

APPLICATION NUMBER: 23/01357/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01357/FUL

CASE OFFICER

Rosalind Gralton

DETERMINATION DATE 05.06.2024 EXT OF TIME 28.06.2024

Address: Land At Former High Birch School Plots 18 And 19 Marland Old Road
Rochdale OL11 4AF

Proposal: Demolition and rebuilding of brick boundary retaining wall together with removal of trees

PUBLICITY	Weekly list expired?	Y	Site notice expired?	NA
	Neighbour letters expired?	Y	Press Notice expired?	NA

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	NA
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION

APPROVE SUBJECT TO CONDITIONS

CHECKED AND SIGNED OFF BY: LA

DATE: 27.06.24

SITE

The site relates to land adjacent to the highway along Marland Old Road. The site is part of the former Birch High School, which has since benefitted from planning approval for 22 dwellings on the site (Planning Ref: 16/01279/FUL).

The site relates to 15 trees, which are located on atop a 1600mm high brick wall.

The roots of the trees have resulted in pressure on the brick wall beneath, adjacent to the highway, and as a consequent the wall now appears unstable and at risk of failure.

None of the identified trees are covered by a tree protection order. The site is not within a conservation area and does not form part of any designated heritage asset, or affect the setting of any designated heritage asset. The site is within the defined urban area, and sits within the setting of a leafy residential area.

PROPOSAL

Planning permission is sought for the demolition and rebuilding of an existing 1600mm high, brick boundary retaining wall. The works would be like for like, and would remove the trees as shown in the accompanying Arboricultural Impact Assessment.

As part of these works, 15 trees identified on the submitted site plan will be removed.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

Policy JP-P1 Sustainable Places

Policy-G6 Urban Green space

Adopted Rochdale Core Strategy (CS):

G6 – Enhancing Green Infrastructure

T2 – Improving accessibility

DM1 – General Development Requirements

Unitary Development Plan (UDP):

G/D/1 – Defined Urban Area

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

16/01279/FUL - Residential development of 22 dwellings and associated parking, landscaping and access off Marland Fold – Grant subject to conditions 05/02/2018

CONSULTATION RESPONSES

Highways And Engineering

No objections

Tree Officer

The application relates to a row of mature and semi-mature broadleaved trees growing on an embankment along Marland Old Road. The embankment, and the trees, are retained by a brick wall along the edge of the highway. There is a housing development under construction to the rear of the tree line. The retaining wall is showing significant signs of deformation and cracking, and is considered to be at risk of failure. There is a consequent risk that, if the wall does fail, this will lead to trees along the embankment becoming de-stabilised, with a consequent risk of failure of the trees and the embankment, and possible destabilisation of the development platform to the rear. Repairing the wall will involve removing a length of the existing wall and rebuilding a new length of wall, which could cause trees to become destabilised and fail, and will also likely involve damage to tree roots which could also lead to tree failure. If the embankment / trees do fail there is a consequent risk of damage to the highway, to public safety and to properties on the opposite side of Marland Old Road. It is therefore proposed to remove all of the trees along the length of the embankment where the wall needs to be repaired to mitigate risk.

The trees subject to the application are not included in the nearby TPO 036 (plan attached), but they were scheduled to be retained as part of the permission granted to the housing development.

*There is no doubt that the retaining wall is failing, and there is no doubt that the trees are causing the damage. But some of the trees are of reasonable value and make a substantive contribution to the local tree-scape. These more valuable trees include trees identified in the arboriculture survey as T6, T7, T8 and T11. It is my view that these trees could be retained, **but** that retaining and protecting the trees would need Marland Old Road to be permanently narrowed by at least 1m to allow for buttressing, and to allow for building the new wall further into the roadway to allow space for future tree growth. Whether the Road could be narrowed would be a decision for Highways, although I note that the Road is already relatively narrow and that further narrowing may not be considered possible.*

If narrowing of the Road is not considered to be possible, then I would consider that the trees will unfortunately need to be removed to facilitate the rebuilding of the wall in order to mitigate risks. If this is considered necessary new trees should be required to be planted as replacements. The new wall should be constructed robustly, with root membranes in place to prevent future root encroachment, and new tree species selected as replacement should be smaller trees with less invasive roots. Details of wall construction, and replacement planting, could be required by Condition.

REPRESENTATIONS

The application was publicised by way of neighbour notification.

One objection was received with concerns raised regarding the removal of the trees as a result of their contribution to the green environment, as well as providing a clear barrier to the new development currently being built.

ANALYSIS

The key considerations relate to impact on trees and highway safety.

Principle of development

The application site is located within the Defined Urban Area as designated under the Proposals Map of the Unitary Development Plan (UDP). New development, wherever possible and appropriate, should be concentrated within the urban area in order to support urban regeneration and to protect the countryside. The proposal relates to like for like rebuilding of a low boundary wall, and the removal of 15 trees to facilitate this.

The principle of the development would be acceptable in accordance with Rochdale Core Strategy Policy C7, Saved UDP policy G/D/1 and the NPPF.

Impact on Trees

Policy G6 of the Rochdale CS relates to 'Enhancing Green Infrastructure' and states the borough will sustain and enhance a green network to support growth and regeneration in the borough. Development proposals affecting green infrastructure are expected to avoid the loss of greenspace features such as trees unless suitable provision is made, is of limited value, and its development would meet other sustainability or local regeneration objectives. Additionally, Policy G6 states development proposals should replace removed trees from a site at a ratio of 2:1. Further to this PfE states at Policy JP-G6 – Urban Green Spaces, that existing urban green spaces will be protected and enhanced in balance with other considerations.

The application site is included within the approved development at the former high school for 22 dwellings (Planning reference 16/01279/FUL). The land is located higher up than at Marland Old Road along the south, and the boundary wall as existing holds the sediment back. The trees in question are sited atop this wall. The trees included within this application were secured to be retained as part of the approved permission.

As part of the application the Council's Tree Officer was consulted. The planning officer concurs with the view of the tree officer, whereby some of the trees included to be removed are of reasonable value. However, their retention and protection would only be possible by the narrowing of Marland Old Road, which would not be considered appropriate in this instance.

In order to facilitate the rebuilding of the wall and mitigate the risk of highway safety and public safety, and also the risk to properties on the southern side of Marland Old Road, it is considered acceptable in this instance the trees are removed. It is noted a 2:1 tree replanting ratio is included within the Core Strategy Policy G6. However, given the vast number of trees in this location, and the risk of this same situation occurring again in the future, root membranes are proposed to be conditioned to prevent future root encroachment, and new species proposed are to be smaller, with less invasive roots. A replacement replanting scheme is required by condition. Given the urgent nature of the proposed securing of the wall and subsequent removal of

the trees, a 6 month window of when the replanting scheme shall be submitted to the council is secured by condition.

Highway Safety

Relating to sustainable transport, Paragraph 115 of the NPPF states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Policy DM1 sets out the general development requirements and establishes that proposals should not adversely impact on highway safety. To fully assess this matter consultations have taken place with Highways officers who have confirmed no objection to the application. As such the application is considered to be acceptable in terms of highway safety and in accordance with policy DM1 in this regard. There are no additional public safety concerns with the application and as discussed above the application is considered to be acceptable in terms of amenity.

Officer response to neighbour representations

The case officer notes the value the trees have provided to visually screen the properties at Marland Old Road from the new housing development, and that these provide value to the environment and the overall amenity and character of the area. It is noted the previous approval sought to retain these trees and therefore this application would seek to remove them. While the removal of these trees would change the character of the area temporarily, their removal would secure the safety of the highway, prevent damage as a result of the tree failing, and the conditions attached to this decision notice would secure the longevity of the proposed replacement tree planting, to reduce the repetition of this scenario in the future.

RECOMMENDATION

1. The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following plans:-

- Boundary Wall rebuilding and Tree Removal – Drawing No 1859/21 Rev A
- Location Plan Rev 2 – received by the Council 03/04/2024
- Arboricultural Impact Assessment – prepared by Greenstone Construction Ltd – Ref 21778/TT
- Photo Montage – received 11/03/2024

and the development shall be carried out in complete accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

3. No later than 3 months from the date of this decision details of a tree replacement scheme (to include biodiversity enhancement), based on a 2:1

ratio, shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the type, species and siting of trees, including details of a root membrane, and timetable for implementation. The tree replacement shall be carried out in accordance with the approved details and timetable. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 10 years of planting shall be replaced by trees of similar size and species to those originally required to be planted.

Reason: In order to achieve a satisfactory level of landscaping and mitigation and biodiversity enhancement in relation to the loss of existing trees in accordance with Policies P2, P3 and G6 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4. Any works involving repair / replacement of brickwork shall be undertaken using brick to match the existing brickwork on the boundary wall.

Reason: In the interests of visual amenity and in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Notes for Applicant:

None

Report Author Rosalind Galton