
Delegated report Officer: Richard Rodgers

Application ref. DMOT/2021/1507

The pruning of a Beech tree covered by South Derbyshire District Council Tree Preservation Order no. 208 at 31 Bretby Heights, Newhall, Swadlincote, DE11 0BS

Valid date: 14/10/2021

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

SDDC Tree Officer - no objection to the works.

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 and whether biodiversity and amenity impacts remain acceptable?

The works (as amended) are considered justified as the tree is starting to outgrow the context and a modest reduction/crown lift would ensure its retention. It was protected originally as part of a vegetative screen between two development sites rather than for its individual merit and these works will not change that. The group as a whole would not be compromised, nor would biodiversity levels.

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:	07/12/2021
Report agreed:	09/12/2021
Authorised officer:	Emma Palmer-Barnes
