APPLICATION NUMBER: 19/01317/WTTPO

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
19/01317/WTTPO	Ian Lunn	13 December 2019

Address: Land Adjacent To Carr Croft Barn Church Road Heywood BL9 6XA

Proposal: Application for works to one Ash Tree (T74) subject to Tree Preservation Order No. 010

PUBLICITY	**Weekly list expired?**	NA	**Site notice expired?**	N/a
	Neighbour letters expired?	Yes	**Press Notice expired?**	N/a

DELEGATION	**Significant departure from local plan?**	No	**Contrary to national policy?**	No
	Applicant a Council Member or officer?	No	**Contrary to previous decision?**	No
	Major with 10 or more objections and recommending approval?	No	**Called in or Planning Panel objection?**	No

COMMENTS	**Planning Panel comments received?**	No
	Neighbour comments received?	No

EIA	**Screening opinion completed and saved to Onbase?**	N/a

CONDITIONS	**Pre-commencement conditions proposed?**	No
	Pre-commencement conditions agreed (or notification period expired)?	No

RECOMMENDATION	**Grant Consent subject to conditions**

CHECKED AND SIGNED OFF BY: AT **DATE: 13.12.2019**

SITE

The tree the subject of this application is an Ash which is protected by a Tree

Preservation Order (T74). It is located to the immediate west of a property known as The Croft in an area of open countryside that forms part of the Green Belt.

PROPOSAL

Consent is sought to trim branches from the tree and to undertake a crown clean leading to a crown thin. The applicant/agent has indicated that no more than 20% of foliage will be removed as a result of these works and that they are required in order to prevent branches overhanging an adjoining property (The Croft).

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

None

CONSULTATION RESPONSES

Tree Officer (GMEU):- No objections

REPRESENTATIONS

Whilst not a specific requirement under the Council's Code of Practice for applications of this nature, a letter was sent to the occupiers of Carr Croft Barn notifying them of these proposals. No representations have since been received.

ANALYSIS

When considering applications for works to protected trees Government advice, as set out within paragraph 90 of the National Planning Policy Guidance, states that:

"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 is an arboricultural need for proposed works to a TPO'd tree, 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."

Having regard to the above, it is considered that the main issues to be considered when determining this application are:-

a) whether the proposed works are justified having regard to the amenity value of the tree, and
b) whether the reasons for those works justify granting consent for them.

The tree is quite substantial and occupies a prominent position adjoining Church Lane. It is therefore considered to have some amenity value in the landscape. The applicant/agent has supplied details of the works that they propose to carry out to it but these are very limited and it is not very clear how they will impact upon its appearance. Furthermore the only justification that they have given for the works is that branches overhang the adjoining property which, from a visit to the site, they do not appear to do.

However:-

a) this is not the only tree in this location there being a number of other mature specimens that adjoin it and others located nearby,

b) the applicant/agent is not proposing to remove the tree completely so it will remain in some form and will therefore continue to provide some amenity value in the landscape, and

c) the details that have been submitted state that no more than 20% of the foliage will be removed and a condition can reasonably be imposed to ensure this.

In view of the above, whilst it is contended that the works have not been fully justified having regard to the requirements of criteria (a) and (b) above, it is considered that the impact of carrying them out upon the character of the tree and the landscape in general will not, on balance, be so great as to be able to justify a refusal of this application on such grounds. In coming to this view consideration has been given to the fact that the Tree Officer raises no objections to this proposal.

Subject therefore to the imposition of the four standard conditions, and a further condition limiting the proposed works to those described in the application form, it is recommended that consent be granted for them.

RECOMMENDATION

Grant Consent subject to the four standard conditions and the following condition:

5 The works hereby approved shall be limited to those described in Section 5 of the application form and shall allow for the removal of no more than 20% of the trees foliage.

Notes for Applicant:

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

- Location Plan
- Details of proposed works as set out within the application form

Report Author Ian Lunn