To: All Members of the Development Management Committee

Councillors:
Chair – T McCarthy
Deputy Chair – J Grime
B Barr, D Keane, B Maher, L Morgan,
J Flaherty, R Purnell, G Friend, J Wheeler, S Wright, P Walker

Development Management Committee

Date: Wednesday, 27 June 2018
Time: 18:30
Venue: Council Chamber, Town Hall, Sankey Street, Warrington, WA1 1UH

Contact Julie Pickles, Democratic & Member Services Officer, Tel: 01925 443212,
Email: jpickles@warrington.gov.uk

AGENDA

Part 1
Items during the consideration of which the meeting is expected to be open to members of the public (including the press) subject to any statutory right of exclusion.

1 Apologies
To record any apologies received.

2 Code of Conduct - Declarations of Interest
Relevant Authorities (Disclosable Pecuniary Interests) Regulation 2012
Members are reminded of their responsibility to declare any disclosable pecuniary or non-pecuniary interest which they have in any item of business on the agenda no later than when the item is reached.

3 Minutes
To confirm the minutes of the meeting held on 6th June 2018 as a correct record.
4 **Planning Applications (Main Plans List - attached as separate document)**


5 **Tree Preservation Order No 528 - 8 Lakeside Road, Lymm**

Report of the Executive Director of Economic Regeneration, Growth and Environment.

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**Part 2**

Items of a “confidential or other special nature” during which it is likely that the meeting will not be open to the public and press as there would be a disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.

6 **Viability of Planning Application 2017/31148 - Land at**

Winwick Street / John Street WA2 7UB

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

*If you would like this information provided in another language or format, including large print, Braille, audio or British Sign Language, please call 01925 443322 or ask at the reception desk in Contact Warrington, Horsemarket Street, Warrington*
DEVELOPMENT MANAGEMENT COMMITTEE

6 June 2018

Present: Councillor T McCarthy (Chairman)
Councillors J Grime (Deputy), G Friend, J Flaherty, B Maher, D Keane,
J Wheeler, S Wright, P Walker, B Barr and L Morgan

DM1 Apologies for Absence

No apologies for absence were received.

DM2 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
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</thead>
<tbody>
<tr>
<td>G Friend</td>
<td>DM9</td>
<td>Had openly opposed the application</td>
<td>Stood down from the committee and did not take part in the discussion or the voter thereon.</td>
</tr>
<tr>
<td>G Friend</td>
<td>DM12</td>
<td>Served on the committee dealing with the matters relating to the Cenataph</td>
<td>Stood down from the committee and did not take part in the discussion or the voter thereon.</td>
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<tr>
<td>G Friend</td>
<td>DM13</td>
<td></td>
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<tr>
<td>J Wheeler</td>
<td>DM5</td>
<td>Ward Councillor for the area</td>
<td>No involvement with the application, remained in the room and took part in the meeting.</td>
</tr>
<tr>
<td>J Wheeler</td>
<td>DM8</td>
<td>Parish Councillor for the area</td>
<td>No involvement with the application, remained in the room and took part in the meeting.</td>
</tr>
<tr>
<td>J Wheeler</td>
<td>DM9</td>
<td>Had objected to the original application</td>
<td>No involvement with this application, remained in the room and took part in the meeting.</td>
</tr>
<tr>
<td>P Walker</td>
<td>DM8</td>
<td>Parish Councillor for the area</td>
<td>Stood down from the committee and spoke against the</td>
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### Agenda Item 3

<table>
<thead>
<tr>
<th>Name</th>
<th>Ward/Councilor</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>L Morgan</td>
<td>DM12 DM13</td>
<td>Ward Councillor for the area. No involvement with the application, remained in the room and took part in the meeting.</td>
</tr>
<tr>
<td>B Barr</td>
<td>DM6</td>
<td>Ward councillor for the area. No involvement with the application, remained in the room and took part in the meeting.</td>
</tr>
<tr>
<td>S Wright</td>
<td>DM11</td>
<td>Ward councillor for the area. No involvement with the application, remained in the room and took part in the meeting.</td>
</tr>
<tr>
<td>J Grime</td>
<td>DM7</td>
<td>Ward councillor for the area. No involvement with the application, remained in the room and took part in the meeting.</td>
</tr>
<tr>
<td>J Grime</td>
<td>DM5</td>
<td>Wished to objected to the application. Stood down from the committee and spoke against the application.</td>
</tr>
<tr>
<td>J Grime</td>
<td>DM14</td>
<td>Ward councillor for the area. No involvement with the application, remained in the room and took part in the meeting.</td>
</tr>
<tr>
<td>T McCarthy</td>
<td>DM16</td>
<td>Ward councillor for the area. No involvement with the application, remained in the room and took part in the meeting.</td>
</tr>
</tbody>
</table>

**DM3 Minutes**

Resolved,
That the minutes of the meeting held on 16 May 2018 were agreed as a correct record and signed by the Chairman.

DM4  Planning Applications

Resolved,

That Pursuant to the Town and Country Planning Act 1990 (As Amended) the applications for permission to develop land be considered and dealt with in the manner agreed.

DM5  2017/31813 – Walton Hall Gardens, Walton Lea Road, Walton, Warrington - Proposed incorporation of a comprehensive CCTV installation throughout the estate. The system will require 9 cameras to be fixed to various listed buildings.

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation for approval subject to conditions.

It was noted that this application had been deferred from a previous meeting.

Representations were heard in support of the application.

Resolved,

That application 2017/31813 be approved as per the Officer recommendation.

DM6  2018/32095 – 5, Langdale Avenue, Lymm, Warrington, WA13 9PB - Proposed two storey side extension and single storey extension to rear extension

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation for approval subject to conditions.

A site visit took place on 1 June 2018.

Members noted the content of the update report.

Representations were heard in support of and against the application.

Resolved,

That application 2018/32095 be approved with conditions in accordance with the Officer recommendation and information set out in update report.

DM7  2018/31534 – Southworth Quarry, Winwick Lane, Croft, Warrington, WA3 7EW
Agenda Item 3

- Application to vary Condition 48 (Soil Storage) on planning permission 98/37885 to permit the storage of overburden materials (including topsoils and subsoils) in their current location (to the south of the approved extension area)

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation for approval subject to conditions.

A site visit took place on 1 June 2018.

Members noted the content of the update report.

Representations were heard in support of and against the application

Resolved,

That application 2018/31534 be approved with conditions in accordance with the Officer recommendation and information set out in update report.

DM8 2018/31993 – Land to the rear (North East) of, 110, London Road, Stockton Heath, Warrington, WA4 6LG - Proposed construction of new residential building comprising 2 No. apartments with associated parking access and landscaping/amenity space

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation for approval subject to conditions.

A site visit took place on 1 June 2018.

Representations were heard in support of and against the application

Resolved,

That application 2018/31993 be approved with conditions in accordance with the Officer recommendation.

DM9 2018/32247 Former Parkside Colliery to the east of the A49, Winwick Road, Newton-le-Willows, WA12 8DB - Adjoining Authority Consultation: Outline application (all matters reserved except for access) for the construction of up to 92,900 m2 of employment floorspace (Use Class B8 with ancillary B1(a)) and associated servicing and infrastructure including car parking; vehicle and pedestrian circulation space; alteration of existing access road including works to existing A49 junction; noise mitigation; earthworks to create development platforms and bunds; landscaping including buffers; works to existing spoil heap; creation of drainage features; substations and ecological works
Agenda Item 3

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of no objections.

Members noted the content of the update report.

Representations were heard against the application.

Resolved,

The Committee Members agreed to object to application 2018/32247 based on all of the matters raised in the objection letters received and to forward copies of the objection letters to St Helens Borough Council.

DM10 2018/32368 – Land Bounded By Pewterspear Green Road, Ashford Drive, Stretton, Warrington - Proposed modification of Section 106 Agreement attached to outline planning permission 2016/28807 (for up to 180 dwellings on land bounded by Pewterspear Green Road and Ashford Drive, Stretton) to amend affordable housing provisions to deliver 30 per cent of site capacity as affordable housing (split equally between dwellings for affordable rent and for intermediate homes) instead of previously agreed 40 per cent of site capacity for starter homes.

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation for approval subject to conditions.

Members noted the content of the update report.

Representations were heard in support of the application.

Resolved,

That application 2018/32368 be approved with conditions in accordance with the Officer recommendation and update report.

DM11 2018/32510 – Sunday School, Cairo Street, Bewsey And Whitecross, Warrington, WA1 1EH - Listed Building Consent - Demolition of The Former Sunday school building, within the curtilage of the Unitary Cairo Street listed Church

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation for approval.

Resolved,

That application 2018/32510 be approved in accordance with the Officer recommendation.
DM12 **2018/32535 – Warrington Cenotaph, Bridge Foot, Warrington - Full Planning - Proposed strengthening of the riverbank to the River Mersey with sheet piling, associated dismantling, rebuilding and repair of Warrington Cenotaph, and associated works including new hard landscaping and lighting to the Cenotaph**

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation for approval subject to conditions.

Resolved,

That application 2018/32535 be approved with conditions in accordance with the Officer recommendation.

DM13 **2018/32536 – Warrington Cenotaph, Bridge Foot, Warrington - Listed Building - Proposed strengthening of the riverbank to the River Mersey with sheet piling, associated dismantling, rebuilding and repair of Warrington Cenotaph, and associated works including new hard landscaping and lighting to the Cenotaph**

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation for approval subject to conditions.

Resolved,

That application 2018/32536 be approved with conditions in accordance with the Officer recommendation.

DM14 **2018/32556 – Vacant land adjacent to 541, Warrington Road, Culcheth, Warrington - Proposed Development of 2, semi-detached Three bedroomed bungalows with associated hard and soft landscaping**

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation for approval subject to conditions.

Resolved,

That application 2018/32556 be approved with conditions in accordance with the Officer recommendation.

DM15 **2018/32669 – Gatewarth Recycling And Household Waste Site, Barnard Street, Warrington, WA5 1DS - Proposed new entrance, new carriageway and footway surfacing, a new porta-cabin office, new fencing, gates, CCTV/ANPR cameras, weighbridges and WEEE (waste electrical and electronic equipment) sheds**
The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation for approval subject to conditions.

Resolved,

That application 2018/32669 be approved with conditions in accordance with the Officer recommendation.

DM16 2018/32670 – Woolston Recycling And Household Waste Centre, New Cut Lane, Woolston, Warrington, WA1 4AG - Proposed new carriageway and footway surfacing, new fencing, gates and the installation of a WEEE (waste electrical and electronic equipment) shed. The area to the west of the site will accommodate waste/recycle receiving infrastructure. An area to the south-west of the existing storage will not be utilised by the CRC operations but is to be utilised for storage of materials such as spare lighting columns

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation for approval subject to conditions.

Resolved,

That application 2018/32670 be approved with conditions in accordance with the Officer recommendation.

Signed....................................

Dated..............................
1. **SUMMARY PAPER- REPORT ON:**
The Warrington Borough Council, 8 Lakeside Road, Lymm, Tree preservation Order 2018 (TPO No. 528).

2. **Purpose of Report:**
To advise members of objection received to a served Tree Preservation Order at Lakeside Road and that members following consideration of the facts decide to take one of the following options:

1. Confirm the Preservation Order.
2. Allow the served order to lapse removing the current Tree Preservation Order Status.

3. **Recommendations:**
To confirm the Tree Preservation Order No. 528, 8 Lakeside Road, Lymm.

4. **Reason for Recommendation:**
The trees are considered to be of a condition and sufficient amenity value to justify protection. It is considered that retention of the trees is of value to the character, appearance and amenity of the area in which they are located. Objection from a neighbouring property on the grounds of history of tree failure in the immediate vicinity and comment towards the position of the trees within the conservation area are not considered justification to resist confirmation of the order.

5. **Confidential or Exempt:**
Not applicable.
6. Financial Considerations:  
None.

7. Risk Assessment:  
Not applicable.

8. Equality Impact Assessment:  
Not applicable.

9. Consultation:  
Interested parties have had the opportunity to raise comment/objection to the provisional order dated January 2018.

10. Background Papers:  
Section 211 notice under tree works application 2017/29943 requesting removal.

Officer report to application 2017/29943

Decision notice to application 2017/29943

Micro drill results 18th September 2017

The Warrington Borough Council, 8 Lakeside Road, Lymm, Tree preservation Order 2018 (TPO No. 528).

Letter of notification dated 15\textsuperscript{th} January 2018 to Mr and Mrs Reed 5 Lakeside Road, Lymm, WA13 0QE.

Copy of letters from Mr Reed, 31\textsuperscript{st} January and 1\textsuperscript{st} March 2018.

Letter of response to Mr Reed from Simon Twigg 23\textsuperscript{rd} February 2018.

Contact for Background Papers:

<table>
<thead>
<tr>
<th>Name:</th>
<th>E-mail:</th>
<th>Telephone:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simon Twigg</td>
<td><a href="mailto:stwigg@warrington.gov.uk">stwigg@warrington.gov.uk</a></td>
<td>01925444108</td>
</tr>
</tbody>
</table>
Meeting of the Development Management Committee.

Date: 27th June 2018
Author: Simon Twigg
Contact Details: stwigg@warrington.gov.uk Tel: 01925444108
Ward Members: Lymm South; Councillor Kath Buckley, Councillor Anna Fradgley.

Title of Report: The Warrington Borough Council, 8 Lakeside Road, Lymm, Tree preservation Order 2018 (TPO No. 528).

1. Purpose:

1.1 To advise members of objection received to a served Tree Preservation Order at Lakeside Road and that members following consideration of the facts decide to take one of the following options:

1. Confirm the Preservation Order.
2. Allow the served order to lapse removing the current Tree Preservation Order Status.

2. Introduction and Background:

2.1 The trees are a linear group of three mature Lombardy Poplars situated on an open grassed verge fronting 8 Lakeside Road, forming part of a wider avenue of same species trees which line the private street of Lakeside Road; in addition these trees are a valuable part of the wider landscape of Lymm Dam and are limited to a further two historic avenues of Lombardy Poplars along the bridleway from Crouchley Lane to Crossfields Bridge and the private road of The Avenue.

2.2 A section 211 notice submitted on 2nd March 2017 under application 2017/29943 requested their removal. Applicant Mr Frazer (Tree Tamers Ltd) gave the reason for removal as ‘Fell due to safety concerns following similar trees along the same road failing under stormy conditions all previous failures seem to land away from the application address, which puts the property across the road in a dangerous position. Customer has expressed concerns and has written a letter to WBC to request consideration for removal in a bid to minimise risk to members of the
public and neighbouring property’ No further information or an independent report were supplied with the notice/application.

2.3 Three representations were received from local residents, offering differing views to the removal request. One adjacent resident has raised the issue of their opinion that the trees are highly vulnerable due to their age and size, noting history of tree failure within the immediate area. The Council’s arboricultural specialist visually inspected the trees following the request for removal and undertook a later investigation with micro drill testing at ground level. This method offers further information of the structural timber at the level tests were taken. The Council are aware of tree failures within the locality. The Lombardy Poplars within the area are of differing age and condition and failures in Lymm as a whole are not limited to this species. The apprehension of living near tall trees is understandable; however most if not all failures are due to structural faults or poor condition. The fact that the trees in question have stood up to numerous high wind events through 2017 and 2018 is testament to their current condition.

2.4 Whilst a neighbour would contest their safety, no independent evidence of their condition has been provided. Should future conditional issues be encountered appropriate management works would not be restricted pending agreement with the local authority.

2.5 It is the view of the Council’s arboricultural specialist that the visual and amenity value of the trees, there prominent location, condition at the time of application and their significant contribution to the wider tree group are sufficient to merit protection and warrant confirmation of the order.

3. Financial Considerations:
   None.

4. Risk Assessment:
   Not applicable.

5. Equality Impact Assessment:
   Not applicable.

Recommendation:
To note the intention to confirm the order.
Background Papers:

Section 211 notice under tree works application 2017/29943 requesting removal.

Officer report to application 2017/29943

Decision notice to application 2017/29943

Micro drill results 18th September 2017

The Warrington Borough Council, 8 Lakeside Road, Lymm, Tree preservation Order 2018 (TPO No. 528).

Letter of notification dated 15\textsuperscript{th} January 2018 to Mr and Mrs Reed 5 Lakeside Road, Lymm, WA13 0QE.

Copy of letters from Mr Reed, 31\textsuperscript{st} January and 1\textsuperscript{st} March 2018.

Letter of response to Mr Reed from Simon Twigg 23\textsuperscript{rd} February 2018
Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area. Town and Country Planning Act 1990

Publication of applications on planning authority websites.
Please note that the information provided on this application form and in supporting documents may be published on the Authority’s website. If you require any further clarification, please contact the Authority’s planning department.

1. Applicant Name, Address and Contact Details

<table>
<thead>
<tr>
<th>Title:</th>
<th>First Name:</th>
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<td>Fax number:</td>
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<tr>
<td>Email address:</td>
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<tr>
<td>Are you an agent acting on behalf of the applicant?</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

2. Agent Name, Address and Contact Details

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<thead>
<tr>
<th>Title:</th>
<th>First Name:</th>
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<td>Email address:</td>
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3. Trees Location

Please provide the address of the site where the tree(s) stands (full address if possible):

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<tr>
<th>House:</th>
<th>Suffix:</th>
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<tbody>
<tr>
<td>House name:</td>
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<tr>
<td>Street address:</td>
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<td>Town/City:</td>
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<td>Postcode:</td>
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</table>

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

<table>
<thead>
<tr>
<th>Easting:</th>
<th>Northing:</th>
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<tbody>
<tr>
<td>367923</td>
<td>386915</td>
</tr>
</tbody>
</table>

4. Trees Ownership

Is the applicant the owner of the tree(s)?

- Yes
- No

If No, please provide the address of the owner (if known and if different from the tree location):

<table>
<thead>
<tr>
<th>Title:</th>
<th>First Name:</th>
<th>Surname:</th>
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<tbody>
<tr>
<td>House:</td>
<td>Suffix:</td>
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<td>Mobile number:</td>
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<td>Fax number:</td>
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<td>Email address:</td>
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</table>

5. What Are You Applying For?

Are you seeking consent for works to a tree(s) subject to a TPO?

- Yes
- No

Are you wishing to carry out works to tree(s) in a conservation area?

- Yes
- No

6. Tree Preservation Order Details

If you know which TPO protects the tree(s) enter its title or number below

...
7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below: tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

E.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

3 Poplars - Felt due to safety concerns following similar trees along the same road failing under stormy conditions.
All previous failures seem to land away from the application address, which puts the property across the road in a dangerous position.
Customer has expressed concerns and has written a letter to WBC to request consideration for removal in a bid to minimise risk to members of the public and neighbouring property.

8. Trees - Additional Information

For all trees
A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given or site by an LPA officer.

For works to trees covered by a TPO
Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. Condition of the tree(s) - e.g. it is diseased or you have fears that it might break or fall:
   - [ ] Yes [ ] No
   - If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

2. Alleged damage to property - e.g. subsidence or damage to drains or drives.
   - [ ] Yes [ ] No
   - If YES, you are required to provide for:
     - Subsidence
       - A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.
     - Other structural damage (e.g. drains, walls and hard surfaces)
     - Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Documents and plans (for any tree)
Are you providing additional information in support of your application? [ ] Yes [ ] No

9. Authority Employee/Member

With respect to the Authority, I am:
   - (a) a member of staff
   - (b) an elected member
   - (c) related to a member of staff
   - (d) related to an elected member

Do any of these statements apply to you? [ ] Yes [ ] No

10. Trees - Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

[✓] Date 02/03/2017

Planning Portal Reference: PP-05861179
<table>
<thead>
<tr>
<th>TPO Ref:</th>
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<tbody>
<tr>
<td>Conservation Area.</td>
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<tr>
<td>(Lymm Conservation Area)</td>
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<table>
<thead>
<tr>
<th>Application No.</th>
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<tbody>
<tr>
<td>2017/29943</td>
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<table>
<thead>
<tr>
<th>Site address:</th>
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<tbody>
<tr>
<td>8 Lakeside Road, Lymm, WA13 0QE.</td>
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<table>
<thead>
<tr>
<th>Description of works proposed:</th>
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<tbody>
<tr>
<td>Conservation Area- PoplarsX3- Proposed fell</td>
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<table>
<thead>
<tr>
<th>Date of Site Notice:</th>
</tr>
</thead>
<tbody>
<tr>
<td>21/3/2017</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of Site Visit:</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/4/2017</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6 or 8 week target date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
</tr>
</tbody>
</table>

Comments:

The three trees in question are mature Lombardy Poplars located within an open grassed verge fronting 8 Lakeside Road. These trees form an integral part of the wider avenue of trees which line the private street of Lakeside Road; in addition these trees link up to and form part of the wider landscape of Lymm Dam with another two historic created avenues of Lombardy Poplars following the bridleway from Crouchley Lane to Crossfield Bridge and along the private road of The Avenue to the South.
The below statement was taken from the Lymm Village.co.uk website which makes reference to the tree lined avenues in question.

‘The land was then owned by a man called William Lever who intended to make considerable changes to the area. It was he who constructed the large concrete bridge at the southern end of Lymm Dam known as the Crosfield Bridge. He was also accountable for the avenues which border Lymm Dam, these currently being Lakeside Road, The Avenue and the bridleway running along the eastern boundary of Lymm Dam. The avenues were planted with alternating Lombardy poplar and English elm trees. Lever had planned to use these avenues as part of a residential development to house his workers however, for reasons unknown, the houses were never built.’

As Lymm stands within an elevated position within the surrounding landscape these avenues of Lombardy Poplars are widely viewable and provide a noticeable landscape feature of the Lymm skyline.

Below image of skyline views of Lymm from Thelwall Viaduct (M6).
I visited the location of these trees on 4/4/2017 and undertook a visual ground assessment of their condition.

The most northerly tree of the group appears to be a younger specimen than the remainder as it is smaller in stature; it is highly likely that his tree was planted to provide a continuation of the avenue. On inspection no major defects were observed, due to the time of year full foliage was not present. A minor girdling root is located at the north west face of the root collar and minor bark fissuring of the lower stem was observed which is natural to the species. Some minor deadwood was observed within the crown.

The central tree had no major defects observed; an Elderberry was growing within a fissure on the south west face of the bole. Minor cracking to the bark on the north west buttress between 1.5 and 2 metres from ground level was observed with a small section of exposed heartwood being present. No further signs of decay were visually viewed at the time of inspection which would give cause for concern. Monitoring of this location would be advisable and possible further investigation undertaken to establish the extent of any decay. This buttress has formed a fissured union to the main stem and minor deadwood was present within the trees canopy.

The southernmost tree has two distinct flared buttresses and a number of small former pruning wounds with localised decay around the lower bole, minor deadwood is also present within the trees canopy. No other obvious features or defects where observed at the time of inspection.
All of the trees appear to have received only minimal maintenance in previous years in the form of lower growth removal.

Notification responses received:

Public Comment;

I believe that a decision on the above application to have three Poplar trees felled at 8 Lakeside Road should be deferred until a full survey report has been carried out to check whether there is any disease or indications that the three trees in question are unstable or at risk of falling down. I understand my neighbour’s concern as a Poplar tree did come down on Lakeside during Storm Doris a few weeks ago. As I understand it the roots of the tree in question were very close to the underground water pipes and it actually took out the pipes when it came down. United Utilities were very good and carried out the repair works quickly and returned the area concerned to a high standard. Lakeside Road is a private road and has been re-surfaced and maintained by the residents over the years. When I moved to Lakeside in 1987, the Poplar Trees were part of the unique landscape of the area. It is deemed a Conservation Area and I believe the trees should be preserved if possible.

Public Comment;

Comments: I regret the trees have to be felled. If there are valid safety reasons for the felling, I expect the Council will verify those before granting permission. I believe that if planning consent is granted that there should be a planning condition that three new poplar trees be planted as replacements in the same area for future generations to enjoy.
Public Comment:

Thank you for your letter of March 8th regarding the proposal to fell three poplar trees in Lakeside Rd.

I fully support the application to fell these poplars in the light of recent history in this vicinity with these trees, which have been snapping and crashing to the ground with amazing regularity in the high winds of the past three years. The stumps of these trees show them to be rotted and hollow and they snap like matchsticks due to the weight of the branches over their 150ft height. In the most recent gales of a fortnight ago two such trees came down within 50 yards of the trees in question, one of which fractured a water main and at the same time three further poplars fell in the adjacent avenue. In 2014 five trees came down in a single day all within 50 yards of the trees in question. One of which was across a spot occupied by a parked vehicle with a driver inside only minutes earlier.

At their age these trees are an extreme danger and fortunately, as yet, no fatality has occurred, but given the traffic on this road, both vehicular and pedestrian, how much longer will that luck hold? The decorative effect of the poplars has long been superseded by the danger they pose in high winds to property and personnel. Indeed failure to support the application re felling these trees would leave the Council open to litigation in the event that history repeats itself and these trees meet their inevitable fate, given the danger they pose to life and property.

Thanking you in anticipation.

Conclusions:

Having visited the above mentioned site, taking into consideration the representations of the public, the trees historic landscape amenity value and the current state of their overall health, I find there are suitable grounds to refuse the application to fell these trees.

Recommendation of Arboriculture officer:

<table>
<thead>
<tr>
<th>Tree reference</th>
<th>Species</th>
<th>Schedule of works to be approved or refused</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lymm Conservation Area 8 Lakeside Road.</td>
<td>X3 Lombardy Poplar.</td>
<td>Refuse.</td>
</tr>
</tbody>
</table>

24
Replacement tree required? N
Recommended species/ size
Conditions recommended:

TO BE COMPLETED BY PLANNING OFFICER/ DEVELOPMENT MANAGER

Decision:

APPROVE
REFUSE

GIS Update required; Y/N

<table>
<thead>
<tr>
<th>Signature:</th>
<th>Signature:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>Title:</td>
</tr>
<tr>
<td>Date:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

END OF INFORMATION
Notice of Decision

Conservation Area Tree Works

Title: 8, LAKESIDE ROAD, LYM, WA13 0QE

Tree Tamers,

I refer to your application of 03-Mar-2017 for works to tree(s) in a conservation area.

The Council have considered your application and have decided to refuse consent for the following reasons:

Reason(s): Having visited the above mentioned site, taking into consideration the representations of the public, the trees historic landscape amenity value and the current state of their overall health, I find there are suitable grounds to refuse the application to fell these trees.

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<tr>
<td>Lymm Conservation Area 8 Lakes de Road.</td>
<td>X3 Lombardy Poplar.</td>
<td>Refuse.</td>
</tr>
</tbody>
</table>

Your Right of Appeal

If you are aggrieved by the Council's decision to grant consent subject to conditions, you can appeal to the Secretary of State for the Environment.
If you want to appeal, you must do so in writing to:

Within 28 days from the date you receive this decision. The Secretary of State has the discretion to allow a longer period.

Yours faithfully

Development Manager
Development Management
Micro Drill Testing Results Taken 18\textsuperscript{th} September 2017

Example:

TPO 528 T1
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 2012

TOWN AND COUNTRY PLANNING ACT 1990

THE WARRINGTON BOROUGH COUNCIL (8 LAKESIDE ROAD, LYMM)
TREE PRESERVATION ORDER 2018 (TPO NO. 528)

The Warrington Borough Council, in exercise of the powers conferred on them by sections 198 [.201] and 203 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation
1. This Order may be cited as The Warrington Borough Council (8 Lakeside Road, Lymm) Tree Preservation Order 2018 (TPO 528)

Interpretation
2. (1) In this Order “the authority” means the Warrington Borough Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree preservation) (England) Regulations 2012.

Effect
3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition
4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

15th day of January 2018

THE COMMON SEAL of the WARRINGTON
BOROUGH COUNCIL was hereunto
affixed in the presence of –

Authorised Signatory
# SCHEDULE 1

## SPECIFICATION OF TREES

**Trees specified individually**  
(encircled in black on the map)

<table>
<thead>
<tr>
<th>Reference on Map</th>
<th>Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Lombardy Poplar</td>
<td>Within the grass verge to the front of 8 Lakeside Road</td>
</tr>
<tr>
<td>T2</td>
<td>Lombardy Poplar</td>
<td>Within the grass verge to the front of 8 Lakeside Road</td>
</tr>
<tr>
<td>T3</td>
<td>Lombardy Poplar</td>
<td>Within the grass verge to the front of 8 Lakeside Road</td>
</tr>
</tbody>
</table>

**Trees specified by reference to an area**  
(within a dotted black line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

**Groups of trees**  
(within a broken red line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

**Woodlands**  
(within a continuous red line on the map)

<table>
<thead>
<tr>
<th>Reference on map</th>
<th>Description</th>
<th>Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>
The Common Seal of Warrington Borough Council was hereunto affixed in the presence of:

[Signatures]

Authorised Signatory
Warrington Borough Council
Assistant Chief Executive’s Unit,
Legal Services
Quatro Building,
New Town House,
Buttermarket Street,
Warrington,
WA1 2NH

Date 31st January 2018
Ref: JN/DC/376

Dear Madam,
Your letter of 15th January indicating revocation of W.B.C’s Tree Preservation Order 2017, allied to the misinformation with regard to my letter of objection to the original order, which you claimed had not been received, would indicate a Council not fit for purpose.

You state that the trees are healthy and I would like to know on what scientific data you base this statement, given the failure rate of other similar poplars in this area in times of high winds.

Likewise I would to know why these three trees are said to be a central part of the conservation area, when your tree officer said the said area only starts at the gate of No.8 Lakeside Rd.

I enclose a copy herewith of my letter of May 2017 citing my objections to the order, which are valid today.

I was appalled by the lack of knowledge of your officers concerning the failure rate of these trees and the fact that no consideration had been taken of the Health and Safety issues regarding them.
If goodwill was to prevail then this tree preservation order would not be confirmed. If the visual effect of these trees in this area is an important factor then the logical conclusion would be to replace them with new more appropriate trees which would not present the danger of the existing trees. They are an accident waiting to happen!

Yours faithfully,

[Signature]

Raymond Reed.
Development Management Manager
New Town House
Buttermarket St.

Re Application Number 2017/29943

Dear Sir,

Thank you for your letter of March 8th regarding the proposal to fell three poplar trees in Lakeside Rd.
I fully support the application to fell these poplars in the light of recent history in this vicinity with these trees, which have been snapping and crashing to the ground with amazing regularity in the high winds of the past three years. The stumps of these trees show them to be rotted and hollow and they snap like matchsticks due to the weight of the branches over their 150ft height.
In the most recent gales of a fortnight ago two such trees came down within 50 yards of the trees in question, one of which fractured a water main and at the same time three further poplars fell in the adjacent avenue. In 2014 five trees came down in a single day all within 50 yards of the trees in question. One of which was across a spot occupied by a parked vehicle with a driver inside only minutes earlier.
At their age these trees are an extreme danger and fortunately as yet no fatality has occurred, but given but given the traffic on this road, both vehicular and pedestrian, how much longer will that luck hold! The decorative effect of the poplars has long been superseded by the danger they pose in high winds to property and personnel. Indeed failure to support the application re felling these trees would leave the Council open to litigation in the event that history repeats itself and these trees meet their inevitable fate, given the danger they pose to life and property.
Thanking you in anticipation
Yours faithful'
Mr Simon Twigg
New Town House
Buttermarket St.
Warrington
WA1 2NH

Date 1st March 2018
Ref: JN/DC/376

Dear Mr. Twigg

In response to your letter of 23rd February I would comment as follows:
The history of tree failure in the immediate vicinity is indicative of the fact that the poplars are highly vulnerable due to their age and their size. The sensible option would be to replace the trees in question with new trees which have a longer life expectancy and would meet health and safety requirements. The suggestion that these trees are central to the conservation area is clearly ludicrous.
My objections as specified in earlier correspondence still stands and I would point out that tree failures have not always been hollow inside, some have been in solid trees. If this T.P.O. is enforced you will be negligent in your duty of care and will be held accountable in the event of an accident occurring.

Yours sincerely,
Date: 23rd February 2018
Our Ref: JN/DC/376

Dear Mr Reed

RE: THE TOWN & COUNTRY PLANNING ACT 1990
    TOWN & COUNTRY PLANNING (TREES) REGULATIONS 2012
    THE WARRINGTON BOROUGH COUNCIL (8 LAKESIDE ROAD, LYM)M
    TREE PRESERVATION ORDER 2018 (TPO NO. 528)

Thank you for your comment in respect of Tree Preservation Order 8 Lakeside Road (TPO no. 528).

In answer to your points raised within your letter dated 31st January 2018:

1. The trees were inspected initially through Visual Tree Inspection methods, which are industry recognised. Inspections are undertaken at ground level and full disclosure of hidden defects cannot be expected. Later investigation was undertaken with micro drill testing’s at ground level. This method offers further information of the structural timber at the level where tests were taken. This indicated that all three trees had no major defects present at the time of testing.

2. The term ‘central’ stated within the letter of 15th January 2018 should be taken in the following context, of being key to the conservation area.

3. The Council are fully aware of tree failures within the locality. The Lombardy Poplars within the area are of differing age and condition and failures in Lymm as a whole are not limited to this species. The apprehension of living near tall trees is understandable, however most if not all failures are due to structural faults or poor condition, of which the above trees are not currently
exhibiting any such signs. The fact that the trees in question have stood up to numerous high wind events through 2017 and early 2018 is testament to their current condition. In your enquiry to the Landscape Department of 14/2/2014 you have noted yourself that a failed Poplar was hollow inside.

I hope the above alleviates your concerns over the presence of the trees. Please can you confirm your position of objection within 14 days of the date of this letter.

Yours sincerely.

Simon Twigg
Tree & Woodland Officer

Warrington Borough Council

Economic Regeneration, Growth and Environment
New Town House
Buttermarket Street
Warrington
WA12NH

Tel:
Email:
Website: