

Site Inspection Sub- Committee

Agenda and Reports

For consideration on

Thursday, 11th January 2007

At 28, Bolton Road, Abbey Village

At 2.30 pm



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Chief Executive's Office

Please ask for: Dianne Scambler
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Date: 4 January 2007

Chief Executive: Donna Hall

Chorley
Council

Town Hall
Market Street
Chorley
Lancashire
PR7 1DP

Dear Councillor

SITE INSPECTION SUB-COMMITTEE - THURSDAY, 11TH JANUARY 2007

You are invited to attend a meeting of the Site Inspection Sub-Committee to be held Thursday, 11th January 2007 for which an agenda is set out below. Members requiring transport should assemble in the reception office at Union Street Offices no later than 2.10pm. Members are also requested to wear suitable footwear.

The Sub-Committee is requested to meet at the site of the tree at 28, Bolton Road, Abbey Village at 2.30pm.

The Councillor's representing Wheelton and Withnell Ward are invited to attend the site.

Please be aware that the suggested time, tabled for the visit is an approximate and may vary. It may not be possible to adhere strictly to the times stated.

AGENDA

1. **Apologies for absence**

2. **Minutes (Pages 1 - 2)**

To confirm as a correct record the minutes of the Site Inspection Sub Committee held on 17 November 2006 (enclosed).

3. **Declarations of Any Interests**

Members of the Sub-Committee are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. If the personal interest is a prejudicial interest, then the individual Member should not participate in a discussion on the matter and must withdraw from the Council Chamber and not seek to influence a decision on the matter.

4. **Objection to Tree Preservation Order No. 5 (Abbey Village) 2006 (Pages 3 - 12)**

To visit and inspect the site of the deferred objection to Tree Preservation Order No.5 (Abbey Village).

The decision on the Tree Preservation Order was deferred at the last Development Control Committee meeting on 12 December 2006. A copy of the report of the Director

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of Development and Regeneration including the representations that were made on the addendum at this meeting have been attached for information.

The two Ward Councillors who are not Members of the Site Inspection Sub-Committee are also invited to attend the Site Inspection and take part in the discussion.

5. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Chief Executive

Distribution

1. Agenda and reports to all Members of the Site Inspection Sub-Committee (Councillor Harold Heaton (Chair), Councillor David Dickinson (Vice-Chair), Councillors Thomas Bedford, Miss June Molyneaux, Daniel Gee and Ralph Snape) for attendance.
2. Agenda and reports to Jane Meek (Director of Development and Regeneration), Neil Higson and Dianne Scambler (Democratic Services Officer) for attendance.
3. Agenda and reports to Mrs Iris Smith and Shaun Smith for attendance.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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کیجئے:

Site Inspection Sub-Committee**Friday, 17 November 2006**

Present: Councillor Harold Heaton (Chair), Councillor David Dickinson (Vice-Chair) and Councillors Thomas Bedford and Ralph Snape

Officers in attendance: Wendy Gudger (Development Control Manager), David Stirzaker (Planning Officer) and Ruth Hawes (Democratic Services Officer)

Also in attendance: Councillors Mrs Iris Smith and Shaun Smith (Ward Representatives)

06.SI.26 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Miss June Molyneaux and Daniel Gee.

06.SI.27 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest by Members relating to the item on the agenda.

06.SI.28 MINUTES

RESOLVED – That the minutes of the meeting of the Site Inspection Sub-Committee held on 17 July 2006 be confirmed as a correct record and signed by the Chair.

06.SI.29 PLANNING APPLICATION 06/00838/FUL

The Sub-Committee visited and inspected the location of the planning application that had been deferred by the Development Control Committee.

The site is within the Withnell Fold Conservation Area and is south of Withnell Fold Mill. The chimney and building at its base to which this application relates is on the Council's list of Locally Important Buildings. The proposal comprises a first floor extension to an existing single storey building at the base of a chimney. The resultant building would be used as offices.

The proposal involves lifting the eaves and ridge of the building by 2.5m. A window has been proposed in the gable end and the side elevation at first floor level, three rooflights are proposed in the rear roof plane. No car parking has been proposed; the application forms state that parking is available within the site.

The application was viewed from both the front and side aspects of the development and the views of the Ward Councillors were considered. The information contained in the report was discussed in full, including whether the development would preserve or enhance the character of the conservation area and the chimney and building at its base, which is on the Council's list of Locally Important Building.

RESOLVED – That the Development Control Committee grant approval the planning application 06/00838/FUL subject to the following condition:

That natural building material be used to remain in keeping with the Conservation Area.

Chair

Report of	Meeting	Date	Item No
Director of Development and Regeneration	Development Control Committee	12/12/2006	

OBJECTION TO TREE PRESERVATION ORDER NO. 5 (ABBEY VILLAGE) 2006

PURPOSE OF REPORT

1. The purpose of this report is to decide whether to confirm the above Tree Preservation Order (TPO) in light of the objection received.

CORPORATE PRIORITIES

2. This action will contribute towards a greener Chorley.

RISK ISSUES

3. The report contains no risk issues for consideration by Members.

BACKGROUND

5. The tree in question lies within the Abbey Village Conservation Area. In such areas trees are afforded protection. Any works proposed to such trees must be detailed in an application submitted to the Council. Once the application is received, the Council has a period of six weeks to either allow the works to take place, seek an amended scheme of works or ensure the ongoing retention of a tree/s by virtue of the issue of the Tree Preservation Order (TPO).
6. An application (ref no. 06/00690/TCON) to remove the tree was submitted in June of this year by the occupier of 28 Bolton Road to remove the tree, the reason being the potential for damage to the adjacent properties and because of the frequent problems with blocked gutters on the adjoining garage.
7. The Council's Arboricultural Officer was consulted on the application and commented that the tree was in good condition with no obvious defects and even though it was close to the garage, there was no sign of cracking or subsidence. As a result of this the tree was made the subject of a TPO.

GROUNDINGS OF OBJECTION

8. Three letters of objection have been received from the owner of the property within the garden of which the tree is located and the occupiers of two adjacent properties. These objections can be summarised as follows: -
 - The tree blocks out sunlight
 - If the tree was blown down it would cause severe damage to property

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- If the tree was to be removed it would not detract from the enjoyment of the area as there are numerous other trees in the vicinity
- Damage to garage foundations is being caused by the tree
- Who would be liable for damage if the tree fell
- Branches could fall from the tree in high winds causing danger to neighbours
- Tree roots will eventually cause damage to the drain
- If the TPO is revoked, another tree will be planted in one of the public areas in Abbey Village at the applicants own expense
- The TPO has not been properly considered

RESPONSE TO THE GROUNDS OF OBJECTION

9. The tree lies within a Conservation Area and is visible within the public realm hence it makes a valuable contribution to the visual amenities of the locality and the Abbey Village Conservation Area. The TPO does not inhibit necessary routine maintenance works to the tree, it allows the Council to control what works are undertaken to the tree so as its ongoing protection is ensured.
10. The objections made to the order have been noted. However, they are not considered to be of sufficient weight or substance so as to override the ongoing protection of the tree in question.

COMMENTS OF THE DIRECTOR OF FINANCE

11. There are no financial implications to this report.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

12. There are no human resource implications to this report.

CONCLUSION

13. It is considered the tree has an amenity value to the benefit of the public and contributes to the character and appearance of the locality. The protection of a TPO is therefore warranted.

RECOMMENDATION

14. That the order be confirmed.

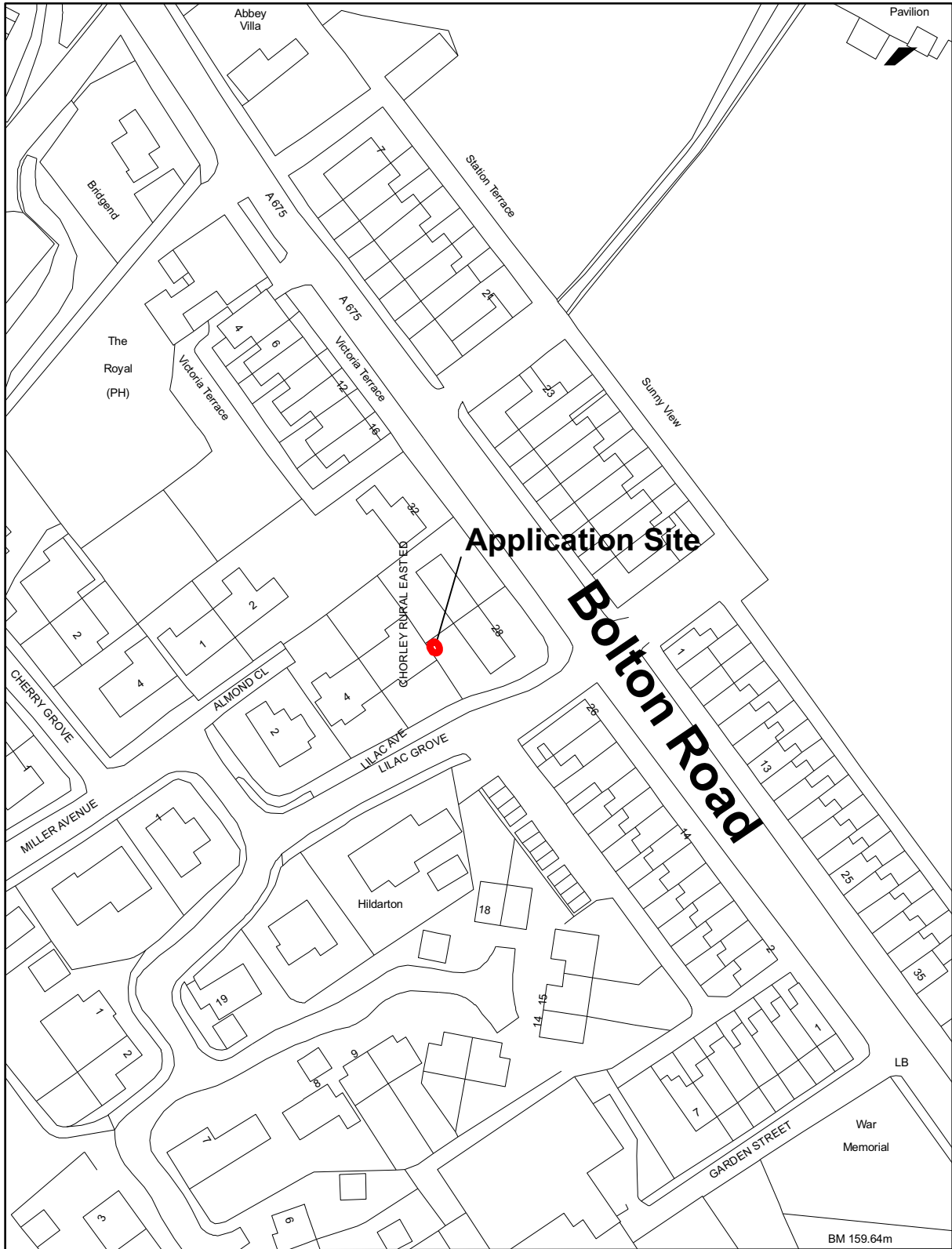
JANE MEEK
DIRECTOR OF DEVELOPMENT AND REGENERATION

Report Author	Ext	Date	Doc ID
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David Stirzaker	5223	27 th November 2006	
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Background Papers			
Document	Date	File	Place of Inspection
Chorley Borough Council Tree Preservation Order NO. 6 (Abbey Village) 2006	24 th July 2006	TPO No.6 (Abbey Village) 2006	Civic Offices, Union Street
Planning Application	15 th June 2006	06/00690/TCON	Civic Offices, Union Street

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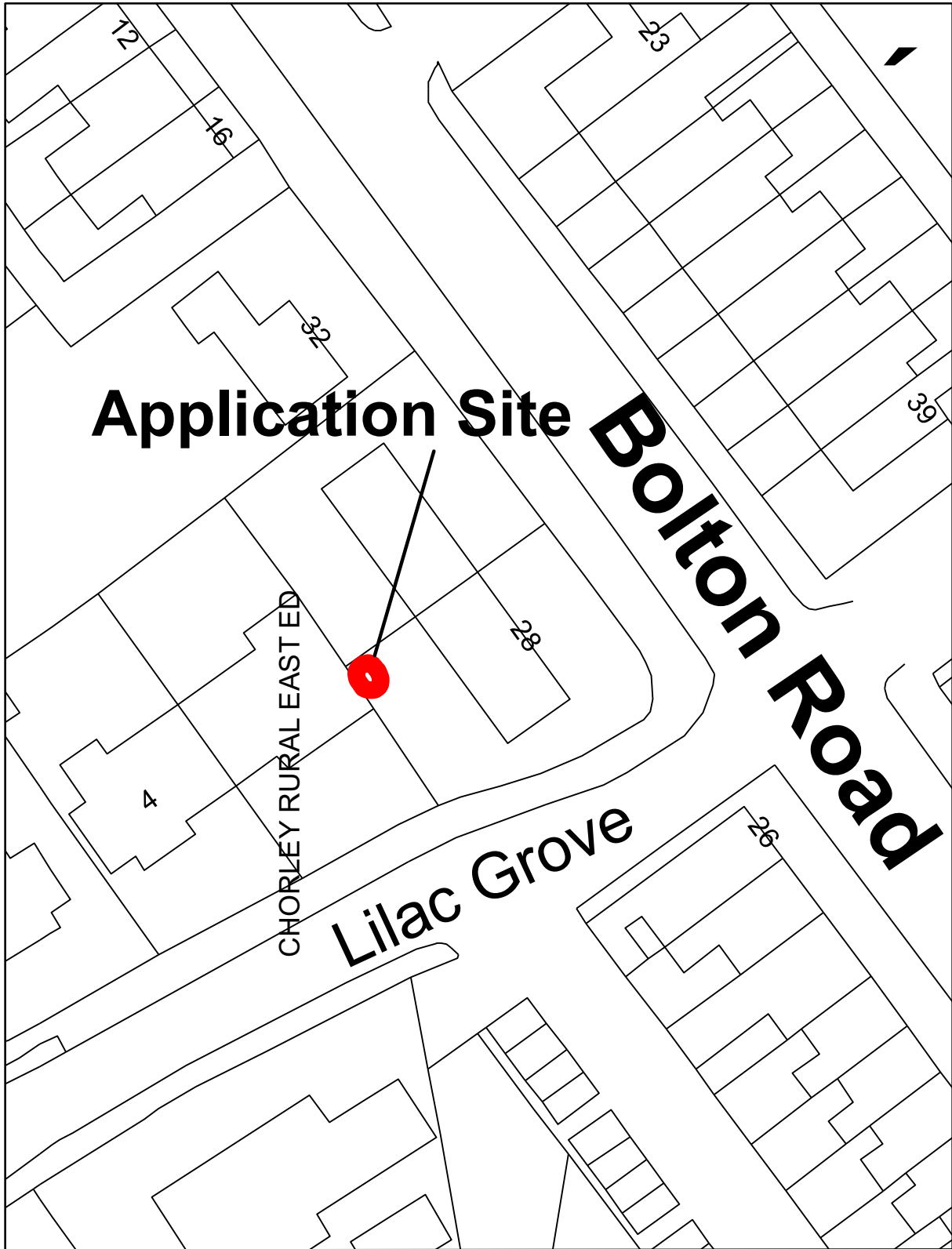
Jane E Meek BSc(Hons) DipTP MRTPI
Director of Development and Regeneration
Chorley Borough Council

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TPO Report 28 Bolton Road Abbey Village

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Chorley Borough Council

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TPO Report 28 Bolton Road Abbey Village

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COMMITTEE REPORT

REPORT OF	MEETING	DATE	ITEM NO
DIRECTOR OF DEVELOPMENT AND REGENERATION	DEVELOPMENT CONTROL COMMITTEE	12/12/06	

ADDENDUM

ITEM6 TPO Report- No. 5 (Abbey Village) 2006

Further comments have been received from the owner of the property to which the TPO relates

- There is no mention of the fact that the tree is only 1 metre from the wall of 2 Lilac Avenue. This is critical information to consider and forms the cornerstone of the objections raised. Would anyone on the committee be happy about a 50 foot tall tree being 1 metre from the wall of their property?
- There is no mention of the fact that the tree is approximately 0.5 metres from the course of the main drain from my property. Again this is a critical piece of information missing.
- The report quotes the council's Arboricultural Officer commenting that the tree "was in good condition with no obvious defects and even though it was close to the garage, there was no sign of cracking or subsidence". The report does appear to have been slightly selective in quoting the Arboricultural Officer as he also stated "'I see the cause for concern here. The tree is within a metre of the garage and it could cause problems in the future" and "Although the tree is healthy, due to its location I am unsure that it warrants a TPO" (email dated 18/7/06). Whilst I appreciate that the Arboricultural Officer's view should not be the primary basis for any decision I do feel that if his comments are to be included then they should be included in their entirety.

In addition to the list of objections within the report omitting any mention of the tree's specific location my other concern is that the sequence of the list does not represent the relative importance of the points of objection. The first point on the list relates to the tree blocking out sunlight which is probably the weakest of all the listed objections and was certainly not the first point mentioned in our objection letter. If I was reading the report and saw that this was the first objection I'd be tempted to move swiftly on to endorsing the recommendation. I wouldn't suggest that the list has been structured to achieve that objective but it certainly doesn't highlight or prioritise the critical objections relating to potential damage to property and drains.

Whilst I fully support the Council's aims for a greener Chorley (and stand by my husband's offer to replace the tree) I am firmly of the opinion that a full appreciation of the facts could allow a common-sense decision to be made.

When considering the placing of a TPO both the health of the tree and its visual impact are a prime consideration. In this case the tree is healthy and makes a significant contribution to the character of the conservation area. No factual evidence has been submitted to indicate that the tree is damaging the garage, certainly the Councils Arboriculturalist found no signs of any damage at the time of his visit. The fact that the tree is only one metre away from a garage wall does not necessarily mean that there will be structural damage. Many trees exist in close proximity to buildings and other structures without causing structural damage.

No additional comments have been provided which would alter the recommendation put forward to confirm the TPO.