

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00073/WTTPO	Chelsea Petrillo	26 September 2023

Address: Ryefield House Bury Road Rochdale OL11 4AU

Proposal: Application to fell and replace 2 lime trees (T1 and T2 on the submitted plan) subject to Tree Preservation Order No. 023B

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: TH

DATE: 17/11/2023

SITE

The application relates to two mature Common Lime trees (T1 and T2) sited adjacent to Ryefield House towards the properties frontage located off Bury Road.

PROPOSAL

The proposal seeks consent for the felling of two Lime trees, both of which are to be replaced along the boundaries of Ryefeld House. Replanting details show one

Common Beech tree and one Horse Chestnut tree are to be replanted along the north and west site boundary.

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

No comments at received at time of writing.

REPRESENTATIONS

In accordance with council policy on neighbour notification for this type of application, no letters of notification were sent to neighbouring properties. However, the following comments are within correspondence of the case officer and a member of the public.

Objection Letter

Dispute of the ownership of the trees

Officer Response The objector was assured of the relevant procedure which the applicant must go through to carry out works to these trees providing they do not own the land the trees are sited on and was reminded that the civil matter of ownership is legally separate from the determination of the tree works application.

Felling of the trees are not justified and would compromise the visual amenity of the area

Officer Response See 'analysis' section of report for justification of the works, as put forward by a qualified arboriculturalist

Previous works to the trees now interfering with the root system, disregard of TPO and root damage by virtue of construction vehicles crossing the area

Officer Response Not a material consideration for the determination of this application

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.

No comments were received from the Tree Officer. Notwithstanding, the submitted Tree Report notes the T1 tree has a kinked lower stem which is resting on the adjacent boundary fence as well as a basal wound. The report states T2 is suffering from a severing of lower ivy with the crown heavily weighted towards and above the adjacent access driveway therefore the removal of both trees is justified for the avoidance of harm to surrounding assets given the application proposes the replanting of two new trees elsewhere within the grounds of the property.

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 Ryefield House 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

Notes for Applicant:

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

- Location Plan
- Tree Safety Survey (Received 26.09.2023)
- Replanting Location Plan (Received 18.10.2023)

Report Author Chelsea Petrillo