

**REPORT FOR DECISION**

Agenda Item	
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**MEETING:** PLANNING CONTROL COMMITTEE

**DATE:** 9<sup>th</sup> November 2004

**SUBJECT:** CONFIRMATION OF TREE PRESERVATION ORDER-  
SYKES AVENUE BURY

**REPORT FROM:** BOROUGH PLANNING AND ECONOMIC DEVELOPMENT  
OFFICER

**CONTACT OFFICER:** M DOWD, LANDSCAPE ARCHITECT

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**TYPE OF DECISION:**

**REPORT STATUS:** FOR PUBLICATION

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**PURPOSE/SUMMARY:**

The confirmation of the Metropolitan Borough of Bury (Sykes Avenue) Tree Preservation Order (Amendment) 2004 as required under section 201 of the Town and Country Planning Act 1990

**OPTIONS AND RECOMMENDED OPTION:**

The order may be confirmed by the Council, or allowed to lapse after its initial six months provisional period. It is recommended that the order be confirmed to maintain the Council's policy under the LA21 Strategy.

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**IMPLICATIONS -**

**Financial Implications and  
Risk Considerations**

**Corporate Aims/Policy Framework:**

Do the proposals accord with the Policy Framework? Yes  No

Are there any legal implications? Yes  No

**Considered by Monitoring Officer:** Yes  Comments

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**Statement by Director of Finance  
and E-Government:**

**Staffing/ICT/Property:**

**Wards Affected:** Unsworth

**Scrutiny Interest:**

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**TRACKING/PROCESS**

**DIRECTOR:**

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

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**1.0 BACKGROUND**

On the 17<sup>th</sup> July 2004 the Council made the Metropolitan Borough of Bury (Sykes Avenue) Tree Preservation Order 2004. This order requires confirmation within six months by the Council to secure its permanence.

**2.0 ISSUES**

An objection to the making of the order dated 28<sup>th</sup> September was received by Bury MBC on the 30<sup>th</sup> September - two days after the 28 day minimum period for objections to be received had elapsed.

The objection from the Appleton Group Landscape Consultancy engaged to act for the developer primarily centred on T11 (Sycamore) that was within the proposed access route into the site that had already been granted outline planning permission.

Although the main application for the construction of domestic properties within this site has subsequently been withdrawn, the outline permission remains, and thus there is a fair presumption that the land could be developed for similar use at a later date with the proposed access remaining. If this tree were to be removed from the Order to allow felling at a future date to provide access to the site, the neighbouring tree T10 (Ash) that is not within the main tree line of the site would be exposed and isolated. As this tree (T10) is at best an average specimen the objection that this tree would no longer contribute to the overall site could also be sustained.

### **3.0 CONCLUSION**

It can be reasonably upheld that T11 should not have been included in the original Order due to the previous granting of outline planning permission. Subsequently the inclusion of T10 can justifiably be questioned by the action of omission of T11. It is therefore recommended that the Council confirm and amended version of tree preservation order No 272 Sykes Avenue Bury 2004, excluding Trees T10 & T11 from the plan and schedule, and then to secure its permanent status.

**BRIAN DANIEL**  
**BOROUGH PLANNING & ECONOMIC DEVELOPMENT OFFICER**

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#### **List of Background Papers:**

Tree Preservation Order – Sykes Avenue Bury - file ref. TP272  
Letter from Appleton Group dated 28<sup>th</sup> September August'04

#### **Contact Details:**

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