

REPORT FOR DECISION

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| Agenda Item | |
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MEETING: PLANNING CONTROL COMMITTEE

DATE: 9th November 2004

SUBJECT: CONFIRMATION OF TREE PRESERVATION ORDER-
BRIDGE HALL DRIVE, BURY

REPORT FROM: BOROUGH PLANNING AND ECONOMIC DEVELOPMENT
OFFICER

CONTACT OFFICER: M DOWD, LANDSCAPE ARCHITECT

TYPE OF DECISION:

REPORT STATUS: FOR PUBLICATION

PURPOSE/SUMMARY:

The confirmation of the Metropolitan Borough of Bury (Bridge Hall Drive) 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.

IMPLICATIONS -

**Financial Implications and
Risk Considerations**

Corporate Aims/Policy Framework:

Do the proposals accord with the Policy Framework? Yes x No

Are there any legal implications? Yes x No

Considered by Monitoring Officer: Yes Comments

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

Staffing/ICT/Property:

Wards Affected: Bury East

Scrutiny Interest:

TRACKING/PROCESS

DIRECTOR:

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|--------------------------------------|----------------------------|--------------|----------|
| Chief Executive/ Management Board | Executive Member/ Chair | Ward Members | Partners |
| | | | |
| Scrutiny Panel | Executive | Committee | Council |
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1.0 BACKGROUND

On the 20th August 2004 the Council made the Metropolitan Borough of Bury (Bridge Hall Drive) Tree Preservation Order (Amendment) 2004. This order requires confirmation within six months by the Council to secure its permanence.

2.0 ISSUES

Objections to the making of the tree preservation order have been raised by Mr M Clarke of 1 Greengate Close on whom the order was served and by MCP Planning & Development on behalf of the landowner Melrose Developments Ltd. The main grounds for Mr Clarke's objection appear to relate to the proximity of the crown a single tree - T8 a Beech tree within the group, the branches of which Mr Clarke states overhang his garden. Mr Clarke maintains that these branches limit the amount of daylight available to this area, as well as depositing leaves and small branches in Autumn both in his property and on the footpath that serves the new estate, of which Greengate Close is a part. Mr Clarke is also objecting to the possibility of having to meet any future costs in having the branches of the tree pruned back if it is to remain.

Greengate Close was completed during 2003. In the elapsed period of time between this construction and the amendment of the previous Tree Preservation Order to include this group of trees to which T8 belongs (August 2004) is less than two years. The tree in question has not therefore, significantly increased the spread of its crown to become any more overhanging or invasive to the property than would have been at the time at which Mr Clarke took up occupation.

The objection on behalf of Melrose Developments concerns two issues:- their contention that T3 a Sycamore within the group 'does not exist' and the presence of a fungal disease *Phytophthora cactorum* within T5 a Horse Chestnut.

Upon further inspection of the site on Thursday 30th Sept 2004 with the Borough Tree Officer Mr Kevin Price, T3 was confirmed as present within the group, albeit in a

position shown slightly north to that on the TPO map by approx 4 metres and the tree T5 is infected with *phytophthora cactorum*.

The Tree Preservation Order is sought to include this group of 8 trees in relation to proposed development work to construct both residential apartments and office units within the wider parcel of the land – a former sports field to the south of this site. Although the current proposals for these developments do not include any current plans to fell these particular trees, they remain in close proximity to the intended construction works and completed building footprints.

3.0 CONCLUSION

It is not evident that T8 requires exclusion from the Order on the grounds of current or future crown invasion of Mr Clarke's property at 1 Greengate Close or potential costs of pruning maintenance – which would in any case be met by the landowner (Melrose Developments) not by Mr Clarke.

In respect to T3, the location indicator on the plan can be redrafted to be more accurate. However, to maintain that the tree 'does not exist' as one of 8 trees proposed for preservation in a group consisting of just those 8 is incorrect as this trees presence is easily established on site and does not require the re-issue of the TPO.

The tree T5 could survive for several more seasons, and does not present an immediate danger. Protecting this tree with the preservation order will ensure that any future loss will have to be made good with a replacement ensuring the tree cover for this area is maintained. Combined with the previous loss of mature trees to accommodate aspects of the development plan throughout the area of Bridge Hall Drive, it is considered that any potential further losses to remaining trees would be detrimental to the landscape character of the area as a whole.

It is therefore recommended that the Council confirm the tree preservation order to secure its permanent status.

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

List of Background Papers:-

Tree Preservation Order – Bridge Hall Club - file ref. TP70

Letter from Mr Clarke No 1 Greengate Close dated 30th August'04

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