
Delegated report Officer: Tony Burdett

Application ref. DMOT/2019/0864

The felling and pruning of various trees covered by South Derbyshire District Council Tree Preservation Order no. 132 on Land to the rear of 31, Merlin Way, Mickleover, Derby

Valid date: 05/08/2019

Consults expired: 10/09/2019

EIA development?

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

Relevant planning history

None.

Responses to consultations and publicity

None received.

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 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 issues central to the determination of this application are:

- Whether the works are justified; and
- Whether the resultant amenity value remains acceptable.

Planning assessment

T1 is a roadside Ash in hazardous condition. There is evidence of previous major limb failure and decay in the main stem. Felling is justified on this basis.

T2 appears free from major defects and makes a valuable contribution to visual amenity. The applicant

has agreed to an appropriate schedule of works which is both justified and of an extent and nature so as to retain the tree's amenity value in accordance with Policies BNE4 & BNE7.

Recommendation

Approve with Conditions

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:	23/09/2019
Report agreed:	30/09/2019
Authorised officer:	Chris Nash
