DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
18/01101/WTTPO	John Van Eker	15 February 2019

Address: Land to The Rear Of 27 Dell Side Way, Former TBA Site, Rochdale, OL12 6XX

Proposal: Works to Oak trees T1, T2, and T3 within tree preservation order 234 to crown lift them to 4 meters and crown thin them by 20%

PUBLICITY	**Call up expired?**	Yes	**Site notice expired?**	N/A
	Neighbour letters expired?	N/A	**Press Notice expired?**	N/A

INTERESTS	**Officer dealing with planning matters / Councillor app?**	NO	**Four or more representations in opposition to the recommendation?**	NO
	Decision maker management interest in site?	NO	**Called up?**	NO

COMMUTED SUMS / S106	**Commuted Sum paid / S106 completed?**	N/A
	Confirm if commuted sum / S106 for POS – copy of calculation spreadsheet on file?	N/A

HUMAN RIGHTS ACT	**Account has been taken of the Act's provisions.**
ENFORCEMENT?	**NO**

EIA	**Has a screening opinion been completed and saved to Onbase?**	N/A

RECOMMENDATION	**GRANT**

CHECKED AND SIGNED OFF BY: DR **DATE: 18/02/19**

SITE

The application site relates to piece of land to the rear of a private garden of a residential property, number 27 Dell Side Way. The land falls within the former Turner Brothers Asbestos site and on this site there are a blanket TPO, number 234, covering trees that fall within the designated area of whatever species. The application references works required to three Oak trees that form part of this TPO located adjacent to the rear boundary of 27 Dell Side Way.

PROPOSAL

Works to Oak trees T1, T2, and T3 within tree preservation order 234 to crown lift them to 4 meters and crown thin them by 20%

RELEVANT PLANNING POLICY

National Guidance

National Planning Practice Guidance (NPPG)

The government published its NPPG on 6 March 2014. This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the NPPG or other national advice in the Analysis section of the report, where appropriate.

RELEVANT SITE HISTORY

No relevant planning history.

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

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

No letters of representation have been received.

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.

Whilst consultation with The Council's Tree and Woodland Officer has not been possible on this occasion, the tree report submitted in association with this application states that these trees are presently causing significant nuisance for the occupants of the neighbouring properties at number 27 Dell Side Way. The proposed works to T1, T2 and T3, including a proposed 4m crown lift and crown thin are not considered to have a significant negative effect on the amenity value of the TPO. The proposed thinning and crown lift of the oaks T1, T2 and T3 will reduce the problems that the trees are currently causing for the residents without reducing the amenity value of the trees.

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 subject to conditions.

RECOMMENDATION

GRANT subject to four standard conditions and the following additional conditions:-

5. Notwithstanding the details submitted with this application and works to trees T1, T2 and T3, the crown lift shall not exceed 4m and the crown thin of the trees shall not exceed 20% of the canopy.

Notes for Applicant:

Informative:

For the avoidance of doubt, this Decision Notice relates to the following details:-

- Site Plan highlighting the three Oak Trees, T1, T2 and T3 subject to TPO 234.
- Photographs received outlining T1, T2 and T3
- Planning Application Form

Informative:
The former Turner Brothers Asbestos site is known to be contaminated and contractors should exercise caution during any works.

Report Author John Van Eker