

Subject:	RBC Tree Preservation Order No 3 (Land off Hazel Street, Rising Bridge) 2015	Status:	For Publication
Report to:	Development Control	Date:	8 December 2015
Report of:	Planning Manager	Portfolio Holder:	Operational Services and Development Control
Key Decision:	NA	Forward Plan	NA
Equality Impact Assessment:	Required:	No	Attached:
Biodiversity Impact Assessment	Required:	No	Attached:
Contact Officer:	Stephen Stray	Telephone:	01706252420
Email:	stephenstray@rossendalebc.gov.uk		

1.	RECOMMENDATION(S)
1.1	That the TPO be confirmed without modification

2. PURPOSE OF REPORT

2.1 To inform Committee Members of representations (including an objection) that has been received to a TPO recently made in respect of trees on land off Hazel Street, Rising Bridge and to seek confirmation of the order.

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 26th June 2015 to afford protection to trees, of various species, located on land in Rising Bridge bounded to the east by Hazel Street, to the north by the track known as Back Lane and to the South by properties which front on to Blackburn Road. To the west of the land in the applicant's ownership, are fields which lie within the Green Belt separating Rising Bridge with the outskirts of Accrington.

I considered it appropriate to make the TPO as shown on the attached plan for the following reasons:

- An application seeking outline planning permission on part of the site now covered by the TPO had been received to erect 8 houses, with an associated access road and was being held as invalid for reasons outlined below.
- Complaints were received that trees were being felled on the site. This action by the applicant followed correspondence sent to the applicant's agent that the Council would require both a tree report and ecology report to be submitted before validating the application. This approach is in line with the Council's validation policy. Such reports would also be necessary in any event

in order to assess the impact of the proposals on trees within and bounding the site and in respect of potential impact on ecology also within the site. There was additional concern that the cutting down of the trees was being undertaken during the bird nesting season. This was being done without regard to the requirements of the Wildlife & countryside Act 1981 (as amended) which seeks to prevent the destruction and disturbance of bird nests in the nesting season.

- Planning Enforcement had visited the site following the complaints received and had been advised by the contractor chopping down the trees that all of the trees within the applicant's ownership including land significantly beyond the application site currently applied for would be removed in due course based on the instructions they had received from their client. There was therefore genuine concern that trees within the application site and beyond the site including on to Back Lane would continue to be removed. This would impact significantly on visual amenity on this highly visible sloping site including when viewed from the rear of properties on to Blackburn Road, and when viewed from Hazel Street and Back Lane.
- Such an extensive loss was premature given the application submitted was yet to be made valid let alone determined, whilst no application had been submitted for adjoining land in the applicant's ownership.
- Such proposed extensive loss appeared unnecessary having regard to the scheme submitted and did not appear to follow principles of good practice to incorporate existing trees in to the design of any proposed scheme whenever practicable.

5.2 In response to the order being made, two letters of support for the order were received from nearby residents which refer to the harm already done, and the ecology and the visual amenity value of the remaining trees upon the site.

5.3 An objection to the Order being confirmed has also been received from the agent acting for Mr Dickinson, the owner of the land and applicant in respect of the invalid application. When an objection is received, any order must be brought before committee if the officer recommendation is to confirm the order. Mr Dickinson 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.

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

5.5 In making the order, the council confirmed to the applicant when serving the order that it was issued in the interests of amenity. The trees upon the site were considered to make a valuable contribution to the amenities of the area, being prominently situated on raised ground and clearly visible to the public, their removal or inappropriate pruning would have a significant and adverse impact on the environment and its enjoyment by the public. The applicant has now submitted a tree report in support of their application. However, the tree report does not identify the precise location of the trees assessed nor the extent of the site assessed in relation to the order made in June 2015. Based on the past actions commenced by the applicant, and the lack of a valid application to process, there is a very real risk of unnecessary and unacceptable loss of trees within the application site and on the adjoining land within the applicant's ownership if the order is allowed to lapse.

5.6 This order would not preclude planning permission being granted for development of the land entailing removal/pruning of protected trees in the future. Upon completion of any permitted scheme, 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

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 3 (Land off Hazel Street, Rising Bridge) 2015 to be confirmed without modification.

Background Papers

RBC Tree Preservation Order No 3 (Land off Hazel Street, Rising Bridge) 2015

Letter of objection to the TPO on behalf of Mr Dickinson (dated 29/6/15), and two letters of support from two properties adjoining the site.