
Delegated report Officer: Julie Marson

Application ref. DMOT/2021/1521

The pruning of trees covered by South Derbyshire District Council Tree Preservation Order no. 15 at 1 Cowlshaw Close, Shardlow, Derby DE72 2GS

Valid date: 05/10/2021

Consults expired: 22/11/2021

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

9/193/876/TP Crown Thinning of 3 Cherry Trees - Approved STC 10.3.93

9/2015/0829/TP The pruning of 3 Trees - Approved STC 17.11.2005

9/2000/758/TP Pruning of Trees - Approved pp STC 12.10.00

Responses to consultations and publicity

Tree Officer - As trees were disproportionately pruned previously, what is left is a mass of untidy and weak growth, so there is no option other than to grant consent.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

Local Plan Part 1 (LP1): BNE4

Local Plan Part 2 (LP2): BNE7

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 in question are in a prominent position next to the roadside, which can be seen from the public realm and they do have amenity value. The works proposed are to remove primary foliage and take the branches back to occurring pruning points. This will enable the trees to be maintained at a size that can continue to be an asset. As the trees have been pruned previously, there is now weak regrowth and they are untidy so the works proposed will help keep the trees' amenity value.

Whether the resultant biodiversity and amenity value remains acceptable

Providing the works are carried out to the appropriate standard, it is considered the long term amenity value of the trees would not be unacceptably diminished and they would still make a valuable and positive contribution to the character of the area in accordance with policies BNE4 and BNE7.

It is considered the cherry trees have amenity value and some works are required. The works agreed should ensure retention of the trees with only a short term impact to their amenity value.

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:	29/11/2021
Authorised officer:	Emma Palmer-Barnes
