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**MEETING:** PLANNING CONTROL COMMITTEE

**DATE:** 20TH DECEMBER 2005

**SUBJECT:** TREE PRESERVATION ORDER 288  
POT GREEN

**REPORT FROM:** LANDSCAPE PRACTICE

**CONTACT OFFICER:** C KALUPA – LANDSCAPE ARCHITECT

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**TYPE OF DECISION:**

**REPORT STATUS:** FOR PUBLICATION

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**PURPOSE / SUMMARY:**

Recommendation for the confirmation of the Metropolitan Borough of Bury (Pot Green) Tree Preservation order 2005.

**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**

**Corporate Aims/Policy Framework:**

Do the proposals accord with the Policy Framework? Yes  
Are there any legal implications? Yes

**Considered by Monitoring Officer:** Yes

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

**Staffing / ICT / Property:**

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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**

- 1.1 On the 13th July 2005 the Council made the Metropolitan Borough of Bury (Pot Green) Tree Preservation Order 2005 under section 201 of the Town and Country Planning Act. This requires the Order to be confirmed within six months to assure permanence.
- 1.2 The Tree Preservation Order was initiated in response to a request by a neighbour who was concerned about the loss of a group of trees between Pot Green and Longsight Road, Holcombe Brook.
- 1.3 The condition and location of the trees in the area was assessed on 13<sup>th</sup> June 2005.
- 1.4 In all there are 14 trees worthy of protection, 5 of which are within the Pot Green Conservation Area. These trees are of particular merit and warranted additional protection via the Order. The remaining trees were also included as they form a strong linear element in the rear gardens of several Longsight Road properties. All the trees in the Order are of high visual amenity value.

**2.0 ISSUES**

- 2.1 T14 - Sycamore: front garden of Holly House & 62 Summerseat Lane.

There are concerns regarding several branches which are in close proximity to the house, as well as some necessary tree work to remedy some poorly trimmed branches.

Under the Order the owners would be able to apply for permission for the work to be carried out as long as it is not detrimental to the health and condition of the tree.

2.2 T8 - Oak, T9 - Sycamore, T10 - Beech, T12 - Maple: rear of 21a Longsight Rd

An objection was lodged with regard to the protection of 4 trees in the back garden of 21a Longsight Road on grounds of safety.

The trees were assessed by 2 Council Officers back in June 2005 and only those that were safe and in good condition were selected for protection. If the Order is confirmed then any deterioration in their condition can be assessed by The Landscape Practice and appropriate action can be taken. Dead dying or dangerous trees can be felled with permission but are subject to a replant.

Further concerns also relate to the issue of the tree roots and drains in the rear garden. This problem can be solved by ensuring the drain has watertight joints as well as laying a root barrier.

A number of on going anti-social incidents have been occurring in the footpath between Summerseat Lane and Pot Green. One claim states that protecting the trees would shroud these activities or even encourage them.

The trees in the rear garden of 21a Longsight Road screen the house from the Pot Green and Summerseat Lane footpath. The removal of the trees in the rear garden would have little impact on improving the situation in the back lane because the footpath is below the level of the garden / trees and hidden behind the garden fence. It is also important to point out that T8, T9, T10 and T12 all have clear stems which would give a clear view up to the fence.

2.3 T2 - Ash: rear garden of 18 Pot Green

A complaint was lodged with regard to the roots of a large ash tree which (it is claimed) have damaged drains in the rear of 18 Pot Green. The house has a long-standing problem with drains and is susceptible to flooding.

The ash tree (T2) is already protected under the Pot Green Conservation Area and was included in the Order because it would be a more specific and accurate way of protecting the tree.

Most tree roots (including ash trees) do not cause problems with drains if the drains have been constructed properly and are in good condition. Furthermore water leaking from already damaged drains, sewers or mains water will encourage tree roots to enter the drain (BS 5837:1991). Damage to drains can be avoided by ensuring the drain has watertight joints as well as laying a root barrier. On this basis the tree should remain within the Order.

### 3.0 CONCLUSION

- 3.1 The Tree Preservation Order was initiated in response to a legitimate concern for the future of these tree that provides an amenity value, and which could be put at risk from local residents. It is recommended therefore that the Tree Preservation Order is confirmed to give permanent status.

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**List of Background Papers:**

3 objections / concerns to the making of the Order (available on request).

Tree Preservation Order 288: Pot Green, Holcombe Brook, Ramsbottom (ref.TP283)

**Contact Details:**

For further information on the contents of this report please contact:

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