
Delegated report Officer: Tony Burdett

Application ref. DMOT/2019/0992

The pruning of a Silver Birch tree at 23 Trent Lane, Kings Newton, Derby, DE73 8BT

Valid date: 19/08/2019

Consults expired: 30/09/2019

EIA development?

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

Relevant planning history

9/2013/0789 - Similar proposal - no objection.

Responses to consultations and publicity

Melbourne Civic Society has no objection.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): BNE2, BNE3, BNE4
- Local Plan Part 2 (LP2): BNE7, BN10

The relevant local guidance is:

- Kings Newton 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 proposal is necessary to clear overhead lines and of a similar extent to that previously allowed. The tree has reasonable amenity value which would be retained. In view of the aforementioned considerations a TPO would not be justified in this case.

Recommendation

No Objection

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
