

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 23 JULY 2008

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

**08/0708/X
23 Kirklevington Grange, Yarm
Application to remove 2.no lime trees**

Expiry Date 26 May 2008

SUMMARY

Tree Preservation Order consent is sought for the removal of 2no lime trees at the Old Social Club adjacent to 23 Kirklevington Grange, Yarm.

The application has been publicised by means of individual letters, and 5no letters of objection have been received mainly relating to.

The applicant proposes to remove two trees, which are covered by tree preservation orders, to facilitate the erection of 2no dwelling houses and a separate application has been submitted for this (08/0707/FUL)

It is considered that overall the proposed development is acceptable and is recommended for approval with conditions

RECOMMENDATION

Planning application 08/0708/X be Approved with subject to the following conditions

01 *The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.*

***Plan Reference Number Date on Plan
TREE REPORT AND 31 March 2008
PLAN***

Reason: To define the consent.

02. *The trees to be removed shall be replaced with specimens or a type and species to be agreed with the Local Planning Authority, before the removal of the trees and which is to be planted within the first planting season following the removal of the tree. Should the replacement trees die, become damaged or diseased within five*

years it shall in turn be replaced within the first planting season following its demise with a species to be agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area

INFORMATIVE

Due to information provided about the possible presence of bats on nearby land, which are species protected by law. If these species are found, contact should be made with English Nature and your attention is drawn to the information in Office of the Deputy Prime Minister Circular 06/2005 Part IVB and C. Planning permission does not absolve you from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV of the Circular.

PROPOSAL

1. The applicant seeks permission for the removal of 2no lime trees that are protected by a tree preservation order. One tree is located close to the boundary with 1 Kirklevington Grange and the close to the existing building on site.

SITE AND SURROUNDINGS

2. The application site is a former social club on the Kirklevington Grange estate in Yarm. Access to the site is taken from the internal roads though the estate, which is located to the east of the application site. To the west of the site is 23 Kirklevington Grange, which is within the applicant's ownership, and to the north is the A1044.

CONSULTATIONS

The following Consultations were notified and any comments received are set out below:-

Arboricultural Officer

3. I have inspected the trees in connection with the current application to undertake works, ref 08/0708/X.
I understand the applicant wishes to fell 2no. Lime trees in connection with a current planning application and note there are objections to this from nearby residents.
I previously gave advice to the applicant on the basis that in light of a planning application to develop the site we may recommend consent to fell the two trees to allow houses to be built provided there was ample replanting at the frontage of the site using large specimen trees.
In response to a 'TPO application to fell these trees I would normally recommend refusal, however I can recommend consent in response to a planning application whereby the proposal to build houses is otherwise acceptable and that replanting conditions will be incorporated as part of a landscaping scheme.
In respect of the planning application, it was considered that these trees could be removed without having significant negative impact on the visual amenity of the site and area and that new trees to the frontage using large native tree species could compensate for this and even enhance the future visual amenity of the area.

In principle, pending all other aspects of the housing being approved including a site landscaping plan, I would recommend consent for the trees to be removed.

Urban Design - Landscape

4. We would not object to the removal of these 2 trees, which although they have a high amenity value are older specimens, which can be replaced adequately elsewhere within the garden space of the proposed dwellings.

Councillors

5. No comments made

Building Control Manager (Verbal)

6. The proposed removal of the tree close to the boundary could affect the property; however this was not definite and would depend on ground conditions etc.

Kirklevington and Castle Levington Parish Council

7. The comments enclosed with the application appear to show the trees can be removed and replaced which seems a sensible suggestion

PUBLICITY

Neighbours were notified and any comments received are below (if applicable):-

Alan Taylor, HMP Kirklevington Grange.

8. It is our understanding that there is a blanket TPO, (Tree Preservation Order) on the whole area.

Colette Taylor, 1 Kirklevington Grange, Yarm

9. The removal of the tree in close proximity to our property causes concern. Who will be liable for any damage and why can the tree not be left in place. I am concern the tree is to be felled for no other reason than financial gain. I am concerned about the effect on the bat family in the land at 23 Kirklevington Grange.

Mr G Timms, 10 Kirklevington Grange Yarm

10. My main concern is the removal of the trees which have recently been given a preservation order and its impact on the local environment and the precedent it sets for future developments

John Chapman, 5 Kirklevington Grange, Yarm

11. These two trees have a significant effect on the landscape in this area and the tree closest to 1 Kirklevington Grange could effect the foundations of the property.

A and R Williams, 22 Kirklevington Grange, Yarm

12. Tree preservation orders have been placed on these trees. Not long ago they were seen to be worth preserving, what is the point of TPO's if they can be removed and negotiated upon. The removal of these mature trees would be detrimental to the natural appearance of the area as well as a loss of natural habitat for wild life. Furthermore the removal of the trees can cause structural problems.

PLANNING POLICY

12. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans are: - *the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP)*.
13. The following planning policies are considered to be relevant to the consideration of this application:-

Adopted Stockton-on-Tees Local Plan Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

MATERIAL PLANNING CONSIDERATIONS

14. The main planning considerations in this application are the effect of the loss of the trees on the visual amenity of the area, the effect on neighbouring properties and the effect on wildlife.

Visual Amenity of the area

15. The Council's Arboricultural Officer has view the proposals and whilst the removal of the trees would normally be resisted it was considered that these trees could be removed without having significant negative impact on the visual amenity of the area and that new trees to the frontage using large native tree species could compensate for this and even enhance the future visual amenity of the area.
16. Urban Design have reiterated these comments and not object to the removal of these 2 trees which although they have a high amenity value are older specimens can be replaced adequately elsewhere within the garden space of the proposed dwellings.
17. Taking the above into account and a condition requiring the trees to be replaced elsewhere within the site it is considered that the loss of the trees would not have an adverse effect on the visual amenity of the area.

Impact on neighbouring properties

18. The neighbour at 1 Kirklevington Grange has expressed concerns over the removal of the trees and the impact that this would have on her property.

19. Advice was sought from the Building Control Manager who commented that the proposed removal of the tree close to the boundary could affect the property; however this was not definite and would depend on ground conditions etc. It is not possible to predict whether the removal of a tree will cause subsidence or damage to property.
20. Whilst it may cause damage, this in itself is not a material planning consideration and should damage occur then in such cases a neighbour may seek recompense for the damage caused

Impact on Wildlife

21. Concern has been expressed over the potential effect that the loss of trees would have on the bat family that is present in 23 Kirklevington Grange. Therefore, due to information provided about the possible presence of bats on nearby land, which are species protected by law the applicants attention has been drawn to Circular 06/2005 Part IVB and C as planning permission does not absolve developers from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV of the Circular.

Other Matters

23. Objectors have asked why the tree preservation orders were placed on the trees only for them to be removed. However, Tree Preservation Orders do not prevent works to trees or even possible felling, however it does require any proposed works to be considered by the local planning authority prior to being carried out and subject to the considerations addressed in the above report.

CONCLUSION

24. In conclusion, it is considered that the proposed removal of the trees would not have an adverse effect on the visual amenity of the area subject to adequate replacement trees and therefore it is recommended that the application be approved subject to this condition.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062**

WARD AND WARD COUNCILLORS

Ward	Yarm
Ward Councillor	Councillor J Earl
Ward	Yarm
Ward Councillor	Councillor Mrs J. Beaumont,
Ward	Yarm
Ward Councillor	Councillor A B L Sherris