

Tree Preservation Order 329-351 Wilmslow Road, Heald Green

Report of the Director of Development and Regeneration

1. MATTER FOR CONSIDERATION

- 1.1 Consideration of proposed Tree Preservation Order (TPO), following site visit on Wednesday 27th September 2023.

2. BACKGROUND INFORMATION

- 2.1 The attention of the Council was first drawn to the site earlier this year by residents adjacent to the site, who were concerned about the on-going removal of trees and degradation of the site as a wildlife habitat.
- 2.2 Following an initial site visit by the Council's arboriculture officer on 9th March 2023, a TPO was considered expedient in the interests of amenity for the preservation of twenty-two trees on the site.
- 2.2.1 The TPO was made on the 4th of May 2023, from which date it came into provisional effect for a period of 6 months.
- 2.2.2 Upon serving the original notice, it was noted that several trees had been removed and others misidentified, so an amendment was proposed to the original TPO.
- 2.3 The Council received two objections to the TPO:

Objection 1

- 2.3.1 The first objection was raised to the inclusion of the Spruce tree, originally T18, now T15. The objector is concerned that the tree may be in an unsafe condition and could fall onto the adjacent properties.

Objection 2

- 2.3.2 The second objection was raised by the landowner who objected to the protection of trees on their land. The key points of the objection, as highlighted by their solicitor, are summarised below:
- i. The TPO was put in place on the basis of a malicious attempt by a neighbour to prevent the landowner from exercising their right to sell the property.
 - ii. It is the intention of the landowner to sell the property to a developer for the purpose of building residential accommodation and it is contended that the need for local housing outweighs the benefit of protecting the trees.
 - iii. The landowner is not aware of any specific habitats or protected species on the land that would need to be protected by a TPO.
 - iv. Most of the trees on the land in question are non-deciduous pine trees or willows of limited environmental benefit.

2.4 The landowner also raised concerns regarding the vulnerability and height of some of the trees and their proximity to neighbouring properties, specifically trees T4 Birch, T15 Spruce, T16 Spruce and T17 Ash. These four trees have been inspected as part of the assessment process and the arboriculture officer is satisfied that they are typical of the age and species and do not pose a heightened risk.

2.5 Response to the objections:

Objection 1

2.5.1 It is the assessment of the Council's arboriculture officer that the tree is healthy and free from significant structural defect and so should remain on the TPO.

Objection 2

2.5.2 The responses to the objections of the landowner are as follows:

- i. The basis for the TPO, as made, is that it appears to the Council that it is expedient in the interests of amenity to make provision for the preservation of the trees on the site.
- ii. Any potential impact on the sale or development of land affected by the TPO is not a relevant legal consideration in the making of a TPO.
- iii. There is inherent wildlife value to the site as the trees provide food and shelter for the native wildlife, the conservation of which is considered expedient in the interests of amenity.
- iv. It is considered that the individual, collective and wider impact of the trees are such that there is an amenity value to the trees, including the environmental and climate benefits of the group of trees.

2.5.3 It is the assessment of the Council's arboriculture officer that the trees identified by the landowner are typical of their age and species and do not pose a heightened risk to the adjacent properties.

2.6 Following the receipt of objections, and in line with statutory procedure, the TPO was referred to the Cheadle Area Committee to allow all objections to be considered before a decision to confirm the TPO was made.

2.7 At the September meeting of the Cheadle Area Committee, when the item was being discussed, it was decided that the Council's legal team should be consulted over the protracted decision making to ensure continued compliance with the statutory procedure and for a site visit by Councillors to take place to enable the Councillors to see the trees first hand.

2.8 The site visit took place on 27th September 2023 and was attended by Cheadle Area Committee members, the Council's arboriculture officer, the owner of the land and their tree consultant. Each tree subject to the proposed TPO was considered individually on its own merits and as part of the community of trees on the site, with both the Council's arboriculture officer and the landowner's consultant providing comments on each tree.

- 2.9 To ensure compliance with statutory procedure, the Council considered it would be best to allow the TPO to lapse and for a new TPO to be made against which any outstanding objections to the original TPO could be duly considered.

The new TPO was made on the 2nd November 2023, with an amended schedule of trees for preservation (to reflect the removal of several trees by the landowner between the Council's initial site visit and the making of the original TPO).

3. CONCLUSION

- 3.1 It is considered that the trees on site are worthy of protection and there is likely to be a threat of removal if they remain unprotected.

4. RECOMMENDATION

- 4.1 That the Committee resolves to confirm the TPO (as amended) [as shown at appendix 2]

BACKGROUND PAPERS

APPENDIX 1

Showing photos of individual, TPO number and species

APPENDIX 2

Current TPO

APPENDIX 3

Map showing the area in question with tree locations and TPO numbers

APPENDIX 4

Details of individual tree assessments

Anyone wishing to inspect the above background papers or requiring further information should contact Peter Pollard on telephone number or alternatively email peter.pollard@stockport.gov.uk.

APPENDIX 1

Wilmslow Road Tree Preservation Order site- Tree photos 5th December 2023

Tree No 1 – Apple



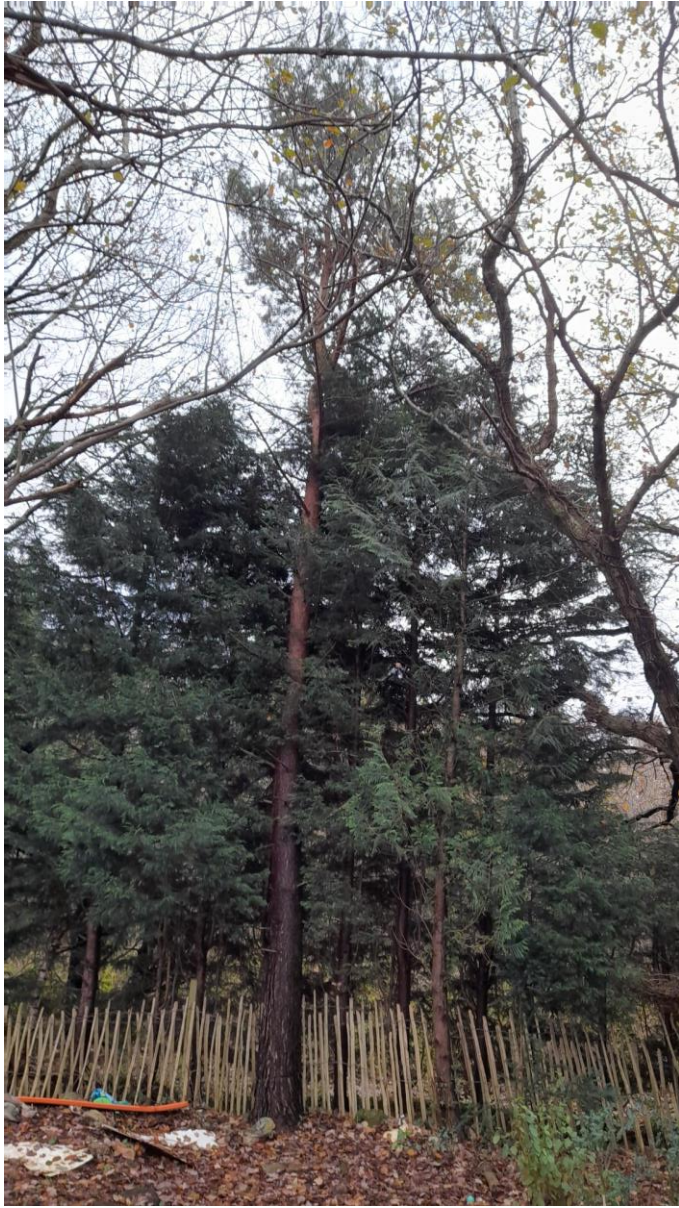
Tree No 2 – Apple



Tree No 3 – Oak



Tree No 4 – Pine



Tree No 5 – Willow



Tree No 6 & 7 – Oak



Tree No 8, 9 - Poplar



Tree No 10 – Sycamore



Tree No 11 – Oak



Tree No 12 – Willow



Tree No 13 – Pine



Tree No 14 – Birch



Tree No 15 – Spruce



Tree No 16 – Spruce



Tree No 17 & 18 – Ash & Oak



Tree No 19 – Oak



Town and Country Planning Act 1990

The Metropolitan Borough Council of Stockport Tree Preservation (329-351 Wilmslow Road, Heald Green) (2) Order 2023

The Metropolitan Borough Council of Stockport 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 Council of Stockport Tree Preservation (329-351 Wilmslow Road, Heald Green) (2) Order 2023.

Interpretation

- 2.1. In this Order “the authority” means the Metropolitan Borough Council Stockport.
- 2.2. 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.
- 3.2. 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 “T”, 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 2nd day of November 2023
THE COMMON SEAL of THE
METROPOLITAN BOROUGH COUNCIL
OF STOCKPORT was hereunto
affixed in the presence of:-

)
)
)



[Handwritten signature]
.....

~~Assistant Director - Legal & Democratic Governance~~ / Designated Authorised Signatory (legal officer)

LUCINDA TAYLOR
.....

Print Name

[Handwritten signature]
.....

Authorised Signatory (legal officer)

MALCOLM ORRELL
.....

Print Name

CONFIRMATION OF ORDER

This order was confirmed by the Metropolitan Borough Council of Stockport without modification on the -----

Signed: -

On behalf of:
V. Bates, Assistant Director (Legal & Democratic Governance)
Stockport Metropolitan Borough Council
Town Hall
Stockport
SK1 3XE

OR

This order was confirmed by Stockport Metropolitan Borough Council, subject to the modifications, indicated in red ink, on the -----

Signed: -

On behalf of:
V. Bates, Assistant Director (Legal & Democratic Governance)
Stockport Metropolitan Borough Council
Town Hall
Stockport
SK1 3XE

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this order was taken by the Metropolitan Borough Council of Stockport on the -----

Signed: -

On behalf of:
V. Bates, Assistant Director (Legal & Democratic Governance)
Stockport Metropolitan Borough Council
Town Hall
Stockport
SK1 3XE

VARIATION OF ORDER

This order was varied by the Metropolitan Borough Council of Stockport on the _____
by a variation order under reference _____ a copy of which is attached.

Signed: -

On behalf of:
V. Bates, Assistant Director (Legal & Democratic Governance)
Stockport Metropolitan Borough Council
Town Hall
Stockport
SK1 3XE

REVOCATION OF ORDER

This order was revoked by the Metropolitan Borough Council of Stockport on the _____

Signed: -

On behalf of:
V. Bates, Assistant Director (Legal & Democratic Governance)
Stockport Metropolitan Borough Council
Town Hall
Stockport
SK1 3XE

SCHEDULE 1

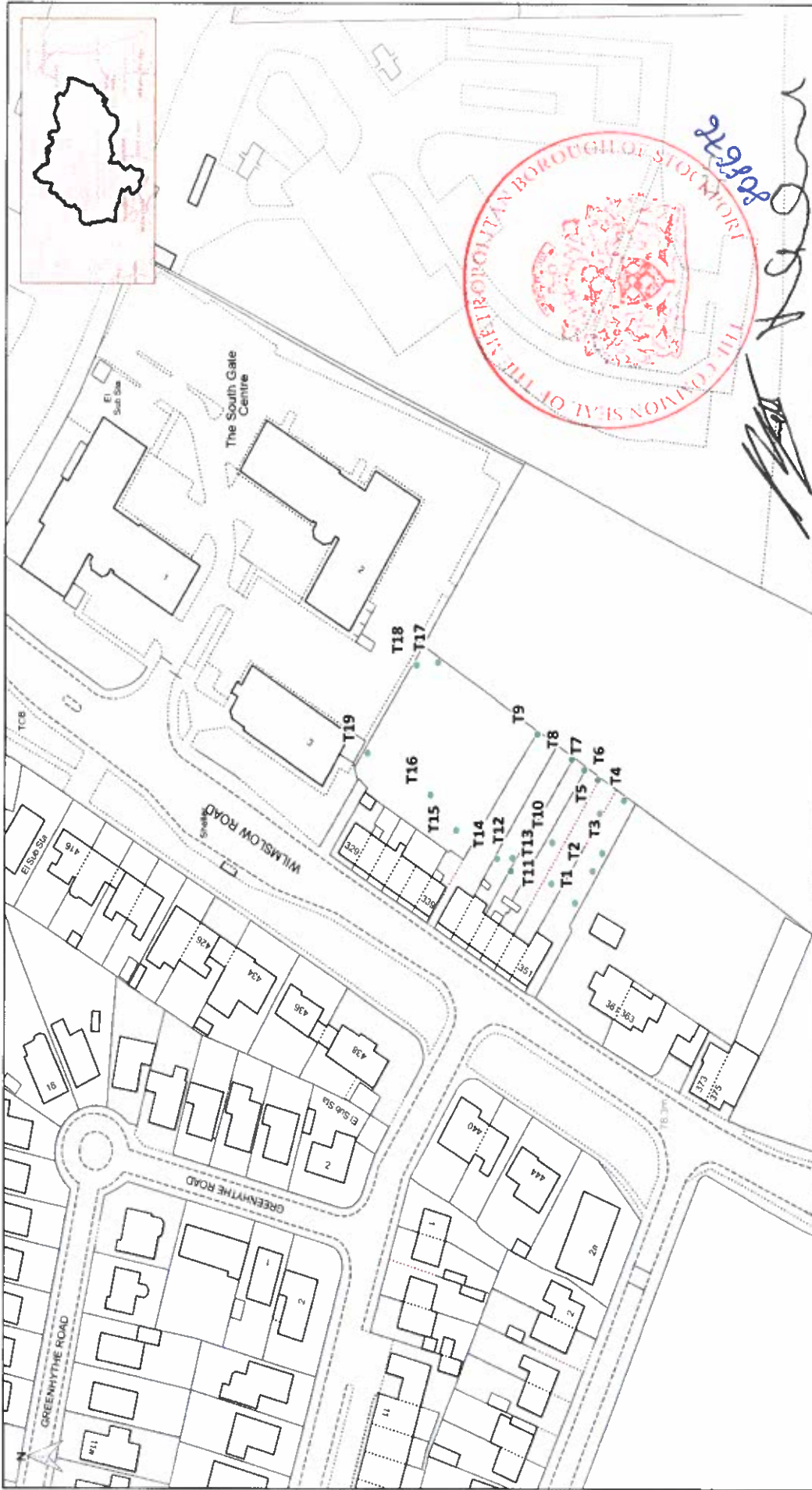
SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
T1	Apple	Located to the rear of 351 Wilmslow Road, situated 11m from the rear of the property and 2m from the southern boundary
T2	Apple	Located to the rear of 351 Wilmslow Road, situated 22m from the rear of the property and 1m from the southern boundary
T3	Oak	Located to the rear of 351 Wilmslow Road, situated 26m from the rear of the property and 1m from the southern boundary
T4	Pine	Located to the rear of 351 Wilmslow Road, situated on the eastern boundary and 2m from the southern boundary
T5	Willow	Located to the rear of 351 Wilmslow Road, situated on the boundary between 351 and 349 and 5m from the eastern boundary
T6	Oak	Located to the rear of 347 Wilmslow Road, situated on the boundary between 347 and 349 and on the eastern boundary
T7	Oak	Located to the rear of 347 Wilmslow Road, situated on the boundary between 345 and 347 and on the eastern boundary
T8	Poplar	Located to the rear of 345 Wilmslow Road, situated on the boundary of 345 and 343 and on the eastern boundary
T9	Poplar	Located to the rear of 341 Wilmslow Road, situated on the eastern boundary
T10	Sycamore	Located to the rear of 347 Wilmslow Road, situated 17m from the rear of the property.
T11	Oak	Located to the rear of 349 Wilmslow Road, situated 11m from the rear of the property and 2m from the southern boundary
T12	Willow	Located to the rear of 343 Wilmslow Road, situated 10m from the rear of the property.

T13	Pine	Located on the boundary between 343 and 345 Wilmslow Road, situated 9m from the rear of the property
T14	Birch	Located to the rear of 343 Wilmslow Road, adjacent to the boundary of 341, situated 10m to the rear of the property
T15	Spruce	Located to the rear of 339 Wilmslow Road, adjacent to the boundary of 337 and 10m to the rear of the property
T16	Spruce	Located on the rear boundary of 333 and 335 Wilmslow Road. Located 13m from the rear of the property
T17	Ash	Located to the rear of 329 Wilmslow Road, adjacent to the eastern boundary of the plot and 7m from the northern boundary
T18	Oak	Located to the rear of 329 Wilmslow Road, adjacent to the northern boundary and 3m from the eastern boundary
T19	Oak	Located to the rear of 329 Wilmslow Road, adjacent to the side of Unit 3, The South Gate Centre

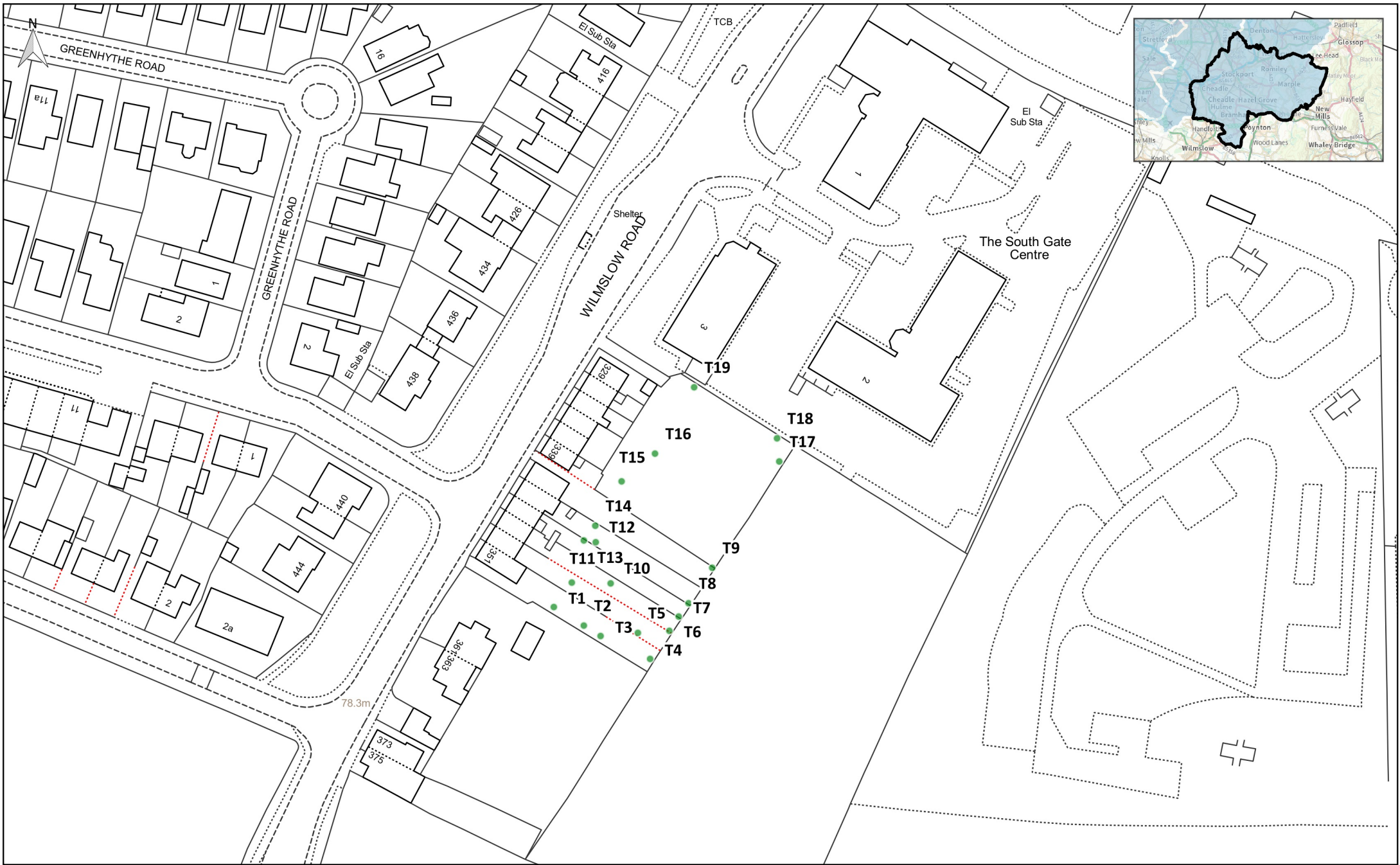


Tree Preservation Order

- Borough Reports / IPO (Tree Preservation Order)
- IPO (Tree Preservation Order)

Site Details:
 Name: 327-351, Wilmslow Road, Heald Green 2023
 Number: 430W
 Task Ref: Scale: 1:1,750 Date: 17/05/2023

STOCKPORT
 METROPOLITAN BOROUGH COUNCIL
Our Communities are our Future



Tree Preservation Order

-  Borough Reports / TPO (Tree Preservation Order)
-  TPO (Tree Preservation Order)

Site Details:

Name: 329-251 Wilmslow Road, Heald Green 2023
 Number: 434W

Task Ref:

Scale: 1:1,250

Date: 17/05/2023



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Appendix 4 - Individual Tree Assessments

Tree number	Species	TEMPO asesement points	TEMPO decision 11-14pts TPO defensible, 15+ pts definitely merits TPO
1	Apple	6	TPO indefensible
2	Apple	6	TPO indefensible
3	Oak	15	Definitely merits TPO
4	Pine	12	TPO defensible
5	Willow	3	TPO indefensible
6	Oak	12	TPO defensible
7	Oak	12	TPO defensible
8	Poplar	3	TPO indefensible
9	Poplar	3	TPO indefensible
10	Sycamore	11	TPO defensible
11	Oak	12	TPO defensible
12	Willow	6	TPO indefensible
13	Pine	6	TPO indefensible
14	Birch	13	TPO defensible
15	Spruce	6	TPO indefensible
16	Spruce	6	TPO indefensible
17	Ash	11	TPO defensible
18	Oak	14	TPO defensible
19	Oak	15	Definitely merits TPO