
Delegated report Officer: Sadaf Malik

Application ref. DMOT/2021/1502

The felling of an ash tree and the pruning of an ash tree covered by South Derbyshire District Council Tree Preservation Order no. 412 at 2 The Close, Newton Solney, Burton on Trent DE15 0SZ

Valid date: 30/09/2021

Consults expired: 05/11/2021

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

No relevant history.

Responses to consultations and publicity

Tree Officer - no objection

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

The proposed pruning of the Ash tree covered by the TPO is considered acceptable. The pruning will take place 10m above ground level due to limb failure. The proposed felling of the Ash tree is considered acceptable. The tree has fungal and bacterial infections that are affecting its health and it has less than 10 years safe life expectancy. It is beyond saving and therefore there is no amenity loss. A dying tree can though contribute from a biodiversity aspect (sustains insects and such local wildlife) but given this is a high target area, should it fail, removal is the safest option. In light of the above, it is considered that the proposed works would be in line with the aims and objectives of Policies BNE3 and BNE7 and the NPPF 2021.

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:	25/11/2021
Report agreed:	25/11/2021
Authorised officer:	Emma Palmer-Barnes
