
Delegated report Officer: Tony Burdett

Application ref. DMOT/2019/0934

The felling of a tree at 12 CASTLE MEWS, MELBOURNE, DERBY, DE73 8LW

Valid date: 09/08/2019

Consults expired: 10/09/2019

EIA development? No

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

None relevant

Responses to consultations and publicity

Melbourne Civic Society has no objection.

Third party - The tree is used by wildlife including birds and squirrels and provides much needed early morning shade. The applicants will not benefit from increased light as the tree is north east from the applicants property.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): BNE4
- Local Plan Part 2 (LP2): BNE7

The relevant local guidance is:

- Melbourne Conservation Area Character Statement

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

The relevant legislation is:

- The Town and Country Planning (Tree Preservation) Regulations 2012

Planning considerations

In taking account of the application documents submitted (and supplemented and/or amended where relevant) and the site and its environs, the main issue central to the determination of this application is whether the amenity value of the tree is high enough to warrant a Tree Preservation Order (TPO), given the extent of works proposed.

Planning assessment

The tree, and its larger neighbouring Birch, was planted concurrent with the development of Castle Mews. It is visible, behind garages, from the cul-de-sac. There is also visibility across the yard to Blackwell House from the Church Street/ Castle Lane/ Blackwell Lane junction. However the subject

tree is the lesser of the two specimens and its loss would not be harmful to the character or appearance of the conservation area.

Issues relating to private amenity as raised through response to publicity, are not material to the key requirement to show that protection would bring a reasonable degree of public benefit in the present or future. There are separate controls to protect nesting birds. Grey Squirrels do not enjoy statutory protection as a species.

In view of the aforementioned considerations a TPO would not be justified in this case.

Recommendation

Approve

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	12/09/2019
Report agreed:	19/09/2019
Authorised officer:	Tony Sylvester
