

**Manchester City Council  
Report for Resolution**

**Report to** Planning and Highways Committee – 16 January 2020

**Subject:** Objection to Tree Preservation Order JK/10/11/2020 – Churchgate, Ford Lane, Manchester, M22 4NQ

**Report of:** Director of Planning, Building Control and Licensing

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**Summary**

To inform the committee about the background and issues involved in the making of a Tree Preservation Order (TPO) on 10<sup>th</sup> October 2020 and to recommend the confirmation of this Tree Preservation Order.

**Recommendation**

The Director of Planning recommends that the Planning and Highways Committee instruct the City Solicitor to confirm the Tree Preservation Order at Churchgate, Ford Lane, Manchester, M22 4 NQ, under Section 199 of the Town and Country Planning Act 1990, and that the Order should cover the tree as plotted T1 on the plan attached to this report.

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**Wards Affected:** Northenden

<b>Manchester Strategy outcomes</b>	<b>Summary of the contribution to the strategy</b>
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	- Not directly applicable
A highly skilled city: world class and home grown talent sustaining the city's economic success	- Not directly applicable
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	- Not directly applicable
A liveable and low carbon city: a destination of choice to live, visit, work	- Not directly applicable
A connected city: world class infrastructure and connectivity to drive growth	- Not directly applicable

**Full details are in the body of the report, along with any implications for**

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

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**Financial Consequences - Revenue - None**

**Financial Consequences – Capital - None**

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**Background Documents: None**

## 1.0 Introduction

1.1 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 a Sycamore tree within the rear garden of Churchgate, Ford Lane, Manchester, M22 4NQ

## 2.0 Background



*Sycamore tree prominent in rear garden*

2.1 This property is situated on the north side of Ford Lane and is within the Northenden conservation area. On the 13<sup>th</sup> June 2019 a notification was received to fell a Sycamore tree in the rear garden of Churchgate, Ford Lane, Manchester. In his report the City Arborist objected to the felling of the tree and advised that a TPO should be made on the tree if the owner was not prepared to withdraw the notification to fell.

- 2.3 The City Arborist considered the tree to be of high visual amenity value and a significantly healthy specimen and was in keeping with its surroundings. The City Arborist provided advice on revised tree works which would be appropriate for the tree, incorporating a complete crown reduction. The owner's agent was contacted in writing and advised that the proposed felling of the tree would not be supported but the City Council would agree to pruning works as advised. No further contact was made by the owner or their agent and on 3<sup>rd</sup> October 2019 the City Council formally objected to this notification and made a provisional TPO.
- 2.4 This Sycamore tree is approximately 13 m in height with an average crown diameter of 10m. Its large canopy is clearly visible from both short and long range views and from both occupiers of surrounding residential properties as well as public areas, principally from the public highway of Ford Lane. This tree is considered to form an important part of the special character of the Northenden conservation area and makes a significant contribution to the wider urban landscape. The Helliwell System 2008 of visual amenity valuation has been carried out and this assessment found the tree to be of high visual amenity value.
- 2.5 Following the making of a provisional TPO a letter of objection has been received stating reasons why the tree should be felled. Email correspondence has been sent to provide a further explanation of why a provisional TPO has been made on a tree at this property
- 2.6 This report requests that the Committee instruct the City Solicitor to confirm the TPO at Churchgate, Ford Lane, Manchester, M22 4NQ

### **3.0 Consultations**

- 3.1 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 owner/residents were served with a copy of the order or notified about the TPO, on 3 October 2019.

The Owner(s) and/or any Occupier(s) of Churchgate, Ford Lane, Manchester, M22 4NQ

Church Villa, Ford Lane, Manchester, M22 4NQ  
27 Ford Lane, Manchester, M22 4WE  
Dene House, Ford Lane, Manchester, M22 4NQ

### **4.0 Summary of objections**

- 4.1 An objection has been received from the manager of the property on behalf of the landowner.
- 4.2 In summary it states:

- The Sycamore tree in the garden has become so large that the whole of the garden is in shade and prevents its cultivation and also makes the rear of the house dark.
- The tree affects properties immediately adjacent to Churchgate, in particular Church Villa and Norwood House and complaints have been received about the proximity of the tree to a telephone line and leaf fall creating a slip hazard. Neither owners would object to the trees removal.
- In 2015 the owner applied to have the tree felled. Following negotiations with the City Council the notification was amended for pruning works only. These works were carried out and owners of adjoining properties complained that the pruning works were not extensive enough and the tree has now grown to an even larger size.
- The Sycamore tree is not a visual amenity for the occupiers of Churchgate, Church Villa, Norwood House and The Rectory. The tree is only detrimental to these properties and only provides limited visual amenity to the remaining properties for the remaining properties on Ford Lane and Boat Lane, as it is only visible from limited areas of these highways.

## **5.0 Arboricultural officer comments**

5.1 The City Arborist carried out a site survey and objected to the proposed felling of this Sycamore tree. He stated that the tree has high visual amenity and is a significant healthy specimen and is in keeping with the surrounding area. The City Arborist advised that this tree would be suitable for TPO status if the applicant would not withdraw the notification and that a pruning specification would be acceptable within BS 3998 to reduce the canopy by no more than 2-3 m.

## **6.0 Issues**

6.1 **Tree is too large and results in rear garden and house being in shade.** While this Sycamore tree is mature and prominent, the tree's trunk is approximately 11m from main rear elevation and is situated to the north of the dwellinghouse. This orientation minimises the impact of loss of sunlight to the rear of the dwellinghouse and its garden. The City Arborist has advised that the tree would benefit from a complete crown reduction and this would allow further natural daylight into the property. Any overall loss of light from this tree is not considered to be so harmful to warrant not confirming this TPO.

6.2 **Impact on adjoining properties** – issues currently being experienced by occupiers of neighbouring properties including leaf fall causing slip hazards and trees proximity to telephone lines would be alleviated by the carrying out of the proposed pruning works, ongoing regular management of this tree and general garden maintenance.

6.3 **Tree has grown back following pruning works carried out in 2015** – native deciduous trees require regular maintenance works including pruning in order to maintain their health and the proposed pruning works will again reduce this Sycamore tree back to similar size as in 2015.

6.4 **Tree is not a visual amenity to neighbouring properties and can only be seen from limited surrounding areas** - This Sycamore tree's large canopy is

clearly visible from both short and long range views and from both occupiers of surrounding residential properties as well as public areas, principally from the public highway of Ford Lane. The City Arborist considers this tree to be of high visual amenity.

**6.5 Other issues** – The Sycamore tree is native to the British Isles and is considered to make a valuable contribution to the City's urban environment. Sycamore trees provide a biodiverse rich environment and habitat. Its loss would be considered to have a detrimental impact on local biodiversity. This mature tree provides valuable screening benefits across the rear gardens of neighbouring properties and supports improvements in local air quality

## **7.0 Conclusion**

**7.1** It is considered that the Sycamore (T1) as shown on the attached plan, should be protected by a Tree Preservation Order. The City Arborist considers the tree to be in good condition, healthy with no major defects. It is of high amenity value, located in a prominent position within the rear garden, highly visible to occupiers of neighbouring properties, visitors and both passing traffic and pedestrians on Ford Lane, in particular. The tree in question makes a significant contribution to the special character of the Northenden conservation area and is an important element of the local urban landscape character while its biodiversity and provides important screening across the rear gardens of neighbouring properties.

**7.2** 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 concerns of the homeowner have been fully considered and balanced against the contribution this Sycamore tree makes to the local environment. Whilst it is acknowledged that the reason for objecting to the TPO, in particular its impact on Churchgate and neighbouring properties and concerns about its visibility, require due consideration, it is not felt that they outweigh the significant contribution this tree of high amenity value makes to the area. It is considered that the visual public benefits of retaining this tree outweigh any harm caused.

## **8.0 Human Rights Act 1998 considerations**

**8.1** 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 Director 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.

## **9.0 Recommendation.**

- 9.1 The Director of Planning, recommends that the Planning and Highways Committee instruct the City Solicitor to confirm the Tree Preservation Order at Churchgate, Ford Lane, Manchester M22 4NQ, 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.



**Churchgate, Ford Lane, Northenden Tree Preservation Order 2019**

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