APPLICATION NUMBER: 20/01056/WTTPO

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
20/01056/WTTPO	Richard Whittaker	27th October 2020

Address: 4 Kemp Avenue Rochdale OL11 4LR

Proposal: Felling of Oak tree (T137) covered by Tree Preservation Order No. 146.

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	

CHECKED AND SIGNED OFF BY: AT **DATE: 13.11.2020**

SITE

The application relates to 1no semi-mature Oak tree (T137) within the curtilage of 4 Kemp Avenue Rochdale OL11 4LR.

PROPOSAL

The application seeks permission for the felling of 1no Oak tree subject to Tree Preservation Order No.146. The tree is located to the rear of the rear garden of 4 Kemp Avenue. The felling of the tree has been proposed due to the fact that it is leaning toward the dwelling and becoming a threat to the property.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

Policy G7 – Increasing the value of biodiversity and geodiversity

RELEVANT SITE HISTORY

20/00228/WTTPO - Works to Oak tree (numbered T137 on Tree Preservation Order No. 146) consisting of removal of 5 no. small branches. Granted.

CONSULTATION RESPONSES

Tree Officer

Permission was granted earlier this year for the removal of encroaching limbs on this tree, work which I would regard as reasonable and proportionate to reduce risk and to mitigate harm to residential amenity. But I cannot see an overriding reasoned justification for removing the mature oak tree at this time. Although I agree with the brief tree report submitted to inform the application that some trees can fail unexpectedly there are no particular indications that this tree is at risk of imminent failure.

It is not a particularly prominent tree in the landscape but it is visible from the path which runs behind the houses and it does form part of the wider tree-scape.

I would therefore recommend that the application for removal is refused, but that the tree is subject to annual inspection which may help to alleviate the residents anxiety.

Advice from former RBC tree officer (2014):

The large oak tree that is leaning towards the house is T137 on the map. My brief visual inspection of this tree showed that it was healthy with no obvious signs of disease or defects, there was also no evidence of any movement of the roots. However, because of the significant lean towards the house and the difficulty in reducing the weight of the crown without further damaging the shape of the tree I would not object to a proposal to remove this tree.

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 removal of 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.

The Oak tree has visual amenity value. It appears to be healthy with no obvious signs of disease or defects, there is also no evidence of any movement of the roots. The comments from GMEU are noted. However, there is no mechanism available to the Council to secure the annual inspection of the tree. Based on the advice provided by the Council's former Tree Officer it is considered that, on balance, the removal of the tree is justified due to the significant lean towards the house and the difficulty in reducing the weight of the crown without further damaging the shape of the tree. Two replacement trees will be required, with details to be provided to the Council.

RECOMMENDATION

GRANT subject to standard conditions and additional condition:

Within the next planting season after the felling of the tree hereby approved, a minimum of two replacement trees shall be planted within the site in accordance with details that have first been submitted to and approved in writing by the local planning authority. If the replacement trees are removed, die, become severely damaged or seriously diseased within three years of planting, they shall be replaced by trees of similar size and species.

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 form Mr C. Ashton. Certified Arboriculturist.

Report Author Richard Whittaker