

REPORT TO DEVELOPMENT CONTROL COMMITTEE



DATE	28th September 2017
PORTFOLIO	Environment
REPORT AUTHOR	JF
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CONFIRMATION OF TREE PRESERVATION ORDER

PURPOSE

1. To seek authority to confirm a Provisional Tree Preservation Order.

SUMMARY OF KEY POINTS

2. A Provisional Tree Preservation Order was served on the 26th May 2017 in respect of the following trees at land at Brownside Road and Lennox Street:-
 - An Ash tree (T1) on a field boundary with Lennox Street (north of 10 Lennox Street);
 - A group of one Poplar, three Downy Birch, one Oak and one Beech (G1) on land adjacent to 250 Brownside Road;
 - A group of one Goat Willow, one Ash, one Common Lime and one Downy Birch (G2) on the boundary of allotment site with open field close to Brownside Road;
 - A group of two Ash and one Silver Birch (G3) located in the north west corner of allotment site, close to field boundary;
 - Two Ash (G4) on field boundary with 12 Lennox Street;
 - Two Ash (G5) at north east corner of field on boundary with Lennox Street; and,
 - Two Downy Birch (G6) on north boundary of field with Lennox Street

The Order was made on the basis that the identified trees contribute to the visual amenity of the area and are considered to be under threat of being felled and there appears to be no adequate justification for their removal. The threat of being felled relates to the potential development of the land affected by the Order for residential purposes. An application for outline planning permission for up to 24 dwellings which also sought approval for vehicular access from Brownside Road (APP/2017/0200) has been withdrawn and there is currently a further application (APP/2017/0397) for outline planning permission for up to 18 dwellings on a reduced site.

The Council has six months in which to confirm the Order, modify and confirm the Order, or let the Order lapse.

3. A letter of objection has been received to the making of the Order on behalf of Mr David Smith and Mrs Valerie Smith on whom formal notice of the Order has been served. The objection states that the site affected by the Order is an allocated housing site in the emerging Local Plan which makes no reference to the need to retain any existing trees on the site and that the retention of a number of the trees would prejudice the efficient use of the land. Representations are made in respect of G1, G2 and G3 as summarised below:-

G1 – 1 Poplar, 3 Downy Birch, 1 Oak and 1 Beech

The group is located adjacent to Brownside Road and may affect the ability to make footway improvements that would be necessary as part of the development of this land. The objection relates to all trees within this group with the exception of the large Poplar.

G2 – 1 Goat Willow, 1 Ash, 1 Common Lime and 1 Downy Birch

The group is located adjacent to Brownside Road where due to the narrow width of the road, branches have been removed by high sided vehicles and buses. The objection relates to the inclusion within the group of the 1 Goat Willow and 1 Ash tree on the basis that these may prejudice the provision of a footway across the site which would be necessary for the development of the land.

G3 – 2 Ash and 1 Silver Birch

Object to these on the basis that It would be preferable to replace these with a species more conducive to residential development, although also state that it would be possible to design a future development around the trees.

4. These objections have been considered. They relate principally to whether the trees may affect a future development of the land at Brownside Road for residential development. There is a current application (APP/2017/0397) that relates to the development of the land although it is not conclusive from the plans or information that has been submitted that this would necessitate the removal of the trees protected by the provisional order. This is a matter that can be considered separately as part of the planning application process and should not at this stage be an obstacle for not protecting trees which are in reasonable health and make a significant contribution to the public amenity of the area.
5. The trees are prominent at a gateway position to the village and the Worsthorne Conservation Area and contribute to the rural setting and character of the area. As such, the trees make a valuable contribution to the visual amenity of the vicinity and should be protected.

RECOMMENDATION

6. That the Tree Preservation Order be confirmed.

REASONS FOR RECOMMENDATION

7. In order to protect trees that contribute to the visual amenity of the area.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

8. None

POLICY IMPLICATIONS

9. None

DETAILS OF CONSULTATION

10. Amenities and Greenspaces – Roger Rawlinson
Governance Law and Regulation – Jackie Ridgeway

BACKGROUND PAPERS

11. File B1140(A)

The above papers are available for inspection at Housing and Development Control, Parker Lane Offices, Burnley (tel 01282 425011 ext. 3293).

FURTHER INFORMATION

PLEASE CONTACT:

ALSO:

Housing and Development Control

Janet Filbin extension 3216

