



DEVELOPMENT SERVICES

PLANNING COMMITTEE

FOR DECISION

28th June 2016

Ladies and Gentlemen,

The applications within this report have been submitted for determination under the Town and Country Planning Acts and associated legislation.

All applications within this report are "Delegated" to this Committee but can be moved "Non-Delegated" by a Member of the Committee under the terms adopted for the Scheme of Delegation approved by Council, 16th May, 1994. Any such motion needs to be accepted by a majority of Members of the Committee present (Council, 8th August, 1995). All applications left as Delegated will be decided by the Committee and will not be subject to confirmation by Council.

The application plan numbers also refer to files for the purposes of background papers.

Jason Hipkiss

Planning Manager

PLANNING COMMITTEE

28th June 2016

PLAN NUMBER:	APPLICANT:	AGENT:
2016/0438	Mrs N Creary	Greaves Tree Services
WARD/PARISH:	CASE OFFICER:	DATE RECEIVED:
Dalton South Dalton and Newton Parish Council	Charles Wilton 01229 876553	27/05/2016
		STATUTORY DATE:
		27/07/2016
LOCATION:		
6A Market Place, Dalton-in-Furness		
PROPOSAL:		
Notice of intention to fell sycamore trees numbered T1,T2,T3,T4 and T5 located within a conservation area		
SAVED LOCAL PLAN POLICIES:		

POLICY D15

Development within or affecting the setting of Conservation Areas will only be permitted where it preserves or enhances the character or appearance of the Area. In particular it should:

1. Respect the character of existing architecture and any historical associations by having due regard to positioning and grouping of buildings, form, scale, enclosure, detailing and use of traditional materials;
2. Respect existing hard and soft landscape features including open space, trees, walls and surfacing;
3. Respect traditional plot boundaries and frontage widths; and
4. Respect significant views into or out of the Areas.

Applications for:

- a) Listed Building Consent; or
- b) Planning consent for alterations to un-listed buildings within Conservation Areas or new buildings affecting the setting of a Listed Building

must show full details unless otherwise agreed with the Planning Authority.

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SUMMARY OF MAIN ISSUES:

The application is being reported to committee at the request of Cllr McCleavy.

That a tree preservation order is not served due to the risk of failure

NON MATERIAL CONSIDERATIONS:

REPRESENTATIONS:

Advertised on site and in the local press.

The Occupiers of nos. 9 & 10 Abbey Road, Chequers, Abbey Road, nos. 5, 5A, 6, 6A, 7, 8 Market Place, Oakdene, Market Place The Bungalow, Ship Hill , Vicarage & Vicarage Cottage, Market Place, Dalton all informed.

CONSULTATIONS:

OFFICERS REPORT:

1. SITE AND LOCALITY

1.1 The application site comprises the rear garden of 6a Market Place which is a detached property set behind the historic buildings. It benefits from a large rear garden which extends to the boundary with the Chequers Hotel.

2. PROPOSAL DETAILS

2.1 The submission relates to a notice under Section 211 of the Act. This is not an application as such but a notification of intent. The procedure is intended to allow Council's to serve preservation orders if they wish to prevent notified work from proceeding. If a Council does not serve an Order the notified work can proceed after a period of 6 weeks from the service of the notice.

2.2 The application proposes the felling of 5 sycamore trees. These are growing in a row at the end of the garden which is the edge of a cliff face. This falls steeply with Chequers at its base.

3. RELEVANT HISTORY

3.1 2004/0184 Notice of intention to fell five trees from the edge of cliff face at St Mary's Church yard.

3.2 2015/0228 Notice of intention to fell sycamore and ash re growth from edge of cliff face at St Mary's Church yard.

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4. RELEVANT POLICIES AND GUIDANCE

4.1 There are no saved policies in relation to applications for consent under a tree preservation order or in this case a section 211 notice.

4.2 D15 relates to the preservation and enhancement test in relation to development proposals within a conservation area.

5. PLANNING ISSUES

5.1 Whether the trees merit tree preservation order status.

6. CONCLUSION

6.1 The trees are prominent features in views from Abbey Road and the public footpath which leads from Abbey Road up to Market Place along the side boundary of the application site.

Visually the trees would meet the test for preservation order status.

6.2 The complication is that the trees are growing on the edge of the cliff face and have limited attachment as a consequence. Were the trees to fail they would either land on the Chequers Hotel, its car park or on the public right of way. Indeed the tree growing closest to the right of way is affecting a retaining wall. Were this to fail it would make the end tree vulnerable to fail also.

6.3 These same concerns resulted in the Council not serving a preservation order on the trees growing along the cliff edge within the adjacent church yard. The trees subject of this submission form a continuation of this feature. The tree roots were not removed from the church yard trees following technical advice that the roots bound the ground at the top of the cliff. As a result the trees re grow in coppice form hence the re notification in 2015.

6.4 The intention here is that trees 1 to 4 should be allowed to re grow in coppice form but note tree 5 due to the pressure its roots are exerting on the retaining wall.

RECOMMENDATION:

That a tree preservation order is not served

5/3/2016

Dalton-in-Furness - Google Maps

Google Maps

Dalton-in-Furness

6a market place

