

TITLE	: TREE PRESERVATION ORDER – ELTON VALE WORKS
TO / ON	: PLANNING CONTROL COMMITTEE 16 DECEMBER 2003
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

Recommendation for the confirmation of the Metropolitan Borough of Bury (Elton Vale Works) Tree Preservation Order 2003

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

Church

Scrutiny Panel's Interest

N/A

Consultations

None required

Call-in

Briefings

Executive Members/ Chair		Chief Executive	
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5.0 INTRODUCTION

- 5.1 On the 4th. July 2003 the Council made the Metropolitan Borough of Bury (Elton Vale Works) Tree Preservation Order 2003 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 interest in development of land currently occupied by redundant industrial buildings. It is considered that the possible development could result in a considerable loss of amenity trees as defined 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 King Sturge, Property Consultants, who are acting as agents for the sale of the development site. They consider that the imposition of a tree preservation compromises the security and development potential of the site. Large areas of trees surround the redundant building, some of which are already included in a tree preservation order, and the objector feels that they provide cover for unauthorised access to their site.
- 7.2 Whilst it is accepted that the short term security of the buildings may at risk, this is more a result of their dereliction than the proximity of trees. The trees have provided a woodland buffer between residential and industrial properties for a considerable amount of time, and the uncontrolled removal of trees would be an unacceptable loss of amenity for the local residents.
- 7.3 The site could be sensitively developed whilst retaining much of the tree cover, but until such time as the development proposals have been approved the Local Authority has no control over the future of the trees.

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, and which could be lost through site clearance in advance of the approval of new development proposals. It is recommended therefore that the preservation order is confirmed to give it permanent status.

BRIAN DANIEL
BOROUGH PLANNING & ECONOMIC DEVELOPMENT OFFICER

Background documents:

Letter from King Sturge, Property Consultants, dated 12 August 2004
Tree Preservation Order - Elton Vale Works, file ref. TP247

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

Mr Keith Hotham
Landscape Practice Manager
Environment & Development Services
3rd Floor
Craig House
5 Bank Street
Bury BL(0DN

Tel: 0161 253 5267