

APPLICATION NUMBER: 24/00177/WTTP0

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00177/WTTP0

CASE OFFICER

Sam Yuen

DETERMINATION DATE 04.04.2024 EXT OF TIME 29.05.2024

Address: 21 Botesworth Green, Milnrow, Rochdale, OL16 3PJ

Proposal: Application to remove one Sycamore Tree (T5), subject to Tree Preservation Order No.137 (remove the tree by section down, and replant with 2 x Heavy Standard native trees more suitable in height and shape - option 3 on submitted report)

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

REFUSE

CHECKED AND SIGNED OFF BY: RK

DATE: 29/05/2024

SITE

The application relates to one Sycamore tree (T5) subject to Tree Preservation Order No. 137, located north-west of the rear curtilage of no. 21 Botesworth Green in Milnrow. The tree adjoins a public right of way and an industrial unit.

PROPOSAL

The proposal seeks consent for the removal of the Sycamore tree (T5) by section down and replacement planting with two heavy standard native trees (Rowan or Hawthorn). The submitted Tree Report noted the bark union of the three main stems show signs of weakness and risk of failure and the previous works to reduce the canopy has sprouted back to full canopy, resulting in shading of the rear of no. 21. The proposed works would address the issues of scaffold limb failure and residential amenity. The replacement trees of a suitable species would also reduce the need for additional works to the existing tree in the future.

The application was submitted alongside two separate applications for works to trees, 24/00116/WTTPPO & 24/00176/WTTPPO, with the intention of seeking advice for the recommended option.

RELEVANT PLANNING POLICY

National Guidance

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

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

Policy JP-G6: Urban Green Space
Policy JP-G7: Trees and Woodland
Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity

Adopted Rochdale Core Strategy (CS):

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

RELEVANT SITE HISTORY

10/T0072 - Proposed Works To Sycamore Trees, T4, T5 & G1, Hawthorn Tree T6 & Ash Tree T7 Subject To Tree Preservation Order TPO137 - Grant subject to conditions

24/00116/WTTPO - Application for work to on Sycamore Tree (T5), subject to Tree Preservation Order No.137, to reduce the canopy again back to old cuts to help reduce the shading (Option 2 on submitted report) – To be determined at the time of writing

24/00176/WTTPO - Application for works to one Sycamore Tree (T5), subject to Tree Preservation Order No.137 - pollard to just above the union would result in retaining the tree and letting new growth sprout (Option 1 on submitted report) – To be determined at the time of writing

CONSULTATION RESPONSES

Tree Officer

In assessing the application alongside 24/00116/WTTPO and 24/00176/WTTPO, the Tree Officer do not consider that the risk of failure of this tree, or of part of the tree, is so high as to justify its complete removal. Pollarding to just above the union of the three main stems would be a significant operation and would result in large wounds in all three stems, introducing weaknesses and significantly affecting the shape of the tree.

The recommended option of the Tree Officer would therefore be Option 2 – reduce the canopy back to previous pruning cuts. This would result in more light to the rear gardens and a reduction of the weight of the canopy. The tree should then be inspected annually for any signs of further stress or weakness at the main stem union.

Any approved works must be carried out by a suitably qualified arborist and in accord with BS 3998:2010.

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;

- 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 Tree Officer raised concerns regarding the proposed works and do not consider the risk of failure of the tree is so high as to justify its complete removal. The tree in question is located in a prominent location by a public right of way and thus contribute positively to the urban landscape. The submitted Tree Report has noted the removal of the tree would serve to address issues relating to tree health and residential amenity. Notwithstanding, the supporting information has not been sufficient to justify the loss of this tree and as such, the proposed works would constitute undue harm to the amenity of the area.

The application proposal is therefore considered to be contrary to the guidance contained within the NPPG noted above, and the application is recommended for refusal.

RECOMMENDATION

REFUSE due to the following reason:

1. The Sycamore tree (T5) contributes positively to the local landscape and the proposed removal of the tree would result in undue harm to the amenity of the area. Insufficient evidence has been provided to justify the harm arising from the proposed works and the proposal therefore fails to accord with

Policies G6 and G7 of the adopted Rochdale Core Strategy, the adopted Places for Everyone Joint Development Plan, and to national guidance contained within the National Planning Practice Guidance.

Notes for Applicant:

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

- Location Plan – received 23/03/2024
- Photos of tree subject to proposed works – received 23/02/2024
- Tree Survey and Report – dated 22/02/2024

Report Author Sam Yuen