



# Delegated Report - Trees (TN)

<b>Application Number</b>	P/2019/01266	
<b>Planning Officer</b>	Chris Hammersley	
<b>Site Address</b>	Paddock House Hall Road Marchington Staffordshire ST14 8LG	
<b>Proposal</b>	Felling of 1 Cherry Blossom tree	
<b>Expiry Dates</b>	<b>Weekly List</b>	18/10/19
	<b>Neighbours</b>	02/11/19
	<b>Consultations</b>	02/11/19
	<b>Site Notice</b>	N/A
	<b>Newspaper Advert</b>	N/A
<b>Application not Determined within Statutory Time Period - Reason</b>		
<b>Environmental Assessment</b>	<b>Screening opinion undertaken</b>	No
	<b>Schedule 1 or 2</b>	No
	<b>EIA Required</b>	NA
<b>Relevant Planning Policies/Guidance</b>	<b>Government Documents</b>	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 (particularly Paragraphs 8 and section 15). The National Planning Practice Guidance.
	<b>Local Plan Policies</b>	DP8: Tree Protection.
	<b>Supplementary Planning Documents</b>	None
	<b>Other Policies/Guidance</b>	None
<b>Relevant History</b>	No relevant history	
<b>Consultation Responses</b>	Tree Officer - no objection.	
<b>Parish Council</b>	No response received	
<b>Neighbour Responses</b>	No response received	
<b>Human Rights Act Considerations</b>	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.	
<b>Crime and Disorder Implications</b>	It is considered that the proposal does not raise any crime and disorder implications.	

<b>Equalities Act 2010</b>	Due regard, where relevant, has been given to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.	
<b>Planning Officer's Assessment</b>	<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(s).</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>The proposal comprise the removal of one Cherry Blossom tree. The applicant states that the tree is diseased. The Council agrees to the felling of the tree in this instance. The applicant is free to carry out the removal of the tree specified in the Notice.</p>	
<b>Planning Officer's response to Parish Council</b>		
<b>Conclusion</b> <b>(including Signature &amp; date)</b>	The tree is diseased. The proposed works are therefore in accordance with the National Planning Policy Framework and Practice Guidance, and Local Plan Policy DP8.	
	 18/11/19	
<b>Section 106 required?</b>	N/A	
<b>Draft Decision Notice checked by Planning Officer or Team Leader</b>		19.11.19
<b>Team Leader Comments</b>	