
Delegated report Officer: Richard Rodgers

Application ref. DMOT/2021/1042

The pruning of tree(s) covered by South Derbyshire District Council Tree Preservation Order no. 132 at 105 Merlin Way, Mickleover, Derby, DE3 0UJ

Valid date: 29/06/2021

Consults expired: 06/08/2021

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

No relevant history.

Responses to consultations and publicity

Tree Officer (SDDC) - No issues with the proposed reductions, regrowth will be vigorous and plentiful.

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 trees provide a soft edge to the site here. The proposed works will not alter that and remove some basic nuisance - they have not been cut for a very long time and their lower canopies are so low it is difficult to garden around them (or cut the grass on the external verge). Thereafter their collective size is starting to become oppressive to where a reduction would allow their size to be checked, which in this domestic position should ensure their long term retention.

The cherries have been suppressed by the more dominant limes and have started to only grow on one side so some balancing there (by way of removing defective material/ a hazard limb) would be of benefit, whilst the hawthorn is growing close to the house so some mediation is required there.

Whether the resultant biodiversity and amenity value remains acceptable

The limes are hardy specimens and can withstand a reduction. As above, the cherries need some reshaping and will benefit from the work elsewhere as it will provide more light. All in all though, biodiversity impacts will not be unduly affected with no loss of trees, just a fair level of maintenance. It is considered amenity offer similarly will not be diminished to where the group offer would be compromised to where its protected status could be questioned.

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:	24/11/2021
Report agreed:	24/11/2021
Authorised officer:	Emma Palmer-Barnes
