

STOCKPORT COUNCIL
EXECUTIVE REPORT – SUMMARY SHEET

Subject: Objection to Tree Preservation Order – 47 Gillbent Road, Cheadle Hulme 2022.

Report to: (a) Bramhall and Cheadle Hulme South Area Committee
Thursday 12th September 2024

Date:

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

Key Decision: (c) **NO / ~~YES~~** (Please circle)

Forward Plan General Exception Special Urgency (Tick box)

Summary:

An objection has been raised to the creation of a Tree Preservation Order (TPO) at 47 Gillbent Road, Cheadle Hulme, covering 1 x mature Oak tree.

It is recommended that the Order not be Confirmed

Recommendation(s):

To not to confirm the Order

Relevant Scrutiny Committee (if decision called in): (d)
Communities & Housing Scrutiny Committee

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

Arboricultural Report Provided by Kenneth Li

Contact person for accessing
background papers and discussing the report

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.

Objection to Tree Preservation Order – 47 Gillbent Road, Cheadle Hulme 2022

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/s received to a proposed Tree Preservation Order (TPO) at 47 Gillbent Road, Cheadle Hulme and to seek their decision to not confirm the Order.
- 1.2 A request to protect the tree was initially received in 2021 by a concerned neighbour, when the previous owner, a developer, bought the property. Officers visited the site weeks later, in December 2021 and took a photo of an Oak tree with a full and apparently healthy canopy (Photo 1) and carried out an assessment using the Tree Evaluation Method for Preservation Orders TEMPO (1) format, which is an advisory tool used by councils when considering the creation of a TPO.
- 1.3 The tree fulfilled the criteria for protection and the relevant documents were sent to our Legal Department. TEMPO (1) is included as an additional document.

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 (TPO)

3. OBJECTIONS AND COMMENTS

- 3.1. In April 2024 the Council was made aware of the intentions of the new owners Mr & Mrs Li to have the Oak tree felled. As the tree was still unprotected, officers visited the site and carried out a re-assessment of the tree and although it was found it had been severely pruned since the tree was initially viewed (Photo 2), it still fulfilled the criteria for protection as set out in TEMPO (1). Legal Services was therefore contacted and asked to give the making of the Tree Preservation Order a high priority, which they did and the TPO was served on the owner within days.
- 3.2. On receiving the TPO proposal Mr & Mrs Li requested that the site be further visited to facilitate further discussions, and the assessment process was explained including that using TEMPO (1) the tree fulfilled the criteria. They felt that the tree was dangerous as it had some irregularities on the bark and their neighbours were concerned. Their contractor who had attended along with the Council's Arboriculture Officer were satisfied that although not perfect, the tree was not unsafe (Photo 3).
- 3.3. Following this site visit Mr & Mrs Li commissioned an arboricultural report (Report 1)
- 3.4. The specific objections and points contained within the report have been analysed and detailed below, together with the response paragraph 3.6

Objection 1 reason: Safety of the tree.

Mr Kenneth Li has provided an arboricultural report which suggests that the assessment upon which the TPO was made is flawed due to the following:

- 3.5. The Council has taken into consideration the objector's TEMPO (2) assessment dated 8 April 2024, which we acknowledge is a more recent version of the TEMPO tree assessment form that the Council uses for considering making the TPO and therefore should be given greater weight in determining the TPO. Whilst the suitability of the tree still attracts a score of 3, based on the updated assessment criteria, the poor form of the tree (following pruning) now degrades the score to -1.
- 3.6. The consultant has raised the potential that the tree may be suffering from a disease which could reduce the expected lifespan of the tree to 20-40 years attracting a score of 2.
- 3.7. It has also been highlighted that the site adjacent to the property over which the tree can be observed does have planning consent for two properties to be constructed, which would effectively obscure the view of the tree by the public, reducing the score of this feature to 2.
- 3.8. These points mean that new sub-total at section 1d is 6 points with the minimum score of 7 points not being achieved and therefore the assessment produces a result that a TPO would not be recommended were the assessment taking place at this time

Response

Objection 1 reason:

- 3.9. It is accepted that the TEMPO (1) form used in the Council's assessment was not the current version accepted by the Arboricultural industry. Based on the current version TEMPO (2) and in light of the consent for development on the adjacent site, the revised scoring of the tree would result in a conclusion that a TPO would not be justified. It is therefore considered that the TPO should not be confirmed.

4. FINANCIAL IMPLICATIONS

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

5. LEGAL IMPLICATIONS

Section 198 Town and Country Planning Act 1990 provides a local planning authority where it considers that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, to make an order with respect to such trees, groups of trees or woodlands as may be specified in the order. An order doesn't take effect until it is confirmed. Following the statutory objection period, a tree preservation order may be confirmed or not confirmed.

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

6. REASONS FOR RECOMMENDATIONS

6.1 As the assessment criteria have changed and circumstances have become apparent which were not known at the assessment stage, it is considered that the Oak tree does not fulfil the criteria for protection.

7. ALTERNATIVES CONSIDERED

7.1. None

8. RECOMMENDATIONS

8.1. It is recommended that the Area Committee resolves not to confirm the Order.

Background Papers

TEMPO (1) for 47 Gillbent Road 23/12/2021

TEMPO (1) for 47 Gillbent Road 11/04/2024

Photo 1 December 2021

Photo 2 April 2024

Photo 3 July 2024

Arboricultural Report Provided by Kenneth Li

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