

REPORT FOR DECISION

Agenda Item	
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MEETING: PLANNING CONTROL COMMITTEE

DATE: 29TH AUGUST 2006

SUBJECT: TPO 306 HOPE PARK CLOSE, PRESTWICH

REPORT FROM: LANDSCAPE PRACTICE

CONTACT OFFICER: C KALUPA – LANDSCAPE ARCHITECT

TYPE OF DECISION: CONFIRMATION

REPORT STATUS: FOR PUBLICATION

PURPOSE/SUMMARY:

To consider options available regarding:
Bury MBC, Tree Preservation Order 306
Hope Park Close, Prestwich

OPTIONS AND RECOMMENDED OPTION (with reasons):

Options available are:

Confirm the Order
Not to confirm the Order
Variation to the Order

The Landscape Practice recommends Tree Preservation Order 306 be confirmed.

IMPLICATIONS

Financial Implications and Risk Considerations **No**

Corporate Aims/Policy Framework:

Do the proposals accord with the Policy Framework? **Yes**

Are there any legal implications? **Yes**

Considered by Monitoring Officer

Statement by Director of Finance and E-Government: **No**

Staffing/ICT/Property: **No**

Wards Affected: **Sedgley**

Scrutiny Interest: **none**

TRACKING/PROCESS

DIRECTOR:

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

1.0 BACKGROUND

On the 27th March 2006 the Council made the Metropolitan Borough of Bury, Hope Park Close, Prestwich Tree Preservation Order 2006 under section 201 of the Town and Country Planning Act. This requires the Order to be confirmed within six months to assure permanence.

The Tree Preservation Order was initiated in response to a letter from a member of the public who wished to see the trees protected.

The condition and location of the trees in the area were assessed on the 2nd March 2006.

2.0 ISSUES

During the consultation period 1 letter was received objecting to part of the Order.

The objection relates to a sycamore – *Acer pseudoplatanus* marked T6 in the Order, as shown in *figure 1*. The tree is situated in Holden Gardens between the car park of 130 Bury New Road and 31 Hope Park Close, Prestwich, it can be seen from Bury New Road as shown in *figures 2 and 3*.

The objections relating to T6 are as follows:

1. The tree is affecting a mature apple tree and a mature cherry tree.
2. The canopy heavily shades the garden area in summer.
3. The height of the tree makes it difficult to both prune and keep free of pests.

The objector proposes to replace the tree with cherry and apple trees in order to create an “orchard style mixed fruit landscape”.

In response The Landscape Practice would like to make the following points:

- The tree inspection selected trees which were healthy and appropriate in the area in line with criteria as specified in Section 3.3 of “Tree Preservation Orders – A Guide to the Law and Good Practice” (DETR March 2000) *quote*;

Visibility:

The extent to which the trees can be seen by the general public will inform the Local Planning Authority’s assessment of whether its impact on the local environment is significant. If they cannot be seen or are barely visible from a public space, a Tree Preservation Order might only be justified in exceptional circumstances.

Individual Impact:

The mere fact that a tree is publicly visible will not itself be sufficient to warrant a Tree Preservation Order. The Local Planning Authority should also assess the tree’s particular importance by reference to its size and form, its future potential as an amenity, taking into account any special factors such as rarity, value as a screen or contribution to the character or appearance of a conservation area.

Wider impact:

The significance of the trees in their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.

All these points are covered by the standard assessment used by the Bury MBC when considering the suitability of trees for a Tree Preservation Order.

- The trees covered under the Order are an important visual amenity providing a valuable addition to the urban environment and contributing to the overall leafy character of the area.
- The loss of residential amenity caused by the problems that have been identified by the tree owner / neighbours – the shading of the garden; do not outweigh the positive amenity benefits identified and do not have a significant bearing on whether or not it is expedient to make the Order. These issues should therefore not prevent the TPO from being confirmed. Once confirmed, the owner has the right to make an application for consent to thin the trees at any time. Any such application will be judged according to its merits at the time it is made. The owner has the right to appeal against the decision to refuse permission for consent under a TPO and is entitled to claim compensation for any loss incurred as a result of such a decision.
- Any overhanging branches which need to be pruned can be applied for and any such application will be judged according to its merits at the time it is made.
- The Tree Preservation Order is not intended to prevent maintenance work or to stop people from ensuring a tree is regularly assessed for safety. It merely asks that when you carry out the work that an application is first made to the Council to apply for permission. Even if yearly pruning is carried out to trim back branches and remove any dangerous wood this is only one application per year. If the Owner / neighbours feel that this is still too often then perhaps he could discuss the possibility of creating a maintenance programme of work to cover two or three years in one application.
- Sycamores form a large proportion of the tree population in Bury and to remove them from the Order because there are other better quality trees in the area would quickly see the erosion of any visual amenity.

Figure 1: Tree Preservation Order map

METROPOLITAN BOROUGH OF BURY (HOPE PARK CLOSE, PRESTWICH) TREE PRESERVATION ORDER 2006



FILE TP. (306)



SCALE. (1:500)

Environment and
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Figure 2: distant view across Bury New Road towards T6



Figure 3: close up view from Bury New Road towards T6



3.0 CONCLUSION

The Tree Preservation Order was initiated in response to a legitimate concern for the future of the trees. The trees are of amenity value and on this basis The Landscape Practice recommends that the Tree Preservation Order is confirmed to give permanent status.

List of Background Papers:-

- 1 letter requesting a Tree Preservation Order (available on request)
- 1 letter objecting to part of the Tree Preservation Order (available on request)
- Tree Preservation Order 306: Hope Park Close, Prestwich (*ref.* TP306)

Contact Details:-

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

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