
Delegated report Officer: Neil Thompson

Application ref. DMOT/2021/0446

The pruning of a Wellingtonia tree covered by South Derbyshire District Council Tree Preservation Order no. 22 at 5 Rectory Gardens, Aston on Trent, Derby, DE72 2AZ

Valid date: 15/04/2021

Consults expired: 07/05/2021

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 recent relevant planning history.

Responses to consultations and publicity

The Tree Officer has looked at the submitted application details and considers that the proposed works would result in a detrimental effect on the tree and leave an unduly large wound in the trunk of the tree, and would result in an unbalanced lopsided crown. There is no submitted arboricultural justification.

Aston Parish Council consider that this is a healthy tree and there are heritage objections. They request that the Tree Officer looks at the proposal before making a decision.

An objection has been received from a neighbour. This can be summarised as follows:-

- The tree is very visible and spectacular.
- The main risk is likely to be from lightning strike, but the presence of the church with lightning rods helps the tree.
- removing one stem might help the other survive, but interference with both would be detrimental.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- South Derbyshire Local Plan Part 1 2016 (LP1): None
- South Derbyshire Local Plan Part 2 2017 (LP2): BNE7 Trees, Woodland and Hedgerows.

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF) 2021 Paragraph 174.
- Planning Practice Guidance (PPG) Paras 89-91 ID-36-089-91-20140306
 - BS 3988:2010.

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issue central to the determination of this application is:

- The arboricultural necessity of the works and their effect on the amenity value of the tree.

Planning assessment

The arboricultural necessity of the works and their effect on the amenity value of the tree

The applicant is concerned that the tree could fall down, particularly the branch which is closest to the dwelling. The tree is bifurcated at around 2m high. It has clearly had an incident very early in its life where the top was removed. Over time it then grew to form two main stems which are concurrent with the age of the tree and each other. The two main stems do diverge over its height. There was no obvious visual weakness in the bifurcation point, or obvious signs of decay. No arboricultural assessment or justification for the severe lopping on one of the two main branches has been submitted. The core has not been drilled to establish any weakness or instability.

Both main crowns are healthy with recent growth. There is no significant deadwood. There are smaller branches shed at ground level and needles that have fallen off. As both main stems have grown at the same time and same rate, there is concern that taking a significant length of stem off the trunk of one of these two would destabilise the tree and change the wind regime around the tree, and provide greater exposure to wind. It would also leave a large wound where the partial felling would be carried out.

There would be some detrimental impact on the amenity value of the tree. It has grown as two main stems for a number of decades. It is visible in the locality, although there are also other trees in the vicinity which are to be retained and therefore the loss of one main stem in itself would only have a minor detrimental visual impact on the locality.

In conclusion, it is not considered that the removal of one of the two main branches can be justified without the arboricultural justification. It would leave the tree unbalanced and could lead to detrimental effects on the remaining portion of the tree. On this basis, it is considered that the proposed works are unacceptable and contrary to good practice. It is therefore recommended that the proposal is refused.

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:	13/12/2021
Report agreed:	13/12/2021
Authorised officer:	Emma Palmer-Barnes
