

DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/01082/WTTP0

CASE OFFICER

Hamish Rigg

DATE

20/11/2024

Address: 7 Hillkirk Drive, Rochdale, OL12 7HD**Proposal:** Application to remove/fell one Hawthorn tree and one Pine tree subject to Tree Preservation Order 139 - Group A2.

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 CONDITIONS****CHECKED AND SIGNED OFF BY:** RK**DATE:** 05/12/2024**SITE**

The application relates to 1no. Hawthorn Tree and 1no. Pine Tree, subject to Preservation Order 139, group A2. The subject trees are located in the rear garden of no. 7 Hillkirk Drive, a two-storey detached property Healey, Rochdale. TPO 139, group A2 covers a group of mature trees spanning the rear gardens of Hillkirk Drive, Heald Close, and Judith Street, providing a natural barrier for privacy. Group A2 joins Group A1 to the north of the site, which both contribute to the green character of the area.

PROPOSAL

Permission is sought to fell 1no. Hawthorn Tree and 1no. Pine Tree, with the former confirmed as dead, and the latter identified as potentially dangerous due to a top heavy lean towards the applicant and neighbouring properties.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – July 2021

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

G6- Enhancing green infrastructure

G7- Increasing the value of biodiversity and geodiversity

RELEVANT SITE HISTORY

Not applicable

CONSULTATION RESPONSES

Tree Officer GMEU 20/11/2024

I would advise that the above application could be approved –

- The Hawthorn tree is dead, part of a now defunct former hedgerow and no longer covered by the TPO protection*
- The Pine has a pronounced lean with some root plate movement evident. The tree is close to dwellings, posing a risk of damage to property.*

Works are therefore justified in the interests of good tree management and to mitigate risks.

Works should be undertaken by a suitably qualified Arborist and in accord with BS 3998:2010.

In this situation where tree cover is dense and space limited, I would advise only small garden trees or shrubs are replanted as replacements. Replacing the pine like-for-like is not appropriate at this location.

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;*
- 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.”

In light of the above, the main consideration relates to the potential for loss or damage to arise if consent is refused, and in the interests of good arboricultural management. The Hawthorn Tree is confirmed as dead, and therefore its removal is recommended to prevent it from undermining the health of nearby trees within the TPO. Whilst the Pine Tree has been identified as a danger to occupants of no. 7 Hillkirk and neighbouring residents as it is too heavy and at risk of failure.

GMEU's Tree Officer has been consulted and in corroboration with the above, has agreed that the trees should be removed. The Tree Officer has recommended against a like for like replacement due to the density of the surrounding tree coverage, and instead has suggested the planting of shrubs and smaller vegetation.

RECOMMENDATION

Grant subject to two standard conditions, plus:

- 3 Within the first planting season following the removal of the trees, a minimum of two replacement plants shall be planted within the curtilage of no.7 Hillkirk Drive. The plants shall either be of a small garden tree variety or large shrub of a native species. Any trees which are damaged, uprooted, become diseased or die within 5 years of being planted shall be replaced in a like for like manner within the first planting season following their removal.

Reason: in the interest of maintaining biodiversity and visual amenity values of the area and in accordance with Policies G6 and DM1 of the adopted Rochdale Core Strategy, Policy JP-G7 and JP-G8 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Notes for Applicant:

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

- Location Plan
- Supporting document (tree survey)
- Application photos