

REPORT FOR

MEETING: PLANNING CONTROL COMMITTEE
DATE: 12-11- 2019
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 156-158 Bury Old Road, Whitefield (No.348)

OPTIONS & RECOMMENDED OPTION The Committee is recommended to confirm the extant temporary Tree Preservation Order designated as Land at 156-158 Bury Old Road, Whitefield.

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: Besses

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 (No.348) currently designated at 156-158 Bury Old Road, Whitefield.

Discussion

A planning application (Ref.64216) was submitted, proposing various works to create additional car parking within the site and the erection of a boundary fence. The proposed works included the felling of a large Sycamore tree on the grassed embankment in the south-east corner of the site, close to the Mayfair Avenue frontage.

On 10th June, the Council imposed a temporary Tree Preservation Order, concerned that the tree may be under threat and the loss of tree would have a significantly detrimental impact on the character of the Green Belt locality. The effects of the provisional TPO are exactly the same as a full order, provided that the temporary order is subsequently confirmed within 6 months.

On 12th July the delegated decision was a 'split decision', approving a boundary fence which was part of the proposal, but refusing the works to the car park on grounds that it would mean the loss of the tree, subject to this TPO. For information, the officer report and proposed layout plan is attached as Appendix 2.

Issues

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

Letters of notification were issued to the landowner, in this case the North West Ambulance Service NHS Trust, and as a result, representations were made by Bowland Tree Consultancy Ltd on behalf of the trust.

Summary of representations.

- The sycamore is unsuitable for inclusion with a TPO in that it is not of high amenity value to the area and its loss would not have a serious impact on the character of the area.
- Mitigation tree planting along the site boundaries would more than adequately offset the loss of the tree.
- The retention of the tree prevents the ambulance station from functioning effectively.

LPA Response.

Character and amenity value - Following a site visit and assessment by the Council's Planning and Tree Officers, the Council does not agree with the landscape assessment presented by the objector. Whilst views from some aspects to the south, down Bury Old Road are limited, the tree is readily seen from Mayfair Avenue, Barn Street and from wider aspects along Bury Old Road. It is noted that Bury Old Road is a main throughroute and close to a very busy junction. The tree is also situated on elevated ground, giving it more prominence within the immediate locality.

Mitigation - In terms of the mitigation planting along the boundary of the site, whilst the replacement trees may mitigate to a degree, it is not considered that given the size of the existing tree and its amenity value within the wider streetscape, the limited area for planting available and the presence of telephone wires extending across the site that would make siting of larger trees difficult, the replacement trees would not mitigate to a satisfactory degree.

Operations - With regard to the operational needs of the ambulance station, the planning application did not include a detailed operational assessment as to why the additional parking spaces are required. Indeed, during the assessment, it was confirmed that the existing staff/visitors at the ambulance station use the existing car park at the United Reformed Church, across Bury Old Road. Although this is on a purely informal basis, it does appear to work effectively and indeed uses existing car parking more efficiently.

Whilst the need for some staff to have their own personal transport is recognised, there are areas that need to be investigated with regard to other staff and visitors. As suggested in the officer report (attached at the back of this report) a detailed assessment of the staff and visitors with regard to the use of alternative methods of travel have not been explored -Besses o'th' Barn metro station is a short walk away, as are bus stops.

Notwithstanding the above, it is still considered that a comprehensive reassessment of the parking area needs to be undertaken as it is considered that additional spaces could be created without losing the TPO tree, albeit not to the extent the proposal indicated.

It is also noted that there is some parking along the Mayfair Avenue frontage with necessarily impacting on residential properties nearby.

The position of the tree is detailed on the plan attached at the back of this report and it is recommended that the confirmation of the temporary order to a full tree

preservation order on this site should be confirmed, without modification. Future tree works 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 removal 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 the tree within the curtilage of 156-158 Bury Old Road as identified in Appendix 1 is confirmed.

List of Background Papers:-

Temporary Tree Preservation Order dated 10th June 2019

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

Officer Report on delegated decision 64216

Contact Details:-

David Marno

Head of Development Management

Dept of Resources and Regulation

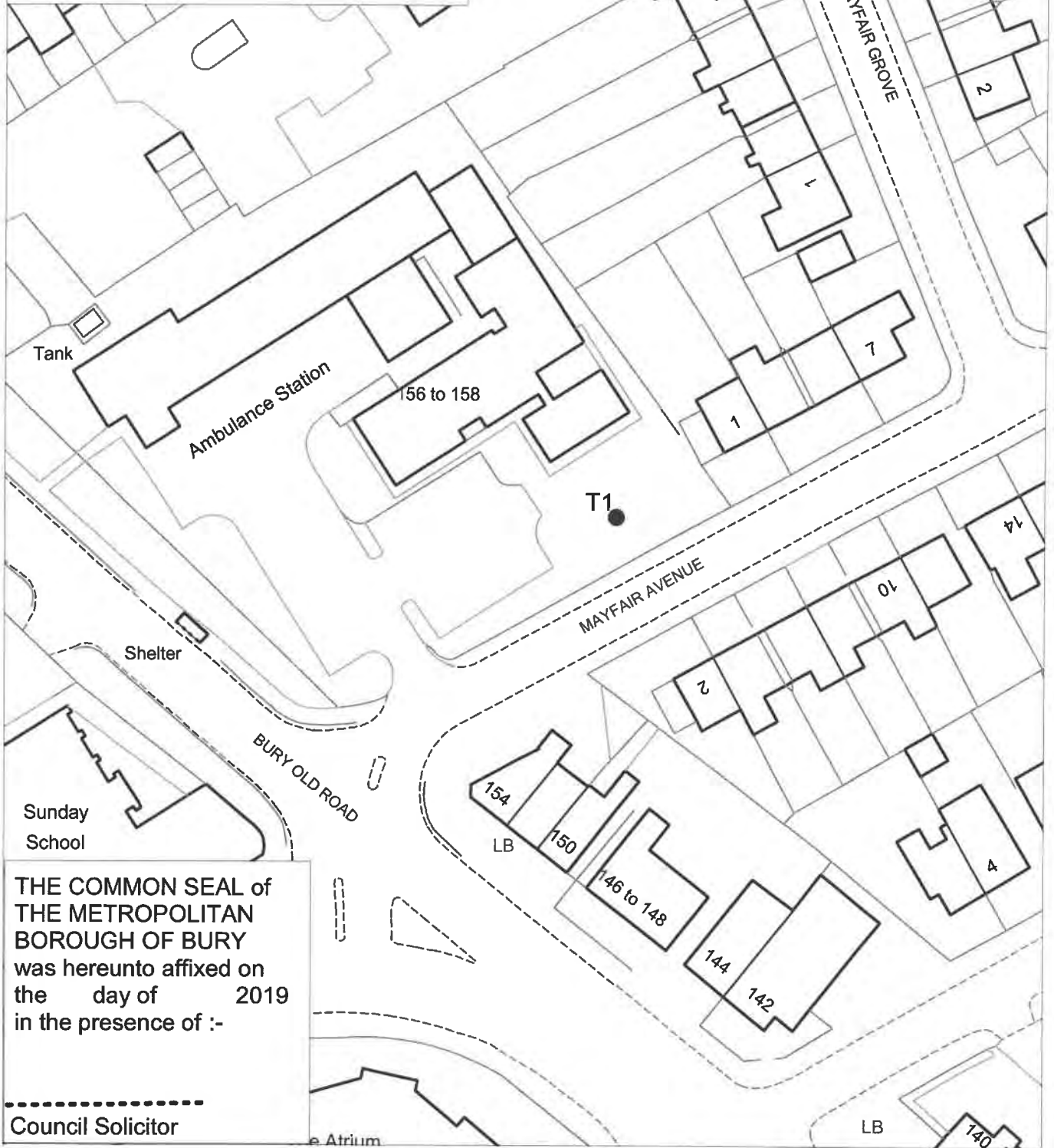
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Map referred to in the Metropolitan
Borough of Bury
(Land at 156-158 Bury Old Road,
Whitefield)
Tree Preservation Order (No. 348) 2019



THE COMMON SEAL of
THE METROPOLITAN
BOROUGH OF BURY
was hereunto affixed on
the day of 2019
in the presence of :-

Council Solicitor

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Bury
COUNCIL

DELEGATED REPORT

Report by Tom Beirne	Date of report: 11/07/2019	Ref: 64216/FUL
Registration: 20/05/2019	LDFC: 14/06/2019	Expiry Date: 15/07/2019
Site Visit: 19/06/2019	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: A. Erection of 2.1m high paladin fencing on the north west boundary;
B. Extension to existing car park and external alterations.

Location: Whitefield Ambulance Station, 156-158 Bury Old Road, Whitefield, Manchester, M45 6AQ

Description

The ambulance station, on the corner of Bury Old Road and Mayfair Avenue, comprises a single storey building with parking for ambulances and cars. There is a mature privet hedge along the Bury Old Road and Mayfair Avenue boundaries. There are groups of trees along the northern boundary and a large single Sycamore on the grassed embankment on the eastern side, fronting Mayfair Avenue. Vehicular access is from Mayfair Avenue with a pedestrian access from Bury Old Road. The site has residential properties to the north, west and east and across Bury Old Road is The United Reformed Church.

The proposal comprises two main elements. The replacement of the existing post and wire mesh fence along the north west boundary with a paladin steel mesh fence, 2.1m high. It is also proposed extend the car park on the east side of the site.

Two prefabricated buildings would be demolished and the large Sycamore tree is proposed to be removed on the east side, to facilitate the additional parking. Due to the impact on trees, an Arboricultural Constraints Appraisal (Bowland Ltd, April 2019), was submitted with the application, rated the Sycamore tree (T1) as Category B (moderate value), with the other trees around the site as Category C (low value).

Relevant Planning History

None.

Publicity

The immediate neighbours were notified by letter dated 13/5/19.

One letter of objection has been received from the occupier of No.6 Mayfair Avenue and is summarised:

- The large Sycamore has visual amenity value and its loss would be detrimental to the local environment and the enjoyment of the tree by the public. The health and condition of this tree appears to be excellent adding further weight to the argument in favour of maintaining and protecting the tree.
- I am of the understanding that ambulance staff are permitted to use parking facilities at the church adjacent to Mayfair Avenue. In my experience this car park is rarely (if ever) used by station staff. If this option is indeed available, I propose that this would be a viable and preferable alternative to removing the tree and extending the car park.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Tree and Woodland Management Officer - The Sycamore tree (T1) in the eastern section

of the site and referred to on the plans is good specimen and worthy of TPO, particularly in view of its value within the streetscape.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN6/3	Features of Ecological Value
EN8	Woodland and Trees
EN8/1	Tree Preservation Orders
HT2/4	Car Parking and New Development
CF4	Healthcare Facilities
SPD11	Parking Standards in Bury
SPD3	DC Policy Guidance Note 3: Planning Out Crime

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Policies - EN1/2 - Townscape and Built Design. The Council will give favourable consideration to proposals which do not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements. Factors to be considered when assessing proposals will include:

- a) the external appearance and design of the proposal in relation to its height, scale, density and layout;
- b) the relationship of the proposal to the surrounding area;
- c) the choice and use of materials;
- d) access and other design features for the mobility impaired;
- e) the design and appearance of access, parking and service provision;
- f) landscaping, including the use of natural landscape features, and open space provision;
- g) the use of lighting.

EN6/3 - Features of Ecological Value

The effect of land use changes on existing features of ecological or wildlife value will be taken into account when assessing development proposals. Any proposal should seek to retain such features and incorporate them into the development.

EN8 - Woodland and Trees. The Council will support the retention of trees, woods, copses and hedgerows and encourage natural regeneration and new and replacement tree planting throughout the Borough.

EN8/1 - Tree Preservation Orders. The Council will make Tree Preservation Orders where they are needed to protect trees and woodlands.

CF4 - Healthcare facilities. Improvements to existing, and proposals for new healthcare facilities will generally be looked on favourably by the Council.

Use - The ambulance station is a valuable community facility that has operated on this site for many years and it is recognised that its continued operation is dependent on good access and parking. The question is whether the benefits accruing to the additional car parking outweigh the disbenefits of losing the large Sycamore tree and if the proposal is the most appropriate option.

Visual amenity and Streetscape - The proposed replacement mesh fence would be more robust than the existing fence and situated along the northern boundary adjacent to existing streets and shrubs. As such it would not be prominent within the streetscape and would comply with UDP Policy EN1/2 Townscape and Built Design.

The extension to the existing car park would require the removal of a large mature sycamore tree. Given the size and quality of the tree and its value within the streetscape, it was deemed worthy protection by the Council's tree officer. As such, a Provisional Tree Preservation Order was put on the tree on 10/07/19.

The Arboricultural Constraints Appraisal (Bowland Ltd, April 2019), submitted with the application rated the sycamore tree as Category B (moderate value), with the other trees around the site as Category C (low value). In response to initial concerns about the removal of the Sycamore tree, it was indicated that additional tree planting could be undertaken along the grassed bank adjacent to Mayfair Avenue. Whilst this may mitigate the loss of the large Sycamore to some extent, it is considered that it would not be sufficient given the size

and quality of the tree.

The proposal in terms of visual amenity, streetscape and ecology, would have a serious and detrimental impact on the streetscape and would be contrary to the NPPF and UDP Policies EN1/2 Townscape and Built Design, EN6/3 Features of Ecological Value and EN8 Woodland and Trees and EN8/1 Tree preservation Orders.

Parking - It is recognised that the full quota of additional parking spaces, from 34 to 40, would not be possible with the retention of the TPO tree, however there is still the opportunity to increase both ambulance and car parking on the site, albeit less than that proposed.

It is noted that the ambulance service does have an informal arrangement with the United Reformed Church, directly across Bury Old Road, to use their car park (and in return, the church sometimes uses the NWAS car park at weekends when required). Although informal, this arrangement clearly reduces parking pressures on the site.

It is also pertinent to note that the site is very sustainable in terms of public transport. Bury Old Road and Bury New Road, further to the west, are a major throughroutes with various bus services and Besses O'th Barn Metrolink Station is just over 200m away to the south east. Although there are no public car parks in the immediate vicinity, there is some on-street parking available around the site.

No details as to how the existing or proposed parking relates to the existing/proposed operations of the ambulance station were submitted with the application. It appears that the ambulance station has been operating without serious problems for a number of years and although it is clear that additional parking may be required, additional parking facilities, albeit on an informal basis, are available across the road, at the church.

Both National and local governments are keen to promote sustainable transport options and reduce the reliance of private cars, however no information was submitted with the application to indicate how more sustainable transport options have been pursued. In the absence of clear evidence that the site cannot operate without losing the tree and extending the car park, the proposal would be unacceptable and contrary to the NPPF and UDP policies should be resisted. Removing a large mature protected tree of significant amenity value within the streetscape should be a very last resort.

Residential Amenity - Given the limited number of additional parking spaces proposed, there are no serious issues arising in relation to residential amenity.

Public Representation/ Objection - Where appropriate, the issues raised by the objector with regard to the Sycamore Tree are addressed in the reason for refusal.

Summary - It is proposed to approve the replacement fence subject to tree protection measures but refuse the car park extension.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

Proposal A complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

Proposal B would not improve the economic, social and environmental conditions of the

area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Split Decision

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 1 The proposed car park extension would result in the loss of a mature Sycamore tree that is subject of Tree Preservation Order No. 348. The loss of this tree would have a seriously detrimental impact on the general amenity and character of the area in which the application site is located. The development is therefore contrary to the NPPF and Unitary Development Plan policies EN1/2 Townscape and Built Design, EN6/3 Features of Ecological Value and EN8 Woodland and Trees and EN8/1 Tree preservation Orders.
- 2 This decision relates to drawings numbered 6329_P_A(90)_01, 6329_P_L01, 6329_P_L00, L002/B, L04, L05, L06, L07 and the development shall not be carried out except in accordance with the drawings as they relate to the approved fence.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

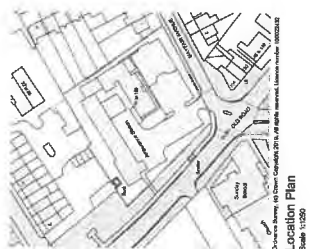
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Do not scale this drawing
All dimensions to be checked on site
Position of existing valves to be confirmed prior to proceeding

REVISION STATUS

NOTES

Syllabus



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12/03/19 ALTERATIONS TO LAYOUT

• REVISION	• DATE	• DESCRIPTION
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COMMENT

North West Ambulance Service

1998) 18:177

Whitefield Ambulance Station

1

Proposed Floor & Site Plans

15 JULY 2005

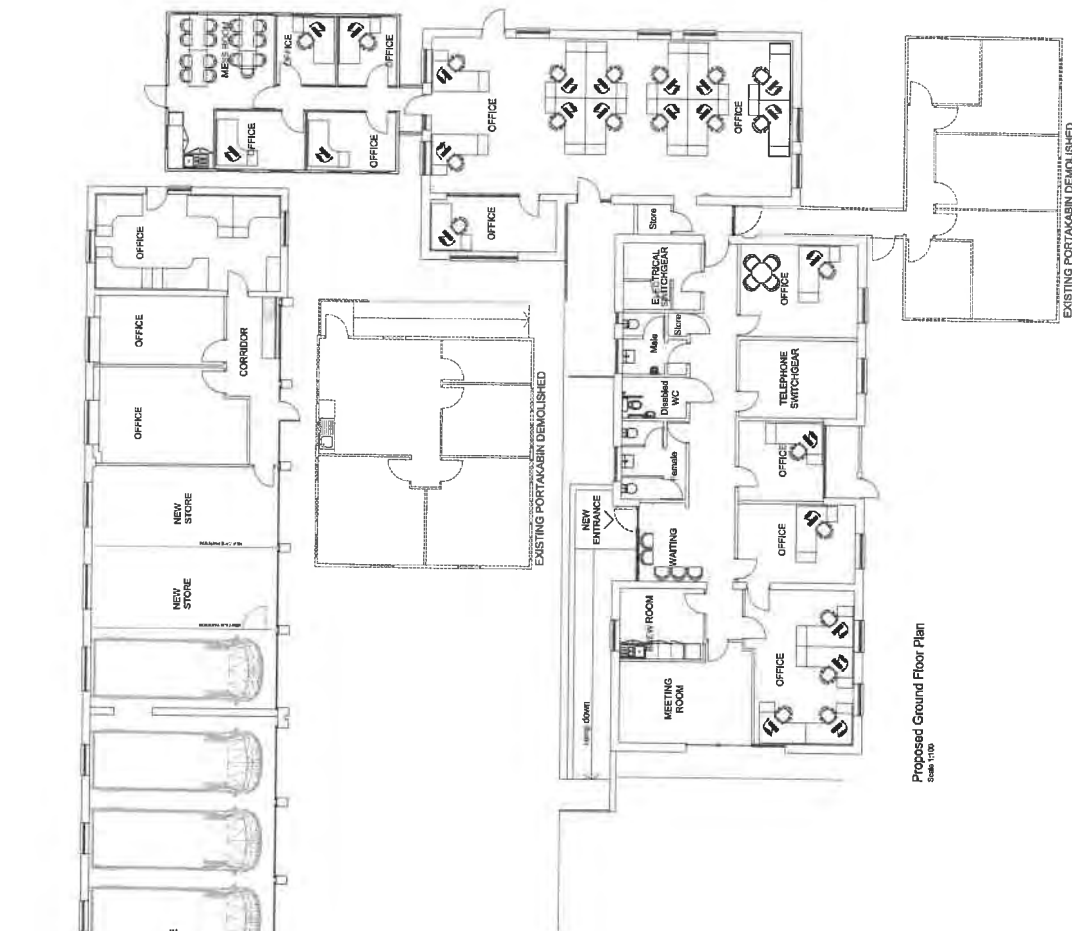
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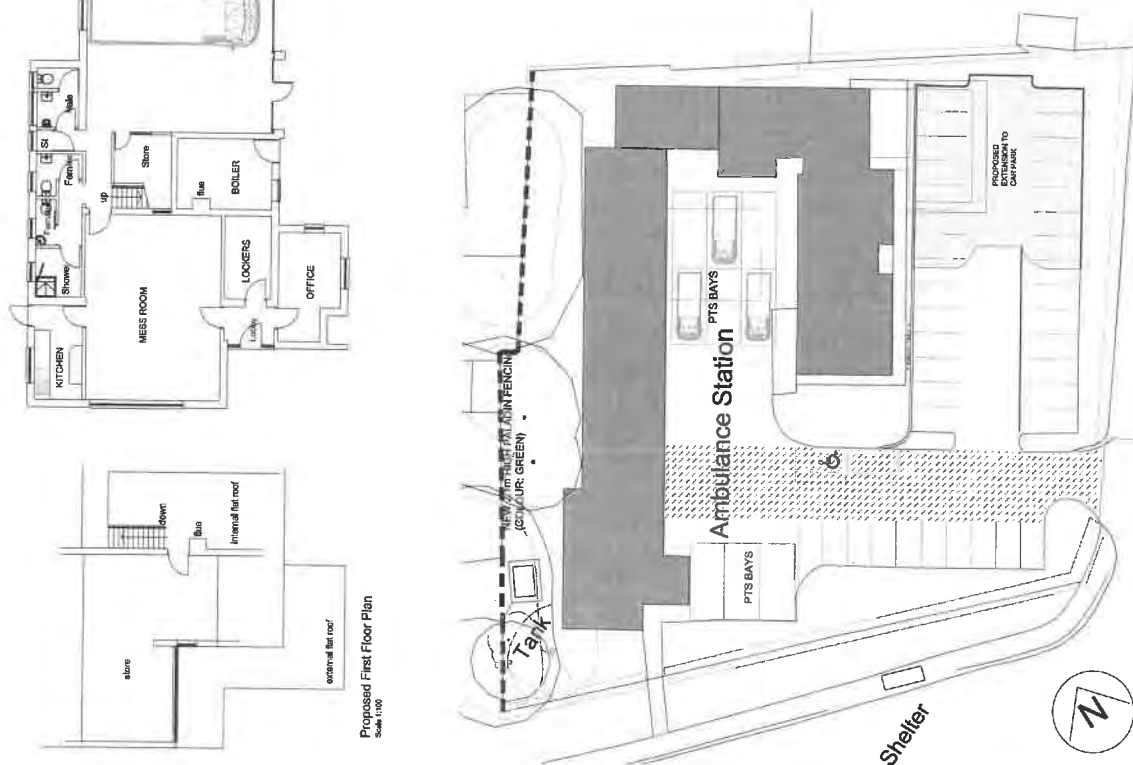
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Proposed Ground Floor Plan
Scale 1/100



Proposed First Floor Plan
Scale 1:100

Proposed Site Plan
Scale 1:250

MAYFAIR AVENUE