



Delegated Report

Condition Discharge Application

Planning Application No: 20230146

Location: Long Acre Pear Tree Lane Shorne Gravesend

Description: Application for approval of condition 5 (partial) and 6 attached to planning permission reference number 20221239 relating to a soft landscaping scheme (only including the location of every tree on site, their species, the extent of crown spread and an assessment of their health and stability and details of those trees to be retained and those to be removed) and fencing for the protection of any retained tree

Applicant: Mr and Mrs King

Site Visit Date: Desktop assessment

Submitted Documents/Plans

Application form
Cover letter dated 20 February 2023
Tree Protection Plan (ref. GRS.12.23 dated 17 February 2023)

Relevant Planning History

Reference	Description	Decision	Decision Date
20221239	Demolition of existing detached dwelling and erection of replacement dwelling and associated works including landscaping, removal of existing outbuildings and swimming pool, a re-sited pedestrian and vehicular access from Pear Tree Lane and the stopping-up of the existing access.	Permitted	30.01.2023

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS12 – Green Infrastructure
- CS19 – Development and Design Principles

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to

meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving sustainable development
- 12 – Achieving well-designed places
- 15 – Conserving and enhancing the natural environment

Consultations, Publicity and Representations

Consultees

Local Ward Councillors and Natural England were consulted but they have not submitted any comments.

Officer's Analysis

Condition 5 (Soft landscaping)

Condition 5 states as follows:

Following the demolition of the existing dwelling and prior to any ground works taking place, a soft landscaping scheme shall be submitted to and approved in writing by the plan shall be submitted to and approved in writing by the Local Planning Authority, detailing the following:

- **The location of every tree on site, their species, the extent of crown spread and an assessment of their health and stability.**
- **Details of those trees to be retained and those to be removed.**
- *Details of hedgerow planting.*
- *Details of additional native tree and shrub planting within the site to include their quantity, size and arrangements for aftercare.*
- *Details of location for hedgehog boxes and log piles.*

Any identified trees or plants that die, are damaged, removed or become diseased within five years from the first occupation of the dwelling hereby permitted shall be replaced with a species of a similar size and species during the next available planting season. The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

The parts of the condition outlined in bold above are the only parts sought to be discharged at this stage. The remaining details will be submitted in due course.

The submitted tree location plan and tree removal plan (both ref. TRP-01 Topographical Survey) set out the details required under this condition.

The submitted details are considered to be satisfactory in terms of visual amenity and to ensure a satisfactory standard of appearance upon the completion of the development, in accordance with the reason for condition 5. The details are therefore considered to be acceptable and condition 5 can be partially discharged.

Condition 6 (Trees to be retained/removed)

Condition 6 states as follows:

In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5

years from the date of occupation of the building for its permitted use.

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

a) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

b) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with British Standard 5837:2012 and details submitted to and approved by the Local Planning Authority before any equipment, machinery or materials are brought on to the site for the purposes of demolition and development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written approval of the Local Planning Authority.

The agent states that to enable works to commence and allow for the demolition of the existing dwelling it is necessary for the tree protection measures pursuant to condition 6 to have been approved and implemented before any plant and machinery are imported onto the site. The details of this are shown on the submitted tree protection plan (drawing no. TPP-01).

Of the trees identified on the site, 5 trees are proposed to be felled (2 in the front garden and 3 in the rear), all of which are categorised as 'C' (trees of low quality). Root protection areas and construction exclusion zones are set out to restrict any access by people or machinery into these areas and are designed to protect the soil within the RPAs and the trees from damage or harm. Appropriate ground protection is also proposed in those areas outside of the protective fencing.

The submitted details are considered to be satisfactory in terms of protection of the appearance and character of the site and locality, in accordance with the reason for condition 6. The details are therefore considered to be acceptable and condition 6 can be fully discharged.

Conclusion and Recommendation

The Local Planning Authority is satisfied with the details submitted in relation to planning permission 20221239 for the demolition of the existing detached dwelling and the erection of a replacement dwelling and associated works. It is considered that condition 5 can be partially discharged and condition 6 can be fully discharged.

A further informative should be included to remind the applicant of the need to comply with the requirements of the remaining conditions.

(See draft Decision.)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
Signed:	<i>K. Parkin</i>	Signed:	<i>R Hart</i>
Dated:	20th March 2023	Dated:	24 th March 2023