
Delegated report Officer: Kirsty Harte

Application ref. DMOT/2021/0944

The 30 % crown reduction of a yew tree covered by South Derbyshire District Council Tree Preservation Order no. 22 at 2 Rectory Gardens, Aston on Trent, Derby, DE72 2AZ

Valid date: 09/06/2021

Consults expired: 29/07/2021

EIA development? No

Section 106 agreement? Not required

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

Relevant planning history

2020/0646 - Pruning of 2 no. Holly and 2 no. Yew trees covered by South Derbyshire District Council Tree Preservation Order No. 22 - Approved 04/09/2020

Responses to consultations and publicity

None received.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness)

Local Plan Part 2 (LP2): BNE7 (Trees, Woodland and Hedgerows)

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 biodiversity and amenity value remains acceptable

Planning assessment

Whether the works are justified

The works are justified as routine safety/tree maintenance works, the crown reduction allowing reasonable space under the tree canopy to garden and the footpath/highway.

Whether the resultant biodiversity and amenity value remains acceptable

Providing the work is carried out to the appropriate standard (to be secured by condition) the long term amenity and wildlife value of the trees would not be unacceptably diminished and would still make a hugely valuable and positive contribution the character of the area, in accordance with policies BNE3, 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:	05/08/2021
Report agreed:	09/08/2021
Authorised officer:	Steffan Saunders
