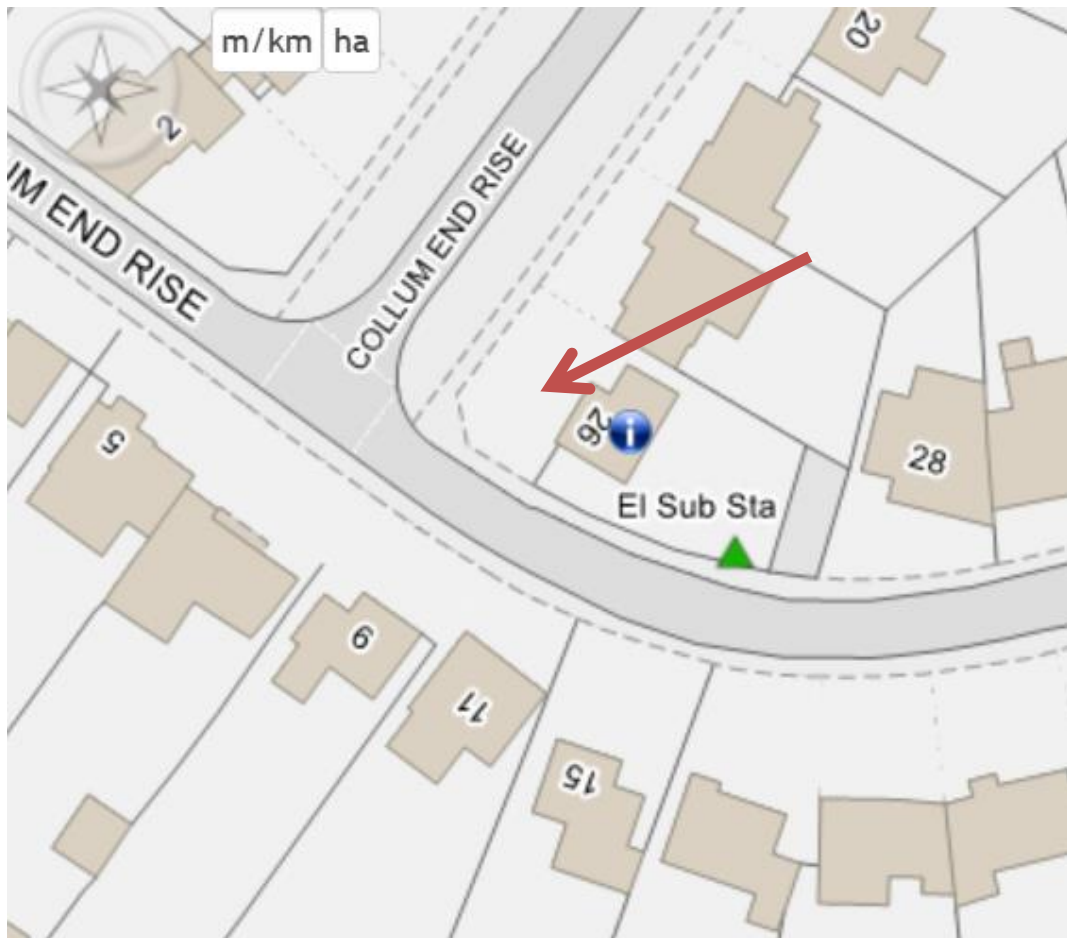


APPLICATION NO: 26/00863/TREEPO		OFFICER: Sam Reader
DATE REGISTERED: 4/6/26		DATE OF EXPIRY: 4/12/26
WARD: Leckhampton		PARISH: Leckhampton with Warden Hill
LOCATION:	Rear 26 Collum End Rise	
PROPOSAL:	TPO to protect one hornbeam tree	

RECOMMENDATION: Confirm without modification



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Hornbeam tree (*Carpinus betulus*) is growing in rear garden of 26 Collum End Rise. The tree is decades old and appears in good condition.
- 1.2 The tree is the principal arboreal feature of the garden. At the time of the TPO being served, there was also a *Robinia* whose lesser visual amenity value meant that it didn't qualify for protection.
- 1.3 The tree bifurcates at around 1.8m to form a multi-stemmed tree in a spreading form typical of the species.
- 1.4 The tree is clearly visible from the road and is a principal arboreal feature of the street scene.
- 1.5 At the time of the property's sale in April 2025, a member of the public contacted the Trees Section asking that the hornbeam be considered for protection (perceived threat from new owners / developers). TPO824 was served and, with no objections being made, it was confirmed without modification. However, the current owners objected to the TPO on the grounds that the site notices were invalid (no dates were printed on the site notice.) Therefore, the Trees Section revoked TPO824 and served TPO863, to which the current owners objected.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Relevant Planning History

25/00824/TREEPO – protection of hornbeam (**confirmed and subsequently revoked**)

25/01338/TPO - reduce crown by 2-3m (**permitted**)

25/01545/TPO - reduce crown back to 9m, to secondary branch framework. Final height of 9m and lateral spread of 8m. (**permitted**)

25/00824/TREEPO – TPO revoked

26/00863/TREEPO – protection of hornbeam

26/00942/TPO – full removal (**refused**)

3. POLICIES AND GUIDANCE

Town and Country Planning Act 1990

Part 8, Chapter 1 – Trees

Cheltenham Plan

Policy GI2

POLICY GI2: PROTECTION AND REPLACEMENT OF TREES

The Borough Council will resist the unnecessary (Note 1) felling of trees on private land, and will make Tree Preservation Orders in appropriate cases.

For protected trees (Note 2), the Council will require:

a) any tree which has to be felled to be replaced, where practicable (Note 3); and

b) pruning, where it is necessary, to be undertaken so as to minimise harm to the health or general appearance of a tree and to be in conformity with British Standard for Tree Work (BS3998, 2010).

In cases where trees are not protected by a Tree Preservation Order or by being in a Conservation Area but contribute to the townscape and character of the town, the Council will consider including such trees in a Tree Preservation Order.

4. CONSULTATION RESPONSES

4.1. Two site notices were put up nearby on Collum End Rise. A copy of the provisional order was sent to the tree owner.

4.2 The owner objected to the TPO on the grounds that the tree was too close to services (underground electrical and foul water service runs), that the tree had already caused damage to the foul water drain and that the tree posed a hazard to the public as a result of roots lifting the adjacent pavement.

5. OFFICER COMMENTS

- 5.1 The tree appears to be in good physiological condition. No defects have been identified or submitted as evidence to support tree works notices.
- 5.2 Although the tree is close to service runs, the evidence allegedly demonstrating root intrusion into the drainage run does not show any evidence of roots. No damage to service runs has been proven.
- 5.3 Furthermore, root damage to electrical service runs is not a documented phenomena and therefore the risk of this occurring appears negligible.
- 5.4 Furthermore, the damage to the pavement is restricted to the narrow slabs directly adjacent to the fence. These are unlikely to be used by passersby as they are impractically small to walk on. There is no clear damage to the pavement that may be caused by the roots of the tree.
- 5.5 The evidence submitted in objection to the TPO is speculative. No damage to property / infrastructure or danger to the public has been demonstrated.
- 5.6 A demonstration of the need for a TPO has been evidenced in the application to remove the tree (expedience) and the high visual amenity value of the tree.

6. CONCLUSION AND RECOMMENDATION

- 6.1 A threat to a high value tree has been established. Therefore, a TPO is expedient and appropriate for this tree. While the original TPO served in April 2025 did have an omission on the site notices, this was prior to the current owners' ownership of the property and a land search by their solicitors would have revealed the TPO as a charge on the property. No evidence to support the removal of the tree or revocation of the TPO has been submitted. The Council did not refuse reasonable works to the tree under the old TPO and would be very unlikely to refuse similar proposals under the current TPO.
- 6.2 On this basis the recommendation is to confirm the TPO without modification.

Addendum:

Objections:

To Sam Reader,

I am writing to formally object to the proposed Tree Preservation Order (TPO) relating to the European hornbeam tree situated within my garden at 26 Collum End Rise, Leckhampton, Cheltenham, GL53 0PB.

I appreciate the importance of protecting trees that contribute to the local environment and amenity. However, I believe that protecting this particular tree in its current location is inappropriate due to its proximity to essential utility infrastructure, the damage that has already occurred, and the significant risk of further damage and public safety issues as referenced in your email response dated 15th June 2026 - Note 1 'The felling of a tree will be necessary only where it is dead, unsafe, or causing unacceptable harm to building or infrastructure'.

The tree is located approximately 4 metres from the local electricity sub-main, which supplies electricity to approximately 200 properties, and approximately 1 metre from the main public sewer. Since raising my concerns, representatives from National Grid Electricity Distribution and Severn Trent Water attended my property to inspect the site in person.

During this meeting, I was advised that the electricity cables serving the sub-main are located at a depth of approximately 600 mm below the adjacent footpath. Given the maturity and size of the tree's root system, this relatively shallow depth raises concerns about the potential for future interaction between the roots and this critical electrical infrastructure.

I have also attached Severn Trent Water's published guidance on planting trees near underground assets. This guidance recommends that a large forest tree, including a European hornbeam, should be planted a minimum distance of 10 metres from their assets. The existing tree is approximately 1 metre from the public sewer, which is significantly closer than the recommended distance. I will be attaching proof of where the public sewer is located which shows it is 1 metre away.

The same guidance states that Severn Trent Water will recover the costs of repairing damage to its assets where that damage has resulted from inappropriate planting. This is particularly relevant given that there is already evidence of tree roots affecting the sewer system. Which I will attach to this email.

Unfortunately, these concerns are not hypothetical as proven in my supporting evidence. The tree has already caused visible damage by lifting the adjacent footpath through root growth. This creates an uneven surface and presents a potential trip hazard for members of the public, particularly as Leckhampton has a large elderly population who may be more vulnerable to falls.

In support of my objection, I will be providing the following evidence:

- Photographs showing the footpath that has been lifted by the tree roots.**
- Evidence of tree roots within the public sewer.**
- Photographs demonstrating the proximity of the tree to the public sewer and the electricity sub-main.**
- The published Severn Trent Water guidance recommending minimum planting distances for large trees.**

- Any additional photographs and plans showing the relationship between the tree and the surrounding infrastructure.

I wish to make it clear that I am not opposed to trees or to protecting the local environment. As a reasonable and constructive alternative, I am willing to plant a replacement tree elsewhere within my garden in a more appropriate location where it can continue to provide environmental and visual benefits without posing a risk to underground utilities, public infrastructure, or pedestrian safety.

I would also appreciate clarification from the Council regarding how these risks have been assessed when considering the Tree Preservation Order. In particular, if the order is confirmed and the protected tree subsequently causes damage to the electricity sub-main, the public sewer, or the adjoining footpath, I would be grateful if the Council could explain where responsibility for that risk and any resulting costs would lie. Given the importance of the sub-main, which supplies approximately 200 homes, and the public sewer serving the surrounding area, this is an important consideration.

I respectfully ask Cheltenham Borough Council to give careful consideration to the evidence of existing damage, the guidance published by Severn Trent Water, the findings of the joint site visit by National Grid Electricity Distribution and Severn Trent Water, and the potential risk to essential infrastructure and public safety.

While I fully support the protection of trees where appropriate, I do not believe it is in the public interest to preserve a tree that is already causing damage and is situated in a location that conflicts with critical underground services. My proposal to plant a replacement tree elsewhere within my garden would ensure that the environmental benefits of tree cover are maintained while avoiding the ongoing risks associated with the current location.

I therefore respectfully request that the proposed Tree Preservation Order is not confirmed and that permission is granted for the removal of the existing tree, subject to replacement planting in a suitable location.

Yours faithfully,

Jordan Bryan



Hi Sam,

I have noticed the document from Severn Trent hasn't attached very well.

Please let me know this is now showing correctly.

I will also attach the online link below.

<https://www.stwater.co.uk/building-and-developing/protecting-our-assets/tree-planting-restrictions/>

Many thanks,

Jordan Bryan