

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 28th October 2020

APPLICATION REF. NO:	20/00664/TF
STATUTORY DECISION DATE:	25th September 2020
WARD/PARISH:	MOWDEN
LOCATION:	Marchbank School Barnes Road Darlington
DESCRIPTION:	Works to various trees protected under Tree Preservation Order (No 1) 1951 in accordance with arborists report (as amended by arborists report received 14.10.20).
APPLICANT:	Mr Paul Hacking

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q696JUFPJH600>

APPLICATION AND SITE DESCRIPTION:

1. The trees the subject of this application are located within the grounds of Marchbank School and overhang part of the southern edge of the adjacent housing site, the former Mowden Hall site, which is currently being developed by Linden Homes under planning permission 18/00989/FUL. The trees are protected by Tree Preservation Order (No. 1) 1951.
2. It is proposed to crown raise a total of 4 trees overhanging plots 13 – 15 to allow more light into the rear garden areas of these properties, as follows:
 - Plot 13, Tree 41 – Wellingtonia, crown raise to a height of approx. 7m;
 - Plot 14, Trees B & C – Western Red Cedars, Crown raise to approx. 7m;
 - Plot 15, Tree A – Sycamore, Crown raise to approx. 6m in height;

3. The extent of this work is detailed in the accompanying Arborist's report. Additional works to trees adjacent to the western boundary of the housing site have been omitted from the application in response to the Senior Arboricultural Officer's comments.

MAIN PLANNING ISSUES:

4. The main considerations with the application are: -
 - a) Effect on Protected Trees
 - b) Amenity Values of The Trees
 - c) Impact on The Local Environment

PLANNING POLICIES:

5. Relevant development plan policies are those seeking to ensure that works to protected trees consider: -
 - The health and stability of the trees, their future likely lifespan and their public amenity value (saved Local Plan Policy E13).
 - Protect and enhance healthy ancient woodland, mature trees, street trees (Policy CS15).

RESULTS OF TECHNICAL CONSULTATION:

6. The Senior Arboricultural Officer was consulted on the original proposal and the elements that could not supported have been removed from this application.
7. The amended proposal incorporated the Senior Arboricultural Officer's recommendations and therefore the Officer recommends that authorisation be granted these woks.

RESULTS OF PUBLICITY AND NOTIFICATION:

8. Three letters of objection have been received in response to the original proposal which raise the following issues:
 - The architects for the housing development should have planned the layout to allow sufficient light into the gardens;
 - Understand that it is the intention of the developers of the housing site to remove the trees permanently;
 - Loss of privacy between proposed houses and existing properties surrounding the site
 - These trees should not be cut back just to provide more light into their gardens when the sun is in the west because when the sun is south, they have no shade;
 - Branches should only be removed from the side facing the new houses;

- As the developers were not allowed to remove the trees, they are now hoping to achieve similar results by crown raising and cutting branches off most trees neighbouring the new estate;

PLANNING ISSUES/ANALYSIS:

9. The determining issues in this application are the impact the proposal will have on the health and stability of the trees and the visual amenity value the trees provide to the application property and the wider locality.
10. The proposed crown raising of the 4 no. trees, as detailed in the Arborist's report, will involve the removal of a number of lower branches, including some deadwood (which can be removed without consent), to allow light into the rear garden of the adjacent properties. The work can be done without significantly altering the shape of the canopies of these trees and as such the overall form of these trees will be retained. The proposed pruning work will allow more light to the rear of these properties without impacting upon the health and stability of these trees and will retain their public amenity value, in accordance with Saved Local Plan Policy E13.
11. The comments of objectors regarding loss of privacy as a result of the proposed pruning works are noted however works to trees along the western boundary adjacent to properties on Hall View Grove and Edgecombe Grove have been omitted from the application. The proposed works to the 4 no. trees will not result in any loss of privacy between the school and those properties on Plots 13 – 15.

THE PUBLIC SECTOR EQUALITY DUTY

12. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

CONCLUSION AND RECOMMENDATION:

13. In view of the above considerations, the proposed works are considered to be acceptable and the proposal is considered to comply with Saved Local Plan Policy E13 and Core Strategy Policy CS15. Accordingly, it is recommended that:

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The pruning works hereby permitted shall be undertaken within two years of the date of this permission.

REASON - To accord with the provisions of The Town & Country Planning (Tree Preservation) (England) Regulations 2012

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2. The pruning works hereby permitted shall be carried out in accordance with the details specified in the submitted tree report entitled 'Mowden Hall, Darlington – TPO Works Schedule (Amended)' by The Environment Partnership.

REASON – To safeguard the health of the trees

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3. All pruning works to trees shall be carried out to BS Specification 3998 (as amended) and are to be carried out by a qualified and insured arborist.

REASON - To safeguard the health of the trees