
Delegated report Officer: Holly Wardle

Application ref. DMOT/2021/1020

The pruning of yew tree at 2 West Lodge, Newton Park, Newton Solney, Burton On Trent, DE15 0ST

Valid date: 20/07/2021

Consults expired: 11/08/2021

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

No relevant planning history.

Responses to consultations and publicity

No consultation comments received.

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

- If the proposals are appropriate to the trees
- Whether the trees should have a Tree Preservation Order Placed on them, taking into account of the proposed works

Planning assessment

Works to trees within a Conservation Area which are not subject to a TPO may commence after the 6 week notification period has ended, or the Council provides consent for the works, whichever comes first.

In this instance, whilst the trees this Section 211 relate to are of amenity value, it is considered that there is not sufficient justification for a TPO to be served on those trees which are not protected by a TPO at present. It is for this reason in addition to the timeframe for determinations (over six weeks from valid date) that the works to trees detailed within this application benefit from deemed consent.

Considering the above, it is deemed that the proposed works would be in line with the aims and objectives of Policies BNE4 and BNE7, and the NPPF 2021. It is concluded that a TPO served on the trees in question is not required.

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:	08/02/2023
Report agreed:	27/02/2023
Authorised officer:	Jenny Blair
