APPLICATION NUMBER: 21/00359/WTTPO

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
21/00359/WTTPO	Majid Mir	27 April 2021

Address: 17 Hillkirk Drive Rochdale OL12 7HD

Proposal: Application to fell one Elm Tree subject to Tree Preservation Order No. 52

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/A

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

RECOMMENDATION	

CHECKED AND SIGNED OFF BY: AT **DATE: 28.04.2021**

SITE

Works relate to one Elm tree subject to Tree Preservation Order No. 52. The Elm tree is located within the curtilage of the residential property of 17 Hillkirk Drive.

PROPOSAL

The application seeks permission to fell one Elm tree subject to Tree Preservation Order No. 52.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

11/T0152	Application To Fell Silver Birch Tree In Section G6 Of TPO 035. Decision: Consent not required.

CONSULTATION RESPONSES

Tree Officer
This tree has significant decay in the main stem and there is a risk of failure. Given the proximity of the tree to the property there is a health and safety risk and a risk to property.

Removal of the tree is justified.

I would recommend –

• All works must carried out to BS3998 (2010) Tree Work Recommendations standards, and by a suitably qualified and insured person
• Replacement tree planting should be required, of a suitable species suitable for gardens (e.g. Birch)

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 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 trees 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 has stated that the removal of the tree is justified. The tree officer noted that there is significant decay in the main stem and there is a risk of failure. It is therefore considered that the proposed work to the tree is justified as it reduce the risk to person and property.

To compensate for the loss of amenity value afforded by the trees, it is recommended that replacement trees are planted. It is considered appropriate to apply the standard requirement for a 2:1 replacement ratio. The tree officer has recommended a species suitable for gardens such as Birch should be considered.

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 four standard conditions

5. Within the next planting season after the felling of the one Elm tree hereby approved, two replacement trees shall be planted within the curtilage of 17 Hillkirk Drive. If any of the replacement trees are removed, die, become severely damaged or seriously diseased within five years of planting, they shall be replaced by a tree of similar at maturity size and species.

Notes for Applicant:

Informative:

1. For the avoidance of doubt, this Decision Notice relates to the following details:-

- Location plan
- Photographs
- Application form

2. The tree officer has recommended the replacement trees planted should be species suitable for gardens, such as Birch trees.

Report Author Majid Mir