
Delegated report Officer: Richard Rodgers

Application ref. DMOT/2021/1171

The pruning of a trees (T1 - T3 inclusive) covered by South Derbyshire District Council Tree Preservation Order no. 132 at 28 Linnet Hill, Mickleover, Derby, DE3 0SJ

Valid date: 26/07/2021

Consults expired: 24/08/2021

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

DMOT/2021/1638 - application to remove T4 - decision pending.

Responses to consultations and publicity

Tree Officer (SDDC) - no objection to the work.

One neighbour has offered their support to the proposal believing some maintenance is required here, given the trees have lost branches of late.

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 have started to dominate the context to where a proportionate reduction would be seen to be fair but without compromising their offer/health. It is difficult to see if trees T1 & T2 have been cut

before but if they have the regrowth is arguably too heavy now for the tree., whereas the crown lift to them simply allows the areas underneath the canopies to be maintained.

Whether the resultant biodiversity and amenity value remains acceptable

No trees are being lost and given these trees form part of a group/woodland with trees of different shapes and sizes, landscape impacts are considered negligible, moreso these trees are in private/residential rear gardens so not as public as they could have been and to where an alternate view may have been taken.

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:	26/11/2021
Report agreed:	26/11/2021
Authorised officer:	Steffan Saunders
