

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/00078/WTCA	Chelsea Petrillo	24 April 2024

Address: 133 Edmund Street Rochdale OL12 6QG

Proposal: Application to fell one Holly Ivy tree within Spotland Bridge Conservation Area

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: TH **DATE:** 14/05/2024

SITE

The application relates to one 40ft Holly Tree located in the rear garden of 133 Edmund Street in the Spotland and Falinge ward of Rochdale and the Spotland Bridge Conservation Area

PROPOSAL

The proposal seeks to fell the Holly tree to ground level.

It is noted that the tree is not protected by a tree preservation order however, is sited within the Spotland Bridge Conservation Area which affords protection on this basis.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Places for Everyone JDP (PfE) 2024:

JP-G7 Trees and Woodlands

Adopted Rochdale Core Strategy (CS):

G7 Increasing the value of biodiversity and geodiversity

P2 Protecting and enhancing character, landscape and heritage

RELEVANT SITE HISTORY

None applicable.

CONSULTATION RESPONSES

Tree Officer

Although the tree does make a limited contribution to the local landscape character it is isolated, in relatively poor condition and is outgrowing its very urban location. It is not a high status specimen tree and it is not rare. Its nature conservation value is limited. It is close to property and has the potential to cause harm to property. With reference to the TEMPO Guidelines for assessing trees for possible special protection would not consider that the tree merits a TPO.

Advice – That a TPO is not made and permission is granted.

In this unsuitable location, I would not consider that a replacement tree should be required to be planted.

Protection of nesting birds – the tree should be removed outside of the optimum time of year for bird nesting (March to August inclusive) unless nesting birds have been shown to be absent.

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:

- assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;*
- 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;*
- consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;*

- *consider whether any requirements apply in regard to protected species;*
- *consider other material considerations, including development plan policies where relevant; and*
- *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 raised no objection to much of the works proposed however has proposed a recommended condition ensuring the work is carried out outside of the relevant period for bird nesting for the avoidance of any harm to nesting birds.

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

RECOMMENDATION

Grant Subject to Conditions

1. The Holly tree shall not be removed during the bird nesting season (March - August inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no works shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Notes for Applicant:

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

- Location Plan and annotated photos
- Covering Letter (Dated 16.01.2024)
- Tree Report (Dated 26.03.2024)
- Covering Letter (Dated 02.04.2024)

Report Author Chelsea Petrillo