

<b>Subject:</b>	RBC Tree Preservation Order 2011 No.2 (Land to the rear of the Boar's Head Public House, Newchurch)	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	02 August 2011
<b>Report of:</b>	Planning Unit Manager	<b>Portfolio Holder:</b>	Regeneration
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Community Impact Assessment:</b>	Required: No	<b>Attached:</b>	No
<b>Biodiversity Impact Assessment</b>	Required: No	<b>Attached:</b>	No
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1.	<b>RECOMMENDATION(S)</b>
	That the TPO be confirmed without amendment

## 2. PURPOSE OF REPORT

To inform Members that an objection has been received to a TPO recently made in respect of two trees to the rear of the Boar's Head Public House, adjacent to Church Lane, Newchurch.

## 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

Planning application 2010/0693 sought permission for the erection of eight houses comprising a terraced row of four, and two semi detached pairs, to be located to the rear of 69 Church Street on land comprising a bowling green and car parking area adjacent to Church Lane. The car park area is at a raised level above Church Lane, separated by a stone wall. Set back slightly from the wall are two prominent and mature Ash trees, which form an integral part of the character of the area. St Nicholas Church, a Grade II Listed Building is located on the opposite side. Some of the properties along Church Street are also Listed.

As part of the submitted scheme it was proposed to remove both of the mature ash trees. An arboricultural report included within the application stated the following:

In respect of T1 (the northern most tree), that it is an integral part of the street scene, has good structure and vigour, would provide a significant contribution to the area for a minimum of 20-40 years and should be retained.

In respect of T2 (the southern most tree), that it is an integral part of the street scene, has poor structure but good vigour, would provide a significant contribution to the street scene for a minimum of 10-20 years. The report recommended that it be felled to allow development.

The planning application was withdrawn following the case officer informing the applicant/agent that the scheme was to be refused for a number of reasons, those most particularly relevant to this Report being the impact on the Character and Appearance of the area and the adjacent Listed Buildings and the loss of the two Ash trees.

Subsequent to the withdrawal of the application the Council received reports that the car park area and the bowling green had been fenced off to members of the public. It was believed that this had been done by the applicant/owners to strengthen their position with regards to any future planning applications for the site. Concerned that the two ash trees were not protected and therefore could have been felled at any point in time without consultation or notification of neighbours/the Council, it was considered necessary to issue an emergency TPO on the two ash trees.

The Council has made the Order because it considers that it is expedient in the interests of amenity that both of the trees specified in the Order should be preserved;

As specified within the Order, the trees make a positive contribution to public visual amenity, forming a prominent and attractive feature of the street scene of Church Lane and the setting of St Nicholas's Church, a Grade II Listed Building located immediately opposite. Their removal or inappropriate pruning would have a significant impact on the local environment and its enjoyment by the public.

Since the issuing of the TPO one objection has been received and needs to be considered. The objection is made by Crystal 1 Limited. The objection is to the inclusion of Tree T2 in the Order for the reason that the submitted arboricultural report in respect of planning application 2010/0693 identified this tree as a suspect coalescing column of decay and significant deadwood.

## **6. COMMENTS FROM STATUTORY OFFICERS:**

### **SECTION 151 OFFICER**

There are no immediate financial implications.

### **MONITORING OFFICER**

Comments provided, no objection.

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

Awaiting Comments

## **7. CONSULTATION CARRIED OUT**

None

## **8. CONCLUSION**

Whilst the arboricultural report does recommend the felling of T2 in the Order for reasons

relating to its health, the report also identifies that the tree would still make a contribution to the area for a minimum of 10-20 years and is an integral part of the street scene. In removing the tree from the Order the owners could fell it at any time and would not have an obligation to replace. There is no guarantee that any future planning application on the site would be approved and the Council would be in a weaker position to require an acceptable replacement if the tree is not in situ at the time any future planning application was submitted. The trees removal without replacement would significantly harm the character and appearance of the area without justifiable reason and it is common ground that the tree forms an integral part of the street scene. As the tree does not pose an immediate danger to residents/the highway it is considered that the TPO be retained in its current form..

Background Papers	
Document	Place of Inspection
Tree Preservation Order No.2 2011 & Location Plan Objection & Tree Report accompanying Planning Application 2010/693.	One Stop Shop, Lord Street, Rawtenstall, BB4 7LZ