

Officer Report

Case Reference: OTH/2026/0131
Location: 5 LOWER OGDEN, OGDEN LANE, NEWHEY, MILNROW,
NEWHEY, OL16 3TD
Proposal: Application to remove 1 Ash, 1 Hawthorn and 4 Conifers
within Odgen Conservation Area
Recommendation: No Objection
Officer: Bob Melling

SITE

The application relates to 1 Ash, 1 Hawthorn and 4 Conifers within the curtilage of no. 5 Lower Ogden. The property is located within the Odgen Conservation Area.

PROPOSAL

The application seeks to remove 6 trees in total (1 Ash, 1 Hawthorn and 4 Conifers). The Ash and Hawthorn are in close proximity to the septic tank and risk damaging its foundations. It has also been advised that the Ash is suffering from dieback. The Conifers are surrounding the detached garage and reducing the amount of natural light to the rear elevation of the host dwelling. The applicant intends to plant a mixture of replacement fruit trees and hedges.

RELEVANT PLANNING AND ENFORCEMENT HISTORY

N/A

RELEVANT PLANNING POLICIES

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Regional Guidance

Places for Everyone Joint Development Plan (PfE)

JP-G6 Urban Green Space

JP-G7 Trees and Woodland

JP-G8 A Net Enhancement of Biodiversity and Geodiversity

Adopted Rochdale Core Strategy (CS):

G7 Increasing the value of biodiversity and geodiversity

P2 Protecting and enhancing character, landscape and heritage

PUBLICITY

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

ASSESSMENT

In considering applications for works to trees in a Conservation Area that are not protected by a Tree Preservation Order, Government advice in 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.

With regard to the above, the main considerations in respect of this application are 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.

Firstly, it is noted that a previous Character Assessment of the area explains that the mature trees contribute significantly towards the Conservation Area by helping to delineate the settlements from the open farmland.

However, it is noted that the Ash and Hawthorn are multi-stemmed and appear to have been incorrectly worked, resulting in poor shape and form. Furthermore, the applicant has advised that the Ash is suffering from dieback. The poor condition of both trees is likely to limit their retention and life span. Further to this, the Ash and Hawthorn are only visible or prominent in the immediate locality and do not possess any outstanding features which would make them otherwise remarkable.

Therefore, it is not considered that the trees make a substantive contribution to the setting or character of the Conservation Area and it is not considered that they are worthy of special protection.

The Conifers are sited amongst a dense cover of mature trees and shrubs within the curtilage of the application property and are visible from nearby public vantage points, particularly given their height. While their removal would result in the loss of

amenity value, given the existing presence of trees, the harm would not be so severe as to render the Conservation Area indistinguishable from the surrounding farmland. On this basis, it is considered there are insufficient grounds to designate a Tree Preservation Order in this instance. Notwithstanding, the applicant is encouraged to replant trees of a native species at a ratio of 2:1, an informative of which is attached to the decision notice.

In terms of environmental protection as a result of the proposals, 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.

In light of the above assessment, the proposal is therefore considered to be compliant with the guidance contained within the NPPG and the LPA accordingly raises no objection.

RECOMMENDATION: NO OBJECTION

SUMMARY OF THIRD-PARTY REPRESENTATIONS

N/A

SUMMARY OF CONSULTATION RESPONSES

N/A

Human Rights and Public Sector Equality Duty

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights in relation civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account.

In addition, the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application. In particular due regard has been afforded to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers are satisfied that the application material and Officers' assessment has taken into account these issues.

The application has been considered in accordance with the Rochdale Equity, Diversity and Inclusion policy – Embracing All Voices (2024-2026), which seeks to promote a culture of equity, diversity and inclusion that benefit the community as a whole.

Recommendation: No Objection

- 1 For the avoidance of doubt, this Decision Notice relates to the following draw / document(s):-
 - Planning application form – received 10/02/2026
 - Photos of trees subject to works – received 10/02/2026
- 2 In the first planting season following the removal of the trees, the applicant is strongly encouraged to carry out replacement planting of native species of a similar height at maturity.