



## **Planning Committee Agenda**

Wyre Borough Council  
Date of Publication: 29 September 2021  
Please ask for : Daphne Courtenage  
Assistant Democratic Services Officer  
Tel: 01253 887476

**Planning Committee meeting on Wednesday, 6 October 2021 at 2.00 pm  
in the Council Chamber - Civic Centre, Poulton-le-Fylde**

**1. Apologies for absence**

**2. Declarations of interest**

Members will disclose any pecuniary and any other significant interests they may have in relation to the matters under consideration.

**3. Confirmation of minutes**

To confirm as a correct record the minutes of the Planning Committee meeting held 01 September 2021 (already circulated by email).

**4. Appeals**

(Pages 3 - 4)

The Schedule of Appeals lodged and decided between 15 August 2021 – 15 September 2021, is attached.

**5. Planning applications**

Background Papers:

In preparing the reports on this agenda the following documents have been used:

1. The Wyre Borough Local Plan (2011-2031)
2. Draft Revised Joint Lancashire Minerals and Waste Local Plan
3. Joint Lancashire Minerals and Waste Local Plan
4. Statements of Government Policy/guidance (NPPF, NPPG, Ministerial Statements etc.)
5. Supplementary Planning Guidance and evidence base documents specifically referred to in the reports
6. The application file (as per the number at the head of each report)
7. The forms, plans, committee reports and decisions as

appropriate for the historic applications specifically referred to in the reports

8. Any additional information specifically referred to in each report.

These background documents are available on line, or for inspection by a written request to Planning Services, Civic Centre, Breck Road, Poulton-le-Fylde, FY6 7PU.

**Reports of the Head of Planning Services on planning applications to be determined at this meeting:**

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|-----|--|----------------|
| (a) | Application A - Land West of Broadway Fleetwood Lancashire (21/00341/FULMAJ)<br>Erection of 44 residential dwellings with associated highway and landscaping infrastructure. | (Pages 5 - 26) |
|-----|--|----------------|

<b>6.</b>	<b>Tree Protection Order</b>	<b>(Pages 27 - 46)</b>
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The Corporate Director Environment has submitted a report regarding objections to the making of Wyre Council Tree Preservation Order No8 of 2021: Land at Bowses Hill Farm, Stalmine, FY6 0LW.

**PLEASE NOTE:**

**Transport for members of the committee will leave the Civic Centre, for the 2 site visits, at 10.45am.**

## **APPEALS LODGED AND DECIDED**

**Appeals Lodged between – 15<sup>th</sup> August – 15<sup>th</sup> September 2021**

None applicable

**Appeals Decided between – 15<sup>th</sup> August – 15<sup>th</sup> September 2021**

<b>Application Number</b>	<b>Location</b>	<b>Proposal</b>	<b>Com/Del decision</b>	<b>Decision</b>	<b>Date Decided</b>
20/01075/FUL	Creg Ny Baa Six Arches Lane Scorton Preston Lancashire PR3 1AL	Erection of a detached dwelling and associated infrastructure	Delegated	Dismissed	14.09.2021
20/00067/FULMAJ	Helmsdeep Long Lane Barnacre With Bonds Preston Lancashire PR3 1RN	Change of use of land to be used for natural human burial ground (sui generis) and agriculture	Delegated	Dismissed	08.09.2021

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**Committee Report****Date: 06.10.2021****Item Number 01****Application Number** 21/00341/FULMAJ**Proposal** Erection of 44 residential dwellings with associated highway and landscaping infrastructure**Location** Land West Of Broadway Fleetwood Lancashire**Applicant** Adactus Housing Association Ltd**Correspondence Address** c/o Soulla Rose  
Commercial House 14 West Point Enterprise Park Trafford Park  
Manchester M17 1QS**Recommendation** Permit**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Rob McKillop****1.0 INTRODUCTION**

1.1 This application is before Members of the Planning Committee for a decision at the request of Councillor Paul Longton. A site visit is recommended to enable Members to understand the proposal beyond the submitted plans.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site is on the western side of Broadway in Fleetwood. The site is an open grassed field which currently forms part of the playing fields associated with St Wulstan's And St Edmund's Roman Catholic Primary School. There are houses to the southern and western boundaries. The site lies within the settlement boundary of Fleetwood and is within Flood Zone 3.

2.2 The site is allocated for residential development (25 dwellings) under Policy SA1/1 of the Wyre Local Plan (2011-31).

**3.0 THE PROPOSAL**

3.1 This application seeks full planning permission for the erection of 44 dwellings for affordable rent with associated landscaping. A new access to Broadway is proposed to be set centrally in the eastern site boundary. A row of dwellings would front towards Broadway, with the rest of the site set out in a uniform pattern with parking to the front of dwellings and gardens to the rear. 100% of the dwellings are proposed for affordable rent with a housing mix as follows:

- 26 x 2 bedroom houses
- 14 x 3 bedroom houses
- 4 x 4 bedroom houses

3.2 The following documents have been submitted in support of the application:

- Design and Access Statement
- Viability Appraisal
- Drainage Plans
- Landscaping Proposals
- Refuse Strategy
- Topographical Surveys
- Biodiversity Survey
- Geo-Environmental Report
- Transport Assessment
- Tree Survey

#### 4.0 RELEVANT PLANNING HISTORY

4.1 None.

#### 5.0 PLANNING POLICY

##### 5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP7 - Infrastructure Provision and Developer Contributions
- SP8 - Health and Wellbeing
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk & Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility & Transport
- HP1 - Housing Supply
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments

##### 5.2 OTHER MATERIAL CONSIDERATIONS

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 20th July 2021. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2021 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are relevant to the determination of this application:

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 6 - Building a strong, competitive economy

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well-designed places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

5.2.3 In accordance with the National Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF) Para.73, the council must be able to demonstrate a 5 year housing land supply position (with a 5% buffer) when dealing with applications and appeals. The latest available evidence on housing delivery is that set out in the council's APS submission for 2020 which demonstrates a deliverable housing land supply position of 5.9 years. The council's 5 years housing land supply position has recently been considered by an Inspector and even if the Inspector's conclusions were accepted in full there would be a housing land supply position of a minimum 5.2 years (including a 5% buffer). There is therefore full confidence that the council is able to demonstrate a deliverable 5 year housing land supply.

### 5.3 OTHER MATERIAL CONSIDERATIONS

#### WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 The following is of relevance to the determination of this application:-

- Supplementary Planning Guidance 2 - Development and Trees

- Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

- Supplementary Planning Guidance Note 9: Designing Out Crime

- Guidance for Applicants - Green Infrastructure in New Residential Developments (Policy HP9) (October 2020)

#### OTHER GUIDANCE / LEGISLATION

5.3.2 THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS (AMENDMENT) (EU Exit) 2019

5.3.3 THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

5.3.4 Building for Life 12 (BfL12): Third edition - January 2015

5.3.5 National Planning Practice Guidance (NPPG)

### 6.0 CONSULTATION RESPONSES

6.1 FLEETWOOD TOWN COUNCIL has not responded during the application.

6.2 ENVIRONMENT AGENCY has no objections based on revised details.

- 6.3 GREATER MANCHESTER ECOLOGY UNIT (GMEU) - no objections subject to conditions.
- 6.4 LANCASHIRE COUNTY COUNCIL EDUCATION AUTHORITY - no education contributions are requested.
- 6.6 LANCASHIRE COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY - no response received.
- 6.7 LANCASHIRE COUNTY COUNCIL HIGHWAYS - no objections on the basis that the development would not have a significant impact on highway safety. This is subject to mitigation in the form of conditions and off-site highway improvements being secured.
- 6.8 LANCASHIRE FIRE & RESCUE - refers to current building regulation requirements.
- 6.9 NHS FYLDE & WYRE CLINICAL COMMISSIONING GROUP (CCG) is seeking mitigation in the form of a £12,173.00 contribution towards extension and reconfiguration at West View Health Village (2 surgeries).
- 6.10 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE) - no objection based on additional and revised details received.
- 6.11 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION) - no objections.
- 6.12 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREE AND WOODLAND OFFICER) - no objection based on the updated landscaping plan.
- 6.13 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (PUBLIC OPEN SPACES/GREEN INFRASTRUCTURE) - contributions would be supported towards off-site green infrastructure improvements at Memorial Park for young person's equipment / sport development.
- 6.14 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (WASTE MANAGEMENT) - no comments received.

## 7.0 REPRESENTATIONS

7.1 29 public representations have been received with objections summarised as follows:

- There would be overlooking and overshadowing of surrounding neighbours and gardens;
- There would be increased disruption and noise, including during construction;
- Surrounding properties will depreciate in value;
- There would be a loss of view/outlook for neighbours;
- There will be car parking problems given number of houses and bedrooms;
- Broadway is a busy road and increased traffic will lead to accidents, particularly at the access and proximity to the school - has traffic at peak times been considered;
- The condition of the road will deteriorate;
- Development will not enhance the area and the existing green spaces in Fleetwood should be retained for wildlife benefits;



- Japanese knot weed is present on the site and there is an agreement for it to be monitored/treated by LCC - will the new owner take on this responsibility;
- The site is in Flood Zone 3 and development of this land (which helps drainage) will increase the risk of flooding of surrounding properties;
- There is an underground river and more flood prevention is required;
- Development should accord with the National Model Design Code;
- The site is allocated for 25 dwellings yet 44 dwellings are proposed which is too high density- a reduction to 25 good quality houses would be less objectionable;
- Development would be out of character for the area;
- There has been no community involvement in design from affected residents;
- There are walls between plots but fences to existing neighbours;
- The surrounding area comprises owner occupied properties - this enclave of rental properties is out of character;
- Using Wyre Council's Housing Policy to determine occupancy is alarming and potentially importing "trouble" from other northern towns/cities;
- Affordable housing is not altruistic, rather it is for profit;
- Fleetwood does not need more housing;
- The area is used by St Wulstans School and more green space is required in the town;
- Fleetwood needs more people with money;
- The houses are aimed at families rather than elderly/disabled people which is discriminatory - bungalows should be proposed given the demographics and housing mix policies;
- No play area is proposed for children who live in the new houses;
- Fleetwood is deprived and this would put more pressure on services/dentists/schools etc. and would not help the situation;
- Development would not be of a high standard of design as required by Policy CDMP3 and streets are dominated by parking which is visually unattractive given the high density. More open space and landscaping/trees should be provided to improve this;
- Development was refused on land nearby due to flooding/risk;
- There is reduced security to existing properties, including the bin access/alleyway which is narrow with ungated access to the front;
- Flora and fauna on the suite will be lost and breeding birds will be particularly affected by loss of scrubland/hedges;
- Councillors will be guilty of a dereliction of duty if this scheme is supported;
- Neighbours have not been adequately consulted;
- Road widths do not appear sufficient for emergency vehicle access;
- More space for bins is required;
- Other available sites should be considered first.

## 8.0 CONTACT WITH APPLICANT/AGENT

8.1 Communication has taken place with the applicant/agent during the application via email, phone calls and meetings to overcome concerns relating to layout, public open space, developer contributions, levels and other matters. Further to these discussions, additional and revised plans/information has been submitted. This information has subsequently been reviewed by the Local Planning Authority and relevant consultees in order to address concerns.

## 9.0 ISSUES

- 9.1 The main issues to be considered in the determination of this application are:
- Principle of Development
  - Infrastructure Requirements

- Visual impacts, Design
- Housing Mix
- Impact on Residential Amenity
- Impact on Highway Safety, Access and Highway network
- Flood Risk and Drainage
- Ecological Matters
- Trees and Landscaping

#### Principle of development

9.2 In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of this application is the Development Plan which, in this instance, includes the adopted Wyre Local Plan (WLP31).

9.3 Whilst the site presently operates as a playing field, the application site is allocated for residential development (25 dwellings) under Policy SA1/1 of WLP31 and falls within the settlement boundary of Fleetwood as defined in the WLP31 Policies Map. Whilst it is noted that the number of units proposed (44) exceeds the site capacity figure provided in Policy SA1/1, the housing requirements in the WLP31 are expressed as a minimum figure, and therefore the site capacity for allocations are also treated as minimum figures which can be exceeded subject to all other Policy requirements being met. Therefore a housing scheme of 44 dwellings on this allocation would not be contrary to the WLP31 in principle.

9.4 Policy SP1 of WLP31 states 'development within settlement boundaries will be granted planning permission where it complies with the other policies of this Local Plan'. Policy SA1/1 sets out a number of Key Development Considerations (KDC's), or policy requirements, for the allocation. The KDC's relate to flooding, green infrastructure and ecology and these matters are considered in full in the report below.

9.5 Policy SP2 of WLP31 sets out that new development should be sustainable and contribute to the continuation or creation of sustainable communities in terms of location and accessibility. Sustainability is also a material consideration requirement of the NPPF. The site is considered to be well related to the existing settlement of Fleetwood and its existing services and facilities. This is a matter that was considered in the selection of site allocations through the Local Plan process. Therefore the principle of development satisfies policy SP2 of WLP31.

9.6 Land adjacent the site to the north and west is designated Green Infrastructure in the WLP31. This application would not prejudice the continuing use of this neighbouring land as a playing field and so policy CDMP4 is satisfied in this regard.

#### Infrastructure Requirements

9.7 Concerns were raised by local residents in respect of the potential impact on local schools, services and infrastructure. Policy SP7 of the WLP31 seeks to ensure the impacts of the development on local infrastructure are suitably mitigated against. In this case mitigation is required in the form of green infrastructure, healthcare and highways improvements, which are set out in more detail below.

9.8 KDC2 of Policy SA1/1 states that the development should be supported by a landscape and green infrastructure framework incorporating structured tree planting,

on-site open space, formal and informal play and pedestrian and cycle connectivity within and, where possible, outside the site. Policy HP9 requires development which results in a net gain of 11 units to make appropriate provision of green infrastructure on site.

9.9 Based on the proposed number of units and housing mix, the required amount of green infrastructure (GI) to be delivered on-site would be 0.36ha. Given the site constraints (size/shape), the applicant has not proposed any on-site GI, and this is also backed up by viability evidence. Policy HP9 of WLP31 states that where appropriate, a financial contribution towards existing GI nearby in lieu of on-site provision would be acceptable. The Council's Parks Team have confirmed this would be a suitable approach in this instance, and have identified a financial contribution to Memorial Park, Fleetwood for young person's equipment / sport development would be most appropriate. Based on the proposed number of units and housing mix, a contribution of £135,011.65 would be required. The applicant is instead proposing a contribution of £90,000 with evidence of viability (based on this being a 100% affordable housing scheme) having been submitted to justify why this figure cannot be provided in full. Following assessment, officers are in agreement with the contents of the viability appraisal. The proposed £90,000.00 is still considered to make a meaningful contribution towards Memorial Park to the benefit of existing and future residents. However, the conflict with Policy HP9 must be acknowledged in considering the overall planning balance.

9.10 NHS Fylde & Wyre Clinical Commissioning Group (CCG) has been consulted on the application and advise that the development would result in an estimated 106 additional residents. To mitigate against the population increase and demand for additional infrastructure and services, the CCG are seeking mitigation in the form of a £12,173.00 contribution towards extension and reconfiguration at West View Health Village (2 surgeries). The applicant has agreed to pay this and the contribution would be secured by way of a S106 Legal Agreement.

9.11 Lancashire County Council (LCC) Education were consulted on this application and have confirmed that, based on projected school places and demand, no financial contribution is required towards either primary or secondary school places. On the basis that there are sufficient projected school places in Fleetwood to support this development, the proposals would not result in any unacceptable impact on education provision. An updated assessment will be requested and reported to members on the committee update sheet.

9.12 Lancashire County Council (LCC) Highways have requested the following works to mitigate any impacts on the surrounding highway network and highway safety in addition to the provision of an appropriate access to the site frontage;

- Improvements to 2no bus stops to disability compliant standards including raised kerbs/boarding areas, bus stop bay and worded markings, clearways etc.;
- Provision of surface level crossing on Broadway;
- Provision of new site access and frontage accesses including possible reinstatement of the existing vehicle dropped crossing at the south east corner of the proposed site as may be determined by the position of the access to Plot 44;
- Possible relocation of an existing lamp column at the location of the proposed site access.

9.13 The applicant has confirmed agreement of the requested works, which would be carried out under a s278 agreement (Highway Act 1980) and secured by condition. On this basis, the secured mitigation would prevent any unacceptable

impacts from the proposed development on the transport network and on highway safety opposite the site access.

9.14 Policy HP3 of the WLP31 does not require development in Fleetwood to provide affordable housing, although it is noted that in this case, the scheme would deliver 100% affordable housing. The council's housing team has confirmed that delivery of 44 affordable units in Fleetwood is a significant benefit given the lack of opportunity to deliver new build affordable housing in Fleetwood. Therefore this carries significant weight in the overall planning balance and should be secured by S106 legal agreement.

#### Design / Visual Impact

9.15 Policy CDMP3 and Section 12 of the NPPF seek to ensure high quality design including layouts. Consideration has also been given to Building for Life 12 (BfL12) which local authorities should use as an assessment framework to help ensure the design and layout aspirations contained within the NPPF are achieved. Whilst a BfL12 assessment has not been submitted in support of the application, the relevant aspects have been considered to ensure the scheme takes account of them.

9.16 The layout shows properties to the eastern boundary fronting towards Broadway, with the other properties within the site fronting towards the internal access roads. Following discussions with the applicant, amended plans have been provided showing a straighter building line for Plots 21-28, additional elevation details to the side elevation of Plots 29 and 34 and improvements to landscaping. These changes are considered positive in terms of design and layout. The scheme would generally reflect the layout of existing development in the area, with parking either to the front or side of dwellings and gardens to the rear. With the exception to Plots 16-18 and Plots 31-33, there would not be continuous runs of parking spaces and the street scene is punctuated by landscaping to the front of dwellings. The use of tandem parking spaces also ensures car parking would not dominate the street scene and the parking provision meets the requirements set out in the Local Plan. Sufficiently sized gardens are proposed, with space for bin storage/manoeuvring. The layout is considered acceptable in these circumstances.

9.17 In terms of visual impacts, the proposed dwellings would be two storey and mostly semi-detached. It is noted that Plots 1-3 and Plots 40-44 have hipped roofs to reflect the appearance of existing dwellings along Broadway. The houses within the site would have side gables and would be less visually prominent from outside the site. Subject to a suitable palate of materials being agreed, it is considered the development would be suitably well related to the appearance of existing dwellings in the area.

9.18 It is accepted that on site green infrastructure (GI) would not be provided, however the remaining school playing field area to the north would ensure an element of open space is retained in this part of Fleetwood, and the improved landscaping scheme would visually soften the proposed development once established. In terms of site and finished floor levels, it is noted that these need to be raised in order to ensure the site results in an acceptable flood risk. This would result in dwellings on the site having a ridge height typically 1.0m above existing dwellings in the surrounding area. Whilst it would be preferable to reflect existing heights, it is considered that other site constraints have been balanced with the design and appearance, and the development would not appear at odds with the street scene along Broadway, not the character of other properties to the south and west. Overall, and subject to conditions, the development would result in an acceptable visual

impact and would not detract from the character of the area. The application is deemed to accord with WLP31 policies CDMP3 and guidance within the NPPF.

#### Housing Mix and Adaptable Homes

9.19 Policy HP2 of WLP31 requires new housing developments to widen the choice of housing types available in Wyre by providing a mix of house types and sizes in line with the latest evidence of need as set out in the Strategic Housing Market Assessment (SHMA) which in this case is the May 2018 Addendum 3 Supplementary Note. This sets out a need for 38% 1 and 2 bedroom properties, 43% 3 bedroom properties and 18% 4+ bedroom properties. Out of the 44 units proposed, there would be 58.5% 2 beds, 31.5% 3 beds and 9% 4 beds. Whilst the mix proposed is not in accordance with the breakdown identified in the SHMA as it comprises a higher proportion of smaller (2 bed) units, it is in accordance with the overall objectives of the SHMA to rebalance the housing market and deliver a greater proportion of smaller properties across the borough. On balance, the proposed housing mix is considered to be justified.

9.20 Policy HP2 also requires developments of this scale to design 20% of the dwellings to be suitable or adaptable for people with restricted mobility. The majority of properties would have level access and would be constructed to comply with Building Regulations (Part M) to provide good accessibility for future occupiers. A condition would be added to any permission granted to ensure the application meets the adaptability target of 20% of all units.

#### Impact on residential amenity

9.21 29 objections have been received from members of the public. There are residential properties to the southern and western boundaries, with dwellings also on the opposite side of Broadway to the east of the site. The proposed dwellings on the western boundary, Plots 19-28, would ensure a distance of at least 21m would be retained from the facing rear elevation of properties on Kingfisher Way. Some of the properties on Kingfisher Way have ground floor rear extensions and the separation distance is reduced, however this is not considered to result in any significantly harmful overlooking or overshadowing given the garden length proposed and rear boundary position. Plots 27 and 28 would be over 16m from No.25 Kingfisher Way, however this existing property is set on an angle and no direct overlooking relationship would arise. Similarly, it is noted that Plots 31-33 would have some outlook towards the rear of No.26 Broadway, adjacent to the southern boundary, however the slanting angle would only allow an oblique view between windows of the existing and proposed dwellings. The rear garden to No.26 Broadway is relatively small and would be visible from the first floor rear windows to Plots 31-33, however the boundary fence would prevent some overlooking given the layout, and No.26 also has a larger garden to the front and side offering further amenity. Amended plans have been received moving Plots 31-33 further north to increase this interface distance to between 15.5m to 17.5m. Overall, there is not considered to be any adverse overlooking impacts to warrant refusal of the application. No unacceptable overbearing or overshadowing impacts have been identified. No.28 Broadway would be set further away and it is considered that there would be no significantly harmful impact on this neighbour. Properties backing onto the site on Lonsdale Avenue are also considered sufficiently far away to avoid any significant amenity impacts.

9.22 The internal layout would generally meet the front to front, rear to rear and rear to side separation distances set out within the Council's Design Guide SPG4, with the exception of a small number of plots that have a minor shortfall, however this

would not result in any significant amenity impacts. All plots would benefit from adequately sized rear gardens and it is also noted that some plots benefit from additional amenity space to the front and side of properties in the proposed layout.

9.23 In respect of levels, whilst the proposed dwellings would be slightly taller than the surrounding dwellings by approximately 1.0m across the site, adequate separation distances have been provided to adjacent properties to avoid any significant overshadowing, overlooking or overbearing impact. Whilst site levels would also be raised within the site, the presence of appropriate boundary treatments (2.1m high timber fences with gravel board) to rear gardens would ensure no unacceptable overlooking from or between gardens.

9.24 In respect of objections raised by members of the public, devaluation of property and loss of views from private dwellings are not material planning considerations. Whilst some noise and disruption is unavoidable during construction, a condition would be added to any permission granted for a Construction Environmental Management Plan to reduce the impacts of noise and disruption during construction.

9.25 On this basis, and subject to suitably worded conditions, the development would not result in any unacceptable amenity impacts to neighbours and the development would also provide an acceptable level of amenity for future occupiers.

#### Highway Safety and Impact on the Highway Network

9.26 The site is in relatively close proximity to bus routes, tram routes and is within walking and cycling distance of a range of services where future residents would be able to meet their needs through sustainable transport methods. Objections have been received from local residents in respect of parking and highway safety. LCC Highways have been consulted on the application and have confirmed that the proposed site access would be acceptable in terms of width and geometry, and sight lines for the new access on to Broadway are acceptable for the size and scale of development. The sight lines are achievable over the adopted highway thus ensuring their retention. The number and design of parking spaces for the development would meet the current standards, and the development is not likely to lead to significant additional parking on Broadway, or any other highways safety issues given the appropriately designed access.

9.27 LCC Highways have confirmed that the internal layout and car parking conforms to current guidelines (Manual for Streets; Creating Civilised Streets; the National Planning Policy Framework; the Joint Lancashire Structure Plan and WLP31) and the highway layout would also be acceptable for adoption under section 38 of the highways act.

9.28 LCC Highways have requested mitigation in the form of conditions and off-site highway works. In respect of off-site highway improvements, LCC have requested improvements to 2no bus stops and provision of surface level crossing on Broadway. Additionally, the proposed access works and alterations to the site frontage and possible relocation of an existing street lighting column are also requested. These off-site highway improvements will need to be constructed under a section 278 agreement. A condition would be required requiring these works to be completed prior to occupation of any dwelling, and other conditions would be added to ensure the development would have an acceptable impact in line with the comments from LCC Highways.

9.29 Overall, the application is not considered to result in an unacceptable impact on highways safety and would accord with Policy CDMP6 of the WLP31 and the NPPF.

#### Flood Risk and Drainage

9.30 Concerns have been raised by members of the public in respect of drainage and flooding. The site falls within Flood Zone 3 which is the highest risk of flooding but is allocated for residential development under Policy SA1/1 of WLP31. As such, flood risk sequential test is not required. In respect of the flood risk exceptions test, there has not been a material change in circumstances since the plan-making stage and all relevant flood risk matters have been considered, therefore the exceptions test does not need to be reapplied.

9.31 Policy SA1/1 states that mitigation measures are required to ensure the site is safe for the lifetime of the development. The Environment Agency (EA) originally raised objection to the scheme based on the originally submitted FRA. Following a clarification note submitted on finished floor levels and other mitigation measures, the EA do not raise objection to the scheme, on the basis that the FRA demonstrates that the development would be safe without exacerbating flood risk elsewhere if the proposed mitigation measures identified are implemented.

9.32 The council's Drainage Engineer initially raised concerns about the raised land levels being higher than adjacent ground levels which could increase surface run-off and flood risk to existing properties surrounding the site. The land levels are raised by differencing amounts across the site to allow level access to properties following the EA requirement for higher floor levels. The site levels to the front of the site along Broadway would be raised approximately 0.4m above existing. Site levels in the southern and western parts of the site would be raised approximately 0.7m in height above existing site levels. Following discussions and submission of further information about the land levels of existing properties surrounding the site boundary, the council's Drainage Engineer has withdrawn the objection. This is on the basis that the site levels are not significantly different where plots are adjacent to the shared boundary, and mitigation in the form of land drainage would be installed in the rear gardens of plots 19-28 along the western boundary. Surface water from the front of these plots and the remainder of the development together with foul water would drain towards the front and into a combined sewer along Broadway. Overall, the Council's Drainage Engineer is satisfied that this arrangement would prevent any significant issue with run-off towards surrounding properties.

9.33 A condition would be added to any permission granted to ensure the development is carried out in accordance with the agreed flood risk mitigation and drainage layout plans, which are deemed to be acceptable. On this basis, the application is considered to have an acceptable impact in terms of flooding and drainage in accordance with Chapter 14 of NPPF, the National Planning Policy Guidance 'Flood Risk and Coastal Change, and Policy CDMP2 of WLP31.

#### Ecology

9.34 The site lies within a Site of Special Scientific Interest (SSSI) Impact Risk Zone given its proximity to Morecambe Bay and Lune Estuary SPA / SAC / RAMSAR sites. The Habitat Regulations Assessment (HRA) for Wyre's Local Plan concluded that development of the site would result in "No Likely Significant Effect" on these statutory sites, as such no further HRA is required as part of this application. The submitted Ecological Appraisal found the site to be of limited ecological interest given

its use as a playing field. GMEU were consulted on the application and have confirmed that conditions would be required in respect of homeowner information packs, vegetation removal and invasive plant species. This would ensure no unacceptable ecology impacts arise. GMEU also advised that, in accordance with the NPPF, additional landscaping features should be provided to ensure the scheme provides a true net gain for biodiversity. Following improvements to the proposed landscaping scheme, including better connected landscaping and native hedgerows, GMEU has confirmed that the revised landscaping is acceptable. On this basis and, subject to suitably worded conditions, the application is deemed to have an acceptable impact on ecology and would satisfy Policy CDMP4 of the WLP31 and KDC3 of SA1/1.

#### Trees/Landscaping

9.35 Given the small number of low quality trees at the site, the council's Tree Officer has raised no objections to the loss of any existing landscaping, subject to suitable new landscaping being proposed. KDC2 of SA1/1 requires a landscape and green infrastructure framework to be provided, and Policy CDMP4 of WLP31 sets out that development will be expected to incorporate existing trees and hedgerows into the design and layout of the scheme where possible. For this development, officers consider that a financial contribution towards off-site green infrastructure in lieu of on-site provision is more appropriate (set out above). As noted above, the landscaping scheme was amended during the application to incorporate additional landscaping and better connected hedgerows, including a native hedgerow along the northern and western boundaries. The council's Tree Officer has confirmed the proposed landscaping scheme is acceptable in these circumstances.

9.36 Overall, there would be no unacceptable loss of trees and the landscaping proposals are considered to be acceptable, subject to suitably worded conditions. The application would, therefore, not conflict with Policies CDMP4 and SA1/1 of the WLP31.

#### Other Issues

9.37 Wyre Council's Waste & Recycling Team has not commented on this application. A condition would be added to ensure appropriate bin presentation points and bin stores are agreed prior to occupation of any dwelling.

9.38 The Council's Environmental Health Team have confirmed that the submitted Geo-Environmental Investigation Report meets the requirements of NPPF and Part 2A of EPA 1990 by demonstrating via the risk assessment process that the application site is suitable for the residential redevelopment being proposed. No contamination conditions are recommended however an informative is suggested to remind the developer that they are responsible for the safe development of the site.

9.39 Policy SP2 (Criterion 6) requires development proposals to demonstrate how it would respond to the challenge of climate change through appropriate design and by making best use of resources and assets. This development would provide biodiversity enhancement through new and well connected native landscaping, as well as sustainable drainage solutions, and electric vehicle charging points would be secured by condition in order to satisfy Policy CDMP6. On balance therefore the proposal is considered to satisfy this policy requirement.

9.40 In respect of public concerns not already addressed in the report above, a neighbour objection was received about the lack of public consultation. In addition to



letters being sent to those neighbours closest to the site and considered to be most directly affected, including all those adjoining the site boundary, the application was advertised in the Fleetwood Weekly News and a site notice was displayed on Broadway. In respect of other concerns, the National Model Design Code is guidance on how to prepare design codes and guides and not a statement of national policy. The Council has not adopted a Design Code or Design Guide following the publishing of this guidance. It is noted that the proposed development density (44 dwellings per hectare) falls within the typical density range recognised for suburban residential developments in the National Model Design Code.

## 10.0 CONCLUSION

10.1 The application site is allocated for residential development in WLP31 and the development is acceptable in principle. The development would not result in any unacceptable impacts in terms of design, amenity, highway safety, flooding or ecology. The principle of off-site green infrastructure (GI) in lieu of on-site provision is acceptable in this case. Whilst it is acknowledged there would be a slight shortfall in GI contributions due to viability constraints, it is still considered that a meaningful amount of contribution would still be sought and the shortfall is outweighed by the significant benefits of the development, being a 100% affordable housing scheme in Fleetwood. All material impacts have been assessed and found to be acceptable and overall, subject to conditions and a legal agreement, the proposed development is considered to be acceptable.

## 11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION: Grant full planning permission subject to conditions and a Section 106 legal agreement to secure on-site affordable housing (100%) and financial contributions towards health care and off-site green infrastructure. That the Head of Planning Services be authorised to issue the decision following the satisfactory completion of the Section 106 agreement.

**Recommendation: Permit**

**Conditions: -**

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 9th March 2021 including the following plans/documents:

- Site Location Plan Drg No.19053\_00;
- Site Layout Drg No.19053\_01\_P3;
- Illustrative Site Layout Drg No.19053\_02\_P3;
- External Works Plan Drg No.1400 Rev P03;

- Boundary Treatment Layout Drg No.19053\_03\_B;
- Refuse Strategy Layout Drg No.19053\_05\_B;
- EV Charging Provision Layout Drg No.19053\_06\_B;
- Landscaping Plan Drg No.LAN 556 Rev B;

House Types

- Drg No.19053\_HT\_01 House Type A, received 9th March 2021
- Drg No.19053\_HT\_02 House Type A, received 9th March 2021
- Drg No.19053\_HT\_03 House Type B, received 9th March 2021
- Drg No.19053\_HT\_04 House Type B, received 9th March 2021
- Drg No.19053\_HT\_05 House Type C, received 9th March 2021
- Drg No.19053\_HT\_06 House Type C SA, received 9th March 2021
- Drg No.19053\_HT\_03 A House Type B, received 17th September 2021

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. No development above ground level shall be commenced until details of the materials to be used in the construction of the external surfaces of that dwelling (including the external walls, roof, and windows) have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. No dwelling shall be first occupied until the drainage works have been completed in accordance with the approved details shown on Land Drainage Proposals Drg No.219-289, Outline Drainage Layout Drg No.1000 Rev P04, Flood Routing Plan Drg No.1030 Rev P02 and External Works Plan Drg No.1400 Rev P03. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

5. Prior to the commencement of development details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents' Management Company

b) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

- i. on-going inspections relating to performance and asset condition assessments
- ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved sustainable drainage management and maintenance plan.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/ body/ company/ undertaker for the sustainable drainage system in accordance with policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

6. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Weetwood Services Ltd v.1.1 dated January 2021, the Flood Risk Mitigation Proposals Clarification Note Ref:4648 dated 21st May 2021 and mitigation measures 1-13 (all approved dwellings) set out on Water Exclusion Strategy - Resilience Measures Drg No.19053\_HT\_07.

The mitigation measures shall be fully implemented prior to first occupation of any dwelling or subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby approved, the ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details shown on the Land Drainage Proposals Drg No.219-289, received by the Local Planning Authority on 14th September 2021 and External Works Plan Drg No.1400 Rev P03.

Reason: To ensure that the development has a satisfactory visual impact on the street scene, a satisfactory impact on neighbouring residential amenity and has a minimum risk of flooding in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31).

8. Prior to first occupation of any dwelling hereby approved the off-site works of highway improvement, namely:-

- Provision of new site access and frontage accesses including possible reinstatement of the existing vehicle dropped crossing at the south east corner of the proposed site as may be determined by the position of the access to Plot 44;
- Possible relocation of an existing lamp column at the location of the proposed site access;

- Improvements to 2no bus stops to quality disability compliant standards to include raised kerbs and boarding areas, bus stop bay and worded markings, clearways etc., and shelters;
- Provision of surface level crossing on Broadway

shall be carried out, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall be carried out in accordance with any alternative approved timetable for implementation.

Reason: In order to ensure the timely delivery of the necessary off-site highway works in the interests of highway safety / to encourage sustainable travel in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

9. No dwelling hereby approved shall be first occupied until the parking / turning area(s) shown on the approved plan as relating to that dwelling has been laid out, surfaced and drained. The parking / turning area(s) shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

Reason: To ensure that adequate off road parking is provided and retained to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP6 of the Wyre Local Plan (2011-31).

10. (a) The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any other development takes place within the site.

(b) No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to those dwelling(s) has been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level.

(c) In the event that the new estate road is not proposed for adoption by the Local Highway Authority then details of their road construction (surface materials and depth) and highway infrastructure (footways, street lighting, and drainage) shall be submitted to, and approved in writing by, the Local Planning Authority. No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to that dwelling has been constructed in accordance with the approved details.

Reason: To ensure that satisfactory access is provided to the development site, that the road surfaces are visually acceptable, that the private roads are of sufficiently adequate construction to support any loading applied to them to enable effective waste management and emergency services access, and that the necessary infrastructure is provided in the interests of highway safety in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

11. a) Prior to the first occupation of any dwelling, the proposed arrangements for future management and maintenance of the roads/ footways/ cycleways within the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include a plan showing areas of highway proposed for adoption by the Local Highway Authority and any areas proposed for private management.

(b) Should the plan required by (a) show that any highway within the estate would be privately managed, details of a Road Management Plan to detail how those sections of highway would be maintained in perpetuity, such as a private management and maintenance company to be established if applicable, shall be submitted to and approved in writing by the Local Planning Authority. The highway shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

(c) Should the plan required by (a) show that any highway within the estate would be proposed for adoption by the Local Highway Authority, those roads/ footways/ cycleways shall be made up to, and retained thereafter to, the Local Highway Authority's Adoptable Standards.

Reason: To ensure that all highways, footways and cycleways will be maintained to a sufficient standard by either the Local Highway Authority or by a site management company in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

12. Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:

(a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team

(b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team

(c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays

(d) contractors' compounds and other storage arrangements

(e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period

(f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)

(g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable

(h) external lighting of the site during the demolition / construction period

(i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

(j) recycling / disposing of waste resulting from demolition / construction work

(k) measures to protect watercourses against spillage incidents and pollution

The construction of the development including any demolition works shall be carried out in accordance with the approved CEMP.

Reason: Such details were not submitted with the application and need to be in place throughout the demolition / construction period in the interests of the

amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no fences, gates, walls, railings or other means of enclosure shall, at any time, be constructed/erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts on to a highway without prior express planning permission from the local planning authority.

Reason: To safeguard the appearance of open plan development and in accordance with Policy CDMP3 Wyre Local Plan.

14. No dwelling shall be first occupied until the boundary treatments that relate to that dwelling have been completed in accordance with the Boundary Treatment Layout Drg No.19053\_03 Rev B, received by the Local Planning Authority on the 17th August 2021. The boundary treatments shall thereafter be maintained and retained.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants / neighbours in accordance with policy CDMP3 of the Wyre Local Plan (2011-31).

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the dwellings on Plots 19-33 inclusive shall not be altered or extended, nor shall any building, structure or enclosure be erected within the curtilage of the dwelling(s) without prior express planning permission from the local planning authority.

Reason: To ensure that the Local Planning Authority have control over any future development of the dwelling(s) in the interests of preserving the character and amenity of the area and the residential amenity of occupants / neighbours in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

16. No dwelling shall be occupied until the electric vehicle recharging point has been provided for the dwelling to which it relates in accordance with EV Charging Provision Layout Drg No.19053\_06 Rev B, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

17. (a) No development above ground level shall take place until full details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall be carried out in accordance with the approved details prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

(b) The soft landscaping works shall be carried out in accordance with the approved details [Landscape Plan, Drawing No. LAN556 Rev B] prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

(c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

18. No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has been submitted to and approved in writing by the Local Planning Authority, demonstrating that nesting / breeding birds have been shown to be absent.

Reason: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

19. Prior to the commencement of development (including demolition, ground works, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved in writing by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

20. Prior to first occupation, a scheme for the provision of home-owner information packs highlighting the sensitivity of Morecambe Bay (a European protected nature conservation site) to recreational disturbance shall be submitted to and agreed in writing by the Local Planning Authority. The scheme details shall include the content of the home-owner information packs which must explain the conservation value of Morecambe Bay, the potential impacts that can arise from residential development and explain the responsible behaviours that would be required from residents to avoid undue ecological impact, as well as a methodology for the distribution of the home-owner packs to future home owners including upon resale of the dwellings as far as is reasonably practicable. The approved information packs shall subsequently be made available to future home owners in line with the approved methodology.

Reason: In order to safeguard biodiversity from the recreational disturbance effects of residential development in close proximity to Morecambe Bay, in accordance with the provisions of Policy CDMP4 of the Wyre Local Plan 2011-31.

21. The development hereby approved shall be carried out in full accordance with Drg No.19053\_HT\_03 House Type B, Drg No.19053\_HT\_04 House Type B, Drg No.19053\_HT\_03 A House Type B and plots 1,2,4,5,25,26,27,28,29,30,38,39,43 and 44 shall be provided to M4(2) standard of the Building Regulations, and retained and maintained at all times thereafter as accessible and adaptable lifetime homes.

Reason: To meet the needs of the ageing population and people with restricted mobility in the borough in accordance with Policy HP2 of the Wyre Local Plan (2011-31) and the provisions of section 5 of the NPPF.

22. Prior to the first occupation of any dwelling hereby approved, details of refuse storage provision (including location, design and materials of construction if necessary), waste collection points, and means of collection (e.g., Council or private), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the site and locality and the residential amenity of occupants and neighbours, in accordance with Policies CDMP1 and CDMP3 of the Wyre Local Plan (2011-31), and the provisions of the NPPF.

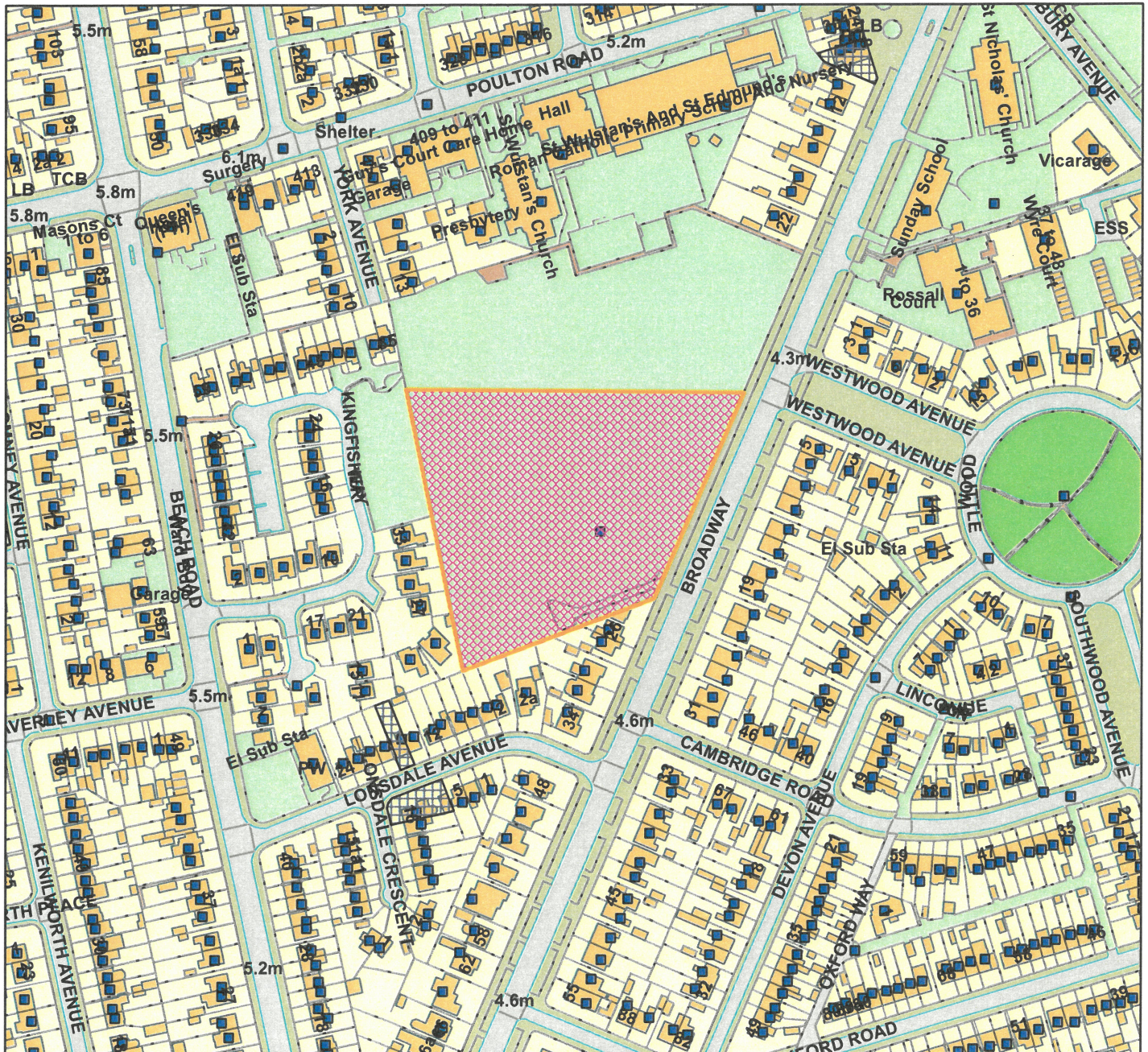
23. Prior to the commencement of development involving any above ground works, details of the location and appearance of cycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, prior to first occupation of any part of the approved development and thereafter maintained and retained.

Reason: In the interests of the appearance of the site and locality, in accordance with policy CDMP3 of the Wyre Local Plan (2011-31).



# Planning Committee

Land West of Broadway, Fleetwood



**Scale:** 1:2,500

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 01
Date	24/09/2021
MSA Number	100018720

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Report of:	Meeting	Date	Item No.
Mark Billington Corporate Director Environment	Planning Committee	6 October 2021	

**Wyre Council Tree Preservation Order No8 of 2021: Land at Bowses Hill Farm, Stalmine, FY6 0LW.**

**1. Purpose of report**

- 1.1** To consider the objections to the making of Wyre Council Tree Preservation Order No8 of 2021: Land at Bowses Hill Farm, Stalmine, FY6 0LW.

**2. Outcomes**

- 2.1** To determine whether or not to confirm the Wyre Council Tree Preservation Order No8 of 2021: Land at Bowses Hill Farm, Stalmine, FY6 0LW.
- 2.2** An effective tree preservation order makes it an offence to do any works to the protected trees without first gaining consent from the Local Planning Authority unless such works are covered by an exemption within the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

**3. Recommendation**

- 3.1** That the Wyre Council Tree Preservation Order No8 of 2021: Land at Bowses Hill Farm, Stalmine, FY6 0LW. ("the TPO") is confirmed without modifications for the reasons set out in this report.

**4. Legislative background to the TPO**

- 4.1** Section 198 of The Town and Country Planning Act 1990 (as amended) empowers Local Planning Authorities to protect trees or woodlands in their area in the interests of amenity by making tree preservation orders. Following the introduction of **The Town and Country Planning (Tree Preservation) (England) Regulations 2012**, The Local Planning

Authority is required to confirm a tree preservation order within six months of the issue date if it is to continue to have effect after that period. When an objection is received, a decision on confirmation is usually referred to the Planning Committee.

- 4.2** Tree preservation orders are usually made because it is considered expedient in the interests of amenity to protect the trees from felling or pruning. 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 proactively make an order as a precaution.
- 4.3** Amenity is not defined in law but the government's advice is that authorities need to exercise judgement when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future (GOV.UK, 2014).
- 4.4** Therefore the following criteria should be taken into account when assessing the amenity value of trees:
- **Visibility:** *the extent to which the trees or woodlands can be seen by the general public will inform the LPA's assessment of whether its 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 it of their characteristics including:*
    - *Size and form;*
    - *Future potential as amenity;*
    - *Rarity 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, although according to guidance these "Other factors" alone would not warrant the making an order.*

*(Source: Tree Preservation Orders and trees in Conservation Areas/Planning Practice Guidance March 2014).*

- 4.4** The Regulation 5 notice, which is a legal notice that is served with the tree preservation order documents on the owner and occupier of the land affected by a tree preservation order and also the owner and occupier of the adjoining land, states the reason why the trees have been protected and invites objections or representations to be made to the Local Planning Authority within a 28-day period. The Regulation 5 Notice issued in respect of the land affected by the TPO gave the reason for making the TPO as “*it is expedient in the interest of amenity*”.
- 4.5** Once made, a tree preservation order takes effect provisionally for six months, but must be confirmed by the Local Planning Authority within that period to continue to be effective. If it is not confirmed the tree preservation order ceases to have effect and the trees are unprotected. When objections or representations are received the Council must consider those before any decision is made whether or not to confirm the order. In these cases, referral to Planning Committee is usually appropriate.

Within the framework of a TPO, a Local Planning Authority may classify trees as occurring either as individuals, groups, woodlands, or areas.

A Woodland designation recognises that natural regeneration from seed is integral to self-sustaining woodland and therefore covers each and every tree irrespective of whether it was growing at the time the TPO was made. The Woodland designation covers future trees. The Woodland designation can make allowance for some degree of woodland management taking place in order to sustain the woodland.

## **5. Background to making the TPO**

- 5.1** In February 2021 the tree officer received reports of tree felling at Bowses Hill Farm and visited on 15 February 2021 and was shown by the proprietor to an area where minor cutting back of encroachment had taken place for clearance of rides around the perimeter of the broadleaved woodlands. Reports of additional tree cutting activities led to the tree officer and Forestry Commission woodland officer visiting on 17 June 2021 during which the proprietor and officers walked throughout the woodlands and discussed crown raising and tree thinning works that had been undertaken recently, future felling license requirements and ongoing works and activities regarding a proposed glamping site.
- 5.2** There is currently no planning application lodged that relates to the glamping site proposal.
- 5.3** On 17 June 2021, after the site visit, the tree officer undertook an appropriate tree evaluation method for preservation orders (“TEMPO”) which guided the subsequent decision to make the TPO. The TPO applies to W1 (woodland 1) and W2 (woodland 2) a combined total of 2.8 ha of broadleaved woodland at Bowses Hill Farm.

A copy of the completed TEMPO survey data sheet relating to the TPO along with associated images of the TPO are appended to this report at Appendix 1.

- 5.4 On 6 July 2021 Wyre Council made Tree Preservation Order No8 of 2021: Land at Bowses Hill Farm, Stalmine, FY6 0LW. A copy of the TPO plan is appended to this report at Appendix 2.
- 5.5 The Council served correspondence on the owners and occupiers of the land affected by the TPO and on those adjoining, notifying them of the making of the TPO in accordance with Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 5.6 The period for any objections and representations to be made to the Council in respect of the TPO ended on 3 August 2021. Wyre Council received two formal objections in regard to the TPO: (i) submitted on 27 August 2021 by the Land and property agent acting on behalf of their client the proprietor of Bowses Hill Farm, and, (ii) submitted on 28 August 2021 by the proprietor of Bowses Hill Farm.

Three representations supporting the TPO were received via e-mail after the objections and representation period had expired so cannot be discussed within the body of this report.

Redacted copies of the objection letters and representation e-mails are appended to this report at Appendix 3.

## 6. Summary of Objections

### (i)

1. The rationale as to why the Order is proposed has not been explained.
2. The area mapped for a blanket TPO is a young plantation that was created under a Forestry Commission Woodland Grant Scheme (WGS), dated 03/12/2003. The scheme requires areas of converted land with more than 50% broad-leaved trees to be maintained in accordance with good forestry practice for a period of 30 years.

The WGS paperwork confirms 'Management of the woodland after establishment will be by thinning'. This means that the site will be managed under a continuous cover silvicultural system. The visual impact from the passing public footpath will therefore be retained regardless of the TPO.

3. The site has been actively managed to date to promote tree growth, good timber quality, and promotion of natural regeneration which all aligns with good forestry practice in accordance with the UK Forestry Standard.

A very detailed site survey would be required marking every tree to ensure my client is not prosecuted for any works that were carried out prior to the TPO.

4. Prior to the tree planting scheme in 2003-04 this was a standard agricultural field with overhead powerlines. The amenity has been significantly enhanced by the management to date.

5. Section 9 of the Forestry Act 1967 is applicable and requires the landowner to apply for, and receive approval for, a felling licence from the Forestry Commission prior to carrying out any works that fall outside of the standard exceptions.

6. There are powerlines running through the site that lie outside of the planted area and TPO site. However, as the area matures in future years it may be necessary to carry out works within the proposed TPO area as a safety precaution, to prevent trees potentially falling on the powerline. This would not be permitted under the proposed TPO without detailed consent.

7. A felling licence will be required before any significant felling works can be carried out. How is this to be dealt with once a blanket TPO is in place?

8. All trees on site are young stock, many have Ash Dieback, and there are no trees of individual significance. Consequently, those with Ash Dieback need to be removed (a requirement of the Forestry Commission).

9. Enforcing a TPO will also prevent my client from carrying out good forestry practice works within a timely and cost-effective manner. The TPO would require consent from Wyre Borough Council for cutting down, topping, or lopping. It is completely irrational to require two levels of permission as any felling works would require consent from both 1) Wyre Council and 2) the Forestry Commission. This is completely unnecessary. As for works required to the adjacent powerlines, consent would be required from 1) Wyre Borough Council 2) the Forestry Commission, and 3) the relevant Electricity Board.

10. The 'amenity value' of the woodland is purely due to the woodland management that has taken place to date. The owners wish to continue management and establishment of the woodland. However, increasing the number of required consents for any works will make elements of woodland management unviable and decrease the likelihood of a successful continuous cover silvicultural system. Ultimately, a TPO on the site would have the opposite effect of its intention and a negative impact on its amenity value.

If it is the proposal going forward that all tree plantations under a Woodland Grant Scheme to be covered by a TPO, I feel the wider Government aim of planting 30,000 hectares of trees before the end of this Parliament will not be achieved (that is 7,000 hectare per year to 2024 alongside new initiatives to improve the health of trees, create more woodlands in cities, and deliver thousands of green jobs as we build back greener from the pandemic). I therefore think it is necessary to involve the local MP (Ben Wallace) and others so they are aware of the intentions of Wyre Borough Council.

**(ii)**

I am very much in favour of trees and that is the reason I purchased the area only a few years ago. I still have to work under the original Woodland Grant Scheme rules and have no intention of cutting down or damaging the woodland. The trees are the very reason I purchased the land.

With regard to the TPO Regulations (revised 2014) I see at paragraph 010 Ref ID: 36-010-20140306, it states

'Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management.'

As noted above, my purchase of the land was because of the very trees growing on it and the ongoing management obligations I have through the Forestry Commission (FC) are surely sufficient for any protection you feel is required. Even into the future I would have to apply to the FC for a felling licence if and when any felling is required.

You have never discussed with me any concerns you have and a meeting on site could have been very useful to allay your fears.

## **7.0 Response to Objections**

### **7.1 (i)**

The tree officer exercised judgement having regard to government guidance when deciding to make the TPO. A Tree Evaluation Method for Tree Preservation Orders (TEMPO) was undertaken on 17 June 2021 in respect of the TPO. The TEMPO comprised an amenity assessment in relation to the condition and suitability of the trees along with retention span, tree species, sizes of the trees included, life expectancy, public visibility, other factors and expediency. There is a perceived threat to trees. The TEMPO assessment showed the making of the TPO to be defensible and the TPO was made 'because expedient in the interest of amenity to protect the woodlands.

The TEMPO scoring also reflects the need for appropriate woodland management requirements.

For completeness, the TEMPO at Appendix 1 undertaken in relation to the TPO shows the amenity and expediency assessments for those aspects of the TPO.

**7.2** Indicating that the site has been actively managed and will continue to be managed by thinning under a continuous cover silvicultural system does not provide the details of where, how often and to what extent. No felling licence from the Forestry Commission currently applies to the woodlands.



Where no felling licence is in place the works that a woodland proprietor could instruct for include thinning up to 5 cubic metres of growing trees per calendar quarter. Accordingly, such sporadic future thinning works comprising less than the felling licence threshold could take place within W1 and W2 uncontrolled by licence. In such circumstances there is no approval for thinning that ensures that it will accord with good forestry practice, will not lead to systematic clearance of an area and also will not result in a detrimental impact on amenity when viewing W1 and W2 from public right of way 2-22-FP 10 which runs from Ned's Lane along the lane to Bowses Hill Farm with W1 and W2 visible to the north and east. W1 and W2 are also visible when looking south east from Ned's Lane at the access point to the property Willow Bank, looking east from Ned's Lane at the access point to the lane to Bowses Hill Farm, also via glimpses to the east along Neds Lane.

- 7.3** There is a distinction between planned and agreed thinning works for good forestry practise alone, and thinning and crown raising works which it is noted to have taken place and could take place in the future with the dual interests of good practise and to facilitate glamping provision but which may adversely impact on amenity.
- 7.4** A standard felling licence provides a 5 years period to implement the works it approves and ensures compliance with the UK Forestry Standard. If a Forestry Standard compliant woodland management plan is produced, a felling licence can be issued for ten years. Felling licences are usually conditional with an expectation for restocking.
- 7.5** The Forestry Act 1967 provides that if an application is made for a felling licence in respect of trees subject to a tree preservation order and consent under the Tree Preservation Order Regulations would be required, then as part of the licence application process the Forestry Commission must consult with the local authority that made the tree preservation order. Forestry guidance provides that felling proposals should be in the spirit of maintaining a tree preservation order that is in place. If the local authority objects to the licence application, the matter will be determined under planning-related appeal processes. Further the Forestry Commission has the option of referring the application to the planning authority that made the tree preservation order to deal with under the planning legislation. Where the planning authority does not object and the Forestry Commission grants a felling licence under the Forestry Act 1967 the local authority's further consent under the tree preservation order is not required providing that the works are in compliance with the felling licence. The legislation therefore balances the relationship between planning and forestry controls.
- 7.6** If the TPO is confirmed, an application for consent regarding TPO tree works including justification, a related schedule and plan would continue to be required for consideration in the absence of consent under a felling licence. The TPO is a means of ensuring that thinning works under 5 cubic metres per calendar quarter are in accordance with good forestry practice to protect the trees and do not accumulate to a detrimental impact on amenity.

- 7.7** Removal of ash trees to address the spread of Ash Dieback Disease may be permissible by the Forestry Commission as an exception from the need to gain consent under a formal felling licence providing that the Forestry Commission are supplied with the details in advance, such as a location plan, numbers of trees, sizes and images of evidence and agree the proposed works. Copying in the local authority in these circumstances would be likely to be sufficient for TPO record purposes and agreement.
- 7.8** Tree works to provide clearance and maintenance of utility apparatus such as power lines usually meet with statutory exception from the need to apply for TPO tree works and exemption from the requirement to gain consent under a felling licence. Such works are usually organised by utilities companies under shut down or live works dependent on the circumstances. In either case advance notice to the local authority and the Forestry Commission is typically provided by the utilities company.
- 7.9** TPOs are made on a case by case basis. The making of this particular TPO does not set a precedent in regard to other tree plantations under EWGS each of which would be considered under their own merit.

**(ii)**

A Land Registry check made on 15 March 2021 shows that the current proprietor purchased the property on 3 December 2020.

Future thinning activities with the interests of good practice and to facilitate glamping provision, if unregulated by the mechanisms of tree preservation order and / or felling license, are liable to result in detriment to amenity. In all the circumstances, officer view is that it is expedient in the interests of amenity to make W1 and W2 subject of a confirmed tree preservation order.

Just before the site meeting of 17 June 2021 concluded, the tree officer informed the proprietor that it was likely that a tree preservation order would be created in relation to W1 and W2.

Advice pertaining to Planning Committee and its procedures along with a copy of this report relating to the TPO have been forwarded to the objectors in reasonable advance of the meeting of Planning Committee on 6 October 2021.

**Concluding remarks**

It is considered that the TPO has been properly made in the interests of securing the contribution and benefit that the TPO applies to the public amenity in the area. The TPO protects important elements of the local landscape and contributes to the local environment. W1 and W2 presently protected by the TPO have been assessed in a structured and consistent way using an approved method.

It is considered that the procedural requirements of the legislation have been followed in the creation of the TPO and determinations made using a widely accepted method which includes expediency assessments has occurred in this case. Having regard to the legislation and the Government Guidance, it is considered that the TPO is fully justified in all respects and should be confirmed.

<b>Financial and Legal Implications</b>	
Finance	None.
Legal	Before confirming a Tree Preservation Order, the Local Planning Authority must consider any objections/representations made within the 28-day objection period. If, having considered any objections/representations received, the Local Planning Authority is satisfied that the tree merits a TPO; it may confirm the Order under the Town and Country Planning Act 1990 and supporting Regulations. The LPA may also confirm an Order in modified form, revoke it, or allow it to lapse. However it cannot add to the Schedule references to a tree to which the Order did not previously apply. There is no right of appeal to the Secretary of State, but a challenge may be made to the High Court on a point of law.

#### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

<b>implications</b>	<b>✓ / x</b>
community safety	x
equality and diversity	x
<b>sustainability</b>	✓
health and safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	X
<b>climate change</b>	✓
data protection	X

<b>report author</b>	<b>telephone no.</b>	<b>email</b>	<b>Date</b>
Ryan Arrell BSc (Hons), HND, LANTRA qualified	01253 887614	Ryan.Arrell@wyre.gov.uk	23 September 2021

professional tree inspector.			
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<b>List of background papers:</b>		
<b>name of document</b>	<b>date</b>	<b>where available for inspection</b>
Wyre Council TPO 8 of 2021	23 September 2021	Room 134 or by email to Tree Officer.

### **List of Appendices**

#### **Appendices:**

- 1 –TEMPO survey data sheet and also images of W1 and W2.
- 2 –TPO plan and aerial image displaying TPO and public right of way.
- 3 – Redacted copies of letters of objection and also redacted e-mails of representation.

### **References List**

*Tree Preservation Orders and trees in Conservation Areas.* GOV.UK, (2014) Accessed Via <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

(TEMPO) Tree Evaluation Method for Preservation Orders  
<http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf>

Town and Country Planning (Tree Preservation) (England) Regulations 2012.

**Appendix 1**

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17 June 21 Surveyor: R. Arrell

Tree details  
 TPO Ref (if applicable):  
 Owner (if known):

woodland  
 Tree Group No: pk 2 Species: Broadleaved  
 Location: at Bowses Hill Farm, Stalmine

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous\* Unsuitable

\* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes

3

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10\* Unsuitable

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes

4

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes

3

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)

Score & Notes

1

### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

2

### Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:

13

Decision: make TPO  
TPO defensible

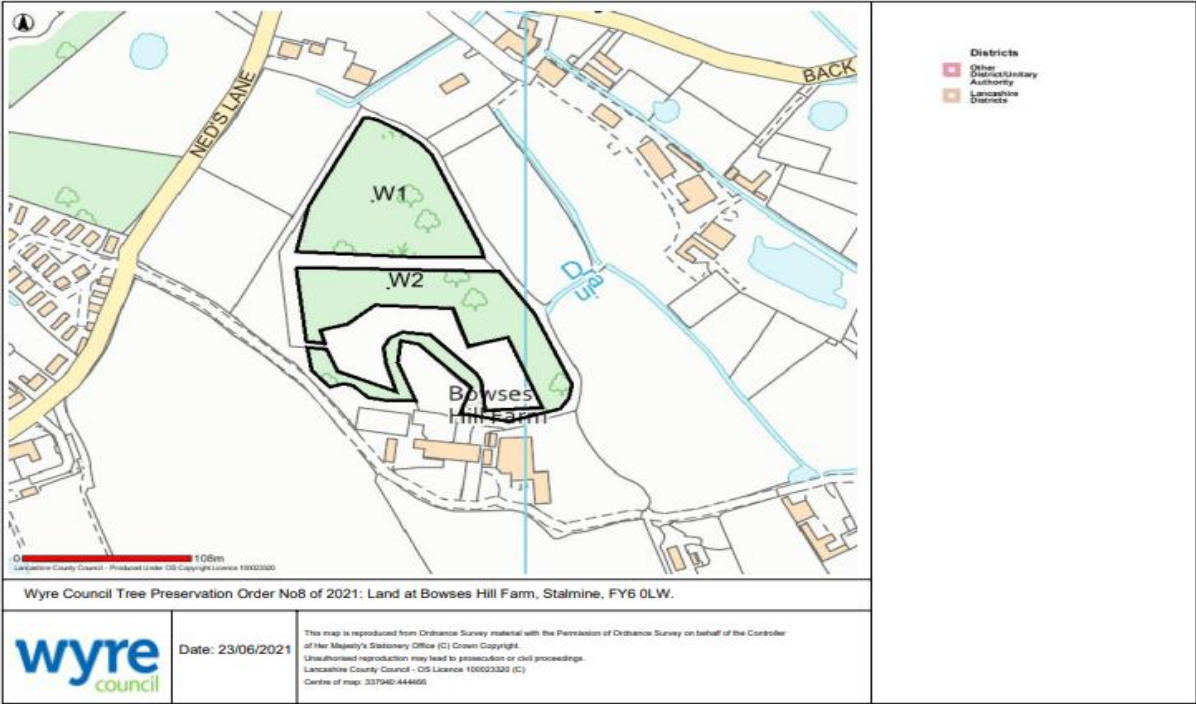


A view of HV power lines with W1 and W2 to either side.



A view from within W1.

Appendix 2



Appendix 3



(I) Objection received on 27 July 2021.

**OBJECTION TO TREE PRESERVATION ORDER NO.8 OF 2021**

**LAND AT BOWSES HILL FARM, STALMINE FY6 0LW**

As agents acting on behalf of \_\_\_\_\_ of Bowses Hill Farm, we write to object in the strongest possible terms to Wyre Borough Council Tree Preservation Order No.8 of 2021 on the following basis:

1. The reason provided for placing a TPO on the site states 'we made this order because it is expedient in the interest of amenity'. Further site specific justification was requested from Mr Arrell as Tree Officer at Wyre Council, on 21st and 22nd July 2021. Mr Arrell's response was to provide only a copy of the TPO referring to the 'expedient interest of amenity' and reference to standard government guidance on TPOs. This is not helpful nor does it explain the rationale as to why the Order is proposed.

2. The area mapped for a blanket TPO is a young plantation that was created under a Forestry Commission Woodland Grant Scheme (WGS), dated 03/12/2003.

The undertaking of the scheme requires areas of converted land with more than 50% broad-leaved trees to be maintained in accordance with good forestry practice, to the satisfaction of the secretary of state, for a period of 30 years. This obligation is therefore in place across the land until 2033. The trees will be well established by then. In addition, the WGS paperwork confirms 'Management of the woodland after establishment will be by thinning'. Management of the site by thinning means that the site will be managed under a continuous cover silvicultural system, rather than clear felling, as encouraged by the UK Forestry Standard. The visual impact from the passing public footpath will therefore be retained regardless of the TPO.

3. It is clear that the site has been actively managed to date to promote tree growth and good timber quality which all in aligns with good forestry practice. Evidence of crown lifting can be seen across the area in order to increase the amount of light reaching the forest floor and subsequently promote natural regeneration, again in accordance with the UK Forestry Standard. A very detailed site survey would be required marking every tree to ensure my client is not prosecuted for any works that were carried out prior to the TPO. This survey and resulting TPO would be a needless and a significant expense for Wyre Borough Council which effectively sterilises the good management of the land for absolutely no reason.

4. It should be noted that prior to the tree planting scheme in 2003-04 this was a standard agricultural field with overhead powerlines. The amenity has been significantly enhanced by the management to date.

5. As the site is now an established designated woodland, section 9 of the Forestry Act 1967 is applicable. This requires the landowner to apply for, and receive approval for, a felling licence from the Forestry Commission prior to carrying out any works that fall outside of the standard exceptions. This is an obligation that cannot be avoided and nor does our client wish to avoid it.

6. There are powerlines running through the site that lie outside of the planted area and TPO site. However, as the area matures in future years it may be necessary to carry out works within the proposed TPO area as a safety precaution, to prevent trees

potentially falling on the powerline. This would not be permitted under the proposed TPO without detailed consent.

7. As mentioned above the woodland is required to be managed in accordance with good forestry practice, will be managed under a continuous cover system, and a felling licence will be required before any significant felling works can be carried out. How is this to be dealt with once a blanket TPO is in place?

8. All trees on site are young stock, many have Ash Dieback, and there are no trees of individual significance. Consequently, those with Ash Dieback need to be removed (a requirement of the Forestry Commission) and there is absolutely no necessity for a TPO on the balance of the land.

9. Enforcing a TPO will also prevent my client from carrying out good forestry practice works within a timely and cost-effective manner. Thinning works would be to the benefit of the woodland, but on a woodland of this size and nature is generally a cost neutral exercise. The TPO would require consent from Wyre Borough Council for cutting down, topping, or lopping. It is completely irrational to require two levels of permission as any felling works would require consent from both 1) Wyre Council and 2) the Forestry Commission. This is completely unnecessary. As for works required to the adjacent powerlines, consent would be required from 1) Wyre Borough Council 2) the Forestry Commission, and 3) the relevant Electricity Board. This is ridiculous.

10. The 'amenity value' of the woodland is purely due to the woodland management that has taken place to date. The owners are keen environmentalists and wish to continue management and establishment of the woodland and in doing so further enhance its amenity value. However, increasing the number of required consents for any works will make elements of woodland management unviable and decrease the likelihood of a successful continuous cover silvicultural system. Ultimately, a TPO on the site would have the opposite effect of its intention and a negative impact on its amenity value. If it is the proposal going forward that all tree plantations under a Woodland Grant Scheme to be covered by a TPO, I feel the wider Government aim of planting 30,000 hectares of trees before the end of this Parliament will not be achieved (that is 7,000 hectare per year to 2024 alongside new initiatives to improve the health of trees, create more woodlands in cities, and deliver thousands of green jobs as we build back greener from the pandemic). I therefore think it is necessary to involve the local MP (Ben Wallace) and others so they are aware of the intentions of Wyre Borough Council. We note the date to respond by is the 3rd August 2021, and therefore although there is little time remaining, we would appreciate a response prior to this correspondence and a decision being made.

**(ii)** Objection received on 28 July 2021.

I am very much in favour of trees and that is the reason I purchased the area only a few years ago. I still have to work under the original Woodland Grant Scheme rules and have no intention of cutting down or damaging the woodland. The trees are the very reason I purchased the land.

With regard to the TPO Regulations (revised 2014) I see at paragraph 010 Ref ID: 36-010-20140306, it states

'Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to

be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management.'

As noted above, my purchase of the land was because of the very trees growing on it and the ongoing management obligations I have through the Forestry Commission (FC) are surely sufficient for any protection you feel is required. Even into the future I would have to apply to the FC for a felling licence if and when any felling is required.

You have never discussed with me any concerns you have and a meeting on site could have been very useful to allay your fears.

### **Representations made after expiry of objections and representations period.**

01 September 2021

I would like to add my voice in support of any planning restriction enforcements on temporary order TPO8 of 2021, at Bowses Hill Farm, Neds Lane, FY60LW, and hopefully help to make the decision on the planning order a permanent one. The residents in this area were horrified at the damage done to the environment and the fact that no planning permission was sought before any action was taken, which bodes badly for any future safety of the remaining woodland there.

As you will know, quite a lot of woodland has been demolished during the building of this unauthorised "glamping/camping site", and I'm sure much wild life has been disturbed and forced from its natural habitat. As the situation stands at the moment it is possible that if this order isn't made permanent much more woodland will be destroyed in order to further expand the unauthorised camping site at the end of the 56 days allotted by the Government. Please raise my objections at the next planning meeting when this matter is discussed, and please notify me of the final outcome.

Thank you for your help so far, and I hope for success in blocking any further massacre of our natural woodland which is home to so much of our native wildlife species.

02 September 2021

I would like it know that I would like this TPO to become permanent rather than temporary in fact I would like the whole of the woodland to be considered as a conservation area if possible, to avoid any more damage to the trees or wildlife within the woodlands as no ecology survey or biodiversity survey was undertaken before removing trees in perfectly good health and no consideration for the wildlife which could include many endangered species of reptiles such as great crested newts, bats, owls all for the land to be turned into a campsite with no planning permission applied for or granted, permitted development rights say you can use your land this year for up to 56 days but then the land must be returned to how it was originally which in the case of this is a little to late for the trees already removed and with all the constant fires and BBQs burning is neither good for the wildlife nor the trees remaining so hopefully we can protect and save what is left.

06 September 2021

I am writing to ask you to consider making the above TPO permanent on the above land, if possible could this also be made into a conservation area to ensure the woodland is not further harmed by the removal of more trees.

The woodland has had many trees removed already before any ecology or biodiversity report has taken place to make way for a camp site.

There was many endangered species living in the woodland which have not been taken into consideration such as great crested newts, owls, bats and other reptiles.

The camp site was erected under permitted development rights and for this year you were able to use the land for 56 days, this has now expired.



