



Planning Committee

Date:	Wednesday, 17 April 2019
Time:	6.00 p.m.
Venue:	Committee Room 1 - Wallasey Town Hall

This meeting will be webcast at
<https://wirral.public-i.tv/core/portal/home>

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13. **TREE PRESERVATION ORDER NO WR0391 BRONTE, 39 COLUMN ROAD, NEWTON, CH48 8AN (Pages 1 - 6)**
14. **APPEAL DECISIONS BETWEEN 01.01.2019 AND 31.03.2019 (Pages 7 - 8)**

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WIRRAL COUNCIL

PLANNING COMMITTEE

17th April 2019

SUBJECT:	Tree Preservation Order No WR0391 Bronte, 39 COLUMN ROAD, NEWTON, CH48 8AN
WARD/S AFFECTED:	West Kirby and Thurstaston
REPORT OF:	CORPORATE DIRECTOR FOR BUSINESS MANAGEMENT
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 WR0391 and to recommend that the order shall be confirmed.

2.0 BACKGROUND

- 2.1 A request was made to protect trees at the frontage of 39 and 41 Column Road.

3.0 THE OBJECTION

- 3.1 An objection was received by the owner on the grounds that
1. The trees are massive and roots stretch to the property seeking moisture. There is already evidence of settlement in the front bays of the property and there is a fear that this could expand.
 2. The trees block out a lot of light from the property making it dark and damp.
 3. It is unfair that these two properties have been singled out on a long road full of trees.
 4. The property faces grange hill which has an abundance of natural habitat which should cover the requirement for natural habitat amenity and Landscape character.
 5. It is not the intention to decimate the garden just to enhance and protect the property.

4.0 COMMENTS ON THE OBJECTION

- 4.1 Tree roots grow in all directions and will follow a moisture gradient from damaged drains for instance. However tree roots near buildings does not mean that they will cause damage. Many common fears about trees near buildings are unfounded. The following is a list of common misconceptions:
- There are no 'too close' distances for any species of tree. Damage is not inevitable and trees can be as close as a few metres and not cause damage. Trees can only cause subsidence on 'shrinkable' (clay) soil.
- The perceived threat of damage by roots is probably the biggest worry people have about trees near to buildings. Much of this concern is completely unwarranted though trees may cause damage in some circumstances. There are two types of damage – direct and indirect.

Direct damage:

A tree's roots or trunk can exert pressure as a result of their growth (MacLeod and Cram, 1996). This growth can cause separation or lifting of light structures, e.g., driveways, patios/paths, boundary walls, garages, porches etc. Heavily loaded structures are usually resistant to this sort of damage.

Indirect damage:

This is unrelated to the force exerted by roots or trunk, but occurs when tree roots take moisture from shrinkable (usually clay) soils (Biddle, 1998). As they do this, the soil shrinks and if the foundations of a building are not deep enough, this may result in subsidence and cracks appearing in the structure.

Whether or not this is likely to happen depends on many complex inter-related factors including:

Species of tree, Size & vigour of tree, Closeness to the building/structure, Depth, type and quality of foundations. Local climatic conditions. Vulnerability of the building/structure.

Subsidence is one cause of building damage and is defined as "the downward movement of a structure caused by loss of support of the site beneath the foundations".

Subsidence is a term often misused. It is often wrongly applied to any building damage (or cracking) that occurs near a tree.

Most building damage is caused by factors other than tree-induced subsidence.

The main causes of building damage are:

Poor building techniques (e.g., unrestrained flank walls, overloaded internal walls)

Different foundation depths for different parts of the building (e.g., bay windows, conservatories, extensions, attached garages)

Progressive spread of pitched roofs

Expansion and contraction of building materials caused by external temperature change (especially south facing)

Drying of materials (especially of new buildings)

Slope instability or vibration (e.g., traffic)

Heave (Rarely, but nevertheless occasionally felling or pruning a tree may lead to 'heave' (the upward movement of a structure beyond its originally constructed or repaired level).

This is caused by re-hydration of soil beneath foundations that was dry at the time of construction.

If there is evidence of such damage an application can be made (at no cost) with supporting evidence to prune or remove the responsible tree.

Many Large trees have been lost from Column road over the years so that there are now few large old trees left with all the benefits that these large trees give.

In terms of management of the trees, again an application can be made to carry out works to the trees.

Although the property is opposite Grange hill, trees in urban areas are important in improving local air quality, capturing carbon and reducing flooding. They also provide a number of health benefits including improving local air and water quality by absorbing and filtering pollutants and decreasing illnesses associated with poor air quality and heat.

A balanced approach to managing trees takes account of their contribution to biodiversity, the environment, human health, safety and quality of life. An appropriate response to tree risk takes account of the human and financial costs involved in controlling risks. It also gives due regard to the value of trees in the widest sense, and how wholesale tree removal impoverishes our environment.

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/S

11.1 That the Planning Committee Confirm despite objections

12.0 REASON/S FOR RECOMMENDATION/S

12.1 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.

Government guidance states that, 'Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.'

In this case it was felt that as the trees do indeed have a significant amenity value, it would be expedient to proactively serve a TPO as a precaution on the following grounds.

The trees provide a visually important boundary adjacent to the main road.

Trees form a prominent part of the Wirral landscape and comprise an essential feature in the special character of many of Wirrals residential areas. Indeed, even where tree cover is not a distinctive characteristic of a neighbourhood, a single large tree or group of trees can have a significant visual impact within the surrounding area.

It has been the policy to protect many of the important trees in West Kirby with Tree Preservation Orders. It is proposed to extend this policy by making the Wirral Borough Council Tree Preservation Order No. WR0319 to protect the trees at 39 & 41 Column Road.

Urban Trees 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.

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).

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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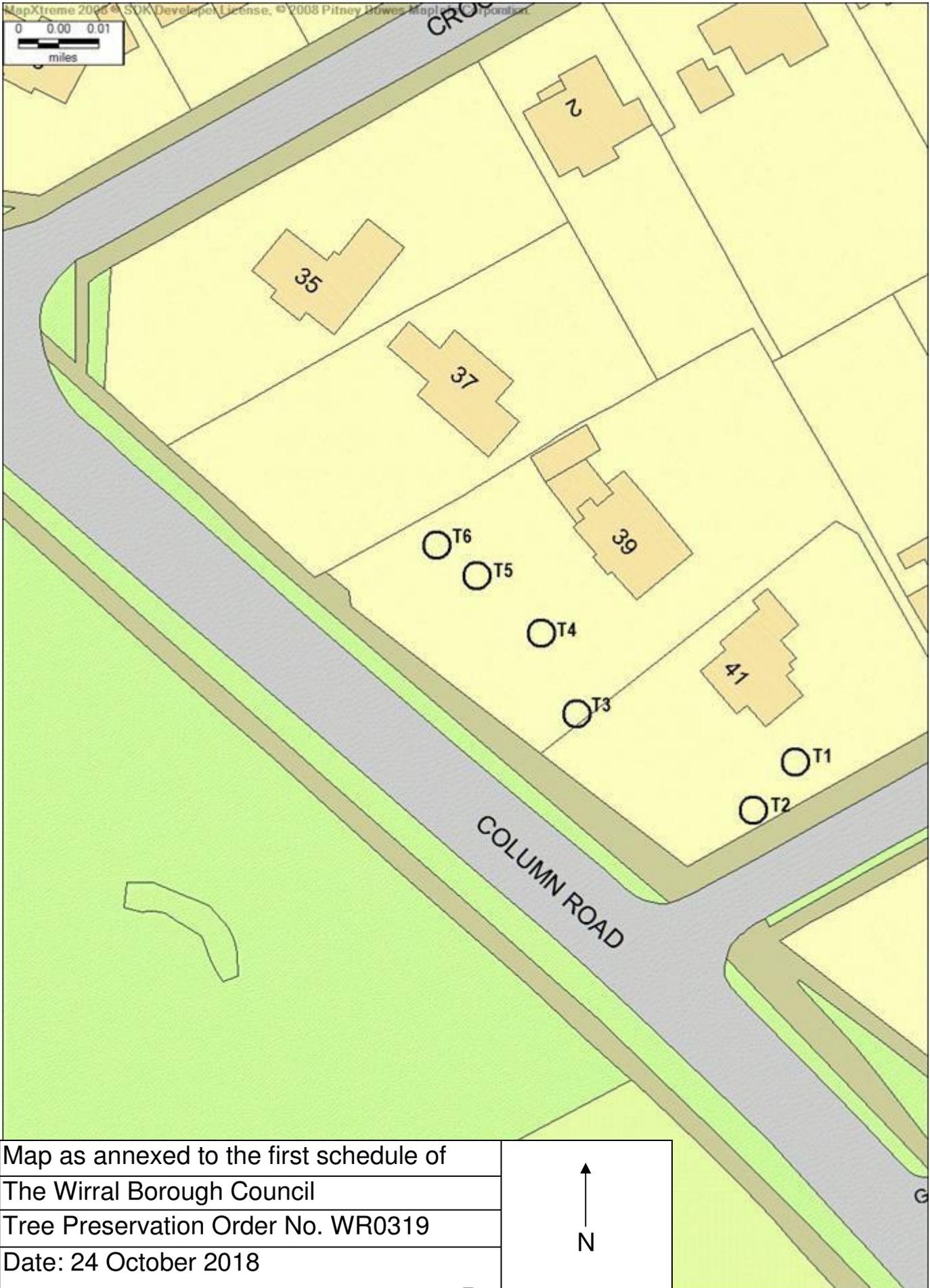
APPENDICES

REFERENCE MATERIAL

The following background papers have been used in the preparation of this report:
Wirral Borough Council Tree Preservation Order No.WR0391

SUBJECT HISTORY (last 3 years)

Council Meeting	Date



Map as annexed to the first schedule of
The Wirral Borough Council
Tree Preservation Order No. WR0319
Date: 24 October 2018



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**Planning Appeals Decided
Between 01/01/2019 and 31/03/2019**

Allowed

Application No.: APP/17/01558	Application Type: APP	Ward: West Kirby and Thurstaston
Case Officer: Mr K Spilsbury	Council Decision: Refuse	Decision Level: Delegated
Location: Six Acres, 75 COLUMN ROAD, NEWTON, CH48 1PX		
Proposal: Amendments and extensions to approved dwelling, approved under APP/16/01508		
Appeal Ref.: 3205305	Appeal Type: Appeal against refusal	Costs Status:
Appeal Decision: Allowed	Decision Date: 14/01/2019	Not Sought

Dismissed

Application No.: APP/18/00621	Application Type: APP	Ward: Heswall
Case Officer: Mrs S Day	Council Decision: Refuse	Decision Level: Planning Committee
Location: Farr End, 19 FARR HALL DRIVE, HESWALL, CH60 4SH		
Proposal: The proposal is for a new dormer style bungalow with garden space and two off road parking spaces.		
Appeal Ref.: 3212283	Appeal Type: Appeal against refusal	Costs Status:
Appeal Decision: Dismissed	Decision Date: 17/01/2019	Not Sought

Partly Allowed

Application No.: LDP/17/01487	Application Type: LDP	Ward: Heswall
Case Officer: Mr K Spilsbury	Council Decision: Not Lawful Use	Decision Level: Delegated
Location: Field Head, MARINE DRIVE, HESWALL, CH60 9JJ		
Proposal: Certificate of lawfulness to confirm the legal extent of permitted development allowed under Part 1 of the Town and Country Planning Order 2015.		
Appeal Ref.: 3203305	Appeal Type: Appeal against refusal	Costs Status:

**Planning Appeals Decided
Between 01/01/2019 and 31/03/2019**

Appeal Decision: Partly Allowed

Decision Date: 09/01/2019

Not Sought

Grand Total: 3

	Total
Allowed	1 33%
Dismissed	1 33%
Partly Allowed	1 33%
Total	3 100%