

REPORT FOR DECISION

Agenda Item	
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MEETING: PLANNING CONTROL COMMITTEE
DATE: 24TH JULY 2007
SUBJECT: TPO 313 - OUTWOOD GATE FARM, OUTWOOD
REPORT FROM: LANDSCAPE PRACTICE
CONTACT OFFICER: C KALUPA – LANDSCAPE ARCHITECT

TYPE OF DECISION: COUNCIL - NON KEY DECISION

FREEDOM OF INFORMATION/ STATUS: This paper is within the public domain

SUMMARY:
To consider options available regarding:

Bury MBC, Tree Preservation Order 313
Outwood Gate Farm, Outwood

OPTIONS AND RECOMMENDED OPTION:

Options available are:

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

The Landscape Practice recommends Tree Preservation Order 313 be confirmed.

IMPLICATIONS -

Corporate Aims/Policy Framework: Do the proposals accord with the Policy Framework? Yes No
Financial Implications and Risk Considerations None

Statement by Director of Finance and E-Government: No

Equality/Diversity implications Yes No

Considered by Monitoring Officer: Yes

The recommendation accords with s201 Town and Country Planning Act 1990

Are there any legal implications? Yes No

Staffing/ICT/Property: No

Wards Affected: Radcliffe West / Pilkington Park

Scrutiny Interest: None

TRACKING/PROCESS

EXECUTIVE DIRECTOR:

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

1.0 BACKGROUND

On the 2nd of May 2007 the Council made the Metropolitan Borough of Bury, Outwood Gate Farm, Ringley Road West Tree Preservation Order 2007 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 the owner of the tree who wished to see the tree protected.

The condition and location of the tree was assessed on the 13th April 2007.

2.0 ISSUES

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

The objection relates to a sycamore tree (*Acer pseudoplatanus*) which is the only tree covered under the Order and marked T1 as shown in *figure 1*. The

tree is situated along the boundary between a former garage site which is currently being developed into a restaurant and a track leading to Outwood Gate Farm. The sycamore is located next to the junction between Ringley Road West and Outwood Road in a prominent position on the crest of a hill.

The objections relating to T1 are as follows:

1. Lack of amenity value
2. Inappropriate timing for the serving of the order

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

- The tree inspection carried out by Bury MBC Landscape Practice would only select trees which were healthy and appropriate to the area in line with criteria as specified in Section 3.3 of "Tree Preservation Orders – A Guide to the Law and Good Practice" (Department for Communities and Local Government website) *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.

- Tree inspection conclusion -

After following the above given criteria on site on the 13th of April 2007 Bury MBC Landscape Practice could conclude that the tree could be covered by a Tree Preservation Order.

- Lack of amenity value -

The objection letter states that the tree is not of high amenity value and would therefore not warrant a Tree Preservation Order. In response the Landscape Practice would like to state that the tree fulfils the three basic criteria as set out by the Department for Communities and Local

Government and would therefore warrant a Tree Preservation Order. These criteria with reference to the site can be described as follows:

visibility - the tree is located at the top of a hill and is an important part of the skyline within the area (see figure 6).

individual impact - the tree is approximately 12 metres high and forms part of a tree avenue to a neighbouring farmhouse (see figure 2 and 3) which also acts as a windbreak and screen between the farmhouse and neighbouring properties and farmland.

wider impact - the tree is a sycamore which is a common indigenous tree to Britain. Sycamores form a large proportion of the tree population in Bury and to remove them because there are better quality trees in the area would quickly see the erosion of any visual amenity within the borough.

- Inappropriate timing for serving the order -

The second objection refers to the serving of Tree Preservation Order 313 after the outline Planning Permission was granted for a new restaurant on the neighbouring site over which part of the tree canopy overhangs. The objector feels that this should have been considered as part of planning application process. In response the Landscape Practice would like to highlight the following points:

Planning Application 47 487 - the trunk of the tree in question lies outside the Planning Application boundary and therefore does not belong to the owner of the neighbouring site. The Landscape Practice records show that the initial Planning Application submission did not indicate any intention of removing or for any maintenance work to be carried out on T1 and therefore no Tree Preservation Order was served.

Ownership / Planning Application comments - the owners of T1 had received a request from the owner of the neighbouring property to have the tree removed. With this in mind the owner then made a request to have the tree protected via a Tree Preservation Order. At this point the neighbouring restaurant site had been given outline planning approval with a view that further landscape information should be submitted to Bury MBC, this would have included all landscape proposals including work around the T1 which had not at the time been submitted or approved by Bury MBC Landscape Practice. Given that the tree was outside the Planning Application boundary and that the overhanging canopy would not have prevented the proposed development from being carried out Bury MBC Landscape Practice thought that it would be expedient to create a Tree Preservation Order on precautionary grounds (as permitted and set out in Section 3.5 of "Tree Preservation Orders - A Guide to the Law and Good Practice" - Department for Communities and Local Government).

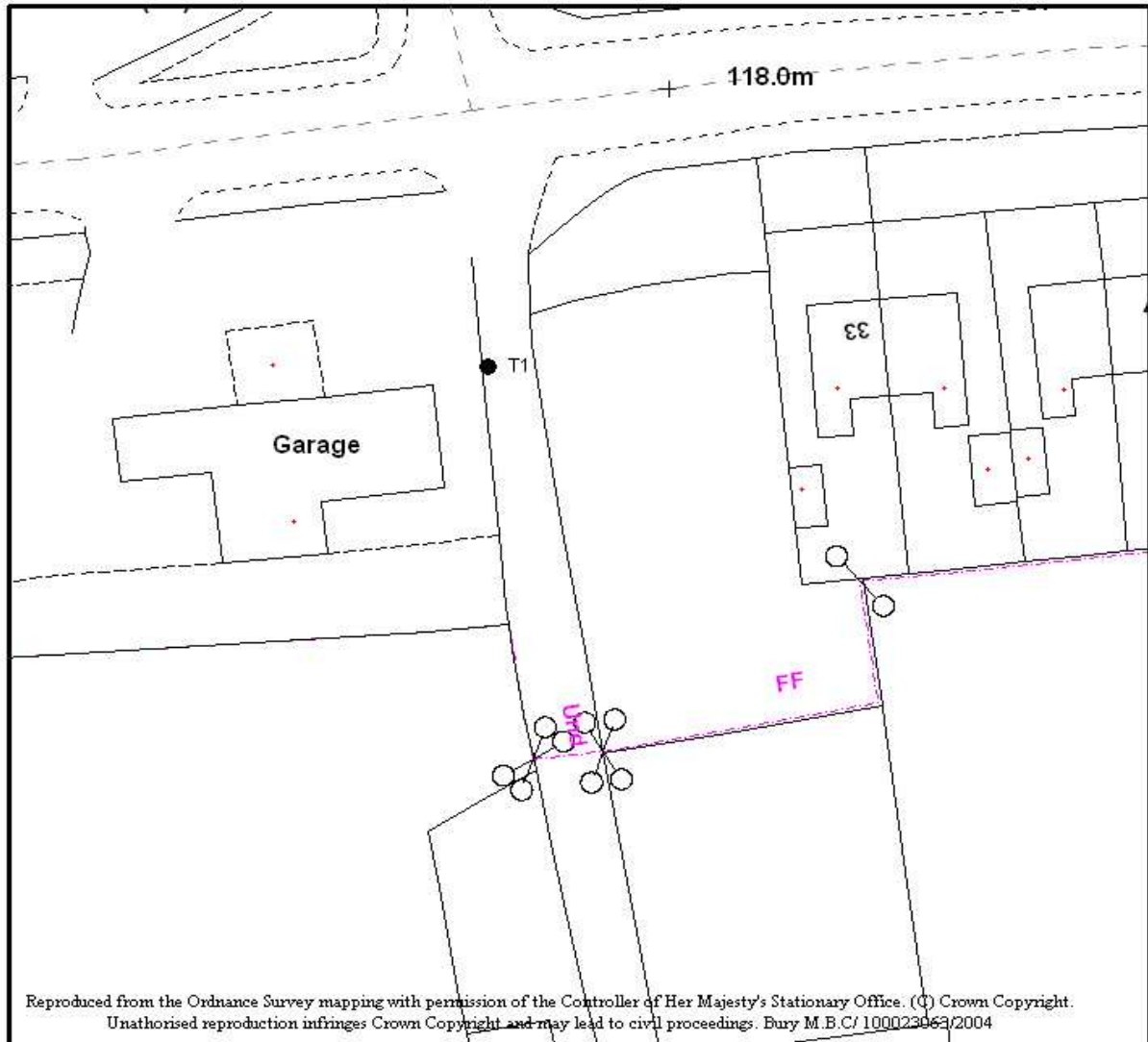
- Important points to consider if the Order is confirmed -

Once confirmed the owner or the neighbour have the right to make an application for consent to work on the tree at any time. Any such application will be judged according to its merits at the time it is made. The owner and the neighbour have the right to appeal against the decision if it is refused.

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 the work is to be carried out then an application is first made to the Council to apply for permission.

Figure 1:
Tree Preservation Order map
(not to scale)

METROPOLITAN BOROUGH OF BURY (OUTWOOD GATE FARM, RINGLEY ROAD WEST) TREE PRESERVATION ORDER 2007



FILE TP. (313)



SCALE. (1:500)

Environment and
Development Services

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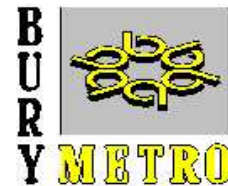


Figure 2:
aerial view showing T1 as part of tree avenue to Outwood Gate Farm
(not to scale)



Figure 3:
view showing tree as part of tree avenue to Outwood Gate Farm
(photograph taken from Ringley Road West / Outwood Road junction)

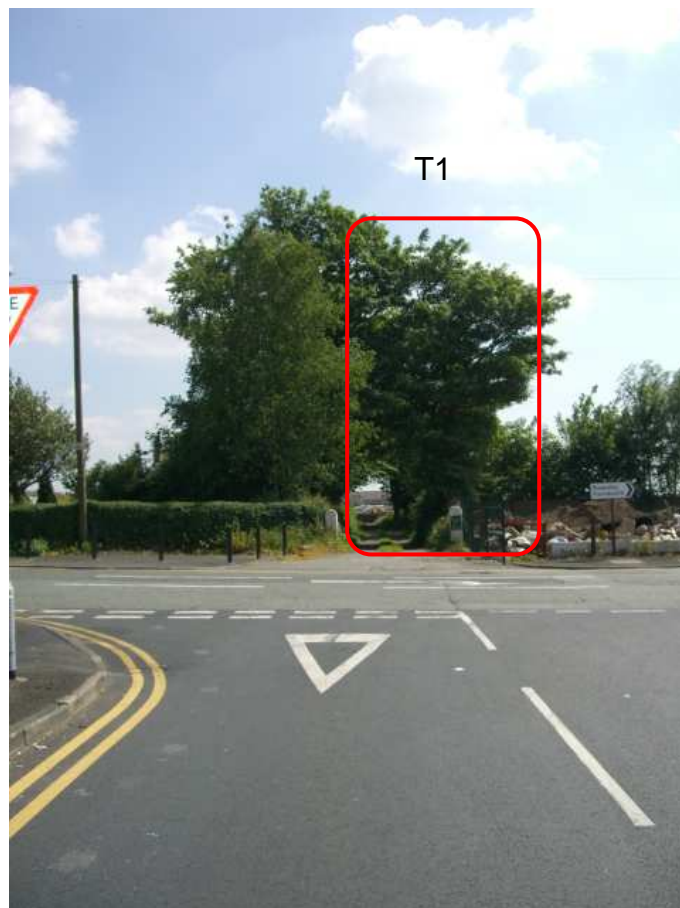


Figure 4:
view showing the tree along the boundary with the proposed restaurant site
(*photograph taken within proposed restaurant site*)



Figure 5:
view showing T1 outside fence line to proposed restaurant site
(*photograph taken within neighbouring site*)



Figure 6:
long distance view showing T1 as part of skyline

(photograph taken west of site / from track leading to Hillsden Farm)



3.0 CONCLUSION

The Tree Preservation Order was initiated in response to a legitimate concern for the future of the tree. The tree is 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 objecting to the Tree Preservation Order (available on request)
- Tree Preservation Order 313: Outwood Gate Farm, (ref. TP313)

Contact Details:-

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