

**STOCKPORT COUNCIL**  
**EXECUTIVE REPORT – SUMMARY SHEET**

**Subject: Tree Preservation Order – 23 Offerton Road, Hazel Grove 2023**

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**Report to: (a)** Stepping Hill Area Committee

**Date: Tuesday 23<sup>rd</sup> January 2024**

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**Report of: (b)** Report of the Director for Place Management

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**Key Decision: (c)**

**NO / ~~YES~~** *(Please circle)*

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Forward Plan     General Exception     Special Urgency     *(Tick box)*

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**Summary:**

Objection has been raised to the creation of a Tree Preservation Order (TPO) at 23 Offerton road, covering 2 x mature Pine trees.

Officer explains evidence for making and confirming the TPO

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**Recommendation(s):**

It is recommended that the Area Committee:-

- (1) Gives approval to the rescission of the decision of the meeting of the Area Committee held on 1 August to make a Tree Preservation Order at 23 Offerton Road, Hazel Grove.
  - (2) Considers the matter afresh in the light of the information contained in the revised report.
  - (3) Notes that all Tree Preservation Orders where objections made in relation to this site have been considered by the Council.
  - (4) Accepts the recommendations of the Arboricultural Officer and resolves to confirm the TPO without amendment.
  - (5) Resolves that the objectors are informed of the decision.
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**Relevant Scrutiny Committee** (if decision called in): **(d)**

Communities & Transport Scrutiny Committee

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**Background Papers** (if report for publication): **(e)**

There are none.

Contact person for accessing  
background papers and discussing the report

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**Officer: Peter Pollard**  
Tel: 0161 474 5637

**'Urgent Business': (f)                      ~~YES~~ / NO (please circle)**

**Certification** (if applicable)

This report should be considered as 'urgent business' and the decision exempted from 'call-in' for the following reason(s):

The written consent of Councillor \_\_\_\_\_ and the Chief Executive/Monitoring Officer/Borough Treasurer for the decision to be treated as 'urgent business' was obtained on \_\_\_\_\_ /will be obtained before the decision is implemented.

## **Tree Preservation Order (TPO) at 23 Offerton Road, Hazel Grove**

### Report of the Director for Place Management

#### **1. INTRODUCTION AND PURPOSE OF REPORT**

- 1.1 This report is to advise committee members of details of an objection received to a proposed Tree Preservation Order (TPO) at 23 Offerton Road, Hazel Grove
- 1.2 To ensure that objections to the TPO are appropriately and efficiently considered and to seek a decision on the confirmation or otherwise of the TPO.

#### **2. INFORMATION AND ADVICE**

- 2.1. In considering the objection the Area Committee should be mindful that the Council has a responsibility to protect trees under threat, provided that they fulfil the criteria for inclusion in a Tree Preservation Order.

#### **3. OBJECTIONS AND COMMENTS**

- 3.1. The specific objections and points contained within each letter have been analysed and detailed below together with specific responses.

##### Objection 1 reason: Amenity

There are many mature trees; 20 Sycamores, 6 Hollies, 1 Oak and 1 Maple situated along the frontage of 21 & 23 Offerton Road that provide ample amenity. These Pines (T1 & T2) add no useful additional amenity.

##### Objection 2 – Impact

Far from having existing & future value, these trees compete for resources with those other trees in close proximity which provide ample contribution to the landscape and habitat for wildlife. These trees are naked below c. 15 feet and offer no impact on filtering noise, dust or light. The many other trees on the site have a far greater impact in this regard.

##### Objection 3 – Threat to person & property

- a) There have been continuing problems caused by the roots of these trees damaging the sewage pipes serving numbers 23 & 21, causing sewage to back up, which poses a health hazard and necessitates costly repair
- b) The roots are causing damage to the driveway of number 23 necessitating costly repairs.
- c) These trees, which are more than 80 feet in height, are in poor condition, and in such proximity to the house that it is a credible risk that catastrophic damage to the property and threat to life could result were any of these trees to fall. It is quite alarming to watch these trees sway and the ground around the bases lift during strong winds. The resident at this address reports that his wife is extremely anxious about these trees which tower over the house and that this is adversely affecting her physical and mental wellbeing.

#### Objection 4 – Subsidence threat to property

A letter was provided from Byrom Clark Roberts, Architects & Structural Engineers, which was sent to the resident in April 1998 (almost 25 years ago), suggesting that a tree (unspecified) within the garden of 23 Offerton Road may cause a risk of subsidence to the property at 23 Offerton Road.

#### **Responses**

##### Objection 1 reason:

Whilst the Pine trees are not so visible in the summer, when the other trees have lost their leaves they are quite visible, see Photograph 1.

##### Objection 2 reason

Whilst the Pine trees may compete with the other trees, they do not seem to have had a detrimental effect. The fact that the canopy is high up, which is natural for the species, does not mean they are any less of a benefit for the environment.

##### Objection 3 reason

- a) If damage is being caused to the sewer pipes or can be shown to be likely to be caused to them, the Council would be happy to receive that evidence for consideration. It is generally accepted that the tree roots will not initiate drain damage in most circumstances, however, a leaking drain will attract tree roots and they would certainly exploit the leak and have the potential to make it worse. Making the drain water-tight by inserting a “sleeve” is the usual remedy.
- b) No evidence has been supplied to support the claim that the trees are damaging the driveway, however Photograph 2 is attached showing minor lifting of block paving
- c) It is natural for trees of this age and species to sway significantly in high winds and in no way signifies they are unstable. No evidence has been provided to show that the trees are unsafe, the Council would be happy to view and consider such evidence. The Council’s assessment shows T1 and T2 to be free from significant structural defect and in good health. No cracks indicating ground movement were seen at the time of inspection.

##### Objection 4 reason

The letter was received by the owner almost 25 years ago and they have since not appeared to have given it any credence as no pruning or other remedial work appears to have been undertaken during that period. If any of the trees on the property were likely to cause subsidence, it is reasonable to assume that this would have occurred within the last 25 years, that not being the case then the risk is not significant. This was not included in the original Committee report as it was professionally assessed and not considered to add weight to the objector’s case.

The objector is also unhappy with regard to how the TPO came to be made.

The making of the Tree Preservation Order was prompted by a visit to the site following a request by the owner for consent to fell the three large, mature Pine trees in the front garden area.

It transpired that the trees were not actually protected, but as there was an imminent threat to the trees an assessment was carried out and they fulfilled the criteria for protection. As a result of the assessment the process was set in motion for the protection of the trees.

#### **4. BACKGROUND**

- 4.1 This matter was previously considered by the Stepping Hill Area Committee on 20<sup>th</sup> June 2023 for confirmation of the TPO. The matter was deferred to enable consideration of objections submitted by a local resident around whether the trees had caused damage to his driveway and drains.
- 4.2 The matter was reconsidered by the Stepping Hill Area Committee on 1<sup>st</sup> August 2023 and at this meeting the Committee approved the creation of a TPO in respect of the trees concerned.
- 4.3 The local resident concerned has since made representations to Stockport Council on the grounds that the report considered by the Stepping Hill Area Committee on 1<sup>st</sup> August 2023 did not properly consider his objections to the making of the TPO.
- 4.4 The resident's representations have now been properly considered by the Council. It has been determined that, following the decision at the August Committee and the resident's claim that his objection was not properly considered, that this matter will be reconsidered. This report provides members with the background to the deferral in June, details of the representations from the objector and the grounds of the objections.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1. There are no financial implications arising from the recommendations in this report.

#### **6. LEGAL IMPLICATIONS**

- 6.1. The Council has a duty to protected vulnerable trees, which are worthy of a Tree Preservation Order.

#### **7. REASONS FOR RECOMMENDATIONS**

- 7.1. To comply with section 198 of the Town & Country Planning Act, the sealed Tree Preservation Order contains details of how objections may be made.
- 7.2. Following consideration of the objections received, he Committee needs to make a decision as to whether or not to confirm (with or without amendments) the Provisional TPO.

#### **8. ALTERNATIVES CONSIDERED**

- 8.1. None

## **9. SUMMARY**

**9.1** This report details the grounds of objection submitted in the objector's representations to the making of this TPO which are made on the grounds that T1 and T2 provide no useful amenity, compete with other trees which offer landscape and habitat value, and provide no useful filter of noise, dust or light. It is alleged that their roots have damaged sewage pipes serving numbers 21 and 23 Offerton Road, posing a health hazard and costly repairs, and are causing damage to the driveway of no.23. Further, that they threaten property, cause potential harm to the physical and mental wellbeing of the occupant due to their height and instability, and pose a subsidence risk.

9.2 It is considered that the trees do provide amenity, and whilst they do compete with other trees for resources, it is not considered that it is at the expense of the other trees. The Council is not currently in receipt of any evidence to support the claim that the roots of these trees have damaged sewage pipes nor damaged the driveway; the attached photographs show slight raising of the paving but the cause of this is not known. T1 and T2 have been assessed to be healthy and stable and there is not considered to be a subsidence risk. There is no evidence that the potential risks highlighted in the letter received by the landowner 25 years ago have materialised.

## **10. CONCLUSION**

10.1 In conclusion T1 and T2 are considered to meet the criteria for protection in accordance with the Town and Country Planning Act 1990 and Town and Country Planning (Tree Preservation) (England) Regulations 2012.

## **11. RECOMMENDATIONS**

It is recommended that the Area Committee:-

(1) Gives approval to the rescission of the decision of the meeting of the Area Committee held on 1 August to make a Tree Preservation Order at 23 Offerton Road, Hazel Grove.

(2) Considers the matter afresh in the light of the information contained in the revised report.

(3) Notes that all Tree Preservation Orders where objections made in relation to this site have been considered by the Council.

(4) Accepts the recommendations of the Arboricultural Officer and resolves to confirm the TPO without amendment.

(5) Resolves that the objectors are informed of the decision.

### Background Papers

#### APPENDIX A

Photographs showing the trees in question and the objector's driveway are included in Appendix 1.

#### APPENDIX B

Letter from Byrom Clark Roberts, dated 1998 (redacted).

APPENDIX C  
TPO

Anyone wishing further information please contact Peter Pollard on telephone number Tel: 0161 474 5637 or by email on [peter.pollard@stockport.gov.uk](mailto:peter.pollard@stockport.gov.uk)