

**Parish: Northallerton**  
Ward: Northallerton South

Committee date: 15 October 2020  
Officer dealing: Mrs Tracy Price  
Target date: 22 October 2020

**6**

**20/02013/CAT**

**Works to a tree in a conservation area - fell a large Acer tree  
At The Nursery School, 31 Romanby Road, Northallerton.**

**For Mrs Christine Trenholm**

**This application is referred to Planning Committee because the applicant is a relative of an employee of Hambleton District Council.**

### **1.0 Site, Context and Proposal**

- 1.1 31 Romanby Road is a semi-detached property located within a predominately residential area within the Northallerton Conservation Area.
- 1.2 Consent is sought for works to an acer tree at The Nursery School, 31 Romanby Road. Permission is sought for the felling of the acer in rear garden, the tree is proposed to be felled as it is considered too large for its setting and is causing damage to the garden boundary wall.
- 1.3 The acer tree is located within the south, rear garden along the western boundary.

### **2.0 Relevant Planning and Enforcement History**

- 2.1 No relevant site history

### **3.0 Relevant Planning Policies**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP16 – Protecting and enhancing natural and man-made assets  
Development Policies DP1 - Protecting amenity  
Development Policies DP30 – Protecting the character and appearance of the countryside

Emerging Local Plan - Hambleton Local Plan Publication Draft July 2019 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton emerging Local Plan was submitted to the Secretary of State (Planning Inspectorate) for examination on 31 March 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>

The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration to which only limited weight can be afforded.

#### **4.0 Consultations**

4.1 Parish Council – No observations expiry 9<sup>th</sup> October 2020

4.2 Public comments – No observations expiry 9<sup>th</sup> October 2020

#### **5.0 Analysis**

5.1 The issues to be considered include the impact of the proposed works on the character and appearance of the Conservation Area and whether a Tree Preservation Order would be justified in this case.

5.2 The tree is partially visible from the street (Romanby Road) due to the size and location of the tree in comparison to the dwellings. It is considered that the tree in its own right does not significantly contribute to the character and appearance of the Conservation Area and the species is not considered appropriate for the domestic location. The particular species and the tree in question is not considered to be worthy of a Tree Preservation Order.

5.3 The replanting of more suitable trees for rear gardens is welcomed but there is no ability to enforce this planting through condition as planning conditions cannot be imposed on notifications for works to trees in a Conservation Area. However, the applicant is encouraged to plant a replacement specimen in an appropriate location.

5.4 It is noted that there are no objections to the proposed works. Taking all of the above into account it is considered that the proposal is acceptable, will satisfactorily comply with the above policies and is recommended for approval.

#### **6.0 Recommendation**

6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HDC01, HDC02 received by Hambleton District Council on 10<sup>th</sup> September 2020 unless otherwise approved in writing by the Local Planning Authority.

#### **Reasons**

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, CP16, DP30