
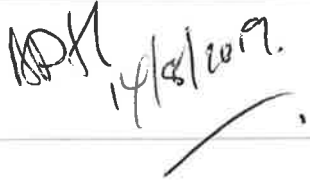


Delegated Report - Trees (TN)

Application Number	P/2019/00886	
Planning Officer	Gary Shilton	
Site Address	Marchington Cricket Club Jacks Lane Marchington Staffordshire ST14 8LW	
Proposal	Felling of 1 Cherry tree.	
Expiry Dates	Weekly List	12/08/2019
	Neighbours	08/08/2019
	Consultations	11/08/2019
	Site Notice	N/A
	Newspaper Advert	N/A
Application not Determined within Statutory Time Period - Reason	N/A	
Environmental Assessment	Screening opinion undertaken	No
	Schedule 1 or 2	No
	EIA Required	NA
Relevant Planning Policies/Guidance	Government Documents	The Town and Country Planning Act 1990 (as amended). The Planning (Listed Buildings and Conservation) Areas Act 1990 (as amended). The Town and Country Planning (Tree Preservation) (England) Regulations 2012. The National Planning Policy Framework Planning Practice Guidance – Tree Preservation Orders and Trees in Conservation Areas
	Local Plan Policies	DP8: Tree Protection.
	Supplementary Planning Documents	None
	Other Policies/Guidance	None
Relevant History	None	
Consultation Responses	ESBC Tree Officer: no objection to the above application, the tree is causing damage to the concurrent plinth and the removal of the tree will have little effect on the amenity value of the area.	
Marchington Parish Council	No comments	
Neighbour Responses	No comments received at the time of writing this report	
Human Rights Act Considerations	There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.	
Crime and Disorder Implications	It is considered that the proposal does not raise any crime and disorder implications.	
Equalities Act 2010	Due regard, where relevant, has been given to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.	

Planning Officer's Assessment	<p>Section 211 of the Town and Country Planning Act 1990 acknowledges the special contribution that trees can make to the character and appearance of designated conservation areas by effectively protecting all trees in conservation areas (subject to exemptions) by an interim blanket tree preservation order. Section 211 makes provision for owners of trees in conservation areas to serve notice of intention to carry out works to those trees on the Local Planning Authority. The Local Planning Authority may then either consent to the proposed works or, where the works would unacceptably erode the character and appearance of the conservation area, object to the works by making a specific tree preservation order in respect of the affected tree.</p> <p>Paragraphs 8 and 127, and Section 15 of the National Planning Policy Framework recognise the planning system's role in contributing to protecting and enhancing the natural environment.</p> <p>The National Planning Practice Guidance states that tree preservation orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.</p> <p>Local Plan Policy DP8 states that felling of protected trees will only be granted consent where either the tree is in poor health and/or has lost its intrinsic visual amenity value, or where the tree is causing demonstrable harm to the structural integrity of a building or other built form, and the harm cannot be remedied by other reasonable means.</p> <p>DP8 states that works to protected trees will only be granted consent where the tree is of public visual amenity value and the works would not adversely affect the appearance of the tree and the contribution it makes to the visual amenity of the locality.</p> <p>The Cherry tree is located along the boundary of the cricket club adjacent to a field and public footpath. The tree is in a line of trees along the boundary and is in close proximity to the pavilion. The Cherry tree has a concrete plinth which is showing signs of damage due to root activity and the canopy is very close to the roof of the pavilion and has been previously cut back from the roof.</p> <p>Given the proximity to the building and the existing damage to the concrete plinth which has been caused, the loss of this tree given the surroundings would not be considered to adversely affect the visual amenity of the area or the character and appearance of the Conservation Area. Consequently, the proposed felling of the Cherry Tree is not considered to adversely affect the visual amenity of the locality and taking into consideration the existing damage it is not expedient for the Local Planning Authority to object to the works by making a tree preservation order.</p>
Planning Officer's response to Parish Council	None required
Conclusion (including Signature & date)	<p>The trees are of insufficient public visual amenity value to warrant the making of a tree preservation order. The proposed felling of the tree is therefore in accordance with the National Planning Policy Framework and Practice Guidance, and Local Plan Policy DP8.</p> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  13th August 2019 </div> <div style="text-align: right;">  14/8/2019 </div> </div>
Section 106 required?	N/A
Draft Decision Notice checked by Planning Officer or Team Leader	
Team Leader Comments	