

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 11 April 2012

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APPLICATION REF. NO:	12/00087/TF
STATUTORY DECISION DATE:	3 April 2012
WARD/PARISH:	HUMMERSKNOTT
LOCATION:	6 Meadow Rise, Darlington DL3 8SW
DESCRIPTION:	Works to trees under protection of Tree Preservation Order (No 3) 1968 (group 4) - remove Laurel and 4 No fence line Conifer trees, removal of epicormic growth and lifting to 2m of Holly tree and crown cleaning to remaining trees within the property (amended by letter received 21 March 2012)
APPLICANT:	Mr John Brown

APPLICATION AND SITE DESCRIPTION

The application property is located at the head of Meadow Rise and the trees are located to the north of the site. Permission is sought for the removal of a Laurel and 4 no. fence line Conifer trees, the removal of epicormic growth and lifting by 2m of a Holly tree and for crown cleaning to 7 other trees (Beech and Sycamore trees) within the site. The application has been amended as it is no longer proposed to remove the Holly tree. The works include removing a small Oak tree which is not covered by the Tree Preservation Order.

PLANNING HISTORY

90/00488/MISC – permission was granted on 26 September 1990 for the pruning of four trees.

11/00764/FUL – planning permission was granted on 10 January 2012 for the erection of a first floor extension to a bungalow to create a two storey dwelling. Much of the original bungalow was demolished to foundation level and is currently being re-constructed to create a two storey property on the same footprint.

PLANNING POLICY BACKGROUND

The following policy of the Borough of Darlington Local Plan 1997 is relevant:

Policy E13 – Tree Preservation Orders

RESULTS OF CONSULTATION AND PUBLICITY

Occupiers of neighbouring properties were advised of the proposed development by way of letter and a site notice was displayed.

An objection has been received from the occupier of **1 Wilton Close**:

- *A number of trees have already been removed from this site without consultation and so we are concerned at the environmental impact of further trees being removed so quickly.*
- *The trees listed for removal are evergreen and are therefore extensively used by wildlife in the winter.*

An objection was received from the occupiers of **2 Wilton Close**:

- *There has already been a considerable amount of tree felling of mature trees, including protected trees, on this site, which in our view and that of many in the neighbourhood has already had a detrimental impact on the character of the neighbourhood. This is currently part of an ongoing investigation by the council following a number of complaints to them about errors made by the council in the processes followed in the previous planning application for a 2 storey dwelling on this site, followed by requests to remove trees. Neighbours were not properly consulted about this previous planning application or the request to remove protected trees. In addition there has already been a detrimental impact due to tree felling in terms of our and our neighbours' reduction of privacy, visual impact and overlooking.*
- *This application to remove holly and laurel trees and 4 conifers and crown clean the 7 remaining trees within the property will have a further detrimental impact on the character of the neighbourhood and will also further impact on privacy, visual impact and overlooking. As these trees are all at the northern end of the property there would appear to be no advantage to the property in terms of additional sunlight as the sun does not shine from that direction at any time of the day.*
- *The removal of trees and crown cleaning could also have an effect on the wildlife in the area. There are nesting woodpeckers and nuthatches in the woodland along with several other varieties of birds.*
- *There are no reasons given in the application in terms of the condition of the trees or alleged damage to property for any of these works to be undertaken. Neither is any additional information in support of the application provided. It is therefore not understood why this application has been requested or on what basis it would be approved.*

An objection has been received from the occupiers of **24 Wilton Drive**:

- *The environment in which we live has already been adversely affected and is the subject of ongoing contention between ourselves and Darlington Borough Council.*
- *The trees mentioned in the above planning application provide us with some privacy from the 2 storey house now being constructed at 6 Meadow Rise (which we had no opportunity to comment on prior to the planning approval being granted as notification was not received).*

A letter was received from the occupier of **Hind's House, Nunnery Lane**:

- *I understand the necessity to sometimes undertake work on established trees, in order to manage and protect the overall environment for the longer term.*
- *From where we live the visual change has been dramatic (and I won't comment on the process that has allowed that to happen) but also necessary to a degree to ensure the site itself survives for the future, as clearly the previous property had been allowed to get to a state where it was not viable.*
- *This area is part of a very valuable wildlife corridor and what might be useful, and most probably is planned as part of the overall development programme but I'm not sure I can see it on the documentation anywhere, would be to be reassured that the site is to be 'restored in a wildlife habitat' sense with new, maybe reasonably mature, trees and shrubs that quickly rebuilds its vital link on that corridor.*

The **Senior Arboricultural Officer** commented that the removal of epicormic growth and lifting by 2m of the Holly tree would be acceptable and that the proposed removal of the trees would be beneficial to the other trees on site as they would be able to mature without being crowded. The Laurel tree was planted after the Tree Preservation Order was made and its removal is acceptable without a replacement being required.

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 proposed works are considered acceptable with regard to Policy E13.

The impact of the proposal on privacy is not a matter which determines the acceptability of this type of application.

Wildlife habitats including bat roosts and the nests of wild birds are protected and if a tree contains a protected habitat, a licence from Natural England may be required. These considerations are additional to the requirement for the consent that is currently sort by this application and cannot be used as a reason for refusal.

The comments made by objectors regarding a lack of consultation over the two storey dwelling relates to a previous planning application (11/00764/FUL). In that case the neighbour notification letters produced by the department regarding the application were not received by a number of residents. Also on the basis of an inaccurate record the applicant was advised that certain trees could be removed and therefore an application for their removal was not made. These matters are subject to the Council's complaint procedure and have / are being investigated separately. However any previous error in procedures should not have a bearing on the outcome of the current application which must be considered entirely on its own merits.

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 Local Planning Authority is satisfied that after site inspection and advice from the Council's Arboricultural Section the works proposed will not materially affect the amenity value of the area and are required in the interests of good arboricultural management. The application therefore accords with policy E13 (Tree Preservation Orders) of the Borough of Darlington Local Plan 1997.

RECOMMENDATION: It is recommended permission be granted subject to conditions.

CONDITIONS:

1. All work to trees shall be carried out to BS Specification 3998 (as amended).

Reason - To safeguard the health of the trees.

2. The works to the trees hereby granted consent shall be carried out under the supervision of a competent forester.

Reason - To safeguard the life of the preserved trees in the interests of visual amenity

Suggested summary of reasons for granting planning permission

The Local Planning Authority is satisfied that after site inspection and advice from the Council's Arboricultural Section the works proposed will not materially affect the amenity value of the area and are required in the interests of good arboricultural management. The application therefore accords with policy E13 (Tree Preservation Orders) of the Borough of Darlington Local Plan 1997.