
Delegated report Officer: Tony Burdett

Application ref. DMOT/2019/1017

The pruning of a tree covered by South Derbyshire District Council Tree Preservation Order No. 373 at 7 CHURCH LANE, TICKNALL, DERBY, DE73 7JU

Valid date: 04/09/2019

Consults expired: 24/10/2019

EIA development?

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

Relevant planning history

The tree was assessed and recommendations made (by the applicant's arboricultural report) through planning application 9/2018/0942 (new dwelling to south).

Responses to consultations and publicity

None

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

Whether the works are justified

The works would be minimal and given the location of the tree relative to the site access and front garden, entirely reasonable.

Whether the resultant amenity value remains acceptable.

The stature and impressive canopy of the tree would not be unacceptably diminished and the outstanding amenity value of the tree would be preserved 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:	29/10/2019
Report agreed:	04/11/2019
Authorised officer:	Tony Sylvester
