

<b>Subject:</b>	RBC Tree Preservation Order No 1 (Holly Mount Way, Rawtenstall) 2015	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control	<b>Date:</b>	6 October 2015
<b>Report of:</b>	Planning Manager	<b>Portfolio Holder:</b>	Development Control and Operational Services
<b>Key Decision:</b>	NA	Forward Plan	NA
		General Exception	NA
			Special Urgency NA
<b>Equality Impact Assessment:</b>	Required:	No	Attached: No
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached: No
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1.	<b>RECOMMENDATION(S)</b>
1.1	That the TPO be confirmed without modification

## 2. PURPOSE OF REPORT

- 2.1 To inform Committee Members that an objection has been received to a TPO recently made in respect of trees in the vicinity of Holly Mount Way.

## 3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
  - **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

## 4. RISK ASSESSMENT IMPLICATIONS

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

## 5. BACKGROUND

- 5.1 The TPO was made on 22 May 2015 to afford protection to trees, of various species, located on land to the north side of the recently-completed apartment block at Holly Mount that ascends up to 104-122 Haslingden Old Road.

I considered it appropriate to make the TPO as an application seeking planning permission had been received to erect upon the land four houses, and an associated access road, that I considered would cause unnecessary and unacceptable harm to trees of public visual amenity value, forming part of the setting of Holly Mount House (a Listed Building) and highly visible to the many members of the public who make use of the ASDA car park.

- 5.2 Objection to the Order being confirmed has been received from Mr S Ainsworth, the owner of the land an applicant in respect of Application 2015/0063. He objects to the Order for the following reasons :

1. The Order relates to an area of land which is excessive in its extent in that there are large

areas within it with no trees. The land is not woodland but has on it a few dispersed groups of trees only.

2. The Council has not provided any assessment of its own into the quality, size or importance of any of the trees on the site, whereas the owners own report indicates that several of the trees on the site ought to be removed.

5.3 Having given consideration to the objection I would advise that I am of the view that the TPO should be confirmed without modification.

5.4 The land within the TPO was well-wooded until approximately 10 years ago when a significant number of its mature trees were felled by the former owner shortly before they submitted an application for planning permission for residential development of the site. A scheme of replacement tree/shrub planting was undertaken in accordance with a scheme agreed with the Council shortly before the land was purchase by the current owner. In undertaking works to construct the recently-completed apartment block on the Holly Mount site the new owner removed/damaged a significant proportion of the replacement tree/shrub planting that had been undertaken. As first submitted the scheme proposed in Application 2015/0063 would have resulted in unnecessary and unacceptable harm most particularly to a group of mature trees to the rear of 9/11 Schofield Close and to loss of further young trees forming part of the scheme of replacement tree/shrub planting and re-growth on a number of the stumps of the previously-felled trees.

5.5 Notwithstanding that since the TPO was made the objector has amended the scheme of development proposed in Application 2015/0063 to avoid such harm to the group of mature trees to the rear of 9/11 Schofield Close, and has more obviously left space around the curtilages of the 4 houses being proposed in order to retain/add to tree/shrub planting on the land, I consider it appropriate that trees on the site continue to have the protection of the TPO. This would not preclude planning permission being granted for development of the land entailing removal/pruning of protected trees. Indeed, in the event that Application 2015/0063 is granted permission (as recommended elsewhere on the Agenda) it will be subject to conditions regarding the manner of protection during construction works to be afforded to existing trees/shrubs on the site and to new tree/shrub planting to be undertaken. Upon completion of the permitted development, should the objector so wish, it may be appropriate to consider revocation and replacement of this TPO with one that better reflects the planting on the site it has been agreed should be retained long-term.

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

### **6.1 SECTION 151 OFFICER**

No material financial implications.

### **6.2. MONITORING OFFICER**

The Council must not confirm an order, with or without modification, which they have made unless they have first considered objections and representations duly made in respect of it and have not been withdrawn.

## **7. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**

7.1 None.

## **8. CONCLUSION**

8.1 It is considered appropriate for the RBC Tree Preservation Order No 1 (Holly Mount Way, Rawtenstall) 2015 to be confirmed without modification.

### **Background Papers**

RBC Tree Preservation Order No 1 (Holly Mount Way, Rawtenstall) 2015  
Letter of objection to the TPO on behalf of Mr S Ainsworth (dated 29/6/15)