
Delegated report Officer: Richard Rodgers

Application ref. DMOT/2022/0523

The semi pollarding and crown lift to 3.5m of a lime tree covered by South Derbyshire District Council Tree Preservation Order no. 469 on Land adjacent 30 Hall Lane, Willington, Derby

Valid date: 31/03/2022

Consults expired: 07/05/2022

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

Recent TPO made prior to start of the new housing here.

Responses to consultations and publicity

SDDC Tree Officer - works can be supported.

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)
- Willington Neighbourhood Development Plan - Emerging document

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 the resultant biodiversity and amenity value remains acceptable

It is evidenced that this tree has been pollarded before and once that level of work has been undertaken, there is a need for regular maintenance for the remainder of its life. The application to reduce the tree back to previous cut points can be supported, partly as regrowth is now at a stage

where it is too heavy for the trees frame but partly as the tree will sustain such a cut and continue to offer a fair level of amenity in the immediate and a good level of amenity in the near future. Biodiversity impacts are not considered to be affected given the well treed (and generally private context) whilst the suggested crown lift will simply remove some nuisance as the lower crown overhangs a residential garden.

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:	26/05/2022
Report agreed:	26/05/2022
Authorised officer:	Steffan Saunders
