

**DEVELOPMENT CONTROL COMMITTEE
Update List**

11th March 2013

PAGE NO.	LIST A	LIST B	Updated Information
22		12/00370/COU	
35		12/00458/FULEIA	
59		12/00478/ELD	This application has now been appealed. Therefore the Committee is not in a position to determine the application.
67		12/00479/S73	<p>The applicant's agent has sent in a letter (dated 04/03/13) stating that Hope Corner Community Church would not object to the rewording of the proposed condition on page 75 of the Committee Agenda.</p> <p>The letter states that the reason for the amended condition should be to comply with National Planning Policy and the Department of Communities and Local Government statement on planning for schools development.</p> <p>Also the applicant's agent has incorrectly commented on the use of 'breach of condition enforcement notices' on page 77 of the committee report. He has stated that there is no right to appeal against this type of notice, this is of course wrong. You can appeal against a 'breach of condition enforcement notices'.</p> <p>He has confused this type of notice with a 'breach of conditions notice' which you cannot appeal against.</p>

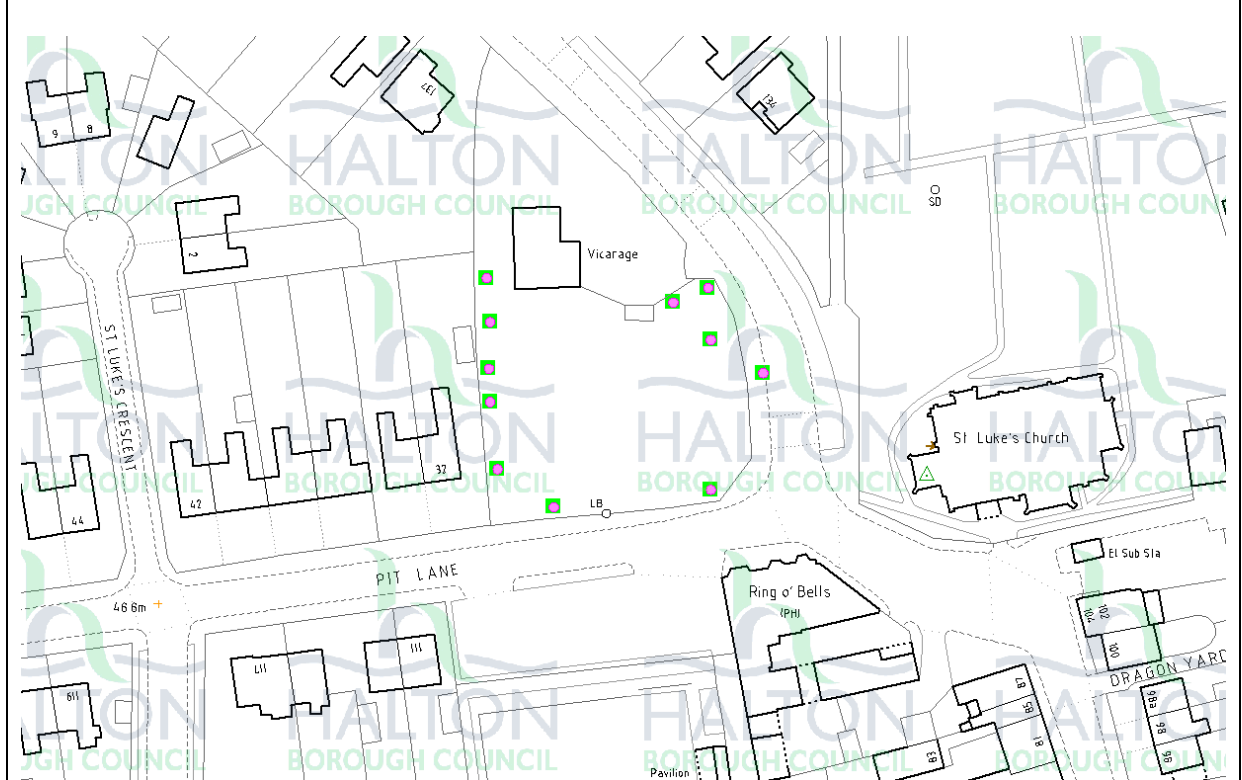
79	12/00511/FUL		
86		12/00516/FUL	See picture attached



URGENT ITEM: CONFIRMATION OF TREE PRESERVATION ORDER

APPLICATION NO:	TPO 118
LOCATION:	Vicarage Garden, Pit Lane, Widnes
PROPOSAL:	Confirmation of Tree Preservation Order
WARD:	Farnwoth
PARISH:	N/A
DEVELOPMENT PLAN ALLOCATION:	Primarily Residential Area
Halton Unitary Development Plan (2005)	
DEPARTURE REPRESENTATIONS:	No
	2 objections received
RECOMMENDATION:	Approve

SITE MAP



1. APPLICATION SITE

The Site and Surroundings

The site is an area of land at the corner of Pit Lane and Coroners Lane, currently and formerly used as the garden of the Vicarage. The site is included in the Primarily Residential Area of the Halton Unitary Development Plan. The site has several mature trees on the site and is

bounded by a substantial brick wall. The site is opposite the Listed Building of St Luke's Church, across Coroners Lane and Ring O Bells public house, opposite Pit Lane.

Planning History

In 1988 planning permission was granted (Ref. 23559) for a garage, greenhouse and store associated with the Vicarage.

In 2011 planning permission was refused (Ref. 11/00102/FUL) for a community centre with sports hall with access and parking.

12/00401/FUL Proposed erection of two detached dwellings. This has subsequently been withdrawn

Background

Application number 12/00401/FUL was submitted in July 2012 and is now subsequently withdrawn. The submitted plans associated with this application indicated that several trees in this area would be removed to facilitate the proposed development. Council officers were of the opinion that the loss of the trees, in particular a mature sycamore, would be detrimental to the character of the area and a Tree Preservation was made under delegated powers on 15th October 2012.

2. REPRESENTATIONS

Under Regulation 6 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012, any affected person may submit objections in writing before a specified date. The Local Authority must then consider these before deciding whether the Order should be confirmed to make it permanent.

Two letters of objection were received, from the landowners arboricultural consultant and from the owners of the adjacent residential property of 32 Pit Lane. The basis of the objections are as follows:-

- A request that the formal assessment of the trees be made by the Local Planning Authority and made available to comment on.
- Requesting that T11, T10, T9, T8 and T1 be made exempt from the Order.
- Difficulties in requesting the land owner to take due care of the trees along the boundary between the site and 32 Pit Lane.
- Branches from T11 and T10 falling into the garden of 32 Pit Lane.
- Loss of sunlight into 32 Pit from trees from late morning.

- Health hazard from pigeons roosting in T11 and T10, in particular from droppings.
- The roots of T9, T8 and T1 causing problems to path at 32 Pit Lane and could cause problems for drains.
- Branches T1 extend over to roofline of 32 Pit Lane and secrete honeydew during summer months and pigeons also roost causing problems with droppings.
- T11, T10, T9 and T8 are not significantly contributing to public amenity and are at the rear of 32 Pit Lane.
- T1 is a 'dirty' sycamore which should not be close to a building.
- No site visit made to assess the trees at the rear of 32 Pit Lane.

3. ASSESSMENT

A written assessment report for each individual tree on this site was not carried out, nor was it deemed necessary. The assessment of the trees had already been carried out by the applicant's arboriculturist and this assessment was used as a reference document when reviewing the planning application 12/00401/FUL. A visual inspection of all of the trees on site was carried out and it was found that the applicant's arboriculturist report was acceptable.

The recommendation to protect a number of the trees on site with statutory protection was reached taking into account the data within the arboriculturist's report, alongside the guidance within Tree Preservation Orders a Guide To The Law and Good Practice. The Visibility, Individual Impact and Wider Impact criteria contained within this document, are without question. All of the trees on this site, recommended for protection, fit the criteria for statutory protection. .

Taking into account the setting in Farnworth Village, the obvious visual amenity value of these trees, and the information contained within the arboriculturist's report it is appropriate that these trees should benefit from statutory protections.

In relation to the comments and concerns raised by the owner of 32 Pit Lane, these all relate to a failure to manage/maintain the trees by the tree owner. The owner of the trees, as is the case with any tree, has a responsibility to manage them and the occupier of No. 32 should seek legal advice if he feels that the trees are not being maintained properly and are threatening to damage his property.

Affording the trees statutory protection does not mean that works cannot be applied to them, it is there to ensure that only appropriate works are carried out. If these trees were maintained correctly, some

of the issues raised by the occupiers of 32 Pit Lane would be resolved, and affording statutory protection to these trees will help to retain the significant character of this part of Farnworth.

4 POLICY, FINANCIAL AND OTHER IMPLICATIONS

The making of tree preservation orders to protect trees of public amenity value on potential development sites is in accordance with policies contained in the Halton Unitary Development Plan (BE1) and the aims of the NPPF. There are no financial or other implications.

5 CONCLUSIONS

It is considered that the trees that are the subject of this Tree Preservation Order under the Town and Country Planning (Tree Preservation)(England) Regulations 2012 make a significant contribution to the character and visual amenity of the area and Members are requested to confirm this Order.

6. RECOMMENDATIONS

Approve and confirm the Tree Preservation Order.

7. SUSTAINABILITY STATEMENT

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.