

WIRRAL COUNCIL

PLANNING COMMITTEE

12th September 2019

SUBJECT:	Tree Preservation Order No WR0392 20 & 22 FARR HALL DRIVE, HESWALL, CH60 4SH
WARD/S AFFECTED:	Heswall
REPORT OF:	INTERIM DIRECTOR ECONOMIC AND HOUSING GROWTH
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR STUART WHITTINGHAM, HOUSING & 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 WR0392 and to recommend that the order shall be confirmed.

2.0 BACKGROUND

- 2.1 A Pre-application enquiry was received to demolish the existing house and build an apartment block on the site. There was public concern that trees may be pre-emptively felled on the site.

3.0 THE OBJECTION

- 3.1 An objection was received from the owners of the property on the grounds that the trees had no public amenity as the trees are only visible from the owners garden and that government advice states that
"Only in the most exceptional circumstances should a TPO be placed on a tree that is not visible (in its entirety) from a public space. This means in general trees in gardens and the trees not visible from the general highway in their entirety should not be adopted."
The objection also stated that it was not expedient to serve a Tree Preservation order on the trees on the grounds that there were no plans to touch the trees other than minor pruning.

4.0 COMMENTS ON THE OBJECTION

4.1 Amenity

The current government guidance from 2014 in terms of amenity and visibility states;

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of

woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

Guidance prior to 2014 in Tree Preservation Orders A Guide to the Law and Good Practice stated;

The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified. The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development

The trees are indeed visible from an area to which the public have access (the road). The tree on the corner (T3) is on the boundary adjacent to the road and is in no way obscured from being visible from the road due to its large size (15-20 metres) and actually spreads across the road. The other trees on the boundary with 20 Farr Hall Drive are also visible over the fence and hedge from the road due to their size. So it is my view that the trees do in fact contribute to the amenity of Farr Hall Drive.

Expedience

The current guidance in terms of expedience states;

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. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider where this is in the interests of amenity, that it is expedient to make an Order. 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 pro actively make Orders as a precaution.

A pre application enquiry was made to the planning department for the demolition of the 22 Farr Hall Drive and the erection of 6 apartments.

The planning officer considered the trees to be of material consideration in any subsequent planning application along these lines and referred to Policy GR7: Trees and New Development. There was also concern raised by a neighbour as to the level of development on Farr Hall Drive and potential loss of trees. Therefore it was felt to be expedient to make an order to prevent pre-emptive felling due to further development.

The property has subsequently been sold to a developer and a planning application submitted for a block of flats to be built on the site.

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 the order despite objections.

12.0 REASON/S FOR RECOMMENDATION/S

12.1 T1 and T2 (Oak) provide a visually important boundary between the two properties.

T3 Oak is a particularly fine specimen of a large mature Oak in a prominent position on a road corner.

There is a high level of development taking place in the area of Farr Hall Lane. Much of the character of this area is provided by the tree cover which consists of many large mature trees.

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.

Policy GR7 forms part of the Local Planning Authority's wider responsibility to conserve the natural beauty of the area and to provide for physical improvements to the environment. It also reflects the statutory duty to, wherever appropriate, specifically provide for the preservation and planting of trees when granting planning consent. Policy GR7 does not, however, provide a blanket protection for all trees. Instead, it provides for the circumstances of each site to be considered in terms of its importance within the surrounding area. The objective of Policy GR7 is to ensure that issues related to the health, size, visual significance and the wildlife value of trees are properly assessed before development is permitted or refused.

In addition to the powers and duties outlined above, the Local Planning Authority also has the power to issue Tree Preservation Orders where it is "expedient in the interests of amenity". Such an Order provides additional protection to selected trees and woodlands where their removal or cutting would have a significant impact on the environment. While Policy GR7 does not represent a definitive strategy for Tree Preservation Orders, the

criteria related to health, size, visual value and nature conservation value will form primary considerations in the issue of new or revised Orders.

Further advice in relation to Tree Preservation Orders and the presentation of proposals affecting trees is contained within Supplementary Planning Guidance Note 17.

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.

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). They provide local residents with a focal point to improve social cohesion. (Trees for Cities, 2011).

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APPENDICES

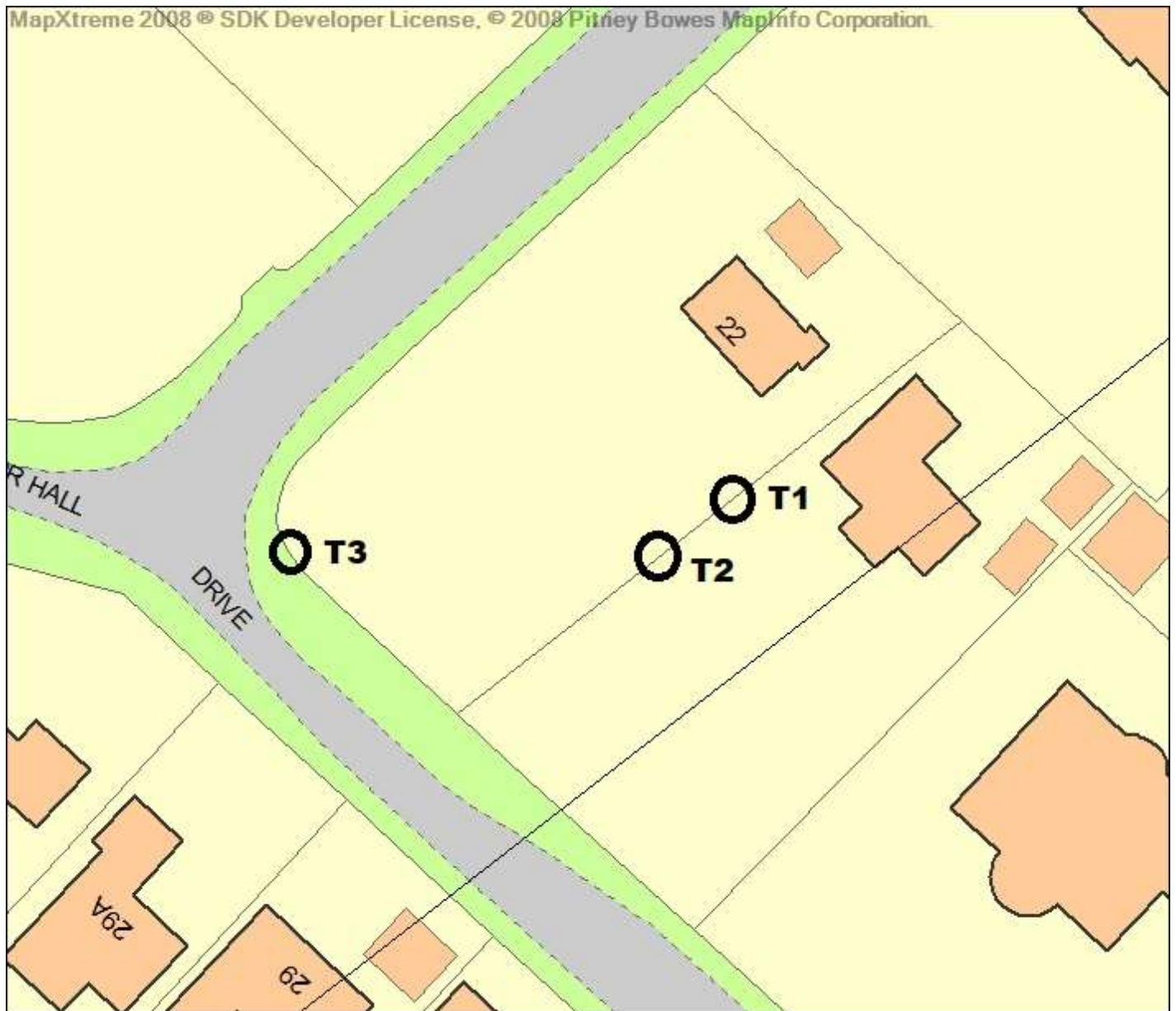
REFERENCE MATERIAL

The following background papers have been used in the preparation of this report:
Wirral Borough Council Tree Preservation Order No.WR0392

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

SITE PLAN:



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