
Delegated report Officer: Julie Marson

Application ref. DMOT/2021/1439

The crown thinning of Yew tree covered by South Derbyshire District Council Tree Preservation Order no. 22 1 Rectory Gardens, Aston-On-Trent, Derby, DE72 2AZ

Valid date: 20/09/2021

Consults expired: 15/10/2021

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

9/1999/340/TC Felling/Pruning of Trees - Withdrawn 26.2.1999

9/2005/0515/TP Pruning of a Yew Tree - Refused 15.6.05

9/2005/0848/TP Crown raising of yew Tree -APP 7.8.05

Responses to consultations and publicity

Relevant policy, guidance and/or legislation

Tree Officer - No Objection.

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 tree in question is in a prominent position next to the pavement, which can be seen from the public realm and has amenity value. The removal of the ivy will not harm the tree and with the works to be pruned to 2m which will remove any branches and maintain crown symmetry from the adjacent building and clearance to the footpath.

Whether the resultant biodiversity and amenity value remains acceptable

Providing the works are carried out to the appropriate standard, it is considered the long term amenity value of the tree would not be unacceptably diminished and it would still make a valuable and positive contribution to the character of the area, in accordance with policies BNE4 & BNE7

It is considered the Yew Tree has amenity value and some works required. The works agreed should ensure retention of the tree with only a short term impact to its amenity value.

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:	12/11/2021
Report agreed:	15/11/2021
Authorised officer:	Steffan Saunders
