
From: Steve Massey
Sent: 23 November 2022 12:05
To: Johnston, Christopher
Cc: Planning Comments (SMDC)
Subject: SMD/2022/0514 - 244 Leek Road, Endon

Chris

It was not possible to gain access into the rear garden of 244 Leek Rd, but from the side path – together with air photo images and information submitted as neighbour representations – I am able to make the following comments.

Some tree clearance is reported to have taken place prior to submission of the application, and this is corroborated by my site observations compared with air photos. In addition, 1 neighbour states in their representation that they themselves arranged for the felling of a large tree on the site (adjacent to/overhanging properties at Orford Road) and sadly this appears likely to have been a mature Oak and potentially the best tree on the whole property. However, none of the tree removal carried out involved protected trees, so this did not require prior consent from the local planning authority.

The application form states that there are no trees/hedges on site, and none on adjacent land which could influence the development or might be important to local landscape character; this is clearly incorrect on both counts, and misleading.

Still remaining on site are a mature Lime, Conifer and Birch along the rear (south-east) boundary of the application site, these being the only trees in the main body of the application site with some wider amenity public value – as viewed from the public footpath along the far side of the adjacent field and partially from Leek Road. Although no arboricultural report is submitted with the application (but actually should have been) it appears clear that a new dwelling and garage generally as shown on the indicative layout plan could be sited clear of the realistic Root Protection Areas of these trees; however, in the event that outline planning permission is granted a full arboricultural report in accordance with BS 5837:2012 should accompany any subsequent reserved matters application.

Also still currently present on site is a smaller mature Cherry; this would inevitably have to be removed to accommodate a layout along the lines indicated, but is not a significant tree in terms of wider public amenity so its loss could not be held as substantive grounds for objection to or refusal of outline planning permission.

In addition there is existing hedging along the common (north-east) boundary of the site with properties at Orford Road, and at least partially along the south-east boundary with the field; again development generally as indicated could be accommodated without impact on these hedges, which should be retained.

There is a mature Lime at (within) the frontage of 244 Leek Road, immediately to the north of the existing access. Whilst it appears probable that the intention was to include this tree within Area A6 protected under TPO LR.7 made by the former Leek Rural District Council in 1967, the precise position of Area A6 as marked on the original TPO map does not extend into the frontage of No. 244 – this may well be an accidental omission or draughting error. But in any event, the current outline application, which also seeks approval of access details at this stage, indicates that the existing access gateway off Leek Road would be widened to the south, and given the existing intervening fully formed tarmac driveway it is considered that such access alteration would have no significant harmful impact on the mature Lime. Such access widening would be likely to require the removal of, or otherwise cause terminal damage to, a mature but small Rowan on the south side of the gateway, but this tree is over-mature and showing signs of physiological and structural decline so could not reasonably be regarded as a legitimate constraint to the proposed development.

Overall, it is considered that the site could accommodate a development of the type indicated (including specific access proposals) without adverse impact on remaining significant trees, and I have no objection to this in principle nor to the outline application, subject to the imposition of the following conditions in the event that planning permission is granted:

1. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the development, as hereby approved or as subsequently approved in detail under a related reserved matters application, unless otherwise approved by the LPA. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (March to August inclusive), unless otherwise agreed by the LPA and in this case only following careful inspection by a competent person immediately prior to removal in order to establish that such trees, shrubs or hedgerow are not in active use by nesting birds.
2. Notwithstanding the provisions of Condition 1, all existing hedgerows to the boundaries of the application site shall be permanently retained.
3. Any related reserved matters application shall be accompanied by a comprehensive arboricultural report in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* and this report shall be demonstrably used to inform the proposals for reserved matters of appearance, landscaping, layout and scale.
4. The first action on commencement of development, prior to any further action (including any demolition, site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) shall be the erection of temporary tree protection barriers and advisory notices for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and these shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the LPA. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the LPA.

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