
Delegated report Officer: Julie Marson

Application ref. DMOT/2022/0435

The felling of two lime trees covered by South Derbyshire District Council Tree Preservation Order no. 229 at Three Trees, 46A Main Street, Walton-On-Trent, Swadlincote, DE12 8LZ

Valid date: 28/03/2022

Consults expired: 22/06/2022

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

9/2002/0269 The pruning of trees - No objection to works 5.4.2002

9/2004/1128 The felling of two limetrees and three sycamores - Objection to works 6.10.2004

9/2007/1367 The pruning of five trees covered by SDDC TPO 229 - Granted 18.1.2008

9/2008/1169 The felling of trees covered by SDDC TPO 229 - Refused 2.2.2009

DMOT/2020/1251 The felling of trees covered by SDDC TPO 229 - No decision

Responses to consultations and publicity

Member of the public - Objects. Please refer to previous application for the removal of these trees, DMOT/2020/1251, which was refused. This application stated that they wish to remove the trees due to the location being higher than the house and that the trees stopping most of the light to the garden. They state that they have no evidence of the tree breaking the drains.

This is in stark contrasts to the current application which states the roots puncture the main sewer for the whole of south and western side of the village, quite a statement! There is no evidence that tree roots crack or break into drains, they find their way into them via existing defects. Numerous photographs from Severn Trent are submitted but nothing substantial from them recommending the removal of the trees. The solution to the problem is for Severn Trent Water to repair their assets, not remove two perfectly healthy trees which provide huge amenity value which can be viewed from all sides from the public realm.

They mentioned safety concerns. The application refers to a tree survey yet only an estimation is included, from a contractor who does not appear to have recognised accreditation for carry out works to trees let alone providing surveys.

Walton on Trent Parish Council- No objection subject to the condition for replanting a substantial tree.

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)

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

The works proposed (felling of two lime trees) are considered to be justified. The trees do provide good levels of amenity and are within the public realm. There is an ongoing problem of clearing the foul sewer of blockages allegedly caused by roots which is burdensome for the utility company and residents. With this in mind it is considered that the felling of the trees is justified.

Whether the resultant biodiversity and amenity value remains acceptable

With the felling of the trees to which they have good amenity value, the trees are young mature specimens and have the potential to become too large for the relatively small garden. Providing the work is carried out to the appropriate standard and a replacement tree (these will be conditioned) is planted the biodiversity and amenity value will remain acceptable in accordance with policies BNE3, BNE4 & BNE7.

Other matters

It has been raised by a member of the public that a previous application was refused under DMOT/2020/1251 this application was never issued a decision. With the reference to an application for an extension this is a separate application which is being assessed and it does state that no trees are to be removed for that proposal.

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:	22/06/2022
Report agreed:	24/06/2022
Authorised officer:	Steffan Saunders
