

WIRRAL COUNCIL

PLANNING COMMITTEE

15th August 2019

SUBJECT:	Tree Preservation Order No WR0395 Prenton Golf Club, Stanley Lane and Golf Links Road, Prenton
WARD/S AFFECTED:	Prenton
REPORT OF:	INTERIM DIRECTOR ECONOMIC AND HOUSING GROWTH
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR STUART WHITTINGHAM, 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 WR0395 and to recommend that the order shall be confirmed.

2.0 BACKGROUND

- 2.1 A planning application has been received for housing and a new Golf club house in the Greenbelt.

The tree or trees make a valuable contribution to the amenity and landscape character of the local area and stand adjacent to a Conservation area.

3.0 THE OBJECTION

- 3.1 An objection was received on behalf of the Agent acting for Prenton Golf club. The objection is on the following grounds;
- I. G1 and W1 are not considered to be principle landscape features that make a positive contribution to public amenity. G1 and W1 cannot be viewed in their entirety from any public area and the limited extent to which these trees can be seen by the public does not provide a significant impact on the local environment or represent a key component of the areas character. As such, it is not considered that a reasonable degree of public benefit accrue from these trees. To illustrate this point please refer to the attached Viewpoint Location Plan and accompanying photographs.
- II. A total of 11 trees within W1 have irremediable defects that require works to be undertaken due to the likelihood of failure and the risk they pose to members of the Golf Club. Although confirming the TPO will not prevent any necessary work from being carried out, it will compromise the ability to undertake such management works. Please refer to the appended BS 5837:2012 report for details.
- III. It is not considered expedient to apply the TPO at this time as there is no immediate threat to G1 or W1. A planning application has been submitted by the Golf Club, but

the Club has no intention to carry out any tree removal before obtaining approval for their proposals and the support of the tree officer. As such, it is not considered necessary to attach the TPO to deter removal.

IV. Due to the existing level of tree cover on the golf course and the integral role that the trees play to the course design, the existing trees and proposed planting are a material consideration for the Club and its future development proposals. It is considered that the application of the TPO will impede the course design and sustainability of the treescape.

V. Parts of W1 are considered to be of low quality and a number of trees represent generally unremarkable examples of their type i.e. trees that demonstrate impaired condition, trees of indifferent structural and physiological appearance for the site's context, and those providing limited or transient benefits which may be readily replaced. Those of moderate quality make up the linear belt which lies parallel to the private track west of Stanley Avenue. Please refer to the appended BS 5837:2012 report for details. It is considered that the confirmation of this TPO will restrict the future management and design of W1 and prevent the replacement of the low quality trees with those which can provide a higher amenity value in the future.

VI. G1 and W1 do not currently serve the purpose of screening an undesirable view from any public area or private residence. If there is concern that partial removal of G1 or W1 will adversely affect the views from the adjacent properties (namely, 32 Golf Links Road and 46 Stanley Avenue) then this can be addressed through the landscape proposals and should not be the basis for applying a TPO.

4.0 COMMENTS ON THE OBJECTION

4.1 I. 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. W1 is Visible from Lever Causeway as are the Pines in G2. Other valid criteria are

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.

Group G1 does provide a contribution to the character or appearance of a conservation area. More so if the application for housing is approved.

8.40 While Policy GR7 will mainly apply to trees affected by development proposals located within the urban area, it will also be held to apply to applications for development within the Green Belt. Indeed, within the Green Belt it will often be more important where the need to preserve rural character and protect the wider landscape from the impact of new development is a priority.

II. On inspection of the site a number of the trees (within W1) designated category U (As having irremediable defects) are in my opinion incorrectly labelled as such.

Category U trees are;

Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years (and which should in the current context, be removed for reasons of sound arboricultural management-has been added in the impact statement)

The criteria for inclusion in the U category should be,

- o Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)
- o Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline
- o Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality

A number of the Cat U trees (not all) in the assessment are healthy trees (not in decline) but with some features such as cavities broken branches and deadwood. None of these trees in their current context would warrant removal in any sound arboricultural management. None of the Category U trees could be considered to meet any of the above criteria apart from 1 dead tree.

III. 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.

Also see Policy GR7 8.40

IV. Existing trees are an important factor on construction sites, whether on or near the working areas and trees are a material consideration in the UK planning system, as such given the scale of the proposed development the trees have been protected to allow for their consideration in the planning process.

8.41 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.

V. A TPO is not a barrier to tree planting or good arboricultural or silvicultural management. It is a barrier to inappropriate tree removal and the subsequent degradation of public amenity.

VI. A woodland is not just a collection of trees of different qualities, it is a habitat that supports many different species both plants and animals with many benefits to the wider environment and climate change. Concerns that the partial removal of G1 or W1 will adversely affect the amenity of adjacent properties should be addressed through the planning system and it is the basis for applying a TPO as this is the only way to effectively enforce those Landscape proposals. See also GR7 8.36, 8.40 & 8.41

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 pro-actively 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 pro-actively serve a TPO as a precaution.

8.36 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.

8.40 While Policy GR7 will mainly apply to trees affected by development proposals located within the urban area, it will also be held to apply to applications for development within the Green Belt. Indeed, within the Green Belt it will often be more important where the need to preserve rural character and protect the wider landscape from the impact of new development is a priority.

8.41 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.

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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.WR0395

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

