

MEETING: PLANNING CONTROL COMMITTEE

DATE: 20-02- 2018

SUBJECT: TREE PRESERVATION ORDER CONFIRMATION

REPORT FROM: HEAD OF DEVELOPMENT MANAGEMENT

CONTACT OFFICER: DAVE MARNO

TYPE OF DECISION: COUNCIL

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

SUMMARY: The report considers the confirmation of a temporary tree preservation order currently made on Bleaklow Hall and curtilage, Bolton Road (No. 341)

OPTIONS & RECOMMENDED OPTION The Committee is recommended to confirm, with modifications set out in this report, the extant temporary Tree Preservation Order designated as Land at Bleaklow Hall.

IMPLICATIONS:

Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Financial Implications and Risk Considerations:	Director of Finance and E-Government to advise regarding risk management - N/A
Statement by Director of Finance and E-Government:	N/A
Equality/Diversity implications:	N/A

Considered by Monitoring Officer: N/A

Are there any legal implications? Yes – Confirmation of the Order and recording on the Local Land Charges Register

Staffing/ICT/Property: N/A

Wards Affected: North Manor

Scrutiny Interest: N/A

TRACKING/PROCESS

EXECUTIVE DIRECTOR:

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

Introduction

This report sets out the issues relating upon the current temporary tree preservation order currently designated on Bleaklow Hall and its curtilage, Hawkshaw.

Discussion

The original Bleaklow Hall was demolished many years ago and has been replaced with a detached bungalow in the centre of the site. The property, with an extensive curtilage, is located on the north side of Bolton Road, on the eastern side of the village.

On 5th September 2017, the Council imposed a temporary Tree Preservation Order on the site, concerned that the extent of the tree cover on the site may be under threat and the loss of tree would have a significantly detrimental impact on the character of the Green Belt locality. Following the submission of a pre-application enquiry in November 2017, for redevelopment of the site, the amenity value of the trees was recognised and the benefit their retention would have to any future development.

Following an assessment of the site, the Council issued the Temporary Tree Preservation Order on 5th September 2017. The effects of this are exactly the same as a full order, provided that the temporary order is subsequently confirmed within 6 months.

Issues

Subject to Regulation 6 of the The Town and Country Planning (Tree Preservation) (England) Regulations 2012, objections and representations that are made in writing must be appropriately considered.

Letters were issued to Bleaklow Hall and 264 Bolton Road and as a result of this publicity, representations were made:

David Peake (Peake Active Tree Management) on behalf of the site owner, Jeremy Buckley.

- Several of the trees are in poor condition.
- The majority of the trees require extensive remedial works and this may involve the removal of one or two of the poorly formed specimens in favour of the more dominant well formed.
- A more thorough inspection of the trees is required and, based on that assessment, the TPO should be modified accordingly.

LPA Response – It is agreed that a joint inspection, with the arboriculturist (on behalf of the owner), would be useful to specify any remedial work that is required. The LPA will continue to liaise with the owner in this respect and if remedial measures are agreed, then the TPO can be amended accordingly.

Following a subsequent unaccompanied site visit by the Council's Tree Officer, it is considered that four of the trees (T3 Cherry, T4 Cherry, T5 Ash and T6 Cherry) are not particularly good specimens and as such should be removed from the TPO Order. The position of the trees is detailed on the plan attached at the back of this report.

The effect of the order would and can only protect trees and not bushes. However, it is considered that, without details of any remedial works that may be required, the confirmation of the temporary order to a full tree preservation order on this site should be confirmed, without modification.

The site has retained significant tree cover and the effect of the order would ensure that the site remains a positive contributor to the natural environment in this particular rural part of the Borough through its tree cover. Furthermore, future removals of trees would be subject to assessment and consideration by the Local Planning Authority (LPA) and where works are considered to be appropriate, works could be permitted to be carried out under circumstances and/or subject to conditional controls. In addition, any tree removals can be subject to replanting requirements to again serve to maintain the natural aesthetics the site provides.

The effects of such an order do not prevent good maintenance being carried out. However, such works could only be done following formal approval from the LPA.

Recommendation

That the current temporary preservation order issued on Bleaklow Hall and its immediate curtilage as identified in Appendix 1 is confirmed with the modifications detailed.

List of Background Papers:-

Temporary Tree Preservation Order dated: 5th September 2017

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

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Map referred to in the Metropolitan Borough of Bury
(Bleaklow Hall, Hawkshaw) Tree Preservation Order
(No.341) 2017

THE COMMON SEAL OF THE METROPOLITAN
BOROUGH OF BURY was hereunto affixed
in the presence of:-

[Signature]

[Signature]

T3, T4, T5, T6
not included in
TPO Order

Bleaklow
Hall

T15

G1

238

T1 T2 T3 T4 T5 T6 T7 T8 T9 T10 T11 T12 T13 T14

BOLTON ROAD

189.9m

THE COMMON
SEAL of THE
METROPOLITAN
BOROUGH OF BURY
was hereunto affixed on the
5th day of September 2017
in the presence of :-

[Signature]

Council Solicitor

Water

ESS

El Sub Sta

Hawkshaw Lodge

1 to 25

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Bury
COUNCIL