

**Manchester City Council
Report for Resolution**

Report to Planning and Highways Committee – 29 June 2017

Subject: Objection To Tree Preservation Order Jk 22/02/17
TPO 319 Brooklands Road, Brooklands Manchester M23 9HE

Report of: Head of Planning

Purpose of report

To inform the committee about the background and issues involved in the making of a Tree Preservation Order on 22nd February 2017 and to recommend the confirmation of this Tree Preservation Order.

Recommendation

The Head of Planning recommends that the Planning and Highways Committee instruct the City Solicitor to confirm the Tree Preservation (TPO) at 319 Brooklands Rd, Manchester, under Section 199 of the Town and Country Planning Act 1990, and that the Order should cover the trees as plotted T1 –T6, T8 and area shown as A1 on the plan attached to this report.

Wards Affected Brooklands

Financial Consequences for the Revenue Budget /Capital Budget

Implications for:

Anti-poverty	Equal Opportunities	Environment	Employment
No	No	Yes	No

Contact Officer

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Background Documents

None

1.0 Introduction

The committee is asked to consider 1 objection made to this order. This relates to a Tree Preservation Order (TPO) served at the above address on 3 Sycamores, 2 Magnolia an Oak and Silver Birch within the front garden and area of adjoining woodland.



Woodland group adjacent to Brooklands Rd and roundabout



Gap in canopy resulting from recent removals and adjacent trees within garden frontage included within provisional TPO

2.0 Background

Brooklands Road Action Group (BRAG) reported that trees were being felled across the site. Following investigation it was found that some trees have been removed within the frontage immediately adjacent to Brooklands Rd and an area of adjacent woodland. However as these trees were not protected no further action could be taken.

A resurvey of all trees adjacent to Brooklands Rd is currently being undertaken in order to update existing TPO's and to also include trees considered to now be of high amenity value. Given the recent tree removals and the anticipated consideration of a planning application for redeveloping the site, it was considered expedient to survey the remaining trees at 319 Brooklands Rd and the adjacent area of woodland.

The City Arborist has visited the site and carried out a tree survey. In his opinion the trees are in good condition with no major defects. These trees are a significant feature in the street-scape and a visual amenity to both the general public and the occupiers of surrounding residential properties. The Helliwell method of Visual Amenity Valuation of trees 2008 has been carried out and this assessment found the tree to be of high amenity value.

Following these assessments a provisional TPO was made on February 22nd 2017.

A letter of objection has been received and a written response has been sent to the owner of the property to provide a further explanation of why a provisional TPO has been made.

This report requests that the Committee instruct the City Solicitor to confirm the TPO at 319 Brooklands Rd, Manchester, M23 9HE

3.0 Consultations

Part 2, paragraph 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 states that before a provisional TPO is confirmed, any persons interested in land affected by the order should be served with a copy of the order. Local residents in the vicinity were consulted and objections and representations made with respect to the Order have been considered:

The following residents were served with a copy of the order or notified about the TPO, on the 22nd February 2017

The Owner(s) and/or any Occupier(s) of 319 Brooklands Rd, Manchester, M23 9HE
Manchester City Council

Neighbours

311 Brooklands Road, Manchester M31 9HE

322 Brooklands Road, Sale, M23

29 - 21 (odds only) Fairway Avenue, Manchester, M21 9JP

11 Fairwood Road, Manchester M23 9JR

4.0 Summary of objections

An objection has been received from the planning agent representing the owner of 319 Brooklands Rd, Manchester. In summary it states:

- Trees 1 and 2 (2x Magnolia) cannot be regarded as providing high visual amenity and will never become part of the wider landscape.
- Trees 3 – 8 are forest type trees growing too close together to fully mature,
- Area TPO's should only be made in an emergency and is inappropriate.
- Trees within area A1 not managed for many years. Making of TPO has blocked any future works unless expensive/time consuming reports and applications are made.
- Trees within area A1 are set back from the roadside, are not visible to the public and should not be included within the TPO.
- Trees adjacent to the highway have been maintained in the interests of highway safety. The making of the TPO means future management will be time consuming and costly for the landowners and the City Council.
- The trees within the TPO are not under threat from the proposed development.

5.0 Arboricultural Officer comments

The City Arborist carried out a site survey and considers these trees to be generally in good condition and of high amenity value.

6.0 Issues

Trees 1 and 2 (2x Magnolia's) cannot be regarded as providing high visual amenity and will never become part of the wider landscape.

The City Arborist has surveyed these trees and considers them to be in good condition and of significant visual amenity value. These trees are located in a prominent location and help form the canopy of trees within the garden frontages, a special characteristic feature of Brooklands Rd.

Trees 3 – 8, forest type trees growing too close together to fully mature, best tree's to be TPO'd, others felled in the future.

The City Arborist has surveyed these trees and found them to be generally in good condition. Again these trees are considered to offer significant visual amenity value within the Brooklands Rd streetscene. Going forward applications can be made to carry out reasonable pruning works, or felling if considered necessary, and the City Council will be able to consider the best outcome in the interests of the tree, the wider landscape and the concerns of the owner.

Area TPO's should only be made in an emergency and is inappropriate.

Given that several trees had been removed from the site prior to the making of this TPO, and a planning application is currently being considered for the redevelopment of the site, it was felt appropriate and expedient in the interests of amenity to make an area TPO on the large area of woodland identified as A1.

Trees within area A1 not managed for many years. Making of TPO has blocked any future works unless expensive/time consuming reports and applications are made.

There is no fee for making an application to carry out works to a tree(s) covered by a TPO. If the TPO is confirmed in the majority of cases any future applications to carry out works to trees only require a completed application form to be submitted supported by a site plan showing the location of the trees.

Trees within area A1 that are set back from the roadside are not visible to the public and should not be included within the TPO.

The area of woodland is highly visible from adjacent highways and a very busy roundabout. As a whole the area of woodland is considered to offer high visual amenity value. However in line with central government guidance the intention is to modify this TPO to protect only those trees that are considered individually to be of high amenity value and visible from public areas.

Trees adjacent to the highway have been maintained in the interests of highway safety. The making of the TPO means future management will be time consuming and costly for the landowners and the City Council.

As above there should be minimal costs involved in making applications to carry out works to a tree covered by a TPO.

The trees within the TPO are not under threat from the proposed development.

Trees do not have to be under imminent threat before a TPO can be made. However in this case given the previous tree removal works to trees in a prominent position and not considered directly affected by the development, it was considered expedient in this case to make a provisional TPO.

Wider landscape value – front garden trees along Brooklands Rd provide an almost interrupted canopy and considered to be a major element in maintaining the quality of landscape character of Brooklands Rd.

7.0 Conclusion

It is considered that the trees within the front garden identified as T1 – T6, T8 and area of woodland (A1) as shown on the attached plan, should be protected by the Tree Preservation Order. They are considered to be of high amenity value, located in a prominent position within the front garden and adjacent area of woodland and form a part of the special character of Brooklands Rd.

The City Arborist site survey found the trees to be in fair and good condition. These trees are considered to be enjoyed by local residents and are highly visible to passing vehicular and pedestrian traffic along Brooklands Road, in particular.

The Order has been properly made in the interests of securing the contribution this tree makes to the public amenity value in the area. The trees in question are an important element of the local landscape and contributes to the local environment.

Whilst it is acknowledged that the reason for objecting to the TPO, in particular concerns about the worthiness of some of the trees for a TPO, implications for the

landowner and lack of any potential threat to these trees are factors which requires due consideration, it is not felt that they outweigh the contribution these trees of high amenity value make to the area.

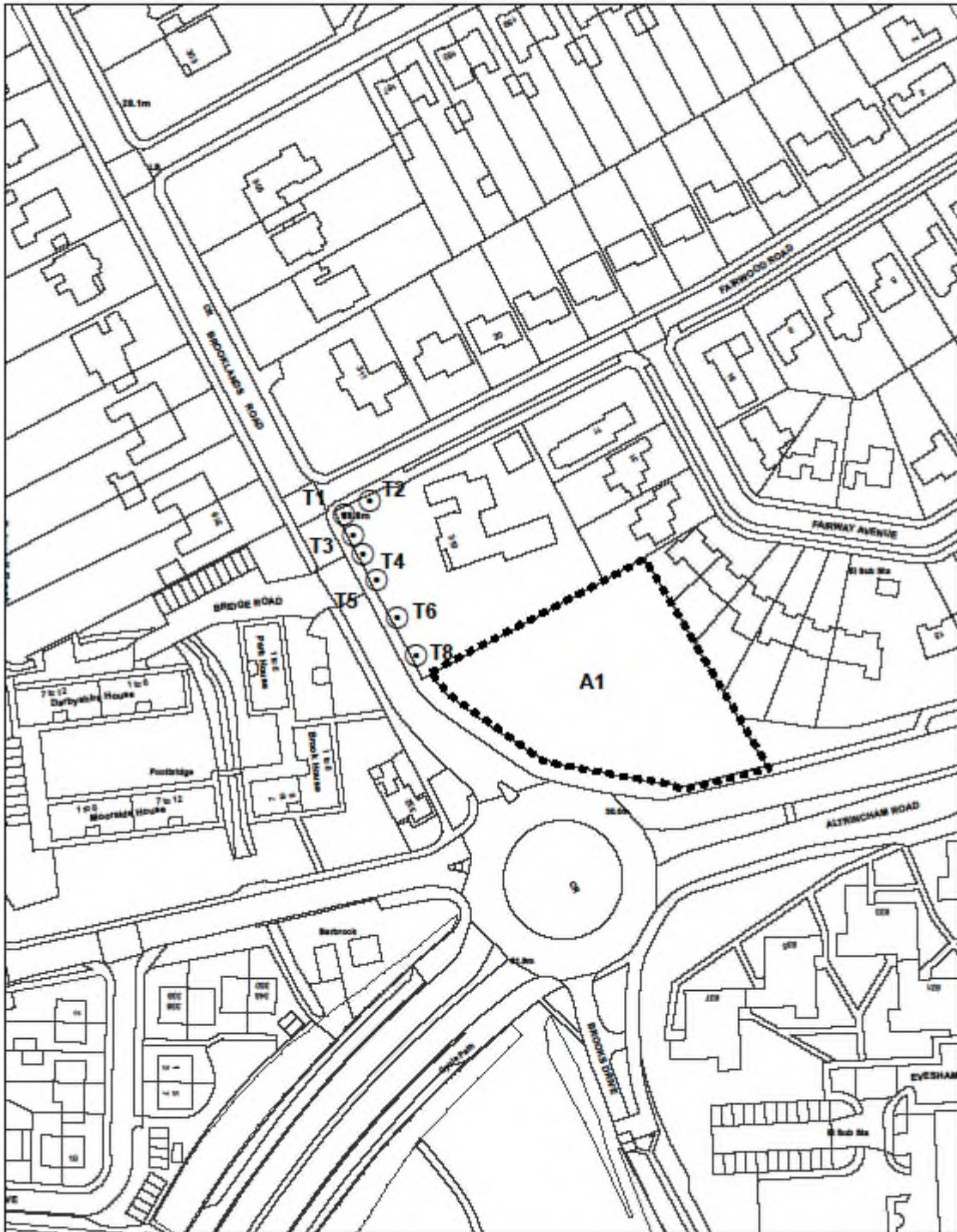
Human Rights Act 1998 considerations

This Tree Preservation Order needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the third parties, including local residents, who have made representations, have the right to a fair hearing and to this end the Committee must give full consideration to their comments. Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home and a right to peaceful enjoyment of one's possessions, which could include a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these Articles on the residents/objectors and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is in accordance with the law and justified by being in the public interest and on the basis of the restriction on these rights posed by confirmation of the Tree Preservation Order is proportionate to the Wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

8.0 Recommendation.

The Head of Planning, recommends that the Planning and Highways Committee instruct the City Solicitor to confirm the Tree Preservation Order at 319 Brooklands Rd, Manchester, M23 9HE, under Section 199 of the Town and Country Planning Act 1990, and that the Order should cover the trees as plotted on the plan attached to this report.

TPO - 319 Brooklands Road



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