

APPLICATION NUMBER: 23/00661/WTTPO

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00661/WTTPO	Sam Yuen	26 July 2023

Address: 1 Egremont Road Milnrow Rochdale OL16 4EP

Proposal: Application to fell T3 Ash subject to Tree Preservation Order No. 187

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: RK

DATE: 31/07/2023

SITE

The application relates to one Ash tree (T3) located in the rear curtilage of no. 1 Egremont Road in Milnrow. The tree adjoins the rear curtilages of no. 3 Egremont Road and no. 242 Harbour Lane.

PROPOSAL

The proposal seeks consent for the felling of the tree due to Ash dieback. The Tree Report accompanying the application states the poor health of the tree is currently resulting in excessive amount of falling branches onto the rear gardens of nos. 1, 3 and 242. The report recommends the removal of the tree whilst it is still safe to climb and dismantle in order to minimise damages to neighbouring properties. The applicant has agreed to replant three replacement trees subject to approval of the application.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

G6 Enhancing green infrastructure
G7 Increasing the value of biodiversity and geodiversity

RELEVANT SITE HISTORY

09/T0048 - Proposed Works To Ash Tree T3 Subject To Tree Preservation Order
Tpo 187 – Refuse

Officer Comment:

- ☐ The proposed works to the Ash Tree (T3) located in the curtilage of 1 Egremont Road could cause severe harm to the long term health of the tree without adequate justification. This is contrary to Policy 'NE/7 Tree Preservation Orders in the Council's Unitary Development Plan.

10/T0112 - Proposed Works To Ash Tree T3 Subject To Tree Preservation Order
Tpo 187 – Grant

14/01311/WTTPo - Reduce the branches of the ash tree (T3) that are overhanging neighbours gardens and crown thin, providing not more than 25% of the total crown is removed and every care is taken to preserve the natural shape of the tree. – Grant subject to conditions

21/00877/WTTPo - Application for works to one Ash tree (T3) subject to Tree Preservation Order No. 187, comprising of crown thinning by 20% - Grant subject to conditions

CONSULTATION RESPONSES

Tree Officer

No comments received to date

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.

No comments were received from the Tree Officer. Notwithstanding, the submitted Tree Report notes the tree displays signs of Ash dieback and may inflict potential harm to neighbouring properties as a result of falling branches, as such, the proposed felling of the Ash tree is justified in the interest of safety and good arboriculture practice. It is also noted the applicant has agreed to replant three replacement trees subject to approval, which would compensate for the loss of amenity value afforded by the trees and be acceptable. It is recommended to apply the standard requirement for a 2:1 replacement ratio.

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

5. Within the next planting season after the felling of the tree hereby approved, one replacement tree shall be planted within the curtilage of no.1 Egremont Road and shall be a native species which is of a similar size at maturity. If the replacement tree is removed, dies, become severely damaged or seriously diseased within three years of planting, it shall be replaced by a tree of similar size and species within the first planting season following removal of that tree.

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 – received 19/06/2023
- Photos of tree subject to proposed works – received 19/06/2023
- Tree Report – dated 17/06/2023

Report Author Sam Yuen