
Delegated report Officer: Julie Marson

Application ref. DMOT/2022/0145

The felling of a cherry tree at 5 Hollies Farm Close, Stanton-By-Bridge, Derby, DE73 7GD

Valid date: 31/01/2022

Consults expired: 25/02/2022

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

No comments received.

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 local guidance is:

Stanton by Bridge 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 submitted documents and individual site circumstances, the main issues central to the determination of this application are whether the proposed works are appropriate, given the Conservation Area situation and whether public amenity offer is compromised, to the point where a Tree Preservation Order (TPO) is required.

Planning assessment

The tree to which this application relates is located within Stanton by Bridge Conservation Area. The works are to fell the cherry tree. The tree can be seen from the public realm.

The cherry tree has outgrown its surroundings and is close to the property so will need cutting back from the house. This would make it be smaller and less prominent and adds to the view that it fails to be outstanding and worthy of a TPO.

With the property being attractive in itself the removing of the cherry tree will have limited impacts on the attractiveness of the area.

Under a notification it is not possible to condition that a replacement tree is planted. However, the applicant has entered on the application form that it is intended to plant a flowering shrub to replace the cherry tree within the property.

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:	10/03/2022
Report agreed:	13/03/2022
Authorised officer:	Steffan Saunders
