

Delegated officer's report	Officer: AEB
Application ref. 9/2018/1372	
THE PRUNING OF AN OAK TREE AND A BEECH TREE COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NUMBER 116 AT TWO TREES THE GLEBE ROSLISTON SWADLINCOTE	
Valid date:	19/12/2018
Consults expired:	26/01/2019
EIA development?	☐ Yes ☒ No
Habitats development?	☐ Yes ☒ No

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Responses to consultations

None

Responses to publicity

None

Planning history

TPO 116

Relevant Legislation

Town and Country Planning (Tree Preservation) (England) Regulations 2012

Development Plan Policies

The relevant policies are:

Local Plan Part 1 (LP1): BNE4

Local Plan Part 2 (LP2): BNE7

National Guidance

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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 amenity value remains acceptable.

Planning Assessment

Whether the works are justified

The trees are in good condition with only minor deadwood and defective branches, although there is some overhanging of the dwelling from T1 (Oak). The application is not sufficiently specific as to the extent of works. A condition is therefore necessary to ensure that the works are no more than as warranted by the circumstances.

Whether the resultant amenity value remains acceptable

Providing the work is carried out to the appropriate standard (to be secured by condition) the amenity value of the trees would not be unacceptably diminished and would still make a valuable and positive contribution the character of the area, in accordance with Policies BNE4& BNE7.

Recommendation

- ☐ Approve without conditions
- ☒ Approve subject to conditions
- ☐ Approve subject to conditions and planning obligation
- ☐ Refuse

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).

Recommendation made:	11/02/2019	
Recommendation agreed:	12/02/2019	Agreed by: RES