

Application No: RBC TPO T2/134 2007 **Application Type:** Tree Preservation Order

Proposal:	Seeking authority to revoke Tree Preservation Order.	Location:	27 Helmshore Road Haslingden
Report of:	Head of Planning, Legal & Democratic Services	Status:	For Publication
Report to:	Development Control Committee	Date:	18 th September 2007

REASON FOR REPORTING Tick Box

Outside Officer Scheme of Delegation X

Member Call-In

Name of Member:
Reason for Call-In:

3 or more objections received

Other (please state)

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

APPLICATION DETAILS

1. SITE AND PROPOSAL

1.1 On 1st June 2007, Tree Preservation Order No. T2/134, was made to safeguard two trees (an ash and a sycamore) on land to the rear of 27 Helmshore Road, Haslingden. The Order was made in the interests of the amenity of the area and was served on all necessary parties.

1.2 The owner of the site has objected to the Order on the grounds that;

- The trees cannot be seen by the general public and therefore have no significant impact on the local environment.
- The trees are not considered to be important by virtue of their size, form, value as a screen or value as a potential future amenity.
- The ash tree is in poor health and should be felled in the interests of safety.
- The sycamore tree is the most common tree in Great Britain and is rarely of great amenity.

2. RELEVANT PLANNING HISTORY

2.1 Subsequent to the making of the TPO an appeal in respect of planning application 2006/677, for the erection of three detached dwelling on land to the rear of 27 Helmsore Road, was considered by a the Planning Inspector. In respect of the trees included in the Order his decision letter states that :

"I agree with the appellant that these trees have a limited impact on the public real and, provided they were replaced, I do not consider their loss would have an adverse impact on the character and appearance of the area."

3. ASSESSMENT

3.1 In view of the objection made by the owner of the land against the TPO and the comments made by a Planning Inspector, it was considered appropriate to review and re-assess the Order. As such, Ian Tavendale, an Arboricultural Consultant, was engaged to make an assessment in this respect.

3.2 In his report, the Consultant concludes that the trees in question confer only a relatively low visual amenity value and their loss would have only a low impact upon the appearance and character of the area. The Consultant recommends that should either one or both of the trees be removed in order to facilitate housing development, then new planting should be provided in mitigation.

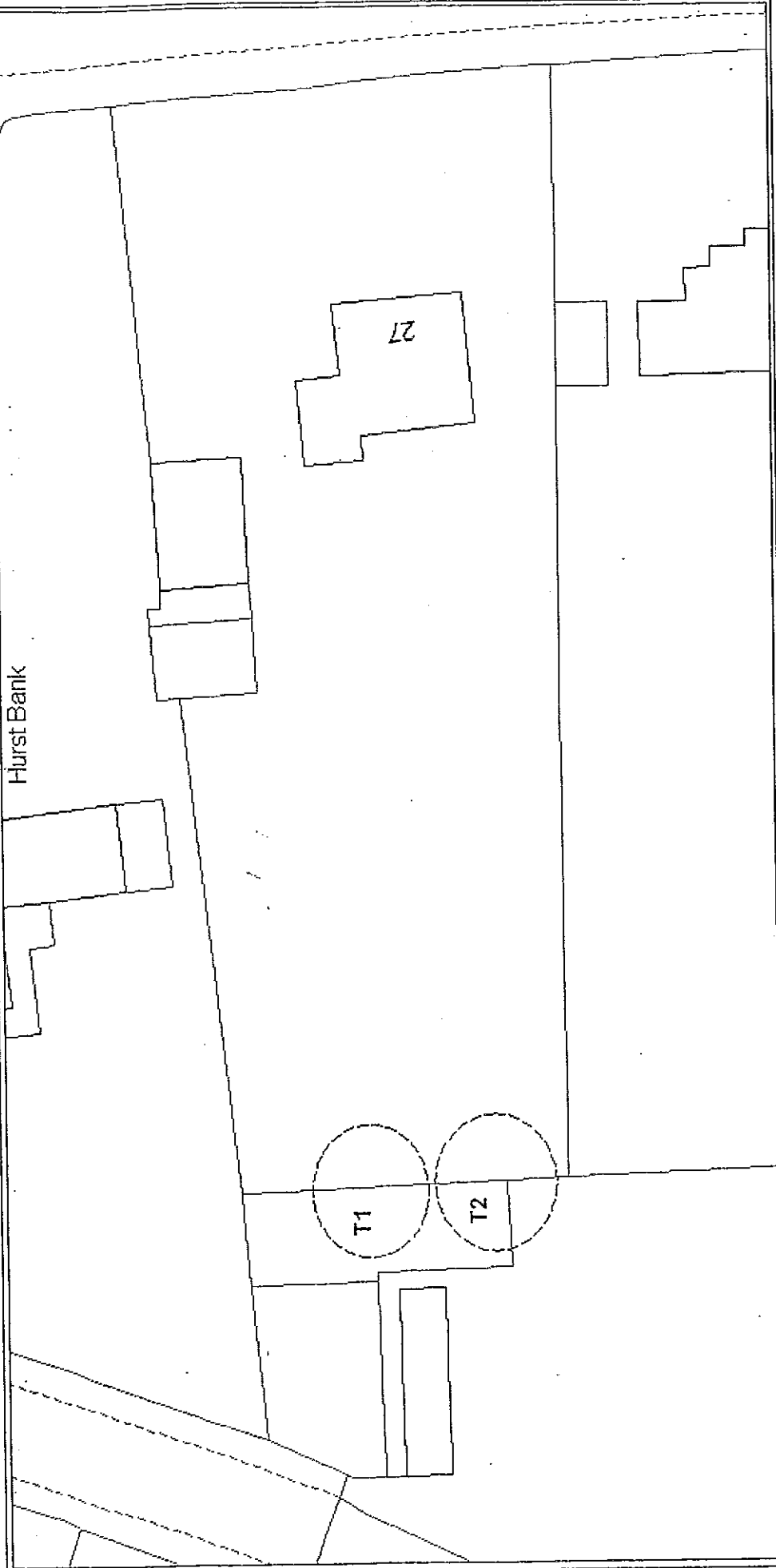
3.3 Having considered the nature of the objection, and comments made by an Appeal Inspector and Arboricultural Consultant, it is clear that the trees in question, due to their low visual amenity value, have no significant impact on the local environment and consequently their removal would have little impact on the appearance and character of the area.

4. RECOMMENDATION

4.1 It is recommended that the Tree Preservation Order No. T2/134 be revoked.

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27 Helmshore Road Haslingden



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Owen Marlow
Forward Planning

Scale: 1:450
Date: 1 June 2007
Centre

