APPLICATION NUMBER: 21/00108/WTTPO

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
21/00108/WTTPO	Richard Whittaker	19th February 2020

Address: 2 Kemp Avenue, Rochdale, OL11 4LR

Proposal: Works to 2 no. Beech, 1 no. Lime and 1 no. Sycamore covered by Tree Preservation Order no. 146 consisting of 20% crown thin

PUBLICITY	**Weekly list expired?**	y	**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

RECOMMENDATION	**GRANT**

CHECKED AND SIGNED OFF BY: EH **DATE: 24 Feb 2021**

SITE

The application relates to 2no Beech trees, 1no Lime tree, and 1no Sycamore tree within the curtilage of 2 Kemp Avenue, Rochdale, OL11 4LR.

PROPOSAL

The application seeks permission for a 20% crown thin on all four trees pertaining to this application (subject to Tree Preservation Order No.146.) All four trees are located to the rear of 2 Kemp Avenue and form part of the street scene when viewed from Wimbledon Drive.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

G7 – increase the value of biodiversity and geodiversity

Supplementary Planning Documents (SPD):
Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

01/D38822 - Conservatory Extension To Rear Of Dwelling.(Retrospective) – Approved 21.06.2001

08/D51523 - Two Storey Side/Rear, Single Storey Rear And Single Storey Front Extensions To Dwelling – Application Withdrawn

09/D51788 - Two Storey Side/Rear And Single Storey Rear Extensions To Dwelling - Resubmission D51523 – Refused 22.04.2009

> Reasons - Several protected trees are situated within the curtilage of the dwellinghouse, including four located immediately to the rear of the property adjacent to the southern boundary (Trees T110, T111, T114 and T115 of Tree Preservation Order 146). Unitary Development Plan (UDP) Policy NE/7 (Tree Preservation Orders) states that no work of any nature should be carried out which could possibly affect the health of a tree or trees included in a Tree Preservation Order, including any works which could damage root systems or any part of the tree above ground. In addition, UDP Policy NE/8 (Development Affecting Trees, Woodlands and Hedgerows) requires development proposals to ensure suitable care and protection of trees and their environment during construction. The proposed rear extension would be located in close proximity to trees T110, T111 and T115, and extend underneath the crown of tree T114. The construction of the rear extension in this position would not constitute good arboricultural practice and would unacceptably harm the health of protected trees by causing damage to their root systems and canopies, and retaining insufficient space for their future growth. The proposal is therefore contrary to the requirements of Unitary Development Plan Policies NE/7 (Tree Preservation Orders) and NE/8 (Development Affecting Trees, Woodlands and Hedgerows).
>
> Notwithstanding reason 1 of this refusal the submitted arboricultural survey, by virtue of a lack of site-specific analysis, has failed to adequately demonstrate that the proposed extension would not result in harm to the

health and vitality of protected trees within the curtilage of the dwelling. The proposal is therefore contrary to the requirements of Unitary Development Plan Policies NE/7 (Tree Preservation Orders) and NE/8 (Development Affecting Trees, Woodlands and Hedgerows).

09/T0046 - Proposed Works To Beech Tree T115, Sycamore Tree T114, Turkey Oak Tree T111, Beech Tree T110, Horse Chestnut Tree T105, Sycamore Trees T103, T102, T107 And T101 Subject To Tree Preservation Order Tpo 146 – Approved 02.07.2009

10/D53426 - Two Storey Side/Rear And Single Storey Rear Extensions – Approved 18.08.2010

13/00884/HOUS - Two storey side and single storey side and rear extensions – Approved 10.10.2013

18/00563/WTTPO - Application to fell 1 Lime, 1 Sycamore and 2 Beech trees subject to Tree Preservation Order No. 146 (Former Beechwood School) – Application Returned

18/01170/WTTPO - Application for works to T1 lime (crown thinning 20%), T2 beech (crown thinning 20%), T3 sycamore (crown thinning 20%) and T4 beech (crown thinning 20%) subject to Tree Preservation Order No. 146 (Former Beechwood School) – Application Returned

CONSULTATION RESPONSES

Tree Officer

"I would raise no objections to the above application, the proposed works are justified in the interests of public amenity.

Any approved works must be carried out by a suitably qualified and insured Arborist."

REPRESENTATIONS

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

ANALYSIS

In considering applications for works to or removal of protected trees, Government advice in paragraph 90 (ID: 36-090-20140306) 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 (ID: 36-091-20140306) 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 the 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.

It is considered that the proposed works are justified and due to its position, the visual amenity impact of the proposal is not significant, when compared to the safety of the dwelling. As such the proposal would accord with the Rochdale Core Strategy and the National Planning Policy Framework.

RECOMMENDATION

GRANT subject to standard conditions

Notes for Applicant:

INFORMATIVES

1. For the avoidance of doubt, this Decision Notice relates to the following drawings / document(s):-
   - Description of work in application form
   - Submitted photography
   - Location plan
   - Tree report from C. Ashton cert Arb L2 (ABC).

Report Author Richard Whittaker