

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 3rd August 2011

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APPLICATION REF. NO:	11/00350/TF
STATUTORY DECISION DATE:	3rd August 2011
WARD/PARISH:	Cockerton West
LOCATION:	101 Newton Lane Darlington
DESCRIPTION:	Fell Scots Pine Tree protected under Order (No.4) 1999 (T1).
APPLICANT:	Mr D Punchon

APPLICATION AND SITE DESCRIPTION

The site is located at the north western end of Newton Lane immediately adjacent the Mount Pleasant School field. The subject tree is located on the road frontage close to 101 Newton Lane which is one of a small group of bungalows grouped around a cul de sac.

The tree is a mature specimen and similar in height to other trees nearby along the road frontage.

PLANNING HISTORY

There is no planning history on this site.

PLANNING POLICY BACKGROUND

Saved Borough of Darlington Local Plan Policy E13 – Tree Preservation Orders.
Core Strategy Policy CS15 – Protecting and Enhancing Biodiversity.

RESULTS OF CONSULTATION AND PUBLICITY

Local Residents were consulted and one has commented as follows:

- The tree is not attractive as it has lost its lower branches
- The tree is dangerous as branches regularly fall in high winds
- Tree deposits sticky seeds which damage cars and carpets

The Local Councillor has commented as follows:

- The tree's branches are high and if they fall could cause damage

- The tree is not protected by other trees from wind damage so is more prone to damage itself.
- If removed the tree should be replaced with another large specimen.

The Tree Officer has commented as follows:

Mature Scots Pine in good condition and form. Minimal deadwood is visible to the northwest and southeast. It would appear that two limbs have failed in recent high winds. The tree is an excellent example of its species.

The tree has no structural weaknesses, a swaying tree is normal, it is part of the mechanics of a tree that it moves in a wind, if it did not, the tree would be under more stress and fail, this tree has lost a few small branches (in extreme weather conditions) which it would appear to have caused no damage, most street trees are a similar distance to the property of 101 Newton Lane, do we remove all the street trees as they have the potential to fail?

The applicant's Tree Report considers that the tree includes some minor deadwood in the crown and that the tree leans heavily towards the road (*this is not evident from the photograph*).

The tree is considered to be tall and leggy and to have outgrown its location close to dwellings.

PLANNING ISSUES

Relevant policies in the Core Strategy and saved policies of the Local Plan, state that the Council will seek to protect all trees worthy of retention, wherever possible including mature street trees

The main planning issue relating to this application is whether the subject tree is in such a bad condition that its status as a protected tree should be set aside and the tree removed in the interests of public safety.

The tree has twice been inspected by the Council's Arboriculturist and his expert opinion is that the tree is in good condition and its form is excellent and he can see no reason to remove the tree.

There are many trees in the locality in a similar setting and it could be argued that if the subject tree is felled for no substantive reason then a precedent may be set for similar proposals for other trees nearby that would be difficult to resist.

In view of the advice received by the consultant arboricultural officer therefore it is considered that permission should be refused for the felling of this protected tree.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

RECOMMENDATION

That permission be refused for the following reasons:

1. It is considered that the tree the subject of the application to fell is in good condition and health and is not a danger to public safety. It continues to positively contribute to the character of the locality and is important to the appearance of the general area in view of its prominent position on the road frontage.

In view of the above therefore the proposal is considered to be contrary to Saved Borough of Darlington Local Plan Policy E13 – Tree Preservation Orders and of Policy CS15 of the Darlington Core Strategy