a corner of the property adjoining a corner of the site. The consultant advises that there are existing drainage problems with a stream which runs from the applicant's land onto 30 Alison Road. The officer has reassured the consultant that drainage from within the site will be attenuated to green field rates and the drainage attenuation scheme has been approved by the Council's land drainage team. Therefore, there is no reason to suspect that the current proposals would exacerbate any pre-existing situation and there was potential to achieve a drainage betterment. The officer has drawn the attention of the consultant to		

the requirements of condition 4a of the outline permission for the site which requires full details including a plan and calculations of the proposed sustainable drainage system (SuDS) to be approved by the Local Planning Authority prior to the commencement of any development. Whilst drainage information has been submitted in support of the current application the applicant is not seeking to discharge condition 4a as part of the current application. The officer has encouraged the applicant to engage constructively with the resident in question as part of any subsequent detailed drainage submission.

Item No.	Application No.	Originator:
5	16/02491/REM	Agent
<p>The agent has confirmed that finished ground levels within the site would not vary by more than 2ft relative to existing levels. It has been confirmed additionally that the recently received amended footpath proposals plan (10/01/18) has been withdrawn. Hence, the footpath will default back to the original alignment approved under the outline permission.</p>		