

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 28<sup>th</sup> July 2010**

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<b>APPLICATION REF. NO:</b>	<b>10/00167/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>14/05/10</b>
<b>WARD/PARISH:</b>	<b>Hummersknott</b>
<b>LOCATION:</b>	<b>Wilton House Nursing Home, Wilton Close, Darlington.</b>
<b>DESCRIPTION:</b>	<b>Two single storey rear extensions for nine bedrooms.</b>
<b>APPLICANT:</b>	<b>Mr Aran Handa.</b>

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**This application was brought before the Committee at its meeting on 30<sup>th</sup> June where it was resolved to conduct a site visit and reconsider the application at the 28<sup>th</sup> July meeting.**

**APPLICATION AND SITE DESCRIPTION**

The nursing home is an attractive building set in its own grounds and surrounded by modern estate development on the west side of town off Nunnery Lane. The brick and slate building has had some ground and two storey extensions in the past just after permission was granted for the original change of use to a nursing home.

To the rear are some ground floor elements onto which it is intended to develop the additional bedrooms. There are numerous trees surrounding the side and rear of the property, some of which are protected by an individual TPO from 1985 and others by a Group TPO from 1968. Some are not protected and of these one is the subject of a current application for a TPO.

This application is before Committee as the proposed development will involve the removal of a protected tree contrary to the advice received from the Council's Senior Arboricultural Officer. There are no planning objections to the design or form of the proposed extensions.

**PLANNING HISTORY**

Permission was granted to form the nursing home in 1987 together with extensions to create a 40 bedroomed establishment.

07/01161/OUT – new dwelling approved in June 2008

09/00707/FUL – Two storey rear extension refused permission on loss of privacy grounds in December 2009.

09/00726/TF – Permission granted to fell TPO tree to the rear of the property in December 2009.

## **PLANNING POLICY BACKGROUND**

The main planning issue relating to this application is that of the impact of the development on protected trees and as such the Borough of Darlington Local Plan policies E12 – Trees and Development and E13 – Tree Preservation Orders are relevant.

## **RESULTS OF CONSULTATION AND PUBLICITY**

No comments have been received from local residents.

Highway Engineer – requests conditions relating to the laying out of the car park and certain footpath improvements.

Environmental Health Officer – No objections.

Senior Arboricultural Officer - The development to the north of the site should be refused as it does not comply to the BS5837, as a TPO'd tree, T2 which is a category B tree would require removal, T1 a category B tree RPA would be compromised.

The Mature Cherry (*Prunus spp*), has been given permission to be removed, (1985 No.11 Id T16), the replacement should be placed as close as is possible to the original tree.

The development to the South of the site, my concerns are that T22 may be damaged by deliveries of building materials being unloaded by hiab (crain) or tall roof trusses. Light may be issue to the rooms in the proposed development due to the tree coverage.

## **PLANNING ISSUES**

The planning issue of concern in relation to this proposal is the impact that the loss of a protected tree will have on the character of the local environment.

As noted above, part of the proposed development will result in the loss of a single protected tree, a semi mature Cypress tree, as well as two non protected trees nearby, (however one of these is the subject of a new TPO application).

Tree Preservation Orders are imposed if it is considered that the relevant tree will be of benefit to the public, be visible from a public place, have intrinsic beauty and will contribute to the character of the landscape.

This particular TPO was imposed in 1985 – before the existing building was converted into a nursing home. Since that time the trees have grown in size and visual contribution to both the ambiance of the Nursing Home environment and the character of the locality in general.

In view of this contribution it is considered that the loss of the protected tree will cause unacceptable harm to the character of the locality, notwithstanding the presence of other trees which will remain nearby.

In some cases it is possible to replace an affected tree with a new specimen planted nearby, however in this case the extension will abut the site boundary and replanting would not be practical.

### **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**

Tree Preservation Orders are imposed when it is considered that the subject tree or trees are of exceptional merit in terms of how they contribute to the character of the public realm in the locality. Over time the character of the tree will change as it grows and will usually become more significant providing it is properly maintained over the period.

The subject tree is classified as a “Category B” tree which is defined as one which should be retained at all costs but one which is not necessarily a perfect specimen ( “Category A”). It is considered that the loss of amenity resulting from the removal of the tree outweighs the benefits that will accrue from the development therefore it is considered that in this instance planning permission should be refused.

### **RECOMMENDATION**

That planning permission be refused for the following reason:

1. The proposed development will result in the removal of a Cypress tree ( marked T2B on the submitted plans) which is the subject of a Tree Preservation Order. This removal will result in an unacceptable loss of character to the locality and will detrimentally affect the setting and appearance of the existing nursing home to an unacceptable degree.  
In view of the above it is considered that the proposed development will be contrary to the Borough of Darlington Local Plan policies E12 – Trees and Development and E13 – Tree Preservation Orders.

