


Delegated Report - Trees (TN)

Application Number	P/2019/01445	
Planning Officer	Chris Hammersley	
Application Type	Tree Notice	
Site Address	St Annes Cottage Bag Lane Marchington ST14 8NY	
Proposal	Felling of 2 Silver Birch trees (T2 and T3), felling of 1 Elm tree (T6) and second stage pollarding of 4 Lime trees (T8-T11)	
Expiry Dates	Weekly List	29/11/19
	Neighbours	23/12/19
	Consultations	23/12/19
	Site Notice	N/A
	Newspaper Advert	N/A
Application not Determined within Statutory Time Period - Reason		
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 (particularly Paragraphs 8 and section 15). The National Planning Practice Guidance.
	Local Plan Policies	DP8: Tree Protection.
	Supplementary Planning Documents	None
	Other Policies/Guidance	None
Relevant History	No relevant history	
Consultation Responses	Tree Officer – no objection to felling of 2 Silver Birch trees (T2 and T3), felling of 1 Elm Tree (T6) and second stage pollarding of 4 Lime Trees (T8-T11).	
Parish Council	No response received	
Neighbour Responses	No response received	
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(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>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>With regard to the felling of the 2 Silver Birch and 1 Elm Tree and the second stage pollarding of 4 Lime Trees, the applicant states that the trees have died and the pollarding is required due to the close proximity to the house and as routine maintenance. The Tree officer comments that the trees are sufficiently minor and the felling of the trees would not detract from the character or appearance of the Conservation Area.</p> <p>The tree(s) which is/are the subject of this notice are sufficiently minor not to qualify as making a valuable contribution to the character and appearance of the conservation area. Consequently, the proposed works will not adversely affect the visual amenity of the locality and therefore 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	N/A
Conclusion (including Signature & date)	<p>Tree Officer raises to the felling of 2 Silver Birch trees (T2 and T3), felling of 1 Elm Tree (T6) and second stage pollarding of 4 Lime Trees (T8-T11). The proposed felling and works are therefore in accordance with the National Planning Policy Framework and National Practice Guidance, and Local Plan Policy DP8.</p> <p style="text-align: center;">  6/1/20 APM 6/1/20 </p>
Section 106 required?	N/A
Draft Decision Notice checked by Planning Officer or Team Leader	

Team Leader Comments		

