

Item 3B	14/01042/TPO
Case Officer	Helen Lowe
Ward	Chorley South West
Proposal	Works to three trees protected by TPO 7 (Chorley) 2009 comprising: felling of Oak tree, removal of branches of Sycamore and crown raising to 5m and removal of branches of Oak tree
Location	Park Mills, Deighton Road, Chorley
Applicant	Jones Homes
Consultation expiry:	
Decision due by:	20th November 2014
Recommendation	Approve
Executive Summary	The trees that are the subject of this application are protected by Tree Preservation Order 7 (Chorley) 2009. They are located to the rear of properties along Walleys Road, Chorley. The main issue to consider when determining an application for works to protected trees is the impact of the proposals on the amenity value of the trees. Having regard to the advice provided by the Council's Tree Officer, an independent arboriculturalist and comments of neighbouring residents it is acknowledged that the retention of the trees is preferable, but that works are necessary in order to allow the approved development to go ahead. The works proposed are considered to be appropriate and proportionate to facilitate the building of the houses. Therefore, the proposal is recommended for approval.

Representations

Cllr Lees has requested that should the application be recommended for approval, the application should come before Development Control Committee	
Lindsay Hoyle, MP has written requesting that the views of local residents are given due regard when the application is being considered.	
In total 7 representations have been received which are summarised below	
Objection	Support
Total No. received: Six	Total No. received: One
<ul style="list-style-type: none"> • These are the last group of mature trees in the area; • They are regularly visited by bats at night; • The trees are healthy and any work will eventually kill them; • The trees were there before the application for the houses was submitted; • The trees provide screening, the works would be detrimental to privacy; • Protection measures have not been put in place; • The trees keep being damaged; • Removal is not justified. 	<ul style="list-style-type: none"> • During the summer months they deposit sap which damages cars and looks unsightly; • In winter leaves clog up gutters and drains.

Consultees

Consultee	Summary of Comments received
Council's Tree Officer	<p>Oak to be removed (T7): Main stem changes angle acutely at 0.5m above ground level. Stem approximately 25 degrees off vertical to a height of 2.5m angle and lessens to approximately 5 degrees off vertical to the south. The crown is semi-asymmetrical due to dominance of adjacent tree. The crown flags to the south over the new build plot. This will impede on the property and will more than likely result in future applications to remove or reduce due to the impact on the residents once occupied. Recommend tree removed and a replacement with heavy standard English Oak within a suitable location on the development site.</p> <p>Sycamore to be pruned (T8): Recommend crown raising to 5m Good practice dictates crown lifting should not include the removal of branches growing directly from the main stem. Restrict to secondary branches or shortening</p>

	<p>of primary branches rather than the whole removal wherever possible.</p> <p>Oak to be crown lifted to 5m (T9): removal of branches should be kept to a minimum.</p>
<p>In addition to the comments made by the Council's Tree Officer above, the Council has also commissioned an independent arboriculturalist to provide an assessment of the trees and the proposed works. Their findings are outlined below.</p>	
<p>Cornthwaites Tree Care</p>	<p>Oak (T7): The crown flags over the development by approximately 9m in the direction of NNE due to a full asymmetrical crown form. The form of the crown is due to a large dominating tree that was situated against the boundary wall. This has now been removed. The stump is covered with Armillaria ryzomorphs and acts as a food source for the pathogen. There is major dead wood throughout the crown and little extension growth from the previous growing season.</p> <p>The tree is in decline with a minor defect and felling of the tree is recommended.</p> <p>Sycamore (T8): Sparse crown showing little extension growth from previous years. Minor deadwood within crown and watersprouts throughout. Crown overhangs development plot by approximately 3m.</p> <p>The tree is in fair condition with no defects. It is recommended that the crown is lifted over the development 6m by pruning the northern most branches back to the stem.</p> <p>Oak (T9): The crown is semi- asymmetrical due to height and dominance of adjacent tree. The crown flags to the south over the new build plot and overhangs the building line by approximately 2m. No defects present. Minor deadwood throughout. The root protection radius calculates at 4.6m. The distance to the footings dig was measured at 4.6m. (This was measured through a block and mesh fence line and can only be given as an approximate measurement). The retention of the tree will have future implication on the property. i.e. blocking of natural light, shading, overhang and nuisance.</p> <p>The tree is in good condition with a minor defect (and acute angle at the stem base). It is recommended that the tree is removed by sectional felling.</p>

Assessment

Background

1. Applications for works to trees that are the subject of a Tree Preservation Order are governed by the Town and Country Planning (Tree Preservation)(England) Regulations 2012. Specifically Regulation 16 refers to the form by which an application is to be made and Regulation 17 to the determination of applications for consent and any conditions that may be required.
2. The trees that are the subject of this application are protected by Tree Preservation Order 7 (Chorley) 2009. They are located to the rear of properties along Walleys Road, Chorley. The main issue to consider when determining an application for works to protected trees is the impact of the proposals on the amenity value of the trees.
3. A reserved matters application for 63 houses was granted in 2011 (reference 11/00420/REMMAJ) on the former Park Mills site on Deighton Road, Chorley. The trees that are the subject of this application are located along the southern boundary of the Park Mills site. As part of that application felling of some of the poorer specimens and other pruning works were approved. These works have been carried out.
4. An application to crown raise 10 of the trees and fell one tree was refused earlier this year (ref. 14/00638/TPO) as insufficient reasons were put forward to support the works, which would have been harmful to the amenity value that they provide to the area.

Assessment

5. The Government's Planning Practice Guidance states that in considering an application for tree works, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.
6. Although these trees are to the rear of properties on Walleys Road and the properties currently under construction, it is considered that due to their size, scale and position they provide a level of amenity value to the area. They help to screen the new development from existing dwellings and add to the character and visual amenity of the area. However, imposing a TPO is on the basis of public amenity, rather than private amenity.
7. The reasons put forward by the applicant for the proposed works, in particular the crown raising, do not relate to an arboriculture need, rather to facilitate the built development. However, it is clear from the independent report provide to the council that T7, the oak that is proposed to be felled is in a poor condition and extremely likely to be affected by the pathogens from the adjacent tree stump.
8. Whilst the loss of this tree is considered to be regrettable, due to its poor condition, it has a limited (but nonetheless important) contribution to the amenity value of the area. It is recommended that felling of the tree be permitted, with a condition requiring the replanting of a heavy standard replacement oak, along this boundary (the specific location to be agreed).
9. With respect to the other two trees, the sycamore and the oak (T8 & T9), it is acknowledged that the trees are in very close proximity to the approved houses. A tree survey was carried out at the time planning approval for the houses was granted and this showed that the houses in this part of the site would be constructed outside of the root protection areas with sufficient space to accommodate the trees. Once construction work began on the houses it has become clear that a number of branches of these trees would encroach on the houses and that the houses themselves would be located partly within the root protection area. It has been confirmed that the houses are being constructed in the correct location.

10. The tree survey to accompany the planning application was carried out in April 2011 and since that time the trees have grown. The houses as approved need to be implemented and therefore a way forward that enables the implementation of the planning approval, but with minimal disruption to these trees needs to be sought. The applicant has proposed that three branches of the sycamore (T8) are removed and that the oak (T9) is crown lifted to 5m. The removal of the three branches of the sycamore (T8) would effectively crown lift the tree to 5m. These works would also have the effect of balancing the tree as the tree has been previously pruned, on the side of the Walletts Road residents, to approximately the same height.
11. The tree works as proposed by the applicant are considered sufficient to allow the implementation of the planning application, and involve the minimum level of works required to the trees in order to do so. It is noted that the arboricultural report provided for the Council recommends felling of T9, in order to prevent future nuisance to the potential occupants of the adjacent dwelling. As the tree provides a degree of visual amenity for residents of Walletts Road, and any occupier will be aware of the presence of the tree when purchasing the property, is considered that pruning of the tree is more appropriate at this time and that any further requests for works to the tree in the future should be considered on their own merits.
12. Report of damage to the other trees along this boundary (not part of this application) have been received and are under investigation by the Council.

Overall Conclusion

13. The works proposed would facilitate the erection of the dwellings for which planning approval has been granted, whilst allowing the retention of two of the trees. The loss of the oak (T7) is regrettable, however, due to its poor condition and health it is considered that this tree provides only a limited contribution to the amenity of the area, and would have a very limited lifespan irrespective of the current proposals. The proposals are therefore recommended for approval.

Planning Policies

14. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
09/00665/OUTMAJ	Outline application for residential development (specifying access)	Approved	20 th November 2009
11/00420/REMAJ	Reserved Matters application for no. 63 two-storey dwellings (including 7 affordable units) and associated infrastructure (related to outline permission ref: 09/00665/OUTMAJ)	Approved	10 th August 2014

14/00368/TPO	Crown raising of 10 trees to a height of 5.2m and felling of one oak tree	Refused	16 th August 2014
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Suggested Conditions

No.	Condition
1.	<p>The tree works for which consent is hereby granted are only as specified below:</p> <p>T7 (oak): fell</p> <p>T8: (sycamore): removal of three branches as indicated on photograph to accompany application for tree works, dated 25th September 2014</p> <p>T9: (oak); crown lift to a height of 5m by removal of branches as indicated on photograph to accompany application for tree works, dated 25th September 2014</p> <p>Reason: To define the consent and to safeguard the appearance and health of the tree(s)</p>
2.	<p>Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.</p> <p>Reason: To safeguard the visual amenity of the area</p>