

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 15 January 2014

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APPLICATION REF. NO:	13/00757/TF
STATUTORY DECISION DATE:	21 November 2013
WARD/PARISH:	HURWORTH
LOCATION:	Hurworth Grange Community Association, 41 Hurworth Road, Hurworth Place, Darlington DL2 2BN
DESCRIPTION:	Works to fell Oak tree protected under Tree Preservation Order (No 4) 1968
APPLICANT:	Mr Peter Allan

APPLICATION AND SITE DESCRIPTION

Works to fell Oak tree protected under Tree Preservation Order (No 4) 1968

The tree is located close to the western boundary of the site, close to properties on Woodlands Way. There is open space between the trees (and surrounding trees) and Hurworth Road to the south.

PLANNING HISTORY

There is no planning history relevant to this application.

PLANNING POLICY BACKGROUND

Policy E13 (Tree Preservation Orders) of the Borough of Darlington Local Plan 1997 is relevant to the application.

RESULTS OF CONSULTATION AND PUBLICITY

Occupiers of neighbouring properties were advised of the proposal by way of letter.

An objection was received from the occupier of **15 Victoria Road**, Darlington DL1 5SF, who did not want to see the tree felled.

A letter in support of the proposal was submitted with the application from the occupiers of **6 Woodlands Way**. A letter supporting the application has also been received from **Hurworth**

Parish Council. These letters convey a worry that the tree is dangerous and therefore wish to see it felled.

No detailed evidence however to prove that the works need to be undertaken have been submitted with the application.

The **Arboricultural Officer** surveyed the tree and described it as follows:

Mature Oak (Quercus robur) appears, to be in reasonable form and condition, no pathogens were visible on the trees trunk crown or lower bole, epicormics are evident on the trunk, no signs of root movement or heave were observed, the crown is slightly suppressed due to the tree being part of a group of trees, minor deadwood and pruning wounds are visible, on the lowest limb on the north of the crown is a branch with an abnormal growth habit, it appear that this branch is growing vertical and if left will create further problems.

The Arboricultural Officer recommended that authorisation be refused as the tree is still worthy of protection and as the applicant has not provided evidence (written evidence from an expert) to substantiate the view that the tree is in danger of falling.

PLANNING ISSUES

Policy E13 (Tree Preservation Orders) of the Borough of Darlington Local Plan 1997 states that when determining applications to carry out works to trees subject to tree preservation orders, the Council will take into account the health and stability of the trees and, their likely future lifespan and their public amenity value. The large oak tree is visible from Hurworth Road and contributes to the visual amenity and character of the area. The tree is still considered worthy of protection and no evidence (written evidence from an expert) has been provided to substantiate the view that the tree is in danger of falling.

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.

CONCLUSION

The tree is still considered worthy of protection and no evidence has been provided to substantiate the view that the tree is dangerous.

RECOMMENDATION

It is recommended permission be REFUSED.

SUGGESTED SUMMARY OF REASONS FOR REFUSAL

Policy E13 (Tree Preservation Orders) of the Borough of Darlington Local Plan 1997 states that when determining applications to carry out works to trees subject to tree preservation orders, the Council will take into account the health and stability of the trees and, their likely future lifespan and their public amenity value. The tree is still considered worthy of protection and no evidence (written evidence from an expert) has been provided to substantiate the view that the tree is in danger of falling.