

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 2 April 2008**

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**APPLICATION REF. NO:** 08/00059/TF

**STATUTORY DECISION DATE:** 24 March 2008

**WARD/PARISH:** NORTH ROAD

**LOCATION:** 84 St Paul's Place, Darlington, DL1 2JG

**DESCRIPTION:** Felling of Horse Chestnut Tree (T.40) protected under Tree Preservation Order, 1977 (No.8)

**APPLICANT:** HOME GROUP

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**APPLICATION AND SITE DESCRIPTION**

Felling of Horse Chestnut Tree (T.40) protected under Tree Preservation Order, 1977 (No.8)

The application site is located at the head of a small cul-de-sac. The site is bounded to the east by North Road Primary School.

**PLANNING HISTORY**

There is no recent planning history.

**PLANNING POLICY BACKGROUND**

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

E13 – Tree Preservation Orders

**RESULTS OF CONSULTATION AND PUBLICITY**

Occupiers of neighbouring properties were advised of the proposal by way of letter and given until 26 February 2008 to make any representations. A site notice was displayed advising that any comments should be received by 29 February 2008.

An objection was received from Northland Methodist church who commented that the tree has overlooked their yard for many years and that its presence is appreciated.

The Arboricultural Officer was consulted and recommended that authorisation be granted subject to a replacement tree being planted. The Arboricultural Officer advised that the structural integrity of the tree has been compromised, although he accepts that the tree has some visual merit.

## **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 and, their likely future lifespan and their public amenity value.

The proposed works are considered acceptable. A replacement tree is however required and would be secured by a condition should consent to fell the tree be given.

## **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**

Taking into account the health and stability of the tree and its public amenity value, the proposed felling is considered acceptable providing that a replacement tree is planted.

## **RECOMMENDATION**

THAT CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITION:

- 1) Not later than the next planting season following this consent, a Horse Chestnut (*Aesculus hippocastanum*) 18-20cm girth and containerised shall be planted and the tree shall deemed to be included in the preservation order which this consent is given, as though it had originally been specified therein.

REASON - In the interests of the visual amenity of the area.

## **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 Officer the felling of the tree is acceptable in this case. Any adverse impact on local visual amenity resulting from the loss of the tree will be mitigated by the planting 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.