
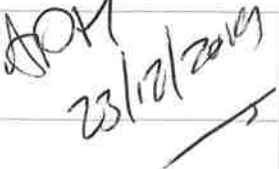


## Delegated Report - Trees (TN)

<b>Application Number</b>	P/2019/01408	
<b>Planning Officer</b>	Chris Hammersley	
<b>Application Type</b>	Tree Notice	
<b>Site Address</b>	Gable Cottage High Street Marchington Staffordshire ST14 8LD	
<b>Proposal</b>	Felling of 1 Silver Birch tree and 1 Laurel tree.	
<b>Expiry Dates</b>	<b>Weekly List</b>	19/12/2019
	<b>Neighbours</b>	19/12/2019
	<b>Consultations</b>	19/12/2019
	<b>Site Notice</b>	-
	<b>Newspaper Advert</b>	-
<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>	None relevant to this application	
<b>Consultation Responses</b>	<b>ESBC Tree Officer</b> - raises no objections.	
<b>Parish Council</b>	<b>Parish Council</b> - no representations received.	
<b>Neighbour Responses</b>	No representations received within statutory consultation period.	
<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 trees.</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>This notification relates to proposed works for the felling of 1 Silver Birch tree and 1 Laurel tree within the garden area of Gable Cottage on High Street within the Marchington Conservation Area. The reason given for the proposed works is "to prevent competition to the Rowan and the birch is out growing its location."</p> <p>The ESBC Tree Officer raises no objections and consequently, given the proposed works would not adversely affect the visual amenity of the conservation area locality it is not expedient in this instance for the Local Planning Authority to object to the works by making a tree preservation order.</p> <p>Given the nature of the proposed works and their likely impact on the character and appearance of conservation area it is considered that there is no justification to warrant the making of a tree preservation order in this instance. The proposed works to the trees are therefore in accordance with the National Planning Policy Framework and Practice Guidance, and Local Plan Policy DP8.</p>
<b>Planning Officer's response to Parish Council</b>	As noted above there were no representations received.
<b>Conclusion (including Signature &amp; date)</b>	The proposed works will not adversely affect the amenity value of the tree(s) and therefore there is no need for the Local Planning Authority to object to the works by making a tree preservation order. The proposed works are therefore in accordance with the National Planning Policy Framework and Practice Guidance, and Local Plan Policy DP8.

			20/12/19	
<b>Section 106 required?</b>	N/A			
<b>Draft Decision Notice checked by Planning Officer or Team Leader</b>				
<b>Team Leader Comments</b>				

