DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
19/00359/WTCA	Osian Perks	24 May 2019

Address: St Martins Church, Vicarage Road North, Rochdale, OL11 2TE

Proposal: Removal of Beech Tree located within Castleton (South) Conservation Area

PUBLICITY	**Weekly list expired?**	Y	**Site notice expired?**	N/A
	Neighbour letters expired?	N/A	**Press Notice expired?**	N/A

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?	N

EIA	**Screening opinion completed and saved to Onbase?**	N

CONDITIONS	**Pre-commencement conditions proposed?**	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	NO OBJECTION

CHECKED AND SIGNED OFF BY: DA **DATE: 28/05/2019**

SITE

This notice relates to a mature Beech tree sited within the grounds of the Grade II listed St Martins Church, Castleton, Rochdale. The tree overhangs Vicarage Road South to the South and is located within the Castleton (South) Conservation Area.

PROPOSAL

Notice (under s211) is given of the proposed removal of the Beech tree due to defects in the growth of the tree and resultant safety concerns.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

N/A

CONSULTATION RESPONSES

Conservation Officer - No comments or objections.

Tree Officer – **Summary** - Agree with concerns regarding defects in tree growth and resultant safety dangers. Proposed removal considered acceptable.

REPRESENTATIONS

One neutral representation received was received, querying whether the total removal of the tree is necessary and whether the tree will be replaced.

Officer Note: The arboricultural need for the works is considered in further detail below. There is no statutory requirement for replacement planting where a tree is removed subject to a s211 notice; the Authority may not treat the notice as an application and therefore may not grant consent subject to conditions, such as replacement planting.

ANALYSIS

In considering notices for works to trees in a Conservation Area that are not protected by a Tree Preservation Order, Government advice at paragraph 116 of the NPPG states:

> *"Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', six weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the six week period if the local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make a Tree Preservation Order on the tree."*

In addition, paragraph 119 clarifies that although the authority's main consideration should be the amenity value of the tree, authorities must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. However, even if the tree's amenity value may merit an Order, the authority can still decide that it would not be expedient to make one. Paragraph 10 provides additional guidance on expediency and states:

> *"Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it*

is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management."

With regard to the above, the main considerations in respect of this notice are: the amenity value of the trees; paying special attention to the desirability of preserving or enhancing the character or appearance of the conservation area; and, whether the trees are deemed worthy of being placed under a Tree Preservation Order or whether the Local Planning Authority is satisfied the works can go ahead without further intervention on arboricultural grounds.

Whilst the tree does have amenity value by virtue of its size, type and siting, the submitted information indicates that the tree is subject of a number of defects including a poor crown condition, signs of die-back in the branch structure, large amounts of stress growth within the inner canopy and severe included unions within the stem. The applicant's arboriculturalist considers that, in its current condition, the tree represents a risk to safety given its location close to the boundary with Vicarage Road South. The notice has been reviewed by the Authority's arboriculturalist who has raised no objection to the tree's removal on this basis. The Council's Conservation Officer has also raised no objection to the proposed works. Accordingly, it is considered that the proposed removal of the tree is acceptable.

GMEU standing advice on tree works and protected species will be attached to the decision notice to advise the applicant of their responsibilities should protected species be encountered during the course of implementing the works.

In light of the above assessment, the removal of the tree is considered to be compliant with the guidance contained within the NPPG and the LPA accordingly raises no objection. The decision will be valid for two years and the works must be carried out in accordance with the submitted details.

RECOMMENDATION

NO OBJECTION

Notes for Applicant:

Report Author Osian Perks