APPLICATION NUMBER: 21/00394/WTTPO

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
21/00394/WTTPO	Majid Mir	6 May 2021

Address: Former T B A Industrial Site, Rooley Moor Road Rochdale, OL12 7DQ

Proposal: Application for minor pruning works to various trees and shrubs subject to Tree Preservation Order no. 234

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/A

CONDITIONS	**Pre-commencement conditions proposed?**	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	**APPROVE**

CHECKED AND SIGNED OFF BY: EH **DATE: 11 May 2021**

SITE

The application relates to 4 areas of trees and shrubs protected under TPO 234. The trees are located on plots of land that run along Rooley Moor Road and Spod Road.

PROPOSAL

The proposal seeks to have minor pruning works undertaken on various trees and shrubs subject to Tree Preservation Order no. 234. The trees and shrubs have become overgrown and are now causing an obstruction to the road users and the public. The following work is proposed in the four different areas:

Area 1 - Cut back trees and shrubs to curb edge from security cabin to bridge
Area 2 - Cut back trees and shrubs to clear the foot path by minimum of 3 meters from
entrance to bus stop
Area 3 - Re coppice trees the trees behind No.11a Beaufort st
Area 5 - Cut back trees and shrubs to clear the steps and hand rail from the Royds arms to bottom of steps.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

Unitary Development Plan (UDP):

RELEVANT SITE HISTORY

Not applicable.

CONSULTATION RESPONSES

Tree Officer
TPO234, areas A1, A2 and A3 includes all trees of whatever species that are over thirteen years old, as the TPO was made in 2004, so permission is only required for larger trees. Many of the trees included in the current application are relatively small and will therefore not be included in the Order. The cutting back of shrubs and regrowth younger than 13yrs old does not require permission.

The Highways Act 1980 requires that trees and other vegetation do not obstruct the passage of users. The Highway Authority requires a minimum clearance over any part of a footpath of 2.4 metres and over any part of a road of 5.2 metres, therefore the planned works covered by the application adjacent to the Highway are justified. Works planned to trees close to properties are justified in the interests of maintaining residential amenity.

I would therefore raise no objection to the planned works, which will have a minor and temporary effect on the special interest of the wider woodland.

It is noted that there are four proposed working areas, even though the areas are marked in the application as Areas 1 -5 (no description is given for any works within an ‘Area 4’). For the avoidance of doubt the works include –

•Area 1 – Cut back trees and shrubs to curb edge from security cabin to bridge
•Area 2 – Cut back trees and shrubs to clear the footpath by a minimum of 3 metres from the entrance to the bus stop
•Area 3- Coppice trees behind no. 11 Beaufort Street
•Area 5 – Cut back trees and shrubs to clear the steps from the Royds Arms to the bottom of the steps

I would recommend that –

•All works must carried out to BS3998 (2010) Tree Work Recommendations standards, and by a suitably qualified person

•Because of the risk of ground contamination in this area, care should be taken to avoid disturbing the ground during all the works within the area covered by TPO234 and no trees should be uprooted.

•No new tree planting is required.

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 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 has raised no objection to the work being proposed. The tree officer believes the proposed works will have a minor and temporary effect on the special interest of the wider woodland. It is noted that the trees and shrubs have become overgrown and are now causing an obstruction to the road users and the public. The tree officer has recommended all works are carried out to BS3998 (2010) Tree Work Recommendations standards and by a suitably qualified person. The tree officer has also recommend that the due to the risk of ground contamination, care should be undertaken to avoid disturbing the ground during the work undertaken within the area covered by TPO234 and no trees should be uprooted.

It is therefore considered that the proposed works are justified as it would reduce the risk to person and property, 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.

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,

Notes for Applicant:

Informative:

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

    - Location plan
    - Photographs
    - Tree report dated 15th March 2021
    - Application form

Report Author Majid Mir