

REPORT FROM: Planning, Economic Development & Regulatory Services
Manager

TO: Colne and District Committee

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**Confirmation of TPO/NO5/2020 – Land to the rear of
175–187 Cotton Tree Lane**

PURPOSE OF REPORT

To seek Committees approval of the confirmation of TPO/NO/2021 following two objections.

RECOMMENDATIONS

1. Approve confirmation of the Tree Preservation Order.
2. Delegate responsibility to vary or revoke the Tree Preservation Order to the Planning, Economic Development and Regulatory Services Manager.

REASONS FOR RECOMMENDATIONS

1. To protect the tree and its contribution to the amenity value of the area.
2. To ensure the effective management of the Tree Preservation Order.

ISSUE

1. The Silver Birch was planted in land belonging to Trawden Parish Council some years ago by a past resident and relative of one of the complainants. In around September 2021 the Principal Environment Officer was involved in some conversations with regard to the removal of the tree. The resident who got in touch with the officer was concerned that the tree was going to be removed by a neighbour.
2. At the request of the Parish Council the officer had a look at the tree and found it to be in good health. After presenting his findings to the tree owner, the Parish decided that they would not take any further action and retain the tree.
3. The Parish Council have worked closely with the Principal Environment Officer to develop a proactive approach to managing their tree stock. The Parishes trees are inspected by an independent arboricultural consultant on a regular basis in line with recommendations from the National Tree Safety Group.

4. In an email to the Parish Council they were told that one of the residents was going to ‘...apply for a felling license and then pay for a tree surgeon himself to fell this tree.’ As a result the Parish Council requested that the tree be protected.
5. The main points of the objections are:
 - Potential to cause damage – The Parish Council are aware of this and accept the risk of claims. The tree is causing some damage to the fence. It is unlikely that the tree is causing damage to the tarmac surface. This is more likely to be attributed to the coniferous shrubs.
 - Nuisance from leaves etc. – These are natural occurrences and are not classed as legal nuisances. It is the owner of the affected property to make sure that their gutters, gardens etc. are kept free of detritus.
 - Height of the tree – The tree is 22 meters in height. This is about as big as it is going to get. While the tree maybe tall, this does not increase the likelihood of failure.
 - Safety – The tree is in reasonable condition and safe. The tree will be continued to be monitored in line with the Parish Council’s tree management processes.
6. The tree is located on the edge of the allotments to the rear of Cotton Tree Lane and is clearly visible from several public areas including the tram tracks. As a result the tree does have a high degree of amenity value.
7. The Borough of Pendle has one of the lowest percentage of tree cover in the country (8.5%) when compared against other towns and boroughs. Blackburn (11.6%), Manchester (21.1%), Leeds (17.4%), Burnley (14.8%).

IMPLICATIONS

Policy:

Pendle Tree and Woodland Strategy – Objective 1. Protect and restore existing trees and woodlands.

Borough of Pendle Local Plan Part 1: Core Strategy – Policy ENV1

Financial:

NONE

Legal:

The power to make Tree Preservation Orders is devolved to Local Planning Authorities through [Part VIII of the Town and Country Planning Act 1990](#) as amended and in the [Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#)

Risk Management:

NONE – The responsibility of managing the tree safely remains with the landowner.

Health and Safety:

None

Sustainability:

The tree sequesters carbon from the atmosphere and helps trap particular matter.

Community Safety:

None

Equality and Diversity:

None

APPENDICES

Appendix 1 – Tree Preservation Order Evaluation Pack

Appendix 2 – Tree Preservation Order

LIST OF BACKGROUND PAPERS