

REPORT FOR DECISION

MEETING: PLANNING CONTROL COMMITTEE
DATE: 24 NOVEMBER 2015
SUBJECT: TREE PRESERVATION ORDER CONFIRMATION
REPORT FROM: HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER: DAVID 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 Walshaw Hall and curtilage, Bradshaw Road, Walshaw (Order No. 338).

OPTIONS & RECOMMENDED OPTION The Committee is recommended to confirm, without modifications, the extant temporary Tree Preservation Order designated as Land at Walshaw 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: Tottington & 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 centring upon the current temporary tree preservation order currently designated on Walshaw Hall and its curtilage and those trees within the other dwellings within the site boundary.

Discussion

Walshaw Hall is an extensive care facility located to the north of the borough within Walshaw. The site has the benefit of planning permission ref 55803 for a proposed new 53 bed unit, 3 storeys in height adjacent to the existing home, which granted permission for the extension of the hall on its westerly side by a two storey development and included a series of other works within the grounds. The approval of the planning permission also included an amount of tree works and removals, which have since been carried out.

In early July 2015, the Council received a request for a Tree Preservation Order to be imposed on the site, fearful that the extent of the tree cover on the site was under threat and would be significantly impact were the site to be devoid of trees. Furthermore, following the submission of the proposed extension to the existing building, a key part of the supporting statement and justification for approving, was that the site did indeed benefit from extensive tree cover, which was an important factor in mitigating impact of built development within the Green Belt and the preservation of the natural screening being maintained within the Green Belt.

As such, following assessment of the site, the Council issued a Temporary Tree Preservation Order on 31 July 2015. 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 the following addresses on 31st July 2015 and as a result of this publicity, representations were made:

- M & Mrs Ainsworth, The Lodge, Walshaw Hall, Bradshaw Road, Tottington BL8 3PJ
 - Concerned about the amount of tree felling that had been undertaken at this site in relation to the approved scheme to extend the building.
 - Poor communication from the main land owner prior to work being undertaken.
 - The removal of rhododendron bushes.
 - The impact upon wildlife through the loss of trees.
 - Supports the imposition of the order.
- Mr & Mrs Hepworth, The Coach House, Walshaw Hall, Bradshaw Road, Tottington BL8 3PJ
 - The extensive change to the grounds since work commenced on the site to carry out the approved development has been marked.
 - The imposition of a tree preservation order would protect the character of the site and views of the woodland.
 - Would assist the wildlife in the area.
 - The site is more exposed to weather and winds than previously.
 - Impact upon natural boundary features through tree and bush removal.
- S N Brown Walshaw Hall Farm, Bradshaw Road, Tottington BL8 3PW
 - Considers that the description is in error in that the order states "*within the grounds of Walshaw Hall*", when the writer owns land not within the ownership of Walshaw Hall.
 - States that there are no trees in the area known as the Kitchen Garden to the south west of the site.

LPA Response – There are clearly trees in the area that Mr Brown has highlighted. The extent of the order is governed by the plan.

The effect of the order would and can only protect trees and not bushes. However, it is considered that 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 Walshaw Hall and its immediate curtilage and all other properties within its boundaries, as identified in Appendix 1 is confirmed without Modification.

List of Background Papers:-

Temporary Tree Preservation Order dated:
The Town and Country Planning (Tree Preservation)(England) Regulations 2012

Contact Details:-

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TREE PRESERVATION ORDER
Town and Country Planning Act 1990
The Metropolitan Borough of Bury (Walshaw Hall, Tottington)
Tree Preservation Order (No. 338) 2015

The Metropolitan Borough of Bury (Bury Council) in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Metropolitan Borough of Bury (Walshaw Hall, Tottington) Tree Preservation Order (No. 338) 2015

Interpretation

2.—(1) In this Order “the authority” means Bury Council

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 31st day of July 2015.

The Common Seal of the Metropolitan Borough of Bury was affixed to this Order in the presence of—

.....*J. Hammond - Council Solicitor*.....

Authorised by the Council to sign in that behalf



CONFIRMATION OF ORDER

This Order was confirmed by the Metropolitan Borough of Bury without modification on the
day of 20

OR

This Order was confirmed by the Metropolitan Borough of Bury, subject to the modifications
indicated by , on the day of 20

Signed on behalf of the Metropolitan Borough of Bury

.....
Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the Metropolitan Borough of Bury on the
day of 20

Signed on behalf of the Metropolitan Borough of Bury

.....
Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Metropolitan Borough of Bury on the day of
20 by a variation order under reference number a copy of which is
attached

Signed on behalf of the Metropolitan Borough of Bury

.....
Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the Metropolitan Borough of Bury on the day of
20

Signed on behalf of the Metropolitan Borough of Bury

.....
Authorised by the Council to sign in that behalf

SCHEDULE

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None.

Trees specified by reference to an area (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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A1	Trees of whatever species within the area marked A1 on the attached map	Within the grounds of Walshaw Hall, Bradshaw Road, Tottington, Bury, BL8 3PJ
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Groups of Trees (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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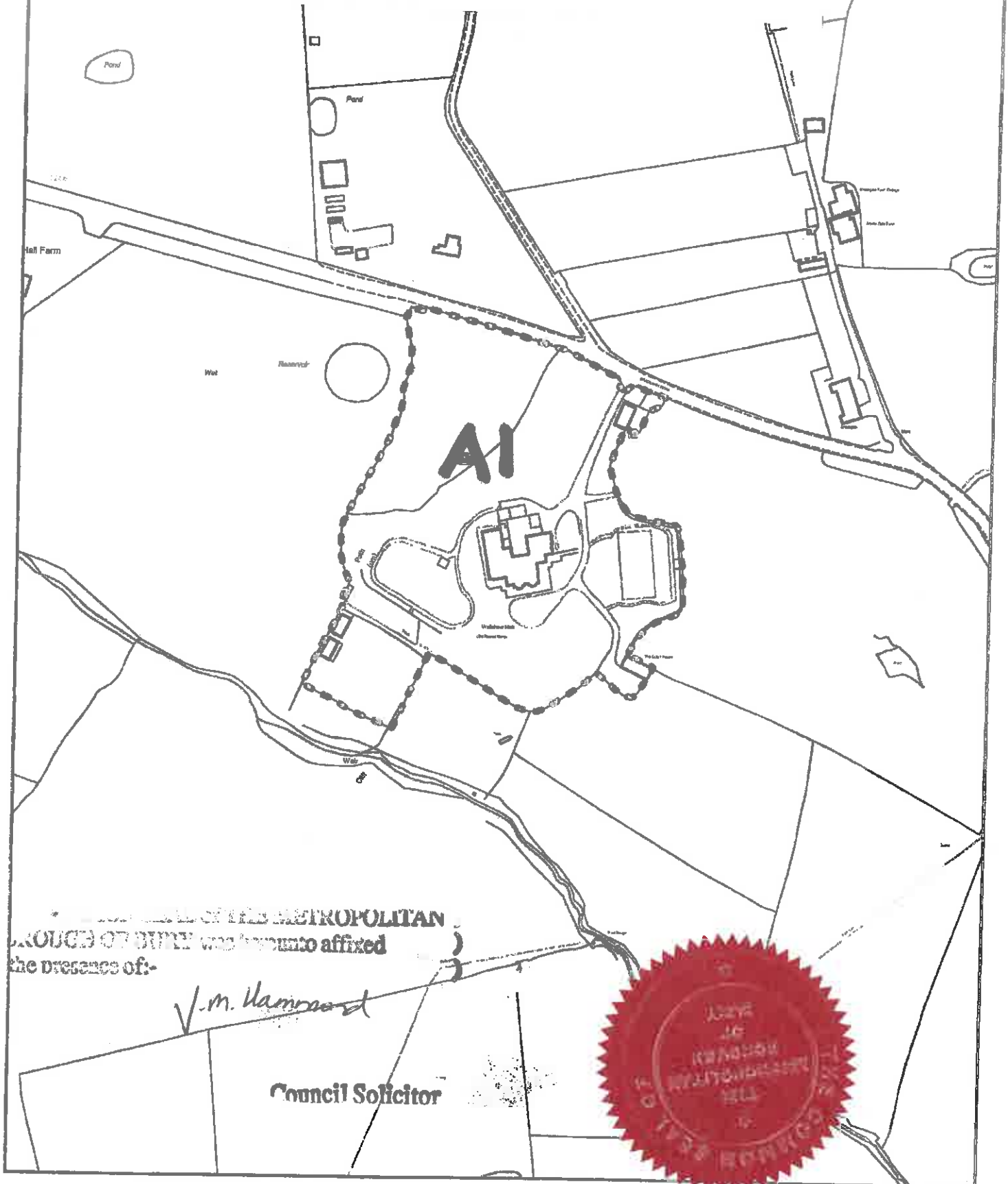
None.

Woodlands (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None.

Map referred to in the
Metropolitan Borough of Bury (Walshaw Hall, Tottington)
Tree Preservation Order (No. 338) 2015



... OF THE METROPOLITAN
BOROUGH OF BURY was brought into effect
in the presence of:-

J.M. Hammond

Council Solicitor



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