



Planning Committee Agenda

Wyre Borough Council
Date of Publication: 27 October 2021
Please ask for : Daphne Courtenage
Assistant Democratic Services Officer
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Planning Committee meeting on Wednesday, 3 November 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 on 06 October 2021 (already circulated by email).

4. Appeals

(Pages 3 - 14)

The Schedule of Appeals lodged and decided between 15 September 2021 – 15 October 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:

- | | | |
|-----|---|-----------------|
| (a) | Application A - Former Movern Care Home Centre (21/00502/FULMAJ)
Change of use of former residential care home (Use Class C2) to create 29 self-contained residential apartments (Use Class C3) with external alterations and the provision of associated carpark following the demolition of existing bungalow. | (Pages 15 - 32) |
| (b) | Application B - 34-37 High Street Garstang (21/00940/FUL)
Conversion of first floor of supermarket (E) to form five residential apartments (C3), with insertion of new windows, and repositioning of external staircase and enclosure of roof top (resubmission of 21/00113/FUL). | (Pages 33 - 52) |
| (c) | Application C - 43 Hathaway Road Fleetwood (21/00881/FUL)
Application for the retention of first floor balcony, with alterations to existing first floor fenestration and balustrade. | (Pages 53 - 60) |

6. Tree Preservation Order

(Pages 61 -
126)

The Corporate Director Environment has submitted a report regarding objections to the making of Wyre Council Tree Preservation Order No5 of 2021: Land to the north east of The Iron Horse Public House, Fleetwood Road North, Thornton Cleveleys, FY5 4LH.

PLEASE NOTE:

Transport for members of the committee will leave the Civic Centre, for the 4 site visits, at 10.15am.

Appeals lodged and decided

Appeals Lodged between – 15th September – 15th October 2021

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
21/00733/PIP	Land At Catterall Lane Catterall PR3 0PA	Permission in principle application for the erection of one detached dwelling (C3)	Del	Written representations	30.09.2021
21/00041/FUL	Land North Of New Lane And West Of Rose Cottage New Lane Eagland Hill Pilling PR3 6BA	Erection of two holiday cottages (resubmission of 20/00030/FUL)	Del	Written representations	28.09.2021
20/00092/OUTMAJ	Craiglands Hillylaid Road Thornton Cleveleys Lancashire FY5 4EB	Outline application for the demolition of existing dwelling and erection of 33 apartments for over 55's, including ancillary accommodation and parking with details of access, appearance, layout and scale included.	Com	Written representations	24.09.2021

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Appeals Decided between – 15th September – 15th October 2021

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
20/00771/FUL	178 Victoria Road West Thornton Cleveleys Lancashire FY5 3NE	Variation of condition 4 on app: 18/00564/FUL on the opening times to Monday - Saturday 08.00am - 01.00am Sunday and Public holidays 08.00am - 00.00am (midnight)	Del	Dismissed	06.10.2021
20/01176/FULMAJ	Caravan Storage Solutions At Camberley Farm Union Lane Out Rawcliffe PR3 6SS	Change of use of land to form extension to existing caravan storage yard (B8) (resubmission of 20/00530/FULMAJ)	Del	Dismissed	15.10.2021

Agenda Item 4

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Appeal Decision

Site visit made on 9 September 2021

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 October 2021

Appeal Ref: APP/U2370/W/21/3275141

178 Victoria Road West, Thornton-Cleveleys FY5 3NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Gokhan Akcay against the decision of Wyre Borough Council.
 - The application Ref 20/00771/FUL, dated 5 August 2020, was refused by notice dated 2 November 2020.
 - The application sought planning permission for the '*variation of condition 5 of planning consent 16/00314/FUL to Monday to Saturday opening hours 08.00 to 00.00; Sunday, Public and Bank Holidays 8.00 to 23.00 with no deliveries on any day after 23.00*' without complying with a condition attached to planning permission Ref 18/00564/FUL, dated 28 September 2018.
 - The condition in dispute is No4 which states that '*The uses hereby permitted shall not operate outside the hours of - Monday to Saturday opening hours 08.00 to 00.00, Sunday, Public and Bank Holidays 08.00 to 23.00.*'
 - The reason given for the condition is '*In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy SP14 of the adopted Wyre Borough Local Plan (July 1999).*'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the revised National Planning Policy Framework (July 2021) (the Framework) was published. Parties were provided with an opportunity to comment on the relevance of this, and I have taken any subsequent comments received into account in my determination of this appeal.

Main Issue

3. The main issue is whether the condition is reasonable and necessary in the interests of the living conditions of nearby residents, with particular regard to noise and disturbance.

Reasons

4. The appeal site is a ground floor commercial unit located in a terrace consisting of other business uses with residential properties above. Behind the host terrace is a residential street, Stanley Avenue, while the area in general comprises a mix of commercial and residential uses. The proposal seeks to

- extend the opening hours of the takeaway by 1 hour each night over those times approved in planning application 18/00564/FUL.
5. The variation to opening hours would result in additional noise and disturbance to occupiers of nearby residential properties. This would be caused by conversational noise of customers and staff, comings and goings, extraction equipment and vehicular noise of engines revving and doors opening and closing. This would be at a time when residents could reasonably expect a degree of peace and quiet.
 6. While I appreciate the result of altering the condition would not result in a long extension to opening hours and thus noise later into the night, the Council states the existing opening times align with similar establishments in the area. Although the appellant advises other takeaways operate to 2am, this appears to be contrary to their respective planning permissions. This would be a matter for the Council to address rather than in the context of this appeal.
 7. A nearby pub was granted planning permission¹ to allow later opening hours than those proposed in this appeal. I have no further information on this, although this appears to have been granted some time ago prior to the adoption of the current development plan. In any event, from my observations on the site visit the pub does not appear to have residential properties above and as such I would not consider this approval justification to allow the harm I have identified. Each proposal is assessed on its own merits.
 8. I have had regard to the submitted noise assessment (Noise Control Solutions Limited), which concludes the noise levels associated with the additional hour of operation would be acceptable. However, I note that Noise Sensitive Receptor Location 1 (NSRL1) was set up some 25m from the source of noise on the opposite side of the road. While this shows these properties would likely be unaffected by the proposal, I am uncertain as to the noise levels that would be experienced by the properties on the first floor of the host terrace which would be the closest noise sensitive receptors. There is disagreement between the parties as to whether these are inhabited, and I have no convincing evidence either way. However, I have considered the noise levels on the basis that these units are currently or could be occupied be in the future.
 9. Moreover, NSRL2 was located to the rear of the takeaway close to the boundary with No.2 Stanley Avenue. However, the report identifies the ambient sound level measurement is dominated by noise from the kitchen extraction system from the appellant's business. This level is given as 55.3dB(A), which drops to 46.3dB(A) in residual sound levels when influence from the takeaway is removed from the calculation. As such, this 9dB(A) increase is considered to be significant for the additional hour that the extraction equipment would be in operation.
 10. While mitigation measures are proposed to protect living conditions of nearby residents, most of these would be reliant on the considerate conduct of staff. Many of these requirements are imprecise and attempted compliance would be unlikely. Moreover, there would be no means of regulating noise from customers. These measures would therefore be difficult for the Council to enforce and regulate and I am unconvinced these would mitigate the harm to living conditions the variation to the condition would cause.

¹ 13/00729/FUL

11. I therefore conclude that the control on opening hours imposed by condition 4 is necessary and reasonable to prevent unacceptable harm to the living conditions of nearby residents arising from noise and disturbance and ensure that the approved scheme complies with policies CDMP1 and CDMP3 of the Wyre Borough Local Plan (adopted February 2019). These seek, among other aims, to ensure development will be compatible with adjacent existing uses or uses proposed in this plan and it would not lead to significant adverse effects on amenity. This would also ensure compliance with the aims of the Framework in paragraph 130 which seeks to ensure a high standard of amenity for existing and future users of development.

Other Matters

12. I acknowledge the appellants' concerns over the Council's handling of the application. These are however administrative matters that need to be addressed directly with the Council. I have had regard to the planning merits of the scheme in my determination of the appeal. In addition, the additional opening hours would be of benefit to the owner and their business, but this would not outweigh the harm to occupiers of nearby properties with regards to their living conditions.

Conclusion

13. For the reasons given above I conclude that the conditions are reasonable and necessary. Further, they ensure the development would accord with the policies I have cited. The appeal should therefore be dismissed.

C McDonagh

INSPECTOR

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Appeal Decision

Site visit made on 9 September 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Appeal Ref: APP/U2370/W/21/3275045

Camberley Farm, Union Lane, Out Rawcliffe PR3 6SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Harrison against the decision of Wyre Borough Council.
 - The application Ref 20/01176/FULMAJ, dated 24 November 2020, was refused by notice dated 30 March 2021.
 - The development proposed is change of use of land to form extension to existing caravan storage yard (B8).
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Harrison against Wyre Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. During the course of the appeal, the revised National Planning Policy Framework (July 2021) (the Framework) was published. Parties were provided with an opportunity to comment on the relevance of this, and I have taken any subsequent comments received into account in my determination of this appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises an agricultural field located to the east of farm buildings and an existing caravan storage area at Camberley Farm. The surrounding landscape is predominantly flat and open, with long range views punctuated by sporadic farm buildings and detached dwellings. This creates a tranquil and open character. The proposal seeks to extend the existing caravan storage area and earth bund across the field into the appeal site. A woodland belt would also be created to screen views of the proposal.
6. The site is located in a prominent position close to the junction of Union Lane and Lancaster Road. This is confirmed within the submitted photomontages which clearly show the earth bund and the tops of some caravans in views from the local area. At present, the appeal site is open, effectively offsetting some of

the loss of this field to the existing caravan store. This is particularly evident when travelling along both roads bordering the field. The proposed incursion into this part of the field would further reduce this open character and by extending the bund and increasing the number of caravans and hardstanding, would urbanise an area of intrinsic rural character and appearance. This would be compounded by the woodland belt, which, while providing some biodiversity benefits, would appear visually discordant in the context of the predominantly open landscape.

7. The proposed woodland belt would, however, reduce the visual impact of the caravan storage in that it would screen the caravans in views from most vantage points. In combination with the bund, it would also screen much of the existing area of hardstanding whereby caravans are already stored. However, any trees planted would take time to fully develop and may not provide full screening during winter months. This would be the time when storage would be most in demand. A planning condition is suggested to secure effective landscaping measures, while it is also suggested the expansion of the existing bund would afford the opportunity to improve its appearance. In any event, this would not overcome the visual harm that would be imposed by the proposal in the short term and the effect on the character of the area in the longer term. Unacceptable landscape harm would therefore be apparent even once the proposed boundary planting had matured.
8. I acknowledge that the proposal would help in the expansion of a rural business, and I note the need for the additional storage is not in dispute between the parties. The Framework states planning should enable the development and diversification of agricultural and other land-based rural businesses in paragraph 84(b). However, the support for rural economic development in the Framework is not unconditional, or at the expense of ensuring that all development integrates appropriately with its surroundings. Whilst there would be economic benefits of the scheme, there is no precise quantification of these to enable me to balance them relative to the harm. There is also no suggestion that the existing business as it stands would be adversely affected by the absence of this proposal. As such, whilst I acknowledge there would be benefits to the scheme, I accord them only moderate weight.
9. While the Council did not engage a landscape architect in assessing the impacts of the proposal, this is invariably a matter of planning judgement by the decision maker. The lack of an industry standard Landscape and Visual Impact Assessment (LVIA) does not justify granting planning permission on this basis alone. I acknowledge the appellant's LVIA concludes there would be localised and minimal harm. However, for the reasons given above, and on balance, I conclude that the harm would outweigh any benefits identified.
10. To conclude, the proposal would harm the character and appearance of the area. This would be contrary to policies SP4, CDMP3 and EP8 of the Wyre Local Plan (adopted February 2019). These policies state, among other things, that development which adversely impacts on the open and rural character of the countryside will not be permitted unless it is demonstrated that the harm to the open and rural character is necessary to achieve substantial public benefits that outweigh the harm. The proposal would also be contrary to the design aims of the Framework, which seek to ensure through paragraph 130 that development

is sympathetic to local character and history, including the surrounding built environment and landscape setting.

Conclusion

11. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR

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Costs Decision

Site visit made on 9 September 2021

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Costs application in relation to Appeal Ref: APP/U2370/W/21/3275045 Camberley Farm, Union Lane, Out Rawcliffe PR3 6SS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Harrison for a full award of costs against Wyre Borough Council.
 - The appeal was against the refusal of planning permission for change of use of land to form extension to existing caravan storage yard (B8).
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises through paragraph 028 that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Costs may be awarded to any party regardless of the outcome of the appeal.
3. Paragraph 049 of the PPG provides a non-exhaustive list of examples of unreasonable behaviour by local planning authorities. This includes substantive matters, such as preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, or relying on vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellant contends that the Council erred in their assessment of the proposal, which was not supported by an industry standard assessment and is contrary to the conclusions reached in the Landscape and Visual Impact Assessment (LVIA) which was commissioned by the appellant. Firstly, there is no evidence before me that the Council have 'disregarded' the LVIA as the appellant contends; it is expressly addressed in paragraph 3.7 of the Council's appeal statement.
5. Moreover, there is no provision that I am aware of which requires a local planning authority to produce countervailing evidence, such as an LVIA, in response to a proposal. The onus is on those proposing development to substantiate their case.¹ Character and appearance or landscape effects is

¹ Section 62(3) of the Town and Country Planning Act 1990 as amended.

invariably a matter of planning judgement, and the decision ultimately reached by a Council in respect of a planning application may legitimately differ from the views of consultants.

6. The Council's concerns surrounding the proposal related to harm to the character and appearance of the countryside. Relevant development plan policies are referenced in the reason given for refusing permission. In my determination of the planning appeal that is the subject of this application, the appeal was dismissed due to identified harm to the character and appearance of the rural area. Accordingly, I do not find that the Council prevented or delayed development that should clearly have been permitted.
7. The decision-making process of planning applications necessarily involve matters of planning judgement. In this case, the reasons for refusal are detailed and the relevant policies of the development plan are cited. In reaching its decision the Council has had regard to the provisions of the development plan, the Framework and relevant material planning considerations including the views of consultees. In the appeal decision, I have concluded that the proposal is unacceptable for the same reasons as the Council.
8. To conclude, I have carefully considered the points raised by the applicant. However, it ultimately amounts to a difference of opinion as to the planning merits of the proposal which are addressed in the associated appeal. Consequently, I find that unreasonable behaviour as described in the PPG has not been demonstrated. I therefore determine that the costs application should fail, and no award is made.

C McDonagh

INSPECTOR

Committee Report

Date: 03.11.2021

Item Number	01
Application Number	21/00502/FULMAJ
Proposal	Change of use of former residential care home (Use Class C2) to create 29 self-contained residential apartments (Use Class C3) with external alterations and the provision of associated carpark following the demolition of existing bungalow
Location	Former Movern Care Centre 11 - 13 South Promenade Thornton Cleveleys Lancashire FY5 1BZ
Applicant	Sinclair Ventures Limited
Correspondence Address	c/o Mr Louis Webb Farington House Stanifield Business Park Stanifield Lane Leyland PR25 4UA
Recommendation	Permit

Report of the head of planning services

Case officer - Mr Karl Glover

Site Notice Date: 12/08/2021

Press Notice Date: 15/05/2021

1.0 Introduction

1.1 This application is before members of the Planning Committee at the request of Councillor Fail and as previous applications at 31 Coronation Road have previously been considered by the Committee. A site visit is recommended to enable members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

2.0 Site description and location

2.1 The site which forms the subject of this application relates to the former 60 bed Movern Care Centre at 11-13 South Promenade and also number 31 Coronation Road in Cleveleys. The former care home is located in a prominent corner position on the eastern side of South Promenade and on the southern side of Coronation Road. The building has a site area of approximately 0.11ha and comprises of a 4 storey white rendered building with a 5th floor set back within a mansard roof. The main entrance to the building is on South Promenade via an existing porch with two secondary ramped accesses located off Coronation Road. Parking is located along the northern elevation off Coronation Road and a small 1m high wall bounds the western elevation. To the rear of the building is an alley way which provides access to the rear of the properties along Coronation Road and Ellerbeck Road to the south.

2.2 On the eastern side of the alley way is number 31 Coronation Road which comprises of a detached bungalow made up of red brick with a hipped concrete tiled roof which forms into a dual pitch towards the west and has a white upvc clad box dormer within the southern roof pitch. This property has 2 separate points of access and is bound to the east, south and west by a high level close boarded timber panel fence.

2.3 The surrounding area is predominantly residential in character. To the north is a 3 storey terrace block of residential dwellings which step down to 2 storey along the northern side of Coronation Road. Immediately to the south is Grosvenor Court which is an L Shaped building comprising of 17 apartments and wraps around to the east along Ellerbeck Road. To the east of number 31 Coronation Road is a pitched roof bungalow. In terms of the topography, the levels decrease modestly to the east of the site dropping in gradient along Coronation Road. Coronation Road is a restricted 20mph speed limit with designated 1 hour on street parking immediately to the front of the site and double yellow lines are in situ on both sides of the highway including the side street to the west of number 31. Approximately 300m to the north is Cleveleys Town Centre where there is an array of shops, carparks and public transport provisions. The site is located within Flood Zone 2 but is not affected by any other constraints or designations.

3.0 The proposal

3.1 The application seeks permission for the change of use of the former residential care home (Use Class C2) to create 29 self-contained residential apartments (Use Class C3) along with external alterations. Number 31 Coronation Road is proposed to be demolished to provide a 24 space car park for the development. The 29 units will comprise of 19 x 2 bed apartments and 10 x 1 bed apartments. The main access to the building will be from South Promenade with a secondary access from the rear parking area. The building will be served by a lift and 2 staircases. The external alterations to accommodate the development comprise of new balconies to the promenade facing apartments, external rendering and vertical cedar cladding to the main elevations, new white uPVC windows and black aluminium seam cladding to the mansard roof. In total the development would provide 32 parking spaces together with 2 cycle stores and a bin store at lower ground floor level. New landscaping is proposed along the northern boundary of the site.

4.0 Relevant planning history

Planning History relevant to Movern Care Home:

4.1 04/00586/FUL - Erection of Front Porch - Permitted

4.2 07/01224/FUL - Erection of Front Porch - Permitted

4.3 85/01118 - Change of use from residential home to nursing home/rest home for the elderly - Permitted

Planning History relevant to 31 Coronation Road:

4.4 20/01070/OUTMAJ - Outline application for the erection of a three storey 35 bedroom nursing home (Use Class C2) following the demolition of existing dwellings with access, layout and scale applied for (all other matters reserved (re-submission of 19/00902/OUTMAJ) - Refused

4.5 19/00902/OUTMAJ - Outline application for the erection of a four storey 44 bedroom nursing home (Use class C2) following demolition of existing dwellings with access, layout and scale applied for (all other matters reserved) (re-submission 18/00643/OUTMAJ) - Refused - Appeal Dismissed

4.6 18/00643/OUTMAJ - Outline application for the erection of a 48 bedroom nursing home (Use Class C2) (following the demolition of existing dwellings) with access, layout and scale applied for (all other matters reserved) - Refused - Appeal Dismissed

4.7 20/00429/FUL - Change of use of existing bungalow (No 29) into a children's care home and works to building including roof lift, single storey rear link extension and addition of pitched roof to existing garage - Permitted

4.8 00/00063/FUL - Conversion of 4 flats into 6 flats (No 31a) - Approved

4.9 99/00024/FUL - Conversion of building to 4 self-contained flats, extension and dormer window to southern elevation - Approved

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
- SP6 - Viability
- SP7 - Infrastructure Provision and Developer Contributions
- SP8- Health and well-being
- CDMP1- Environmental Protection
- CDMP2 - Flood risk and surface water management
- CDMP3 - Design
- CDMP4 - Environmental assets
- CDMP5 - Historic Environment
- CDMP6 - Accessibility and transport
- HP1 - Housing Land Supply
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments

5.2 **National Planning Policy Framework 2021**

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 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 of most relevance:

- Section 2 - Achieving sustainable development

- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable development
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 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) §74, 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 Housing Implementation Strategy (published 30 September 2021) which demonstrates a deliverable housing land supply position of 6.4 years. The council's position therefore is that it is able to demonstrate a deliverable 5 year housing land supply.

5.3 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

5.4 National planning practice guidance

5.5 The conservation of habitats and species regulations (amendment) (EU exit) 2019

5.6 The wildlife and countryside act 1981 (as amended)

6.0 Consultation responses

6.1 Lancashire County Council (highways)

6.1.1 Initially objected on the basis that insufficient parking was proposed and that some spaces would be unusable leading to a severe highway impact. Following the submission of revised plans, LCC Highways are of the opinion that proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

6.2 Lancashire County Council (lead local flood authority)

6.1.2 Objects on the basis that a final Sustainable Drainage Scheme has not been submitted. No observations or response received to the Case Officers query (further discussed in paragraph 9.13 of this report)

6.3 Lancashire County Council (local education authority)

6.3.1 Advised that an education contribution is not required in regards to this development.

6.3 Blackpool teaching hospitals NHS foundation trust

6.3.1 Request a financial contribution of £23,230.00 towards healthcare provisions at the Trust.

6.4 NHS Fylde & Wyre Clinical Commissioning Group (CCG)

6.4.1 Advised that to mitigate the impacts upon the delivery of general practice services, a financial contribution of £5,972 towards the reconfiguration at Cleveleys Group Practice (2 surgeries) is required.

6.5 **United Utilities**

6.5.1 No objections subject to the development following the general principles of the surface water drainage hierarchy.

6.6 **Natural England**

6.6.1 No objections however advised that a Habitats Regulations Screening is required.

6.7 **Wyre Borough head of engineering services (drainage)**

6.7.1 No objections

6.8 **Greater Manchester ecological unit (GMEU)**

6.8.1 No objections to the proposal on nature conservation grounds

6.9 **Environment Agency**

6.9.1 Initially objected on the basis that the submitted FRA was considered unacceptable, however following the submission of a revised FRA, the EA are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

6.10 **Lancashire Fire and Rescue Service (LFRS)**

6.11 Highlighted the requirements for the proposed access and scheme to satisfy Document B Part B5 of Building Regulations and sets out the guidance and turning facilities for Fire Service Vehicles. Verbal contact made to highlight the current prohibition notice which has been issued to the owners (further discussed in paragraph 9.22 of this report).

6.12 **Wyre Borough head of environmental health and community safety (noise & air quality)**

6.12.1 No objections subject to conditions including an acoustic noise assessment, a construction management plan and lighting management plan.

6.13 **Wyre Borough head of environmental health and community safety (contamination)**

6.13.1 No objections

6.14 **Wyre Borough head of public realm and environmental sustainability (public open spaces/green infrastructure)**

6.14.1 Advised that to mitigate against the development a financial contribution of £59,009 towards Green Infrastructure is required with enhancements towards the Jubilee Gardens Masterplan being identified.

7.0 **Representations**

7.1 At the time of compiling this report there have been 2 letters of objection received, 3 letters which neither support nor object and 3 letters of support for the application.

The primary reasons for objection are:

- Loss of care home and services for the elderly
- Proposal will have a depressing effect on the surrounding area

The primary reasons for support are:

- Clear up an untidy and run down site
- Redevelopment will enhance the area

Neutral responses which neither support nor object to the application set out the following points:

- Apartments could be beneficial to the community
- Development may not be feasible for 29 units
- Parking may cause an issue

8.0 **Contacts with applicant/agent**

8.1 Contact has been made with the agent to discuss the following matters in relation to the application:

- Financial contributions and viability matters including S106 Agreement details
- Matters relating to consultation responses
- Parking provisions
- Agreement of pre commencement conditions
- Agreement of extension of time on the application until 3/11/21

9.0 **Issues**

9.1 The main issues to be considered in the determination of this application are:

- Principle of Development
- Design and Impacts upon Visual Amenity
- Impact on Amenity of Neighbouring Properties
- Flood Risk and Drainage
- Highway Safety and Parking Provision
- Infrastructure
- Ecology/Trees
- Other Matters

Principle of Development

9.2 The former Movern Care Centre is located in a prominent position fronting South Promenade on the corner with Coronation Road and functioned as a residential care home (Use Class C2) up until it ceased operating on the 7th December 2020, and has remained vacant since. As highlighted within Section 4 of this report a number of planning applications have been submitted to expand the care home with new build development on the site to the rear following the demolition of the existing bungalows, numbers 29 - 31 Coronation Road. Each of those applications has been refused and on 2 occasions subsequently dismissed at appeal. This application seeks to change the use of the Movern care home building, with some external alterations to provide 29 open market residential apartments including the demolition of number 31 Coronation Road to accommodate new parking provision for the units.

9.3 The application site is located within the settlement boundary and close to the town centre of Cleveleys. The proposal would be in accordance with Policy SP1 of the Local Plan which seeks to direct new development to within settlement boundaries in line with the settlement hierarchy, of which Cleveleys is listed at the top of the hierarchy classified as an Urban Town where 48.6% of housing growth is expected during the plan period. In terms of sustainability, Policy SP2 of the Local Plan sets out that new development should 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 application site is located approximately 100m from the defined Cleveleys Town Centre boundary and is in very close proximity to an array of community and retail facilities with a good level of connectivity to public transport links, in particular Cleveleys bus station and Fleetwood to Blackpool tram network. The site is considered to be in a highly sustainable location where the occupants of the units would be able to access community facilities and infrastructure by walking, cycling and by various means of public transport. Furthermore the reuse of an existing building would also provide sustainability benefits. Overall, based on the accessible location of this proposal and that it involves the reuse of a building, it is considered to provide residential accommodation that forms sustainable development in line with the requirements of Policy SP2.

9.4 Policy SP2 (Criteria 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, including the incorporation of water and energy efficiency measures through construction phases and the reuse and recycling in construction both in the selection of materials and management of residual waste. The submitted design and access statement advises that the conversion will improve the buildings energy efficiency by installing electric powered heating to boilers and low voltage LED lighting throughout along with new electric vehicle charging points (EVCP) on site. As the provision of EVCP is a requirement of policy CDMP6 these will be secured by condition. There are also opportunities for new planting within new landscaped areas. It is considered that the proposal provides an adequate response to climate change to meet the requirements of Policy SP2.

Design and Impacts upon Visual Amenity

9.5 Paragraph 126 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to the community. Policy CDMP3 of the WLP31 also requires new development to be of a high standard of design. Within the policy a number of criteria are set out. Criterion (A) states that all development must be designed to respect or enhance the character of the area. Criterion (B) requires development to create a positive contribution to an attractive and coherent townscape both within the development itself and by reference to its integration with the wider built environment.

9.6 The application would not result in any change to the footprint or height of the building. In its current form the building does have a rundown appearance and fails to positively contribute to the character and visual amenity of the area. To accommodate the change of use to provide the 29 apartments a number of external alterations are proposed. This includes alterations to the window arrangements (change in position and size), the provision of balconies at first and second floor and external refurbishment to the fabric of the building with a mixture of white K-rend and vertical western red cedar cladding. At ground floor the existing flat roof projecting single storey extension to the front is to be remodelled with new window fenestrations and to the northern side elevation the existing ramped access is to be removed to allow for new windows to serve the ground floor level flats. During the course of the application amended/additional plans have been provided to demonstrate how the front elevation at the lower ground level will appear. To the rear an underpass/overhang is to be created to allow for usable parking and footpath provision. Externally the refurbishment and renovation of the building would provide a visual enhancement to the

existing rundown building which in turn will respond positively to the character and visual amenity of the immediate setting and wider street scene, especially when seen from Coronation Road and South Promenade. In this turn the proposal would comply with Policy CDMP3 of the WLP31.

9.7 Internally each of the units (both 1 and 2 beds) have been designed to provide sufficient outlook and light into habitable rooms along with sufficient internal living standards. At lower ground floor and at first floor level there is provision for cycle and bin storage and an internal lift serving each floor. A condition requiring details of how 20% (6) of the units would be designed to be adaptable for elderly and people with restricted mobility is to be attached to ensure compliancy with Policy HP2 of the WLP31. Policy HP2 also requires new developments to provide a wide choice of housing in accordance with the SHMA. In this instance the proposal will be providing 35% 1 bed units and 65% 2 bed units. Whilst the mix proposed is not strictly in accordance with the SHMA Mix as it comprises a higher proportion of smaller units and no provision of 3 or 4 beds, the provision of smaller properties is in line with the overall SHMA evidence and housing strategy to rebalance the housing market. For this reason the proposed mix is considered acceptable.

9.8 To accommodate the new 24 bay car park to the east the existing dwelling known as number 31 Coronation Road is proposed to be demolished, along with the existing boundary wall. At present the existing bungalow is also in a rundown condition. Whilst its demolition will inevitably result in a visual change to the character of the area it will not have any additional visual harm. An example of a similar scenario is demonstrated towards the eastern end of Coronation Road on Bispham Road where a few years ago planning permission was granted for a pair of semi-detached dwellings to be demolished to provide an extension to the carpark for the Aldi store. The revised site plan shows a landscape buffer to be provided to the north between the existing building and the new car park and the highway. This will help to soften the new hardstanding being created and enhance the streetscene. Landscaping areas are also proposed to be provided within the internal layout of the carpark. Conditions can be used to secure appropriate planting specifications, surfacing, lighting and details of new boundary treatments surrounding the car park.

9.9 The development is considered to be acceptable in terms of its design and impacts upon the character and visual amenity of the area. The proposed materials are also considered to be acceptable, subject to samples being submitted and agreed. As such the proposal is considered to satisfy the provisions of Policy CDMP3 of the Wyre Local Plan and the NPPF.

Impact on amenity of neighbouring properties

9.10 Criteria C of Policy CDMP3 sets out that development must not have an adverse impact upon the amenity of occupants and users of surrounding or nearby properties and must provide a good standard of amenity for the occupants and users of the development itself. As the proposal is for the change of use of the existing building the physical relationship between the surrounding neighbouring properties remains unchanged and the interface distances are the same. The proposed end use is considered to be compatible with the surrounding properties and is not seen to result in any significant increase in noise or disturbance. The proposed balconies to the front of the building overlooking the promenade will not result in adverse impacts in terms of overlooking or loss of privacy. Whilst the proposed car park will generate modest levels of noise in terms of car doors closing and vehicular movements its use by future occupants only means that the majority of activity is expected to be during the daytime. Furthermore, there will have been noise and disturbance associated with the former care home use with staff and visitor cars. As highlighted in paragraph 9.8 full details of the proposed boundary treatments and lighting for the carpark are to be conditioned. This will ensure any potential impacts can be mitigated including the side facing windows of number 29 Coronation Road from vehicular headlights. For the reasons set out above, the proposed development satisfactorily addresses the requirements of Policies CDMP1 and CDMP3 of WLP31 in terms of its impacts upon residential amenity and also provides an acceptable standard of accommodation for potential occupants of the apartments themselves.

9.11 The Council's Environmental Health Officer has advised that a noise impact assessment should be submitted to ensure that there are no adverse impacts from noise from the nearby highway on future occupants. However, as the lawful use of the building is a similar form of residential use then this is considered unreasonable to request. Furthermore, noise levels from the nearby highway are not considered to be so significant. The Council's Environmental Health Officer also advises on the need for a Construction Environment Management Plan. However as the proposal is for the change of use of the building this is not considered necessary.

Flood risk and drainage

9.12 The application site (both the existing building and proposed carpark) is located within Flood Zone 2 as identified on the Environment Agency (EA) mapping system. Flood Zone 2 is defined as having a medium probability of flooding. The proposal is classified as highly vulnerable development as it involves the provision of basement (lower ground floor) dwellings. The application has been accompanied by a site specific Flood Risk Assessment (FRA). The EA initially objected on the basis that the FRA was not considered to be acceptable as it failed to adequately assess the flood risks posed by the development. A revised FRA has since been submitted by the applicant which as a result has seen the EA remove their objection and confirm that they are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. There is no requirement for the applicant to undertake the Flood Risk Sequential or Exceptions Tests in respect of the change of use. The proposed car park is interlinked with the use of the existing building. It would be impractical to locate the car park elsewhere in a lower risk of flooding, as such this element of the proposal passes the sequential test. As the car park is classified as less vulnerable development there is no requirement for it to pass the Exceptions test.

9.13 The drainage for the existing building (both foul and surface water) is connected to the existing mains sewers. The submitted Drainage Strategy confirms that as the application is for the change of use of the existing building then there are no proposals to change the current drainage infrastructure to serve the proposed apartments. The Council's Drainage Engineer and United Utilities have raised no objections to the application or the submitted FRA or Drainage Strategy. The Lead Local Flood Authority (LLFA) have objected to the application on the basis that a final surface water drainage strategy has yet to be submitted based on a site specific FRA. This response has been queried with the LLFA as the application has been accompanied by both documents. At the time of compiling this report no response has been received. As the Council's Drainage Engineer, the EA and United Utilities have raised no objections to the documents submitted it is considered that flood risk will not be increased as a result of this application and as such the proposal would comply with the requirements of the NPPF and Policy CDMP2 of the WLP31.

Highway safety and parking provision

9.14 To accommodate the change of use the application proposes 32 parking spaces in total including 2 accessible spaces. 8 spaces are proposed immediately to the rear of the existing building and 24 spaces are proposed further to the east on the site of an existing bungalow which is to be demolished. LCC Highways raised an objection to the original site plan which only proposed 20 spaces and a number of those spaces were deemed unusable. As a result the scheme has been amended to include additional car parking provision on the site of the existing bungalow (31 Coronation Road). On the basis of the revised plans LCC highways raise no objections, subject to conditions including the carpark being used solely for the occupants of the apartments as a communal carpark. Whilst the parking provision falls short of the car parking standards outlined within Appendix B of the Wyre Local Plan (which requires 2 spaces for a 2 bed dwelling and 1 space for a 1 bed dwelling) each unit would benefit from 1 parking space being available. Furthermore it is considered that the location of the site close to local services and bus stops provides opportunity for future residents to rely on walking or public transport to meet their

daily needs, and there is appropriate provision of cycle storage within the development, as previously referred to, which can be secured by condition. Therefore this reduction in parking provision is considered justified in this location and raises no objection from the local highway authority.

9.15 Overall, and on the basis of the aforementioned considerations, the application would not result in any unacceptable impact on highways safety and would accord with Policy CDMP6 of the Local Plan and the NPPF.

Infrastructure

9.16 Policy HP3 of WLP31 sets out that developments of 11 dwellings or more on brownfield sites in Cleveleys should provide 10% on site affordable housing provision. Where onsite provision is not appropriate a financial contribution of broadly equivalent value will be required to support the delivery of affordable housing elsewhere in the Borough. In this instance it is considered that a 10% provision of affordable units (which equates to 3 units) would raise no appetite from Registered Providers and as such an offsite contribution would be more appropriate. In accordance with the Affordable Housing Viability Study (AHVS), based on the market value for Cleveleys this would equate to £152,794.63.

9.17 Policy HP9 of WLP31 requires residential developments resulting in a net gain of 11 dwellings or more to make appropriate provision of Green Infrastructure. The Council's Parks and Open Spaces Officer has advised that in this location and for this scale and type of development an off-site contribution would be more appropriate than on-site provision. Based on the number and mix of units proposed this would equate to a financial sum of £59,009 and would go towards improvements of recreational facilities at Jubilee Park where there is a masterplan enhancement scheme in place.

9.18 Policy SP7 also supports contributions towards education and health care infrastructure to mitigate the impacts of the development where these are justified. LCC Education have been consulted however their response confirms that they are not seeking an education contribution in regards to this development. A financial contribution of £5,972 towards the refurbishment and reconfiguration of Cleveleys Group Practices (2 surgeries) has been requested by NHS Fylde and Wyre Clinical Commissioning Group (CCG) and is considered justified based on their adopted policy position. Also a contribution of £23,230.00 towards Blackpool Teaching Hospitals NHS foundation Trust has been requested. However the Council are of the view that as there is no adopted policy or published methodology to justify this contribution then it fails to comply with the Community Infrastructure Levy (CIL) Regulations as such this request by the Trust is not upheld.

9.19 Policy SP6 (Viability) of WLP31 sets out that the Council's overarching objective is to ensure that development is viable. Within the policy it stipulates that where a developer seeks to negotiate a reduction in infrastructure requirements that would normally apply to a development, the Council will require a financial appraisal demonstrating the costs to be incurred, the financial return and the profit expected. This is in accordance with the NPPF which requires viability to be a material consideration in decision making. In this instance during the course of the application the applicant has submitted a Financial Viability Statement (FVS). The report submitted set out that the development was unable to provide any of the aforementioned planning contributions. This report has been reviewed by the Council's independent advisor, financial and property surveyors Keppie Massie (KM). KM raised a number of queries with the construction costs and concluded that the development could financially support a total contribution of £130,000. The applicant has confirmed that they agree to pay this contribution which is to be secured by S106 legal agreement. Officers are of the view that these monies should to be secured towards Green Infrastructure and Affordable Housing. Whilst viability is a material consideration in decision taking, the shortfall in contributions being collected (£130,000 compared to the policy requirement for £217,775.63 in total) weighs against the proposal.

Ecology/trees

9.20 The application has been accompanied by a Protected Species & Habitat Walkover Survey. Greater Manchester Ecological Unit (GMEU) have assessed this and advised the proposal is unlikely to have any significant harm upon protected species or ecology. Natural England have also been consulted and advised that the screening process should be undertaken as to whether or not a Habitats Regulations Assessment (HRA) is required given the sites proximity to International designated sites (Morecambe Bay SSSI/SPA/SAC/RAMSAR site). GMEU have advised that in this instance the development proposed can be screened out of requiring a HRA to be undertaken and can be ruled out of having any significant adverse effect on these sites.

9.21 The proposed revised site plan identifies the areas of landscaping proposed however no details as to specifications or species has been provided and as such a landscaping condition is to be imposed.

Other matters

9.22 As part of this application Lancashire Fire and Rescue Service (LFRS) have made contact verbally to highlight that on Monday 7th December 2020 LFRS issued a prohibition notice to the owners and operators of the Movern Care Centre as a result of inadequate fire safety measures. Members are advised that this should not be a material consideration in the determination of this planning application. The applicant or any subsequent owner would need to address this matter directly with LFRS and ensure that all fire and building regulations requirements were adhered to, to enable them to operate in accordance with the relevant legislation.

10.0 Conclusion

10.1 The proposed development is acceptable in principle. In its current form the site fails to positively contribute to the character and amenity of the area and appears rundown and dilapidated. The proposed alterations are considered of appropriate design, would provide a visual enhancement and would not result in any adverse impacts upon surrounding neighbouring residential properties. Weighing against the development is the reduced financial contributions that would be sought due to viability constraints, as well as the shortfall of parking provision, albeit it is acknowledged that this shortfall is justified in this sustainable location does not raise any objection from the local highway authority. On balance, the benefits arising from the scheme are considered to outweigh this harm and it is concluded that the proposal does represent a sustainable form of development. All other material planning considerations have been assessed as acceptable. For the reasons given above it is recommended that the scheme is approved subject to conditions and a S106 agreement to secure £130,000 financial contributions towards Green Infrastructure and Affordable Housing.

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

12.1 Grant full planning permission subject to conditions and a Section 106 legal agreement to secure off-site financial contributions towards green infrastructure and affordable housing. That the

Head of Planning Services be authorised to issue the decision on 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 30.04.2021 including the following plans/documents:

Site Location Plan - A)21/019/S/100 revE
Proposed Ground & Lower Ground Floor Plans - A020/179/P/01 revB
Proposed 1st, 2nd & 3rd Floor Plans - A020/179/P/02 revB
Proposed Elevations - A020/179/P/03 revD
Proposed Basic Sections - A020/179/P/05
Proposed Street Scene - A020/179/P/10
Proposed Car Park GA - A021/179/P/100 revG.

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 the building (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 apartment hereby approved shall be first occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

The landscaping works shall be carried out in accordance with the approved details prior to first occupation of any apartment hereby approved or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

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)

5. Prior to the commencement of development a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted mobility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, retained and maintained thereafter in accordance with the approved details.

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.

6. An electric vehicle recharging (EVCP) scheme shall be submitted unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No dwelling shall be first occupied until the approved EVCP scheme has been provided, 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).

7. Prior to the first occupation of any apartment hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be completed before the apartments hereby permitted are first occupied and shall thereafter be maintained and retained.

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

8. No apartment hereby approved shall be first occupied until the parking / turning area(s) shown on the approved plans (Proposed Car Park GA - A021/179/P/100 revG and Proposed Ground & Lower Ground Floor Plans - A020/179/P/01 revB) has been laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles for the occupants of the approved apartments only, with spaces unallocated and available as communal use.

Reason: To ensure that adequate off road parking is provided 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).

9. Prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or any subsequent replacement guidance).

The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained and retained thereafter.

Reason: To safeguard residential amenity and in the interests of public safety in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

10. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Flood Risk Assessment revA June 2021) and the following mitigation measures detailed within the FRA:

- Electrical services, wiring and switches/outlets will be positioned at a minimum height of 1200mm above the finished floor levels. Incoming main services are to be terminated at a minimum of 1.2m above floor level.
- Heating and ventilation equipment including boilers and cylinders will be installed at a minimum of 1.2m above ground floor level or at first floor level.
- Where practicable ovens and other electrical appliances will be positioned on raised floor levels or individual plinths
- Ground floors should be of a solid construction and to be 150mm thick with a screed finish.
- All drainage and waste water systems should be designed and installed with non-return valves to prevent surcharge backup in the case of flooding to the surrounding sewage network.
- Surface water discharge will be discharged to the existing network.
- Removable flood water entry barriers will be considered at all entrance doors and windows 1.0m above floor level.
- Removable stanking boards are to be provided for all external doors.
- Low porosity brick with two coat plaster to be 1.2m above finished floor levels.
- All manhole covers shall be lockable.
- Residents to be given access to the Environment Agency's existing flood early warning system; Occupiers will also be issued with guidance on what actions to take in the event of a warning including the closest area of high ground.

The mitigation measures shall be fully implemented prior to first occupation of the development 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.

11. No apartment shall be first occupied until the drainage works have been completed in accordance with the approved scheme (as set out in Drainage Strategy April 2021). 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, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

12. The cycle and refuse storage areas shown on the approved plans shall be provided in accordance with the approved details prior to first occupation of any apartment and shall thereafter be maintained and retained.

Reason: In the interests of the appearance of the site, the residential amenity of occupants and neighbours, and to ensure appropriate sustainable transport provision is being made, in accordance with Policies CDMP1, CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

Notes:

1. Advice from the Environment Agency is that the future occupants should sign up to the Environment Agency flood warning scheme. Further information can be found on the GOV.UK website at: <https://www.gov.uk/sign-up-for-flood-warnings>.

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Planning Committee



Item 1



Scale: 1:1,250

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Organisation	Wyre Council
Department	Planning Department
Comments	21/00502/FULMAJ
Date	20/10/2021
MSA Number	100018720

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Committee Report

Date: 03.11.2021

Item Number

02

Application Number

21/00940/FUL

Proposal

Conversion of first floor of supermarket (E) to form five residential apartments (C3), with insertion of new windows, and repositioning of external staircase and enclosure of roof top (resubmission of 21/00113/FUL)

Location

34 - 37 High Street Garstang Preston Lancashire PR3 1EA

Applicant

ND And AN Stores Ltd

**Correspondence
address**

**c/o Mr Kiran Patel
2 Fossdale Moss Leyland Preston Lancashire PR26 7AT**

Recommendation

Permit

Report of the head of planning services

Case officer - Miss Lucy Lowcock

1.0 Introduction

Site Notice Date: 14.09.2021

Press Notice Date: 18.08.2021

1.1 This application is brought to Planning Committee at the request of Councillor Lady Atkins. A previous application (ref: 21/00113/FUL) was also considered by the Planning Committee in June 2021. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

2.0 Site description and location

2.1 The application site is a supermarket that is situated on the western side of the High Street, Garstang. The site is within the Town Centre boundary of Garstang as defined in the Adopted Local Plan. It is also in the Conservation Area of Garstang. The site is in Flood Zone 1.

2.2 The first-floor of the supermarket is currently used for storage, a staff room and plant room. The building is a two-storey detached building with a

mainly flat roof. There is a small pitched roof element towards the front. The building is constructed from brick. There are windows in the front of the building facing the High Street. There are existing external stairs on the northern side of the building. There is a first-floor window on the angled part of the rear elevation serving a staff room.

2.3 To the northern side of the building is an access and delivery area for the supermarket. There is a shop ('Car-Care') facing this side of the site with a first-floor store room window facing the site. There is also a detached bungalow with ground floor windows facing the northern side of the site, which serve main habitable rooms. There is a low wall and hedge between the site and this neighbour. From the site, there is a limited view of the windows in this bungalow as they are screened significantly by the hedge. To the rear of the site is a grassed area. Houses on West View have their main rear elevations and rear gardens facing this western side of the site. There is a private access path that runs along the rear boundary of these dwellings. A Public Right of Way runs down the southern side of the building. Beyond this, there is a 2m high wall along the boundary with neighbouring properties to the south. These properties facing onto the southern side of the site consist of the main rear elevation of a bungalow 'The Old Smithy', the side elevation of a property fronting West View 'Lyndencot', the garden of No. 39 High Street and an angled view of the rear of this property. This has a secondary first-floor window in the side facing the site with obscure glazing and a ground floor side window, which has been bricked up since the previous application was determined in June 2021.

3.0 The Proposal

3.1 The application proposes the conversion of the first-floor of the building into five residential dwellings. The proposal includes external alterations to the existing building. New windows, including some projecting windows, are proposed in the rear and sides of the building. Balustrades are proposed to the front elevation. An existing vent in the east elevation would be replaced by 2 windows. Ground-floor doors are proposed to be inserted to the rear of the north elevation. A new external staircase is proposed to the southern elevation. The existing staircase on the north elevation would be removed. A bin store would be provided in the ground floor of the new staircase, along with a cycle store, and separately in the rear garden space. A cycle store is proposed in the ground floor of the existing supermarket, along with access stairs to one of the apartments. Part of the rear of the building is to be 'cut out' setting back the rear and side elevations in part. This would have a flat roof and would be enclosed by a parapet wall and screening forming an enclosed roof top. A fence is proposed to enclose the grassed area to the rear of the building, and a path would be created along the back of the building. The grassed area is shown to be used as a garden space for the proposed apartments.

4.0 Relevant planning history

4.1 21/00113/FUL

Conversion of first floor to form five residential apartments (C3), with insertion of new windows, and repositioning of external staircase and enclosure of roof top. Refused

4.2 19/00769/FUL

Conversion of first floor to form five apartments with insertion of new windows, and repositioning of external staircase and provision of wall and fencing (resubmission of 19/00230/FUL). Refused (appeal dismissed)

4.3 19/00230/FUL

Conversion of first-floor to form seven apartments with insertion of new windows and repositioning of external staircase and provision of wall and fencing. Withdrawn

4.4 18/00158/ADV

Part retrospective application for the erection of 5 x 'One Stop' (3 x illuminated) (2x non-illuminated) signs, 1 x 'Post Office' illuminated fascia sign, 4 x non-illuminated direct print panels, and 4 x non-illuminated poster frames. Consent granted

4.5 13/00417/FUL

Two full height replacement windows and installation of ATM machine and window to replace existing entrance door to front elevation. Approved

4.6 06/00317/FUL

No. 39 High Street (Neighbouring property to south)
Rear conservatory. Approved

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
- SP8 Health and Well-being
- CDMP1 Environmental Protection
- CDMP2 Flood Risk and Surface Water Management

- CDMP3 Design
- CDMP5 Historic Environment
- CDMP6 Accessibility and transport
- HP1 Housing Land Supply
- EP4 Town, District, Local and Neighbourhood Centres

5.2 National Planning Policy Framework 2021

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 20 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 of most relevance:

- Section 2. Achieving sustainable development
- Section 5. Delivering a sufficient supply of homes
- Section 7. Ensuring the vitality of town centres
- Section 8. Promoting healthy and safe communities
- Section 9. Promoting sustainable transport
- Section 11. Making effective use of land
- Section 12. Achieving well-designed places
- Section 16. Conserving and enhancing the historic environment

5.2.3 In accordance with the National Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF) S74, 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 Housing Implementation Strategy (published 30 September 2021) which demonstrates a deliverable housing land supply position of 6.4 years. The council's position therefore is that it is able to demonstrate a deliverable 5 year housing land supply.

Other material considerations

5.3 Supplementary Planning Guidance

SPG 4: Spacing Guidance for new housing layouts

5.4 Other relevant considerations

5.4.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), S.66 and S.72;

5.4.2 Historic England, Good Practice Advice in Planning.

6.0 Consultation responses

6.1 Garstang town council

6.1.1 Neutral

6.2 Lancashire county council (highways)

6.2.1 No objections. Request for condition on cycling facilities.

6.3 Lancashire county council (public rights of way)

6.3.1 No comments received

6.5 The ramblers

6.5.1 No comments received

6.6 Wyre borough head of engineering services (drainage)

6.6.1 No objection

6.7 Wyre borough head of environmental health and community safety (noise)

6.7.1 No comments received. Comments previously received on application no. 21/00113/FUL were that following the receipt of further information in the form of a revised noise assessment, there is no objection provided the mitigation is installed i.e. upgraded glazing and trickle vents to the proposed apartments.

6.8 Wyre borough head of public realm and environmental sustainability (waste and recycling officer)

6.8.1 No comments received. Comments previously received on application no. 21/00113/FUL were that there does not appear to be a dedicated bin store facility for the residential apartments, but providing the residential apartments have access to the courtyard area and their bins can be stored in the Courtyard (in close proximity to the entrance at Garstang High Street), collections can be undertaken as there is direct access from Garstang High Street.

7.0 Representations

7.1 7 letters of objection have been received, points raised are as follows:

- loss of privacy and overlooking
- cill height of high level windows not specified, nor the opening arrangements
- noise disturbance from entrances and use of garden and path

- visually detrimental to the conservation area
- the proposed floor plans have no drawing number, key or annotations.
- the plans have no measurements or helpful detail
- access issues for waste removal and access along fenced off path for existing residents
- amenity and security issues with use of path along the rear of West View
- safety implications of use of roof top
- issues of security and privacy in relation to views from roof garden
- no public notices have been displayed
- comments on legislation relevant to 'repeat applications'
- no lift, therefore only suitable for able-bodied individuals
- Section 6, titled 'Planning Policy Assessment', states that "Apartment 1 will be accessed via the existing door located on the northern side of the building." This is factually incorrect, there is no existing door here.
- question of access for refuse vehicles or feasibility of commercial waste removal
- high-level windows do not provide acceptable living conditions for future occupants
- no details on the front balustrades including their height and safety implications of this
- noise assessment out of date
- no 3D imagery of northern elevation, questions reason for this
- inadequate detail about enclosure of rear garden
- threaten security of adjacent properties
- inadequate parking
- congestion along the back of West View and Graystons Weind

7.2 2 letters of support have been received, points raised are as follows:

- Flats more affordable for local people.
- Would not be to the detriment of the area.
- Need for more accommodation.

8.0 **Contacts with applicant/agent**

8.1 Revised plans and noise assessment received 14/10/21

9.0 **Issues**

9.1 The main issues in this application are as follows:

- Principle of development
- Visual Impact / Design / Impact on the street scene
- Impact on residential amenity
- Impact on Highway / Parking
- Flood risk and drainage

Principle of development

9.2 The site is within the Town Centre of Garstang. It is also within the Garstang Conservation Area. The visual impacts on the Conservation Area are discussed in the next section. Policy SP1 of the Adopted Local Plan identifies Garstang as a key service centre and directs development to within settlement boundaries, including Garstang. The proposal would meet the sustainable development goals of Policy SP2 of the Adopted Local Plan, including “maximising the use of previously developed land” and “ensuring accessible places and minimising the need to travel by car”. The site is in an accessible location with services, employment and access to public transport within walking distance of the site. Policy EP4 of the Adopted Local Plan encourages a diversity of uses within defined centres to maximise their vitality and viability. The site is not allocated or protected for a specific use, with the site outside of the Primary Shopping Area. The proposal would make use of the first-floor of an existing supermarket, so would not result in the loss of retail provision in the Town Centre. On this basis it is not considered that the proposal would unacceptably impact on the vitality and viability of the Town Centre and therefore would comply with Policy EP4. Overall, the proposal is considered to be acceptable in principle.

9.3 Policy SP2 of the Local Plan requires development proposals to demonstrate a response to climate change. In this case, the site is in Flood Zone 1, the lowest classification for flood risk. There is the potential for some tree planting in the proposed rear garden, which could be agreed through a planning condition. In this case, it is not considered reasonable to require an electric vehicle charging scheme, as no car parking is proposed. Overall, based on the accessible location of this proposal and that it involves the reuse of part of a building and is in flood zone 1, it is considered to provide residential accommodation that forms sustainable development and provides an adequate response to climate change to meet the requirements of Policy SP2.

9.4 As the proposal would provide only 5 dwellings, there is not a Local Plan policy requirement for the provision of Green Infrastructure, affordable housing or contributions towards education or health care. For this small number of dwellings there is also no policy requirement for a certain housing mix be provided, or for it to be designed to be adaptable for older people. One of the representations refer to the lack of a lift, however, this is not a planning policy requirement, but may be covered by separate Building Regulations legislation on accessibility.

Visual impact / design / impact on the conservation area

9.5 The site is within the Garstang Conservation Area. The building is existing and is described by the Conservation Officer as ‘a modern, probably 20th Century, purpose-built retail store’ which ‘contributes nothing to the special character, appearance or historic value of the Garstang Conservation Area’. The proposal includes external alterations to the building, including the insertion of windows and doors, removal of the existing external staircase and

its replacement, and the erection of fencing. Some of the proposed windows are flush with the wall, and others are proposed as projecting windows. The council's Conservation Officer considers all of the external works to be in keeping with the style of the existing building and that the proposed development would preserve the appearance of the conservation area and sustain the significance of this designated heritage asset in conformity with S.72 of the PLBCA, Section 16 of the NPPF and policy CDMP5 of the Adopted Wyre Local Plan.

9.6 It is considered that the replacement external staircase would be in keeping with the building and would not stand out as obtrusive or be visually harmful to the conservation area. It would be of a scale and design in keeping with the main building. The proposed fencing to enclose the rear grassed area is considered to be visually acceptable in terms of its siting. As no materials details have been submitted for the proposed pathway, staircase or fencing these would need to be agreed by condition.

9.7 It is acknowledged that the building is a modern building and the insertion of windows in the structure would not be visually unacceptable in itself. On previously refused application no. 19/00769/FUL at appeal the Planning Inspector addressed the visual impact of proposed projecting windows on the building. It was stated 'whilst the frames of the projecting windows would be wide, this would reflect the existing bulky window frames to the front of the building. At first floor level they would draw the eye and be visible from the highway and nearby properties, however their scale would be minor, and their form would be in keeping with the angular appearance of the building. A planning condition could also ensure a suitable quality of materials'. The Planning Inspector went on to state 'there are no similar windows in the vicinity of the site, however, the building is already unique within the street scene, and for the above reasons they would not detract from the overall commercial nature of the building or the prevailing character and appearance of the area'. That application proposed three projecting windows, as does this current application, albeit in a different position. Overall, based on the advice from the council's Conservation Officer and the comments of the Inspector on the previous planning appeal, it is considered that the visual appearance of the proposed windows would be acceptable on this relatively modern building. A condition could be used to agree the details of the materials.

9.8 Balustrading is proposed to the front elevation to enclose existing flat roof areas and to the proposed roof top at the rear. It is considered that this would also be in keeping with the appearance of the building, and the materials details could be agreed through condition as could the materials of the external bin store. Overall, the proposal would not have an unacceptable impact on the visual appearance of the area, including the character and appearance of the conservation area and the setting of the Public Right of Way (PROW).

9.9 A communal garden area is shown to the rear of the site. This is already a grassed area, but would be fenced off and would serve the

development. It is considered reasonable that a condition be used to require a maintenance plan for this area of open space. A path and area of hardstanding is shown around the building. The details of this could be agreed through condition.

Impact on residential amenity

9.10 Light – it is proposed to build a new staircase on the southern side of the building. This would have a flat roof, which would have a height of 6.93m. It would project out beyond the existing side elevation by 1.2m. It would be directly opposite the gardens of ‘The Old Smithy’ and ‘No. 39’ to the south of the site. At present the gardens of these properties are already enclosed to this side by the supermarket building, which is higher than the proposal, so it is not considered that the staircase being 1.2m closer would have a significantly greater impact over the existing situation in terms of being overbearing or causing loss of light. The main rear elevation of ‘The Old Smithy’ would have an angled view of the extension, however, it is not considered that this would be significantly more harmful than the present layout. The roof height of the south-west corner of the supermarket is to be reduced, which may present a reduced sense of enclosure to this neighbour than at present. A new 2m high fence is proposed to enclose the rear grassed area. This would include a fence along the western boundary opposite the rear elevations of properties on Park Hill Road. Some of these properties have rear extensions themselves, bringing them closer to the boundary with the site. The general separation distance from the fence would be around 7m, but in some cases it would be reduced to around 3.6m. Despite this proximity, it is considered that this would still provide a sufficient gap for the 2m high fencing not to be overly enclosing to the ground floor windows of these properties or harmfully reduce their light. It should be noted that generally fencing of this height could be erected without requiring planning permission.

9.11 Overlooking – new window openings are proposed in the rear and sides of the building. There are already large windows in the front of the building. The distance between the front windows and the properties on the opposite side of the High Street is at least 30m, so it is not considered that there would be an unacceptable overlooking impact from these front windows serving residential flats. Balustrades would be provided and the flat roof areas made accessible to the occupants. These would be over 21m from the properties opposite, so would not cause unacceptable overlooking. A first-floor window is proposed in the angled part of the southern elevation at the front. This would face the High Street and would not cause unacceptable overlooking. A projecting window in the northern side would also face the High Street. It would potentially also have a view of the side of ‘Car Care’, which would not cause unacceptable harm.

9.12 First-floor windows are proposed in the southern side elevation. Two are shown to be projecting windows with angled windows. The projecting windows would face the rear elevation and part of the rear garden of ‘No. 39’. This neighbouring property has a takeaway at part of the ground-floor. There is a 2m high wall to the adjacent Weind. There is a door and window in the

rear of the takeaway kitchen that would be directly faced. As these do not serve residential accommodation, this would be acceptable. Until recently there was a ground-floor window in the side of No. 39 serving a residential flat, around 5m from the proposed windows. However, since the last application (no. 21/00113/FUL) this window has been bricked up, as it is under the ownership of the applicant. This means that there would not be overlooking to a side ground-floor window at No. 39. The first-floor window in the side of No. 39 is obscure glazed, so this does not present overlooking concerns. Part of an outdoor area would also be faced. As this is already directly faced by the window in the takeaway kitchen and forms a relatively small area of the outdoor space, with the main garden space not overlooked, it is not considered that this would present an unacceptable impact on amenity.

9.13 A ground-floor door and doors to the bin store are also proposed to this southern side elevation. As there is already a Public Right of Way along this side of the site, it is not considered that the potential for overlooking would be more harmful to neighbouring amenity than at present. First-floor windows are proposed in the southern side towards the rear of the building. These would be 20m from the main windows in the rear of 'The Old Smithy' and over 14m from their garden. Although not a typical residential situation, the principle of the spacing standards in SPG4 can be applied. Normally, 21m is an expected separation distance between main first-floor windows, therefore, the proposal would be 1m short of this. A parapet wall and balustrading is proposed to enclose the roof top area. A section has been proposed showing the parapet wall to be 0.8m above the floor level and the glazing would be 1.2m above this, providing 2.1m of screening above floor level. It is considered that this would sufficiently provide adequate screening from the windows towards this neighbouring property, so as to prevent unacceptable overlooking. A condition could be added for this screening to be provided. With the separation distance to be provided, there would not be unacceptable overlooking of the neighbour's garden.

9.14 First-floor windows are proposed in the rear of the 'cut-out' rear wall. These would be 17m to the neighbours' gardens and 20m to the closest main window. As set out above, screening is proposed to the roof-top area. If provided as set out above, this would prevent unacceptable overlooking. There is an existing first-floor window in the angled rear wall in the north-west. This currently serves a staff room, and is proposed to serve a bedroom. This is approximately 4.5m from the boundary with the bungalow to the north, known as 'Oddfellows Hall' and 9.5m to the closest neighbour's garden on West View and 12m from their rear windows. As this room being a staffroom, can already be used by staff during the supermarket opening hours, it is not considered that its use as a bedroom would have significantly greater potential for overlooking than at present. Ground floor doors on this side would be adequately screened by an existing hedgerow to the boundary. First-floor windows are proposed in the northern side of the building. Some of these would be high-level windows. Two high-level windows serving a stairwell and plant room would be closest to the boundary, with a separation distance of 3m from the boundary and 6m from the main elevation of the neighbour. A

condition could be used to ensure that they are obscure glazed and non-opening to prevent overlooking. Other windows are proposed in this side, which would be a minimum of 12m from the boundary and 14.45m from the main rear elevation. The separation distance from the garden meets the standard required distance, typically found in residential situations. In the decision notice for the appeal on application no. 19/00769/FUL, which is a material consideration, the Inspector stated 'an existing wall and high level planting provide screening for the windows to the side of Oddfellows Hall. This in combination with the separation would prevent loss of privacy'. As the windows on the current application are proposed in a similar position as on that application, with the same situation as previously in terms of the separation distance and boundary treatment, it is considered that the proposal would not result in unacceptable overlooking to the neighbouring property to the north to warrant the refusal of the application. A neighbour has commented that the cill height and opening arrangements of the high-level windows are not shown. However, as it is considered that there would not be unacceptable overlooking in this direction based on the above assessment, there is no requirement for this information.

9.15 Two windows are proposed in the rear part of the building facing towards the front of the site behind the delivery area. For the same reasons as above, plus the angled view, these would not cause unacceptable overlooking to the bungalow to the north.

9.16 Noise/disturbance – the proposed use is residential and it is considered that this would be compatible with the adjacent residential uses. Some neighbours have objected about noise/disturbance, but in this town centre location it is not considered that the proposal would have a significantly greater impact over the existing situation. There will already be people coming and going, activity at the supermarket delivery yard and general background noise. Residential uses are generally compatible with each other, and if a resident is considered to be unacceptably noisy this could be dealt with through separate legislation. No external lighting is proposed and a condition could be added to ensure that any external lighting is agreed with the Council. Light from within the rooms of the flats would be that typically found in residential situations, and it is not considered that it would be unacceptably intrusive. A 2m high fence has been proposed to enclose the rear grassed area. This would provide privacy to the adjoining gardens and could be conditioned to be provided.

9.17 Concerns have been raised from neighbours about the use of the roof-top area. This has not been shown to be accessible on the proposed plans, with no door access. A condition can be imposed such that the insertion of a door would require planning permission and any such proposal could then be considered on its own merits.

9.18 Amenity of occupants – each main room of the flats would have a window providing a view and outlook. This would present adequate amenity to the occupants of the proposal. A communal outdoor garden area is proposed

to the rear for the users of the flats. This would be adequate outdoor amenity space in a town centre location.

9.19 A bin store has been shown to the ground-floor of the building under the stairwell to serve the flats and in the communal garden area. The internal bin store would be 24m from the High Street. The external bin store would be around 22m from Park Hill Road. LCC Highways state 25m is the maximum distance a two wheeled refuse container is to be transported to the refuse wagon. Therefore, the bins stores proposed are considered to meet this requirement and there will be adequate waste facilities compliant with Policy CDMP3 of the Adopted Local Plan. A condition could be added for them to be provided as shown.

9.20 A noise assessment has been provided, which is as submitted on the previous application. Environmental Health previously commented on this information, on application no. 21/00113/FUL, and had no objections. As the circumstances in relation to noise are the same in this current application, the comments are still considered to be relevant. The mitigation measures requested by environmental health can be conditioned, which are upgraded glazing and the provision of trickle vents. This will provide adequate amenity to the occupants of the flats.

Impact on highway / parking

9.21 Lancashire County Council (LCC) Highways have been consulted on the application. There are no concerns raised about traffic or highway safety. Whilst no on-site parking is proposed, as the site is in the town centre, LCC Highways have no objections to this. It would be expected that residents would use sustainable transport and therefore the lack of parking is considered to be acceptable in this location. It is considered that the proposal would provide acceptable cycle storage and this would need to be conditioned to be provided. A fence is shown to separate the flats off from the delivery yard, which will support safe access. A condition could be added for this fence to be installed prior to occupation.

Flood risk

9.22 The site is in Flood Zone 1. The council's drainage engineer has been consulted on the application and has no objections. There are no flood risk concerns with the proposal. A sequential/exception test is not required to be carried out for this development in Flood Zone 1.

9.23 There is considered to be a technical means of suitably draining the site. Surface water and foul drainage details are required and these could be conditioned to be provided. This would ensure suitable drainage is utilised and the sustainable urban drainage (SUDs) hierarchy followed.

Other issues

9.24 A Public Right of Way (PROW) runs along the southern side of the building. LCC Public Right of Way Officer and The Ramblers have been consulted on the application but have not commented. The site plan shows the route to remain open, therefore it is considered that the proposal would comply with Policy CDMP6 of the Adopted Local Plan, which requires proposals to not have an adverse impact on an existing Public Right of Way and the public's enjoyment of it. As a precaution an informative could be used to ensure that the developer is aware that this route should not be blocked. Neighbour comments have been provided raising concerns about congestion on the route and encroachment onto the PROW. As the route can be used by the public and is in a town centre location, it is not considered that the potential additional users from 5 apartments, would cause a significantly greater level of congestion. When the internal bin and cycle stores are being used, there may be some additional activity on the route, but it is considered that this would cause minimal interference for users, and akin to any general delays caused on the highway when refuse is collected.

9.25 A neighbour has raised a point that the existing hedge is not shown on the plans. Any existing landscaping within the application site could be shown on a landscaping scheme to be agreed through condition. Any vegetation on neighbouring land, outside of the application site or applicant's ownership would not be under the applicant's control.

9.26 Concerns have been raised about security of the entrances and site in general. This would be a private matter that would be the responsibility of the site owner and flat owners/occupiers. The grassed area to the rear is currently open to the Public Right of Way, so does not currently provide security.

9.27 Concerns have been raised about access to the rear of properties on Park Hill Road, including for bin collection and emergency vehicles. The site plan shows the existing path to the rear of these properties to be retained. These neighbours do not currently have any control of the land within the application site, and any access rights on such land would be a private matter between the parties involved. It should be noted that the erection of fencing or means of enclosure on land can generally be carried out without planning permission as permitted development.

9.28 Concerns have been raised about the safety of the balustrades and roof top. Health and safety of structures is not a planning matter, but covered by separate legislation, however, it should be noted that there is no door access proposed to the roof top, as set out above.

9.29 Comments were raised about the lack of information (scale, key, etc.) on one of the drawings. This has been corrected. A site notice has been erected at the application site, as set out above. Comments have been raised about 'repeat applications', however, there are considered to be material differences with this application over those previously submitted, as such the council is required to determine it.

10.0 Conclusion

10.1 In this town centre location it is considered that the proposal is acceptable in principle, providing housing in an accessible location and within the settlement boundary on previously developed land. The proposal has been designed so as to be visually acceptable, respecting the character and appearance of the conservation area. The bin and cycle storage proposed to the flats would be adequately located so as to enable the convenient and safe removal of the domestic waste or access to cycles. The proposal would provide adequate amenity for the occupants of the flats themselves and would not unacceptably impact on the amenity of neighbouring properties. There are no highway safety concerns with the proposal. As such the proposal is considered to comply with the NPPF and aforementioned Local Plan Policies.

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

12.1 Grant full planning permission subject to conditions.

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 22 July 2021 including the following plans/documents:

Location plan 1:1250
Proposed site plan 2021-PSP-01C
Site plan with interface distances 2020-PR-03C
Proposed site plan and balustrading detail 2020-PR-05
Proposed elevational plans 2021-PR-02D
Proposed elevations 2020-PR-06
Proposed floor plans 2021-PR-01C

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. Prior to the first occupation of any apartment hereby permitted, a plan indicating the positions, design, materials and type of boundary treatments to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be completed before the apartments are first occupied and shall thereafter be maintained and retained in accordance with the approved details.

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).

4. Prior to the commencement of development, a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan, with evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates to be submitted. For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No part of the development shall be occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved scheme. 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, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services.

5. No apartment hereby approved shall be first occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of

soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

The landscaping works shall be carried out in accordance with the approved details prior to first occupation of any apartment hereby approved or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

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 sustainable development, in accordance with Policies CDMP3 and SP2 of the Wyre Local Plan (2011-31).

6. No development above ground level shall be commenced until details of the materials to be used in the construction of the external surfaces of the development (including the external walls, roof, balustrades, windows and external bin store) 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 including the Conservation Area in accordance with Policies CDMP3 and CDMP5 of the Wyre Local Plan (2011-31).

7. The refuse storage area(s) shown on the approved plans shall be provided in accordance with the approved details prior to first occupation of any apartment and shall thereafter be maintained and retained.

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).

8. Prior to the first occupation of any apartment hereby approved, an Open Space Management Plan, including long term design objectives, management responsibilities and maintenance schedules for the area of open space, shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be implemented in accordance with the approved details during the lifetime of the development.

Reason: To ensure the long term management and maintenance of amenity space within the site in the interests of visual amenity and the health

and wellbeing of occupants in accordance with Policies SP8 and HP9 of the Wyre Local Plan (2011-31).

9. Prior to the first occupation of any apartment hereby approved, the following noise mitigation measures shall be implemented:

- All apartment windows shall be fitted with 10mm/16mm argon/8.8mm Pilkington Optiphon glazing unit offering 44(-2;-6) dB Rw or similar; and
- All apartment windows shall have Titon SF Xtra TA5225 (V75) + TA5206 (C75) 2500EA trickle vents fitted that will achieve a level of Dnew (C;CTr) of 44(- 2;-3) dB

These noise mitigation measures shall thereafter be retained and maintained.

Reason: To ensure there is no adverse effect on the health and quality of life of future occupants and to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

10. Prior to the first occupation or use of the development hereby approved, the floor window(s) in the north elevation(s) serving the stairwell and plant room shall be:

- i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
- ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The window(s) (including any subsequent repaired or replacement window) shall be maintained and retained thereafter in accordance with this detail.

Reason: To safeguard the privacy of adjoining residents and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

11. Prior to first occupation of any part of the development hereby approved, the secure cycle storage provision shown on the approved plans (Proposed floor plans 2021-PR-01C) shall be provided and thereafter maintained and retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with policy CDMP6 of the Wyre Local Plan (2011-31).

12. Prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority.

The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained and retained thereafter.

Reason: To safeguard residential amenity in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

13. Prior to the first occupation of any of the residential units hereby approved, a 0.9m parapet wall (from floor level) and 1.2m high obscure glazing screening above this, shall be provided to the rear flat roof as shown on the approved plans (Proposed site plan and balustrading detail 2020-PR-05 and Proposed elevational plans 2021-PR-02D). The obscure glazing shall be at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured). The glazing (including any subsequent repaired or replacement glazing) shall be maintained and retained thereafter in accordance with this detail).

Reason: To protect residential amenity in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

14. 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), there shall be no new first floor openings created with direct access onto the rear rooftop area nor shall there be any alterations to the existing first floor windows with direct outlook onto the rear rooftop area without express planning permission from the Local Planning Authority.

Reason: To ensure that the Local Planning Authority have control over any future development to prevent access to the flat roof at the rear of the building in order to protect adjoining properties from overlooking and noise disturbance and to comply with Policy CDMP3 of the Wyre Local Plan (2011-31).

Notes: -

1. This permission does not relate to the display of any advertisements which may require consent under the Town and Country Planning (Control of Advertisements) Regulations 1989.
2. If any part of the proposed development encroaches onto neighbouring property the approval of the adjoining owners should be obtained before the development is commenced.
3. The grant of planning permission does not authorise any closure, obstruction or diversion of a public right of way. Any proposed stopping-up or diversion of a public right of way should be the subject of an Order under the appropriate Act and Lancashire County Council should be contacted for advice in the first instance.

Planning Committee

Item 2



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Organisation	Wyre Council
Department	Planning Department
Comments	21/00940/FUL
Date	20/10/2021
MSA Number	100018720

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Committee Report**Date: 03.11.2021****Item Number** **03****Application Number** **21/00881/FUL****Proposal** **Application for the retention of first floor balcony, with alterations to existing first floor fenestration and balustrade****Location** **43 Hathaway Road Fleetwood Lancashire FY7 7JH****Applicant** **Mr Michael Worthington****Correspondence Address** **c/o Mrs Adele Earnshaw
41 Shaw Road Blackpool FY1 6HS****Recommendation** **Refuse**

Report of the head of planning services

Case officer - Miss Fiona Flower

1.0 Introduction

1.1 This application is before the Planning Committee for consideration at the request of Cllr Fairbanks. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

2.0 Site description and location

2.1 The site which forms the subject of this application is located on the southern side of Hathaway Road, Fleetwood. Located in a prominent corner position with Beach Road, the site is occupied by a two-storey semi-detached dwelling. The application property is positioned so that its front elevation faces north-west, looking over Fleetwood Cemetery towards Rossall Point. Other properties within the street comprise a similar design and size.

3.0 The proposal

3.1 This application follows two previously refused applications, 20/00885/FUL and 21/00014/FUL, albeit with a slight modification.

3.2 This application seeks permission for the retention of a first floor balcony to the front elevation. The balcony has a maximum width of 6.55m

and projects 1.05m from the front elevation of the dwelling. The balcony is supported by two columns at either end, approximately 2.63m in height. The balcony has a balustrade of grey composite cladding, with centrally located transparent panel. Alterations to this balustrade are proposed, with provision of an obscure glazed UPVC frame screen sitting on top of the cladding at 1.8m in height to the southern and northern end of the balcony, and two further transparent panels within the front balustrade. The other panels would remain in grey composite cladding.

4.0 Relevant planning history

4.1 20/00885/FUL - Retrospective application for the retention of balcony at first floor to front elevation - Refused

4.2 21/00014/FUL- Retrospective application for the retention of balcony at first floor to front elevation (Re-submission of application 20/00885/FUL) - Refused

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 are of most relevance:

- CDMP3 - Design

Other material considerations

5.2 National planning policy framework

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 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). Good design is a key aspect of sustainable development. The NPPF sets out a number of planning policies concerned with achieving well-designed places including providing a high standard of amenity.

5.3 Wyre supplementary planning guidance

5.3.1 Extending your home supplementary planning document (SPD):

Design Note 1 - General principles

5.3.2 Supplementary Planning Guidance Note 4 - Spacing Guidance for New Housing Layouts

6.0 Consultation responses

6.1 Fleetwood Town Council - No response received

7.0 Representations

7.1 3 representations have been received in support of the application, reasons include:

- attractive design
- does not impact upon light or privacy

8.0 Contact with applicant/agent

8.1 Contact was made with the Agent to make them aware of the committee request and date of committee meeting.

9.0 Assessment

Principle of development

9.1 Extensions to an existing property within its curtilage are acceptable in principle.

Design and visual impact

9.2 The application follows two previously refused applications for the retention of a first floor balcony. The only change to the proposal under this current application is the addition of obscure glazed screen panels at both ends of the balcony, and additional transparent panels to the front of the balustrade. Despite these changes, the design and visual impact issues identified under the previous applications are still a concern. The obscure-glazed screens, proposed to overcome amenity concerns, are considered to exacerbate the design flaws of the proposal. The balcony would still create an imbalance on the pair of semi-detached properties, forming an intrusive feature within the street scene, and is not considered suitable in this location given it is not in-keeping with the character of the host dwelling or surrounding area. As determined with the previous applications, the scale, siting, and use of bulky materials are considered to be visually detrimental and contradict the councils design guidance (Extending Your Home SPD) and provisions set out in Policy CDMP3 of the WLP31.

Residential amenity impact

9.3 All observations and representations raised by neighbours are acknowledged, however only the material planning matters raised can be taken into account.

9.4 The balcony extends the full width of the front elevation up to the adjoining property, number 138 Beach Road. The proposed plans show the addition of an obscure glazed screen panel to the southern end of the balcony where the application property adjoins with its neighbour. The proposed screen would lessen impacts from overlooking, however the nature of a first floor balcony in this position still has potential to appear overbearing upon no.138.

9.5 The neighbouring property to the north of the application site, on the adjacent corner of Hathaway Road, is number 52. The distance between the front elevations of these properties is approximately 14.5m. Whilst this distance is less than the 21m minimum distance stipulated within the councils spacing guidance (SPG4) between front elevations, the elevations do not directly face onto each other. As such the provision of a first floor balcony to the front elevation of the application dwelling including obscure glazed screen to the northern end is not considered to result in significant overlooking impacts upon the residential amenity of no.52

9.6 Whilst there will be some impact upon the residential amenity of the above neighbouring properties, it is not considered that the proposal would result in such significant adverse impact to be contrary to policy CDMP3 of the Local Plan in this regard.

Parking and highway safety

9.7 The application proposal would not result in parking or highway safety concerns.

Flood risk

9.8 The application site is not located within an area identified as at risk from flooding, therefore no issues are identified.

Other material considerations

9.9 Ecology - no issues identified.

9.10 Trees - no issues identified.

9.11 Land contamination - no issues identified.

10.0 **Conclusion**

10.1 The proposal is considered to be of poor design and visually harmful to the host dwelling and to the street scene, by reason of its siting, scale and use of bulky materials. This would contradict the design requirements of the NPPF, Adopted Wyre Local Plan Policy CDMP3, and the council's Extending Your Home SPD.

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**

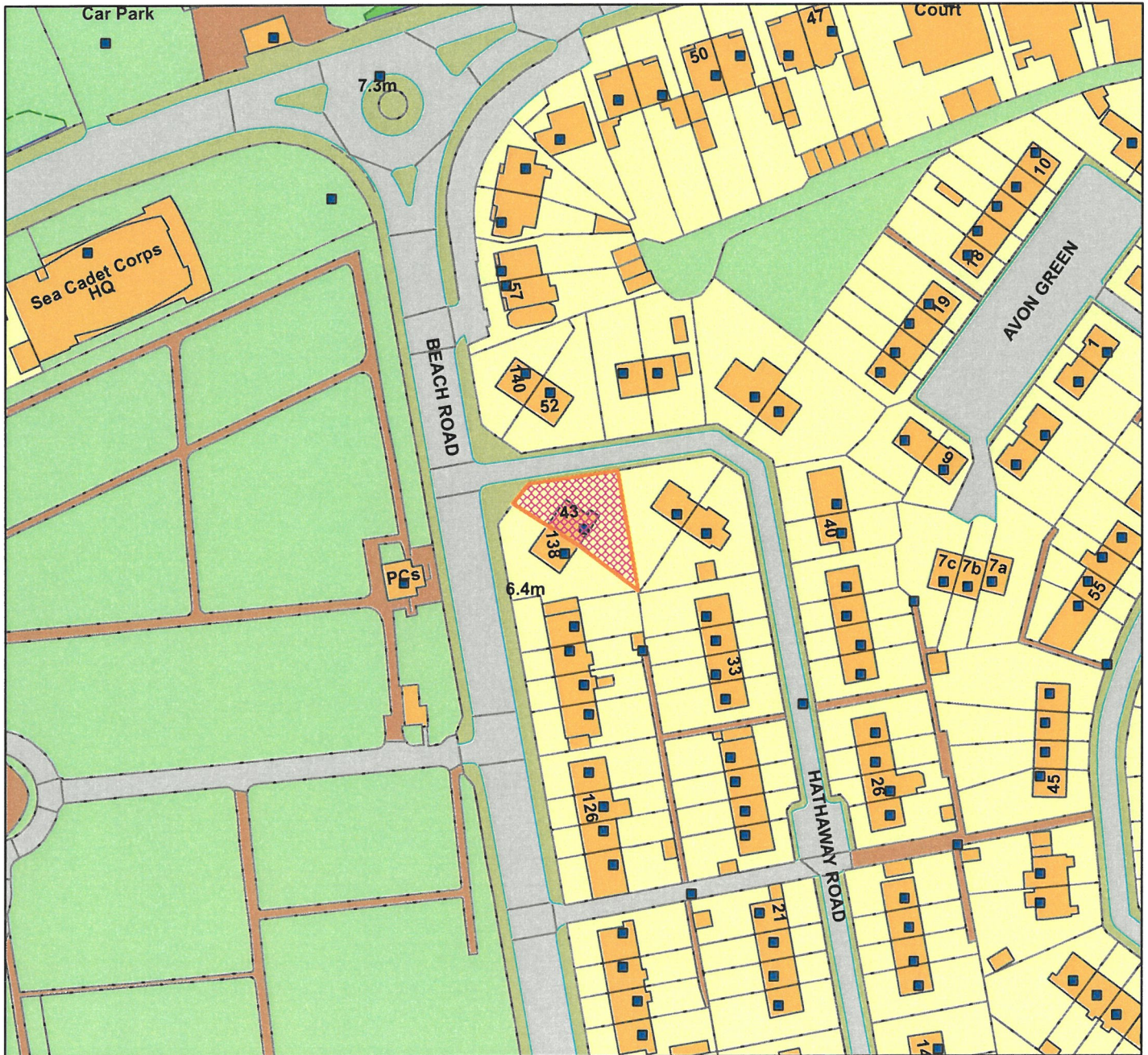
12.1 Refuse planning permission for the following reason:

1. The proposed balcony on the front elevation would, by virtue of its scale, siting, elevated position and use of bulky and incompatible materials, be disproportionate and present an incongruous feature that would be detrimental to the character and appearance of the existing property and wider street scene. As such, the proposal is considered to contradict Policy CDMP3 of the Adopted Wyre Local Plan (2011-2031), the design guidance set out within the Council's adopted 'Extending Your Home' Supplementary Planning Document, and the provisions of the NPPF.

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Planning Committee

Item 3



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Organisation	Wyre Council
Department	Planning Department
Comments	21/00881/FUL
Date	20/10/2021
MSA Number	100018720

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Report of:	Meeting	Date	Item No.
Mark Billington Corporate Director Environment	Planning Committee	3 November 2021	

Wyre Council Tree Preservation Order No5 of 2021: Land to the north east of The Iron Horse Public House, Fleetwood Road North, Thornton Cleveleys, FY5 4LH.
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1. Purpose of report

1.1 To consider the objection to the making of Wyre Council Tree Preservation Order No5 of 2021: Land to the north east of The Iron Horse Public House, Fleetwood Road North, Thornton Cleveleys, FY5 4LH.

2. Outcomes

2.1 To determine whether or not to confirm the Wyre Council Tree Preservation Order No5 of 2021: Land to the north east of The Iron Horse Public House, Fleetwood Road North, Thornton Cleveleys, FY5 4LH.

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 No5 of 2021: Land to the north east of The Iron Horse Public House, Fleetwood Road North, Thornton Cleveleys, FY5 4LH. ("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** On 1st June 2021 the tree officer visited site and undertook an appropriate tree evaluation method for preservation orders (“TEMPO”) which guided the subsequent decision to make the TPO. The TPO applies to a broadleaved woodland “W1” comprising of willow, alder, sycamore, hawthorn and elder trees.

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

- 5.2** On 17 June 2021 Wyre Council made Tree Preservation Order No5 of 2021: Land to the north east of The Iron Horse Public House, Fleetwood Road North, Thornton Cleveleys, FY5 4LH. A copy of the TPO plan and Lancashire Map current aerial imagery showing W1 are appended to this report at Appendix 2.

- 5.3** 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.
- 5.4** It is understood that a planning application has recently been submitted in relation to the site where W1 is located but the status of this application is invalid
- 5.5** The period for any objections and representations to be made to the Council in respect of the TPO ended on 15 July 2021. On 15 July 2021 Wyre Council received a TPO objection report compiled by a tree consultant forwarded by e-mail from planning consultants acting on behalf of their client the owner of the site.

A copy of the TPO objection report is appended to this report at Appendix 3.

6. Summary of Objections

The Conclusion of the TPO objection report provides the grounds of the objection. This has been included below for ease of consideration.

6. Conclusion

- 6.1.1. This objection to the recently placed TPO; Tree Preservation Order No 5 of 2021, Land at the north-east of The Iron Horse Public House, Fleetwood Road North, Thornton Cleveleys is on the grounds of;
1. The site is allocated for development under the Wyre Local Plan 2014 Strategy Site Location Hill House Technology Enterprise Zone.
 2. Historical planning application have seen the site half cleared of trees and approved from removal of trees with replacement planting schemes.
 3. The TPO has been made on the grounds of the expediency of amenity. This amenity is limited from 3 out of the 5 viewpoints (as detailed in the TEMPO assessment. From the most accessible viewpoints the trees do not possess significant visual prominence.
 4. From using the TEMPO scoring system 4 trees and 5 groups do not merit the placement of a TPO
 5. The 1 tree and 1 group that could be defensible only scored very low and therefore we challenge their inclusion in the TPO.
 6. The conditions on site could reduce the longevity of trees
 7. The trees overall are predominantly of low quality as individuals. They do not constitute a woodland with the only value coming from the cohesive grouping.
 8. The amenity of the trees only comes from them as group feature by the users of Fleetwood Road, Fleetwood Road North or from within the car park of the Iron Horse Public House, albeit this is private land. Development of this site would increase the levels to alleviate the issue of flooding so new trees could be planted of a better quality and designed to create a new amenity feature or longer term tree cover.

7.0 Response to Objections

- 7.1** The site is allocated for mixed use development. The policy sets out that development “shall be supported by a landscape and green infrastructure framework, incorporating structured tree planting”. It is clear that any proposed development application would need to take into account existing trees, W1 and associated amenity values relevant to that application. The policy does regardlessly not justify the clear-felling of existing trees as is suggested in the objection.
- 7.2** Any historical planning applications that relate to the site have received permission at a different time and with different considerations on their own individual merits. They do not set a precedent for clearance of W1. Any new application would need to be considered in relation to all the circumstances and issues relevant to that application at the time of determination...
- 7.3** 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 1st 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 woodland’. The TEMPO scoring also reflects the need for appropriate woodland management requirements. In the view of the tree officer, W1 justifies a score of 3 in relation to providing a suitable degree of relative public visibility as set out in Part 1: c) of the TEMPO.
- 7.4** 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.
- 7.5** BS5837:2012 provides recommendations and direction relating to interplay of processes between trees, design, demolition and construction. It is not a means of evaluating tree/s suitability for TPO which is the purpose of TEMPO. There is a clear distinction between BS5837: 2012 categorisation and TEMPO. The purpose of a BS5837 2012 Tree Survey is to provide information on the quality and value of existing trees and suitable retention and protection measures in the context of proposals for development. Although the tree consultant has chosen to categorise trees individually and within groups from a BS5837:2012 perspective, the categorisations are not transferable to provide influence over the tree officer’s informed choice to categorise trees collectively as W1 from the viewpoint of undertaking TEMPO. Moreover, the BS5837:2012 cascade chart of tree quality assessment steers clear of referring to visual amenity.

- 7.6** To further demonstrate that the tree officer has correctly identified the trees as a woodland it is noted that the National Forest Inventory (NFI) woodland map (Updated July 2021) covering all UK forest and woodland over 0.5 hectare shows the position of W1 as a broadleaved woodland of 0.68 ha in area.
- 7.7** For diversity, a woodland will contain a mixture of different species of trees, in different conditions and of different ages. A copy of W1 associated NFI woodland map is also appended to this report at Appendix 2.
- 7.8** W1 comprises of tree species that are suitable for the environmental conditions prevalent at the location. The current area cover of W1 is evidence to the success of regeneration and succession changes that have taken place since partial clearing circa 2009. Also, the position of W1 is displayed on OS 1840 first edition map 1:10560, OS 1890 First Edition 1:2500, OS 1950 1:50000 mapping, aerial imagery from 1940's and 1960's. This indicates that there is likely to have been continuous woodland cover at this location to a varying extent since records have become available.
- 7.9** Advice pertaining to Planning Committee and its procedures along with a copy of this report relating to the TPO have been forwarded to the planning consultant acting for the site owner in reasonable advance of the meeting of Planning Committee on 3 November 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 presently protected by the TPO has been properly categorised and 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.

Financial and Legal Implications	
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.

implications	✓ / x
community safety	x
equality and diversity	x
sustainability	✓
health and safety	x

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

report author	telephone no.	email	Date
Ryan Arrell BSc (Hons), HND, LANTRA qualified professional tree inspector.	01253 887614	Ryan.Arrell@wyre.gov.uk	25 October 2021

List of background papers:		
name of document	date	where available for inspection
Wyre Council TPO 5 of 2021	17 June 2021	Room 134 or by email to Tree Officer.

List of Appendices

Appendices:

- 1 –TEMPO survey data sheet and also images of W1.
- 2 –TPO plan , Lancashire Map current aerial imagery showing W1, National Forestry Inventory woodland map showing position of W1 as broadleaved woodland.
- 3 – Copy of the TPO objection report.

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: 1/6/21 Surveyor: R. Arnold

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

Broadleaved Woodland ("W1")
 Tree/Group No: Species:
 Location: hand northeast of Iron Horse, Fleetwood Road North, Thornton

comp-willow, alder, sycamore, hawthorn & elder.

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

Score & Notes
3

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

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

Score & Notes
4

*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

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:
create TPO.



Above: View looking east towards W1 from Fleetwood Road North.



Above: Streetview – view of W1 when facing south east from north side of the round about (W1 to right of image centre), Fleetwood Road North.

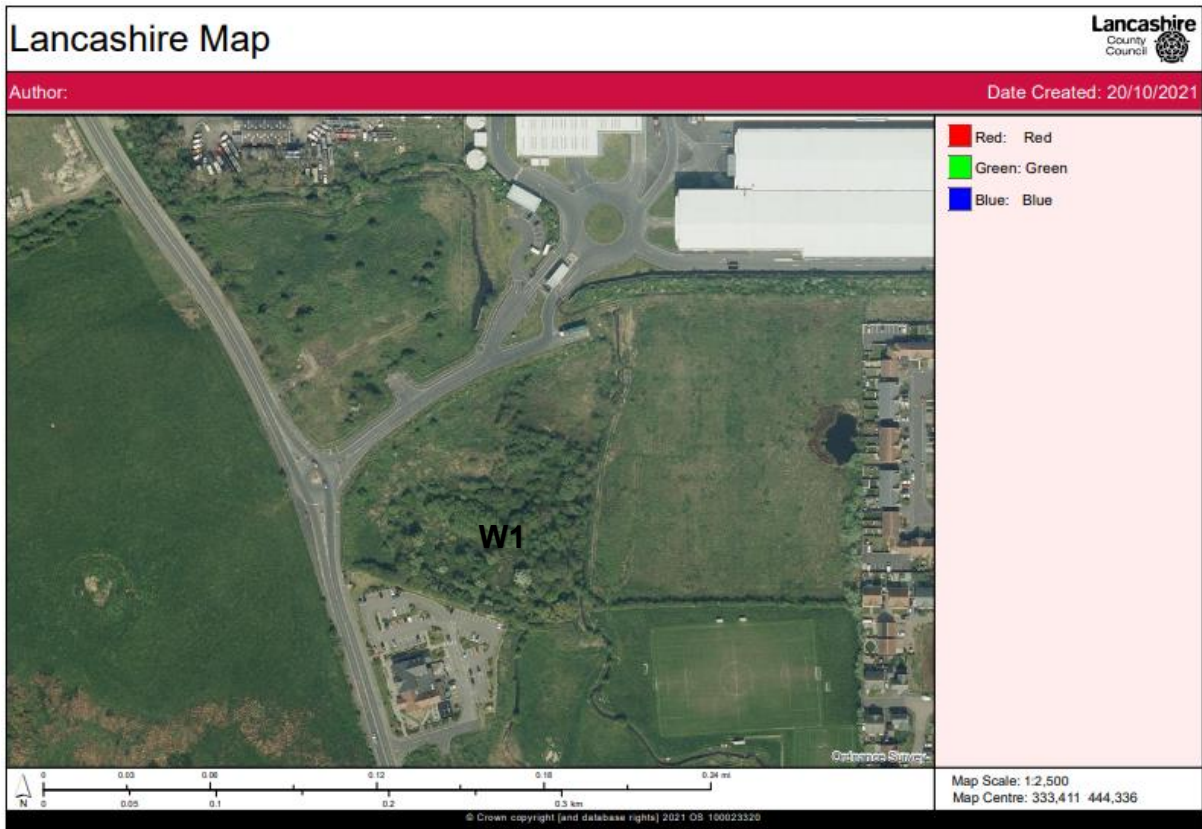


Above: View looking north east towards W1 from Fleetwood Road North.

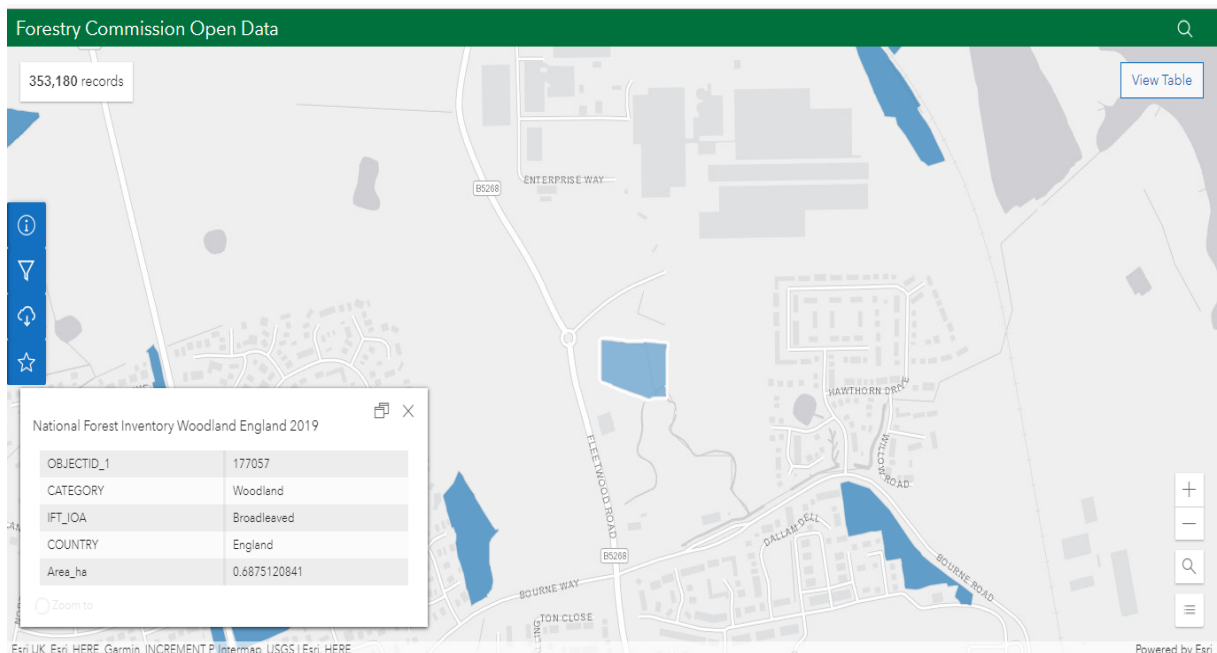
Appendix 2

Wyre Council Tree Preservation Order No5 of 2021

Land to the north east of The Iron Horse Public House, FY5 4LH.



Above: Lancashire Map current aerial imagery with position of W1 marked.



Above: National Forestry Inventory (Updated July 2021) showing position of W1 as broadleaved woodland (at map centre highlighted as shape with mid blue infill with white outline).

Appendix 3

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TPO Objection Report

July 2021

Fleetwood Road North
Thornton - Cleveleys
FY5 4LH

U R B A N
G R E E N

QUALITY MANAGEMENT

Project No.:	UG827			
Project:	Fleetwood Road North, Thornton Cleveleys			
Location:	Fleetwood Road North, Thornton Cleveleys, FY5 4LH			
Title:	TPO Objection			
Document Type:				
Date:	2 nd July 2021			
Prepared By:	Karen O'Shea			
Checked By:	Andy Bagshaw			
Approved By:	Karen O'Shea			
Revision Status:				
Rev:	Date:	Issue/Purpose/ Comment:	Prepared:	Checked:

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Appendix 1 – Copy of Tree Constraints Plan and Data Sheets for BS5837 survey.

Appendix 2 – Copy of TPO

Appendix 3 – TEMPO Assessment forms

1. Introduction

1.1. Instructions and references

- 1.1.1. Urban Green have previously been instructed by BXB Thornton Ltd to conduct an arboricultural survey at land off Fleetwood Road North, Thornton Cleveleys.
- 1.1.2. An arboricultural survey was undertaken on 19th February 2021 to assess the trees on site to help inform the development proposal and produce an Arboricultural Impact Assessment (AIA). As the design layout is not fixed this AIA is not complete at this stage, although the Tree Constraints plan and corresponding data can be found at appendix 1.
- 1.1.3. Since completion of this survey a woodland TPO order has been placed on an area of trees, Tree Preservation Order No 5 of 2021, Land at the north-east of The Iron Horse Public House, Fleetwood Road North, Thornton Cleveleys. (See appendix 2) The council's justification of this TPO is the expediency in the interest of amenity. As well as assessing the amenity value of these trees we have also assessed the justification of the TPO by using the TEMPO system.
- 1.1.4. A 'Tree Evaluation Method for Preservation Order' (TEMPO) assessment has been undertaken to determine the suitability of the tree for a preservation order by using the data collected on trees and groups within the TPO area. (See appendix 3)

1.2. Scope and limitations of the report

- 1.2.1. This report is based on collected survey data, carried out from ground level, although it must be noted that ground conditions and existing vegetation restricted access to many trees. No climbed inspections or specialist decay detection was undertaken. Only trees with a stem diameter over 75mm are included which lie either within the site boundary or close enough to potentially affect persons or property within the site boundary.
- 1.2.2. The report is based upon a visual inspection. The consultant shall not be responsible for events that happen after the date of the report due to factors that were not apparent at the time, and the acceptance of this report constitutes an agreement with the guidelines and the terms listed in this report.
- 1.2.3. The consultant accepts no liability in respect of the trees unless the recommendations of this report are carried out under his supervision.

2. Site Overview

2.1.1. The site location can be seen in Figure 1.



Figure 1 – Site Location

2.2. Site Description

2.2.1. The main site to the south is split into two woodland areas to the west and a more sparsely covered tree area to the east. The whole site comprises of 46 trees and groups of which 13 are category B, 32 are category C and 1 category U. The TPO covers 11 trees and groups within the woodland area on the western side of the main site. Of these 5 are category B and 6 are category C. This area is overgrown with dense vegetation and at the time of the survey was waterlogged. Due to these conditions full access was not possible to survey all trees in their actual locations.

2.2.2. The adjacent land surrounding the site to the east is a new residential development, land to the south is use for sporting activities, land to the west is bound by the road and the car park to the pub and the land to the north is bound by road and industrial units.

2.3. Site Allocations

2.3.1. The site is allocated as a strategic site by Wyre Council for mixed use development, in the Wyre Local Plan (ref. SA4, Hill House Technology Enterprise Zone). The Hillhouse Technology Enterprise Zone is a strategic site on the Fylde Coast and a key area for new residential and employment opportunities in Wyre over the Local Plan period of 2011-31. Policy SA4 requires the delivery of at least 13 hectares for B-class uses and 250 dwellings toward meeting identified employment and housing needs. Therefore, the placement of a Tree Preservation Order on this site contradicts this allocation.

- 2.3.2. It is clear that the Wyre Local Plan through the allocation of the site has already considered the impact of developing the site on the trees present. The specific development considerations of Policy SA4 are that the development should be supported by a comprehensive landscape and green infrastructure framework, including tree planting. The wording of the policy does not require the trees on site to be retained. This policy requirement should provide comfort that a suitable mitigation strategy will be prepared, yet it must be acknowledged that retention of the entire area of trees is not viable to deliver any scheme on the site.
- 2.3.3. Furthermore, the site was also considered in the Hillhouse Enterprise Zone Masterplan as to how best the EZ could be developed to meet the requirements for housing and employment land. The preparation of the Masterplan again provided an opportunity to explicitly require retention of the trees, such as by allocating the area as open space. However, such an approach was not taken forward, and the site was identified as being suitable for a hotel or residential use.
- 2.3.4. A planning application on the site was submitted in 2012 and granted permission in 2013 for a Sainsbury's foodstore and petrol filling station with associated landscaping, water course diversion, ecological mitigation and habitat creation works, alongside other associated works (ref. 12/00220/LMAJ). A tree survey was carried out in 2012 categorising the majority of trees as BS5837 low quality C category trees and showing them all to be removed. The Committee report confirmed that the Tree Officer had no objection to the removal of these trees as the proposal would have included additional tree and shrub planting to the north and south of the car park. The report states "the council's Tree Officer accepts that there is no specific tree or trees that warrant protection and acknowledges that replanting would mitigate any losses".

2.4. Planning history

- 2.4.1. Historical google earth plans from 2009 show the development of the access road to the industrial estate, planning application 05/00977/LCC - *Development of a waste technology park comprising mechanical and biological treatment plant for treating residual municipal waste, in vessel green waste composting plant and recyclate handling plant, associated ancillary buildings and landscaping works and creation of a new access road and roundabout.*
- 2.4.2. These plans show the majority of the site as being cleared of trees, indicating that G26, and a large section of G13 were not present at this time. These two groups form a large part of the TPO woodland area, but this historical data provides evidence that the trees in these groups are young self-set trees that have colonised the area since the clearance in 2009. This area is therefore not regarded as a woodland as the TPO would suggest, more a dense grouping of trees populated from colonisation along with a few individual trees and groups situated across the once open spaced fields.

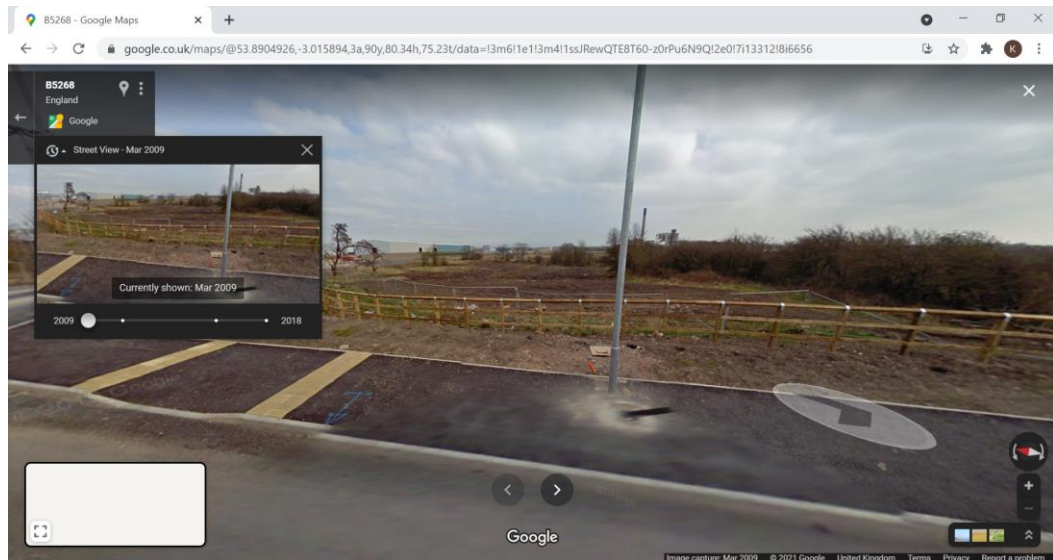


Figure 1 – screen shot show historical data in 2009 of the site clearances.

- 2.4.3. A planning application was also submitted in 2012 and granted permission in 2013 for a Sainsbury's retail store, *planning application 12/00220/LMAJ - Erection of retail food store (Class A1) and petrol filling station with associated landscaping, water course diversion, ecological mitigation and habitat creation works, new and altered vehicular and pedestrian access, car parking, servicing, pedestrian footbridge and associated temporary works and utilities/services required by the development.*
- 2.4.4. A tree survey was carried out in 2012 and by Arthur Amos Associates and a tree schedule produced *Ref 675B-04A* categorising the majority of trees as BS5837 low quality C category trees. No tree removal plan was produced although the Proposed plan *A-PL-03J* and landscape *plan 6758-01* show all new replacement planting following removal of the trees.

3. TEMPO Assessment

- 3.1.1. TEMPO is designed as a guide which aims to consider all the relevant factors involved in the TPO decision making process. This method has been used by several Local Authorities across the UK and is deemed robust enough to assess the current TPO. A copy of the TEMPO assessment undertaken onsite can be found in Appendix 3.
- 3.1.2. To enable us to provide a determination on the validity of the TPO placed on the site we carried out a TEMPO form for each tree or group of trees that fall within the TPO woodland area. Details of each of the TEMPO assessment are provided below and a copy of the form can be found in Appendix 3.

3.2. Summary of findings

- **G13** - is a mixed group made up of willow, sycamore, alder and hawthorn. It borders the ditch with dense woodland.
- **T14** - is an Alder growing out of the ditch bank. There is evidence of woodpecker holes within the stem of the tree indicating possible hollowing of the trunk.

- **G15** - is a mixed group made up of alder and sycamore. It is within G13 but was not fully assessed due to restricted access.
- **T16** - is a semi-mature willow.
- **G18** - is a row of semi mature alder along the edge of the ditch.
- **G24** - is predominantly hawthorn with some prunus throughout.
- **T25** - is a semi mature ash that was not fully accessible.
- **G26** - is a group of young willow.
- **T27** - is an early mature wild pear.
- **T28** - is a semi mature sycamore.
- **G29** - Is a mixed group of wild pear, sycamore and alder surrounded by adjacent groups.

3.3. Part 1: Amenity assessment - Condition & suitability for TPO

- **G13** - The quality of the tree stock within this group is classed as acceptable with only minor levels of deadwood within the canopies. The stability of the group is poor as during the survey the ground was waterlogged from the burst ditches that run through the area. As a group the trees have value but not individually and as access was not possible these trees were only able to be assessed as a group from a distance. These are also young trees that have colonised the area since the clearance works in 2009. - **Score given 1**
- **T14** - The physiology and structure of the tree is fair. The stem has structural damage evident from the woodpecker holes that often indicate decay. - **Score given 1**
- **G15** - The quality of the tree stock within this group is acceptable although again this group was surveyed from a distance. Many of the trees had ivy covered stems which could be covering defects. The group merits a B BS5837 category as a cohesive group although individually trees would likely be classed as C category. For the TEMPO scoring we have based on the higher side although the quality of the group could be justified as lower if full access and surveying was undertaken. **Score given 3**
- **T16** - The quality of this tree is low due to poor stability. Access to the stem was not achievable although the stem was moving significantly compared to the rest of the group in the wind. The conclusion is presumed stem failure. **Score given 1**
- **G18** - The quality of the tree stock within this group is low due to the decay and cavities within the stems. Additionally, one of the stems is leaning over the ditch and the canopies are reduced in vitality. **Score given 1**
- **G24** - The quality of the tree stock within this group is acceptable with fair levels of deadwood within the canopy for the age. The group is extremely dense and could be classed as an old unmanaged hedge that would not generally be regarded as suitable for a TPO, however the condition of the trees themselves are good which has to be taken into account for the TEMPO. **Score given 3**

- T25 - The quality of the tree appears to be acceptable although as access was not possible there is potential for ash dieback that could not be conclusively identified from the survey point. If present, which is becoming increasingly likely, this would reduce the score for this section- **Score given 3**
- G26 - The quality of the tree stock is low due to the high density leading to elongated form and poor canopies. There was also evidence of damage to the stems. - **Score given 1**
- T27 - The tree quality is good with only minor deadwood within the canopy. It is multi-stemmed from base with a full canopy. - **Score given 3**
- T28 - The quality of the tree is good with no significant defects. - **Score given 3**
- G29 - The quality of the trees is acceptable with some dead trees and leaning stems. - **Score given 1**

3.4. Retention span (in years) & suitability for TPO

- G13 - The group was semi-mature to early-mature in age, with close spacing reducing the size of canopies. Also due to waterlogged conditions the stability and the ability of the trees to gain nutrition, the extent of their life is reduced to 20-40 years - **Score given 2**
- T14 - The tree has reduced tree vitality due to the damage from woodpeckers and decay to stem. - **Score given 2**
- G15 - The group was semi-mature in age giving 40+ years remaining. However, we have not taken into account the effect the waterlogging may have on the sycamore as we were not able to gain access to fully assess. Therefore, this score could potentially be lowered. **Score given 4**
- T16 - The retention span for this tree is 10-20 years due to the potential for stem failure. **Score given 1**
- G18 - The group was semi-mature in age although with the decay and cavities to the stem noted and the reduced vitality the remaining life expectancy is reduced to 10-20 years. The structural stability is also reduced due to the positioning along the ditch. **Score given 1**
- G24 - The group was semi-mature to early-mature in age, with good growth and vigour. **Score given 4**
- T25 - The structure seemed to be acceptable although due to limited access again we could potentially lower the score if trees were found to have ash dieback on a further closer inspection. - **Score given 2**
- G26 - The group is young stock that is potentially waterlogged in places with poor form leading to reduced photosynthetic capacity. - **Score given 2**
- T27 - The pear is early-mature with a life span of 20-40 years due to its age. - **Score given 2**

- **T28** - The tree is semi mature with 40 years plus, as has no significant defects - **Score given 4**
- **G29** - The trees are semi-mature with a remaining life expectancy of 20-40 years. The density and condition of trees has led to a reduced vitality. - **Score given 2**

3.5. Relative Public Visibility and Suitability for a TPO

- **G13** – The group is not visible from Fleetwood Road North and there are only limited views from the few properties to the far eastern boundary over 150m away. Parts of the group are also obscured by additional groups on the other side of the ditch, G6 and G7. The very end of the group could be visible with difficulty from the football pitches to the south but would most likely be obscured by groups and hedges, H4, G6, G7 and G9. - **Score given 2**
- **T14** – This tree is not visible from Fleetwood Road North and there is only a limited view from the eastern side of site as this tree is situated within G13. - **Score given 2**
- **G15** – These trees are within a group located further within G13. They are not classed as being visible to the public. - **Score given 1**
- **T16** - Visibility of this tree is with difficulty. The upper half of the tree can be seen from the eastern side of the ditch where it was surveyed – **Score given 2**
- **G18** – These trees are located on the western side of the ditch. There is a limited view from the industrial estate. **Score given 3**
- **G24** - There are limited views of this group from the users of the carpark of the pub adjacent and partial views from both Fleetwood Road North and the football pitches. - **Score given 3**
- **T25** - This tree is within the woodland and surrounded by larger tree on all sides. It is not visible to the public. - **Score given 1**
- **G26** - There is very limited views of this group as most is surrounded by larger trees. It is also situated within a sunken level to the road. A limited view is possible from the footpath on the road of the end of the group. - **Score given 2**
- **T27** - There is a limited views of this tree due to most of it being surrounded by larger trees. It is also situated within a sunken level to the road. A limited view is possible from the footpath on the road that allows one side of the tree to be visible. - **Score given 2**
- **T28** - There is a limited view on the tree due to most of it being surrounded by larger trees and being at a sunken level to the road. A limited view from the footpath by the road allow one side of the tree to be visible. - **Score given 2**
- **G29** - There is very limited view on the group due to most of it being surrounded by larger trees and being at a sunken level to the road. A limited view from the footpath by the road allow one side of the group to be visible. - **Score given 2**

3.6. Other Factors

- G13 -Not applicable - group did not score above 5
- T14 - Not applicable – tree did not score above 5
- G15 - The trees have no additional features - **Score given 1**
- T16 - Not applicable – tree did not score above 4
- G18 – Not applicable – group did not score above 4
- G24 - The trees have no additional features. - **Score given 1**
- T25 – Not applicable - tree did not score above 6
- G26 – Not applicable – group did not score above 5
- T27 - The tree has no additional features. - **Score given 1**
- T28 - The trees have no additional features. - **Score given 1**
- G29 – Not applicable – group did not score above 5

3.7. Part 2: Expediency assessment

- G13 -There is a perceived threat to the tree due to a BS:5847 being requested for the site.
- T14 -not applicable as only scored 5
- G15 - There is a perceived threat to the tree due to a BS:5847 being requested for the site.
- T16 – not applicable as only scored 4
- G18 – not applicable as only scored 4
- G24 - There is a perceived threat to the tree due to a BS:5847 being requested for the site
- T25 – not applicable as only scored 6
- G26 – not applicable as only scored 5
- T27 – not applicable as only scored 8
- T28 - There is a perceived threat to the tree due to a BS:5847 being requested for the site.
- G29 – not applicable as only scored 5

3.8. Part 3: Decision

- G13 - Score given 5- TPO indefensible
- T14 - Score given 5 – TPO indefensible
- G15 - Score given 11- Does not merit TPO
- T16 - Score given 4- TPO indefensible
- G18 - Score given 5 – TPO indefensible
- G24 - Score given 13 – TPO defensible
- T25 – scored only 6 – TPO indefensible
- G26 – score only 6 – TPO indefensible
- T27 –score only 8 – Does not merit TPO
- T28 - Score given 12 – TPO Defensible
- G29 – score only 5 – TPO indefensible

4. Amenity Assessment

- 4.1.1. The TPO has been made on the basis of the expediency of amenity. TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. Local Authorities should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed.
- 4.1.2. The amenity value of each tree or group was assessed as part of the TEMPO scoring.
- 4.1.3. The main viewpoints to the site are from the users of Fleetwood Road North to the west, the industrial site to the north, Hawthorn Drive in the new housing estate to the east and the Thornton Cleveleys Football club grounds to the south.
- 4.1.4. All trees as a group can be seen from Fleetwood Road, Fleetwood Road North, the road leading to the industrial estate and the Iron house public house car park. From these viewpoints, they do have a moderate amenity value from their collective grouping and contribution to the landscape. However, they are not a group of trees that it is considered to bring enjoyment to members of the public and their location within a slightly lower topography, the shrubby form of many, along with the predominantly low quality would lead to questioning the value of the trees over the limited enjoyment they bring to a selected group of the public.
- 4.1.5. The new housing estate to the east is over 150m away from the TPO woodland. Rear gardens from the new properties face the site but it is unlikely the TPO trees will provide significant amenity value to these residents as there will be a very limited view from this point obscured by boundary fencing and in some places group G3.
- 4.1.6. Users of the football pitches will have a limited view of the TPO woodland which is obscured by further trees, hedges and site levels.

5. Discussions

5.1. Tempo outcomes

5.1.1. Overall, out of the 5 trees and 6 groups within the TPO woodland area, a total of 3 trees and 3 groups (G13, T14, T16, G18, T25, G29) are indefensible to having a TPO placed on them, and 1 tree and 1 group come under Does not merit TPO, (G15 and T27) from using the TEMPO assessment method. Only 1 tree and 1 group score enough to be classed as defensible (G24 and T28), however T28 only just scores enough with a score of 12 which is the lowest it can be to be defensible, and G24 in our opinion is not a group of trees that would normally be considered to be protected. For these reasons we would challenge the inclusion of this tree and group in the TPO.

5.2. Tree health and Safety

5.2.1. The majority of trees covered by the TPO are within an area that when surveyed was waterlogged in sections. The composite of the woodland is mainly alder, willow, sycamore, and hawthorn. The quality of the stock is acceptable to poor due to the ground conditions which depending on the duration they sit in waterlogged conditions could reduce the stability of some of the trees. It also affects the tree's ability to absorb nutrients as they become harder to absorb with waterlogged conditions. The lower nutrient uptake reduces the development of the tree and produces a poorer foliage. Also, the closely spaced arrangement which has led to reduced canopies will have a reduced photosynthetic capacity leading to lower energy production for growth and structure. This is also affected by shading within dense canopies.

5.2.2. There are few trees that require monitoring on site due to condition of stability, deadwood, and cavities, although these are currently low due to minimal footfall and access. If this were to change, there would need to be a significant increase in the number of trees that would need to be monitored or have work carried out to make safe.

Overall, the site has low quality trees, with the only value coming from them as a group feature.

5.3. Potential Development

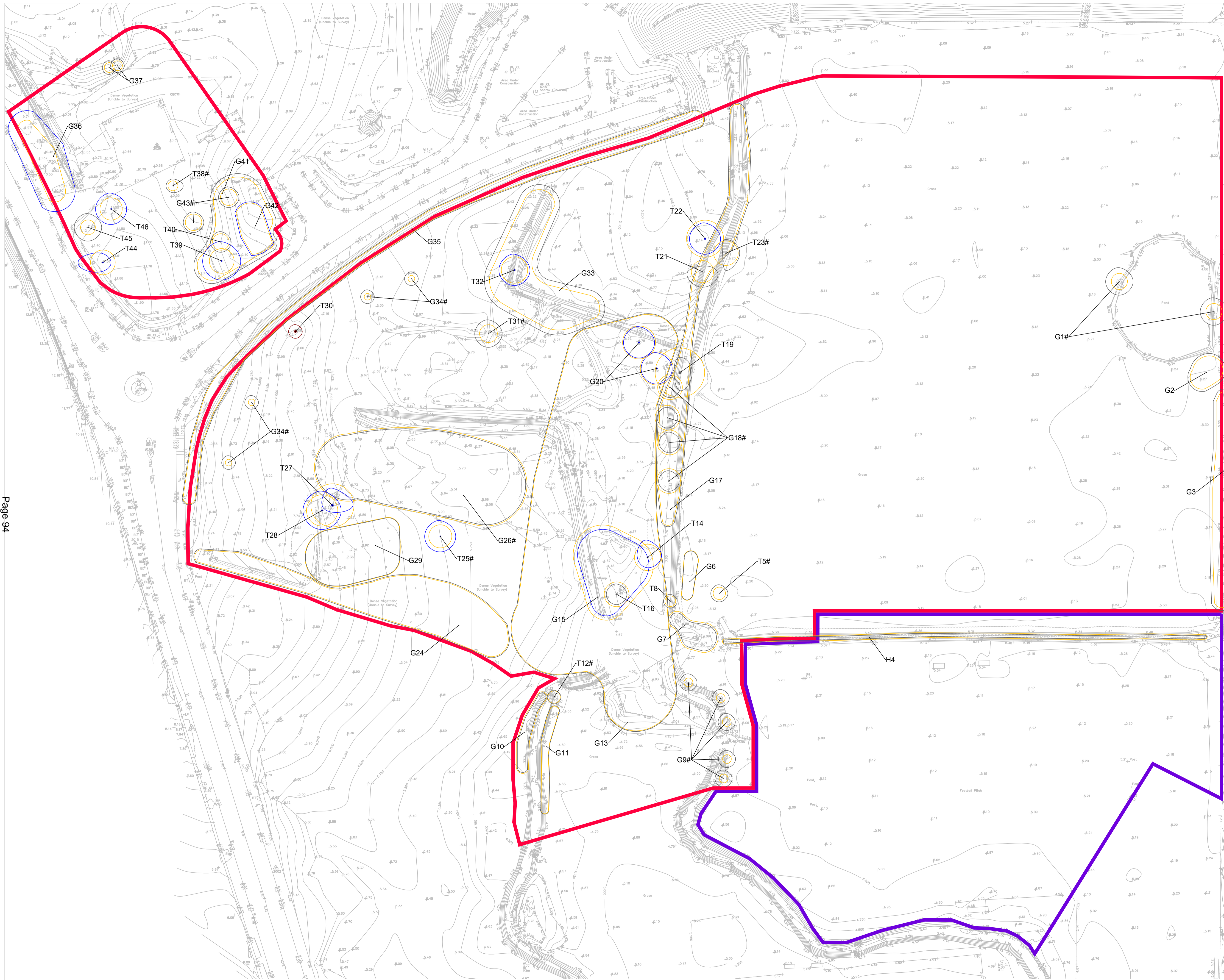
5.3.1. It is believed the TPO has been placed as the result of potential development to the site and the TPO in its current format will stop development of the site. Viability on this site is considered to be marginal and any delivery is likely to require the importation of 43,000 cubic meters of material to alter site levels to mitigate the flood risk. Retaining these trees will result in a significantly reduced developable area and in all likelihood render the scheme unviable. As a site that has already been allocated by Wyre Council as an allocated site in the Wyre local Plan SA4, Strategy site location Hill House Technology Enterprise Zone for development, this TPO is contradictory in regard to the allocated future use of the site.

6. Conclusion

6.1.1. This objection to the recently placed TPO; Tree Preservation Order No 5 of 2021, Land at the north-east of The Iron Horse Public House, Fleetwood Road North, Thornton Cleveleys is on the grounds of;

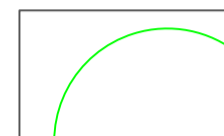
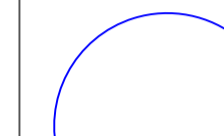

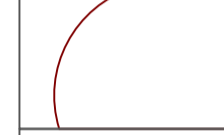


1. The site is allocated for development under the Wyre Local Plan SA4 Strategy Site Location Hill House Technology Enterprise Zone.
2. Historical planning application have seen the site half cleared of trees and approved from removal of trees with replacement planting schemes.
3. The TPO has been made on the grounds of the expediency of amenity. This amenity is limited from 3 out of the 5 viewpoints (as detailed in the TEMPO assessment. From the most accessible viewpoints the trees do not possess significant visual prominence.
4. From using the TEMPO scoring system 4 trees and 5 groups do not merit the placement of a TPO
5. The 1 tree and 1 group that could be defensible only scored very low and therefore we challenge their inclusion in the TPO.
6. The conditions on site could reduce the longevity of trees
7. The trees overall are predominantly of low quality as individuals. The do not constitute a woodland with the only value coming from the cohesive grouping.
8. The amenity of the trees only comes from them as group feature by the users of Fleetwood Road, Fleetwood Road North or from within the car park of the Iron Horse Public House, albeit this is private land. Development of this site would increase the levels to alleviate the issue of flooding so new trees could be planted of a better quality and designed to create a new amenity feature or longer term tree cover.

Appendix 1 - Tree Constraints Plan and Data Sheets from BS5837 Survey



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Notes:-

-  Category A tree, group or hedge
-  Category B tree, group or hedge
-  Category C tree, group or hedge
-  Category U tree, group or hedge
-  Root Protection Area (RPA)
-  Position estimated on site

REV.	DATE	DESCRIPTION	DRAWN	CHKD



A: Ground Floor, The Tower,
 Deva City Office Park, Trinity Way,
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 T: +44 (0) 161 312 3131
 weareurbangreen.co.uk

Client: **BXB LIMITED**

Project: **THORNTON – FLEETWOOD ROAD NORTH**

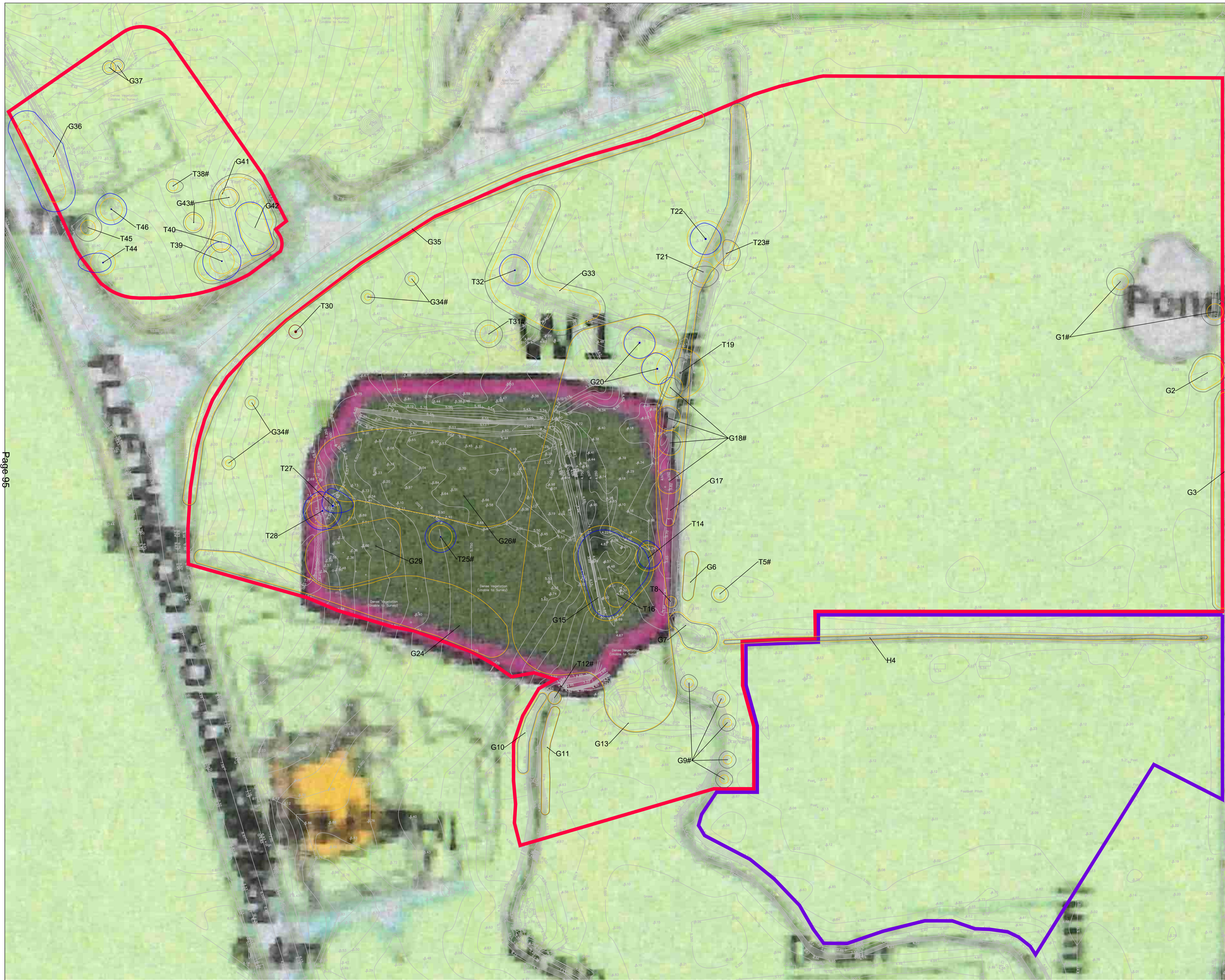
Title: **TREE CONSTRAINTS PLAN**

Issue: **PLANNING**

Drawn: AT	Checked: EA	Approved: KO
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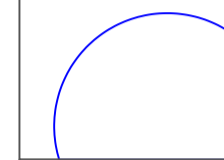
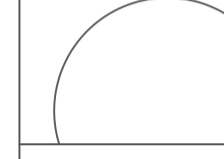
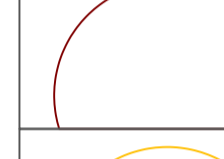


Project: UG827	Scale @ A1: 1:500	Date: 25/02/21
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Dwg No: UG_827_ARB_TCP_01	Revision: 00
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Notes:-

-  Category A tree, group or hedge
-  Category B tree, group or hedge
-  Category C tree, group or hedge
-  Category U tree, group or hedge
-  Root Protection Area (RPA)
-  # Position estimated on site

REV.	DATE	DESCRIPTION	DRAWN	CHKD

A: Ground Floor, The Tower,
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 T: +44 (0) 161 312 3131
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Client: **BXB LIMITED**

Project: **THORNTON – FLEETWOOD ROAD NORTH**

Title: **TREE CONSTRAINTS PLAN**

Issue: **PLANNING**

Drawn: AT	Checked: EA	Approved: KO
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Project: UG827	Scale @ A1: 1:500	Date: 25/02/21
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Dwg No: UG_827_ARB_TCP_01	Revision: 00
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Reference T = Tree G = Group H = Hedge W = Woodland	Age & Species	Height (m)	Crown Ht (m)	DBH (mm)	Crown Spread (m)			Notes	Recommendations		Physiological Condition	Life Expectancy (yrs)	RPA Radius (m)
					N	E	S		Priority	Inspect Freq (yrs)			
G1	Semi-Mature Willow Salix sp	av 5	av 0.5	av 200	4	4	4	1: Multi stemmed at base. 2: Growing on edge or within pond.	No action required.		Good Fair	20-40 C	2.40
									n/a	3			
G2	Semi-Mature Mixed Species	av 6	av 0.5	av 120	4	4	4	1: 3 aspen and 1 goat willow. 2: Multi stemmed at base.	No action required.		Good Fair	20-40 C	1.44
									n/a	3			
Page 96	Semi-Mature Mixed Species	av 5	av 0.1	av 150	2	2	2	1: Mixed group comprising of goat willow and aspen. 2: Multi stemmed at base.	No action required.		Good Good	20-40 C	1.80
									n/a	3			
H4	Semi-Mature Hawthorn Crataegus monogyna	av 5	0.1	160	1	1	1	1: Unmanaged hedge.	No action required.		Good Good	40+ C	1.92
									n/a	3			
T5	Young Alder (common) Alnus glutinosa	7	0.5	150	2.5	2.5	2.5	1: Relatively young tree.	No action required.		Good Good	40+ C	1.80
									n/a	3			
G6	Young Alder (common) Alnus glutinosa	av 8	av 0.5	av 50	0.5	0.5	0.5	1: Area of young trees. 2: Small bark damage on bases of many.	No action required.		Good Good	20-40 C	0.60
									n/a	3			

Reference T= Tree G = Group H = Hedge W = Woodland	Age & Species	Height (m)	Crown Ht (m)	DBH (mm)	Crown Spread (m)			Notes	Recommendations		Physiological Condition	Life Expectancy (yrs)	RPA Radius (m)
					N	E	S		Priority	Inspect Freq (yrs)			
G7	Semi-Mature Mixed Species	av 6	av 0.1	av 200	av 1.5	1.5	1.5	1: Hawthorn and elder. 2: Growing along edge of ditch. 3: Brambles within canopy.	No action required.	Good	40+	C	2.40
	n/a	3	Fair										
T8	Semi-Mature Ash Fraxinus excelsior	8	2	130	2	2	2	1: Multi stemmed from base. 2: Wound to stem. 3: Growing on edge of ditch.	No action required.	Good	20-40	C	1.56
	n/a	3	Good										
Page 97 G10	Semi-Mature Hawthorn Crataegus monogyna	av 5	av 0.1	av 110	av 2.5	2.5	2.5	1: Multi stemmed at base. 2: Growing on edge of ditch.	No action required.	Good	40+	C	1.32
	n/a	3	Good										
G10	Semi-Mature Hawthorn Crataegus monogyna	av 4	av 0.1	av 100	av 1	1	1	1: Multi stemmed at base. 2: Growing on edge of ditch.	No action required.	Good	40+	C	1.20
	n/a	3	Good										
G11	Semi-Mature Willow Salix sp	av 5	av 0.1	av 100	av 3.5	3.5	3.5	1: Multi stemmed.	No action required.	Good	20-40	C	1.20
	n/a	3	Good										
T12	Semi-Mature Alder (common) Alnus glutinosa	6	0.1	150	2	2	2	1: Exposed roots at base. 2: Stake still at base.	No action required.	Good	20-40	C	1.80
	n/a	3	Good										

Reference T= Tree G = Group H = Hedge W = Woodland	Age & Species	Height (m)	Crown Ht (m)	DBH (mm)	Crown Spread (m)			Notes	Recommendations		Physiological Condition	Life Expectancy (yrs)	RPA Radius (m)
					N	W	E		Priority	Inspect Freq (yrs)			
G13	Young Mixed Species	av 10	av 0.5	av 150	4	4	4	1: Mixed group of willow, sycamore, alder and hawthorn. 2: No access to survey. 3: Growing within waterlogged conditions at time of survey. 4: Willow tall slender form	No action required.	Fair	20-40	3.00	
					each				n/a	3	Fair		C
T14	Semi-Mature Alder (common) Alnus glutinosa	12	2	320	3	5	4	1: Restricted access to survey. 2: Woodpecker holes, possibly indicating decay.	No action required.	Fair	20-40	3.84	
					3				n/a	3	Fair		B
Page 98	Semi-Mature Mixed Species	av 12	av 3	av 300	4	4	4	1: Group comprising of alder and sycamore. 2: Ivy on stems. 3: Restricted access to survey. 4: As a group B, individually C.	No action required.	Fair	40+	3.60	
					each				n/a	3	Fair		B
T16	Semi-Mature Willow Salix spp	12	4	300	3	3	3	1: Restricted access to survey. 2: Slight lean to north. 3: Ivy on stem. 4: Possible stem failure as tree significantly moving compared to surrounding trees.	Monitor.	Good	10-20	3.60	
					3				Low	3	Fair		C
G17	Semi-Mature Mixed Species	av 8	av 0.1	av 130	2	2	2	1: Mixed group comprising of sycamore and hawthorn. 2: Growing on edge of ditch.	No action required.	Good	40+	1.56	
					each				n/a	3	Good		C
G18	Semi-Mature Alder (common) Alnus glutinosa	av 8	av 0.5	av 300	3	3	3	1: 4 trees along ditch. 2: Second from south hollowing with decay and cavities. 3: Northern end tree leaning over ditch.	Monitor.	Fair	10-20	3.60	
					each				n/a	3	Fair		C

Reference T = Tree G = Group H = Hedge W = Woodland	Age & Species	Height (m)	Crown Ht (m)	DBH (mm)	Crown Spread (m)			Notes	Recommendations		Physiological Condition	Life Expectancy (yrs)	RPA Radius (m)
					W	N	E		Priority	Inspect Freq (yrs)			
T19	Sycamore <i>Acer pseudoplatanus</i>	14	0.1	600	2	5	4	1: Bifurcates at 1.5m. 2: Growing on edge of ditch with decay at base due to water. 3: Holes in trunk, hollowing of stems. 4: Dying at top, in decline. 5: Suckering at base.	Monitor.	1	Fair	10-20 C	7.20
									Moderate		Fair		
G20	Sycamore <i>Acer pseudoplatanus</i>	av 14	av 3	av 400	5	5	5	1: Two trees, restricted access to survey.	No action required.	3	Good	40+ B	4.80
									n/a		Good		
Page 99 T22	Sycamore <i>Acer pseudoplatanus</i>	12	0.1	270	5	5	5	1: Growing on western side of ditch. 2: Stem lean to south due to neighbouring tree.	No action required.	3	Good	20-40 C	3.24
									n/a		Good		
T22	Sycamore <i>Acer pseudoplatanus</i>	14	0.1	450	5	5	5	1: Suckering at base. 2: Dead central stem with decay, trying to occlude. 3: Multi stemmed at 3m.	No action required.	3	Good	40+ B	5.40
									n/a		Good		
T23	Sycamore <i>Acer pseudoplatanus</i>	11	0.1	300	1	4	5	1: Growing on eastern side of ditch, out of side of ditch in western direction. 2: Multi stemmed.	No action required.	3	Good	20-40 C	3.60
									n/a		Fair		
G24	Hawthorn <i>Crataegus monogyna</i>	av 7	av 0.1	av 150	3	3	3	1: Predominantly hawthorn with some prunus sp. 2: Growing along boundary next to pub car park.	No action required.	3	Good	40+ C	1.80
									n/a		Fair		

Reference T = Tree G = Group H = Hedge W = Woodland	Age & Species	Height (m)	Crown Ht (m)	DBH (mm)	Crown Spread (m)			Notes	Recommendations		Physiological Condition	Life Expectancy (yrs)	RPA Radius (m)
					W	N	E		Priority	Inspect Freq (yrs)			
T25	Semi-Mature Ash <i>Fraxinus excelsior</i>	13	1	280	5	5	5	1: Restricted access to survey. 2: Appears to be in good condition.	No action required.	Fair	20-40 B	3.36	
	n/a	3	Fair										
G26	Young Willow <i>Salix spp</i>	av 7	av 0.1	av 100	1	1	1	1: Row of dense willow trees. 2: Bark wounds. 3: Elongated form.	No action required.	Good	20-40 C	1.20	
	n/a	3	Fair										
Page 100 T27	Early-Mature Wild Pear <i>Pyrus communis</i>	12	0.5	520	3	6	2	1: Multi stemmed. 2: Minor deadwood.	No action required.	Good	20-40 B	6.24	
	n/a	3	Good										
T28	Semi-Mature Sycamore <i>Acer pseudoplatanus</i>	13	4	380	6	6	6	1: Growing within bramble. 2: No significant defects.	No action required.	Good	40+ B	4.56	
	n/a	3	Good										
G29	Semi-Mature Mixed Species	av 10	av 0.1	av 250	3	3	3	1: Mixed group comprising of wild pear, sycamore and elder. 2: Some leaning stems. 3: Some dead trees within group.	No action required.	Good	20-40 C	3.00	
	n/a	3	Fair										
T30	Semi-Mature Wild Pear <i>Pyrus communis</i>	14	0.1	650	2	2	2	1: Tree in decline. 2: Failed stem. 3: Decay through out stems.	Remove.	Very Poor	<10 U	7.80	
	n/a	3	Very Poor										

Reference T = Tree G = Group H = Hedge W = Woodland	Age & Species	Height (m)	Crown Ht (m)	DBH (mm)	Crown Spread (m)			Notes	Recommendations		Physiological Condition	Life Expectancy (yrs)	RPA Radius (m)
					N	W	E		Priority	Inspect Freq (yrs)			
T31	Semi-Mature Sycamore Acer pseudoplatanus	8	0.1	220	4	4	4	1: Multi stemmed at base.	No action required.		Good	20-40 C	2.64
	n/a								3	Fair			
T32	Semi-Mature Sycamore Acer pseudoplatanus	12	3	320	5	5	5	1: Growing on edge of ditch. 2: Multi stemmed at 4m.	No action required.		Good	40+ B	3.84
	n/a								3	Good			
Page 101	Semi-Mature Mixed Species	av 7	av 0.1	av 200	av 3	av 3	av 3	1: Hawthorn, sycamore and ash.	No action required.		Good	20-40 C	2.40
	n/a								3	Fair			
G34	Semi-Mature Mixed Species	av 4	av 0.1	av 80	av 2	av 2	av 2	1: Scattered group of ash and hawthorn.	No action required.		Good	40+ C	0.96
	n/a								3	Good			
G35	Young Mixed Species	av 4	av 0.1	av 70	av 0.5	av 0.5	av 0.5	1: Newly planted shelter belt comprising of hawthorn, oak and holly.	No action required.		Good	40+ C	0.84
	n/a								3	Good			
G36	Semi-Mature Sycamore Acer pseudoplatanus	av 10	av 1	av 320	av 6	av 6	av 6	1: 4 larger stems along boundary with an few smaller trees.	No action required.		Good	40+ B	3.84
	n/a								3	Good			

Reference T = Tree G = Group H = Hedge W = Woodland	Age & Species	Height (m)	Crown Ht (m)	DBH (mm)	Crown Spread (m)			Notes	Recommendations		Physiological Condition	Life Expectancy (yrs)	RPA Radius (m)
					N	W	E		Priority	Inspect Freq (yrs)			
G37	Semi-Mature Mixed Species	av 6	av 0.1	av 120	2 2 2 each		2	1: Sycamore and goat willow. 2: Shrubby form.	No action required.	Good	20-40	1.44	
								n/a	3	Fair	C		
T38	Semi-Mature Sycamore Acer pseudoplatanus	6	0.1	120	2 2		3	1: Slight stem lean.	No action required.	Good	40+	1.44	
								n/a	3	Fair	C		
Page 102	Semi-Mature Sycamore Acer pseudoplatanus	11	0.1	300	6 6		6	1: Bifurcates at 3m. 2: Suckering at base.	No action required.	Good	40+	3.60	
								n/a	3	Good	B		
T40	Semi-Mature Wild Pear Pyrus communis	8	1	200	3 3		3	1: Stem lean west. 2: Basal wound to west. 3: Small holes in trunk. 4: Remove if footfall increases.	No action required.	Good	10-20	2.40	
								n/a	3	Fair	C		
G41	Semi-Mature Mixed Species	av 5	av 0.1	av 150	2.5 2.5 each		2.5	1: Scattered scrubby hawthorn, ash, sycamore and elder.	No action required.	Good	20-40	1.80	
								n/a	3	Good	C		
G42	Semi-Mature Sycamore Acer pseudoplatanus	av 12	av 1	av 300	6 6 each		6	1: Row of three trees. 2: Restricted access to survey. 3: Minor deadwood.	No action required.	Good	40+	3.60	
								n/a	3	Good	B		

Reference T = Tree G = Group H = Hedge W = Woodland	Age & Species	Height (m)	Crown Ht (m)	DBH (mm)	Crown Spread (m)			Notes	Recommendations		Physiological Condition	Life Expectancy (yrs)	RPA Radius (m)
					W	N	E		Priority	Inspect Freq (yrs)			
G43	Semi-Mature Sycamore Acer pseudoplatanus	av 9	av 0.1	av 200	3	3	3	1: Two groups of sycamore. 2: Multi stemmed.	No action required.	Good	20-40	2.40	
									n/a	3	Fair		C
T44	Semi-Mature Sycamore Acer pseudoplatanus	7	3	300	8	3	3	1: Canopy windswept hence measurements. 2: Minor deadwood.	No action required.	Good	40+	3.60	
									n/a	3	Good		B
Page 103 T46	Semi-Mature Sycamore Acer pseudoplatanus	6	0.1	180	4	4	4	1: 1 main stem with dense suckering at base. 2: Multi stemmed at 3m. 3: Deadwood in canopy.	No action required.	Good	20-40	2.16	
									n/a	3	Good		C
T46	Semi-Mature Sycamore Acer pseudoplatanus	7	3	270	5	5	5	1: Part of small wall to south.	No action required.	Good	40+	3.24	
									n/a	3	Good		B

Appendix 2 - Copy of TPO

Promenade Estates
King John Court
2 Queen Square
Liverpool
L1 1RH

Please ask for : Catherine Greener
Email: Catherine.Greener@wyre.gov.uk
Extension no: 7428
Our Ref: PLG/8/

Date: 17 June 2021

Dear Sir / Madam,

Wyre Borough Council Tree Preservation Order No5 of 2021 – Land to the north east of The Iron Horse Public House, Fleetwood Road North, Thornton Cleaveys

I enclose for information a copy of the above-mentioned Tree Preservation Order, which was recently made by the Council. The order contains a direction under the Town and Country Planning (Tree Preservation) (England) Regulation 2012, the extent of which is to bring it into force provisionally on the date specified in section 3 of the attached Tree Preservation Order, Persons with an interest in the land containing the trees have 28 days to object or to make representations about the Tree Preservation Order. After the 28 day period the Council will consider whether to confirm the Order, taking into consideration any objection or representation received.

Further communication about the confirmation or otherwise of the Order will be sent to you in due course.

If you have any further queries please contact the Council's Tree Officer, Mr Ryan Arrell on (01253) 887614.

Yours faithfully

Legal Executive
For Legal Services



**Town and Country Planning Act 1990: (Tree Preservation) (England)
Regulations 2012.**

Wyre Borough Council Tree Preservation Order No5 of 2021: Land to the north east of the Iron Horse Public House, Fleetwood Road North, Thornton Cleveleys, FY5 4LH.

Citation.

1. This order may be cited as **Wyre Borough Council Tree Preservation Order No5 of 2021: Land to the north east of the Iron Horse Public House, Fleetwood Road North, Thornton Cleveleys, FY5 4LH.**

2. – (1) In the Order, “the authority” means the **Wyre Borough Council.**

-(2) In this Order any reference to a numbered section is a reference to a section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning Act (Tree Preservation) (England) Regulations 2012.

Effect.

3. – (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and subject the exceptions in regulations 14, no person shall –

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

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

of,

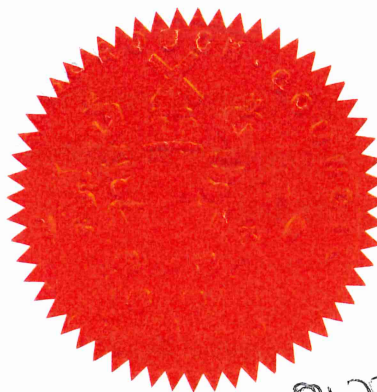
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or, of the Secretary of State in accordance with regulation 23, and where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

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

Dated: 17 June 2021

The Common Seal of Wyre Borough Council



Mary Grimshaw

8427

.....
Authorised by the council to sign in that behalf.

Confirmation of Order

This Order was confirmed by Wyre Borough Council without modification on

.....

Authorised by the council to sign in that behalf.

Confirmed with modification

This Order was confirmed by the Wyre Borough Council, subject to the modifications indicated by
(state how indicated),

on the

.....

Authorised by the council to sign in that behalf.

Decision not to confirm Order

A decision not to confirm this Order was taken by the Wyre Borough Council on the

.....

Authorised by the council to sign on that behalf.

Variation of Order

This Order was varied by the Wyre Borough Council on the

by a variation order under reference number

a copy of which is attached.

.....

Authorised by the council to sign in that behalf.

Revocation of Order

This Order was revoked by the Wyre borough Council on the

.....

Authorised by the council to sign in that behalf.

SCHEDULE

Trees specified individually. **NONE**
(Encircled in black on the map)

Group of trees. **NONE**
(within a broken black line on map)

Woodland.
(Shown within a solid black line on map)

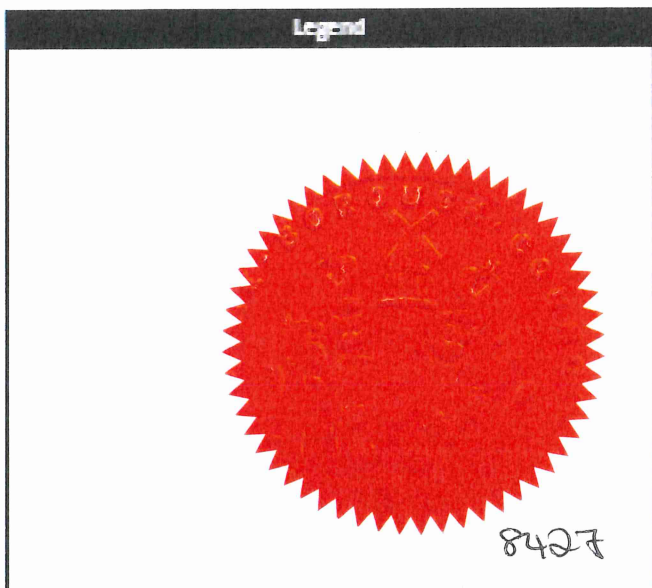
W1	containing sycamore , hawthorn, alder, ash, elder and willow trees.	centred on grid ref:	(E) 333425	(N) 444272
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Trees specified by reference to an area **NONE**
(Shown within a dotted black line on map)

Wyre Council Tree Preservation Order No5 of 2021



Land to the north east of The Iron Horse Public House, FY5 4LH.



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Organization	Wyre Council
Department	Planning Department
Comments	
Date	07 June 2021
\$LA Number	100018720

Mary Granbow



Regulation 5 Notice

IMPORTANT -THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

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

Tree Preservation Order: 005/2021/TPO

Location: Land to the north east of the Iron Horse Public House, Fleetwood Road North, Thornton Cleveleys.

THIS IS A FORMAL NOTICE to let you know that on 17 June 2021 we made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, once the order is confirmed, no one is allowed to cut down, top or lop without permission any of the trees described in the First Schedule of the Order and shown on the map.

Some information about tree preservation orders is available from the downloadable leaflet from:

<http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/>

We made this order because it is expedient in the interest of amenity.

The order came into force, on a temporary basis on **17 June 2021** and will remain in force for six months. During this time we will decide whether the order should be given permanent status.

People affected by the order have a right to object or make comments on any of the trees or woodlands covered before we decide to confirm the order. The decision to confirm the order must be made within 6 months of the date of the order.

If you would like to make any objections or comments, please make sure we receive them in writing by **15 July 2021**. Your comments must meet Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (a copy is attached). Please send your comments to the Tree Officer at the address given below. We will carefully consider all objections and comments before deciding whether to make the order permanent.

We will write to you again when we have made our decision. In the meantime, if you would like any more information or have any questions about this letter, please contact **Ryan Arrell Tree & Woodlands Officer at Wyre Council, Leisure Services, Wyre Civic Centre, Breck Road, Poulton-Le-Fylde, FY6 7PU – Tel: 01253 887614 (email: ryan.arrell@wyre.gov.uk)**

Signed:

A handwritten signature in black ink that reads "Mary Gumbrell".

Authorised Officer.



REGULATION 6
OF THE TOWN & COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012

Objections and representations

6(1) Subject to paragraph (2), objections and representations:

(a) shall be made in writing and:

*(i) delivered to the authority not later than the date specified by them-
under regulation 5(2)(c); or*

*(ii) sent to the authority in a properly addressed and pre-paid letter
posted at such time that, in the ordinary course of post, it would be
delivered to them not later than that date;*

*(b) shall specify the particular trees, groups of trees or woodlands (as
the case may be) in respect of which the objections or representations
are made; and*

(c) in the case of an objection, shall state the reasons for the objection.

*6(2) The authority may treat as duly made objections and representations
which do not comply with the requirements of paragraph (1) if, in the
particular case, they are satisfied that compliance with those
requirements could not reasonably have been expected.*

Appendix 3 - TEMPO Assessment

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 02/7/21	Surveyor: EA and KO
---------------	------------------------

Tree details		
TPO Ref (if applicable): No5 of 2021	Tree/Group No: G13	Species: Mixed species
Owner (if known):	Location: Land to the east of the Iron Horse Public House	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes 1

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

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 |

Score & Notes 2

*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

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 | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes 2

d) Other factors

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

- | | |
|--|--------------------------|
| 5) Principal components of formal arboricultural features, or veteran trees | Score & Notes |
| 4) Tree groups, or principal 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) | |
| -1) Trees with poor form or which are generally unsuitable for their location | |

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|--------------------------|
| 5) Immediate threat to tree inc. s.211 Notice | Score & Notes |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

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: 5

Decision: TPO indefensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 02/7/21	Surveyor: EA and KO
---------------	------------------------

Tree details		
TPO Ref (if applicable): No5 of 2021	Tree/Group No: T14	Species: Alder
Owner (if known):	Location: Land to the east of the Iron Horse Public House	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes 1

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

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 |

Score & Notes 2

*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

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 | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes 2

d) Other factors

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

- | |
|--|
| 5) Principal components of formal arboricultural features, or veteran trees |
| 4) Tree groups, or principal 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) |
| -1) Trees with poor form or which are generally unsuitable for their location |

Score & Notes

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | |
|---|
| 5) Immediate threat to tree inc. s.211 Notice |
| 3) Foreseeable threat to tree |
| 2) Perceived threat to tree |
| 1) Precautionary only |

Score & Notes

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: 5

Decision: TPO indefensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 02/7/21	Surveyor: EA and KO
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Tree details		
TPO Ref (if applicable): No5 of 2021	Tree/Group No: G15	Species: Mixed species
Owner (if known):	Location: Land to the east of the Iron Horse Public House	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes 3 – restricted access to survey with ivy covered stem. Score could be lower value

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

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 |

Score & Notes 4

*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

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 | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes 1

d) Other factors

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

- | | |
|--|----------------------------|
| 5) Principal components of formal arboricultural features, or veteran trees | Score & Notes 1 |
| 4) Tree groups, or principal 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) | |
| -1) Trees with poor form or which are generally unsuitable for their location | |

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|----------------------------|
| 5) Immediate threat to tree inc. s.211 Notice | Score & Notes 2 |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

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: 11

Decision: does no merit
TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 02/7/21	Surveyor: EA and KO
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Tree details		
TPO Ref (if applicable): No5 of 2021	Tree/Group No: T16	Species: Willow
Owner (if known):	Location: Land to the east of the Iron Horse Public House	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes 1 – Possible stem failure, tree appeared to be moving in wind more compared to rest within group

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

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 |

Score & Notes 1

*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

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 | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes 2

d) Other factors

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

- | | |
|--|--------------------------|
| 5) Principal components of formal arboricultural features, or veteran trees | Score & Notes |
| 4) Tree groups, or principal 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) | |
| -1) Trees with poor form or which are generally unsuitable for their location | |

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|--------------------------|
| 5) Immediate threat to tree inc. s.211 Notice | Score & Notes |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

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: 4

Decision: TPO indefensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 02/7/21	Surveyor: EA and KO
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Tree details		
TPO Ref (if applicable): No5 of 2021	Tree/Group No: G18	Species: Alder
Owner (if known):	Location: Land to the east of the Iron Horse Public House	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes 1 – Hollowing stems with cavities

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

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 |

Score & Notes 1

*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

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 | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | 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 formal arboricultural features, or veteran trees | Score & Notes |
| 4) Tree groups, or principal 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) | |
| -1) Trees with poor form or which are generally unsuitable for their location | |

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|--------------------------|
| 5) Immediate threat to tree inc. s.211 Notice | Score & Notes |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

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: 5

Decision: TPO indefensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 02/7/21	Surveyor: EA and KO
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Tree details	
TPO Ref (if applicable): No5 of 2021	Tree/Group No: Part of G24 Species: Hawthorn
Owner (if known):	Location: Land to the east of the Iron Horse Public House

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes 3

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

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 |

Score & Notes 4

*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

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 | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | 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 formal arboricultural features, or veteran trees | Score & Notes 1 |
| 4) Tree groups, or principal 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) | |
| -1) Trees with poor form or which are generally unsuitable for their location | |

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|----------------------------|
| 5) Immediate threat to tree inc. s.211 Notice | Score & Notes 2 |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

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: TPO defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 02/7/21	Surveyor: EA and KO
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Tree details		
TPO Ref (if applicable): No5 of 2021	Tree/Group No: T25	Species: Ash
Owner (if known):	Location: Land to the east of the Iron Horse Public House	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes 3 – not fully accessed due to access. Could not assess presence of ash dieback. Score could be lower

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

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 |

Score & Notes 2

*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

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 | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes 1

d) Other factors

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

- | | |
|--|--------------------------|
| 5) Principal components of formal arboricultural features, or veteran trees | Score & Notes |
| 4) Tree groups, or principal 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) | |
| -1) Trees with poor form or which are generally unsuitable for their location | |

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|--------------------------|
| 5) Immediate threat to tree inc. s.211 Notice | Score & Notes |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

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: 6

Decision: TPO indefensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 02/7/21	Surveyor: EA and KO
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Tree details		
TPO Ref (if applicable): No5 of 2021	Tree/Group No: G26	Species: Willow
Owner (if known):	Location: Land to the east of the Iron Horse Public House	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes 1

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

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 |

Score & Notes 2

*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

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 | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes 2

d) Other factors

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

- | |
|--|
| 5) Principal components of formal arboricultural features, or veteran trees |
| 4) Tree groups, or principal 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) |
| -1) Trees with poor form or which are generally unsuitable for their location |

Score & Notes

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | |
|---|
| 5) Immediate threat to tree inc. s.211 Notice |
| 3) Foreseeable threat to tree |
| 2) Perceived threat to tree |
| 1) Precautionary only |

Score & Notes

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: 5

Decision: TPO indefensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 02/7/21	Surveyor: EA and KO
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Tree details		
TPO Ref (if applicable): No5 of 2021	Tree/Group No: T27	Species: Pear
Owner (if known):	Location: Land to the east of the Iron Horse Public House	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes 3

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

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 |

Score & Notes 2

*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

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 | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes 2

d) Other factors

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

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal 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)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes 1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

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: 8

Decision: Does not merit TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 02/7/21	Surveyor: EA and KO
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Tree details		
TPO Ref (if applicable): No5 of 2021	Tree/Group No: T28	Species: Sycamore
Owner (if known):	Location: Land to the east of the Iron Horse Public House	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes 3

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

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 |

Score & Notes 4

*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

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 | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes 2

d) Other factors

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

- | |
|--|
| 5) Principal components of formal arboricultural features, or veteran trees |
| 4) Tree groups, or principal 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) |
| -1) Trees with poor form or which are generally unsuitable for their location |

Score & Notes 1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | |
|---|
| 5) Immediate threat to tree inc. s.211 Notice |
| 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: 12

Decision: TPO defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 02/7/21	Surveyor: EA and KO
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Tree details		
TPO Ref (if applicable): No5 of 2021	Tree/Group No: G29	Species: Mixed species
Owner (if known):	Location: Land to the east of the Iron Horse Public House	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes 1

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

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 |

Score & Notes 2

*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

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 | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes 2

d) Other factors

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

- | | |
|--|--------------------------|
| 5) Principal components of formal arboricultural features, or veteran trees | Score & Notes |
| 4) Tree groups, or principal 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) | |
| -1) Trees with poor form or which are generally unsuitable for their location | |

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|--------------------------|
| 5) Immediate threat to tree inc. s.211 Notice | Score & Notes |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

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: 5

Decision: TPO indefensible