

## **DELEGATED REPORT / CASE OFFICER'S ASSESSMENT**

**Ref No:** ST/0035/16/COND  
**Proposal:** Discharge of Condition 12, 13 & 14 Tree Protection - in relation to previously approved planning application ST/0108/15/FUL  
**Location:** Site of Church Lane House  
Church Lane  
Whitburn  
SR6 7JL

**Site Visit Made:** N/A

### **Relevant policies/SPDs**

- 1 DM1 - Management of Development (C)
- 2 DM6 - Heritage Assets and Archaeology
- 3 LDF CS EA1 - Local Character and Distinctiveness

### **Description of the site and of the proposals**

Planning permission ST/0108/15/FUL was granted on 30/07/2015 for the following:

*“Construction of 5no. contemporary executive townhouses with associated vehicle access/egress, car ports, garden waste and refuse stores, boundary treatments and landscaping.”*

Planning permission was granted subject to 17 conditions. This application provides details of Conditions 12, 13 and 14 relating to details of Tree Protection.

Condition 12 states that:

*“Before the commencement of the hereby approved development the tree protection barriers and the tree root ground protection measures shall be erected in the positions marked on All About Trees Ltd drawing 'AMS TPP- Rev E' (received 20/03/2015) to British Standard 5837:7&8 (or other fencing approved in writing by the Local Planning Authority prior to its use). The protective barriers and ground protection shall be maintained in position and in good order during the whole period of construction works on site.*

*To ensure that existing trees within and adjacent to the site, several of which are the subject of a Tree Preservation Order, are adequately protected during the period of construction works in accordance with Policies DM1, DM6 and EA1 of the South Tyneside Local Development Framework.”*

Condition 13 states that:

*“Prior to the commencement of works in connection with the repair, rebuilding and repointing of the stone boundary walls around the perimeter of the application site, details of the tree protection barriers and the tree root ground protection measures shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be carried out*

*on site prior to the commencement of works and maintained in position and in good order during the whole period of these works.*

*To ensure that existing trees within and adjacent to the site, several of which are the subject of a Tree Preservation Order, are adequately protected during the period of construction works in accordance with Policies DM1, DM6 and EA1 of the South Tyneside Local Development Framework.”*

Condition 14 states that:

*“No trenching or underground cabling shall be undertaken within the tree Root Protection Areas, as identified on All About Trees Ltd drawing 'AMS TPP- Rev E" received 20/03/2015, without the prior written approval of the Local Planning Authority.*

*To ensure that existing trees within and adjacent to the site, several of which are the subject of a Tree Preservation Order, are adequately protected during the period of construction works in accordance with Paragraph 7.7.2 of BS5837 and Policies DM1, DM6 and EA1 of South Tyneside Local Development Framework.”*

The applicant has submitted the following seeking to discharge this condition:

- “Arboricultural Method Statement for Trees on land at Church lane, Whitburn – Revision E” received 07/01/2016
- “Method Statement for Installation of Services” received via email 11/04/2018 11:54
- Dwg No. AL (90) 0200 Revision A received 15/03/2018

### **Publicity / Consultations (Expiry date 11/02/2016)**

#### **1) Neighbour responses**

None

#### **2) Other Consultee responses**

##### Tree Officer

10/02/2016 - The submitted documents appear acceptable for the conditions to be discharged  
(Case Officer note – this related to condition 13 only)

11/04/2018 - The submitted information is acceptable and the conditions can be discharged.  
(Case Officer note – this related to all three conditions).

### **Assessment**

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

The main issue relevant to the assessment of the details of the condition is whether the proposed works as detailed in the submitted information would be acceptable and would satisfy the requirements of conditions 12, 13 and 14.

The reason for the conditions was to ensure that the existing trees within and adjacent to the site, several of which are the subject of a Tree Preservation Order, are adequately protected during the period of construction works.

### Condition 12

Condition 12 required tree protection barriers and the tree root ground protection measures to be erected. Non material amendment application ref ST/0309/17/NMA was submitted in 12/04/2017 and this application proposed to amend Condition 12 to enable some construction works to be carried out from an existing hard surfaced driveway/access road without harming the root protection areas of the trees. Furthermore, the non material amendment application proposed that all deliveries of plant and machinery to the site and all remaining construction works undertaken outside this access road/driveway would not be undertaken unless the previously agreed tree protection measures (as shown on the All About Trees Limited drawing 'AMS TPP-Rev E' received 20 March 2015) had been completed in full on site to British Standard 5837:7&8 (or other fencing approved in writing by the Local Planning Authority prior to its use).

The non material amendment application was approved on 24/04/2017 and consequently it is considered that condition 12 is no longer required, subject to compliance with ST/0309/17/NMA. Therefore it is appropriate to discharge condition 12.

### Condition 13

Condition 13 required that prior to the commencement of works in connection with the repair, rebuilding and repointing of the stone boundary walls around the perimeter of the application site, details of the tree protection barriers and the tree root ground protection measures shall be submitted to and approved in writing by the Local Planning Authority.

The details of tree protection barriers were included in "Arboricultural Method Statement for Trees on land at Church lane, Whitburn – Revision E" received 07/01/2016. The Council's Tree Officer has reviewed this document and considers the proposed measures acceptable. Consequently, Condition 13 can be discharged.

### Condition 14

Condition 14 required that no trenching or underground cabling shall be undertaken within the tree Root Protection Areas, as identified on All About Trees Ltd drawing 'AMS TPP- Rev E' received 20/03/2015, without the prior written approval of the Local Planning Authority.

The applicant proposed to carry out underground cabling and trenching and therefore submitted details via "Method Statement for Installation of Services" received via email 11/04/2018 11:54 and also via Dwg No. AL (90) 0200 Revision A received 15/03/2018. The Council's Tree Officer has reviewed these documents and considers the proposed details acceptable. Condition 14 may therefore be discharged.

### **Recommendation**

Approve Details of Condition

## **Informatives**

- 1 NOTE TO APPLICANT  
For the avoidance of doubt, this decision relates to the reports/documents entitled:
- "Arboricultural Method Statement for Trees on land at Church lane, Whitburn - Revision E" received 07/01/2016
  - "Method Statement for Installation of Services" received via email 11/04/2018 11:54
  - Dwg No. AL (90) 0200 Revision A received 15/03/2018

**Case officer: Seán Gallagher**

**Signed:**

**Date: 11/04/2018**

**Authorised Signatory:**

**Date:**

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