

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 25 July 2017**

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<b>APPLICATION REF. NO:</b>	18/00435/TF
<b>STATUTORY DECISION DATE:</b>	18 July 2017
<b>WARD/PARISH:</b>	HURWORTH
<b>LOCATION:</b>	Land At Former Croft House, HURWORTH PLACE, DARLINGTON DL2 2DQ
<b>DESCRIPTION:</b>	Works to various trees protected under Tree Preservation Orders 2004 (No 12) and 1995 (No 3) Crown clean of 1 No. Lime tree (T751) to remove deadwood, epicormic growth and crossing branches, Crown lift 1 No. Weeping Beech tree (T764) to 4m above tennis court, Crown lift 1 No. Beech tree (T757) to 5.5m over road, Remove epicormic growth up to 4m and deadwood from 1 No. Lime tree (T761) and remove deadwood from 4 No. Lime trees (T753, T754, T752, T756) (amended description)
<b>AGENT:</b>	Mr John Lawrence

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**APPLICATION AND SITE DESCRIPTION**

Permission is sought for works to various trees located within the grounds of former Croft House. The site lies between Tees View and Linden Drive and is not within a conservation area. All trees covered by Tree Preservation Orders were inspected on 11 June 2018 by Darlington Borough Council's Senior Arborist.

**PLANNING HISTORY**

There is no recent and relevant planning applications in relation to trees on site.

Trees on site were assessed in 2004 and any worthy of protection were included in a new order covering 5 No. trees, 3 No. Lime (T1, T2, T3), 1 No. Birch (T4) and 1 No. Weeping Birch (T5).

Nine trees with the site were already covered by TPO 1995 Order No 3, 1 No. Beech (T1), 7 No. Lime (T2, 3, 4, 5, 6, 7, 9) and 1 No. Horse Chestnut.

## PLANNING POLICY BACKGROUND

The relevant development plan policies are:

### **Borough of Darlington Local Plan (1997)**

Policy E13 (Tree Preservation Orders) of the Borough of Darlington Local Plan

## 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.

These objections were received in regards to the submitted tree assessment by Dryad Arbor-Artists (dated March 2018) which details recommendation's for works to all trees on site including those not covered by Tree Preservation Orders. All works to trees that did not require planning consent has already been undertaken.

- *A number of trees, all covered by TPOs, are under threat from being cut down, please register my objection to this in the strongest possible manner.*
- *When planning permission was granted for the re-development, care was taken to protect the trees within the site, applying for consent to fell/damage protected trees is purely for financial reasons*
- *The proposed crown-lifts could severely damage or kill a tree, especially to the heights proposed*
- *Felling will add to the blight caused by the building of five modern houses in an open space*
- *It will ruin the eye-line for those people living in the area*
- *It will make the new houses less attractive to any buyers as well as de-valuing existing houses*
- *The trees are approximately a century old and should not be liable based on current government policy of building houses to stimulate the economy*
- *Removing the trees will further impact upon the local wildlife which has all but completely removed from the area*
- *Trees could be easily lost due to inaccurate numbering in submitted arborist assessment*
- *The submitted assessment differs considerably from a report in November 2013 where "moderate die back" was observed, to "significant die back" in March 2018. No reports have looked at the trees in full leaf and "significant die back" cannot be observed at the moment.*
- *Trees are an essential part of this sensitive site and planning permission was granted ensuring their protection and retention and did not deem the trees "inappropriate for their location", like this report. I object that trees are now being removed and significantly pruned especially at this time of year. Surely if any essential pruning needs to be carried out during the winter months to afford maximum protection for the trees; especially the weeping beech which is a magnificent specimen.*

## **PLANNING ISSUES**

No trees covered by Tree Preservation Order are to be removed/felled as part of this application.

The application initially proposed the removal of the Lime tree T7 (*Tilia* spp - T751), covered by TPO 1995 No 3. Darlington Borough Council's Senior Arborist's recommendation, is that the tree is still worthy of protection and that there was no structural reasons for the tree to be removed. However, the health of the tree would benefit from crown cleaning to remove deadwood, epicormic growth and crossing branches. Following this, the extent of the proposed works has been amended and are deemed to be acceptable.

Under the 1980 Highways Act a clearance of 5.3 metres should be maintained over the highway. Claims could be sought from the trees owners if any vehicles damaged due to vegetation being below this height. Crown lifting 1 No. Beech tree (T757) to 5.5m over road will allow refuse and removal vehicles under the tree canopy.

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.

## **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**

Any other issues raised by objectors, have been noted, however no objections to the proposed works have been received from the Councils Arboricultural Officer therefore works to the trees identified in the application are deemed acceptable.

## **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.