
Delegated report Officer: Sadaf Malik

Application ref. DMOT/2021/1635

The pruning of a two oak trees and one holly tree covered by South Derbyshire District Council Tree Preservation Order no. 475 at 15 Cherry Tree Close, Hilton, Derby, DE65 5FD

Valid date: 22/10/2021

Consults expired: 01/12/2021

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

Responses to consultations and publicity

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), 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

The proposed pruning of the Holly Tree covered by TPO T2 is considered acceptable. Pruning with a circa 4m radius, will take place 4m above ground level. The proposed pruning of the Oak Tree (T5) covered by TPO T1 and Oak Tree (T16) covered by TPO 4 is considered acceptable with a 5m crown lift to the north and south side of the crown overhang. Considering the above, it is considered that the proposed works would be in line with the aims and objectives of Policies BNE4 and BNE7 and the NPPF 2021.

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:	17/12/2021
Report agreed:	17/12/2021
Authorised officer:	Steffan Saunders
