
MEETING: PLANNING CONTROL COMMITTEE
DATE: 24TH JULY 2007
SUBJECT: TPO 301 (176 – 178 MANCHESTER ROAD, BURY)
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 301
176 – 178 Manchester Road, Bury

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 301 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: Redvales

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 16th of November 2005 the Council made the Metropolitan Borough of Bury, 176 – 178 Manchester Road, Bury Tree Preservation Order 2005 under section 201 of the Town and Country Planning Act. The Act required the Order to be confirmed within six months to assure permanence. Unfortunately the Order was not confirmed and the provisional Order was remade on the 9th May 2007.

The Order was originally initiated in response to a request by a local resident and an outline Planning Application (no. 45 134 for the demolition of two existing dwellings and the erection of 18 apartments).

The condition and location of the trees was assessed on the 29th January 2005, 8th May 2007 and again on 7th June 2007.

2.0 ISSUES

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

The objection relates to a group of ten trees as shown in figure 1. Most of the trees are located along the northern boundary of 178 Manchester Road and are overlooked by a row of detached and semi detached properties at Waterloo Court.

The main objections to the order are:

1. The trees are being “looked after” and therefore do not need to be protected.
2. The trees are not of amenity value to the neighbourhood and cannot be seen from Manchester Road.
3. The Order was created because “the trees look nice”.
4. The owner has carried out a tree survey which has highlighted that some of the trees covered in the Order are diseased and are therefore not worthy of retention.
5. T8 and T10 at the back of the house need constant pruning because they block out the light.
6. T8 and T10 could damage the foundations to the house and the main drains.
7. The trees between 176 Manchester Road and Waterloo Court need to be cut back at the request of local residents.

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

- 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 29th January 2005 and the 8th May 2007 Bury MBC Landscape Practice could conclude that a selection of trees at 176 - 178 Manchester Road could be covered by a Tree Preservation Order.

A visual assessment of the trees was carried out on the 7th June 2007 in order to assess the issues raised by the objector. The assessment was carried out along public roads and footpaths in the neighbouring area. Figures 5 and figure 6 show that a number of trees are visible from local roads. Figure 5 shows T1 (an elm tree) clearly visible from Manchester Road while figure 6 shows T1 to T6 forming important backdrop to Waterloo Court. On this basis T1 and T6 are of importance to the wider neighbourhood and are therefore of amenity value and worthy of protection.

Under the guidelines set out by the Department for Communities and Local Government the remaining trees (T7 – T10) have been included in the order on exceptional grounds even though they cannot be seen or are barely visible from a public space. The visual assessment established that the remaining trees (T7 – T10) are appreciated and give privacy to the neighbouring properties. This factor would be an important point to consider if the site was to be developed in the future. It was on this basis that Bury MBC Landscape Practice included these trees in the order.

The notion that trees were protected merely on the fact that “the trees look nice” (as stated in the objecting letter) is indeed untrue given that the owner intended to develop the site and has in the recent past submitted outline planning permission which has subsequently been refused.

A further objection relate to the inclusion of diseased trees in the order. In response Bury MBC Landscape Practice has resurveyed the site and can conclude that only healthy trees in good condition have been selected. Furthermore the objector refers to a tree survey carried out by their Landscape Consultants where an elm tree at the front of the property has been highlighted as “a tree susceptible to disease”. Bury MBC Landscape Practice would like to point out that the survey does not state that the tree is in fact diseased as claimed by the objector. Furthermore the elm tree is in good health and particularly rare to find along roads in Bury and has therefore been included in the order.

Any concerns by the objector regarding continuous pruning work to the trees along the boundary with Waterloo Court as well as the two holly trees in the back garden (see Figure 4) would be permitted under the order if the work was applied for to Bury MBC Landscape Practice and

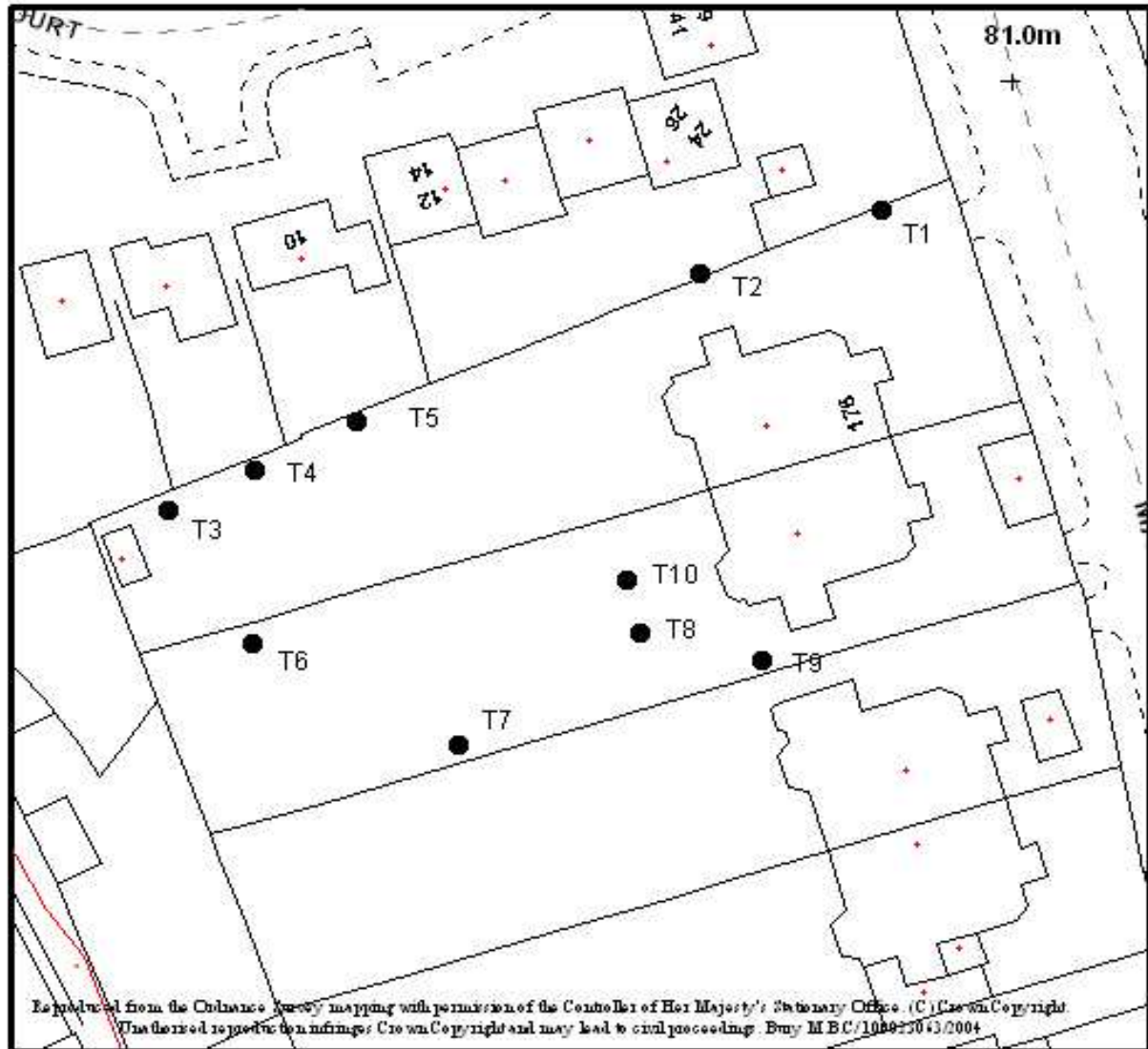
would be in line with good arboricultural practice. The claim by the objector that the roots of the holly trees (T8 and T10) would damage the house and existing drains is unwarranted as these trees have weak root activity and would therefore be incapable of dislodging any drains or foundations if such services and structures were kept well maintained.

Once confirmed the owner or the neighbour have the right to make an application for consent to work on the trees 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. Furthermore 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 (176 -178 MANCHESTER ROAD) TREE PRESERVATION ORDER 2007



FILE TP. (301)



SCALE: (1:500)

Environment and
Development Services

Planning Division,
Craig House, 5 Bank Street, Bury,
BL9 0DN. Tel: 0161 253 5267



Figure 2:
Tree Preservation Order schedule

(encircled in black on the map – figure 1)

NO. ON MAP		
T1	Elm – Ulmus	in front of No 176 in north east corner
T2	Sycamore – Acer pseudoplatanus	side of No 176 along northern boundary
T3	Beech – Fagus sylvatica ' Purpurea'	back of No 176 in north west corner
T4	Beech – Fagus sylvatica	back of No 176 along northern boundary
T5	Holly – Ilex aquifolium	back of No 176 along northern boundary
T6	Holly – Ilex aquifolium	back of No 178 in north west corner
T7	Ash – Fraxinus excelsior	back of No 178 along southern boundary
T8	Holly – Ilex aquifolium	back of No 178 in centre of garden near house
T9	Hawthorn – Crateagus monogyna' Paul's Scarlet'	side of No 178 along southern boundary
T10	Holly – Ilex aquifolium	back of No 178 in centre of garden near house

Figure 3:
Aerial view showing T1 to T10 at 176 and 178 Manchester Road

(not to scale)



Figure 4:
view showing 2 Holly trees (T8 and T10) at back of house
(photograph taken from rear garden facing the house)



Figure 5:
view showing elm tree (T1) at front of house
(photograph taken from Manchester Road)

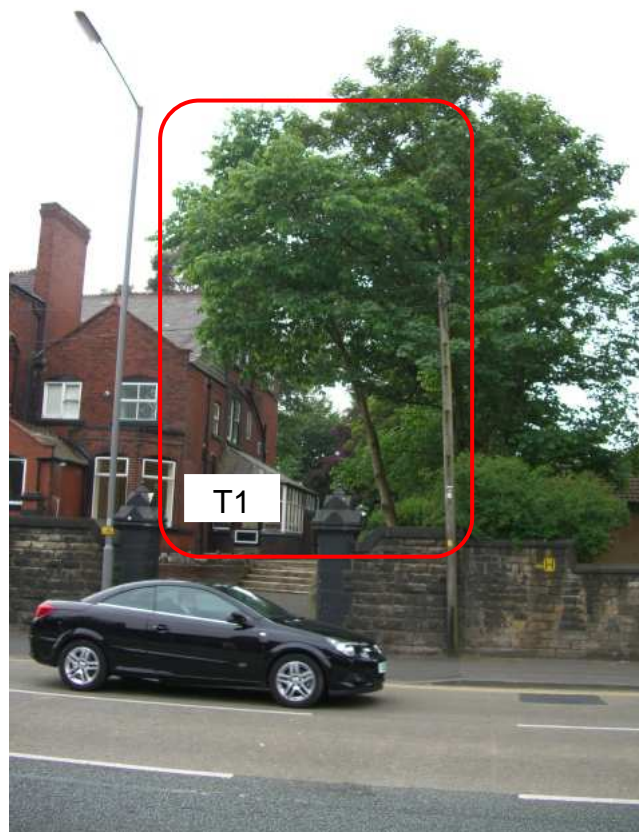
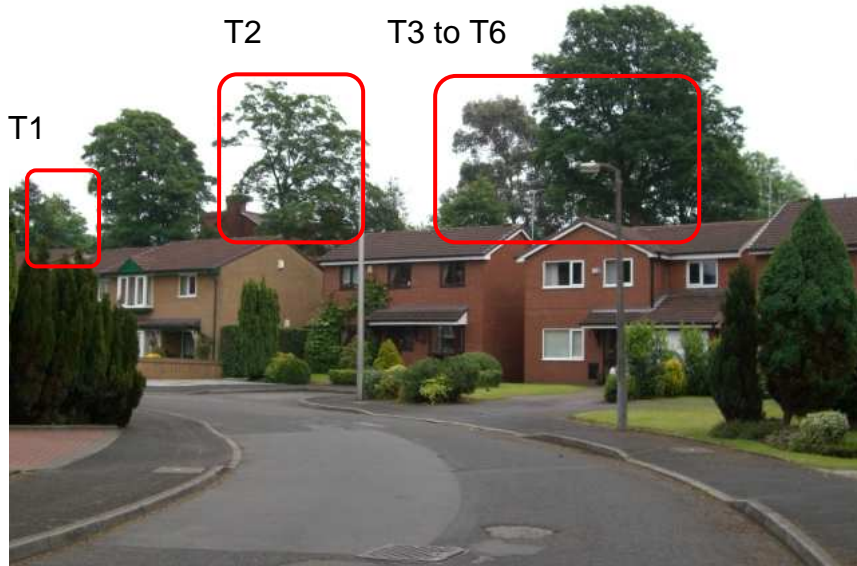


Figure 6:
view showing T1, T2 and T5 as backdrop to Waterloo Court
(photograph taken from entrance to Waterloo Court)



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 / or of importance to neighbouring properties and on this basis The Landscape Practice recommends that the Tree Preservation Order is confirmed to give permanent status.

List of Background Papers:-

- Planning Application 45 134 (including applicant's tree survey)
- 1 letter objecting to the Tree Preservation Order (available on request)
- Tree Preservation Order 301: 176 – 178 Manchester Road, Bury (*ref. TP301*)

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