
Delegated report Officer: Tony Burdett

Application ref. DMOT/2020/1252

The pruning of a 6 London Plane trees covered by South Derbyshire District Council Tree Preservation Order no. 254 at 16 Darklands Road, Swadlincote, DE11 0PG

Valid date: 19/11/2020

Consults expired: 02/02/2021

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

None.

Responses to consultations and publicity

Specialist arboricultural advice is incorporated in the assessment below.

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.
- Whether the resultant biodiversity and amenity value remains acceptable.

Planning assessment

Whether the works are justified

Six London Plane street trees to the frontages of house numbers 6(x2), 10, 16, 83 and 58 are causing

significant damage to the highway surfaces through root and stem size activity. They also overhang the adjacent properties and highway in parts. One street Lamp is blocked by a canopy. The works appear to be necessary in order to regulate growth, lift branches obstructing high-sided vehicles and reduce oppressiveness to residents. There is evidence that similar works have been undertaken in the past.

Whether the resultant biodiversity and amenity value remains acceptable.

Canopy reduction works, as proposed, with routine follow up works to maintain and retain these valuable assets in the urban environment, would serve to retain amenity and biodiversity as well as the surrounding property, without constant repairs and the risk of soil movement.

In light of the above, it is considered that the proposed works would be in line with the aims and objectives of Policies BNE3, BNE4 and BNE7 and the relevant sections of the NPPF.

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:	16/02/2023
Report agreed:	28/02/2023
Authorised officer:	Steffan Saunders
