

DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/01003/WTTPO	Bob Melling	14 th November 2023

Address: 26 Heys Lane, Heywood, OL10 3RA

Proposal: Proposed felling of Sycamore tree (T7) subject to Tree Preservation Order 194.

PUBLICITY	Weekly list expired?	N/A	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
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	GRANT SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY:

RC

DATE: 14/11/23

SITE

The application relates to no. 26 Heys Lane in Heywood and the tree identified in Tree Preservation Order 194 as T7 (Sycamore). The tree is located in the southeast corner of the application site in close proximity to the public highway.

PROPOSAL

The proposal seeks consent for the felling of Sycamore tree (T7) due to the damage it is causing to a retaining wall along the southern boundary of the curtilage.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

G7- Increasing the value of biodiversity and geodiversity

RELEVANT SITE HISTORY

16/00244/WTTPO

Works to trees within tree preservation order TPO194 to allow more light into the garden: Lime T10: Remove lowest branch growing northwards towards house and remove epicormic growth from the base. Sycamores T15 & T16: Crown lift to 4m. Sycamore T17: Remove

Grant subject to conditions

21/01393/WTTPO

Application for works to Beech Tree (T9) - deadwood and cut back 2-3 meters away from No. 2 Durness Place, Lime Tree (T10) - deadwood and remove limb growing towards No. 2 Durness Place and Lime Tree (T12) deadwood and remove the limb growing towards No.

Grant subject to conditions

CONSULTATION RESPONSES

Tree Officer

I believe that the removal of the tree is justified on the grounds of damage to property – see attached pics

- ☐ The retaining wall is being significantly affected by the tree and appears at risk of imminent failure
- ☐ The retaining wall is performing an important function, supporting the land to the rear
- ☐ The tree in question is early mature, meaning that it has growth potential remaining – the tree will continue to grow and cause further damage to the wall.
- ☐ The wall could and should be repaired, but this could cause harm to the tree, and future tree growth may compromise the repairs

My advice would be to allow the removal of the tree, which would allow for repairs to the retaining wall to take place. Once these repairs have been completed, a new (smaller) tree could be planted as a replacement, set back from the retaining wall

REPRESENTATIONS

In accordance with Council policy on neighbour notification for this type of application, no letters of notification were sent to neighbouring properties.

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:

- ② assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;*
- ② 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;*
- ② consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;*
- ② consider whether any requirements apply in regard to protected species;*
- ② consider other material considerations, including development plan policies where relevant; and*
- ② 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 tree 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, the Council's Tree Officer has been consulted. The Officer believes that the removal of the tree is justified on the grounds of damage to property.

The retaining wall is being significantly altered by the tree and appears to be at risk of imminent failure. While the tree is early mature with further growth potential, this is likely to result in further damage to the wall, which is performing an important function of supporting the land behind it.

The removal of the tree would allow for repairs to the retaining wall to take place.

To compensate for the loss of amenity value afforded by the tree, it should be replaced by a smaller tree, set back from the retaining wall. Given the limited space available, it is not considered appropriate to apply the standard requirement for a 2:1 replacement ratio. Instead, it is recommended that a 1:1 replacement ratio is applied.

Subject to the suggested conditions, 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.

GMEU standing advice on tree works and protected species will be attached to the decision notice and therefore the obligations in respect of protected species will have been met.

RECOMMENDATION

GRANT Subject to Four Standard Conditions and the following additional condition:

5. Within the next planting season after the felling of the Sycamore tree hereby approved, one tree shall be planted in a similar location as the Sycamore tree within the curtilage of 26 Heys Lane. If the replacement tree is removed, dies, becomes severely damaged or seriously diseased within five years of planting, it shall be replaced by a tree of a similar size and species.

Reason: To mitigate for the loss of the existing tree and to protect the visual amenity of the area.

Notes for Applicant:

For the avoidance of doubt, this Decision Notice relates to the following drawings / document(s):-

- Location Plan
- Photographs of Tree and Retaining Wall

Report Author Bob Melling