



**Subject:** Proposed Tree Preservation Order: **Status:** Publication  
Shaw Road, Rochdale

**Report to:** Rochdale Township Planning Sub Committee **Date:** Tuesday, 17 March 2015

**Cabinet Member:** Councillor Cecile Biant

**Report of:** Director - Economy & Environment **Author:** Rachel Carney

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## 1. PURPOSE OF REPORT

- 1.1 To advise Committee of objections received in respect of a proposed Tree Preservation Order covering a group of semi-mature ash, rowan and willow trees that are sited adjacent to no. 115 Shaw Road and to seek Members consent to either confirm or reject the Tree Preservation Order in accordance with section 4 of the Council's Delegation Scheme (Tree Preservation Orders) which states that the appropriate Township Planning Sub Committee has:

*"Power to make, amend, revoke and confirm Tree Preservation Orders"*

## 2. RECOMMENDATIONS

- 2.1 To confirm the Tree Preservation Order (Land between footpath number RocFFp44 and 115 Shaw Road, Rochdale Tree Preservation Order No. 298, 2014) without modifications.

## 3. REASONS FOR RECOMMENDATION

- 3.1 The land includes a group of semi-mature ash, rowan and willow, which are highly visible from Shaw Road and Ashgrove and have significant amenity value. The land is immediately adjacent to an area of land recently cleared prior to a planning application for two dwellings being submitted. The Council received information indicating that this land was soon to be sold and for this reason the trees were considered to be under threat. This area around Shaw Road has relatively few trees and this group of trees provide valuable visual relief. If the order is not confirmed the trees could be removed or pruned significantly to the detriment of the visual amenity of the area.

## 4. REPORT – BACKGROUND:

- 4.1 In November 2014 the Council were advised that developers were interested in the site with the intention of felling the trees and construction of residential properties. The

Council felt that investigation of the site was required for consideration into whether the trees are worthy of a TPO.

- 4.2 The Council's Green Infrastructure Development Officer visited the site on 13 November 2014 to inspect the trees and confirmed that it was worthy of a Tree Preservation Order. The group of trees achieved a score of 14 out of a possible 25 on the "Tree Evaluation Method for Preservation Orders" (TEMPO) criteria. In accordance with this evaluation any score between 12-15 means a TPO is defensible. The trees scored highly in the 'relative public visibility & suitability for a TPO' category. At the time of assessing the trees' suitability for protection under a TPO there was a perceived threat to the trees with the Council having been advised that the site had been sold to developers. However, this threat has now increased to a 'foreseeable' since a planning application has recently been received to develop the site for two houses (application 15/00128/FUL). An emergency TPO has therefore been placed on the trees, which lasts for six months and at the end of this period it is for Members to decide whether to confirm or reject the TPO.
- 4.3 The emergency Tree Preservation Order was made on 21 November 2014, and the Council has six months in which to confirm this order. As such the deadline for confirmation is 21 May 2015 and if the TPO is not confirmed by this date it would not be protected and could therefore be pruned or felled without requiring consent from the Council. It is also important to conclude this matter as there is a live planning application with a target determination date of 7 April 2015 which the Council must determine expeditiously and the outcome of which is determined in part by the status of these trees.

## 5. CONSULTATIONS

Letters of notification for the confirmation of this TPO were sent to the following addresses:

Owner / Occupier  
Land between Footpath No. RocFFp44  
and 115 Shaw Road, Rochdale OL16 4HS

Hesmaloney Limited, Hawthorn Dene, School Lane, West Hill. Ottery St Mary, Devon, EX11 1UP

Cyril Chadwick, 115 Shaw Road, Thornham, Rochdale, Lancashire, OL16 4SH

Peter Gregory, Estates and Asset Management Team, Rochdale Borough Council, Floor 4, Number One Riverside, Smith Street, Rochdal, OL16 1XU

Alan Campbell & Valerie Campbell, 99 Shaw Road, Rochdale, OL16 4SH

Secure Equity Assets Management Ltd, Hawthorn Dene, School Lane, West Hill, Ottery Street Mary, Devon, EX11 1UP

Richard Hesmondhalgh, Hawthorn Dene, School Lane, West Hill, Ottery Street Mary Devon, EX11 1UP

Nicholas Jonathan Lowe, 7 Low Crompton Road, Royton, Oldham, OL2 6YR

- 5.1 In response to the publicity carried out, one objection to the TPO has been received from the a representative acting for the freeholder of the site as well as two individuals and a Ltd Co who own land close to the proposed TPO. The points raised in the objection letter, and the Officer responses, are summarised below:

- Quality and suitability of trees

The trees are of poor quality with limited retention span such that they should not form a constraint to development or be considered worthy of tree preservation order.

*Response:*

*The tree group's categorisation within British Standard 5837:2012, 'Trees in relation to design, demolition and construction – Recommendations', Survey and Report is not relevant to the consideration of this group's suitability for protection under a Tree Preservation Order.*

*The TEMPO assessment found the condition of the self-seeded group of trees to be 'fair' but with some defects. Intervention is likely to be required to remove the ash tree growing adjacent to Shaw Road, which has stem damage from the fence and is already damaging the pavement. Removal of this tree is likely to increase the visual amenity value of the group.*

- Amenity assessment – condition, retention span and relative public visibility

The trees are of poor quality with limited retention span such that they should not form a constraint to development or be considered worthy of tree preservation order (TPO)

*Response:*

*The group as a whole was evaluated using the TEMPO system and the retention span was found to be between 20-40 years, which is suitable for protection' under the TEMPO criteria. The relative public visibility was found to also be 'suitable for protection' as these are medium trees clearly visible to the public. The group is visible from a significant length of Shaw Road and from Ashgrove. The trees are part of a group and important for its visual cohesion.*

*Following the TEMPO assessment these trees were found worthy of protection under a TPO, the removal of these trees is likely to have a significant negative impact on visual amenity along Shaw Road and Ashgrove.*

One letter of support has also been received from a neighbouring resident advising that they fully support the TPO as the area is Green Belt and a haven for wildlife that will be the one remaining undeveloped site between nos. 85 and 121 Shaw Road.

## **6. SUMMARY**

- 6.1 ***The Local Planning Authority placed an emergency TPO on these trees in response to a perceived threat of their removal, which would be detrimental to their importance for the visual amenity value of the area. If the TPO is not confirmed by Members, the trees would be in danger of being removed. This would be detrimental to the amenity of the area. In view of this it is recommended that the TPO is confirmed in order to ensure the Council has control over future tree work.***