

Subject:	RBC Tree Preservation Order No 1 (Newchurch Road, Higher Cloughfold) 2011	Status:	For Publication
Report to:	Development Control Committee	Date:	2 August 2011
Report of:	Planning Unit Manager	Portfolio Holder:	Regeneration
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Community Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
	That the TPO be confirmed without modification.

2. PURPOSE OF REPORT

To inform Members that an objection has been received to a TPO recently made in respect of trees in the vicinity of 406-420 Newchurch Road.

3. CORPORATE PRIORITIES

The matters discussed in this report impact directly on the following corporate priorities:

- **A clean and green Rossendale** – creating a better environment for all.
- **A healthy and successful Rossendale** – supporting vibrant communities and a strong economy.

4. RISK ASSESSMENT IMPLICATIONS

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

5. BACKGROUND AND OPTIONS

The TPO was made in April 2011 to afford greater protection to 18 trees, of various species, located in the front gardens of the semi-detached houses 406-420 Newchurch Road and bounding the driveway running to the east side of the latter property.

I considered it appropriate to make the TPO as I had received from a resident of one of the properties Notification of Intention to Prune a prominently located tree in the street-scene of Newchurch Road in a manner I considered inappropriate.

This tree formed part of the line of trees fronting 406-420 Newchurch Road, and to the side of the latter, which make a valuable contribution to the visual amenities of the area generally and to the character and appearance of the Cloughfold Conservation Area, within which they are situated. To ensure none of these trees was unnecessarily removed or inappropriately pruned it was considered appropriate to afford them the protection of a TPO.

Objection to the Order being confirmed has been received from Green Vale Homes on the basis that :

- Two of the trees afforded the protection of the TPO made by the Council in April 2011 lie within the curtilage of the house at 414 Newchurch Road.
- While Green Vale Homes is the freeholder, under the terms of the Tenancy Agreement the tenant has full responsibility for maintaining any and all trees within the curtilage of the property.
- Consequently, it is unreasonable and inappropriate to make an order against Green Vale Homes in respect of something for which it is not responsible and over which it is not able to exercise day to day control.

Having given consideration to the objection I would advise that I remain of the view that the 2 trees within the front garden of 414 Newchurch Road are of sufficient public visual amenity value to warrant the protection of a TPO. Nor has the objector sought to argue that it would be inappropriate to include these two trees in the TPO because of their poor physical condition or lack of public visual amenity.

**6. COMMENTS FROM STATUTORY OFFICERS:
SECTION 151 OFFICER**

No material financial implications.

MONITORING OFFICER

No comments

HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

No HR implications.

7. CONSULTATION CARRIED OUT

None

8. CONCLUSION

It is considered appropriate for the RBC Tree Preservation Order No 1 (Newchurch Road, Higher Cloughfold) 2011 to be confirmed without modification.

Background Papers

Document	Place of Inspection
RBC Tree Preservation Order No 1 (Newchurch Road, Higher Cloughfold) 2011 Letter of objection to TPO of 28/4/11 from Green Vale Homes	One Stop Shop, Lord Street, Rawtenstall, BB4 7LZ