

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/00214/WT	Bob Melling	19 th April 2024

Address: 1 The Ormrods, Church Road, Heywood, Rochdale, BL9 6TX

Proposal: Application for works to two trees subject to Tree Preservation Order TPO10:-

- T1 Beech - 20% crown reduction and crown lift to above telephone cables at approximately 5m and remove deadwood from canopy and pegs left from naturally shed branches.
- T5 Beech - 20% crown lift and thin and remove deadwood from canopy and pegs left from naturally shed branches.

Application for works to one tree and the felling of two trees within Birtle Conservation Area:-

- T2 Flowering Cherry - 20% crown reduction and remove deadwood from canopy and pegs left from naturally shed branches.
- T3 Laburnum - remove and replace with similar species such as Rowan.
- T4 Pear - remove and replace with Apple tree.

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

DATE: 20/05/2024

SITE

The application relates to two Beech trees, one Flowering Cherry tree, one Laburnum tree and one Pear tree sited within the garden of no. 1 The Ormrods in Heywood. The trees are located within the Birtle Conservation Area.

PROPOSAL

The application seeks to carry out the following works:

- T1 Beech - 20% crown reduction and crown lift to above telephone cables at approximately 5m and remove deadwood from canopy and pegs left from naturally shed branches.
- T2 Flowering Cherry - 20% crown reduction and remove deadwood from canopy and pegs left from naturally shed branches.
- T3 Laburnum - remove and replace with similar species such as Rowan.
- T4 Pear - remove and replace with Apple tree.
- T5 Beech - 20% crown lift and thin and remove deadwood from canopy and pegs left from naturally shed branches.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – December 2023
National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-P2 Heritage

JP-G2 Green Infrastructure Network

JP-G7 Trees and Woodland

JP-G8 A Net Enhancement of Biodiversity and Geodiversity

Local

Adopted Rochdale Core Strategy (CS):

G7 Increasing the value of biodiversity and geodiversity

P2 Protecting and enhancing character, landscape and heritage

RELEVANT SITE HISTORY

11/T0132 Application To Fell Yew Tree In The Rear Garden Of 1 The Ormrods
Which Is In A Conservation Area
Grant subject to conditions (June 2011)

07/T0001 Proposed Works To Beech Tree T1 Subject To Tree Preservation
Order TPO 010
Grant (December 2007)

CONSULTATION RESPONSES

Tree Officer

I would raise no overall objections to this application, justified in the interests of good arboricultural management and responsible tree ownership, but as a minor change I would advise that trees T1, T5 and T2 are subject to a maximum of 20% crown reductions. I would regard 30% as requested to be excessive.

Re-planting should be sought for the trees to be lost, I would approve of the proposals to replace the lost trees with Apple trees and/or Rowan trees.

REPRESENTATIONS

In accordance with Council policy on neighbour notification for this type of application, no letters of notification were sent to neighbouring properties.

ANALYSIS

Works to Trees in a Conservation Area:

In considering applications for works to trees in a Conservation Area that are not protected by a Tree Preservation Order, Government advice in paragraph 116 of the NPPG states:

“Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a ‘section 211 notice’, six weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the six week period if the local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make a Tree Preservation Order on the tree.”

With regard to the above, the main considerations in respect of this application are whether the trees are deemed worthy of being placed under a Tree Preservation Order or whether the Local Planning Authority is satisfied the works can go ahead without further intervention.

The trees form part of a wider group and make a modest contribution to the verdant setting along this section of Birtle Road and the Conservation Area. The proposed works to T2 are considered justifiable on the ground of good arboriculture management and to enhance light filtration into the garden. However, it has been agreed with the Planning Agent that the proposed crown reductions to T2 will be limited to a maximum of 20%, instead of the initially proposed 30%.

Furthermore, no objections are had regarding the proposed removal of T3 and T4. T3 is in very poor physical condition due to a split stem and significant decay throughout the tree. T4 appears to have root rot in the lateral root to the southeast of the tree which is limiting its ability to sufficiently anchor the tree. It also has a lean to the north. The poor condition of the trees is likely to limit their retention and life span.

Further to this, the trees are only visible or prominent in the immediate locality and do not possess any outstanding features which would make them otherwise remarkable. To mitigate the loss of the trees, replacement trees are to be planted in a suitable location within the curtilage of the applicant property. The applicant has indicated that the Laburnum will be replaced by a Rowan or other similar species and the Pear will be replaced with an Apple.

Therefore, it is not considered that the trees make a substantive contribution to the setting or character of the Conservation Area and it is not considered that they are worthy of special protection. On this basis, it is recommended that they are removed and replaced.

Works to Protected Trees:

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:

- ⑦ *assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;*
- ⑦ *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;*
- ⑦ *consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;*
- ⑦ *consider whether any requirements apply in regard to protected species;*
- ⑦ *consider other material considerations, including development plan policies where relevant; and*
- ⑦ *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 are justified in light of the assessment of the amenity value of the trees and whether the reasons for works are of sufficient standing to warrant the granting of consent.

The Council's Tree Officer was consulted and raised no objections to the proposals, other than requesting that the trees are limited to crown reductions of no more 20%, instead of the initially proposed 30%. It was considered that 30% would be excessive.

The proposed crown reductions are considered a suitable compromise in promoting sufficient residential amenity whilst retaining the majority of their canopy and foliage, thus preserving their positive contribution to the character of the landscape. Moreover, the works are considered to constitute good arboriculture management and are therefore acceptable.

Summary

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 Standard Conditions and the following additional condition:

1. Within the next planting season after the felling of the trees hereby approved, a minimum of two replacement trees shall be planted within the site in accordance with the details submitted by email on 5th April 2024. If the replacement trees are removed, die, become severely damaged or seriously diseased within three years of planting, they shall be replaced by trees of similar size and species.

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

2. Notwithstanding the details contained within the submitted Tree Report, trees T1, T2 and T5 shall be subject to a maximum of 20% crown reductions as part of the works hereby approved.

Reason: In the interests of good arboricultural practice.

Notes for Applicant:

INFORMATIVE

1. For the avoidance of doubt, this Decision Notice relates to the following drawings / document(s):-
 - Tree Report
 - Email confirming replacement planting details. Dated 5th April 2024

Report Author Bob Melling