



Wyre Borough Council

Date of Publication: 28 August 2018

Please ask for : Carole Leary

Democratic Services Officer

Tel: 01253 887444

Planning Committee Agenda

**Planning Committee meeting on Wednesday, 5 September 2018 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 previous meeting of the Planning Committee held on Wednesday 1 August 2018 (already circulated by email).

4. Appeals

(Pages 1 - 2)

Schedule of Appeals lodged and decided between 15 July 2018 – 15 August 2018, attached.

5. Planning Applications

(Pages 3 - 20)

Background Papers:

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

The Wyre Borough Local Plan (1999).

Wyre Borough Core Strategy Preferred Options document (March 2012).

Wyre Local Plan Issues and Options (June 2015).

Submission draft – emerging Wyre Borough Local Plan 2011-2031.

Joint Lancashire Minerals and Waste Local Plan.

Statements of Government Policy/advice (NPPF, NPPG, Circulars etc.).

Supplementary Planning Documents and evidence base documents specifically referred to in the reports.

The application file (as per the number at the head of each report).

The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
Any additional information specifically referred to in each report.

These Background Documents are available either on line, or for inspection by request at 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

Item 1, Application No: 18/00614/FULMAJ – Land at the Corner of Breck Road and Station road, Poulton-Le-Fylde, Lancashire

Retrospective application for the demolition of former Public House and the erection of a three storey and part two storey apartment block (12 apartments) including associated access/parking provision and a cycle store.

6. **Wyre Borough Council Tree Preservation Order No 6 of 2018 - Land adjacent to No 57 Oldfield Carr Lane, Poulton le Fylde, FY6 8EN** (Pages 21 - 36)

Report of the Service Director People and Places

7. **Wyre Borough Council Tree Preservation Order No 8 of 2018 - Land at Brock, Bilsborrow, PR3 0RD** (Pages 37 - 48)

Report of the Service Director People and Places

PLEASE NOTE:

Transport for the members will leave the Civic Centre for the three Site Visits at 10.45am.

APPEALS LODGED AND DECIDED

Appeals Lodged between –15 July – 15 August 2018

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
18/00267/FUL	119 West Drive Thornton Cleveleys Lancashire FY5 2JE	Proposed side conservatory	Delegated	Fast track appeal	19 July 2018
17/00320/FULMAJ	Land Off Ormerod Street Thornton Cleveleys Lancashire FY5 4HU	Erection of 17 houses and associated works (Re-submission of 16/00514/FULMAJ)	Committee	Written Representation	23 July 2018
17/00344/FULMAJ	Land East Of Gubberford Lane Scorton Lancashire	Erection of 31 dwellings with associated access, open space and landscaping	Delegated	Written Representation	24 July 2018
17/00639/FUL	Big Blindhurst Farm Bleasdale Lane Bleasdale Preston Lancashire PR3 1UT	Erection of new silage storage building to replace existing silage clamp (phase II of II)	Delegated	Written Representation	30 July 2018
17/00638/FUL	Big Blindhurst Farm Bleasdale Lane Bleasdale Preston Lancashire PR3 1UT	Erection of new silage storage building to replace existing silage clamp (phase I of II)	Delegated	Written Representation	1 August 2018
18/00044/FUL	Puddle Cottage Puddle House Lane Poulton-Le-Fylde Lancashire FY6 8LB	Erection of dwellinghouse with attached garages.	Delegated	Written Representation	6 August 2018

Appeals Decided between – 15 July – 15 August 2018

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
16/00981/FULMAJ	Land Off Hardhorn Road Poulton-le-Fylde Lancashire FY6 8DH	Residential development comprising the erection of 30 dwellings with associated works including access and landscaping	Committee	Withdrawn	20 July 2018

Committee Report

Date: 05.09.2018

Item Number 01

Application Number 18/00614/FULMAJ

Proposal Retrospective application for the demolition of former Public House and the erection of a three storey and part two storey apartment block (12 apartments) including associated access/parking provision and a cycle store

Location Land At The Corner Of Breck Road And Station Road Poulton-Le-Fylde Lancashire

Applicant Singleton And Smart

**Correspondence Address c/o Keystone Design Associates Ltd
Mr Dave Hadwin Development House 261 Church Street
Blackpool FY1 3PB**

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Karl Glover

1.0 INTRODUCTION

1.1 This application is before Members at the request of Councillor Henderson. A previous application for development on this site has also been presented to Planning Committee for determination. A site visit is proposed to help Members understand how the proposed apartments would sit within their surroundings, including the relationship to neighbouring properties.

2.0 SITE DESCRIPTION AND LOCATION

2.1 This application relates to the site of the former Royal Oak public house and its associated car park located on the corner of Breck Road and Station Road in Poulton-le-Fylde. The Royal Oak was a former public house/hotel that was built in the early 1840s at the time of Poulton's first railway station on the opposite side of Station Road and has historically been used for various functions such as inquests and sales of livestock from local farms. The former building was built of three and two storeys, with the property rendered and painted white with black timber boarding detailing on all elevations and black painted decorative corner quoins.

2.2 The total site area covers approximately 1100 Sqm (0.2acres). Following the demolition of the Royal Oak in June 2018 the site has been cleared and remains free from any buildings and structures, bound to the north and east by herras style security fencing. Along the southern boundary and part of the western boundary the high level red brick wall remains in situ and adjacent to number 62 Breck Road the boundary is currently made up by a high level brick wall and the remains of an adjoining outbuilding. To the

south and west of the site are residential properties, to the east are the recently constructed extra care retirement apartments (Crocus Court) and to the north west is the Civic Centre and Wyre Borough Council Offices and Lockwood Surgery. The application site is located within the Poulton-le-Fylde Conservation Area and falls within the Health and Safety Executive (HSE) pipeline consultation zone.

3.0 THE PROPOSAL

3.1 This application seeks consent for the erection of a three storey and part two storey apartment block (comprising of 12 x 2 bed open market residential apartments) including associated access/parking provision and cycle store.

3.2 Following the demolition of the former Royal Oak building (and associated out buildings) this proposal seeks to replicate the original footprint and external envelope of the former public house whilst at the same time increasing the height of specific elements and extending out to the side and rear to accommodate 12 residential apartments. This proposed height increase and footprint extension is identical to that previously approved under planning application 17/00070/FULMAJ (full planning history listed below within Paragraph 4 of this report). The proposed building would measure 22m in width along the frontage on Breck Road with an overall projection to the rear of 27m (total overall footprint 445sqm). The overall height of the building is 11m to the ridge which then steps down to 9m fronting Breck Road. The ridgeline fronting Station Road along the eastern boundary steps down from 11m to 9.7m and the elevations are staggered into the site. The proposal seeks to replicate the former public house by incorporating notable features including positions and style (sash) of windows, decorative stonework corner quoins and entrance column. Materials proposed include white painted rough cast render reconstituted stone to the plinths and decorative banding under a natural grey slate roof. To the rear, the extended element of the development proposes red brick materials with upvc sash style windows in a vertical alignment. All windows on the western elevation are shown to be obscure glazed.

4.0 RELEVANT PLANNING HISTORY

4.1 17/00070/DIS - Discharge of conditions 3 (desk study), 4 (materials), 6 (landscaping), 9 (window design), 12 (surface waters), 14 (CEMP), 15 (ventilation), and 16 (building record) on planning permission 17/00070/FULMAJ - Split Decision

4.2 17/00070/FULMAJ - Variation of condition 2 on application 14/00928/FULMAJ to allow for the full demolition of existing building and the erection of a three storey and part two storey apartment block (12 apartments) including associated access/parking provision and a cycle store - Permitted

4.3 14/00928/FULMAJ - Part demolition of the existing building, inclusion of a third storey to the side elevation, two storey side extension and conversion into 12 apartments including car parking spaces and a cycle store - Permitted

4.4 10/00097/FULMAJ - Part demolition and rebuild of existing building, two and three storey extensions and conversion into 12 residential flats and associated works - Permitted

4.5 10/00098/CON - Conservation Area Consent for the partial demolition of building - Permitted

4.6 09/00447/FULMAJ - Erection of 14 residential flats following the demolition of existing public house - Refused (design and noise issues)

4.7 09/00548/CON - Conservation area consent for the demolition of building - Refused

4.8 97/00059/FUL - Change of use of public house with ancillary owners accommodation to public house, hotel accommodation and owners accommodation and creation of new access on to Station Road - Permitted

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.1.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the NPPF. The following policies are considered to be of relevance to the determination of this application. The weight to be afforded to these policies is discussed within subsequent sections of this report:

- SP2 - Strategic Location for Development
- SP14 - Standards of Design and Amenity
- ENV9 - Conservation Areas
- ENV13 - Development and Flood Risk
- CIS6 - Infrastructure

5.2 EMERGING WYRE LOCAL PLAN

5.2.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The Inspector appointed to carry out the examination held a series of hearing sessions in May into the Local Plan, which included consideration of proposed modifications submitted by the Council prior to and during the hearing sessions. The Inspector issued a Post Hearing Advice note to the Council in July which provides a clear direction on key issues arising from the examination and further main modifications that are required to make the Wyre Local Plan sound. The Council published its initial response to the Inspector's note on the 30th July 2018, which sets out how it will be making the necessary amendments required by the Inspector. Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. Development plan policies contained within the draft Local Plan as proposed to be amended in response to the Inspector's Post Hearing Advice will therefore be given increased weight in determining planning applications depending on the particular circumstances of the case and the extent of any unresolved issues.

5.2.2 Where policies in the new Wyre Local Plan are consistent with the 2012 NPPF, then the (revised) NPPF published in 2018 allows for increased weight to be given to them. Those development plan policies with no unresolved issues will be given significant weight and will form the starting point in determining planning applications. Alongside these, the policies in the 2018 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.3 The following policies contained within the draft Local Plan are of most relevance:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP7 - Infrastructure and developer contributions
- CDMP1 - Environmental Protection
- CDMP2 - Flood risk and Surface water
- CDMP3 - Design
- CDMP5 - Historic Environment
- CDMP6 - Accessibility and Transport
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9- Green Infrastructure in new residential developments

5.2.4 The draft Local Plan is prepared on the basis of the comprehensive housing evidence. This includes the Strategic Housing Market Assessment (including the 2017 Addendum 3) which confirms that the figure of 479 dwellings remains a robust and appropriate objectively assessed need (OAN) figure. However the evidence supporting the Local Plan shows that the full OAN cannot be delivered. In making the necessary amendments as required by the Inspector in his Post Hearing Advice note, the local planning authority has determined in its initial response (published 30th July 2018) to the Inspector's report that a Local Plan housing requirement of 9,285 dwellings or 464 dwellings per annum would be a robust and deliverable figure within the context of constraints in the borough. Against this figure, the 5 year land supply including 20% buffer, is calculated as 5.19 years. This reflects the most up-to date housing supply position based on the 31 March 2018 figures. The local plan and specifically the examination has reached an advanced stage and significant weight should be attributed to this position which demonstrates a 5 year land supply; therefore the relevant policies for determining planning applications (in both the Adopted Local Plan and the Emerging Local Plan) are not considered to be out of date with respect to restricting land supply. Development plan policies will therefore be the starting point in determining planning applications and the tilted balance in favour of sustainable development (as set out in paragraph 11 of the NPPF) is not triggered.

OTHER MATERIAL CONSIDERATIONS

5.3 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

A new version of the National Planning Policy Framework (NPPF) was published by the Government on the 24th July 2018. 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). For decision-taking, this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

- Section 2 - Achieving sustainable development

- Section 4 - Promoting sustainable transport
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 12 - Achieving well - designed places
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

5.4 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

5.4.1 The following Supplementary Planning Guidance is considered to be of relevance to the determination of this application:

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

6.0 CONSULTATION RESPONSES

6.1 HEALTH AND SAFETY EXECUTIVE (HSE)

6.1.1 Do not advise on safety grounds against granting consent

6.2 CADENT GAS

6.2.1 No objections but wish for specific advice notes to be attached if approved

6.3 POULTON-LE-FYLDE HISTORICAL & CIVIC SOCIETY

6.3.1 No Observations received at the time of compiling this report

6.4 GREATER MANCHESTER ECOLOGICAL UNIT (GMEU)

6.4.1 No objections advised that ecological issues were resolved as part of the assessment of application 17/00070/FULMAJ. The bat report that was provided has not been submitted as part of this application however it previously found no evidence of bats. Since the previous application the building has been demolished. Appropriate soft landscaping will ensure no net loss of ecology.

6.5 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.5.1 LCC Highways do not have any objections regarding the proposed 12 apartments and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Conditions have been recommended along with footpath widening on Station Road of 2m from the site access to the south eastern corner of the building.

6.6 LANCASHIRE COUNTY COUNCIL (EDUCATION)

6.6.1 No objections subject to a financial contribution towards 1 x Primary school place equating to £15,753.31. LCC will not be seeking a contribution for secondary school places.

6.7 LANCASHIRE COUNTY COUNCIL (LOCAL FLOOD AUTHORITY)

6.7.1 No observations received at the time of compiling this report

6.8 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.8.1 No objections

6.9 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE)

6.9.1 Verbally advised that the conditions attached under the previous applications should be carried forwards in relation to noise

6.10 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AIR QUALITY)

6.10.1 Verbally advised that the conditions attached under the previous applications should be carried forwards in relation to air quality including details of mechanical ventilation

6.11 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION)

6.11.1 No objections subject to a post Phase 1 condition being attached. The additional Worms Eye report sets out that since demolition has been undertaken additional trial holes and investigation should be undertaken.

6.12 WYRE BC SERVICE DIRECTOR PEOPLE AND PLACES (TREE OFFICER)

6.12.1 No objections, agree with the landscaping plans submitted.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there has been 1 letter of objection received and 1 letter which neither supports or objects to the proposal. The primary reasons for the objection are:

- The proposed scheme should be assessed in line with the planning policies and guidance as an empty site/new build scheme
- Previous approval is irrelevant as it was retaining an old building
- The proposal fails to comply with planning guidance (Contrary to SPG4 and SPG5) in terms of proximity to other properties thus resulting in a detrimental impact on the amenity and privacy of neighbouring properties in particular number 62 Breck Road but also the new flats
- Poor design resulting in poor quality housing
- Poor use of site
- The Royal Oak had no particular historical or architectural merit and should not be replicated

The neutral observations received highlight the following points:

- Traffic light modifications and pedestrian crossing should be provided at the junction of Station Road and Breck Road

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Contact has been made to advise of the financial obligations required from this proposal

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of Development
- Impact upon the Conservation Area & Heritage Assets
- Scale, Design and Visual Impacts
- Impact on Amenity of Neighbouring Properties
- Flood Risk and Drainage
- Highway Safety and Parking
- Ecology and Trees

Principle of Development

9.2 The principle of 12, 2 bed open market apartments has already been established and planning consent has previously been approved for an identical new build scheme to that proposed in this application. Application reference 14/00928/FULMAJ was approved on the 28/1/2015 and included the retention of the front and side facades of the original former public house. This was then followed by a section 73 application (application to vary 2015 permission) reference 17/00070/FULMAJ which proposed the full demolition and rebuild of the former public house and was approved by the Planning Committee on the 7th June 2017. In June this year the former public house and associated outbuildings were fully demolished and partial remedial works of the land commenced. It is the Local Planning Authority's view that a technical start on site was not made within the necessary timeframe and that some pre-commencement conditions had not been discharged. Essentially this means that previous planning permissions on the site had lapsed which is why a new application is being made. At present the site is characterised and remains as undeveloped brownfield land.

9.3 Since June last year both local and national planning policy has evolved. The weight which can be attributed to the policies contained within the Emerging Wyre Borough Local Plan has increased as it has progressed through examination and those policies with no unresolved issues are to be given significant weight. In addition, the revised NPPF was published in July 2018. Notwithstanding the changes in planning policy the principle of residential development in this location is considered to be acceptable and remains unchanged. Saved Policy SP2 of the adopted Local Plan sets out that within urban areas proposals will be permitted in accordance with the relevant criteria. Relevant to this application criteria H of the Policy sets out that proposals should conserve and enhance local features of natural, historic and environmental quality. Policy SP1 (Development Strategy) of the Emerging Local Plan seeks to deliver new development in line with the settlement hierarchy, with Poulton listed as one of the settlements at the top of the hierarchy. The proposed development would be in accordance with the development strategy set out within SP1 of the Emerging Local plan and saved policy SP2 of the Adopted Local Plan.

9.4 Policy SP2 of the Emerging local Plan sets out that new development should be sustainable and contribute to the continuation or creation of sustainable communities in terms of location and accessibility. Sustainability is also a material consideration requirement of the National Planning Policy Framework. In this turn the application site occupies a prominent sensitive corner position on the main access route into and through Poulton at the junction of Breck Road and Station Road. Sensitive redevelopment of the

site, replicating the historic integrity of the former building, would provide a valuable enhancement to the amenity of the area and an opportunity to positively contribute to the local townscape and character of the Conservation Area. This comes at a time where the site opposite has now been redeveloped to provide extra care housing (Crocus Court) along with new residential housing further south along Station Road. Whilst the Royal Oak has now been demolished and the site remains undeveloped the new build element proposal remains the same as that previously approved under application 17/00070/FULMAJ. Given the site's position close to the town centre where there is high level pedestrian connectivity to bus, rail and cycle links, as well as links to the services and community facilities located within, the development of this site for two bedroom units is considered acceptable in principle and would constitute sustainable development in line with Policy SP2 of the Emerging local Plan and also the provisions set out within the NPPF.

Impact upon the Conservation Area & Heritage Assets

9.5 The former public house was considered to be a significant and important heritage asset that represented a valuable structure in the setting of the Poulton Conservation Area. In assessing the acceptability of its full demolition of the heritage asset under application 17/00070/FULMAJ and the consequent impact upon the Conservation Area consideration was given to the NPPF and the duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, and the professional advice of the Conservation Officer was sought. The advice was that the proposal would preserve the appearance of the Conservation Area and sustain the significance of this designated heritage asset as the resultant building will appear as it would otherwise have done in accordance with the previously granted approval 14/00928/FULMAJ. The Conservation Officer considered that the proposal was acceptable.

9.6 For this application the Conservation Officer maintains the view set out above and has advised that the Royal Oak had been empty and fallen in to a state of some disrepair and dilapidation. The building had reached a point where it was beginning to be something of an eyesore that was detracting from the character of the conservation area and bringing the quality of the surrounding area ever downwards. The scheme for a replacement building essentially attempts to in part replicate the original building at the front, with some suitable amendments and with a quite substantially modified, improved, form at the rear. The Conservation Officer agrees with the findings set out within the submitted Heritage Statement and is of the opinion the proposed replacement building will preserve and enhance the appearance of the Poulton-le-Fylde Conservation Area. To ensure the development is positive details of proportions, accurate and appropriate detailing particularly to such elements as fenestration to the elevation that faces Breck Road will be crucial to the success of the scheme and full details should be conditioned accordingly. The proposal is considered to comply with Saved policy ENV9 of the Local Plan, Policy CDMP5 of the Emerging Local Plan and the provisions set out in Section 16 of the NPPF.

Scale, Design and Visual Impacts

9.7 Given that the resultant building would appear as it would otherwise have done had the existing façade been retained, the scale, layout, design and appearance of the proposed development is considered essentially the same as that approved under application 14/00928/FULMAJ and 17/00070/FULMAJ. This replicate design is considered to be an appropriate solution. A number of the original features and openings are to be replicated as part of the rebuild. To the rear where the more modern extended elements

project out into the car park the building is set in and subservient to the former original building. The design is seen to be sympathetic to the Conservation Area, the stone heads above the windows harmonise with the vertical emphasis and window arrangement at each floor level. A number of other key design elements include the continuation of the decorative band course above the first and second floor windows on the south western elevation and a new natural slate roof would also assist in enhancing the appearance of the building. All of these features contribute in sustaining and enhancing the proposed development within its setting in the Conservation Area, in keeping with Saved Policies ENV9 and SP14 of the Wyre Borough Local Plan, Policies CDMP3 and CDMP5 of the Emerging Local Plan and the provision of Section 16 of the NPPF.

9.8 Whilst the former building has been demolished and is proposed to be rebuilt on the same footprint there is also an addition of a two-storey extension to the Breck Road elevation, identical to an addition previously approved. This is to be constructed in white render and reconstituted stone plinths and banding to match the main building. This remains an appropriate treatment for this elevation given the adjacent residential property on Breck Road to the southwest is of similar materials and scale. The extension to the rear and along the Station Road frontage is to be three storey, also identical to that previously approved. The extension nearest to the (former) main building would be constructed in similar materials to the main building. This will be set in from Station Road and roughly occupies the space where the previous two storey extension of the Royal Oak was sited. The remainder of the extension is to be set even further into the site by approximately 4m and is to be constructed in brick with a slate mansard roof with sash style windows, brick quoins and stone head cills and banding detailing. Again this is identical to that previously approved. This remains an appropriate treatment as it results in a clear differentiation between the replicated main building and the new additions, thus emphasising the character and impact on the conservation area that the existing building provided. Brick remains an appropriate material given the amount of brick used in the area and three storeys also remains acceptable given the height of the main building, the corner location and proximity to residential apartments nearby.

9.9 The boundary treatment to the front of the building along Breck Road wrapping round to Station Road would be unchanged from the previous permission and consist of a new 1m high brick wall with 0.5m decorative cast iron detail railing above. This remains to be considered in keeping with the character and appearance of the area. Landscaping and planting would be located between the retaining wall and the building along Station Road which would further enhance the visual appearance and reduce the bulk and massing of the building. This can be secured by condition. Further into the site a 2m high wall would be constructed set back 4m from the highway at the point of the vehicular entrance to screen the proposed bin store and provide improved privacy.

9.10 The application site is located on the edge of the Conservation Area and on a prominent corner location. It is considered that the site in its undeveloped form fails to positively contribute to the character of the conservation area and the streetscene. In light of the professional advice of the Conservation Officer that the proposal will preserve the appearance of the conservation area, and having regard to the characteristics of the surrounding built form, the proposal is seen to comply with Saved Policies SP14 and ENV9 of the Wyre Local Plan and CDMP3 and CDMP5 of the Emerging Local Plan.

Impact on Amenity of Neighbouring Properties

9.11 The observations received from the neighbouring resident have been fully considered. Whilst the preference for a revised scheme have been expressed, the application has to be assessed based on the plans submitted. There has not been any material changes to the relationship between the site and existing neighbouring properties

since the previous approval. Nor has there been any change in detailed policy guidance in relation to distances between developments and neighbouring properties. Whilst the impacts upon neighbouring amenity have been reassessed as part of this submission the assessment and conclusion remains unchanged. The two main dwellings which are seen to be predominantly affected by the development are 62 Breck Road and 1 Station Road. Following the demolition of a two storey red brick building which is currently built up on the eastern boundary. This is considered to result in more natural light being available in the rear garden of this property and will help to mitigate the overbearing impacts of the proposed three storey rear extension which would be set in approximately 4m from the neighbouring boundary. It is acknowledged that the proposal would be in close proximity to the rear garden of number 62 and the development would result in an increase of bulk and massing close to the shared boundary in comparison to the previous building, however the impact is not considered to be so adverse that it would result in undue harm on the residential amenity of the occupants of this property. All of the proposed windows on the side elevation facing number 62 Breck Road would be obscure glazed so it is not anticipated that there would be any loss of privacy or overlooking as a result of the development. These windows can be conditioned to be obscure glazed and non-opening at all times. With the exception of one ground floor and one first floor window, the windows which are to be obscure glazed serve either kitchens / bathrooms or act as secondary windows to habitable rooms primarily served by windows on the rear facing elevations.

9.12 There is a separation distance between the proposed rear elevation and that of 1 Station Road of approximately 20m, which is generally in accordance with SPG4 which specifies 21m, so it is not considered that there would be any unacceptable impacts upon amenity in terms of overbearing, overlooking or loss of privacy. It is considered that residential flats in this location would be a more acceptable end use compared to the former use as a public house in terms of noise and disturbance. The location of the car park, cycle store and bin storage is unchanged and remains to be considered acceptable. The cycle shelter would be positioned at a splayed angle against the rear wall of 62 Breck Road however it would only project slightly above the boundary wall and is not seen to result in any detrimental impacts. Concerns were raised by neighbouring residents on the previous applications in relation to the proximity of the proposed bin store in the south eastern corner of the site to existing properties and the impacts arising from odour. The proposed bin store is to be partially enclosed and would also be adjacent to the existing high level boundary wall which would assist in preventing impacts arising from odours. The Environmental Health officer has raised no objections or concerns relating to odour or noise, subject to conditions.

Flood Risk and Drainage

9.13 The application site is located within Flood Zone 1 which is not considered to be at high risk of flooding. The application has been submitted with full detailed drainage plans which seeks to connect foul and surface water to the existing combined sewer within Station Road. The Councils Drainage Engineer has raised no objections to the proposed drainage scheme and has agreed the details under discharge of conditions application 17/00070/DIS. A condition requiring the drainage to be undertaken in accordance with the approved plans is to be attached.

Highway Safety and Parking

9.14 Lancashire County Highways have raised no objection to the proposed development and have recommended that necessary conditions should be attached to this application if members are minded to approve. One requirement requested by the Highways Officer is for an updated and improved (widened) footpath to be provided from the site access to the south east corner of the building to create a 2m wide footpath. This

could not physically be achieved given the proposed footprint of the building and has not been requested on any of the previous applications. In this instance whilst an improved pedestrian footpath would be desirable it is not seen to be reasonable, necessary or deliverable. Improvements to the pedestrian crossing at this junction were secured from a nearby development. The proposed 14 bay parking spaces is considered sufficient to serve the proposed 12 residential units. The site lies in close proximity to Poulton Town Centre which is served by bus and train and has a number of useable car parking facilities. There is also a secure cycle provision proposed as part of the application.

Ecology and Trees

9.15 Ecological issues were resolved and satisfied as part of application 17/00070/FULMAJ. GMEU have confirmed that they are satisfied that there is no material change in circumstances. The bat report submitted with the previous application along with an additional emergence survey found no evidence of bats. Since the previous application the building has been demolished with no opportunity for roosting or nesting and as such it is considered there is no impacts upon bats or nesting birds. There are no trees located within the site which would be affected by the proposal. The submitted site plan demonstrates areas of landscaping around the site boundaries which would provide a visual buffer from the development and assist in reducing the impacts upon the street scene. This would also ensure no net loss of ecology. The landscaping details are considered acceptable and should be conditioned to be carried out in accordance with the plans and details provided.

Other Matters

Air Quality

9.16 The application site is located close to, but outside, an area of Air Quality Management (AQM) and is located close to the highway on a busy junction with Breck Road and Station Road as well as being opposite the recently constructed extra care retirement apartments which does create additional vehicle movements. Discussions have taken place with the Environmental Health Officer in relation to the potential air quality impacts. Ideally the application would have benefitted from the submission of an air quality assessment to enable the impacts to be fully assessed, however given the previous approval, requiring this assessment was not considered to be necessary or reasonable. In any event, any impacts arising from air quality would be negligible and outweighed by the planning gains of this development.

Contamination

9.17 The application has been accompanied by a Phase 1 desk study which has also been agreed and partially discharged under application 17/00070/DIS. Since the building has been demolished the applicants Contamination Consultants have set out that additional trial bore holes are considered necessary to assess for the potential of asbestos and further contaminants. As such the Environmental Health Officer has requested that an appropriately worded condition is attached which requires details and validation of this investigation to be submitted and agreed prior to any works commencing.

Planning Obligations/Contributions

9.18 Policy HP3 of the Emerging Local Plan sets out that developments of 11 dwellings or more on brownfield sites in Poulton should provide 30% 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 the Councils Community Housing Development Officer has advised that apartments in this location would raise no appetite from Registered Providers and as such an offsite contribution should be sought which would be the equivalent of 4 units (30%). In accordance with the Affordable Housing Viability Study (AHVS), based on the market value for Poulton this would equate to £120,400 which is to be secured via a section 106 agreement.

9.19 To ensure the proposal secures the necessary infrastructure to mitigate the impacts of the development Lancashire County Council Education have been consulted. Based on the 2017 School census and resulting projections and taking into account all the approved applications LCC will not be seeking a contribution for secondary. However a contribution seeking 1 primary school place is required equating to £15,753.31. Prior to the Planning Committee meeting a reassessment will be requested from LCC and the results will be provided by way of a Committee update.

9.20 Policy HP10 of the Emerging Local Plan requires residential developments resulting in a net gain of 11 dwellings or more to make appropriate provision of public open space. This threshold is lower than the saved local plan policy of 20 dwellings, but given it is based on more up-to-date evidence of need, and the Inspector did not raise an issue with this policy in his pre-hearing advice note, the emerging policy is to be given more weight. In this location and for this scale and type of development an off-site contribution would be considered more appropriate than on-site provision. However, the Council has yet to produce guidance on calculating a financial contribution of broadly equivalent value to the on-site requirement. Therefore, no request for an off-site contribution is being made for this development.

Gas Pipe Line

9.21 Cadent Gas has a major accident hazard pipeline in the vicinity of the site, however neither they nor the HSE object to the development. An informative should be added as requested by Cadent Gas.

10.0 CONCLUSION

10.1 The rebuild of the former Royal Oak Public House in the manner proposed is considered to sustain the character and significance of Poulton Conservation Area. The proposal seeks to replicate the key features of the former building whilst at the same time extending the footprint in a subservient and sensitive way which would not result in any unacceptable detrimental impacts upon neighbouring amenity. Whilst a scheme of more modern and contemporary design could be better reflected in this location which would still be sensitive to the historic environment and the character of the area the scheme as submitted is considered to be acceptable and would comply with local and national planning policy and is recommended for approval.

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 That the Committee resolve to grant planning permission subject to conditions and a S106 legal agreement to secure appropriate financial contributions towards Local Education and Affordable Housing. That the Head of Planning Services be authorised to issue the decision on the satisfactory completion of the s106 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 28/06/2018 including the following plans:

- Proposed Elevations (Revised) Drawing Number: A009/040/P/02 Revision T
- Floor Layout (Revised) Drawing Number: A009/040/P/03 Revision R
- Site Layout/Street Scene Drawing Number: A009/040/P/01 Revision P
- Existing Site Layout Drawing Number: A009/040/S/01 Revision C
- Existing Floor Plans Drawing Number: A009/040/S/02 Revision B
- Existing Floor Layout Drawing Number: A009/040/S/02 Revision A
- Site Location Plan Scale 1:1250
- Hard and Soft Landscaping Drawing Number A009/040/100
- Drainage Details Drawing Number A009/040/061
- Drainage Layout Drawing Number A009/040/060

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 shall be commenced until:

(a) A methodology for site investigation has been submitted to and approved in writing by the Local Planning Authority.

(b) A site investigation has been undertaken strictly in accordance with the agreed methodology and a risk assessment of the findings submitted for approval by the Local Planning Authority, together (where appropriate) with a detailed remediation strategy.

(c) Remediation of the site has been undertaken strictly in accordance with the remediation strategy and a validation report has been submitted for approval in writing, confirming full implementation of the agreed remediation scheme.

Any changes to the agreed elements require the prior written consent of the Local Planning Authority.

Reason: The development is for a sensitive land use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999)

4. No development shall take place until samples of all the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To ensure that the materials have a satisfactory appearance and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

5. No first occupation or use of the development hereby approved shall occur until all of the windows on the south western elevation have been fitted with obscure glazing equivalent to Grade Level 5 (most obscure) and these shall be maintained and retained thereafter. All windows in the south western elevation except the bedroom window at first floor (as shown on approved plan number A009/040/P/02 Rev T) shall be installed as non-opening prior to first occupation or use of that room and maintained and retained thereafter as such. Any subsequent repaired or replacement windows shall be installed as non-opening and with glazing to the same level of obscurity.

Reason: To protect the amenity of the occupants of the nearby residential properties.

6. The landscaping works shall be carried out in accordance with the approved details (Drawing Number Hard and Soft Landscaping Ref A009/040/100) prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 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 the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 11 of the National Planning Policy Framework.

7. Prior to first occupation of the development hereby approved all windows on the Breck Road and Station Road elevations shall be installed as recommended in the conclusions and recommendations of the Noise Assessment submitted as part of the application received on 28/06/2018. Any alternatives to the recommendations proposed shall be agreed in writing with the Local Planning Authority.

Reason: To protect the residential amenity of future occupiers of the flats hereby approved.

8. Prior to commencement of built development on site, details of the form and design of the windows (including sectional details of the stiles, rails and glazing bars) shall be submitted to and agreed in writing by the Local Planning Authority. This condition relates to the windows in the Breck Road and Station Road elevations of the proposed development, which shall be of a sliding sash design, constructed of timber and supported

on cords and weights (not spring balances), and shall be set in a reveal of 4inches (100mm). The development shall be carried out in accordance with the approved details and retained and maintained thereafter. After installation, only the agreed type of window shall be subsequently refitted as a repair or replacement.

Reason: To preserve or enhance the appearance of the building or the area in which it is situated in accordance with Policy SP14 and ENV9 of the adopted Wyre Borough Local Plan (July 1999)

9. Prior to the first occupation of the development hereby approved, the vehicular access and parking / manoeuvring areas shall be laid out and surfaced or paved in accordance with the approved layout scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved parking spaces/ manoeuvring areas shall thereafter not be used other than for the parking of private motor vehicles.

Reason: To prevent loose surface materials from being carried on to the public highway thus causing a potential source of danger to other road users, and to allow for the effective use of the parking areas and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999)

10. The existing access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be concurrently reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

Reason: To limit the number of access points to, and to maintain the proper construction of the highway, and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999)

11. No part of the development shall be first occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved scheme (as per Drainage Layout Plans Drawing Number A009/040/060 & Drainage Layout Details Drawing Number A009/040/061). Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

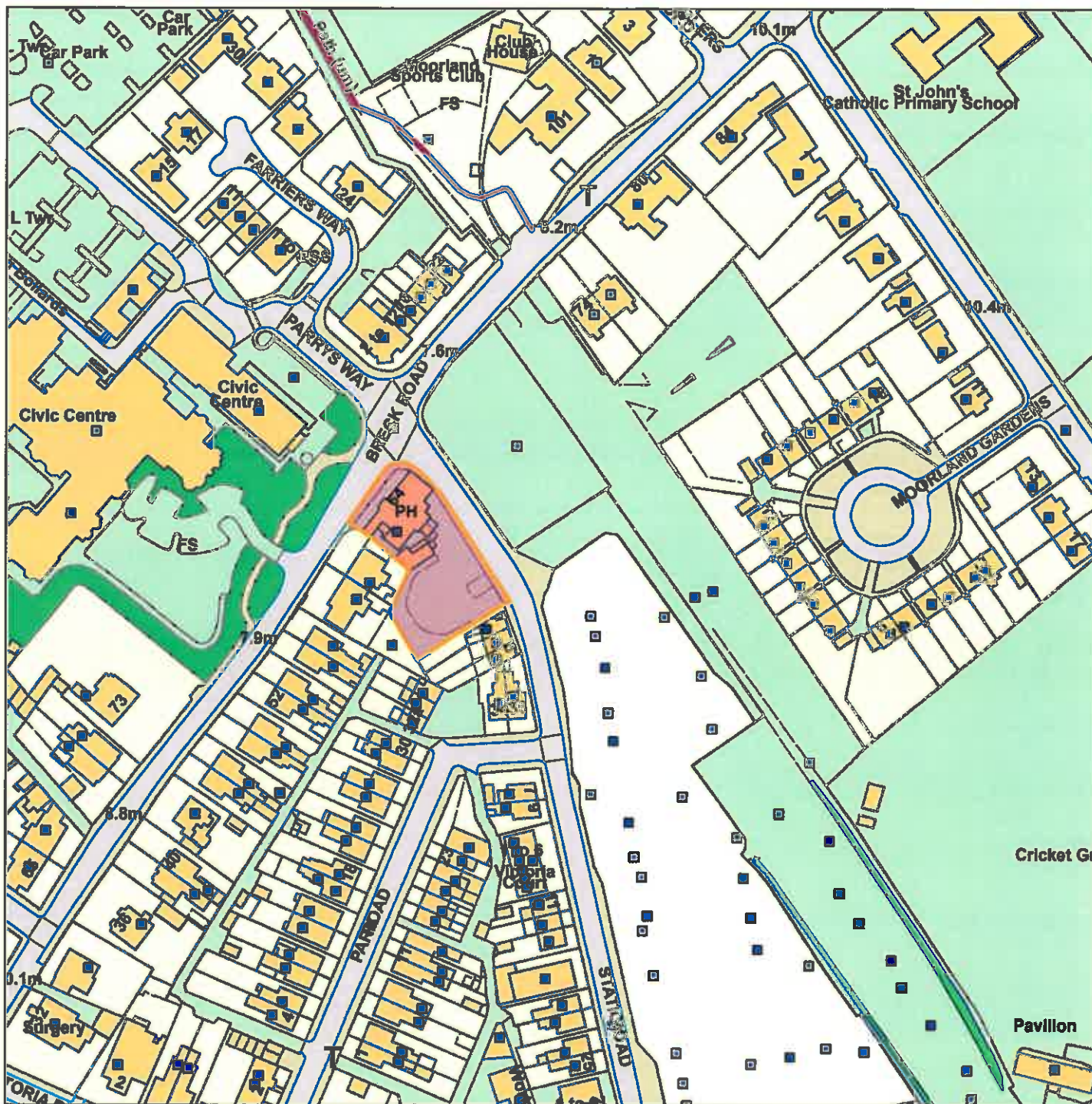
Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with Policy ENV15 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

12. Prior to commencement of the development, a scheme for the design and future maintenance of a mechanical ventilation system to all habitable rooms to the ground and first floors fronting onto Station Road, to give the occupants of these rooms the option of mechanical ventilation which will allow for air to be drawn from a suitable location within the development boundary, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall subsequently be carried out in accordance with the agreed details and thereafter maintained and retained.

Reason: To safeguard the amenity of the future occupants of the development and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999)

Notes: -

1. The applicant should be aware that the decision is subject to a separate legal agreement.
2. Due to the proximity of the site to a Major Accident Hazard Pipeline and a Low Pressure Gas main, the applicant/developer is advised to contact National Grids Plant Protection Team on 0800 688 588 or e-mail address plantprotection@cadentgas.com prior to any development commencing including demolition works.



Scale : 1:1726

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	22 August 2018
SLA Number	100018720

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Report of:	Meeting	Date	Item No.
Mark Billington Service Director People and Places	Planning Committee	5 September 2018	6

Wyre Borough Council Tree Preservation Order No 6 of 2018 – Land adjacent to No 57 Oldfield Carr Lane, Poulton le Fylde, FY6 8EN.

1. Purpose of report

- 1.1** To consider the objection to the making of Wyre Borough Council Tree Preservation Order No 6 of 2018 – Land adjacent to No 57 Oldfield Carr Lane, Poulton le Fylde, FY6 8EN.

2. Outcomes

- 2.1** To determine whether or not to confirm the Wyre Borough Council Tree Preservation Order No 6 of 2018 – Land adjacent to No 57 Oldfield Carr Lane, Poulton le Fylde, FY6 8EN.

Once a TPO is made it is 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 Borough Council Tree Preservation Order No 6 of 2018 – Land adjacent to No 57 Oldfield Carr Lane, Poulton le Fylde, FY6 8EN (“the TPO”) is confirmed.

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 in the interest 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).

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.*

(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 continuity”*.

- 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. 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.

5. Background to making the TPO

- 5.1** On 17 May 2018 the Tree Officer visited the site adjacent to 57 Oldfield Carr Lane. The site has outline permission 16/00711/OUT. It was observed that initial works have been carried out relating to access and the tree protection fencing was not in place as per Condition 7 (b) (Tree Protection). The site had been scraped by mechanical means to remove topsoil. This action was not in accordance with BS5837:2012 which recommends hand digging to avoid damage to roots. On site there appeared to be much disturbed root mass.

The Tree Officer decided to undertake a tree evaluation method for preservation orders survey data sheet (“TEMPO”) which guided the subsequent decision to make a tree preservation order.

Copies of the completed 17 May 2018 TEMPO Survey data sheet of Wyre Borough Council Tree Preservation Order No 6 of 2018, images of noted root disturbance and public visibility image are appended to this report at Appendix 2.

- 5.2** On 18 May 2018 the agent of the applicant confirmed that the site had been scraped to remove scrub vegetation and allow temporary access for a topographical survey and an updated tree report.

On 25 May 2018 the agent inspected the site with his appointed arboricultural consultant and indicated that the tree protection fencing had been erected and that no significant damage had occurred to the main trees.

On 31 May 2018 Wyre Borough Council made the TPO. 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 June 2018 however after contact from the arboricultural consultant on 27 June 2018 the Tree officer agreed to an extension of the objection period until 20 July 2018.

A copy of the TPO plan is appended to this report at Appendix 1.

- 5.3** Wyre Council received a formal objection to the TPO by e-mail dated 19 July 2018 from the arboricultural consultant as instructed by the owner of the land.

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

Wyre Council received an e-mail in support of the TPO dated 18 June 2018 a copy of which is appended to this report at Appendix 4.

6. Summary of Objections and comments

6.1

- No information has been provided or indicated as being available to show how the trees have been assessed for amenity value.
- The reasons for making the order have been generically stated.
- The inclusion of the TEMPO completed survey sheet within the notification to the landowner may have prevented an objection being lodged.
- Conditions attached to extant planning permission for the site have ensured the utilisation of appropriate methodologies to ensure the future viability of the trees. Therefore it is not expedient to impose an Order.
- An alternative potentially improved scheme is now being prepared. Assurances have been given that the site would not be disturbed further, therefore the trees were not under threat.
- The approach of the Council in producing Orders is undertaken with minimal reasoning and disregards clients agreements to close sites until all issues are resolved. This could be considered as generating a lack of trust with local developers / homebuilders which will result in premature felling.
- Imposition of the TPO may be considered as inflammatory.

7. Response to Objections

The Tree Officer's response to the objections are as follows:

7.1 The creation of the Order has been in accordance with current government guidance, authority procedure and undertaken in an open and transparent manner by the Tree and Woodland Officer. An onsite Tree Evaluation Method for Tree Preservation Orders (TEMPO) was undertaken on 17 May 2018 which comprised an assessment in relation to the condition and suitability of the trees along with remaining trees life expectancy, public visibility, other factors and expediency.

- Notwithstanding the objection as to reasons, the objection accepts that adequate information has been provided. As shown at Appendix 2, assessment has been made of the amenity and expediency issues identified as relevant in the objection.
- The Tree Officer did not witness that appropriate methods of tree protection were being deployed on 17 May 2018. Indeed, fencing was not in place, the site had been mechanically scrapped around key trees with many roots noted as disturbed.
- It should be noted that the Part 2 Expediency Assessment of the TEMPO undertaken on 17 May 2018 attributed a precautionary placement scoring.

Officer view is that the procedural requirements of the legislation are followed in the creation of Wyre Council TPOs and determinations made using a widely accepted method which includes an expediency assessment as has occurred in this case. The issue is whether or not this particular TPO should be confirmed.

Advice pertaining to Planning Committee and its procedures along with a copy of this report relating to the TPO have been forwarded to the Consultant in reasonable advance of the meeting of Planning Committee on 5 September 2018.

Concluding remarks

Officer view is that the TPO has been properly made in the interests of securing the contribution and benefit of the trees to the public amenity in the area. The TPO protects important element of the local landscape and contributes to the local environment.

Officer view is that the TPO is fully justified and should be confirmed without modification.

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. 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	x
health and safety	x

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

report author	telephone no.	email	date
Ryan Arrell	01253 887614	Ryan.Arrell@wyre.gov.uk	15 August 2018

List of background papers:		
name of document	date	where available for inspection
Wyre Council TPO 6 of 2018	31 May 2018	Room 134 or by email to Tree Officer.

List of Appendices

Appendices:

1 – Wyre Council Tree Preservation Order No 6 of 2018 – Land adjacent to No 57 Oldfield Carr Lane, Poulton le Fylde, FY6 8EN plan.

2 – 17 May 2018 completed TEMPO Survey data sheet, image showing concerns noted and also Public visibility Image of the TPO.

3 - Copy of objection made on 19 July 2018.

4 – Copy of 18 June 2018 e-mail of support for TPO 6 of 2018 – Land adjacent to No57 Oldfield Carr Lane, Poulton le Fylde, FY6 8EN dated 2018.

References List

Tree Preservation Orders and trees in Conservation Areas. GOV.UK, (2014) Accessed 14/05/18 via <http://www.gov.uk/-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

Wyre Council Tree Preservation Order No.6 of 2018

Land adjacent to No.57 Oldfield Carr Lane, Poulton-le-Fylde, FY6 8EN.



Legend	



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Organisation	Wyre Council
Department	Planning Department
Comments	Not Set
Date	18 May 2018
SLA Number	100018720

Appendix 2

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 17/5/18 Surveyor: R. Atwell

Tree details
 TPO Ref (if applicable): Tree/Group No: Species: Oak
 Owner (if known): Location: Land adj to 57 Old Field Carr Lane

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Individuals T1 and T2
 &
 GI comprising 3000s
 oaks

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) 300+ 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

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:

16

Decision:

Create TPO.



(Above image) 17 May 2018 view of the site observed from roadside at Oldfield Carr Lane. Note evidence of mechanical site scraping, resulting in key tree disturbed root mass. Foreground displays dug out and stoned up area indicated as for temporary access.



(Above image) View of TPO 6 of 2018 when looking south west from Oldfield Carr Lane, Poulton le Fylde.

Appendix 3



F.Arbor.A.

ARBORICULTURAL CONSULTANT

For the attention of Mr Ryan Arrell
Trees and Woodland Officer
Wyre Council
Wyre Civic Centre
Breck Road
Poulton – le- Fylde
FY6 7PU

19th July 2018

Dear Sir,

Objection to The Wyre Council Tree Preservation Order – 006/2018/TPO – Land adjacent to Oldfield Carr Lane, Poulton-le-Fylde, FY6 8EN

Your Ref: Regulation 5 Notice 31st May 2018

On the instructions of my Client, I wish to register an objection to the above Tree Preservation Order under the terms and conditions of the Town and Country Planning (Tree Preservation) (England) Regulations 2012

For a Tree Preservation Order to be made, the Council must be able to demonstrate that it appears to them to be “**expedient** in the interests of **amenity** to make provision for the preservation of trees or woodlands in their area”.

Amenity

Guidance from the Department for Communities and Local Government advises that:

When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the 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 its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

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. These factors alone would not warrant making an Order.

With reference to the trees identified in the Order, there is no information provided or offered to show how the amenity of the trees has been assessed, that removal would have a significant negative impact on the local environment and its enjoyment by the public or that protection would bring a reasonable degree of public benefit in the present or future.

Indeed, the Formal Notice simply states that:

'We made this Order because it is expedient in the interest of amenity continuity to the locality.'

It is possible that a TEMPO system or similar was utilised to assess amenity and if so, the inclusion of such information within the notification to the landowner may have simplified their understanding of why the Order was made and avoid the necessity of preparing an objection.

Expediency

Notwithstanding that some of the trees included within the Order may contribute to amenity value, it must also be expedient for the Council to make those trees the subject of a Tree Preservation Order.

We have been advised that there is an extant approval for the development on the site and that the approved development may possibly encroach into the expected root protection areas of retained trees. We would presume however that appropriate conditions had been attached to any such approval to ensure that appropriate methodologies were utilised so as to ensure the future viability of the trees. As such,

the trees would be effectively protected and it is not therefore expedient to impose an Order.

Regardless of the extant permission, it is understood that Mr Arrell / Wyre Council had been advised that an alternative scheme was being prepared that would exist in an improved juxtaposition to retained trees. Also that the possibility of a preferred scheme had been discussed with Mr Arrell and it had been agreed that no further works would proceed within the site until all parties had returned from holiday / were in a position to meet up and discuss. Again therefore the trees were not under threat, our client was proceeding in a fair and reasonable manner, had given assurance that the site would not be disturbed and as such it was not expedient to impose an Order.

Effectively therefore for all such reasons it is not considered that it was expedient in the interest of amenity for the Council to make this Tree Preservation Order.

Other Considerations.

Whilst the reasons for the making of the Order have been stated, this is a totally generic comment and whilst it may “tick the box” it provides no meaningful explanation to our client as to why his particular trees have had the Order imposed upon them.

The reasons for making the Order are identical to the two previous Wyre Council Orders upon which we have recently made objections and as such, simply suggests that Orders are turned out with little thought or consideration.

Such an apparent lack of detailed input, plus the fact that client’s offers to sterilise the site until meetings can be held with Council Officers and agreements are achieved are simply dismissed, provides owners of trees with little comfort that they can work with the Council to obtain a reasonable development.

The simple result is that owners of trees will undertake felling / clearance at the first opportunity to avoid Orders being imposed, a totally negative situation that is of no value to amenity, conservation, pollution or the other numerous benefits that trees provide.

Conclusion.

No information has been provided or indicated as being available to show how the trees have been assessed for amenity value. As such the reasonableness of the imposition of the Order cannot be fully assessed.

The Order seeks to protect trees within an extant development which it is presumed has appropriate conditions to ensure the future health and viability of retained items.

The Client agreed to undertake no further operations on site until a meeting had been held with Council Officers to agree a way forward.

As such the trees were not under threat and it not therefore expedient for the Order to be made.

Due to the approach of the Council in producing Orders with minimal reasoning and ignoring client’s agreements to close sites until all issues can be addressed, the Council could be considered to be generating a lack of trust with local developers /

homebuilders that will only result in premature felling to the detriment of the whole environment.

In the light of the foregoing comments and observations it appears that the Order is unnecessary, it is not possible from information provided to ensure that the trees have been fully or reasonably assessed and the reasoning and manor of imposition may be considered inflammatory and therefore detrimental to the local treescape.

As such it is respectfully requested that it be withdrawn.

I trust that this letter addresses all the appropriate issues. Should there be any queries, or if you wish to discuss the matter further, please contact me.

Yours faithfully

F.Arbor.A.

Appendix 4

Subject: Tree Preservation Order: TPO 006/2018/TPO Land adjacent to 57 Oldfield Carr Lane

Dear Mr Arrell

We completely support the Tree Preservation order that has been put in place for the building plot adjacent to 57 Oldfield Carr Lane.

It is my understanding, that when planning was originally granted for the 2 plots in total, a large amount of the perimeter trees (particularly the oaks) were to remain as a condition of the permission being granted.

This was a condition, with which we were more than happy to comply as not only do the boundary trees make a big difference to the visual aesthetics of the plots , crucially they border the land drainage ditches which surround the whole of the land at 57 Oldfield Carr Lane (including the recently sold plot) This allows surface water from the farmers fields behind the property to feed in to the ditch which then flows out under the road in front of the property to the large drainage ditch on the opposite of the private road.

Finally to remove healthy and mature trees that support local wildlife and in particular the five oak trees would be a loss not easily replaced.

With this in mind I would request that the TPO remain in place well after the 6 months initial order

Yours sincerely

Email secured by Check Point

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Report of:	Meeting	Date	Item No.
Mark Billington Service Director People and Places	Planning Committee	5 September 2018	7

Wyre Borough Council Tree Preservation Order No 8 of 2018 – Land at Brock, Bilsborrow, PR3 0RD.

1. Purpose of report

- 1.1** To consider the objection to the making of Wyre Borough Council Tree Preservation Order No 8 of 2018 – Land at Brock, Bilsborrow, PR3 0RD.

2. Outcomes

- 2.1** To determine whether or not to confirm the Wyre Borough Council Tree Preservation Order No 8 of 2018 – Land at Brock, Bilsborrow, PR3 0RD.

Once a TPO is made it is 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 Borough Council Tree Preservation Order No 8 of 2018- Land at Brock, Bilsborrow, PR3 0RD (“the TPO”) is confirmed.

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 in the interest 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).

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.*

(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 continuity”*.

- 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. 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.

5. Background to making the TPO

- 5.1** On 23 May 2018 the Tree Officer visited the land east of the A6 and south of the river Brock at Bilsborrow to consider the potential impact of 18/00420/OUTMAJ on trees. The pre-development arboricultural report relating to the application recommends removal of a Sycamore tree to facilitate access, whilst an existing tree group comprising three ash trees is absent from the indicative concept plan. It was noted by the Tree Officer that the aforementioned threatened trees were of a moderate quality and provided amenity.

On 23 May 2018 the Tree Officer undertook a tree evaluation method for preservation orders survey data sheet (“TEMPO”) which guided the subsequent decision to make a tree preservation order.

Copies of the completed 23 May 2018 TEMPO Survey data sheet and public visibility images of G1 (Group 1) and T1 (Tree one) of Wyre Borough Council Tree Preservation Order No 8 of 2018 - Land at Brock, Bilsborrow, PR3 0RD are appended to this report at Appendix 2.

- 5.2** On 21 June 2018 Wyre Borough Council made the TPO. 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 19 July 2018.

A copy of the TPO plan is appended to this report at Appendix 1.

- 5.3** Wyre Council received a formal objection via e-mail to the TPO dated 19 July 2018 from an arboricultural consultant as instructed by their client.

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

6. Summary of Objections

- 6.1**
- TEMPO methodology requires that each tree or group be evaluated separately. Following correspondence with Mr Arrell, I understand this has not been carried out.
 - Wyre Council has not duly considered the amenity value of these trees and whether a TPO is expedient.
 - The consultant's evaluation of the trees indicates the group of Ash do not merit a TPO and that the Sycamore tree only just fulfils the minimum requirement for a TPO.

7. Response to Objections

The Tree Officer's response to the objections are as follows:

- 7.1**
- The consultant is mistaken in his understanding as each tree and group was evaluated by the Tree Officer separately, however given that the scoring for each TEMPO part was the same the Tree Officer placed both (G1) Ash trees and (T1) Sycamore tree on the single completed survey data sheet a copy of which was forwarded to the consultant on 5 July 2018.
 - The creation of the Order has been in accordance with current government guidance, authority procedure and undertaken in an open and transparent manner by the Tree and Woodland Officer. An onsite Tree Evaluation Method for Tree Preservation Orders (TEMPO) was undertaken on 23 May 2018 which comprised an assessment in relation to the condition and suitability of the trees along with remaining tree life expectancy, public visibility, other factors and expediency. It was concluded that the TPO should be made because of expedience in the interest of amenity continuity and due to a foreseeable threat to the trees.
 - The Tree Officer disagrees with the consultants Part 1 c) Relative public visibility and suitability assessment scoring for TPO as the medium sized trees are clearly visible to the public and thus should be collectively attributed scorings of 4, not 3. The Tree Officer also disagrees with the consultants Part 2 Expediency Assessment

scoring of 1 (Precautionary only) for G1 and T1 respectively. Given that the threat to G1 ash trees and T1 sycamore tree is definitely foreseeable the Tree Officer was justified in scoring 3 for G1 and T1 respectively.

Advice pertaining to Planning Committee and its procedures along with a copy of this report relating to the TPO have been forwarded to the Consultants in reasonable advance of the meeting of Planning Committee on 5 September 2018.

Concluding remarks

Officer view is that the TPO has been properly made in the interests of securing the contribution and benefit of the trees to the public amenity in the area. The TPO protects important element of the local landscape and contributes to the local environment.

Officer view is that the TPO is fully justified and should be confirmed without modification.

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. 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
---------------------	-------

risks/implications	✓ / x
---------------------------	-------

community safety	x
equality and diversity	x
sustainability	x
health and safety	x

asset management	x
climate change	✓
data protection	x

report author	telephone no.	email	date
Ryan Arrell	01253 887614	Ryan.Arrell@wyre.gov.uk	15 August 2018

List of background papers:		
name of document	date	where available for inspection
Wyre Council TPO 8 of 2018	21 June 2018	Room 134 or by email to Tree Officer.

List of Appendices

Appendices:

- 1 – Wyre Council Tree Preservation Order No 8 of 2018- plan.
- 2 –23 May 2018 completed TEMPO Survey data sheet and also Public visibility Images of (G1) group one Ash trees and (T1) tree one sycamore tree.
- 3 - Copy of objection made on 19 July 2018.

References List

Tree Preservation Orders and trees in Conservation Areas. GOV.UK, (2014) Accessed 14/05/18 via <http://www.gov.uk/-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 2

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 23/5/18 Surveyor: R. Atwell

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

(G1)(G1)
 Tree/Group No: 1 Species: (G1) Ash, (G1) Sycamore
 Location: A6 Preston to Lancaster

Land to the east, and also south of Brode

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

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

3

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 (defensible)



(Image above) Group1 comprising three ash trees clearly visible from the A6.



(Image above) T1 individual sycamore tree clearly visible from the A6.

Appendix 3

Treescaping Consultancy Ltd.

19 July 2018
Ref.No. AH/TPO/2018-0719

To: Wyre Council
Civic Centre
Breck Road
Poulton-le-Fylde
Lancashire
FY6 7PU

Dear Mr Ryan Arrell,

OBJECTION TO TREE PRESERVATION ORDER No.8 (2018) LAND AT BROCK, BILSBORROW

On the 21 June 2018 [] received notification from Wyre Council of their decision to serve a TPO on a group of three ash trees and a sycamore tree on land at Brock, Bilsborrow.

Objection to Tree Preservation Order

Our objection to the TPO centres around the evaluation process of whether the trees merit a TPO.

Wyre Council's Tree and Woodland Officer used the Tree Evaluation Method for Tree Preservation Orders (TEMPO). This methodology evaluates whether individuals or groups of trees warrant protection with a TPO. Each tree or group considered for inclusion in the TPO requires evaluation. The TEMPO methodology can be downloaded at www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf (viewed 18/07/18)

The sycamore tree and the group of ash trees in the TPO require evaluating separately. Following correspondence with Mr Arrell, I understand this has not been carried out; only one evaluation for all the trees in TPO No.8 (2018) was undertaken. In the table below, I have shown my evaluation of the trees.

TPO Tree or Group No.	Tree Species	Part 1: Amenity assessment				Part 2: Expediency assessment (Score ≥ 10)	Part 3: Decision guide
		a) Condition & suitability for TPO	b) Retention span (in years) & suitability for TPO	c) Relative public visibility & suitability for TPO	d) Other factors (Score ≥ 7 – no zero)		
G1	3x Ash	3	2	3	1	1	10
T1	Sycamore	3	2	3	1	3	12

The decision guide evaluation states:

- Any 0 = do not apply TPO,
- 1 - 6 = TPO indefensible,

Treescaping Consultancy Ltd.

- 7 - 11 = Does not merit TPO,
- 12 - 15 = TPO defensible, and
- 16+ = Definitely merits TPO.

As these trees have accrued a score of 10 and 12, the decision guide for tree group G1 is 'Does not merit TPO' and for tree T1 the decision just manages to reach 'TPO defensible'.



Photo 1

Tree T1 (Sycamore) looking south. This tree is in moderate health. The ivy growing up the trunk and stems could be obscuring mechanical defects.

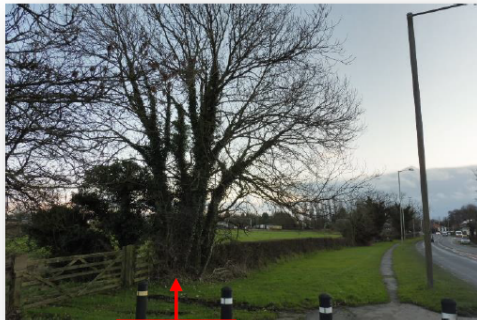


Photo 2

Group G1 (3x Ash) looking south. These self-seeded trees have ivy growing up the trunks that could be obscuring mechanical defects.

Conclusion

To conclude, we argue Wyre Council has not duly considered the amenity value of these trees and whether a TPO is expedient. We consider the TPO as it stands has not been correctly evaluated.

Our evaluation of the trees indicates the group of Ash trees do not merit a TPO and the Sycamore only just fulfils the minimum requirements for a TPO. This indicates these trees do not provide a significant amenity to the local landscape and so should not be a constraint to development. In order to maintain trees in the local landscape, a planting scheme could be secured as part of planning permission.

Based on this, we ask Wyre Council to revoke this temporary TPO.

Treescapes Consultancy Ltd.

Yours sincerely