
Delegated report Officer: Tony Burdett

Application ref. DMOT/2019/1118

The felling and pruning of trees at 81 London Road, Shardlow, Derby, DE72 2GR

Valid date: 19/09/2019

Consults expired: 28/10/2019

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

The Tree Officer's comments are incorporated in the assessment below.

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:

Shardlow 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 trees is high enough to warrant a Tree Preservation Order (TPO), given the extent of works proposed.

Planning assessment

T1 is a young semi-mature Ash tree that's growing close to an old wall. This tree is unsuitable to retain or protect with a TPO as its relatively small, likely to become infected with Ash dieback (local to the area) and will within 20-30 years likely compromise safety of the adjacent wall structure.

T2 is a young Eucalyptus in full public view and free from major defects. Whilst arboriculturally sound and at this point in time there's no clear reason to remove this tree, it is growing very close to the main historic boundary wall and does not contribute positively to the setting of the host listed building.

T3 is a magnificent and very well-structured evergreen magnolia in very good health. However as visibility is restricted its public interest value is somewhat limited.

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:	29/10/2019
Report agreed:	04/11/2019
Authorised officer:	Tony Sylvester
