

APPLICATION NUMBER: 24/01178/WTCA

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/01178/WTCA

CASE OFFICER

Sam Yuen

DETERMINATION DATE 27.01.2025 **EXT OF TIME**

Address: 4 Lower Ogden, Holly Cottage, Ogden Lane, Newhey, Milnrow, OL16 3TD

Proposal: Application for works to three trees within Ogden Conservation Area consisting of T1- Lime tree- Fell and remove , T2- Sycamore tree - to prune back by 2m and T3- Beech tree- to prune back by 2m

RECOMMENDATION

NO OBJECTION

CHECKED AND SIGNED OFF BY: RK

DATE: 27/01/2025

SITE

The application relates to 1no. Lime tree, 1no. Sycamore tree and 1no. Beech tree located within the curtilage of Holly Cottage, no. 4 Lower Ogden in Newhey. The trees are located within the Ogden Conservation Area.

PROPOSAL

The application seeks to conduct the following works:

- ❑ Removal of 1no. Lime tree. The application form states the mature tree has outgrown its location and there are concerns of wind exposure causing failure. The tree is also blocking light to the nearby properties.
- ❑ Pruning of 1no. Sycamore and 1no. Beech tree by 2m to create clearance from the property.

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

N/A

CONSULTATION RESPONSES

Conservation and Design

The Ogden Conservation Area was designated in 1974, with re-appraisal undertaken during 2010/11. It is noted that Holly Cottage is listed at Grade II on the National Heritage List for England (NHLE).

The settlement of Higher and Lower Ogden has archaeological, architectural, artistic and historic interest for the following reasons:

1. It is an ancient settlement associated with the prominent local families;
2. The antiquity of the built heritage;
3. It is home to the former Ogden Endowed School;
4. It has excellent examples of vernacular Pennine architecture;
5. Its picturesque character and setting.

Council records include a Character Assessment undertaken in 2010, which highlights that *'Mature trees and shrubs transverse both the public and private space, contributing significantly to the conservation area. The trees in the pastures within the conservation area help to define these areas as part of the settlement as opposed to exposed farmland, particularly in views to the conservation area. Piecemeal planting in the courtyards and lane verges add texture and colour.'*

On the basis of the above, it is therefore considered that retention of T1 – Lime tree would be the preferred option from a conservation perspective. However, provided sound arboricultural reasons for the felling of the tree can be adequately demonstrated and justified, then the Officer would see no reason to object from a conservation perspective, subject to the standard 2:1 ratio replacement policy contained within the Core Strategy being applied to meet planning objectives and that the replacement planting utilises native species & reflects the ethos of using piecemeal planting to add texture and colour as referred to above.

The remaining proposed pruning works would constitute standard arboricultural management practice so there would be no undue harm to the conservation area from these works.

Tree Officer

No comments received at the time of writing.

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 trees in a Conservation Area that are not protected by a Tree Preservation Order, Government advice in Paragraph 116 of the NPPG states:

“Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a ‘section 211 notice’, six weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the six week period if the local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make a Tree Preservation Order on the tree.”

With regard to the above, the main considerations in respect of this application are whether the trees are deemed worthy of being placed under a Tree Preservation Order or whether the Local Planning Authority is satisfied the works can go ahead without further intervention.

To assist with the assessment of the proposal against the above considerations, the Tree Officer and Conservation Officer were consulted on this application. The Council’s Conservation Officer noted a previous Character Assessment of the area has described the mature trees to contribute significantly towards the conservation area by helping to delineate the settlements from the open farmland. Whilst the retention of the Lime tree would be the preferred option from a conservation perspective, the Officer raised no objection to the proposed works provided it is justified on arboricultural grounds.

No comments were received from the Tree Officer. Notwithstanding, the submitted application form states the mature tree has outgrown its location and there are concerns of wind exposure causing failure. In the absence of further information by way of a tree survey, the Council has no evidence to dispute the condition of the tree and would consider its removal justified in the interest of good arboricultural practice and residential amenity.

In considering the whether the tree is worthy of a Tree Preservation Order, the Town and Country Planning Act 1990 states LPAs may do so if *“it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area.”* With respect to the Lime tree, it is sited amongst a dense cover of mature

trees and shrubs within curtilage and is visible from Ogden Lane and the adjacent public right of way. Whilst the removal of the Lime tree would result in the loss in amenity value, given the existing presence of trees, the harm would not be so severe as to render the conservation area indistinguishable from the surrounding farmland. On this basis, it is considered there is insufficient grounds to designate a Tree Preservation Order in this instance. Notwithstanding, the applicant is encouraged to replant trees of a native species at a ratio of 2:1, an informative of which is attached to the decision notice.

No concerns are had with the proposed pruning works to the Sycamore and Beech trees, which are justified in the interest of good arboricultural practice and residential amenity.

In terms of environmental protection as a result of the proposals, 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.

In light of the above assessment, the proposal is therefore considered to be compliant with the guidance contained within the NPPG and the LPA accordingly raises no objection.

RECOMMENDATION: NO OBJECTION

Notes for Applicant:

1. For the avoidance of doubt, this Decision Notice relates to the following drawings / document(s):-
 - Location Plan – received 10/12/2024
 - Photos of trees subject to works – received 17/12/2024
2. In the first planting season following the removal of the trees, the applicant is strongly encouraged to carry out replacement planting of native species of a similar height at maturity.

Report Author Sam Yuen