

**Manchester City Council
Report for Resolution**

Report to: Planning and Highways Committee – 8 February 2018

Subject: OBJECTION TO TREE PRESERVATION ORDER JK 23/08/17
TPO 51 Catterick Road, Didsbury, Manchester, M20 6HF

Report of: The Head of Planning, Building Control and Licensing

Purpose of report

To inform the committee about the background and issues involved in the making of a Tree Preservation Order (TPO) on 23rd August 2017 and to recommend the confirmation of this Tree Preservation Order.

Recommendation

The Head of Planning recommends that the Planning and Highways Committee instruct the City Solicitor to confirm the Tree Preservation at 51 Catterick Road, Didsbury, Manchester, M20 6HF, under Section 199 of the Town and Country Planning Act 1990, and that the Order should cover the tree as plotted T1 on the plan attached to this report.

Wards Affected Didsbury East

Financial Consequences for the Revenue Budget /Capital Budget

Implications for:

Anti-poverty	Equal Opportunities	Environment	Employment
No	No	Yes	No

Contact Officer

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Background Documents

None

1.0 Introduction

The committee is asked to consider 1 objection made to this order. This relates to a Tree Preservation Order (TPO) served at the above address on a Beech tree within the front garden of 51 Catterick Road, Didsbury, Manchester, M20 6HF

2.0 Background

On the 22nd August 2017 a concerned party reported that a request had been made for a price for removal of a mature Beech tree within the front garden of 51 Catterick Road, Manchester and asked for an emergency TPO to be made on the tree. On the advice of the City Arborist following a site visit, a TPO was made on the tree on 23rd August, 2017.

The City Arborist considered the tree to be a mature Beech worthy of a TPO due to its high visibility, being both a large tree situated in a prominent position. This tree is approximately 15m in height and with an average crown diameter of 10m. The Helliwell System 2008 of visual amenity valuation has been carried out and this assessment found the tree to be of high visual amenity value.



Mature Beech in front garden of 51 Catterick Rd, Manchester - tree form, canopy and visibility from Catterick Rd

Following the making of a provisional TPO a letter of objection has been received stating reasons why a TPO should not be made on this tree. Email correspondence has been sent to the owner to provide a further background on this tree and explaining the City Council's position.

This property is situated on the west side of Catterick Road, within a predominately residential area. The Beech tree is positioned within the front garden, immediately adjacent to the front boundary hedge.

This report requests that the Committee instruct the City Solicitor to confirm the TPO at 51 Catterick Road, Didsbury, Manchester, M20 6HF.

3.0 Consultations

Part 2, paragraph 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 states that before a provisional TPO is confirmed, any persons interested in land affected by the order should be served with a copy of the order. Local residents in the vicinity were consulted and objections and representations made with respect to the Order have been considered.

The following owner/residents were served with a copy of the order or notified about the TPO, on the 23 August 2017

The Owner(s) and/or any Occupier(s) of 51 Catterick Road, Didsbury, Manchester, M20 6HF

49, 53 Catterick Rd, Didsbury, Manchester, M20 6HF
1 Willow Way, Didsbury, Manchester, M20 6JT
HSBC Bank plc, 8 Canada Square, London E14 5HQ

4.0 Summary of objections

An objection has been received from the owner of the 51 Catterick Road, Didsbury, Manchester, M20 6HF

In summary she states:

- The Beech tree is not under threat of either immediate removal or in the foreseeable future. A TPO should not be made on the grounds of the adjacent landowner's suspicion, 'hear-say' or assumptions. The enquiry was for cosmetic pruning for health and safety pruning.
- The tree now extends to the owners roof and is in direct contact with and blocking drains with moss and heavy leaf debris on the roof.
- Lighter branches are falling which may cause harm/damage to pedestrians, parked and moving vehicles.
- The tree does need pruning from time to time and the making of a TPO would require unnecessary use of additional resources for the owner and the City Council.

5.0 Arboricultural officer comments

The City Arborist carried out a site survey and states this mature Beech to be a large tree with no obvious defects. He states that it is growing in a prominent position and as such is of high visual amenity value and meets the criteria of being protected by a TPO.

6.0 Issues

Tree is not under imminent threat - While trees usually need to be under an immediate or foreseeable threat to warrant protection, Government advice is that if a tree's loss or removal would have a significant impact on the local landscape then the tree warrants protection. In this case a third party have stated that they have received a request to provide a quote for the removal of the tree and requested that the City Council consider making a TPO on this tree.

Tree is dropping leaves/debris onto the property - this mature Beech tree is situated within the front garden, it's approximately 15m high and 6m from the front elevation of the property. There would be no objections to any reasonable pruning works, including removal of deadwood, which would alleviate the problems being experienced by the homeowner.

TPO would result in use of unnecessary additional resources - the making of a TPO would place a requirement on the landowner to make applications for proposed works to the tree. However there is no fee attached to this type of application and these applications need only be supported in most cases by a simple schedule of proposed works and a tree location plan. The making of the TPO provides the City Council with an opportunity to ensure that the proposed works are considered by a qualified arborist and conditions attached that the works carried out meet British standards for tree works.

Other issues - The Beech tree is native to the British Isles and is considered to make a valuable contribution to the City's urban environment. This mature Beech tree is considered to be in good health, well positioned adjacent to the front boundary, a prominent feature within the Catterick Road street scene. Its large canopy is clearly visible from both short and long range views, from both occupiers of surrounding residential properties as well as public areas, principally from the public highway of Catterick Road. Its position within the front garden, together with several mature trees in neighbouring front gardens, provides a highly valued part of the local urban landscape character and its biodiversity.

8.0 Conclusion

It is considered that the Beech (T1) as shown on the attached plan, should be protected by a Tree Preservation Order. The City Arborist considers the tree to be in good condition, healthy with no known major defects. This Beech tree is of high amenity value, located in a prominent position within the front garden, highly visible to and enjoyed by a significant number of occupiers of neighbouring residential properties and from vehicular traffic and pedestrians on Catterick Road, in particular. This tree is an important element of the local landscape character and its biodiversity.

The Order has been properly made in the interests of securing the contribution this tree makes to the public amenity value in the area. The concerns of the homeowner have been fully considered and balanced against the contribution this Beech tree makes to the local environment. Whilst it is acknowledged that the reason for objecting to the TPO, in particular concerns that the tree is not under imminent threat, a TPO would result in additional resources being used and that the tree has been dropping debris onto the property and highway, it is not felt that they outweigh the significant contribution this tree of high amenity value makes to the area.

Human Rights Act 1998 considerations

This Tree Preservation Order needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the third parties, including local residents, who have made representations, have the right to a fair hearing and to this end the Committee must give full consideration to their comments. Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home and a right to peaceful enjoyment of one's possessions, which could include a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these Articles on the residents/objectors and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is in accordance with the law and justified by being in the public interest and on the basis of the restriction on these rights posed by confirmation of the Tree Preservation Order is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

9.0 Recommendation.

The Head of Planning, recommends that the Planning and Highways Committee instruct the City Solicitor to confirm the Tree Preservation Order at 51 Catterick Road, Didsbury, Manchester, M20 6HF, under Section 199 of the Town and Country Planning Act 1990, and that the Order should cover the trees as plotted on the plan attached to this report.

TPO - 51 Catterick Road



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