

Subject:	RBC Tree Preservation Order No 1 (Land at St Veronica's Church, Helmshore) 2012	Status:	For Publication
Report to:	Development Control Committee	Date:	28 August 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
That the TPO be confirmed without modification.

2. PURPOSE OF REPORT

To inform Members that objection has been received to a TPO recently made in respect of trees in the vicinity of St Veronica's Church.

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

5.1 A TPO was made in 1993 in relation to the grounds of St Veronica's Church to provide protection to those trees of particular amenity value. The trees afforded protection were identified as being within one large Area and 3 Groups, with only 3 trees identified individually.

5.2 Since that TPO made various applications have been dealt with resulting in consent being granted for pruning of trees and, in a few instances, felling and replacement plantings.

5.3 When the site is now visited the visual amenity value provided by the individually protected trees and trees within the Area and 2 of the Groups remains as the tree cover remains largely intact. The same cannot be said of Group G3.

5.4 At the time the 1993 TPO was made Group G3 comprised of 8 mature trees - 2 Syc, 4 Elm, 1 Beech & 1 Ash; a mature Elm just beyond the southern boundary of the church was not

included in the TPO. As viewed from the church grounds these trees then formed a pretty much complete screen to the backs of the terraced houses fronting East Street. The same cannot now be said as only 4 of these mature protected trees remain - 2 Sycamores, 1 Elm & 1 Ash - together with the mature Elm just beyond the southern boundary. Most notably when planning permission was granted in August 1994 for erection of an extension on the south side of the church it was recognised its construction would result in felling of trees within Group G3 and provision was made for their replacement.

- 5.5 Besides the 4 mature trees protected as part of Group G3 are now to be seen re-growth of multiple stems upon the stumps of a number of the felled trees, with some replacement plantings not to be found and others dead/poor specimens (in one instance having been butchered), together with some self-seeded saplings.
- 5.6 Representations from a resident of East Street have recently been received wanting more of the trees in Group G3 to be felled on the basis that they “*deprive me of light & devalue my property*” and questioning the validity of the 1993 TPO.
- 5.7 The Council’s Legal Officer indicated that the 1993 TPO was lawful. However, Government guidance on best practice in relation to TPO’s recommends that they are reviewed periodically. Consequently, when an application was then received from the church requesting consent for a number of the trees fronting Helmshore Road (within Area A1) be pruned to give them greater clearance over the highway the opportunity was taken to meet with the Agent acting for the Church and inspect all of the trees within the Church grounds and bounding them.
- 5.8 Consent was subsequently granted for pruning of the trees on the Helmshore Road frontage and, simultaneously, the 1993 TPO was revoked and a new TPO made in respect of the trees which should henceforth have the protection of a TPO.
- 5.9 The TPO made in May 2012 differs from the 1993 TPO in a number of respects, most particularly :
- Trees on the northern boundary (formerly within Group G1) continue to have protection but are identified as individual specimens.
 - Trees in belts fronting Helmshore Road and to each side of the drive up to the Presbytery (formerly within Area A1 & Group G2) are afforded the protection of the new TPO as Area A1 & Area A2.
 - The 3 individual trees to the north side of the Presbytery, and a clump of trees in the centre of the lawn to the front of the Presbytery, identified in the 1993 TPO have been excluded as being of less visual amenity/poorer condition.
 - Trees on the southern boundary - 11 in total - have been included in the new TPO as individual specimens, comprising of 4 mature trees formerly part of Group G3, stems growing upon the stumps of a number of the felled trees formerly part of Group G3, those replacement plantings (also having the protection of the 1993 TPO) and self-seeded trees of suitable siting/species/condition for mature trees within Group G3 that have been lost.

- 5.10 In accordance with the regulations relating to the making of a new TPO, occupiers and owners of land that may be affected by it were notified, together with the occupiers of other properties in the vicinity.
- 5.11 The following Representations/Objections to the TPO have been received from residents of 2 properties fronting Musden Avenue :
- T10 & T11 overhang the bottom end of her garden making it muddy and affect sky signal reception. They should be allowed to trim them as and when needed without government permission.
 - T10 & T11 are close to her property and while all the residents like the trees they should be able to trim them as and when needed without government permission. In wet and windy weather the trees affect TV reception.
- 5.12 The following Representations/Objections to the TPO have been received from residents of 6 properties fronting East Street :
- Trees to the rear of East St should be excluded from the TPO as it deprives him and his neighbours of the common law right to lop branches overhanging their land. The trees, in particular T18-T21, tower above the houses and cut out light severely when in full leaf. The nearness of the trees and lack of light caused reduces property values. The trees here do not make a valuable contribution to the visual amenities of the area - several are unshapely as a result of past prunings and (since the church ceased to employ a gardener) are being joined by many others to give a chaotic appearance.
 - The trees which back onto East Street are huge and when they drop their leaves they become wet and slippery on the back lane they have to walk for bin collection and to sweep them up; ideally the trees should be chopped down or extensively lopped.
 - The trees, especially T18 and T19, have become an increasing problem in the 6 years they have resided here, decreasing natural light to their dining room so much electric lighting has to be used during the day. In autumn they have weeks of sweeping up leaves, which make surfaces slippery. However, their main concern is that of safety/damage to property as the trees bow above their kitchen in high winds. Pruning is needed.
 - Residents of two properties say that T23 and T24 ought to be omitted from the TPO as overhanging their property and blocking out light, have the potential to cause root damage and damage during high winds, and do not make a valuable contribution to public visual amenity as not directly visible from a road and are not being properly maintained/becoming overcome with ivy.
 - Do not want the trees to be cut down, but there is a need for pruning and thinning to stop a serious lack of light and nuisance from fallen leaves.
- 5.13 Having given consideration to the above representations/objections I would advise as follows :
- With respect to trees near to properties fronting Musden Avenue, the replacement of the 1993 TPO with the new TPO has not altered the trees with protection. They continue to contribute positively to public visual amenity value. The Council has previously granted consent for these trees to be pruned when the case for the works has been made and will not affect the amenity value of the line of trees as a whole.

- With respect to trees near to properties fronting East Street, the new TPO increases the number of trees protected from 8 to 11. However, only 4 of these trees are the fully mature trees protected by the 1993 TPO. Loss of 4 mature trees formerly protected by the 1993 TPO has diminished the visual amenity value of the group, but replacement plantings were required to make good for their loss. Some of the replacement plantings were with species that will not result in trees of such great stature when fully mature and some are adjacent to the blank gable of 440 Helmshore Road (and consequently will not impact on outlook from/light to properties fronting East Street). As previously stated the Agent acting for the Church in relation to a recent tree works application was involved in the inspection of the trees here and the Church has not objected to continuation of protection for the fully mature trees on the basis that their condition or amenity value does not justify their continued protection. Nor has the Church objected to inclusion of the 7 smaller/younger trees. The Agent acting for the Church in relation to the recent tree works application was a party to the selection of those identified, seeing benefit in their identification as individual trees in order that they can be properly managed and other self-seeded trees which are growing up within this area can be removed/pruned now or in the future without application to the Council should neighbours request the Church to do so). Indeed, the Agent saw benefit in reducing the number of stems growing upon the stumps of a number of the mature trees protected by the 1993 TPO which have been felled. Accordingly, it is considered that the protection of the 11 trees towards the southern boundary of the Church grounds strikes the appropriate balance between public visual amenity and neighbours wish to avoid constraints upon the pruning or removal of trees.

5.14 Accordingly, Officers recommend that the TPO be confirmed without modification, and the Church made aware of neighbours wishes in relation to management of trees within their grounds (both those which are protected and those which are not).

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

No material financial implications.

MONITORING OFFICER

All legal comments are included within the body of the report.

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

There are no HR implications.

7. CONSULTATION CARRIED OUT

In accordance with the regulations relating to the making of a new TPO, occupiers and owners of land that may be affected by it were notified, together with the occupiers of other properties in the vicinity.

8. CONCLUSION

It is considered appropriate for the RBC Tree Preservation Order No RBC Tree Preservation Order No 1 (Land at St Veronica's Church, Helmshore) 2012 to be confirmed without modification.

Background Papers

Document	Place of Inspection
RBC Tree Preservation Order No 1 (St Veronica's Church) 2012 Letters/emails making representations/objection to RBC Tree Preservation Order No 1 (St Veronica's Church) 2012	One Stop Shop, Lord Street, Rawtenstall, BB4 7LZ