

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00767/WTTPO

CASE OFFICER

Bob Melling

DETERMINATION DATE 02.12.2024 **EXT OF TIME** N/A

Address: 12 Durness Place, Heywood, OL10 3ST

Proposal: Application to prune a Sycamore (T19) within Tree Preservation Order 250

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
-----	--	---

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

RECOMMENDATION	REFUSE
----------------	--------

CHECKED AND SIGNED OFF BY: TH **DATE:** 02.05.2025

SITE

The application relates to one large Sycamore (T19) which is protected by TPO 250. The tree is located to the side (north) of no. 16 Durness Place and overhangs the car parking area between nos. 14 and 16 Durness Place.

PROPOSAL

Consent is sought for the pruning of Sycamore (T19) due to bird droppings which are landing on the cars parked beneath it.

It should be noted that consent was granted in November 2024 for a crown reduction to Sycamore (T19) in the interests of responsible tree ownership.

RELEVANT PLANNING POLICY

National Guidance

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

RELEVANT SITE HISTORY

23/01269/WTTPO Application for works to two Sycamore trees (T19 and T20) of Tree Preservation Order no. 250 consisting of crown reductions and the removal of a large limb overhanging no. 20 Lochawe Close -- Grant subject to conditions (November 2024)

CONSULTATION RESPONSES

Tree Officer

I would advise that the application is refused. Bird droppings can be a nuisance, but they are not considered as reasoned justification for pruning or removing 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

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;*

- 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 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 Tree Officer advised that consent should be refused as the nuisance caused by bird droppings is not considered reasoned justification for the proposed works. The tree in question is located in a prominent location within the housing estate and thus contributes positively to the urban landscape. The supporting information is not considered sufficient to justify the proposed pruning and, given the recent approval of a crown reduction, granting additional pruning could result in undue harm to the amenity value of the tree.

The application proposal is therefore considered to be contrary to the guidance contained within the NPPG noted above, and the application is recommended for refusal.

RECOMMENDATION

REFUSE due to the following reason:

1. The Sycamore (T19) contributes positively to the local landscape and the proposed pruning, which could result in harm to the amenity value of the tree, has not been reasonably justified. The proposal therefore fails to accord with the national guidance contained within the National Planning Practice Guidance.

Notes for Applicant:

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

- Supporting Report
- Location Plan
- Submitted Photography

Report Author Bob Melling