APPLICATION NUMBER: 21/00188/WTTPO

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
21/00188/WTTPO	Majid Mir	31 March 2021

Address: Rear Garden Of Plot 86 Of The New Road Development, Littleborough

Proposal: Application to fell 1 Birch tree subject to Tree Preservation Order No 003

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	**GRANT SUBJECT TO CONDITIONS**

CHECKED AND SIGNED OFF BY: AT **DATE: 01.04.2021**

SITE

Works relate to one Birch tree subject to Tree Preservation Order No. 003. The Birch tree is located in the rear garden of plot 86 of the New Road development in Littleborough.

PROPOSAL

The application seeks permission to fell one Birch tree subject to Tree Preservation Order No 003. The reason to remove the application tree is for the purpose of installing a fence that's has been approved under a previous planning application (20/00607/FUL).

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
I am familiar with this development and the tree group of which the tree which is the subject of this application is a part. I have visited the site several times. The Birch to be removed does not make a substantive contribution to the tree group as a whole and I would not raise an overall objection to its removal, but nevertheless new tree planting should be required to compensate for the loss. Replacement like-for-like with Birch would be appropriate.

REPRESENTATIONS

Letters of notification were sent to neighbouring properties. Two representations objecting to the proposal were received. The reasons for objection are summarised below:

- Very few details provided. Insufficient reason to fell tree.
  Officer comments: *The applicant has provided sufficient information for the application to be considered valid and for an assessment of the application to be made.*
- Concerns and questions raised in regards to replacement trees if permission is granted for the tree to be felled. Concerns also raised on location of tree.
  Officer comments: *If the tree is granted permission to be felled, the Council may decide to grant permission a condition of a standard requirement for a 2:1 replacement ratio may be placed if considered appropriate.*
- Concerns raised about visual impact of fencing on a listed building in close vicinity to the site.
  Officer comments: *This relates to a previous application and not this application.*

- Felling tree to erect the fence would lead to further visual harm. Other concerns also raised in relation to the fencing in relation to the site were also raised.
  ***Officer comments**: Discussed in the analysis section of the report.*
- Allowing this tree which has a TPO to be felled will set a precedent for many more trees to be felled at a later date on this site that get in the way of any building or fence.
  ***Officer comments:** Each application for work to a tree protected by TPO is assessed on its merit and not based on previous applications.*
- Tree is not causing harm to property.
  ***Officer comments:** The applicant has provided a reason and is discussed in the analysis section of the report.*
- Area suffers from flooding. Removing mature tree will add to the problem of flooding and would lead to loss of wildlife habitat. Replacement trees would take years to have same benefit as mature trees.
- ***Officer comments:** The application to be felled is based on a number factors that is discussed in the analysis section of the report.*

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 work being proposed. The tree officer has noted that the Birch tree does not make a substantive contribution to the tree group as a whole.

When assessing the amenity value consideration should be given to the visibility, and the individual, collective and wider impact of the tree. The tree is located at the end of a row trees in a larger group of trees that are protected under the TPO. Within the group of trees protected under TPO 003, there are various species of trees. The Birch tree is located on the boundary line of plot 86 and would be towards the rear garden of the property. The tree would be also to the tree of the grounds of Stubley Hall. The amenity value of the tree is limited due to the siting of the tree and the impact the tree has over all as noted by the tree officer.

Flooding and climate change concerns were raised in the objections. Whilst the issues are recognised, and part of the larger development does fall within flood zone 2, the location of the plot 86 is not with flood zones 2 or 3. Furthermore if consent is granted for the felling of a tree protected under a TPO, a condition imposing the requirement to replace the felled tree with two trees. Over time the addition of two trees would help resolve the impact of the loss of the tree and some of the concerns associated with the loss of the Birch tree.

Considering the limited contribution the Birch tree makes in the group of trees and the limited amenity value of the Birch tree, it is considered appropriate to grant approval for the removal of the Birch tree.

However, to compensate for the loss of amenity value afforded by the tree, it is recommended that replacement trees are planted. It is considered appropriate to apply the standard requirement for a 2:1 replacement ratio. The tree officer has advised that replacement Birch trees would be an appropriate replacement for the felled tree.

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 one Birch tree hereby approved, two replacement trees shall be planted within the curtilage of plot 86 of the New Road Development. If any of the replacement trees are removed, die, become severely damaged or seriously diseased within five years of planting, they shall be replaced by a tree of similar at maturity size and species.

Notes for Applicant:

Informative:

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

- AIS Plan. Drawing no: NL/AIS/01 Rev. O
- Application form

Report Author Majid Mir