

WIRRAL COUNCIL

PLANNING COMMITTEE

16 AUGUST 2018

SUBJECT:	Tree Preservation Order No 0385 370A PENSBY ROAD, PENSBY, CH61 9NQ
WARD/S AFFECTED:	Pensby and Thingwall
REPORT OF:	CORPORATE DIRECTOR FOR ECONOMIC AND HOUSING GROWTH
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR GEORGE DAVIES, HOUSING AND PLANNING
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 0385 and to recommend that the order shall be confirmed.

2.0 BACKGROUND

- 2.1 Line of Beech & Sycamore adjacent to a public right of way.

3.0 THE OBJECTION

- 3.1 Objections were raised on the grounds that the trees are too high and cause excessive shading to the garden and branches overhang the neighbours garden. The objection was also on the grounds that the Tree Preservation Order will prohibit sensible and active management of the trees

4.0 COMMENTS ON THE OBJECTION

- 4.1 The preservation order was placed on the trees due to concerns that the owners trees would be reduced in height to an extent and manner unsuitable for the long term safe retention of the trees and reduce the value of the trees as an amenity by making them unsightly. As the trees are adjacent to a public right of way it was thought expedient in the interests of amenity to make the Order.

A TPO should not be, and is not a barrier to sensible and proportionate management of trees. Excessive reduction can lead to decline/death of species such as Beech, or encourage profuse growth of adventitious shoots in species such as Sycamore which is counter-productive to reducing shade and height.

The TPO allows the council to have some control of the amount of pruning so as to preserve the amenity the trees provide. The trees remain the property of the owners, and the TPO does not preclude the rights of the neighbour to prune the trees other than requiring an application, ultimately however, the permission of the tree owners would be required to reduce the height of the trees with or without a TPO.

As with owners of unprotected trees, they are responsible for maintaining their trees, with no statutory rules setting out how often or to what standard. The local planning authority cannot require maintenance work to be done to a tree just because it is protected. However, the authority can encourage good tree management, particularly when determining applications for consent under a Tree Preservation Order. This will help to maintain and enhance the amenity provided by protected trees.

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 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.

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.

Trees also provide a valuable habitat for much of the UK's urban wildlife, including bats (Entwistle et al., 2001) and bees (RHS, 2012).

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.

In this case it was felt that as the trees provide a significant amenity, it would be expedient to serve a TPO.

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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.0385

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

