

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 2 November 2011**

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<b>APPLICATION REF. NO:</b>	<b>11/00491/TF</b>
<b>STATUTORY DECISION DATE:</b>	<b>20 September 2011</b>
<b>WARD/PARISH:</b>	<b>MIDDLETON ST GEORGE</b>
<b>LOCATION:</b>	<b>9 Thorntree Villas, Middleton St George, Darlington DL2 1BJ</b>
<b>DESCRIPTION:</b>	<b>Works to trees protected under Tree Preservation Order (No 8) 1979 - crown lift Lime tree to 3m to reduce shading and benefit garden planting (T117); crown lift Chestnut trees to 3m to reduce shading and benefit garden planting (T118, T119. T123); and remove Sycamore trees (T120, T124) (Amended Description 27 September 2011 and 3 October 2011)</b>
<b>APPLICANT:</b>	<b>Mr Paul Callaghan</b>

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**APPLICATION AND SITE DESCRIPTION**

Permission is sought for works to trees protected under Tree Preservation Order (No 8) 1979 - crown lift Lime tree to 3m to reduce shading and benefit garden planting (T117); crown lift Chestnut trees to 3m to reduce shading and benefit garden planting (T118, T119. T123); and remove Sycamore trees (T120, T124)

The proposal has been amended from the original application as it is no longer proposed to remove a Lime tree (T113) or to 'tip back' a Sycamore tree (T125) to give clearance from the roof of the dwelling (amended 27 September 2011)

Works have been carried out to remove a branch overhanging the surgery car park (T116 – Chestnut) as it was considered dangerous. The Council's Senior Arboricultural officer confirmed that the branch was dangerous and that the works were acceptable. The description has therefore been amended (3 October 2011) so that it no longer refers to this tree.

The trees are located in the site of the Thorntree Villas development close to the boundary with Middleton Lane. The site is within Middleton One Row Conservation Area.

**PLANNING HISTORY**

The following tree applications have been determined.

03/01019/TF, permission was granted on 25 November 2003 for pruning of an oak tree included within Tree Preservation Order (No 8) Order 1979.

92/00696/TF, permission was granted on 26 January 1993 for pruning of one sycamore tree included within Tree Preservation Order (No 8) Order 1979.

96/00688/TF, permission was granted on 31 January 1997 for the pruning of trees overhanging Neasham Road, Middleton Lane and Felix House Surgery included within Tree Preservation Order (No 8) Order 1979.

07/00684/TF, permission was granted on 20 August 2007 for works to trees protected under Tree Preservation Orders (No. 8) 1979, T.121 to T.113 (remove epicormic at base); T114 Horse Chestnut (remove large dead branch). Remove holly bush between T.121 and T.120 and remove barbed wire and ivy from T.117

## **PLANNING POLICY BACKGROUND**

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

## **RESULTS OF CONSULTATION AND PUBLICITY**

Occupiers of neighbouring properties were advised of the proposal by way of letter and a site notice was displayed. The proposal has been amended from the original application and occupiers of neighbouring properties were advised of the amended proposal.

Two objection letters have been received from the occupiers of **22 Westacres** and the points raised are summarised below:

- *The major trees are protected and in a conservation area.*
- *The major trees are 50 to 150 years old and predate the house.*
- *It was stated that the houses of the Thorntree Villas development would be the required distance from the trees and that the canopy of the trees would be acceptable.*
- *The proposal will impact on privacy.*
- *The proposal is to make the application property more saleable.*
- *Object to the crown lifting of T117 as it has not got significantly taller since the plot was purchased.*
- *Object to crown lift of T118 and T123 as it would affect privacy.*
- *Object to removal of T120 as it was considered acceptable 3 years ago and has not grown significantly since.*
- *Object to removal of T124 as do not consider the need to reduce overcrowding to be a genuine reason for removal.*
- *Why do trees T117, T118, T119 and T123 need to be crown-lifted to 3m to give "head height" when 2 metres (6' 6") would be more than adequate?*
- *The Sycamore T120 is not a "small" tree. In fact it is quite a large tree that must be over 50 years old and it was inspected by the Council's Arborist when these houses were built a few years ago and was considered to be worth maintenance of its protection status at that point in time. Also, how do they know it is "self-seeded"? I suspect that both this tree and T124 (the other tree they want to remove) were planted deliberately in their current locations.*

- *The application says that the Sycamore T124 is of "poor vigour and form". This is rubbish! Like T120, it is a nice healthy tree that, again, must be 50 years old. My comments regarding the Council's inspection and continued protection of T120 also apply to Tree 124.*

**Middleton St. George Parish Council** objected to the proposal as they consider that there is no valid reason to fell these protected trees.

The **Arboricultural Officer** was consulted and commented that authorisation should be granted.

## **PLANNING ISSUES**

Policy E13 of the Borough of Darlington Local Plan 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, their likely future lifespan and their public amenity value. Taking these considerations into account, the proposed works are considered acceptable and are in the interests of good arboricultural management.

A replacement Birch tree would be required to replace the felled T124, Mature Sycamore. However T120 which is also a Sycamore should not be replaced as there is not sufficient light penetration to make this sustainable. The planting of just one replacement tree is considered acceptable as it is in the interests of good arboricultural management

In relation to the objection, the impact of the proposal on the potential sale of the application property would not be a matter which would affect the merits of the application. The impact on privacy that could result from the works would also not be a matter that can be taken into account for this type of application.

## **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 Councils Arboricultural Section the works to the trees and the felling of the trees identified in the application are acceptable in this case and are required in the interests of good arboricultural management. Any adverse impact on local visual amenity resulting from the loss of the trees will be mitigated by the planting of a replacement tree in accordance with the relevant section of the Planning Act.

## **RECOMMENDATION**

**THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING 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. Branch removal to trees T117, T118, T119 and T123 identified in the application shall be small diameter branches only and not whole limbs.

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

3. Not later than the next planting season immediately following this consent, a Birch tree (*Betula pendula 'Fastigiata'*) 16cm girth containerised shall be planted by or under the supervision of a competent forester, to the satisfaction of the Local Planning Authority and this tree shall be deemed to be included in the preservation order under which this consent is given, as though originally specified therein.

REASON - In the interests of visual amenity to mitigate the loss of T124 (Mature Sycamore).

### **Suggested summary of reasons for granting planning permission**

The Local Planning Authority is satisfied that after site inspection and advice from the Councils Arboricultural Section the works to the trees and the felling of the trees identified in the application are acceptable in this case and are required in the interests of good arboricultural management. Any adverse impact on local visual amenity resulting from the loss of the trees will be mitigated by the planning of a replacement tree in accordance with the relevant section of the Planning Act. The application therefore accords with policy E13 (Tree Preservation Orders) of the Borough of Darlington local plan 1997.