

Delegated officer's report	Officer: AEB
Application ref. 9/2018/1113	
THE FELLING OF THREE BIRCH TREES AND PRUNING OF SILVER BIRCHES AND CONIFERS AT 149 MAIN STREET TICKNALL DERBY	
Valid date:	15/10/2018
Consults expired:	12/11/2018
EIA development?	☐ Yes ☒ No
Habitats development?	☐ Yes ☒ No

This decision is delegated to officers under the terms of the current Planning Services Delegation Agreement.

Responses to consultations

None

Responses to publicity

None

Planning history

9/2013/0390 – Topping of row of Birch – no objection.

Relevant Legislation

Town and Country Planning Act 1990

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

Local Policy

Local Plan Part 1 (LP1): BNE4

Local Plan Part 2 (LP2): BNE7

National Guidance

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Local Guidance

Ticknall Conservation Area Character Statement (CACS)

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 issue central to the determination of this application is whether the amenity value of the tree is high enough to warrant a Tree Preservation Order (TPO), given the extent of works proposed.

Planning Assessment

The trees have been previously topped. At the time of the previous application, potential weaknesses were identified and a TPO was not made. The three trees nearest to No 149 have a significant overshadowing impact on the bedroom window and contact is likely in high winds. They appear to be in poor condition (Ivy covered) and their removal thus warranted for these reasons. The remainder of the work to the Birches involves pruning back overhanging branches and crown raising. These would not adversely affect the amenity value that arises from the canopies of the row of trees. The proposed works are reasonable and it is still the case that a TPO is not justified.

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:	13/11/2018	
Recommendation agreed:	19/11/2018	Agreed by: RES