APPLICATION NUMBER: 22/00753/WTTPO

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/00753/WTTPO	Nicole Helliwell	19 August 2022

Address: 7 Hillkirk Drive Rochdale OL12 7HD

Proposal: Application for works to 3 Beech trees - consisting of the pruning of lower branches and the removal of 1 Beech Tree subject to Tree Preservation Order No. 139

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

RECOMMENDATION	**Grant**

CHECKED AND SIGNED OFF BY: RK DATE: 19/08/2022

SITE

The application relates to 3no.mature beech trees subject to Tree Preservation Order TPO139 sited within the rear curtilage of no.7 Hillkirk Drive in the Shawclough area of Rochdale.

PROPOSAL

This application seeks consent for:

Removal of 1no. Beech tree due to poor condition.
Pruning of 3no. Beech trees.

RELEVANT PLANNING POLICY

National Guidance

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

RELEVANT SITE HISTORY

N/A

CONSULTATION RESPONSES

Tree Officer
Thank you for consulting the Ecology Unit on the above planning application.

I would raise no objections to the application on arboriculture grounds. The works are justified in the interests of health and safety, residential amenity and good arboricultural management.

It would be usual to require the replacement of trees removed within a TPO, but in this case the tree to be removed (a repressed and mis-shapen Beech) is not contributing much to the local tree scape and I would not insist on the planting of a replacement tree.

The applicant has requested further advice regarding a large Scots Pine (referred to as Tree 2a in the supporting information). Pruning the large branches causing a lean towards the properties would not be advisable, since such work would leave very large wounds in the tree. If the tree is considered a risk, the only viable option would be to remove it, but I would be very reluctant to agree to this course of action because the large tree makes a significant contribution to the local tree scape.

I would advise that if it is proposed to remove the tree, more information is needed concerning the health and condition of the tree to allow for a more informed risk assessment to be carried out. Further inspection of the tree could be something that any suitably qualified arborist appointed to carry out the works as set out in the application could be asked to carry out.

REPRESENTATIONS

N/A

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 proposed works are 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 Council's Arboriculuralist has been consulted and has raised no objections to the application on arboriculture grounds; the works are justified in the interests of health and safety, residential amenity and good arboricultural management.

Subject to the suggested conditions to limit the scope of the proposed works, it is therefore considered that the proposed works are justified and would have an acceptable amenity impacts.

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 subject to conditions.

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

5 No more than 30% of the crown of any tree shall be removed.

6 Within the next planting season after the felling of the Beech trees hereby approved, four replacement trees shall be planted within the curtilage of 7 Hillkirk Drive. If either 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 size and species.

Notes for Applicant:

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

   - Location Plan
   - Submitted Photography
   - Description of works in application form

2. Failure to carry out the works to these standards may result in prosecution under the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Report Author Nicole Helliwell