

DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00182/WTTPO	Bob Melling	27 th April 2023

Address: 32 Frank Fold, Heywood, OL10 4FF

Proposal: Application to fell T10 (Horse Chestnut) within Tree Preservation Order T150 and replace with a Magnolia Tree.

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: RG

DATE: 28 April 2023

SITE

The application relates to 1 Horse Chestnut tree within the front garden of no. 32 Frank Fold in Heywood.

PROPOSAL

The proposal seeks consent for the felling of a Horse Chestnut tree (T10) and planting of a 1.3m Magnolia Tree in the same location.

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

16/00995/WTTPO Canopy reduction of T10 under TPO150 by up to 2m to suitable pruning points, branches growing towards the south east and towards the house

Grant subject to conditions

20/00246/WTTPO Application for works to tree within tree preservation order 150 T10 Horse Chestnut for crown thinning of 20%

Grant subject to conditions

CONSULTATION RESPONSES

Tree Officer

I am less concerned by the cavity than by the evident signs of bleeding canker in this tree. There are also signs of early die-back in the crown, although currently the crown is well-shaped and relatively healthy. Bleeding canker is a bacterial pathogen which can eventually cause Horse Chestnut trees to die. It is now unfortunately very common.

The disease can take some time to progress, so I would not expect this tree to fail suddenly or imminently, but given the close proximity of this high-forest tree to the residential property, and a consequent risk of damage to the property if parts of the tree do fail, I can understand the concerns of the householder and consequently would raise no objections to the proposal to fell the tree and replace it with a more suitable tree species for small gardens.

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 raised no objections to the application on Arboriculture grounds.

The Tree Officer has noted that there are evident signs of bleeding canker in the tree. This can eventually cause Horse Chestnut trees to die. Whilst this can take time to progress, if parts of the tree do fail, then there is a consequent risk of damage to the property. It is therefore considered that the proposed removal of the tree is justified due to the risk to both person and property should any parts of the tree fail.

To compensate for the loss of amenity value afforded by the tree, the proposal seeks to replace the Horse Chestnut tree with a Magnolia tree. This replacement is considered acceptable.

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 conditions:

5. The approved works must be undertaken by a suitably qualified and insured Arborist and to suitable standards in accordance with BS 3998:2010.
6. Within the next planting season after the felling of the one Horse Chestnut tree hereby approved, one Magnolia tree shall be planted in the same location as the Horse Chestnut tree within the curtilage of 32 Frank Fold. 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 similar at maturity 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
- Tree Photo