



## Planning Committee Agenda

Wyre Borough Council  
Date of Publication: 22 February 2023  
Please ask for : Daphne Courtenage  
Democratic Services Officer  
(Temporary)  
Tel: 01253 887476

**Planning Committee meeting on Wednesday, 1 March 2023 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 01 February 2023 (already circulated by email).

**4. Appeals**

(Pages 3 - 4)

The Schedule of Appeals lodged and decided between 15 January 2023 – 15 February 2023, 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 - Land off Castle Lane, Barnacre with Bonds, Lancashire (22/00669)<br>Outline application for the erection of up to 9 dwellings with access off Castle Lane (all other matters reserved) (re-submission 21/00891/OUT). | (Pages 5 - 26) |
|-----|--|----------------|

- |    |   |                 |
|----|---|-----------------|
| 6. | <b>Wyre Council Tree Preservation Order No 13 of 2022: Land at former Moy Veterinarian Surgery, Chapel Lane, Out Rawcliffe, PR3 6TB</b> | (Pages 27 - 44) |
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Report of the Corporate Director Environment.

**PLEASE NOTE:**

**Transport for members of the committee will leave the Civic Centre, for the two site visits, at 10.30am.**

**APPEALS LODGED AND DECIDED**  
**Appeals Lodged between – 15/01/23 and 15/02/23**

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
22/00093/FUL	Valiants Farm Lancaster Road Out Rawcliffe Lancashire PR3 6BL	Demolition and replacement of existing storage and distribution building (resubmission of 21/01028/FULMAJ)	Delegated	Written Representation	17.01.23
23/00003/ENF	12 Gloucester Avenue Thornton Cleveleys Lancashire FY5 2DQ	Appeal against enforcement notice	NA	Written Representation	19.01.23
22/00664/FUL	Moor End Manor Back Lane Stalmine Poulton-Le-Fylde Lancashire FY6 0JN	Part retrospective application for the change of use of land to form additional domestic garden to facilitate erection of detached garage/car port/ domestic store and installation of a private swimming pool.	Delegated	Written Representation	25.01.23
22/00858/FUL	20 South Strand Fleetwood Lancashire FY7 8RL	Roof lift to create first floor living accommodation, extensions to front and rear and provision of solar panels to front roof slope (re-submission 21/00805/FUL)	Delegated	Written Representation	14.02.23
21/01173/FULMAJ	119 Garstang Road Claughton-On-Brock Preston Lancashire PR3 0PH	Single-storey extension with mezzanine to existing storage building to create a retail unit (Use Class E(a)), and erection of workshop building (Use Class B2), with new car parking area in the existing yard (resubmission of 21/00133/FULMAJ)	Delegated	Written Representation	06.02.23

Appeals Decided between – 15/01/23 and 15/02/23

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
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## Committee Report

Date: 01.03.2023

Item Number	01
Application Number	22/00669/OUT
Proposal	Outline application for the erection of up to 9 dwellings with access off Castle Lane (all other matters reserved) (re-submission 21/00891/OUT)
Location	Land Off Castle Lane Barnacre With Bonds Lancashire
Applicant	Ms Claire Cooney
Correspondence Address	c/o Mr Stuart Booth 1B Waterview White Cross Lancaster LA1 4XS United Kingdom
Recommendation	Permit

## REPORT OF THE HEAD OF PLANNING SERVICES

### CASE OFFICER - Mr Rob McKillop

Site Notice displayed: 05.08.2022

#### 1.0 INTRODUCTION

- 1.1 This planning application is presented before planning committee at the request of Cllr J Ibison. A site visit is recommended to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

#### 2.0 SITE DESCRIPTION AND LOCATION

- 2.1 The application site is located on the southern side of Castle Lane in Barnacre with Bonds. The site is an undeveloped agricultural field that is roughly triangular in shape. There are houses to the southern and north western boundaries and a school playing field (St Mary & St Michael's Catholic Primary) to the south west. There are open fields to the north on the opposite side of Castle Lane. The site lies within the settlement boundary of Barnacre with Bonds and the eastern part of the site lies within Flood Zone 2.

#### 3.0 THE PROPOSAL

- 3.1 This application seeks outline planning permission for the erection of 9 dwellings with access applied for (all other matters are reserved). The proposed new access to Castle Lane is proposed in the position of the existing field access, set centrally in the northern site boundary. Part of the existing hedgerow would be removed to allow for access and required visibility splays. The indicative site layout shows 9 dwellings (3/4 bed) set in

the western part of the site. A balancing pond, natural planting and area of open space is shown to be located in the eastern part of the site.

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

- Preliminary Ecology Assessment
- Tree Plan / Schedule
- Flood Risk
- Planning Statement

#### **4.0 RELEVANT PLANNING HISTORY**

4.1 21/00891/OUT: Outline application for the erection of up to 9 dwellings with access off Castle Lane (all other matters reserved). Refused on the grounds that no Flood Risk Sequential test had been submitted and insufficient information had been submitted to assess the potential impacts upon protected species and biodiversity.

#### **5.0 PLANNING POLICY**

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN (2011-2031)  
(INCORPORATING PARTIAL UPDATE OF 2022)

5.1.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 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 WLPPU 2031 are of most relevance:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP8 - Health and Wellbeing
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk & Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility & Transport
- HP1 - Housing Supply

5.1.3 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 (base dated 31st March 2022) which demonstrates a deliverable housing land supply position of 10.63 years. The council's position therefore is that it is able to demonstrate a deliverable 5 year housing land supply.

## 5.2 NATIONAL PLANNING POLICY FRAMEWORK

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

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

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 6 - Building a strong, competitive economy

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well-designed places

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

Chapter 15 - Conserving and enhancing the natural environment

## 5.3 OTHER MATERIAL CONSIDERATIONS

### 5.3.1 WYRE SUPPLEMENTARY PLANNING GUIDANCE

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
- Guidance for Applicants - Flood Risk Sequential and Exceptions Test advice note

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

### 5.3.3 THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

### 5.3.4 NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

### 5.3.5 NATIONAL DESIGN GUIDE - SEPTEMBER 2019

### 5.3.6 NATIONAL DESIGN GUIDE AND THE NATIONAL MODEL DESIGN CODE

## 6.0 CONSULTATION RESPONSES

### 6.1 BARNACRE WITH BONDS PARISH COUNCIL

6.1.1 Objects for the following reasons (summarised):

- The site is greenfield and not allocated for development in the Local Plan and should not be considered as a viable windfall site;
- Development will damage the open rural character of the area;
- Wyre has already provided an oversupply of housing land to meet the Borough's housing needs and this development isn't required;

- Castle Lane is used by visitors to the school/nursery as well as for leisure purposes - it is unsuitable for an increase in vehicles which will be dangerous to all users;
- Limited details is provided about the impacts along Castle Lane given the close proximity to the school and nursey, or the impacts to the wider highway network;
- The development will have a detrimental impact on the local listed buildings, scheduled monuments and other significant buildings - no heritage statement has been submitted to assess the impacts;
- The development could cause surface water to flood nearby properties;
- There is no adopted sewer along Castle Lane and additional surface water may lead to flooding of Greenhalgh Castle Brook (to the north of the site) - further investigation work is required;
- The flooding sequential test does not cover correct parameters or size for comparator sites;
- Details of the likely impacts on ecology and wildlife should be provided;
- Local services such as schools, doctors, dentists etc are unable to accommodate additional demands, and both schools will be oversubscribed within 5 years;
- There is significant local objection (130 objections) and an Extraordinary Parish Council Meeting was necessary to discuss concerns with the community;

## 6.2 GARSTANG PARISH COUNCIL

### 6.2.1 Objects for following reasons (summarised):

- Castle Lane is narrow and mostly without a footway - the increased traffic will cause a highway safety risk to pedestrians, school children and motorists;
- Additional traffic will add to existing congestion problems - there are schools and a nursing home in close proximity and it is a hazardous area already;
- Castle Lane is used by the wider community for recreational walking
- This is a greenfield site located within the settlement boundary. However, it has not been identified or designated for development within the adopted Wyre Local Plan.

## 6.3 ENVIRONMENT AGENCY (EA)

### 6.3.1 Refers to flood risk standing advice.

## 6.4 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

### 6.4.1 Objects due to lack of information regarding impacts and biodiversity enhancements.

## 6.5 LANCASHIRE COUNTY COUNCIL (ARCHAEOLOGY)

### 6.5.1 No objections

## 6.6 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

### 6.6.1 No objections subject to conditions.

## 6.7 NATURAL ENGLAND (NE)



- 6.7.1 No objections
- 6.8 UNITED UTILITIES (UU)
  - 6.8.1 No objections in principle, subject to conditions.
- 6.9 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)
  - 6.9.1 No objection in principle subject to drainage plans being secured by condition.
- 6.10 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY)
  - 6.10.1 No comments received
- 6.11 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)
  - 6.11.1 No objection subject to conditions
- 6.12 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREE AND WOODLAND OFFICER)
  - 6.12.1 No objections, subject to appropriate landscaping

## **7.0 REPRESENTATIONS**

- 7.1 Ben Wallace (MP for Wyre and Preston North) objects to the application on the following grounds:
  - The site is not allocated for development in the Local Plan;
  - The site is designated for Green Infrastructure in the Local Plan (CDMP4);
  - Residents have raised concerns about traffic and flooding on Castle Lane.
- 7.2 1 public representation was recorded stating support for the application on the grounds that it is a great idea answering a need for more executive homes in the area.
- 7.3 138 public representations have been recorded in objection to the application however some members of the public have submitted multiple objections leading to a higher total. St Mary & St Michael Catholic Primary School have also objected. These objections are summarised as follows:

### Environment and Ecology

- The scheme contributes to a further loss of green space in the area.
- The development will block views of the castle and will be an eyesore.
- No visual impact assessment has been undertaken.
- The development will disrupt wildlife on the site and in the local area.
- The development poses a direct risk to an 'important hedge' which is home to many species of wildlife and its importance has not been assessed properly;
- The ecology report is incorrect and the land is not overgrazed or species poor. Further information has been added since the previous application was refused.

- Many plant and animal species have been identified by local residents at the site including endangered species like hedgehogs. The report has many flaws and has been solely written to support the application.

#### Drainage/Flooding

- Castle Lane has a history of flooding and current drainage in the area is inadequate - the development will likely worsen existing problems;
- The site is in flood zone 2 and the loss of the green land will increase the flood risk to surrounding properties;
- The search parameters of sequential test are inadequate, furthermore an absence of an alternative site to be compared with is not a reason to ignore the flood risk;
- The flood risk assessment and surface water management scheme are inadequate.

#### Principle Issues

- Approval of this application after a recent refusal of a similar proposal would discredit the planning process.
- Granting this application planning permission would undermine the local plan.
- The 'Site Allocations Background Paper' states that Castle Lane is 'considered least sequentially preferable of the proposed allocations' and as such no sites on castle lane were included in the local plan site allocations.
- The site is not allocated in the local plan.
- The scheme contradicts local plan policies CDMP6, CDMP5 and paragraphs 5.5.1, 6.3.1, 2.9.16 and 2.9.3 of the Wyre Local Plan.
- Too many dwellings have been built in the surrounding area and Garstang has met its housing target.
- There is insufficient public service infrastructure to support further population increase such as doctors, dentists and primary and secondary schools.
- Castle Lane is unsuitable for more dwellings.

#### Highways

- Castle Lane is a single track lane with few passing points. Traffic is already beyond the capacity of the lane, and is worsened at school pick-up and drop off times often leading to congestion on Bonds lane as cars wait to enter Castle Lane;
- The transport assessment is unsuitable due to it being done at an inappropriate time;
- Castle Lane is frequently used by pedestrians whose safety would be affected by the development, including users of the nursery and primary school;
- The junction with Bonds Lane has poor visibility and recently a serious accident occurred;
- There are concerns with Lancashire County Council's responses to the Draft Wyre Local Plan in December 2017. Appendix 17 - Statement of Consultation Highway Comment states 'Castle Lane is a single track road and rural in nature. The existing highway limits are such that additional land adjoining the highway would be required in order to provide a suitable means of access, i.e. requires significant widening to provide safe access for all highway users, especially pedestrians'. It also goes on to say 'A significant highway concern is that Castle Lane provides access to a local primary school';

- LCC should be asked how additional traffic will be accommodated.

Other issues

- 100% of the previous public comments received on the previous application were objections therefore approving this application would be undemocratic.
- There is no Access Impact Review to ascertain the potential harm to those with disabilities.
- The development has the potential to contravene the equality act.
- The application does not address the problems associated with the refused application.
- No consultee response was received regarding heritage assets despite it being national policy and a statutory duty.
- The development will detract from listed buildings on Castle Lane.

**8.0 CONTACT WITH APPLICANT/AGENT**

- 8.1 The applicant's agent has requested updates during the course of the application.

**9.0 ISSUES**

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

- Principle of Development
- Visual impacts, Design, Heritage
- Impact on Residential Amenity
- Impact on Highway Safety, Access and Highway network
- Flood Risk and Drainage
- Ecological Matters
- Trees and Landscaping

Principle of Development

- 9.2 In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of this application is the Development Plan which, in this instance, includes the adopted Wyre Local Plan (WLP31).
- 9.3 The site lies within the settlement boundary of Barnacre with Bonds as defined on the Policies Map to the WLP31, and is not subject to any other allocation. The site carries no special policy status in the WLP31 and it is not safeguarded land that is protected from development for the current Plan period. Policy SP1 (criterion 4) states 'development within settlement boundaries will be granted planning permission where it complies with the other policies of this Local Plan'. This denotes an acceptance in principle of residential development in settlement boundaries, and as previously set out, Barnacre is one of the rural settlements in the Borough. Therefore the proposal cannot be said to be in conflict with the development plan policy in principle.
- 9.4 Policy SP2 of the WLP31 sets out that new development should contribute to the continuation or creation of sustainable communities in terms of location and accessibility along with the requirement to respond to the challenge of climate change through appropriate design. Sustainability is also a material

consideration requirement of the NPPF. The application site is geographically located approximately 0.5 mile of Garstang town centre and 300m east of Bonds Lane which forms a key public transport corridor and provides good access to regular bus services as well as the existing pedestrian/cycle network. The site is also situated within close proximity to local shops and services making it a sustainable location in principle for residential development. Opportunities to enhance accessibility to the local services will be identified further in this report.

- 9.5 Policy SP2 (Criterion 6) requires development proposals to demonstrate how it would respond to the challenge of climate change through appropriate design and by making best use of resources and assets. Subject to acceptable layout and landscaping details being secured via any subsequent reserved matters application, as well as biodiversity enhancements, the development would have some environmental benefits. Electric vehicle charging points would be secured by condition. On balance therefore the proposal is considered to satisfy the requirements of Policy SP2. As such, residential development in this location would be acceptable in principle, subject to other matters being suitably addressed.

#### Visual impacts, Design, Heritage

- 9.6 Policy CDMP3 of the WLP31 and Section 12 of the NPPF seek to ensure high quality design including layouts. Consideration should also been given to the National Design Guide which local authorities should use as an assessment framework to help ensure the design and layout aspirations contained within the NPPF are achieved.
- 9.7 Layout, scale, appearance and landscaping are all matters to be considered in full at a later stage as part of any submission of reserved matters. It is, however, necessary to consider the indicative details provided, including access and layout, to determine whether the proposed development would have an acceptable relationship with the surrounding area and to ensure the site can accommodate the amount of dwellings proposed whilst ensuring compliance with Supplementary Planning Guidance 4 (SPG4).
- 9.8 The indicative layout shows 3 detached dwellings and 6 semi-detached dwellings set within the western part of the site around a cul-de-sac layout. Plots 1-7 have rear gardens generally facing towards the western boundary, and plots 8 and 9 have rear gardens towards the southern boundary. An area of open space with a pond and reed beds is shown within the eastern part of the site. The dwellings would feature in views along this part of Castle Lane and from countryside to the north of the site. However, the site shares boundaries with existing dwellings to the south, east and north-west. As such, there is an existing backdrop of development and new dwellings would be relatively close to existing houses and in this respect, the site is relatively well contained within surrounding built development. The northern boundary is marked by the hedgerow and development would not project into the open countryside on the opposite side of Castle Lane. Further consideration would be given the layout and relationship with surrounding development should a subsequent reserved matters application be received. Overall, it is considered that 9 dwellings could be constructed on the site in such a way that they would not be unduly prominent in surrounding views.

- 9.9 It is noted that the site currently has an established hedgerow along the front boundary. The indicative layout shows this would be mostly retained, with parts replanted to mitigate against losses. It is considered that a retained/reinstated hedgerow along the site frontage would partly screen future development and help retain the rural character of the site frontage along Castle Lane. Full details of landscaping and levels would be required at reserved matters stage. Overall, the development would not significantly harm the established characteristics of the landscape or the character of nearby development in the surrounding area. On this basis, the visual impacts are considered to be acceptable and the development would accord with Policy CDMP3 of the Local Plan.

#### Impact on residential amenity

- 9.10 There are residential properties opposite the southern boundary and part of the western boundaries. The indicative layout shows the rear wall of the dwellings would be at least 11m away from the south and south western boundaries. Kirkfield, the dwelling to the west, fronts towards Castle Lane and the indicative layout shows its side elevation would be 11m from the side/rear corner of the indicative position of plot 1. These distances exceed the recommended distances included in the Council's Design SPG which aim to protect the amenity of existing and future residents. Whilst layout and design is only indicative as this stage, the plans show that the proposed development could be accommodated in such a way to avoid any significant harm to existing surrounding residents through overlooking, overbearing or overshadowing. In terms of relationships between the proposed dwellings themselves, the front elevation of plot 4 would be approximately 17m away from the rear elevation of plot 3. Whilst this would result in a shortfall against the council's SPG4 guidance, it is considered that the layout could be amended to deliver an acceptable relationship between plots. This impact would be assessed fully under any subsequent reserved matters application.
- 9.11 Whilst some noise and disruption is unavoidable during construction, a condition would be added to any permission granted for a Construction Environmental Management Plan to reduce the impacts of noise and disruption during construction. Overall, subject to suitably worded conditions, the development would not result in any unacceptable amenity impacts to neighbours and the development would also provide an acceptable level of amenity for future occupiers.

#### Impact on Highway Safety, Access and Highway network

- 9.12 As set out in paragraphs 9.2-9.4 there are also bus stops in relatively close proximity to the site along the B6430 (Bonds Lane). The application site is within 0.5 miles of Garstang town centre and is within walking and cycling distance of a range of services. As such, future residents would be able to meet their needs through sustainable transport methods. Numerous objections have been received in respect of highway safety concerns both along Castle Lane and at the junction with the B6430. It is noted that under the previous application (ref: 21/00891/OUT), a traffic count was considered by LCC Highways, as well as a Traffic Survey supplied by local residents. Under the previous application, no objections were raised. Similarly, based on the submitted details, LCC have not raised any highway safety objections to the proposed development, subject to the imposition of planning conditions.

- 9.13 LCC Highways have confirmed that their position remains unchanged, and previously noted that Castle Lane is generally lightly trafficked with the exception of the start and end of the school day where there are significant vehicle and pedestrian movements. Under the previous application, LCC advised that the development is likely to generate an extra 4 or 5 vehicle movements on Castle Lane past the school in the busiest hour, and this would not generally raise any highway safety or capacity concerns. It was also noted that, in the worst case scenario that all traffic movements associated with the proposed development took place within a short period coinciding with the peak traffic period, it would still only represent a small increase in traffic during that period. As such, as per the previous application, LCC have advised that the scheme would not have an unacceptable impact on traffic.
- 9.14 In respect of the proposed new access, LCC previously advised that lighting should be added in the interests of highway safety, as well as the section of Castle Lane between the site access and Ashkirk (location of the last street light). The proposed access layout indicates part of the existing hedgerow would be removed to provide the necessary visibility splays, and no objection is raised by LCC in respect of visibility. LCC have requested, tactile paving, street lighting, in addition to a construction management plan to be provided prior to development. These off-site highway improvements would need to be constructed under a section 278 agreement. A condition requiring these works to be completed prior to occupation of any dwelling, and other conditions would be added to ensure the development would have an acceptable impact in line with the comments from LCC Highways. Subject to conditions, it is considered that the development would not have any significant harmful impact on highway or pedestrian safety along Castle Lane. It is noted that the internal layout, including appropriate parking, would need to be agreed via any subsequent reserved matters application.
- 9.15 Overall, the application is not considered to result in an unacceptable impact on highways safety and would accord with Policy CDMP6 of the WLP31 and the NPPF.

#### Flood Risk and Drainage

- 9.16 Concerns have been raised by members of the public in respect of drainage and flooding. The western part of the site is within Flood Zone 1, whilst the eastern part of the site lies within Flood Zone 2. The indicative layout shows the dwellings positioned within Flood Zone 1 which is at lowest risk of flooding. However, as the access is within Flood Zone 2 (medium risk), a flood risk sequential test would be required. The council has published guidance on the sequential test for flooding, which is in line with Policy CDMP2 of the Local Plan, The NPPF and the NPPG. The submitted sequential test has considered comparator sites compiled from relevant sources. Following consideration, this is considered to adequately demonstrate that there are no other sites available to accommodate the proposed development with a lower probability of flooding. As the sequential test is passed, there is no requirement for the local planning authority to assess the exceptions test.
- 9.17 It is noted that safe access and escape routes should be provided as set out in Paragraph 168 of the NPPF. The proposed dwellings would be within Flood Zone 1, although the site access and Castle Lane are within Flood

Zone 2. It is considered that risk to future occupiers would be limited by the position of dwellings within Flood Zone 1. The Council's Drainage Engineer has not raised any objections to the application, and a condition would be added to any permission granted to secure full drainage plans to be submitted for approval. No objections have been raised by the Environment Agency, subject to an informative note being added should planning permission be granted.

- 9.18 Overall, no significant harmful impacts in relation to drainage have been identified and the application is deemed not to conflict significantly with the aims of Chapter 14 of NPPF, the National Planning Policy Guidance 'Flood Risk and Coastal Change, and Policy CDMP2 of WLP31.

#### Ecological Matters

- 9.19 The site lies within Natural England's SSSI Impact Risk Zones for Morcambe Bay and Duddon Estuary SPA/Ramsar. Under the previous application, GMEU provided a screening opinion stating that "the proposal does not impact on any features which could be considered part of the SPA or Functionally Linked Land, which could be used for foraging/roosting land for overwintering wildfowl/waders." This advice is still considered to be relevant and Natural England have responded to consultation on this application to confirm that they have no objections on the basis that the development will not have any significant adverse impacts on statutorily protected nature conservation sites or landscapes. As such further consideration under the Habitats Regulations (2019) is not necessary, and the proposal can be screened out of any further assessment.
- 9.20 In respect of other biodiversity considerations, GMEU have raised an objection on the grounds that the applicant has not submitted evidence of entry to a District Level Licensing (DLL) Scheme in respect of Great Crested Newts. However, during the course of the application, the applicant has submitted evidence of the DLL Impact Assessment and Conservation Payment Certificate, demonstrating it is acceptable to Natural England. This is considered to overcome the objections in relation to impact on Great Crested Newts. GMEU additionally raised objection to the absence of a biodiversity enhancement scheme. The applicant has stated that a biodiversity enhancement scheme would be submitted in support of a reserved matters scheme when precise layout and landscaping details are known. It is noted that the indicative plan shows the eastern part of the site would remain as semi-natural open space with ponds and reed beds, and there would be potential to include further biodiversity measures within the scheme. It is considered imperative for a green/natural wildlife corridor to remain to the south western boundary to allow species and mammals to move between the open countryside and other open areas to the south west of the site. Whilst this is not shown on the indicative layout, this would be required as part of any layout brought forward under any subsequent reserved matters application. It is considered this is reasonably achievable. A re consultation with GMEU on the additional information submitted has been undertaken and the response will be presented to Members as an update prior to planning committee.
- 9.21 Concerns about the loss of habitat, notably grassland, were raised by members of the public. The applicant's preliminary ecological survey is limited in analysis of this. The site is not identified as a Priority Habitat on

Magic Map, however its UK coverage is not comprehensive. GMEU have not raised any specific objection to the loss of grassland or other habitats. Whilst the application would clearly have some impacts on the habitat value of the site, it is considered that there would be opportunity to provide mitigation as part of any subsequent reserved matters application where layout is considered.

- 9.22 Overall, the application is not considered to present any unacceptable impact on ecology or protected species, and would not conflict with Policy CDMP4 of the WLP31, Chapter 15 of the NPPF, the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations.

#### Trees/Landscaping

- 9.23 There is an established hedgerow along the site frontage, part of which would require removal to allow for access and visibility splays. The majority of the site is grassed. The Council's Tree Officer has advised that their previous comments remain applicable to the proposals. No objections are raised to the partial loss of hedgerow, although a tree survey, tree protection plan, and landscaping scheme are requested for future consideration to ensure an acceptable impact. Landscaping is a reserved matter, and would be assessed following submission of any subsequent reserved matters application. In terms of the current application, a condition would be added to any permission granted to secure tree survey and protection measures are secured in respect of existing trees to the site boundary and the hedgerow to the front of the site. Overall, there would be no unacceptable impact on trees or landscaping features, subject to suitably worded conditions. The application would, therefore, accord with Policy CDMP4 of the WLP.

#### Other Issues

- 9.24 A condition would be added to ensure appropriate bin presentation points and bin stores are agreed prior to occupation of any dwelling.
- 9.25 The Council's Environmental Health Team have requested a conditions for a desk study to be provided prior to development to investigate and produce an assessment of the risk of the potential for on-site contamination. Subject to a suitably worded condition, the development would have an acceptable impact on contamination.
- 9.26 In respect of heritage, LCC's Historic Environment Team (Archaeology) has advised that the application does not affect sites of archaeological interest and further work is not required. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 each place a general duty on local planning authorities. In this case, the application site is more than 270m from the Garstang Conservation Area with numerous buildings in the intervening area and would, therefore, clearly not affect its setting. Similarly, the application site is approximately 50m south east of Bonds Fold Farmhouse and Greenhalgh Cottage, both grade II listed buildings, however the intervening distance and presence of a dwelling in between would mean the development would not affect the setting of these listed buildings. The site of Greenhalgh (Garstang) Castle is some distance away to the east and would be unaffected by the development. The application would accord with Policy CDMP5 of the WLP and Chapter 16 of the NPPF.



- 9.27 Ben Wallace (MP for Wyre and Preston North) objects to the development on the basis that the site "has not been allocated for development in the Local Plan", and that the site is "designated as Green Infrastructure". Both these assertions are incorrect as the site is identified in the Local Plan as within the settlement boundary to Barnacre with Bonds. In principle, new dwellings are an accepted form of development unless other designations apply. The site is not designated as Green Infrastructure and therefore these erroneous points need not be addressed further.

## **10.0 CONCLUSION**

- 10.1 The site is within the settlement boundary and the proposed development is therefore acceptable in principle. No unacceptable impacts have been identified in respect of amenity, highways safety, drainage, flooding, landscaping and ecology. All other material impacts have been assessed and found to be acceptable and overall, subject to conditions, the proposed development is considered to be acceptable.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

- 11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.
- 11.2 ARTICLE 1 of the First Protocol Protection of Property has been considered in coming to this recommendation.

## **12.0 RECOMMENDATION**

- 12.1 Grant outline planning permission subject to conditions.

### **Recommendation: Permit**

#### **Conditions: -**

1. In the case of any reserved matter, namely, appearance, landscaping, layout and scale of the buildings, an application for approval must be made before the expiration of three years beginning with the date of this permission; and that the development hereby permitted shall be begun not later than:  
the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed pursuant to Section 92 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 01.07.2022 including the following plans/documents:
  - Site Location Plan
  - Access Arrangement J1264/Access/Fig 1

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 submission of the first reserved matters application(s) relating to layout, or simultaneously with that first reserved matters application, a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, 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.

Each reserved matter relating to layout should demonstrate compliance with the agreed drainage scheme.

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 NPPF.

4. Prior to the commencement of development details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:
  - a) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents' Management Company
  - b) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
    - i. on-going inspections relating to performance and asset condition assessments
    - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

- c) Means of access for maintenance and easements where applicable.

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

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

5. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by JWPC Ref: TC/L9861/2021/03 and the mitigation measures detailed within Section 4 of the FRA. 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.

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

- (a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays
- (d) contractors' compounds and other storage arrangements
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period
- (f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (h) external lighting of the site during the demolition / construction period
- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling / disposing of waste resulting from demolition / construction work
- (k) measures to protect watercourses against spillage incidents and pollution

The construction of the development including any demolition works shall be

carried out in accordance with the approved CEMP.

Reason: Such details were not submitted with the application and need to be in place throughout the demolition / construction period in the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

7. The visibility splays from the proposed new site access onto Castle Lane as shown on approved Drg No. Access Arrangement J1264/Access/Fig 1 shall be provided prior to first occupation of any dwelling and shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

Reason: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

8. (a) The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound / for a distance of 10 metres into the site from the highway before any other development takes place within the site.
- (b) No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to those dwelling(s) has been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level.
- (c) In the event that the new estate road is not proposed for adoption by the Local Highway Authority then details of their road construction (surface materials and depth) and highway infrastructure (footways, street lighting, drainage) shall be submitted to, and approved in writing by, the Local Planning Authority. No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to that dwelling has been constructed in accordance with the approved details.

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

9. Prior to first occupation of any dwelling hereby approved, the off-site works of highway improvements [namely the site access to Castle Lane, including tactile paving and street lighting] shall be carried out, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall be carried out in accordance with any alternative approved timetable for implementation.

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

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

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

11. Prior to the commencement of development, including any demolition or tree works, an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan for the retained trees shall be submitted to and approved in writing by the Local Planning Authority. This shall indicate the methods and positioning of tree protection measures such as ground protection (where necessary), Heras protective fencing and details of any specialist demolition or construction methods if appropriate.

The measures contained within the approved Arboricultural Impact Assessment, Method Statement and Tree Protection Plan with respect to those trees shown as being retained shall be implemented in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: In order to protect trees from damage or loss in the interests of the amenity of the area in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981. The details are required to be approved prior to commencement of development to ensure timely tree protection measures are in place.

12. As part of any reserved matters application, details a Landscape and Habitat Creation and Management Scheme, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall identify the opportunities for biodiversity enhancement on site including (but not limited to):
  - Native tree and shrub planting to mitigate for loss of trees
  - Hedgerow planting / Bolstering of existing hedgerows along site boundaries using native species
  - Bat bricks and/or tubes within the new development
  - Bird Boxes
  - Bat Boxes

- Assessment and removal of any present invasive species at the site (including rhododendron)

The Landscape and Habitat Creation and Management Scheme shall be carried out in accordance with the approved details.

Reason: Such a scheme was not submitted with the application but is necessary to secure opportunities for the enhancement of the nature conservation value of the site in the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

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

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

14. Prior to the submission of a reserved matters application relating to layout, or simultaneously with that reserved matters application, details of the existing and proposed ground, slab and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority.

The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details.

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

15. Prior to the commencement of development a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site, and validation of the approved measures shall be submitted to, and approved by, the Local Planning Authority in writing on completion of the works. Any changes to the approved scheme must be

approved in writing by the Local Planning Authority prior to any works being undertaken.

Reason: The development is for a sensitive end use and insufficient information has been submitted with the application as to the potential contamination risks of the site. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

16. An electric vehicle recharging (EVCP) scheme shall be submitted for all dwellings with parking provision 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 occupied until the electric vehicle recharging point has been provided for the dwelling to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

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

17. No development above ground level shall be commenced until details of the refuse storage provision (including location, design and materials of construction) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, prior to first occupation of any part of the approved development and thereafter maintained and retained.

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

18. Any reserved matters application including layout shall demonstrate that the dwellings hereby approved shall be sited within Flood Zone 1 only. No dwelling or part thereof shall be sited with Flood Zones 2 or 3.

Reason: To ensure a safe form of development to reduce the risk of flooding in accordance with policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

**Notes: -**

1. Any reserved matters layout should provide for a legitimate green wildlife corridor connection to existing green open spaces to the south western boundary.

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# Planning Committee

22/00669/OUT Land Off Castle Lane Barnacre with Bonds



Scale : 1:863

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	15 February 2023
S LA Number	100018720

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Report of:	Meeting	Date	Item No.
Mark Billington Corporate Director Environment	Planning Committee	1 <sup>st</sup> March 2023	

**Wyre Council Tree Preservation Order No 13 of 2022: Land at former Moy Veterinarian Surgery, Chapel Lane, Out Rawcliffe, PR3 6TB**

**1. Purpose of report**

**1.1** To consider the objection to the making of Wyre Council Tree Preservation Order No 13 of 2022: Land at former Moy Veterinarian Surgery, Chapel Lane, Out Rawcliffe, PR3 6TB

**2. Outcomes**

**2.1** To determine whether or not to confirm the Wyre Council Tree Preservation Order No 13 of 2022: Land at former Moy Veterinarian Surgery, Chapel Lane, Out Rawcliffe, PR3 6TB

**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 No 13 of 2022: Land at former Moy Veterinarian Surgery, Chapel Lane, Out Rawcliffe, PR3 6TB be confirmed without modification 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).*

- 4.5** 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”*.
- 4.6** 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.
- 4.7** Within the framework of a TPO, a Local Planning Authority may classify trees as occurring either as individuals, groups, woodlands, or areas.

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

- 5.1** On 7 November 2022 the Tree Officer received a request from a member of the public, relayed from the Planning Department, to create a TPO in relation to trees located at the former Moy Veterinarian Surgery, Chapel Lane, Out Rawcliffe, PR3 6TB. The related planning application being 22/00991/COUMA Moy Farm vets - Prior notification for change of use of a building and land within its curtilage to residential. It was determined on 28 November 2022 that prior approval is not required in relation to this planning application.
- 5.2** The Tree Officer visited site on 10 November 2022 and undertook an appropriate tree evaluation method for preservation orders (“TEMPO”) which guided the subsequent decision to make the Wyre Council Tree Preservation Order No 13 of 2022: Land at former Moy Veterinarian Surgery, Chapel Lane, Out Rawcliffe, PR3 6TB . The TPO applies to G1 comprising of five oak trees, and woodlands W1 and W2. A copy of each of the completed TEMPO survey data sheet relating to the TPO along with associated images of the TPO are appended to this report at Appendix 1.
- 5.3** On 30 November 2022 Wyre Council made Wyre Council Tree Preservation Order No 13 of 2022: Land at former Moy Veterinarian Surgery, Chapel Lane, Out Rawcliffe, PR3 6TB (“ the TPO”). A copy of the TPO plan is appended to this report at Appendix 2.

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.

The period for any objections and representations to be made to the Council in respect of the TPO ended on 28 December 2022. However further to a request from the owner of the TPO trees to extend the deadline beyond the Christmas break a proposed new extended deadline of 5pm on 5<sup>th</sup> January 2023 was sanctioned by the Tree Officer.

The Council received an objection letter from the owner of the TPO trees on 5<sup>th</sup> January 2023. This was accompanied by a letter dated 24 December 2022 from their appointed Arborist supporting the objection. A redacted copy of each of these letters is appended to this report at Appendix 3.

## 6. Summary of Objections

**6.1** The MA planning application was submitted and approved. There is absolutely no reason that the beautiful surrounding trees would be removed.

The trees need regular managing, pruning and care, many overhang the carriageway significantly posing a risk to traffic and pedestrians. To have to discuss and get permission for every branch or tiny section of every tree to be pruned will become onerous for the tree officer and myself very quickly. The decision to make the TPO seems a quite extreme option.

Please reconsider the three areas of protection that have been imposed.

I hope to be treated fairly and in keeping with other developments in our area that have not had Tree Preservation Orders imposed.

Two examples of developments are at Hillhouse Farm, Chapel Lane, Out Rawcliffe. There are trees close to the house but no orders were served. Similarly, where the land opposite Church Farm was developed to build a lovely bungalow yet no TPO restrictions were put in place.

### **Summary of Arborists letter in support of objection**

**6.2** Discussions between the arborist and the owner of the TPO trees have highlighted the need for a maintenance schedule. Some tree works have commenced to roadside trees to address stripping ivy and removing deadwood. The Arborist has raised concern that the TPO application process will prevent regular maintenance of the trees.

The TPO should be amended to cover the specimen asset trees with permission granted to maintain the rest of the trees as necessary and in accordance with industry best practice.

## **7.0 Response to Objections**

**7.1** Regarding 22/00071/FUL | Two storey rear extension and single storey side extension | Hill House Farm Chapel Lane Out Rawcliffe Preston Lancashire PR3 6TB, and, the land opposite Church Farm developed to build a bungalow.

The Tree Officer was not consulted regarding these planning applications and each case is to be considered on its merits.

**7.2** TPOs are made on a case by case basis. The TPO has been proactively made as a precaution. 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 10 November 2022 in respect of the TPO. The TEMPO comprised an amenity assessment in relation to the condition and suitability of the trees along with tree species, size, life expectancy, public visibility, other factors and expediency. The TPO has been created in a clear and consistent manner.

**7.3** The TPO ensures that tree works that are applied for will only gain consent if in accordance with good arboricultural management.

**7.4** The Forestry Commission has confirmed that there are no recent or historic Forestry Commission grants that apply to the land under consideration. It is encouraged that W1 and W2 should be managed sustainably and in accordance with UK Forestry Standard.

**7.5** If the TPO is confirmed, an application for consent regarding TPO tree works would continue to be required for consideration in the absence of obtaining consent under a FC felling licence or meeting with an associated exception.

**7.6** The purpose of woodland designations are to safeguard woodland as a whole. The Woodland designation can make allowance for some degree of woodland management taking place in order to sustain the woodland.

**7.7** The woodland category is not intended to hinder beneficial woodland management. It is encouraged that landowners bring their woodlands into proper management under the grant schemes run by the Forestry Commission. If a woodland subject to an Order is not brought into beneficial woodland management via a Forestry Commission grant scheme then applications can still manage the trees in ways that would benefit the woodland without serious impact on local amenity, e.g. by making a single application for regularly repeated operations.

In the case of this particular TPO these operations could include the stripping of ivy from trees and maintaining 5.5 metres crown height clearance over the public highway.

An exception may exempt landowners or their agents from the normal requirement to seek consent before carrying out work on trees subject to a tree preservation order.. These exceptions include certain work such as:

- the removal of dead braches from a living tree;
- the cutting down, topping, lopping or uprooting of a tree which is dead if urgently necessary to remove an immediate risk of serious harm; and
- the cutting down, uprooting, topping or lopping of a tree, to the extent that such works are urgently necessary to remove an immediate risk of serious harm,

In all the circumstances, officer view is that it is expedient in the interests of amenity to make G1 , W1 and W2 subject of a confirmed tree preservation order without modification.

Advice pertaining to Planning Committee and its procedures along with a copy of this report relating to the TPO have been forwarded to the objector in reasonable advance of the meeting of Planning Committee on 1<sup>st</sup> March 2023.



## 8.0 Concluding remarks

- 8.1** 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. The trees presently protected by the TPO have been assessed in a structured and consistent way using an approved method.
- 8.2** 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 assessment have 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 without modification.

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

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

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

<b>implications</b>	<b>✓ / x</b>
community safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	X

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

<b>climate change</b>	✓
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	01 February 2023

<b>List of background papers:</b>		
name of document	date	where available for inspection
Wyre Council TPO No 13 of 2022	30 November 2022	Room 134 or by email to Tree Officer.

### **List of Appendices**

#### **Appendices:**

- 1** –TEMPO survey data sheet and also public visibility images of the TPO.
- 2** –TPO plan.
- 3** – (i) Redacted copy of letter of objection. (ii) Arborists Letter supporting objection.

### **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: 10/11/22 Surveyor: R. Appell

Tree details  
 TPO Ref (if applicable): Tree/Group No: G1 Species: Oak x 5  
 Owner (if known): Location: Former May vets, Chapel lane  
 Out Rowcliffe

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

4

##### 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

4

#### 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

1

#### 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:

14

Decision:

Create TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 10/11/23 Surveyor: R. Arell

Tree details  
 TPO Ref (if applicable):  
 Owner (if known):  
 Tree/Group No: W1  
 Location: Former Mayfield Grade  
 Species: ash, beech, sycamore, white willow, white poplar, oak & hawthorn.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

5) Good	Highly suitable	Score & Notes 3
3) Fair/satisfactory	Suitable	
1) Poor	Unlikely to be suitable	
0) Dead/dying/dangerous*	Unsuitable	
* Relates to existing context and is intended to apply to severe irremediable defects only		

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

5) 100+	Highly suitable	Score & Notes 4
4) 40-100	Very suitable	
2) 20-40	Suitable	
1) 10-20	Just suitable	
0) <10*	Unsuitable	
*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality		

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	Score & Notes 4
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	

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 (Habitat importance not checked)
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 1
3) Foreseeable threat to tree	
1) Precautionary only	

Part 3: Decision guide

Any 0	Do not apply TPO	Add Scores for Total: 13	Decision: Create TPO
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

SURVEY DATA SHEET & DECISION GUIDE

Date: 10/11/22	Surveyor: R. Farrell
Tree details	
TPO Ref (if applicable):	Tree/Group No: W2 Species: silver birch
Owner (if known):	Location: former moor Willow, eucalyptus

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

5) Good	Highly suitable	<b>Score &amp; Notes</b> <div style="font-size: 2em; text-align: center;">3</div>
3) Fair/satisfactory	Suitable	
1) Poor	Unlikely to be suitable	
0) Dead/dying/dangerous*	Unsuitable	
* Relates to existing context and is intended to apply to severe irremediable defects only		

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

5) 100+	Highly suitable	<b>Score &amp; Notes</b> <div style="font-size: 2em; text-align: center;">4</div>
4) 40-100	Very suitable	
2) 20-40	Suitable	
1) 10-20	Just suitable	
0) <10*	Unsuitable	
* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality		

**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	<b>Score &amp; Notes</b> <div style="font-size: 2em; text-align: center;">4</div>
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	

**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	<b>Score &amp; Notes</b> <div style="font-size: 1.5em;">1 (habitat importance)</div> <div style="font-size: 1.2em;">not checked</div>
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	<b>Score &amp; Notes</b> <div style="font-size: 2em; text-align: center;">1</div>
3) Foreseeable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	

**Part 3: Decision guide**

Any 0	Do not apply TPO	<b>Add Scores for Total:</b> <div style="font-size: 2em; text-align: center;">13</div>	<b>Decision:</b> <div style="font-size: 1.5em;">Create TPO</div>
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		



Above image: View of TPO when looking north west from Chapel Lane.



Above image: View of TPO when looking south east from Dry Bread Lane.

## Appendix 2

# Wyre Council Tree Preservation Order No 13 of 2022



Land at former Moy Veterinarian Surgery, Chapel Lane, Out Rawcliffe, PR3 6TB.



### Appendix 3

(i) Redacted copy of letter of objection.

To Whom it may Concern,

I am writing to express my concerns in regards the **Wyre Borough Council Tree Preservation Order- 013/2022/TPO-Moy Veterinary Surgery, Chapel Lane, Out Rawcliffe, PR36TB.**

My late husband and I purchased Moy Farm and developed what was Moy Farm Veterinary Centre in early 1992. Our aim was always to preserve the natural environment in which we lived and worked. Since 1992 we have managed the woodland area, planted two new woodland areas in the field and cared for the trees in front of the veterinary clinic.

When the clinic eventually closed and moved permanently to our larger site on Carr Lane in Hambleton the building was left vacant but the trees still regularly checked by to ensure their safety and wellbeing. No trees have ever been removed unless damaged or diseased.

The vacant ex veterinary building needs a new purpose, but the aim is to stay in keeping with the land and woodland as has been the precedent set for 30 years. The land and wood have much sentimental value and meaning as it belonged to my late husband's family.

The MA planning application was submitted and approved. This planning requires no alteration to the exterior of the building and as such there is absolutely no reason that the beautiful surrounding trees would be removed.

However, there are a lot of trees and they do need regular managing, pruning and care as many overhang the carriageway significantly so pose a risk to traffic and pedestrians. To have to discuss and get permission for every branch or tiny section of every tree to be pruned will become onerous for the tree officer and myself very quickly.

If I were a developer who was planning to remove hedges, fell trees and build multiple houses I would understand this decision. However, as one person wanting to restore a vacant property to become part of the community again and not an eyesore (as it is now) and to retain the rural and beautiful attributes of this woodland and site, it seems to me a quite extreme option.

The majority of my neighbors are hugely supportive of the property being restored and trust that I will create a property that is attractive and sits well in the environment that it exists. They have seen the new vet building in Hambleton and know that I have created an attractive building, with sensitive planting and environmental features (including a naturally draining carpark rather than tarmac). They trust that I will do the same on the site next to my home of 30 years.

I hope that you may reconsider the three areas of protection that have been imposed.  
G1-the 5 oak trees at the front of the building  
W1-the whole L shaped woodland area running along the roadside of the property



W2-the area of trees that we planted ourselves in the field. These are much younger trees. Planted approx. 15 years ago.

I hope that W1 & W2 will be lifted and even that G1 would be reconsidered.

I hope to be treated fairly and in keeping with other developments in our area that have not had Tree Preservation Orders imposed.

Two examples of developments are at Hillhouse Farm, Chapel Lane, Out Rawcliffe.

There are trees close to the house but no orders were served.

Similarly, where the land opposite Church Farm was developed to build a lovely bungalow yet no TPO restrictions were put in place.

Both of these properties are my neighbours.

I appreciate your time reading and considering my appeal.

I also attach a report to support my claims from Michael Hewitt (Arborist, NPTC Certified).

Yours Sincerely

BVSc, MRCVS.

31.12.22

(ii) Arborists Letter supporting objection.

Re, [REDACTED] Moy Farm, Chapel Lane, Out Rawcliffe.

To whom it may concern,

I am writing in support of [REDACTED] regarding the Tree Preservation Order which has been applied to the above property.

I am a qualified arborist, with training in tree hazard awareness, and 20 years experience of practical tree surgery.

I have worked for [REDACTED] for many years, both at the above address, and also at the various business venues connected to her veterinary practice. At all times, I have found [REDACTED] to be a very careful and considerate property manager, always ready to accept professional advice concerning tree issues, and always mindful of the environment and her neighbours.

I am well acquainted with the trees which are highlighted on the order, and the area of land which contains them. I have had preliminary discussions with [REDACTED] regarding these trees, and particularly the land adjoining the road, (Chapel Lane). I understand from these discussions that [REDACTED] has no intention of felling these trees for any purpose, and is in fact intent on keeping them as a managed woodland, which would be a marvelous asset to her property.

In fact, we had discussed the necessity of planning a maintenance schedule for the area, as several of the trees are in need of attention, with regards to dead-wooding, and clearing of ivy. I have already done some work on the roadside trees, and we were looking to start on the rest when the weather improves.

I am rather concerned that this general TPO which is mandated will prevent us from maintaining the trees on a regular basis, as it will require a planning application to be submitted each time.

I agree that the large oaks at the front are specimen trees and well worth protecting, but a lot of the smaller trees are in poor condition, such as willows, which will require regular maintenance.

It is my submission that the TPO should be amended to cover the specimen asset trees, but with permission granted to prune and maintain the rest of the trees as necessary, with due regard to approved tree management procedures.

[REDACTED]

ARBORIST.

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