
Delegated report Officer: Julie Marson

Application ref. DMOT/2021/1361

The pruning of trees at 29 Derby Road, Aston on Trent, Derby, DE72 2AE

Valid date: 06/10/2021

Consults expired: 16/11/2021

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

9/1991/0589 Lopping of a Willow Tree - App STC 31.10.91

9/2004/0826 Felling of a flowering Cherry Tree - No objection 9.8.04

Responses to consultations and publicity

Tree Officer - Says that the form says both TPO & CA. I did note this it is just a CA. He considers from photo's that the trees are not in public view and are too small to be considered for a TPO. It makes the explanation of pruning work a bit irrelevant, which is unclear and a bit bunkum. If it is a section 211 notice I recommend acceptance.

Relevant policy, guidance and/or legislation

- 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 local guidance is:

- Aston on Trent 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 submitted documents and individual site circumstances, the main issues central to the determination of this application is whether the proposed works are appropriate, given the Conservation Area situation and whether public amenity offer is compromised, to the point where a Tree Preservation Order (TPO) is required.

Planning assessment

The trees are located within the back garden of the property so in part screened from the public realm by other trees. From the photographs and Tree officers comments the trees are not worthy of a TPO and I consider that they are outgrowing the garden and some pruning would be considered needed to keep the trees within the context of where they are. The works proposed are for the trees to be pruned back to previous growth points and 1/3 thin of the crown. As the trees have previously been pruned and they do have a small degree of amenity, some reduction work would not be out of place or cause harm to them in the long term.

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:	16/11/2021
Report agreed:	17/11/2021
Authorised officer:	Sarah Beeby
