

Subject:	RBC Tree Preservation Order TPO No 4 (Land adj to 191 Edgeside Lane, Waterfoot) 2011	Status:	For Publication
Report to:	Development Control Committee	Date:	21 February 2012
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 with amendment

2. PURPOSE OF REPORT

To inform Members that an objection has been received to a TPO recently made in respect of trees on land adjacent to 191 Edgeside Lane, Waterfoot.

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

Whilst the house at 191 Edgeside Lane fronts to this highway it possesses extensive grounds extending to the rear and has frontages to the public highway to its side and rear.

The land slopes down from the house towards Fairfield Avenue and has a mix of trees around the perimeter and within it. The trees form a prominent and attractive feature of the street scene.

Executors for the former owner of the house have been seeking to sell it, prompting an enquiry to the Council from a potential purchaser wishing to erect a number of new dwellings on the land likely to result in loss of some, if not all, of the trees.

As the trees did not have the protection of a Tree Preservation Order I was concerned that they may be felled. Accordingly, a TPO was made to afford immediate protection to them on

the basis that they make a valuable contribution to the visual amenities of the area, being prominently situated and clearly visible to the public from Edgeside Lane and Fairfield Avenue. Their removal or inappropriate pruning would have a significant impact on the environment and its enjoyment by the public.

An objection to the TPO has been received from the executor for the estate of the late Josephine Howarth. The objection is to the inclusion within the TPO of trees to the side of the existing house, planning permission previously having been granted for the erection of a two storey house here (2007/40). In addition, it is states that these trees do not enhance the area or improve the landscape.

With respect to the trees to the rear of the house, the objector acknowledges states that the trees are in good health (with the exception of two Sycamores near to Fairfield Avenue) and those adjacent to the linking road of particular visual merit.

Accordingly, the objector considers the TPO is poorly considered and excessive in terms of the trees it affords protection to.

Following receipt of the objection Officers have carried out a fuller inspection of the trees with a Tree Surgeon appointed by the objector. Myself and Neil Birtles revisited the site to consider the trees against the comments made by Mr Trickett and also the guidelines on making TPOs.

In light of the additional information this inspection has yielded regarding the condition of each of the trees and its importance to public visual amenity it is considered appropriate to amend the TPO to :

- Reduce the number of trees afforded the protection of the TPO (by excluding a cluster of 3 Limes in the side-garden fronting to Edgeside Lane and from the rear garden a much-pollarded Lime and 2 Sycamores).
- To identify the 15 trees to continue to be afforded the protection of the TPO individually (including a cluster of 4 trees on the Edgeside Lane frontage and 15 trees on the perimeter of the rear garden).

6. COMMENTS FROM STATUTORY OFFICERS:

SECTION 151 OFFICER

No comments

MONITORING OFFICER

No comments

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

No comments

7. CONSULTATION CARRIED OUT

None

8. CONCLUSION

In removing six trees from the Order the occupier/owner of the property could now prune/fell these trees without the consent of the Council, and would not have an obligation to replace them. However, I am satisfied that by continuing to afford the protection of a TPO to the no.15 indicated would strike the appropriate balance between allowing the occupier/owner of the property to manage the land in the manner they wish whilst protecting those trees which are of particular public visual amenity value.

Background Papers	
Document	Place of Inspection
RBC Tree Preservation Order No2 2011 Objection & Tree Report accompanying Planning Application 2010/693	One Stop Shop, Lord Street, Rawtenstall, BB4 7LZ