

<b>Subject:</b>	RBC Tree Preservation Order No 2 2015 (390 Bury Road, Rawtenstall)	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control	<b>Date:</b>	3 November 2015
<b>Report of:</b>	Planning Manager	<b>Portfolio Holder:</b>	Operational Services and Development Control
<b>Key Decision:</b>	NA Forward Plan NA	<b>General Exception</b>	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 at 390 Bury Road, Rawtenstall.

## 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 29 May 2015 to afford protection to trees of various species including Holly, Sycamore, Ash, Purple-leaf Maple and Sycamore, located on land within the garden curtilage of 390 Bury Road.

I considered it appropriate to make the TPO as an application (2015/0017) seeking planning permission had been received to erect a dwelling within the garden curtilage of 390 Bury Road. I considered that the development would cause the unnecessary and unacceptable loss of trees of public visual amenity value, having a negative impact on the local environment and being harmful to the character and appearance of the area. The application was refused by the Council on 25 March 2015 and was subsequently the subject of a planning appeal. The Planning Inspector dismissed the appeal on 22 September 2015.

- 5.2 An objection to the Order being confirmed has been received from Mr S Hartley on behalf of

the land owner Mr J Winfield and who is the applicant of planning application 2015/0017. He objects to the Order for the following reasons :

1. The trees have not been subject to any full assessment with regard to their health, size, or quality – some being non-native species and being fir trees planted in the garden after Christmas festivities.
2. The site is the subject of a planning appeal and no Order should be made until the outcome of the appeal is known, allowing the inspector to comment on the trees.

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 in question was subject to a planning application for the erection of one dwelling which included the loss of three trees. Planning permission was subsequently refused for the reason that the loss of the trees, as part of the wider proposal, would be harmful to the character and appearance of the area. The applicant appealed against the decision and the objection to the TPO states that no Order should be made until the outcome of the appeal is known. On 22 September 2015 the Planning Inspector dismissed the appeal. The following extract from the Inspector's decision relates specifically to the issue of trees:

*“The development would result in the loss of three trees which I understand to be the subject of the TPO, and other mature vegetation. The appellant has stated that the more significant trees at the rear of the site would be unaffected by the development and that landscaping and replanting of trees could be secured via a planning condition if the appeal is allowed. Nevertheless, the loss of the trees would result in a negative impact on the local environment and be harmful to the character and appearance of the area.”*

5.5 The Planning Inspector concurs with the Council's view that the trees are important features within the street scene and that loss of the three trees would be harmful to the character and appearance of the area. The Council's assessment of the trees on the site has found that five are worthy of protection, although only three were proposed to be removed as part of the planning application.

5.6 For the reasons above I consider that the Tree Preservation Order No 2 2015 (390 Bury Road, Rawtenstall) should be confirmed without modification.

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

### **6.1 SECTION 151 OFFICER**

No material financial implications.

### **6.2. MONITORING OFFICER**

No comments.

## **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 2 (390 Bury Road, Rawtenstall) 2015 to be confirmed without modification.

**Background Papers**

RBC Tree Preservation Order No 2 (390 Bury Road, Rawtenstall) 2015

Letter of objection to the TPO on behalf of Mr J Winfield (dated 29/6/15)

Planning Inspectorate Appeal Decision (APP/B2335/W/15/3011025) 22 September 2015