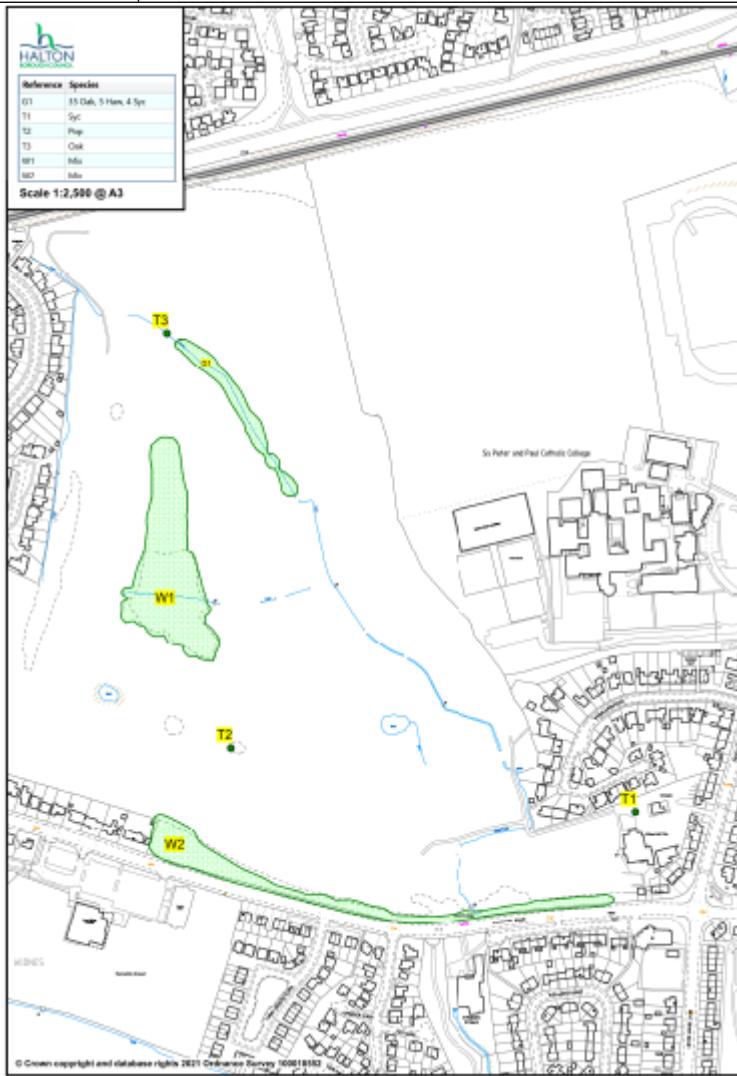


<b>APPLICATION NO:</b>	TPO 126
<b>LOCATION:</b>	Widnes Golf Course, Liverpool Rd. Widnes
<b>PROPOSAL:</b>	Confirmation of Tree Preservation Order
<b>WARD:</b>	Kingsway
<b>PARISH:</b>	N/A
<b>DEVELOPMENT PLAN ALLOCATION:</b> Halton Unitary Development Plan (2005)	Green Space, specifically a Golf Course, Greenspace System and a Potential Greenway runs along the eastern edge of the site
<b>DEPARTURE</b>	N/A
<b>REPRESENTATIONS:</b>	2 objections received and 15 letters of support
<b>RECOMMENDATION:</b>	Approve and Confirm
<b>SITE MAP</b>	



## **1. APPLICATION SITE**

### The Site and Surroundings

The TPO concerns individual, group and woodland protection of a selection of existing trees at Widnes Golf Course.

The golf course has an extensive mature landscaping scheme that benefits the amenity of the residential area that surrounds its boundary. The amenity value extends to the street frontage of Liverpool Rd, Highfield Rd and users and commuters that use the adjoining Rail Line services.

The golf course is bounded by a mix of private housing, transport infrastructure and civic land uses. Of particular note, to the South Liverpool Road, to the North the Manchester Rail Line, the North East St. Peter and Paul School.

As noted above the allocation for the site is greenspace, with a specific label of golf course. The golf course is an area of green space located within a wider area of green space in central Widnes. The Halton UDP Proposals Map shows the site has the potential for a greenway route connecting to the wider greenway network that runs as far; south as Stewards Brook along St. Michael's Golf Course; west to Hough Green Station; north to the borough boundary near Cronton and east to Victoria Park. It should be noted that the greenway network is a valuable asset to the Borough, there are several broken links in the network. The Local Plan seeks to join these links in all development opportunities. Equally, where opportunities arise to protect existing amenity value for areas of the Borough allocated for future greenway use, the Council will act in line with its strategic ambition. Should the Greenway come forward the trees subject of the TPO will contribute significant amenity value to future users.

### Planning History

In March 2021 planning permission was refused for the following proposed development:

*Proposed development comprising 249 dwellings, reconfiguration of golf course, demolition of existing clubhouse and associated buildings and erection of new clubhouse and greenkeepers store, creation of new vehicular accesses, roads, car parking and ancillary development*

### Background

Planning application 20/00153/FUL was submitted in March 2020 and was refused March 2021. The refusal of planning permission is currently within time limits for the applicant to take advantage of the appeals process But as yet no notification of a submitted appeal has been received.

The application showed an intent by the Applicant and interested developer to reduce the size of the golf course and develop housing. The scheme as submitted and refused would have required the loss of numerous trees on site. The Council has undertaken an assessment of the trees on site and determined that a number are worthy of statutory protection.

As a result, the Council took the decision to issue a tree preservation order on 10<sup>th</sup> February 2021 to protect the trees as they were potentially under threat. This is consistent with UDP planning policy GE27 'Protection of Woodland and Trees that states',

*Trees of particularly significant public amenity value will be protected by making Tree Preservation Orders (TPO's) wherever appropriate, particularly in situations where it is perceived that the trees may be threatened by development.*

Whilst the above planning application was refused planning permission it should be noted that no planning permission is needed to remove trees from the land and that tree clearance operations could have taken place in advance of an appeal. It is this concern that led to the Council taking the decision to issue a tree preservation order.

## **2. REPRESENTATIONS**

Under Regulation 6 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012, any affected person may submit objections or other representations in writing before a specified date. The Local Authority must then consider these before deciding whether the Order should be confirmed to make it permanent.

Two letters of objection were received, from the landowner, Widnes Golf Club and prospective developer of the golf course, Anwyl Homes. The basis of the objections are as follows:-

- Justification for retention of tree W2 goes against Council's own opinion of trees along Liverpool Rd as expressed through pre-application advice.
- Description of W2 is too general and does not reflect actual grouping of tree species which are clearly defined on Golf Course land.
- Considerable mitigation put forward for loss of trees proposed by developer to the above planning application.
- There is no reason why the TPO should be put in place other than for political gains in the Clubs current re development proposals. In these proposals the Club has offered a considerable level of mitigation for the loss of these trees, which was encouraged at Pre-App stage TPO will

- bring further cost to administration of tree management via having to apply and gain approvals to maintain the trees on the
- course.
  - No attempt by the Council to discuss tree preservation orders prior to the issue of TPO 126.
  - The TPO should not be made until full and proper engagement is made with Widnes Golf Club.

The following points have been made in support of the TPO by 15 representations received by members of the public.

- The mature trees provide habitats for wildlife, reduce air pollution and are beautiful to look at.
- TPO will ensure correct maintenance of the trees
- Maintain integral part of the visual amenity provided to the public in the area
- Some trees are fine specimens that can live up to 800 years
- The Manchester poplar should be retained as it is a rare tree in the UK
- The trees are a vital part of the landscape and encourage ecosystems.
- Trees are vital to local ecosystem
- TPO necessary to secure woodland in the area.
- The trees help to purify air
- Trees are grade A quality

### **3. ASSESSMENT**

A written assessment report for each individual tree on this site was not carried out, nor was it deemed necessary. The assessment of the trees had already been carried out by the Applicant/Developers arboriculturist and this assessment was used as a reference document when reviewing planning application 20/00153/FUL. A visual inspection of all of the trees on site was carried out by the Council's advisor on tree matters. Whilst the Applicant/Developers arboriculturist and the Council's retained advisor agree on the assessment of some trees there are differences of opinion on the worthiness of statutory protection for groups that the Council has put forward for woodland protection.

The Council rejects the assertion that the trees assessed by the Applicant/Developers arboriculturist are low, the lowest grade of tree detailed within the TPO was assessed as B2. The Council does not consider this to be a low score of quality. The Council has sought statutory protection for trees that are in the best condition and those in good condition that had a

complimentary/contributory association with the best trees on site. Those selected were processed through the TEMPO system, where that criteria was satisfied the trees were scheduled for protection. This is standard practice.

The Council rejects the opinion that the definition of W2 is unclear. The developers own arboriculturist report identifies four groups of trees. When observed on the ground, it is difficult to differentiate the boundary between each of these groups. They are complimentary to one another. When considered as a wider group it is considered that the trees bring considerable amenity value. As such the Council has deemed it appropriate to preserve all tree specimens within a woodland group. The term 'woodland' is an identifier that is appropriate and available for use under regulation (PPG: Paragraph: 024 Reference ID: 36-024-20140306). With regard to accuracy, the area of trees protected is identified on the accompanying plan, the accuracy of which has not been challenged. Therefore the Council does not recognise the concern of accuracy raised in objection.

The Council agrees that the trees have been managed to date by the golf course without statutory protection. The golf club is to be commended in their maintenance to date, such care has led to the trees on site being deemed a valuable asset with a high amenity value to the benefit of the local community. The developer states that considerable mitigation has been offered which confirms that the trees offer significant value to amenity. The recent planning application and development intention is a threat to the continued existence of the trees on site. The statutory protection sought is the most appropriate and secure way of protecting the trees that are an asset to the locality.

The recommendation to protect a number of the trees on site with statutory protection was reached taking into account the data within the arboriculturist's report, alongside Government guidance. All of the trees on this site, recommended for protection, fit the criteria for statutory protection according to the Council's assessment.

Taking into account the local setting of this area of Widnes, the demonstrable worth that the detailed trees have to the locality and their amenity value is clearly evidenced by the arboriculturist report and the Council's internal review.

#### Developer Objections and Council Response

The table below sets out the Council's response to each of the points raised in objection by the Developer.

Developer objection	Council Response
<p>The TPO reasoning for W2 goes against HBC's own opinion of the trees along Liverpool Road in the Pre-Application letter response 19/07013/PREAPP (attached) in which on page 4 under the heading Planning Layout Observations the letter states;</p> <p><i>The value of existing landscaping along Liverpool Road is questioned. Subject to any survey confirming that the value of the existing landscaping being low, would an active frontage to Liverpool Road not be a better design solution? A new tree lined frontage could be achieved with species which are more sympathetic to residential properties in terms of scale.</i></p>	<p>The officer opinion quoted from Council correspondence dated: 29<sup>th</sup> April 2019 is caveated with the following key words:</p> <p><i>'Subject to any survey confirming that the value of the existing landscaping being low'</i></p> <p>This is an important caveat. No tree subject of the TPO has been classified as 'low' by the Developers own arboriculturist. Therefore the Council does not recognise this point of objection put forward by the Developer.</p>
<p>The description and grouping of W2 is too general and does not reflect the actual grouping of tree species which are clearly defined on the Golf Course land as surveys and detailed in the TEP Arboricultural Survey contained within the Arboricultural Impact Assessment ref 7004.02.001 July 2020 (attached). This group (W2) needs clear definition and clarity in order to manage maintenance and works to specific areas of these trees in the ongoing running of the Club and any future proposals they may have.</p>	<p>The developers own arboriculturist report identifies four groups of trees G43, G44, G48, G49.</p> <p>When observed on the ground, it is difficult to differentiate the boundary between each of these groups. They are considered to be complimentary to one another.</p> <p>When considered as a wider cumulative group it is considered that the trees bring considerable amenity value. As such the Council has deemed it appropriate to preserve all tree specimens within a woodland group (W2). The woodland identifier is appropriate and available for use under regulation. This is consistent with Planning Government Guidance that provides the following information:</p> <p><b><i>How should the Tree Preservation Order be presented?</i></b></p> <p><i>The Order must be set out using the <u>standard form</u> of Order in the <u>Schedule to the Town and Country Planning (Tree Preservation) (England) Regulations 2012</u> (or in a form substantially to the same effect).</i></p>

	<p>A Word version of the <a href="#">standard form is available</a>.</p> <p><i>The Order must specify the trees or woodlands as being within 4 categories (individual, area, group and woodland). Any combination of these categories may be used in a single Order. The Order must also include, or have annexed to it, <a href="#">a map</a> giving a clear indication of the position of the protected trees, groups of trees or woodlands.</i></p> <p><i>Paragraph: 024 Reference ID: 36-024-20140306</i></p> <p><i>Revision date: 06 03 2014</i></p> <p>With regard to accuracy, the area of trees protected is identified on the accompanying plan, the accuracy of which has not been challenged. It is a reasoned conclusion that the justification for the woodland is appropriate and that the location is clear and without doubt. Therefore the Council does not recognise the concern of accuracy raised in objection.</p>
<p>The trees on the development have been clearly well and regularly maintained and by Widnes Golf Club for a good number of decades (nearly 100 years since it was formed). There is no reason why the TPO should be put in place other than for political gains in the Clubs current re development proposals. In these proposals the Club has offered a considerable level of mitigation for the loss of these trees, which was encouraged at Pre-App stage as noted above.</p>	<p>The Council agrees that the trees have been managed to date by the golf course without statutory protection. The golf club is to be commended in their maintenance to date, such care has led to the trees on site being deemed a valuable asset with a high amenity value to the benefit of the local community.</p> <p>The developer states that considerable mitigation has been offered which confirms that the trees offer significant value to amenity. The recent planning application and development intention is a threat to the continued existence of the trees on site. Policy GE27 states:</p> <p><i>Trees of particularly significant public amenity value will be protected by making Tree Preservation Orders (TPO's) wherever appropriate,</i></p>

	<p><i>particularly in situations where it is perceived that the trees may be threatened by development.</i></p> <p>Therefore the Council is within its powers to issue the protection of trees by use of a tree preservation order.</p> <p>The statutory protection sought is the most appropriate and secure way of protecting the trees that are an asset to the locality.</p>
Placing the TPO on these the trees within Widnes Golf Course will bring into effect further costly and administrative management via having to apply and gain approvals to maintain the trees on the course. This time and expense are a further drain on a struggling organization which as has proven through its near 100 year running of the Course has and continues to maintain the trees, hedgerows and green landscaping to high standards without the need of any form of external 'policing' from local or national agencies or authorities. This further enforces the motive behind the TPO is purely political and in response to the recent redevelopment proposals presented by the Club.	<p>The recommendation to protect a number of the trees on site with statutory protection was reached taking into account the data within the Developers arboriculturist's report, alongside the opinion of the Council's retained tree advisor, the Local Plan and Government guidance.</p> <p>All of the trees on this site that are recommended for protection under this TPO, fit the criteria for statutory protection. .</p> <p>Taking into account the local setting of this area of Widnes, the demonstrable worth that the detailed trees have to the locality and their amenity value is clear to see in person.</p> <p>The cost of protecting the amenity value that these trees bring to the locality is an additional level of due process that requires an assessment of proposed tree works prior to them taking place. There is no fee for this process, it is a matter of submitting an application form and entering dialogue with the Council's retained tree advisors. Tree surgeons are typically familiar with this process, any additional cost is likely to be incidental in comparison to a planning application process which requires the drafting of plans, an application processing fee and a subsequent building control process. Whilst it is accepted that this still presents a burden to the land owner, it is the Council's opinion that such cost is</p>

	<p>proportionate to the continued community benefit derived from the issuing of this TPO.</p>
<p>There has been no attempt by Halton Borough Council to contact and discuss any concerns regarding tree preservation on the Golf Course prior to the issuing of the Order 126 or any reasoning to the Club as to why only the trees noted in the order contribute to the landscape amenity and not any of the many other trees on the course which are not even shown on the order plan. As can be seen from the Arboricultural Survey by TEP attached. The selection of the trees in this order have been chosen purely to frustrate the re development proposals of the Club.</p>	<p>As stated previously, the assessment of the trees had already been carried out by the Applicant/Developers arboriculturist and this assessment was used as a reference document when reviewing planning application 20/00153/FUL. A visual inspection of all of the trees on site was carried out by the Council's advisor on tree matters. Whilst the Applicant/Developers arboriculturist and the Council's retained advisor agree on the assessment of some trees there are differences of opinion on the worthiness of statutory protection for groups that the Council has put forward for woodland protection.</p> <p>The Council has sought statutory protection for trees that are in the best condition and those in good condition that had a complimentary/contributory association with the best trees on site. Those selected were processed through the TEMPO system, where that criteria was satisfied the trees were scheduled for protection. This is standard practice.</p> <p>If the Developer would like similar TPO protections for additional trees then the Council consider these if and when they are presented.</p>

In relation to the comments and concerns raised by the Golf Club and prospective purchaser of the Land, these largely relate to a potential impact on future development of the site. However, as the Council has refused the planning application there is no merit to such concern. Notwithstanding, the Council has acted properly to secure the retention of trees that have a significant benefit to the locality that are considered to be under threat as a result of the developers recent planning application.

The owner of the trees, as is the case with any tree, has a responsibility to manage them, the Golf Course is no exception. Whilst it is accepted that statutory tree protection will bear an element of procedure and due process this

is not sufficient concern or cost to overcome the securement of a community asset that contributes significant amenity value.

Affording the trees statutory protection does not mean that works cannot be applied to them, it is there to ensure that only appropriate works are carried out.

#### **4 POLICY, FINANCIAL AND OTHER IMPLICATIONS**

The making of tree preservation orders to protect trees of public amenity value on potential development sites is in accordance with policies contained in the Halton Unitary Development Plan (BE1) and the aims of the NPPF. There are no financial or other implications.

#### **5 CONCLUSIONS**

It is considered that the trees that are the subject of this Tree Preservation Order under the Town and Country Planning (Tree Preservation)(England) Regulations 2012 make a significant contribution to the character and visual amenity of the area and Members are requested to approve and confirm this Order.

#### **6. RECOMMENDATIONS**

Approve and confirm the Tree Preservation Order.

#### **7. SUSTAINABILITY STATEMENT**

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.