
Delegated report Officer: Tony Burdett

Application ref. DMOT/2019/1023

The pruning of a walnut tree covered by South Derbyshire District Council Tree Preservation Order no. 64 at Pippin Heath, Main Street, Kings Newton, Derby, DE73 8DD

Valid date: 27/08/2019

Consults expired: 25/09/2019

EIA development?

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

Relevant planning history

TPO 64

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): 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
- Whether the resultant amenity value remains acceptable.

Planning assessment

The report tree is a young mature Walnut growing on the rear garden boundary that adjoins open fields. The overall structural shape appears sound, however, on close inspection there are several areas of concern;

- The upper canopy has supporting scaffolds with potential hazard beam formations
- A large primary limb has recently failed, this is the result of a tear-out fracture of a co-dominant union

- Several splits and cracks are evident within outer foliage supporting secondary branches
- There is a major almost co-dominant scaffold attached to the main bole

Under normal circumstances Walnut trees should not be pruned other than for cosmetic shaping. However, the proposed works would help relieve tensions within the stressed areas of concern and are therefore necessary. Work should be undertaken as soon as possible and without delay, as winter pruning can be very damaging to this species.

In view of the string justification for the works, which would retain important amenity value, the proposal satisfies 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:	07/10/2019
Report agreed:	10/10/2019
Authorised officer:	Richard Stewart
