

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 8 February 2017

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APPLICATION REF. NO:	16/01225/TF
STATUTORY DECISION DATE:	19 January 2017
WARD/PARISH:	SADBERGE AND MIDDLETON ST GEORGE
LOCATION:	Mown Meadows 64 Middleton Lane Middleton St George Darlington
DESCRIPTION:	Works to trees protected under Tree Preservation Order (No 1) 2007 - Pruning of 1 No. Yew tree (T3) (Amended Description)
APPLICANT:	Mr Jack Atha

APPLICATION AND SITE DESCRIPTION

Permission is sought for works to a tree protected under Tree Preservation Order (No 1) 2007. The work involves crown lifting a Yew tree to 3m to ensure that vehicles accessing the site during and after construction, do not damage the tree.

The application initially proposed the removal of the tree; however it has since been amended seeking consent for pruning works only.

The tree is located in the site of Mown Meadows close to the boundary with Middleton Lane. The site is within Middleton One Row Conservation Area.

PLANNING HISTORY

There are no previous applications for works to trees on the application site.

PLANNING POLICY BACKGROUND

The relevant development plan policies are:

Core Strategy (2011)

Policy CS14 – Promoting Local Character and Distinctiveness

Borough of Darlington Local Plan (1997)

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

RESULTS OF CONSULTATION AND PUBLICITY

The application was publicised through a site notice and neighbour notification. A total of **three** objections were received, raising the following issues. All of these objections were received before the application was amended seeking consent to prune the tree instead of removal. However given the linked application for changes to the housing scheme, and some of the issues raised, it is considered prudent to consider both of the applications together:

- *Would affect the look and feel of Middleton Lane and the Conservation Area;*
- *Unclear why this is needed based on the needs of the property;*
- *Creating a larger entrance at this point in the lane will affect the outlook;*
- *Creating a larger entrance will potentially cause further access issues on already busy Middleton Lane;*
- *No clear reason why larger entrance is required as the current drive space seems adequate for the properties future access and can easily be adapted without the removal;*
- *The TPO was issued by DBC when planning permission was first requested at 64 Middleton Lane and covered five trees – the loss of this tree, because of its high visibility from a public place, is considered to make a significant contribution to the visual amenity of the locality;*
- *The protected trees should be protected by boarding in case of damage done by traffic entering the property during building work;*
- *Works to date seem to have been carried out without any regard or respect to local planning requirements, which should include the British Standard;*
- *There has been considerable enough damage to the trees which existed on the site (some 30 of which have been removed) to the point where I feel the local eco system has suffered enough in what is meant to be a conservation area;*
- *The tree has plenty of life and can continue to provide benefits of its existence to the residents of the area;*
- *The track records of the developers leaves me with no confidence that the eco system will not suffer further impact from their actions, unless we call a halt now to the further destruction of the surrounding flora and fauna.*

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.

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 Officer the works to the tree identified in the application are acceptable in this case and are required in the interests of good arboricultural management.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

REASON - To safeguard the health of the trees.