

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 an objection received to a Tree Preservation Order (TPO) at 23 Offerton Road, Hazel Grove.
- 1.2 To ensure that objections to the TPO are appropriately and efficiently considered.

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. Supporting evidence *Appendix A*.

Comments of the Arboricultural Officer:

Whilst the Pine trees are not so visible in the summer, when the other trees have lost their leaves, they are quite visible and offer significant visual benefit to the area

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.

Comments of the Arboricultural Officer:

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 – 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. Supporting evidence via Dynorod, *Appendix E*.

Comments of the Arboricultural Officer:

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 through the application for works to a protected tree application. 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 by the contractors when leaks are identified.

- b) The roots are causing damage to the driveway of number 23 necessitating costly repairs. Supporting evidence provided by resident, *Appendix F*.

Comments of the Arboricultural Officer:

If damage is being caused to the driveway, then further evidence can again be supplied which shows significant damage resulting from the root system of the trees and would be reviewed and considered as part of any future application for works to a protected tree, but at this time no evidence has been supplied to support the claim.

- 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. Supporting evidence *Appendix C*, shows trees apparently in decline.

Comments of the Arboricultural Officer:

It is natural for trees of this age and species to sway significantly in high winds and this in no way signifies they are unstable. If the resident has evidence to show that the trees are unsafe, this can be presented as part of any future application for works to a protected tree. It is the Council's current assessment T1 and T2 are free from significant structural defect and in good health. No cracks indicating ground movement were seen at the time of inspection.

Objection 4 – Subsidence threat to property

A letter was provided from Byrom Clark Roberts, Architects & Structural Engineers *Appendix B*, 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.

A more recent letter has now been provided from Woodpecker tree surgeons, not commenting upon the condition of the trees, but suggesting that the roots could be a threat to the driveway and property *Appendix D*.

Comments of the Arboricultural Officer:

The letter from 1997 is too old to justify a decision NOT to protect the trees. The more recent letter from Woodpecker tree surgeons comments on driveway and possible property damage, which could be considered outside the tree surgeon's area of expertise and without supporting evidence should not be taken as evidence.

Responses

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 TPO was made by the Council on 20th April 2023, from which date it came into provisional effect for a period of 6 months.
- 4.2. Following the receipt of objections, the TPO was referred to the Stepping Hill Area Committee to consider the objections to the TPO and to make a decision as to whether the TPO should be confirmed.
- 4.3. The TPO was initially considered by the Stepping Hill Area Committee on 20th June 2023. 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.
- 4.4. The matter was reconsidered by the Stepping Hill Area Committee on 1st August 2023 and at this meeting it was resolved to confirm the TPO as made.
- 4.5. 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 1st August 2023 did not properly detail his objections to the making of the TPO.
- 4.6. The resident's representations were properly considered by the Council's Legal Services team and in the interests of transparency it has been determined that the Stepping Hill Area Committee should reconsider this matter and that a further report should be presented that provides a background as to why the matter was deferred in June, what has been considered since, and what the conclusions of those considerations are, and what the recommendation is in the light of those issues.
- 4.7. The matter was considered again by the Stepping Hill Area Committee on 23rd January 2024, and it was resolved to "defer a decision to enable a letter to be sent to the resident to inform them that the letter of that the letter from 1997 is too old to justify a decision not to protect the tree". The resident has since replied and supplied additional evidence to support his claim that the trees are unsuitable for Tree Preservation Order, which has been included in this report.

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. Following consideration of the objections, as outlined above, it is the assessment of the Council's Arboricultural officer that the preservation of the trees included within this TPO remains expedient in the interests of amenity.

8. ALTERNATIVES CONSIDERED

8.1. None

9. RECOMMENDATIONS

It is recommended that the Committee resolves to:

9.1. uphold the TPO as confirmed on 1st August 2023.

Background Papers

APPENDIX A

Photographs showing the trees in question.

APPENDIX B

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

APPENDIX C

Photographs supplied by resident, showing trees "in decline"

APPENDIX D

Letter from Woodpecker Tree Surgeons (3rd February 2024), regarding damage to property

APPENDIX E

Dynorod Statement (31st January 2024), regarding clearing of roots from drain

APPENDIX F

Driveway photographs, supplied by resident.

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