

# WIRRAL COUNCIL

## PLANNING COMMITTEE

20 AUGUST 2015

<b>SUBJECT:</b>	<b>Confirmation of Tree Preservation Order No 0360 at 4 Sunningdale Drive, BROMBOROUGH</b>
<b>WARD/S AFFECTED:</b>	<b>BROMBOROUGH</b>
<b>REPORT OF:</b>	<b>Head of Regeneration and Planning Regeneration and Environment Department</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>Councillor Pat Hacket</b>
<b>KEY DECISION?</b>	<b>No</b>

### 1.0 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 360 and to recommend that the Order shall be confirmed.

### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 The tree is a Horse Chestnut that stands in the front garden of 4 Sunningdale Drive on the boundary with No.2. The tree is in a prominent location on the corner of Sunningdale Drive with Brookhurst Avenue. The neighbour has installed a driveway beneath the crown of the tree and wishes to remove overhanging branches and/or reduce the crown of the tree. The crown was last reduced in 2012 with the consent of the neighbour.
- 2.2 This is a prominent tree which stands on the corner of Sunningdale Drive and Brookhurst Avenue which is an important asset to the street scene, linking trees on the adjacent open space to extend along Brookhurst Avenue.
- 2.3 Trees form a prominent part of the Wirral landscape and comprise an essential feature in the special character of many of Wirral's 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.
- 2.4 It has been the policy of the Council to protect as many of the important trees on the Borough with Tree Preservation Orders. It is proposed to protect this tree on Sunningdale Road by confirming Order 0360.

### **3.0 OBJECTION(S) TO THE ORDER**

- 3.1 The neighbour at 2 Sunningdale Drive has objected to the placing of this Order. The objection is on the grounds that debris from the tree falls onto the neighbours cars and has in the past caused damage and the tree will in the future cause damage to the 2 cars now parked underneath it. The objectors feel that the owner of the tree does not carry out appropriate tree safety management of the tree and there is concern from the neighbour that keeping tree related risks at a level acceptable to them have not been taken into consideration.

### **4.0 COMMENTS ON THE OBJECTION(S)**

- 4.1 Representations of support for the Tree Preservation Order have been received from the land owner on which the tree is located. A TEMPO (Tree Evaluation Method for Tree Preservation Orders) was used to evaluate and assess the suitability of the tree for a Preservation Order, which scored in favour of serving the Order. The tree was in good health at the time of inspection.
- 4.2 The owner of the property contacted the Council requesting that a Tree Preservation Order was placed on the tree. The neighbours had constructed a driveway beneath its canopy and the owner felt there would be pressure to prune and/or remove the tree as a result, or that pruning may be carried out without consent.
- 4.3 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 instance, the tree has significant amenity value in the street scene and wider locality and as such, it is considered expedient to proactively seek to protect the tree and confirm the Tree Preservation Order.
- 4.4 In the UK, only 6 people a year are killed by falling trees or branches. In a population of 60 million, this means a one in 10 million chance of dying from a falling tree, or a one in 20 million chance of being killed by a tree in a public open space. Media attention, especially after a storm when trees can fall, has created a general misconception in the public’s mind of danger. Risks posed to people and property is actually very low. Defects in trees usually start to develop many years before a tree becomes structurally unsafe and with proper management and regular inspections, such defects along with any other damage likely to result in remedial action being required would ensure any necessary steps can be taken before trees become dangerous. There are also exemptions in the Regulations that are in place that allow for land owners to take steps with regards to dangerous trees, including the provision that allows for deadwood and/or dangerous branches being removed without the need for an application for works to protected trees.

- 4.5 There is no requirement in common law for hedges to be kept trimmed or to prevent trees branches from spreading over a boundary. A tree owner is not obliged to cut back overhanging branches. However, an owner does have a duty of care with regards to any trees on his/her land. Trees have the potential to become dangerous structures and as such, land owners should ensure they are inspected regularly so that they do not become a danger to people and/or property.
- 4.6 At the time of inspection, the tree was in good health and there were no indications of the tree being or becoming dangerous, or at an increased risk of failure. The tree has been reduced in size by a qualified tree surgeon and there was no major deadwood present within the tree. The tree is mature and has been present for a long time. Falling leaves/debris is a seasonal occurrence over which land owners have no control. Nor can a land owner have any control over leaves etc. being blown over boundaries onto adjoining land. These objections are not considered sufficient to outweigh the significant and considerable amenity value afforded by this tree in the street scene and the wider locality and as such, it is recommended that the tree preservation order is confirmed.

## **5.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 5.1 There are no direct implications for voluntary, community or faith groups arising from this report.

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

- 6.1 There are no direct resource implications arising from 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 (protected) trees without the LPA's consent. Any such works carried out without consent could result in a prosecution through the courts.

## **8.0 EQUALITIES IMPLICATIONS**

- 8.1 There are no direct implications arising from this report

## **9.0 CARBON REDUCTION AND ENVIRONMENTAL 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 Trees protected by a Tree Preservation Order will need to be subject to the latest statutory procedures set out in the Planning Act and Regulations before

any works can be carried out to them and the presence of a TPO would be a material consideration in future planning decisions.

## **11.0 RECOMMENDATION/S**

11.1 That Members confirm Tree Preservation Order WR0360.

## **12.0 REASON/S FOR RECOMMENDATION/S**

12.1 Trees form a prominent part of the Wirral landscape and comprise an essential feature in the special character of many of Wirral's 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.

12.2 The tree occupies a prominent location on the corner of Sunningdale Drive and Brookhurst Avenue and contributes positively to the street scene and wider locality.

12.3 Urban trees are a valuable source of ecosystem services in towns and cities. They help alleviate problems associated with the population by improving local air quality, capturing carbon and reducing flooding.

12.4 Urban trees also provide a number of health benefits insomuch as they improve local air and water quality by absorbing and filtering pollutants and contribute to reducing the number of illnesses associated with poor air quality and heat. There is also evidence that urban greenery can help reduce stress levels and improve recovery times from illness.

12.5 Trees also provide a valuable habitat for much of the UK's urban wildlife, including bats (Entwistle et al., 2001) and bees (RHS, 2012). They provide local residents with a focal point to improve social cohesion and aid education with regards to environmental issues (Trees for Cities, 2011).

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## **BACKGROUND PAPERS/REFERENCE MATERIAL**

**Wirral Borough Council Tree Preservation Order No 0360**

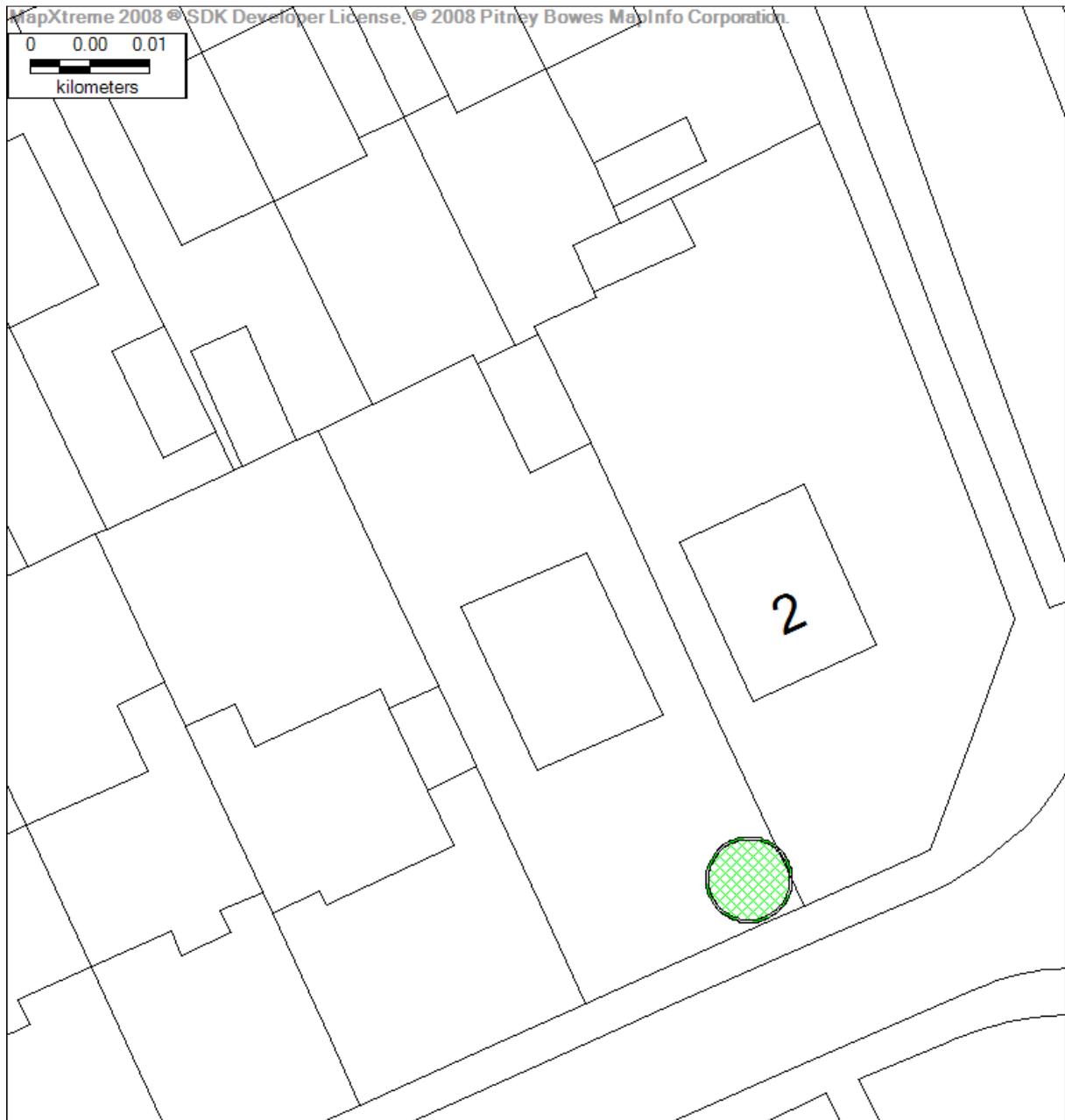
**National Planning Policy Framework**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
N/A	

**Site Plan:**



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