
Delegated report Officer: Julie Marson

Application ref. DMOT/2021/1508

The pruning of trees at The Dimble, Woodshop Lane, Swarkestone, Derby, DE73 7JA

Valid date: 11/10/2021

Consults expired: 02/11/2021

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

9/1992/0634 Pruning of 2 lilac, alder tree & silver birch on the north eastern boundary - No objection 25.11.92

9/297/897/TC Pruning of 5 trees - App STC 25.3.97

9/2004/1401/TC Pruning of Trees - App STC 29.3.05

9/2006/1118/TC Tree Works - App STC 27.10.06

9/2008/1121/TC Felling of an apple tree - No objection 22.12.2008

Responses to consultations and publicity

Tree Officer - Said that statutory highway clearance is always marked as 5.2m so anything between 5m and 6m is usually ok to approve.

Relevant policy, guidance and/or legislation

The relevant Development 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 local guidance is:

Swarkestone 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 are 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 to which this application relates are located within Swarkestone Conservation Area. The proposed works are to carry out pruning of the Silver Birch, Plum, Copper Beech, Mulberry and Apple to 5.2m as recommended from the highways department to clear any overhanging from the highway and this is considered acceptable as it is within the public realm and is necessary for the safety of the general public.

The Cherry tree is in the rear garden but can be seen from neighbouring properties, it is a nice garden

tree but needs to be kept in check so it does not outgrow the area, general pruning will help achieve this, without being detrimental to the tree.

It is considered that the pruning works to the trees would not damage the long term health of the trees and is necessary tree management, therefore it is considered the trees are not under threat as a result of the proposed works.

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:	19/11/2021
Report agreed:	22/11/2021
Authorised officer:	Sarah Beeby
