

The Design Review Panel

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Devon & Somerset Design Review Panel Response to Trees and Design Action Group (TDAG) Consultation relating to planning conditions

26th May 2015

Planning conditions need to be reasonable and enforceable with clear objectives that can be quantified by the applicant. Poorly worded conditions can lead to confusion and / or remove the ability to enforce controls by the LPA. Excessive conditions can result in an unreasonable level of detail or measures by applicants.

In relation to existing trees there is one clear objective; to ensure that trees are successfully protected and retained during the construction process.

The following guidance within BS5837:2012 Trees in relation to design, demolition and construction. Recommendations are relevant in what level of detail may be required at which stage of the planning process:

Table B.1 Delivery of tree-related information into the planning system

Stage of process	Minimum detail	Additional Information
Pre-application	Tree survey	Tree retention/removal plan (draft)
Planning application	Tree survey (in the absence of pre-application discussions) Tree retention/removal plan (finalized) Retained trees and RPAs shown on proposed layout Strategic hard and soft landscape design, including species and location of new tree planting Arboricultural impact assessment	Existing and proposed finished levels Tree protection plan Arboricultural method statement – heads of terms Details for all special engineering within the RPA and other relevant construction details
Reserved matters/ planning conditions	Alignment of utility apparatus (including drainage), where outside the RPA or where installed using a trenchless method Dimensioned tree protection plan Arboricultural method statement – detailed Schedule of works to retained trees, e.g. access facilitation pruning Detailed hard and soft landscape design	Arboricultural site monitoring schedule Tree and landscape management plan Post-construction remedial works Landscape maintenance schedule

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Planning conditions should pay regard to the above and should control the whole process in a holistic and cohesive way that is helpful to the developer and the LPA and that results in positive development.

Examples of good practice:

- 1) 53881 – North Devon District Council - conditions 34, 36 and 37 – see attached.

The series of conditions on outline consent provide clear guidance on the level of detail required, but in a way that can be phased over the duration of the development in agreed phasing.

This helps to spread the cost of providing the information and, more importantly, allows the information to be submitted when the contractor has that available to them.

It is common for LPA to request detailed construction information at the application stage, before a contractor has even been appointed. This can lead to method statements being produced before the method of construction has been determined.

There can be problems with the types of standard condition used in 53881 – irrelevant sections should be removed and the condition should be tailored to the specifics of the site.

- 2) 11/0251 East Devon District Council – condition 6

This provides a simple and easy to deal with set of controls and places the responsibility of monitoring the controls with the developer but with the LPA providing a supervisory position. This is a better use of LPA resources.

- 3) 13/2012 – East Devon District Council – Condition 8

This is also simple and easy to understand with the provision of the detail at the relevant stage for this proposal. In many cases the provision of a DRAFT Tree Protection Plan at the submission stage is appropriate with that plan becoming final just before commencement of the development.

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4) 14/1715/03 – Exeter City Council – condition 5

This application required the removal of trees to facilitate development.

The LPA imposed a condition that required specific tree sizes to ensure larger trees were planted to ensure the character of the Conservation Area was maintained.

It is suggested that the quality of the tree stock can be controlled by reference to relevant British Standards (e.g. BS8545:2014).

Dominic Scanlon
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NOTES:

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