**APPLICATION NUMBER: 20/01393/WTTPO**

# DELEGATED DECISION CHECKLIST AND REPORT

| APPLICATION NO. | CASE OFFICER | DATE |
|---|---|---|
| 20/01393/WTTPO | Majid Mir | 14 July 2021 |

**Address:** Land Adjacent To 70 Oakley Way, Rochdale OL12 9DY

**Proposal:** Work to two Birch trees (T2 and T3 on Appendix A of submitted report) subject to Tree Preservation Order No. 259 consisting of pruning to clear buildings

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|---|---|---|---|---|
| PUBLICITY | **Weekly list expired?** | N/A | **Site notice expired?** | N/A |
| | **Neighbour letters expired?** | Y | **Press Notice expired?** | N/A |

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|---|---|---|---|---|
| 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 |

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|---|---|---|
| COMMENTS | **Planning Panel comments received?** | N |
| | **Neighbour comments received?** | Y |

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| 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 |

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|---|---|
| **RECOMMENDATION** | **Approve** |

**CHECKED AND SIGNED OFF BY: KN DATE: 16th July 2021**

## SITE

The trees are located next to 70 Oakley Way, a detached property located within a relatively new development found within the old Birch Hill Hospital Area.

## PROPOSAL

The application proposes to have work done to two Birch trees (identified as T2 and T3 on Appendix A of Tree Survey & Tree Conditions report). The trees are protected under Tree Preservation Order No. 259. The work would consist of pruning to clear away from the dwelling.

The supporting report does consist of numerous other work, however, the application is only for the pruning work to the T2 and T3.

## 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

Not applicable.

## CONSULTATION RESPONSES

Tree Officer
I have re-assessed this application following representations from local residents.

I would not object with the pruning works proposed in the application, justified because of potential damage to the adjacent property. However, I cannot support the removal of the trees at this time on arboricultural grounds.

• The fact that the trees are attracting some anti-social behaviour is not in my view a valid reason for removing the trees. The anti-social behaviour could be addressed in other ways, for example by involving community wardens / support officers. I will pass on the concerns of the residents to the Rochdale community safety team.
• Over-shading of the rear garden of no. 70 Oakley Way is not in my view so egregious to justify the removal of the trees. The approved pruning work should mitigate over-shading to some extent
• There is some damage to the bark on the main stems of some of the trees, but I would not consider this damage to be so bad such that the trees pose a danger to life or property.

I would not object to pruning work being extended to include crown lifting to 5m for all of the trees involved (Trees 1 to 4 as marked in the Tree Survey Report supplied with the application), and I would consider that a limb of Tree T2 which is overhanging the fence line could be removed.

There is a small stand of immature willow trees nearby (not included in the TPO) which provide some cover for anti-social behaviour and which have been subject to extensive bark stripping. I would not object to the removal of this stand of trees.

## REPRESENTATIONS

Letter of notification have been sent to the neighbouring property and one representation has been received. The representation raised concerns to a group of four trees. There was concern that the trees aid antisocial behaviour. The representation also raised privacy and safety concerns linked to the trees.

**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 trees 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 agrees on the proposed pruning work is acceptable and justified due to potential damage to the properties.

It is therefore considered that the proposed work is justified and would have an acceptable amenity impact.

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,**

**Informative:**

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

- Location plan
- Planning application form
- Tree Survey & Tree Conditions Report.
- Photograph

Report Author Majid Mir