

Subject:	RBC Tree Preservation Order No.1 (Land to the side & rear of 178 Market Street, Edenfield) 2020	Status:	For Publication	
Report to:	Development Control	Date:	17 th March 2020	
Report of:	Planning Manager	Portfolio Holder:	Planning	
Key Decision:	N/A	Forward Plan N/A	General Exception N/A	Special Urgency N/A
Equality Impact Assessment:	Required:	No	Attached:	No
Biodiversity Impact Assessment	Required:	No	Attached:	No
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2. PURPOSE OF REPORT

- 2.1 To confirm a proposed Tree Preservation Order (TPO) to which an objection has been received.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **People:** A Proud, Healthy & Vibrant Rossendale.
 - **Prosperity:** A connected, growing and successful Rossendale that welcomes sustainable growth.
 - **Place:** The priority is about place, a clean and green Rossendale.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 There are no specific risk issues for members to consider arising from this report.

5. BACKGROUND

- 5.1 Officers learned that trees of substantial size within the grounds of 178 Market Street, Edenfield, were being felled. To ensure further trees of particular visual amenity value in the area were not removed a Tree Preservation Order was made in respect of them. Attached is a Plan showing the positions of 3 individual trees, a group of trees and a Woodland, together with the Schedule identifying their species.
- 5.2 An objection to the proposed TPO has been received and this is why a decision to confirm the order needs to be made by the Committee.
- 5.3 The objection has been submitted on behalf of the owner of number 178 Market Street, which is the dwelling to the front of the site. All the trees within the proposed TPO fall under the ownership of the Objector. Their grounds for objection can be summarised as:
- “(i) the land is a private domestic garden, therefore, a woodland TPO isn’t appropriate;*
(ii) The number of applications for routine garden maintenance would be unmanageable;

(iii) Visibility of trees at the property, and therefore amenity value, is limited to a number of trees as seen from Market Street and the public footpath. The majority cannot be seen or can only be seen with difficulty;

(iv) The property has been unmaintained for over 30 years and the garden needs restoring and bringing back into good health; I have shared my aims and visual concepts with the Council in good faith and in the interests of transparency.

(v) There is a financial cost associated with the Tree Works application as professional reports are often required;

(vi) I do not believe the Council has struck a fair balance between my interest and the public's in issuing a Woodland classification on the TPO and this is having an adverse effect from what was intended."

5.4 Since receipt of the objection, an inspection of all of the trees to which the TPO refers has been undertaken by the Council's Consultant Arboriculturalist, having regard to their physical condition and visual amenity value. The Consultant has advised, "Government guidance document 'Tree Preservation Orders and trees in conservation areas' states that 'It is unlikely to be appropriate to use the woodland classification in gardens.' The appearance of the plot is more like a garden in the vicinity of the properties and has a woodland character in the east/rear half. It would appear to me, therefore, to be more appropriate to protect the large trees in the front/west half of the garden as four individuals and one linear group comprising nine trees along the south boundary and the trees to the rear/east as a woodland. This would allow the owner/resident to manage the ground in the vicinity of the properties as a garden whilst keeping the woodland character nearest to open country."

5.5 The Consultant continues, "The trees are a mix of ages with the older mature trees being generally to the front/west of the site. The trees to the rear/east are more mixed in age from young to early mature. The trees are not readily visible from the main road (Market Street) except when viewed through the gap between properties 172 and 178 Market Street but due to their height the tops of the crowns are often seen. Definitive footpath No. 139 runs along the lane on the north boundary of the site and from here and views from the open country the trees and the woodland character are readily visible. Assessment of the trees by reference to TEMPO (Tree Evaluation Method for Preservation Orders) results in a score of 15 (TPO defensible)."

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 No material financial implications.

7. MONITORING OFFICER

7.1 No comments

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 None.

9. CONCLUSION

9.1 It is clear from the comments of the Council's qualified Arboriculturalist that the trees are of sufficient value to justify the making of a TPO & it is recommended that the order is made.

Background Papers

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Documents :

RBC TPO No1 (Land to the side &
Rear of 178 Market Street, Edenfield) 2020

Letter of objection on behalf of
the owner of 178 Market Street.

Place of Inspection :

Rossendale Borough Council
The Business Centre
Futures Park
Newchurch Road
Bacup
OL13 0BB

SCHEDULE
Specification of trees

Trees specified individually
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Sycamore	In north west corner of land to east of 9 East Street on boundary fronting lane.
T2	Sycamore	To the east of T1.
T3	Horse Chestnut	To the south of T1.

Trees specified by reference to an area
(within a dotted black line on the map)

NONE

Groups of trees

(within a broken black line on the map)

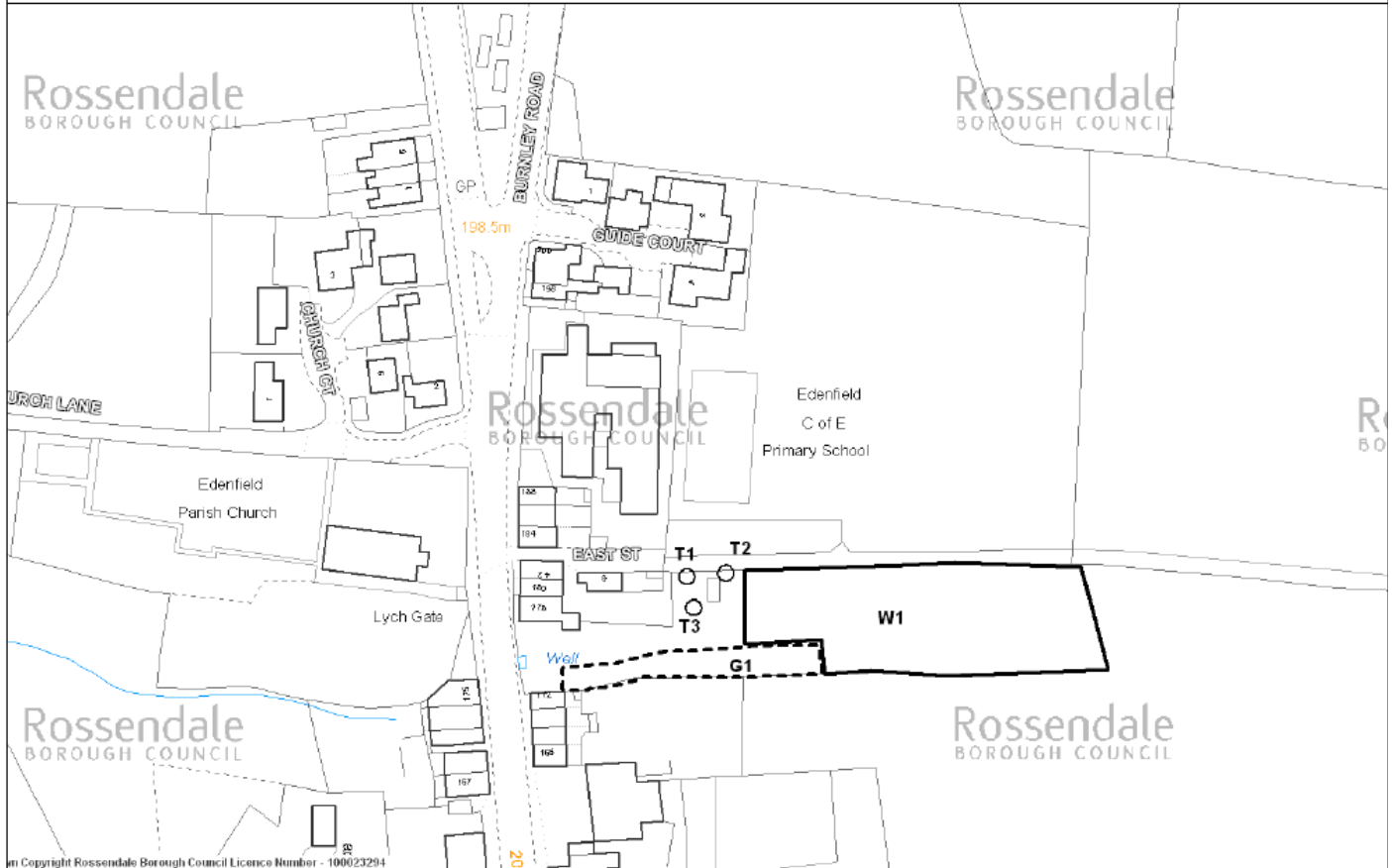
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	A linear group of one Horse Chestnut, three Beech and five Sycamore.	Along the south boundary of the land between 172 and 178 Market Street.

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Mixed species including but not limited to Sycamore, Ash, Horse Chestnut and Holly	On land to the rear (east) of 178 Market Street and 9 East Street.

TPO Plan



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BOROUGH COUNCIL

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Date 9/1/2020

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