
Delegated report Officer: Sadaf Malik

Application ref. DMOT/2021/1578

The crown thinning of trees covered by South Derbyshire District Council Tree Preservation Order no. 327 Playing Fields, Main Street, Church Broughton, Derby, DE65 5DA

Valid date: 05/10/2021

Consults expired: 08/11/2021

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, subject to a condition. However, no works are required to the tree because it's in good condition and proposed work would not benefit or disadvantage the tree. Crown thinning would provide a limited short term gain. Not considered to be worthwhile to carry out the work. However, as there aren't any long health implications, if consented, the crown thin should be undertaken under condition. Refusal would be defensible.

Church Broughton Parish Council: - Raise no objection

Church Broughton Village Hall & Playing Field Committee: - Crown thinning, removing foliage and pruning will weaken the tree and the proposal would have a detrimental impact on the tree so should be refused.

Two neighbours object for following reasons:

- consider the work to be expensive, to harm the tree and would not increase light into the applicants living room.
- the tree in this application does not need its crown thinned for the sake of the health of the tree or safety. The thick hedge of leylandii is responsible for loss of light to the applicants living room window.

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 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
- Whether the resultant amenity value remains acceptable

Planning assessment

The proposed works relate to a mature sycamore tree which it is proposed to crown thin by 20 per cent to alleviate light issues.

The mature sycamore tree is in very good condition and requires no work. The applicant considers that the sycamore tree is blocking light to their living room window. Observations undertaken by the Tree Officer report that the tree only shades the windows of concern during early hours through to late morning, which would cause no significant harm. The high coniferous hedge, by its size and nature would block low level light, more so than the tree. Furthermore, crown thinning will only provide a limited short-term gain; that of dappled sunlight and only to a certain degree. The proposed works would not improve light blockage and it is suggested that the coniferous hedge be cut back to allow light to pass towards the applicants living room window. It is considered that the proposal should be refused because it would not meet the aims and objectives of policies BNE4 and BNE7.

Recommendation

Refuse

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:	30/11/2021
Report agreed:	30/11/2021
Authorised officer:	Emma Palmer-Barnes
