

FAO

Mr & Mrs Li
47 Gillbent Road
Cheadle Hulme
SK8 7LE

TREE PRESERVATION ORDER (TPO) OBJECTION

47 GILLBENT ROAD, CHEADLE HULME, SK8 7LE

DATE

2nd May 2024

INTRODUCTION

Beechwood Trees & Landscapes Ltd are appointed by Mr & Mrs Li (the Landowners) to review the recent Stockport Metropolitan Borough Council (SMBC) Tree Preservation Order (TPO) Ref "The Metropolitan Borough Council of Stockport Tree Preservation (47 Gillbent Road, Cheadle Hulme) Order 2024" (the Order) served at 47 Gillbent Road, Cheadle Hulme, SK8 7LE (the Site) on 11th April 2024.

REFERENCE

1777-LET-V1-A

The Order has been served on an individual tree, namely T1 (oak) within the Order.

This letter follows a detailed site visit undertaken by Beechwood Trees & Landscapes Ltd on 26th April 2024, to assess the subject tree against the reasons for serving detailed within the Order and associated documents provided by the Landowners.

This tree assessment and objection letter has been prepared by Sam Hobson BSc (Hons), MICFor (Chartered Arboriculturist), MArborA, for and on behalf of Beechwood Trees & Landscapes Ltd. Sam holds a BSc (Hons) in Arboriculture and is Professional Member of the Institute of Chartered Foresters (Chartered Arboriculturist) and a Professional Member of the Arboricultural Association. Sam also holds a LANTRA qualification in Professional Tree Inspection.

Following professional review of the TPO document and on-site assessment, a formal Objection is raised to the serving of the Order. The reasons for the objection are detailed below and fully comply with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

TREE ASSESSMENT

The tree, (T1) is a mature pedunculate oak standing within the rear garden of 47 Gillbent Road, Cheadle Hulme. The tree is approximately 10m in height, with a stem diameter of approximately 900mm measured over the heavily burred lower stem.

The main stem exhibits a large canker / abnormal growth on the lower stem with some evidence of internal decay associated with this area (Image 1). Loose bark and black staining is present in several areas, which is indicative of dysfunction likely attributable to bacterial or fungal pathogen. In several locations, small holes are present which are surrounded by black staining which is consistent in appearance with symptoms of Acute Oak Decline (AOD), i.e. exit holes of the associated buprestid beetles (*Agrilus biguttatus*) and black staining / stem bleeds (Images 2 & 3).



Image 1 - Lower stem (west side) of T1 showing large canker and staining visible beneath.



Image 2 - Area of dysfunction on north-east side of stem at 2m (within yellow outline). Red arrow indicates location of hole and staining.

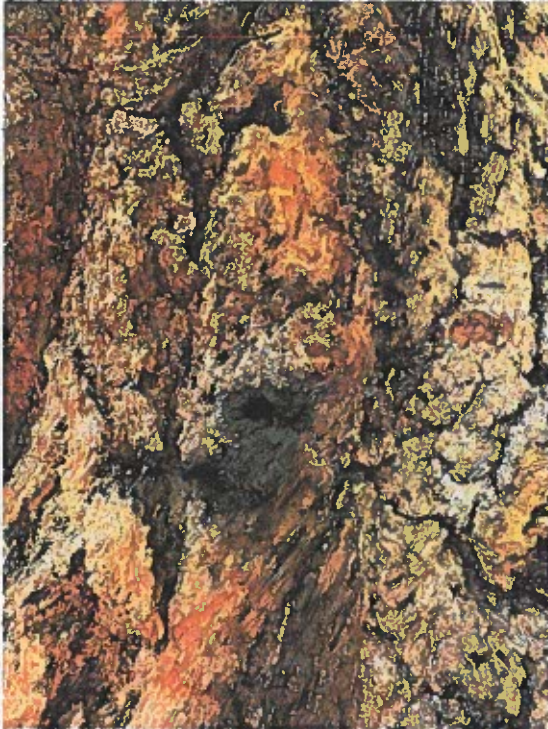


Image 3 - Hole with black staining consistent with AOD symptoms.



Image 4 - Bark depression / area of decay at union of south-west facing structural limb (within yellow outline).

A further depression in the bark is present at the union, beneath a major limb which faces south-west. The depression exhibits rusty bark staining and loose bark indicating presence of internal dysfunction / decay.

The tree was subject to very heavy, poor pruning during c. June 2022, at which time most major limbs were cut to stubs, leaving very little live growth and almost all photosynthetic area now removed. No further pruning has been undertaken since this initial work and the tree currently exhibits very little regrowth. What regrowth is present has formed poor attachment points from the branch stubs. The tree exhibits generally low vitality which is evidenced by the poor reaction to previous heavy pruning. See comparison in Images 5 & 6.





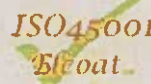
Images 5 & 6 - Comparison between the tree around the time of pruning (Left - Client supplied image c. June 2022) and at the time of our assessment (Right - April 2024).

Overall, the tree appears to be significantly compromised in terms of structural and physiological condition. The longevity of the tree is considered to be negatively affected by its current condition, as ultimately it is expected that the tree will continue to decline, due to the presence of decay, reduced vitality and significantly reduced photosynthetic area.

AMENITY ASSESSMENT

As set out above, the amenity of the tree is significantly impaired by the previous pruning and poor responsive growth. The tree has a generally poor appearance when viewed from within the site, as well as viewed from the public highway.

The tree stands within the rear garden of 47 Gillbent Road, which is set back from the highway by approximately 35m. The tree currently offers fleeting distant views, a passing pedestrian / car must make a conscious effort to view the tree, which, even when viewed, offers very limited amenity due to the absence of any substantial canopy (Image 7). The tree is framed by a number of larger trees which form the majority of the current view from public areas.



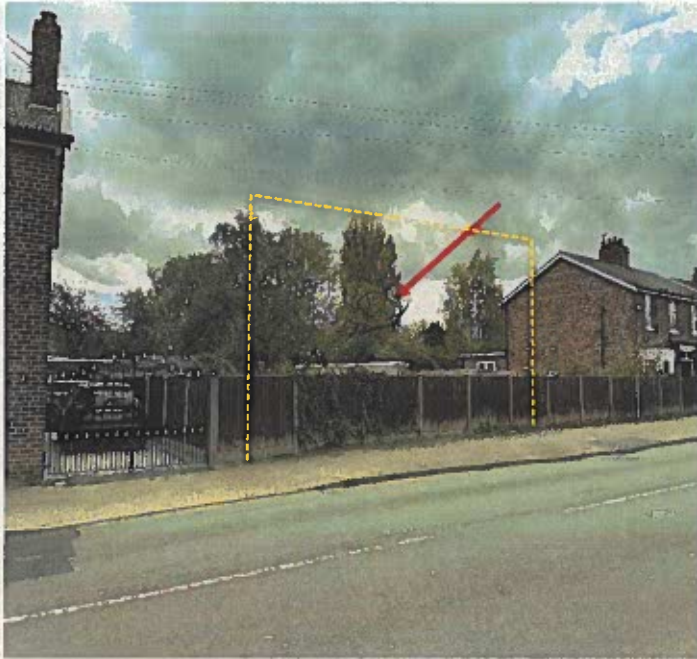


Image 7 - Tree as viewed from Gillbent Road. Very limited visibility with majority of tree cover provided by larger adjacent trees.

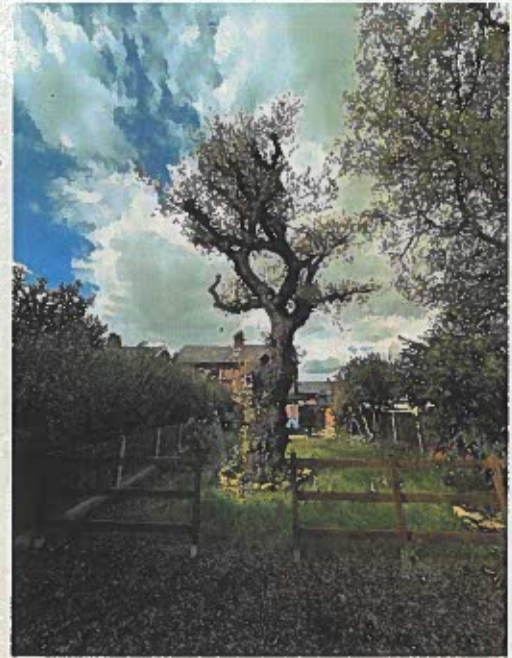


Image 8 - Tree as viewed looking towards the rear of 47 Gillbent Road.

Notwithstanding the limited amenity at the current time, it should also be considered that the area of vacant land over which the current views are possible is subject to full planning permission for the construction of two, four-bedroom houses.

The Planning Application (ref: DC/087023) was approved by Stockport Metropolitan Borough Council on 20th January 2024. Once constructed, the presence of the two houses will effectively obscure all public visibility of the tree. A yellow dashed line on Image 7 illustrates the approximate outline of the Approved Development and how this will obscure any views of the tree.



ISO9001
Ekoat

ISO14001
Ekoat

ISO45001
Ekoat



REVIEW OF TPO DOCUMENTS

A number of documents have been provided by the Landowner which have been reviewed as part of this assessment. The documents reviewed are provided at Appendix 1 and include the following:

- Formal Notice Letter (including Tree Preservation Order)
- TEMPO Assessment (date: 08/04/2024)

The Formal Notice Letter ("the Notice") constitutes the Regulation 5 notice, which sets out the reasons for making the Order. Where relevant these are copied below for reference.

The Notice accepts that the tree currently offers *"limited benefit to the general public, with glimpses between properties"*. However, fails to acknowledge that any current public benefit will be effectively lost when the adjacent Approved Development is constructed.

The Notice goes on to state that *"The tree is worthy of preservation for it's contribution to the landscape by being a significant landscape feature"*.

As can be seen from the images provided within this letter, the tree does not form what could be referred to as a *"significant landscape feature"* and contributes very little to the landscape without any substantial canopy present.

The Notice also considers other factors, stating *"The retention of this tree preserved will enhance the site and surrounding environment, it will act as a screen between neighbouring properties. It will also assist in filtering noise dust and light, as well as being a valuable habitat for wildlife"*.

Whilst authorities may consider taking into account other factors, in accordance with the relevant Tree Preservation Order Regulations¹, these factors alone would not warrant making an Order (see reference Paragraph: 008 Reference ID: 36-008-20140306).

As part of the TPO process, a TEMPO (Tree Evaluation Method for Preservation Orders) assessment has been completed. The TEMPO assessment provided is shown to have been completed on 08/04/2024 by Peter Pollard, Arboricultural Officer as SMBC.

¹ <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas> (Paragraph: 008 Reference ID: 36-008-20140306)

The results of the TEMPO assessment are disputed, as many of the assessment scores relate to factors which have been described in this assessment, resulting in an incorrect outcome. There is also a discrepancy in the version of TEMPO used, as the TEMPO assessment provided has utilised old version which has been superseded by the version attached at Appendix 3. There is a fundamental difference between the versions in that the outcomes at Part 3 – Decision Guide have been amended. Additionally, Part 1 (d) includes a -1 score for trees with poor form.

The existing TEMPO assessment is set out below, along with the suggested scores where this assessment disagrees with the scored provided. The suggested scores have been included within a revised TEMPO assessment at Appendix 2, using the most recent version of TEMPO.

Part 1 – Amenity

a) Condition and suitability for TPO: 3) Suitable

This score is agreed. As per the TEMPO Guidance Note, the tree has defects which adversely affect the prospects and it is expected that the condition of the tree will decline further.

b) Remaining longevity (in years) and suitability for TPO: 5) 100+ years – Highly Suitable

For the reasons set out earlier in this assessment, it is considered that the remaining longevity of the tree is significantly limited by the current condition, including having low vitality and a number of physiological and structural defects. **Suggested score: 2) 20-40 – Suitable.** ✖

c) Relative public amenity and suitability for TPO: 3) Large tree with limited views – Just suitable

The TEMPO guidance states clearly that the assessment should consider realistic potential for future visibility with changed land use. In this case, the TEMPO score provided has not considered future visibility which will be entirely obscured by the adjacent Approved Development. **Suggested score: 1) Trees not visible to the public, regardless of size – Probably unsuitable.**

At this point the TEMPO guidance states that trees only qualify for consideration within the next section providing that they have accrued at least seven points in parts a-c above. In this case, the suggested scores amount to a total of 6 which equates to "TPO indefensible".

However, allowing for some tolerance within the suggested scores above and assuming the score here could reach 7, the following section has been considered.

d) Other factors (equates to part e in previous version): 1) Trees with no additional redeeming features

Suggested score: -1) Trees with poor form or which are generally unsuitable for their location.

Part 2 – Expediency Assessment

At this point the TEMPO guidance states that trees only qualify for consideration within the next section providing that they have accrued at least ten points (nine in former version). In this case, the suggested scores amount to a total of 6.

However, assuming that the tree could move on to Part 2, the score is assessed below.

5) Known threat to tree (e.g. Section 211 notice to fell tree)

Suggested score: 3) Forseeable threat to tree.

In the absence of any expressed intent to fell the tree, the threat may only be perceived at this current time.

Part 3 – Decision Guide

As the TEMPO assessment should have ended at Part 1 (c) due to only scoring 6 points within that section, the final score should be 6 points which falls within the bracket of 1-6 “TPO indefensible”

To account for any discrepancy in scoring, even with a further 5 points added across the TEMPO assessment, the tree would still fall within the bracket of 7-11 – “Does not merit TPO”.

SUMMARY

The landowner **objects** to the serving of the Tree Preservation Order for the reasons set out below:

- The current visibility of the tree is very limited and will be completely obscured by the adjacent Approved Development in the near future.
- The condition of the tree is significantly impaired and likely to decline. It does not offer good amenity within the site or to the wider area. Potential for future growth is restricted by the poor attachment points of new growth and compromised structural condition.
- The tree has no other features which would justify serving a TPO in the current condition and in the absence of any public visibility.
- The TEMPO assessment provided as justification for serving the TPO contains several inaccuracies which result in an incorrect final score.

For the reasons set out in this letter in terms of the oak trees impaired condition, minimal public visibility and other contributing factors, the authority has failed to demonstrate that it is "*expedient in the interests of amenity*"² to make a Tree Preservation Order.

As per TPO Regulations, The Council should demonstrate how this TPO decision is to be decided in a clear and transparent way. The Council should have protocols in place regarding how they have made their decision in an even-handed and open manner, particularly if the decision is to be delegated to planning officers rather than determined at Planning Committee.

Any further queries please do not hesitate to contact me.

Kind Regards,

Sam Hobson BSc (Hons), MICFor (Chartered Arboriculturist), MARborA
For and on behalf of Beechwood Trees & Landscapes Ltd
consultancy@beechwoodtrees.co.uk
0800 328 7988

² <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas> (Paragraph: 005 Reference ID: 36-005-20140306)

APPENDIX 1
TPO Documents



ISO9001
Fleat

ISO14001
Fleat

ISO45001
Fleat



APPENDIX 2

Revised TEMPO Assessment



ISO9001
Float

ISO14001
Float

ISO45001
Float



TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 26/04/2024	Surveyor: Sam Hobson
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Tree details	Tree/Group No: T1	Species: Pedunculate oak
TPO Ref (if applicable):	Location: 47 Gillbent Road, Cheadle Hulme	
Owner (if known):		

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

Score & Notes	3) Suitable
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* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (In years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes	2) 20-40 - Suitable
Longevity limited by impaired physiological and structural condition. Poor vitality shown.	

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes	1) Probably unsuitable
Approved development on adjacent land will obscure tree.	

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | | | | | | | |
|--|--|--------------------------|---|---------------------|--|--------------------------------|--|
| 5) Principal components of formal arboricultural features, or veteran trees | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Score & Notes</td> <td>-</td> </tr> <tr> <td colspan="2">N/A - Total score 6</td> </tr> <tr> <td colspan="2">TPO Indefensible at this stage</td> </tr> </table> | Score & Notes | - | N/A - Total score 6 | | TPO Indefensible at this stage | |
| Score & Notes | | - | | | | | |
| N/A - Total score 6 | | | | | | | |
| TPO Indefensible at this stage | | | | | | | |
| 4) Tree groups, or principal members of groups important for their cohesion | | | | | | | |
| 3) Trees with identifiable historic, commemorative or habitat importance | | | | | | | |
| 2) Trees of particularly good form, especially if rare or unusual | | | | | | | |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) | | | | | | | |
- 1) Trees with poor form or which are generally unsuitable for their location

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | | | |
|---|--|------------------------------|------------------------------|
| 5) Immediate threat to tree inc. s.211 Notice | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Score & Notes</td> <td>3) Forseeable threat to tree</td> </tr> </table> | Score & Notes | 3) Forseeable threat to tree |
| Score & Notes | | 3) Forseeable threat to tree | |
| 3) Forseeable threat to tree | | | |
| 2) Perceived threat to tree | | | |
| 1) Precautionary only | | | |

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:	Decision:
6 - TPO Indefensible	

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