



REPORT FOR DECISION

Agenda Item	
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MEETING: PLANNING CONTROL COMMITTEE

DATE: 20TH JANUARY 2004

SUBJECT: TREE PRESERVATION ORDER – 187-189 BOLTON STREET

REPORT FROM: BOROUGH PLANNING & ECONOMIC DEVELOPMENT OFFICER

CONTACT OFFICER: KEITH HOTHAM, LANDSCAPE PRACTICE MANAGER

TYPE OF DECISION: COUNCIL

REPORT STATUS: FOR PUBLICATION

PURPOSE/SUMMARY:

Recommendation for the confirmation of the Metropolitan Borough of Bury (187-189 Bolton Street) Tree Preservation Order 2003.

OPTIONS AND RECOMMENDED OPTION (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.

IMPLICATIONS -

Financial Implications and Risk Considerations No financial implications

Corporate Aims/Policy Framework:

Do the proposals accord with the Policy Framework? Yes No

Are there any legal implications? Yes No (see paragraph)

Considered by Monitoring Officer: Yes Comments

Statement by Director of Finance and E-Government:

Staffing/ICT/Property: Staff time will be required to administer the order and respond to applications for consent to carry out work on the trees.

Wards Affected: Ramsbottom

Scrutiny Interest: N/A

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
Scrutiny Panel	Executive	Committee	Council

1.0 BACKGROUND (brief)

1.1 On the 26th September 2003 the Council made the Metropolitan Borough of Bury (187 – 189 Bolton Street) 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.

1.2 The tree preservation order was initiated in response to local residents' concern for the possible development of land currently occupied by a substantial amount of mature trees. The owner of the site has already put forward for discussion proposals that would result in the loss of many of these trees. Whilst the trees are currently protected by their conservation area status these proposals could be construed as being the statutory six weeks prior notification to remove the trees. To secure permanent protection of the trees a preservation order was initiated under the guidance of the regulations governing trees in conservation areas.

2.0 ISSUES (brief)

2.1 An objection to the making of the order has been lodged by Mr I Baird, the owner of the land on which the trees stand. He alleges that the preservation order was placed on the trees in a devious manner so as to restrict his development proposals, and that many of the trees are not of a quality to warrant their statutory preservation.

2.2 The tree preservation order will not totally restrict development of the site but will ensure that the proposals do give major consideration to the retention of trees.

2.3 With respect to the condition and amenity value of the trees it has been only those considered suitable as defined by the regulations that have been included in the preservation order.

3.0 CONCLUSION (brief)

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.

List of Background Papers:-

Letter from Mr A Todd, 183 Bolton Street, Ramsbottom

Letter from Mr I Baird, Dearden Clough House, Rochdale Road, Edenfield

Tree Preservation Order 187-189 Bolton Street, file ref. TP254

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