

WIRRAL COUNCIL

Planning Committee

17 JANUARY 2019

SUBJECT:	TREE PRESERVATION ORDER NO WR0388 TREWORGAN LODGE, 23 PINE WALKS, PRENTON, CH42 8NF
WARD/S AFFECTED:	PRENTON
REPORT OF:	CORPORATE DIRECTOR FOR ECONOMIC AND HOUSING GROWTH
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR GEORGE DAVIES
KEY DECISION? <i>(Defined in paragraph 13.3 of Article 13 'Decision Making' in the Council's Constitution.)</i>	NO

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to inform the Committee of an objection to Wirral Borough Council Tree Preservation Order No WR0388 and to recommend that the order shall be confirmed.

2.0 BACKGROUND

- 2.1 The trees that are the subject of the Tree Preservation Order are a group of Scots Pine at 23 Pine Walks. The trees are an important feature of Pine walks and Burrell road and stand adjacent to the junction of these roads. Pine trees are a feature of the road and many properties have them hence the name Pine walks. A conservation area notification was received on the 9th June 2018 to Crown thin and reduce the 10-11 Pine trees by up to 10-15% and remove deadwood. It was felt that the works to the trees proposed in the notice were unjustified for the reasons as outlined in the Council's objection notice;
- 2.2 The stand of pine trees are an important part of the character of Mountwood Conservation Area. Whilst the deadwood and broken branches may be removed as part of general maintenance, crown thinning and reducing the pines is not acceptable in this case for the following reasons;
1. The crowns of Scots Pine tend to be densely foliated at the branch extremities and crown thinning this species often tends to leave the trees with a rather poor appearance, greatly altering their typically recognised growth characteristic.
 2. Scots Pine trees do not produce new shoots in the same way as that of broad leaf trees. Scots Pines cannot grow new foliage from old wood, i.e. once the foliage is removed, it will not grow back. Thinned pines compensate for the loss of foliage by producing more growth from the tips, and this can result in a sparse, 'leggy' branch formation, consequently increasing the lever arm which is more vulnerable to damage in moderate to high winds.
 3. Crown thinning can exacerbate the potential of wind induced branch failure in the following ways: Cause a reduction in dampening effect (which reduces the wind load

on the tree and branches) of internal laterals and increased oscillation of the remaining 'thinned' branches, and potentially escalating the likelihood of branch failure.

2.3 Increased branch failures then adds to pressure/desire for removal of the trees due to perceived safety risks.

2.4 Acceptable works would be something along the lines of a crown clean (but not taking out large diameter branches that have formed heartwood, or age altered wood, or are more than 50% of the diameter of parent stem).

3.0 THE OBJECTION

3.1 An objection was received by the owner on the grounds that the Tree preservation Order is unjustified and not required.

4.0 COMMENTS ON THE OBJECTION

4.1 The authority can deal with a section 211 notice in one of three ways. It may:

- make a Tree Preservation Order if justified in the interests of amenity, preferably within six weeks of the date of the notice;
- decide not to make an Order and inform the person who gave notice that the work can go ahead; or
- decide not to make an Order and allow the six-week notice period to end, after which the proposed work may be done within two years of the date of the notice.

4.2 While bearing in mind the six-week notice period, the authority should allow sufficient time for it to receive objections to the work. The authority should consider duly submitted objections when deciding whether the proposals are inappropriate and whether an Order should be made.

4.3 A section 211 notice is not, and should not be treated as, an application for consent under an Order. So the authority cannot:

- refuse consent; or
- grant consent subject to conditions.

4.4 In deciding whether a tree in a conservation area merits a Tree Preservation Order, the authority's main consideration should be the amenity value of the trees. In addition, authorities must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

4.5 Even if the trees amenity value may merit an Order the authority can still decide that it would not be expedient to make one.

4.6 It is the officers view that the Tree Preservation Order is justified and expedient in the interests of amenity as the works are unnecessary and would be detrimental to the trees for the reasons stated and would affect the character of the conservation area.

4.7 It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area.

5.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

5.1 There are no direct impacts for voluntary, community and faith groups.

6.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

6.1 There are no direct Resource Implications arising out of this report.

7.0 LEGAL IMPLICATIONS

7.1 The principal effect of a TPO is to prohibit the, cutting down, uprooting, topping, lopping, wilful damage, or wilful destruction of trees without the LPA's consent.

8.0 EQUALITIES IMPLICATIONS

8.1 There are no direct implications arising from these proposals which adversely affect equality and diversity.

9.0 CARBON REDUCTION IMPLICATIONS

9.1 Trees store carbon within their tissues and continually absorb carbon, helping to offset carbon emissions produced by other urban activities.

10.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

10.1 The planning implications arising from this report are outlined above and there are no direct Community Safety implications arising from this report.

11.0 RECOMMENDATION

11.1 That the Planning Committee Confirm despite objections

12.0 REASON/S FOR RECOMMENDATION/S

- 12.1 The Conservation area appraisal for Mountwood states that;
"Greenery predominates throughout the area and plays an extremely important part in defining its character",
- 12.2 "Mature trees and planting within front gardens also contribute substantially to the quality of the environment."
- 12.3 "The woodland setting has been maintained by spacious plots which have allowed planting and trees to mature and greenery therefore now dominates the street scene."
- 12.4 The trees clearly contribute to the visual amenity and landscape character of the Conservation area.
- 12.5 The Council has a duty to make provision for the preservation of trees and woodlands in the interests of amenity. It does this by making Tree Preservation Orders (TPO). The purpose of a Tree Preservation Order is to protect trees which make a significant impact on their local surroundings. This is particularly important where trees are in immediate danger.
- 12.6 Based on the reasons given above and in the notice of objection, the proposed work should be refused on grounds of the adverse impact the work will likely have on the trees' health and subsequent amenity value.
- 12.7 The trees provide a visually important boundary adjacent to the existing development.
- 12.8 Urban forests are a valuable source of ecosystem services in towns and cities. They help us alleviate problems associated with densely packed populations by improving local air quality, capturing carbon and reducing flooding.

- 12.9 Urban forests provide a number of health benefits including improving local air and water quality by absorbing and filtering pollutants (Bolund and Hunhammar, 1999) and by reducing the urban heat island effect (Akbari et al., 2001), decreasing illnesses associated with poor air quality and heat. There is also evidence that urban greenery can help reduce stress levels and improve recovery time from illness (Ulrich, 1979).
- 12.10 Trees also provide a valuable habitat for much of the UK’s urban wildlife, including bats (Entwistle et al., 2001) and bees (RHS, 2012).

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APPENDICES

REFERENCE MATERIAL

The following background papers have been used in the preparation of this report:
Wirral Borough Council Tree Preservation Order No.WR0388

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

MapXtreme 2008 © SDK Developer License. © 2008 Pitney Bowes MapInfo Corporation.

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