
Delegated report Officer: Julie Marson

Application ref. DMOT/2021/1745

The pruning of two trees and the felling of two trees at The Hollow, Penn Lane, Melbourne, Derby, DE73 8EP

Valid date: 15/11/2021

Consults expired: 16/12/2021

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

9/2013/0110 Pruning of silver birch & felling of holly trees - No objection 25.3.2013

DMOT/2021/0450 Pruning of acacia tree - No objection 25.4.2021

DMOT/2021/1674 The felling of one tree and pruning of two - No objection 10.12.2021

Responses to consultations and publicity

Melbourne Civic Society - No objection to pruning though we would recommend that the two felled trees are replaced somewhere else in the garden.

Tree Officer - No issues with the proposed work in principle. As the trees are not protected by a TPO, the 3/4m crown lift, although not specific, is acceptable. As is the eco plug or stump removal. I'm satisfied with the Notice as they have included an explanation and reasons why; which of course they aren't obligated to.

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 local guidance is:

Melbourne Conservation Area Character Statement

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 issue central to the determination of this application is whether the amenity value of the trees is high enough to warrant a Tree Preservation Order (TPO), given the extent of works proposed.

Planning assessment

The trees are located within a large plot and in part are screened from the public realm by other trees - this is a well treed context. The removal of T1 & T4 Holly trees is considered to be acceptable due to the area being heavily suppressed by large overhanging mature trees. The felling will enable the clearing of the area, improve the overall visibility of the area and allow the other trees with a greater amenity value to have more space which would off set the removal of the Holly trees.

The crown lifting of T2 Spruce and T3 Yew is considered to be acceptable as it will clear branches away from the property and wall and this will enable more light into the area and for the trees to continue to flourish. It is considered that the tree pruning works would not damage the long term health of the trees and is necessary tree management, therefore it is considered the trees are not under threat as a result of the proposed works.

In relation to the comments from Melbourne Civic Society, as the works are under a notification, it is not possible to condition that replacement trees are planted.

Recommendation

No Objection

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:	21/12/2021
Report agreed:	24/12/2021
Authorised officer:	Emma Palmer-Barnes
