

Subject: RBC Tree Preservation Order
No 2009/1 (Baron Street,
Rawtenstall) 2009

Status: For Publication

Report to: Development Control
Committee

Date: 8 February 2010

Report of: Planning Unit Manager

Portfolio Holder: Regeneration

Key Decision: No

1. PURPOSE OF REPORT

- 1.1 To inform Members that two objections have been received to a TPO recently made in respect of trees within and bounding a site at Baron Street, Rawtenstall.
- 1.2 To provide Members with a proposed modification to the TPO taking into consideration the objections received and the recently approved planning application for erection of two detached houses on the site.

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly on the following corporate priorities:-
 - Delivering regeneration across the Borough
 - Keeping our Borough clean, green and safe

3. RISK ASSESSMENT IMPLICATIONS

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

4. BACKGROUND AND OPTIONS

- 4.1 An application was received in June 2008 which sought planning permission for the erection of 2 detached houses on a site with frontages to Bacup Road and Hareholme Lane and between residential properties fronting Baron Street and Heys Close. Application 2008/430 was refused permission for various reasons. The subsequent Appeal to the Planning Inspectorate against this decision was dismissed for various reasons.
- 4.2 A further application was received in May 2009 which sought planning permission for the erection of 2 detached houses on the site on the basis of a scheme that had been amended in some respects. However, Application 2009/216 was refused permission as the submitted scheme was not considered to have fully addressed the concerns that had prompted the earlier refusal/dismissal on appeal. To ensure trees on and bounding the site of particular visual amenity value were not removed a Tree Preservation Order was made in respect of them; attached is a Plan showing positions of the 11 individual trees and the Area of trees included in the Order, together with the Schedule identifying their species.
- 4.3 Two objections to the TPO have been received and need to be considered.
- 4.4 Objection 1 is from the owner of Hareholme House, the residential property to the north west of the site. They object to inclusion of T3 in the TPO, indicating that this Sycamore is within their land and is “a very poor specimen” that falls short of the criteria required for inclusion within the TPO.
- 4.5 Objection 2 has been submitted on behalf of the Owner of the site. They object to inclusion in the TPO of all the trees but T10 (a large Sycamore near the party-boundary with 312 Bacup Road and visible from the main road) on the grounds that the trees are of low amenity value.
- 4.6 Since the making of the TPO there have been discussions with the site Owner about the manner in which the site could be developed, culminating in the submission of a further application for planning permission for the erection of two detached houses on the site. The application was accompanied by a Tree Report (assessing the physical condition and visual amenity value of the trees) and an amended scheme (identifying those trees nearest to both Bacup Road and Hareholme Lane for retention, those they would wish to remove and indicating a willingness to undertake replacement/new tree planting). On 8/1/10 Application 2009/535 was granted permission, subject to Conditions, one of which requires the submission and approval of a “landscaping scheme including details of replacement trees for those being lost”. An application for the Discharge of this Condition was received on 12/1/10 and is currently being considered by Officers.
- 4.7 In considering the objections to the TPO it is necessary to have regard to Planning Permission 2009/0535. I have re-considered the need for the TPO in its present form and have concluded as follows:

Is a Community Impact Assessment attached No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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Either

Background Papers	
Document	Place of Inspection
Planning Application files : 2008/430 2009/216 2009/535	One Stop Shop (require 3 day notice prior to inspection)
RBC Tree Preservation Order No 2009/1 (Baron Street, Rawtenstall) 2009	