

APPLICATION NUMBER: 23/00547/WTTPPO

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00547/WTTPPO	Sam Yuen	9 October 2023

Address: 8 Bentgate Close Milnrow Rochdale OL16 4NB

Proposal: Application to fell one Horse Chestnut tree (T32) subject to Tree Preservation Order No. 20

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

RECOMMENDATION	GRANT SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: RK

DATE: 12/10/2023

SITE

The application relates to one Horse Chestnut tree (T32) located in the rear curtilage of no. 8 Bentgate Close in Newhey. The tree is adjoined by an open green space to Newhey Primary School to the rear.

PROPOSAL

The proposal seeks to consent for the removal of the Horse Chestnut tree. The tree currently hangs over the playing field of Newhey Primary School and is showing signs of rotting, having been subject to crown thinning from previous applications for works.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

- G6 Enhancing green infrastructure
- G7 Increasing the value of biodiversity and geodiversity

RELEVANT SITE HISTORY

14/01461/WTTPO - Works to one Horse Chestnut (T32) of Tree Preservation Order No. 020 involving crown thinning and crown lifting by 25% - Grant subject to conditions

21/00301/WTTPO - Works to one Horse Chestnut (T32) subject to Tree Preservation Order No. 020 involving crown thinning by 25% - Grant subject to conditions

22/01125/WTTPO - Application for works to one Horse Chestnut (subject to Tree Preservation Order No. 20) consisting of crown clean and thin by 15%, removal of any deadwood and crown lift to 5 metres - Grant subject to conditions

CONSULTATION RESPONSES

Tree Officer

No comments received to date.

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 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 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 tree 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.

No comments were received by the Tree Officer. Notwithstanding, the submitted application form states the tree indicates signs of rotting and is currently overhanging onto the playing fields of adjacent Newhey Primary School. As such, the proposed felling of the tree is justified in the interest of safety and good arboricultural practice. However, to compensate for the loss of amenity value afforded by the tree, it is recommended that a replacement tree of a native species is planted. Given the relatively small rear curtilage space of the host property, and the presence of numerous protected trees in the vicinity, it is considered the recommended replacement ratio of 2:1 would not be necessary in this context.

Subject to the suggested 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.

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.

RECOMMENDATION

GRANT subject to four standard conditions

5. Within the next planting season after the felling of the tree hereby approved, a replacement tree shall be planted within the site and shall be a native species which is of a similar size at maturity. If the replacement tree is removed, dies, become severely damaged or seriously diseased within three years of planting, it shall be replaced by trees of similar size and species.

Reason: To mitigate for the loss of the existing tree and to protect the visual amenity of the area.

Notes for Applicant:

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

- Location Plan – received 24/05/2023
- Photos of tree subject to works – received 15/06/2023

Report Author Sam Yuen