

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10th July 2019

APPLICATION REF. NO:	19/00164/TF
STATUTORY DECISION DATE:	22 April 2019
WARD/PARISH:	SADBERGE AND MIDDLETON ST GEORGE
LOCATION:	1 Church Close, Middleton St George
DESCRIPTION:	Felling of 1 No Pinus Sylvestris (Scots Pine) protected under Tree Preservation Order 2018 No. 6 (T1)
APPLICANT:	Mr Gerald Marsh

APPLICATION AND SITE DESCRIPTION

This application seeks consent for the felling of a Scots Pine tree (*Pinus sylvestris*) protected by Tree Preservation Order 2018 No. 6 (T1) located in the front garden of the application property, 1 Church Close, Middleton St George and for the planting of a birch tree (*Betula utilis Jacquemontii*) in its place.

Members first considered a report following the receipt of an objection from the applicant regarding the placing of the Tree Preservation Order in November 2018. The report was deferred at that meeting to allow a site visit to take place. At the site visit it was agreed that the applicant would submit further details from a qualified arborist in support of the applicant's objection that the tree was not worthy of protection. That information was considered in a further report to Members in February 2019.

While Members agreed, on the basis of the advice contained in the arborist's report, that the tree was not worthy of protection they considered that the only way to secure the provision of a replacement tree was to confirm the order and to invite the applicant to submit an application to fell the tree. Members advised that the application must include details of a suitable replacement tree i.e. heavy standard of a species suitable to the location which would then become protected should the application be approved. Members also requested that this application be considered by the Planning Applications Committee.

The application property is a detached dwelling located on the north side of Church Close at its junction with Church Lane, within the Middleton One Row Conservation

Area. Two sycamore trees within the garden of the property are protected by the Darlington Rural District Council Tree Preservation Order 1964.

PLANNING HISTORY

The application property has a lengthy planning history, the most recent and relevant of which is set out below:

06/00033/TF – Application to prune a sycamore tree (T.5) included within the Darlington Rural District Council Tree Preservation Order 1964. GRANTED 6 March 2006

10/00647/TFC – Notification to carry out tree works in a designated conservation area – crown thinning to 1 no. pine tree and crown reduction to 1 no. ash tree. NO OBJECTION 2 November 2010

15/00247/TF – Works to mature sycamore tree (T6) protected under Tree Preservation Order (No. 1) 1964 – crown reduction of up to 20% or 2m together with crown thinning up to 25%. GRANTED 28 August 2015

18/00634/TFC – Notification to carry out works to trees in a designated conservation area – felling of 1 no. Pine Tree). OBJECTIONS RAISED 28 August 2018

RESULTS OF CONSULTATION AND PUBLICITY

Senior Arboricultural Officer – Recommends that a Birch (*Betula pendula Fastigiata*) containerised semi-mature tree would be a better option.

No comments received as a result of the consultation and publicity exercise

PLANNING POLICY BACKGROUND

Borough of Darlington Local Plan 1997
Saved Policy E13 (Tree Preservation Orders)

Darlington Core Strategy Development Plan Document 2011
Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity)

PLANNING ISSUES

Saved Local Plan Policy E13 (Tree Preservation Orders) states that when determining applications to fell or carry out other 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. Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) also seeks to protect and enhance healthy ancient woodland, mature trees, street trees, hedgerows and community forests.

Information submitted by the applicant in support of his objection to the placing of the Tree Preservation Order on the pine tree considered that the tree was not worthy of protection. The report advised that the tree would not reach its full lifespan as due to its bankside location the tree has a dominant and increasing lean, compacted roof damage

and would be highlight unsightly in the locality. The report also considered that to remove sufficient live matter to minimise stress on the root system and to reduce the top heavy nature of the tree, due to an oversized mid-canopy, may also be detrimental to the overall health of the tree.

This application has been submitted at the request of Members and proposes the felling of the Pine tree and the planting of a containerised semi-mature birch tree as a replacement. The replacement tree will secure the provision of a healthier specimen on the site and should Members be minded to approve the application then the Tree Preservation Order would be amended to cover the birch tree.

Subject to a planning condition to agree the exact location, species and size of the replacement tree, the proposal is considered to comply with the requirements of Saved Local Plan Policy E13 and Core Strategy Policy CS15 and is therefore considered to be acceptable.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

The felling of the Scots Pine tree (*Pinus sylvestris*) protected by Tree Preservation Order 2018 No. 6 (T1) in this instance is considered to be acceptable in view of the issues relating to the health and condition of the tree as detailed in the report and subject to a condition to secure the planting of a replacement tree which would then assume protection under the original Order.

RECOMMENDATION

THAT CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITION

1. Not later than the next planting season immediately following this consent, a replacement Birch tree, the exact species, size and position of which shall first be agreed in writing by the Local Planning Authority, shall be planted by or under the supervision of a competent forester, to the like satisfaction, and such tree shall be deemed to be included in the preservation order under which this consent is given, as though it had originally been specified therein.

REASON – In the interests of visual amenity.

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT IN CONSIDERATION OF THE APPLICATION:

Borough of Darlington Local Plan 1997
Saved Policy E13 (Tree Preservation Orders)

Darlington Core Strategy Development Plan Document 2011
Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity)