

TITLE	: TREE PRESERVATION ORDER – BENTLEY HALL ROAD		
TO / ON	: Planning Control Committee	20 February 2002	
FROM	: Borough Planning & Economic Development Officer		
STATUS	: FOR PUBLICATION		

1.0 TYPE OF DECISION

1.1 What type of decision is to be taken:-

EXECUTIVE DECISION				COUNCIL DECISION	
Key		Non Key		YES	

1.2 If a key decision, has it been included in the Forward Plan

Inclusion in Forward Plan	(Yes or No)	Date of Plan	
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2.0 SUMMARY

<p>Recommendation for the confirmation of the Metropolitan Borough of Bury (Bentley Hall Road) Tree Preservation Order 2002.</p>
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3.0 **OPTIONS AND RECOMMENDED OPTIONS (with reasons)**

The Order may be confirmed to secure its permanent status or allowed to lapse after its provisional six month period. It is recommended that the Order is confirmed to maintain the Authority's policy under the LA21 Strategy.

4.0 **THIS REPORT HAS THE FOLLOWING IMPLICATIONS**

Corporate Aims	Improving transport and the environment.
Policy Framework	LA21 Strategy – Objectives to protect and enhance landscape qualities requires action to designate tree preservation orders.
Statement by Monitoring Officer	Action in accordance with Section 201 of the Town and Country Planning Act 1990.
Statement by Director of Finance & E-Government	No financial implications.
Human Resource IT/Land and Property Implications	Staff time will be required to administer the order and respond to applications for consent to carry out work on the trees.
Wards/Area Boards affected	Tottington
Scrutiny Panel's Interest	N/A

Consultations

None required.

Call-in**Briefings**Executive
Members/
ChairChief
Executive**5.0 INTRODUCTION**

5.1 On the 18th October 2002 the Council made the Metropolitan Borough of Bury (Bentley Hall Road) Tree Preservation Order 2002 under Section 201 of the Town and Country Planning Act. This requires the Order to be confirmed within six months to assure its permanence.

6.0 BACKGROUND

6.1 The tree preservation order was initiated in response to a request from a resident of High Street, Walshaw for the Council to consider protecting a number of trees on land adjacent to the rear of their property. They consider that the land is threatened by possible development that would result in a considerable loss of amenity trees. Whilst the resident did request the protection of a large number of trees, only six of these were considered suitable under the regulations governing the making of tree preservation orders.

7.0 ISSUES

7.1 An objection to the making of the order has been lodged by Lambert Smith Hampton on behalf of Walshaw Estates, the owners of the land affected by the preservation order. They object on four counts:

1. The Authority has not served their client correct documents;
2. The trees are not visible from the public domain and do not make a significant contribution to the landscape;
3. One tree species is incorrectly identified;
4. One tree has been damaged by fire, and
5. Two of the trees are of inferior quality.

7.2 Counts 1, 3 and 4 have now been addressed. The correct documents have now been served, the species identified correctly on the plan and schedule, and the damaged tree omitted from the order.

7.3 With respect to counts 2, and 5 it is evident from the initial request for the order and from subsequent site inspections that the trees are of sufficient quality and amenity value to comply with the requirements of the regulations governing the making of tree preservation orders.

8.0 CONCLUSIONS

- 8.1 The preservation order was initiated in response to a legitimate concern for the future of trees that provide an amenity value for the residents of High Street, Walshaw. The contents of the order have been reconsidered following the receipt of the objection and amended as appropriate. It is recommended therefore that the preservation order is confirmed in its amended form to give it permanent status.

BRIAN DANIEL
BOROUGH PLANNING & ECONOMIC DEVELOPMENT OFFICER

Background documents:

Letters from J Lea, 76 High Street, Walshaw, Bury
Letter of objection from Lambert Smith Hampton, 79 Mosley Street, Manchester
Tree Preservation Order – Bentley Hall Road. File No. TP229

For further information on the details of this report, please contact:

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