

APPLICATION NUMBER: 22/01275/WTTP0

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01275/WTTP0	Aimee Bovaird	4 January 2023

Address: 3 Bentgate Close Milnrow Rochdale OL16 4NB

Proposal: Application to fell two Horse Chestnut trees (T2 and T3 on submitted plan) subject to Tree Preservation Order No. 20:-

Tree T2 - is diseased and very close to the main dwelling and lean to (150mm), roots are causing issues to house foundations and drains.

Tree T3 - is extremely close to main dwelling (approx. 1m) roots are causing issues to drains, hardstanding surfaces and house foundations.

RECOMMENDATION	Approve with replacement planting conditions
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CHECKED AND SIGNED OFF BY: L.Ashworth

DATE: 25/01/23

SITE

The site relates to two Horse Chestnut Trees and is located at no. 3 Bentgate Close Milnrow. This is not in a conservation area.

PROPOSAL

The application relates to fell two Horse Chestnut trees (T2 and T3 on the submitted plan) which are subject to Tree Preservation Order No. 20.

RELEVANT PLANNING POLICY

National Guidance

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

No relevant site history

CONSULTATION RESPONSES

Tree Officer

The trees are obviously very close to the property and are now over-dominant, and at least one tree is causing damage to the property which will only get worse over time. It would be difficult to resist the proposal to remove this tree. Also, there is no further space to allow these high forest trees to grow any more. On the other hand they are fine trees which contribute greatly to the character of the area and are an important part of the TPO. But I cannot see any way of pruning the trees which would mitigate harm to property, and prevent future issues – there is simply no space for the trees to grow further without impacting the property.

So I would rather reluctantly reach the conclusion that the application should be allowed, justified because the trees are causing harm to the property and pose a future risk of significant harm.

Replacement tree planning should be sought of more suitable trees, perhaps Magnolia.

REPRESENTATIONS

None 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:

- 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 arboriculture 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 proposed works are justified in regards to *‘whether any loss or damage is likely to arise if consent is refused or granted subject to conditions’* and whether the reasons for works are of sufficient standing to warrant the granting of consent.

The tree officer has no objections and the works are on balance justified because the trees are causing harm to the property and pose a future risk of significant harm.

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 the standard conditions.

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.

All approved works must be undertaken by a suitably qualified and insured arborist in accordance with BS3998:2010.

RECOMMENDATION

Approve with replacement planting conditions

1. Within the next planting season after the removal of the two Horse Chestnut trees hereby approved, no less than 4 replacement trees (to include species such as Magnolia) shall be planted within the site in accordance with details that have first been submitted to and approved in writing by the local planning authority. If the replacement trees are removed, die, become severely damaged or seriously diseased within three years of planting, they shall be replaced by trees of similar size and species.

Reason: To mitigate for the loss of the existing trees and to protect the visual amenity of the area, in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy.

Notes for Applicant:

INFORMATIVE

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

Tree Location Plan
Application Form
Tree Plan and Report

Report Author Aimee Bovaird