

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/01344/WTTPO	Chelsea Petrillo	15 April 2024

Address: Oulder Hill House Oulder hill Drive Rochdale OL11 5LB

Proposal: Application for works to one Ash (T3) - reduce sail area 30% east and one Horse Chestnut (T4) crown thin 15% east and to remove one Ash (T1) due to ash dieback and one Sycamore (T2) due to onset of decay and overall decline, subject to Tree Preservation Order No.29

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 Standard Conditions
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CHECKED AND SIGNED OFF BY:

DATE:

SITE

The application relates to three trees located in the grounds of Oulder Hill House to which two blanket TPO's cover a large expanse of the grounds (TPO No.029).

PROPOSAL

The proposal seeks consent for the reducing of the sail area on the (T3) Ash tree of 30% east, the 15% crown thin (east) of the Horse Chestnut tree and removal of the (T1) Ash due to Ash dieback disease and (T2) Sycamore due to onset decay and overall decline.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

G7 – Increasing the value of biodiversity and geodiversity

RELEVANT SITE HISTORY

None applicable.

CONSULTATION RESPONSES

Tree Officer

Thank you for consulting the Ecology Unit on the above planning application.

I would regard the works as justified in the interests of good arboricultural practice and responsible tree ownership.

The Ash removal is justifiable because of Ash die-back disease and the proximity of the tree to property (high risk zone). The onset of decay at the lower stem junction of the Sycamore is a cause for concern given the proximity of the tree to property (high risk).

The pruning works are justified in the interests of responsible tree ownership.

Recommendation – Approve the application. I would suggest replanting with Birch and/or Lime

Officer note: Following consultation, the applicant was asked for replanting details to compensate for the loss of the T1 Ash tree however, this was not preferable as it was explained that the site could not accommodate the replanting of a large tree due to various replanting in recent years. Given the nature of the works, it was considered necessary to await further comments from the Tree Officer to which the following response was received:

Although I would accept that the site supports an existing mature tree stock, and therefore that re-planting with a Magnolia would be an acceptable option, I note that the Magnolia was planted 'a few years ago', and therefore should not be regarded as compensation for the tree removals sought by the most recent application. Also, the suggestion to replace an existing Ash with a larger tree species is premature, and therefore there is a level of uncertainty about whether the replacement will in fact be needed, or secured. Any replacement would also be compensation for the additional Ash, and note the recently requested removals.

I welcome that the applicant has planted new trees and shrubs on the site, but again I think that it would be difficult to regard this planting as the required compensation for the trees which will be lost to the current application.

My advice would therefore be that new planting is required as compensation for the recent application, but I would accept that compensation could take the form of smaller trees species, e.g. further Apple trees, Magnolia or *Prunus* sp.

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:

- 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 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.

To assess the acceptability of the proposal against the above considerations, the Council’s Tree Officer has been consulted. The Officer raised no objections to the application on Arboriculture grounds and responsible tree ownership. Prior to the decision being issued, it has been agreed in writing with both the applicant and agent and in line with the Tree Officers recommendation that a replanting condition will be added to the decision notice to compensate for the loss of the T1 Ash.

The work is justified in the interest of safety and good arboriculture practice. The works are also justified on the grounds of avoidance of harm to both Oulder Hill House and users of the adjacent footpath and road and in the interest of good arboriculture practice.

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

RECOMMENDATION

GRANT Subject to Standard Conditions

1. The tree works hereby approved shall be in accordance with the submitted plans and documents and shall include on-site replacement planting taking into account the recommended native species, as outlined in the GMEU consultation response (dated 12.04.2024) to compensate for the loss of the T1 Ash tree as agreed by the agent on email (dated 14.04.2024). Planting shall be carried out in accordance with the approved details within the next planting season or in accordance with a timetable agreed in writing with the Local Planning Authority, following completion of the approved tree works. Any replacement trees which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

Reason: To mitigate for the loss of the existing trees and to protect the visual amenity of the area and in accordance with Policy G6 of the adopted Rochdale Core Strategy, the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Notes for Applicant:

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

- Tree Location Plan
- Annotated Tree Photos
- Arborist Letter (dated 21st November 2023)

Report Author Chelsea Petrillo