APPLICATION NUMBER: 19/00230/WTTPO

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
19/00230/WTTPO	John Van Eker	25 April 2019

Address: Site Of Former Sunbank, Shawclough Road, Rochdale, OL12 6PU

Proposal: Application to fell 1 Sycamore and works to 1 Sycamore, 3 Limes and 1 Horse Chestnut subject to Tree Preservation Order No. 103

PUBLICITY	**Call up expired?**	Yes	**Site notice expired?**	N/A
	Neighbour letters expired?	N/A	**Press Notice expired?**	N/A

INTERESTS	**Officer dealing with planning matters / Councillor app?**	NO	**Four or more representations in opposition to the recommendation?**	NO
	Decision maker management interest in site?	NO	**Called up?**	NO

COMMUTED SUMS / S106	**Commuted Sum paid / S106 completed?**	N/A
	Confirm if commuted sum / S106 for POS – copy of calculation spreadsheet on file?	N/A

HUMAN RIGHTS ACT	**Account has been taken of the Act's provisions.**
ENFORCEMENT?	**NO**

EIA	**Has a screening opinion been completed and saved to Onbase?**	N/A

RECOMMENDATION	**GRANT**

CHECKED AND SIGNED OFF BY: AT **DATE: 13.05.2019**

SITE

The application site relates to a site on Shawclough Road known locally as the former Sun Bank Centre. The site is accessed from Shawclough Road. The rear (south west) and side (north west) site boundaries are shared with the rear of residential property sited on Hallows Farm Avenue and Joseph Street respectively.

The south east side boundary of the site is shared with an access road beyond which is an industrial building.

PROPOSAL

Application to fell 1 Sycamore and works to 1 Sycamore, 3 Limes and 1 Horse Chestnut as follows:

Tree 1 (TPO ref T5) horse chestnut - end load reduction of large defective limbs;
Tree 6 (TPO ref T7) sycamore - removal of stubs on west side of tree;
Trees 7, 8, 9 (TPO ref T8, T9, T10) common lime - removal of deadwood.

The Tree Report submitted alongside this application has also outlined proposed works to other trees which do not form part of the Tree Preservation Order.

RELEVANT PLANNING POLICY

National Guidance

National Planning Practice Guidance (NPPG)

The government published its NPPG on 6 March 2014. This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the NPPG or other national advice in the Analysis section of the report, where appropriate.

RELEVANT SITE HISTORY

10/D53059
Residential Development – 14 Bungalows
Grant Subject to Conditions
21/07/2010

CONSULTATION RESPONSES

Landscaping, Tree and Woodland Officer -

The reference numbers have been taken from the tree report schedule (Appendix 1) with actual TPO reference numbers in brackets for our records.

Trees protected by TPO103

1 (TPO ref T5) horse chestnut	proposed end load reduction of large defective limbs – *acceptable.*
5 (TPO ref T6) sycamore	proposed felling – *acceptable.*
6 (TPO ref T7) sycamore	proposed removal of stubs on west side of tree – *acceptable.*
7 (TPO ref T8) common lime	proposed removal of deadwood – *acceptable*
8 (TPO ref T9) common lime	proposed removal of deadwood – *acceptable*
9 (TPO ref T10) common lime	proposed removal of deadwood – *acceptable*

Trees not protected by TPO103

2 common lime	no works proposed – *noted.*
TG3 3no. Leyland cypress	proposed felling – *acceptable*.
4 red horse chestnut	proposed felling – *acceptable*.

I agree with the report recommendations for these trees.

Protective fencing should be erected around trees 1 and 2 to define the CEZ for these trees during the construction period.

REPRESENTATIONS

One letter of objection has been received citing the following,

- *I wish to object to the application Ref 19/00230/WTTPO of the felling of these large mature trees, two of which are on the boundary of our back garden. There have already been numerous trees felled on this plot which has completely altered the looks and habit of the area. I appreciate sometimes trees need to be removed to make way for house building but surely ALL of them don't need to be removed, it does seem a bit over the top and I've found it quite upsetting, it will take a long time to grow new shrubs/trees to replace these and I don't think this taken into account when these mature trees are felled. We spoke to the builder when they started clearing the ground in February and told him we'd like the ones behind our garden to stay and a cordon has been put around the horse chestnut tree so we thought at least that would be safe. I would like you to consider my comments and get back to me.*

Officer response - Whilst it is noted that tree clearance has taken place at this location these trees did not form part of the Tree Preservation Order. The horse chestnut tree referenced above subject to this TPO will not be felled and only the works outlined are permitted. Justification for these proposed works have been assessed in the analysis section of the report and supported by the Councils Landscaping, Tree and Woodland Officer.

ANALYSIS

In considering applications for works to protected trees, Government advice in paragraph 90 of the NPPG states:

"When considering an application the authority is advised to:

- *assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;*
- *consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;*
- *consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;*
- *consider whether any requirements apply in regard to protected species;*
- *consider other material considerations, including development plan policies where relevant; and*
- *ensure that appropriate expertise informs its decision.*

In considering whether there has to be an arboricultural need for proposed works to a TPO, paragraph 91 of the NPPG states:

"In general terms, it follows that the higher the amenity value of the tree or woodland and the greater any negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted. However, if the amenity value is lower

and the impact is likely to be negligible, it may be appropriate to grant consent even if the authority believes there is no particular arboricultural need for the work."

With regard to the above, the main considerations in respect of this application are whether the proposal for works to the tree is justified in light of the assessment of the amenity value of the protected trees and whether the reasons for works are of sufficient standing to warrant the granting of consent.

To assess the acceptability of the proposal against the above considerations, comments have been sought from The Council's Landscaping, Tree and Woodland Officer who was consulted prior to the application being submitted and does not raise any objections to the proposed felling as the tree is in decline. The additional works to the further five protected trees are also supported by The Council's Officer.

Two replacement trees are requested by condition.

The application proposal is therefore considered to be compliant with the guidance contained within the NPPG noted above, and the application is recommended for approval subject to conditions.

RECOMMENDATION

GRANT subject to four standard conditions and the following additional conditions:-

5. Within the next planting season after the felling of the Sycamore tree hereby approved, a minimum of two replacement trees shall be planted within the application site, in accordance with details that have first been submitted to and approved in writing by the local planning authority. If either of the replacement trees are removed, die, or become severely damaged or seriously diseased within three years of planting, they shall be replaced by trees of similar size and species.

Notes for Applicant:

Informative:

For the avoidance of doubt, this Decision Notice relates to the following details:-

- Tree Condition Survey- Forest & Tree Consulting
- Planning Application Form

Report Author John Van Eker