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30<sup>th</sup> August 2023

PWA Reference: 22-1454 / 23-1512

TPO Reference: 23/0003/AR

Dear Andrew,

**OBJECTION TO TREE PRESERVATION ORDER REFERENCE 23/0003/AR  
SILVER BIRCHES, 6 ISLAY ROAD, LYTHAM ST ANNES, FY8 4AD**

Under the powers conferred on them by Section 198 of the Town and Country Planning Act 1990 (Tree Preservation) (England) Regulation 2012, Fylde Borough Council has recently made a provisional Tree Preservation Order (TPO) at Silver Birches, 6 Islay Road, Lytham St Annes, FY8 4AD. It is hereby referred to as 'the site' and has been allocated order reference 23/0003/AR. Please accept this objection on behalf of the applicants, which I trust will be considered in full prior to the issue of any decision being made.

TPO 23/0003/AR is located at Silver Birches, 6 Islay Road, which is subject to a full planning application for a replacement dwelling, following the demolition of the existing dwelling at the site (LPA ref. 23/0348). The adjacent site Mirasol, 8 Islay Road is also subject to a full planning application for a dwelling (LPA ref. 23/0309). It is pertinent to note that Mirasol has extant consent for a dwelling, approved under LPA ref. 23/0015, with the site previously housing a detached bungalow, which was demolished in 2008/2009.

Islay Road is residential in its nature, with a mixture of different styles and sizes of dwellings, albeit all of the existing dwellings are detached and are generally set within large curtilages. To the east of Silver Birches is the 'Mirasol' site, which is currently vacant, with trees and hedgerows present on its southern boundary and western boundary, shared with Silver Birches.

To the west of the site is 'Pennard' 4 Islay Road, which received full planning consent under LPA ref. 18/0200 for the demolition of a single-storey bungalow and erection of a detached two-storey dwelling with an internal double garage. As part of the proposals, a number of trees were removed and replacement planting undertaken, with a StreetView image, dated October 2022, from Islay Road shown by Figure 1 below.





**Figure 1 - StreetView Extract of Pennard from Islay Road (Dated October, 2022)**

An additional StreetView image, dated March 2017 is shown by Figure 2 below. As illustrated, the existing trees at the boundary with Islay Road (north) were removed to facilitate the replacement dwelling, with replacement planting undertaken at the site; thus, illustrating the acceptability of such.



**Figure 2 - StreetView Extract of Pennard from Islay Road (Dated March, 2017)**



As aforementioned both Silver Birches and Mirasol are currently subject to full planning applications which are in the process of being determined. As such, it is suspected to be the reason why a TPO has been made now by the Council. The Mirasol application was validated on the 26<sup>th</sup> of April 2023, while the Silver Birches application was validated on the 23<sup>rd</sup> of May 2023.

Notwithstanding the merits of the planning application, which is being considered under a separate process, TPO 23/0003/AR lists two specific large groupings of trees, labelled as G1 and G2 respectively. G1 comprises: 5no. Beech, 5no. Lime, 5no. Sycamore, 4no. Birch, 2no. Holly, 2no. Oak, 1no. Poplar and 1no. Horse Chestnut. G2 comprises: 5no. Birch, 2no. Holly, and 1no. Horse Chestnut. The two groups of trees are shown below by Figure 3.



**Tree Preservation Order 2023/0003 Silver Birches, 6 Islay Road, Lytham St Annes, FY8 4AD**

**Figure 3 – Extract from Provisional TPO Notice at Silver Birches and Mirasol**

The above extract from the provisional Order demonstrates how the TPO is extensive, covering the access into Silver Birches, while also encompassing the rear garden areas of both Silver Birches and Mirasol. This is particularly so because of the focus on protecting groupings. If the TPO were to be made permanent, then it could represent a barrier to any future development in this location.

A Tree Survey and Arboricultural Impact Assessment (AIA), Tree Constraints Plan (TCP), Tree Protection Plan (TPP), and Soft Landscaping Plan are all submitted in support of both of the live full planning applications at Silver Birches and Mirasol. The Tree Survey and Arboricultural Impact Assessments are enclosed with this objection. Three Category 'B' trees are to be removed to facilitate the development (T24, T44, and T47), while



11 Category 'C' trees are to be removed to facilitate the development (T23, T25, T26, T37, T38, T40-T43, T45, and T46). T28 and T32 and Category 'C' trees that are recommended for removal due to non-development reasons, while T6, T27, T34, T36, and T39 are Category 'U' Trees that are recommended for removal due to non-development reasons.

TPO's are applied to trees of sufficient size and potential to be able to offer public visual amenity. Typically, a TPO is made to protect trees from being felled or to protect them from a form of canopy mismanagement, such as topping on the basis that the loss of visual amenity would be detrimental to the character and appearance of the locality.

The placing of a TPO gives the trees immediate protection against almost any form of tree work that involves cutting living tissue; however, consent is not required to remove deadwood. In order to carry out work on trees, one must apply for consent to the LPA using the national standard application form, Application for Tree Works.

In terms of the extent of public visual amenity at Silver Birches, Part of G1 located in the grounds of Silver Birches is visible from Pennard and only glimpsed from Islay Road; however, it is prominent from bungalows on Mayfair Close. The applicants are willing to accept the TPO as proposed for G1m with any minor tree removals or management adequately addressed via future Applications for Tree Works.

Nevertheless, the applicants strongly object to the TPO for G2, with the proposals currently illustrating that all of these trees are to be removed to facilitate the proposed redevelopment of the site. In terms of the trees which comprise G2, T24 is diseased (shown below by Figure 4) which reduces its public visual amenity value. T25 has a large open cavity at the base which renders it potentially unsafe. T41, T42 and T43 do not warrant TPO status. T45 and T46 both show evidence of branch failures and deadwood, while T44 and T47 show evidence of deadwood and as such, all four could be potentially dangerous. The proximity of a number of the existing trees to the existing property could also pose a risk in terms of hazards.



**Figure 4 - T24 Displaying Evidence of Disease**



The submitted Landscape Proposals provide for new specimen tree planting, shrub, and hedge planting that would compensate for tree removals and enhance public visual amenity at the site. Moreover, it is important to emphasise the benefits attributed to the development at Silver Birches, replacing an existing outdated dwelling, with a modern, bespoke, high-quality family home. This, in my opinion, should be afforded great weight and influence the approach taken by the Council towards the protection of any trees. Indeed, development at this site, within an established residential area will help to reduce wider pressures for development elsewhere within the Fylde Borough.

PWA Planning consequently strongly perceive that the TPO for G2 should not be made permanent. Instead, it would be more appropriate for the value and retention of trees to be assessed through planning applications, which have to date and, in the future, would need to be accompanied by an AIA and TPP. The planning application should be determined, whereby such matters are considered, before any TPO is made permanent. This will ensure that any proposed development is designed in a way that allows for the retention of most of the most valued trees, whilst enabling access into the site which delivers economic and social benefits. Consequently, a more balanced approach would be achieved which can achieve all key objectives. Moreover, the planning application process would be able to ensure that proposed landscaping designs adequately compensate for any tree losses elsewhere within the site. A blanket protection, as currently shown on the TPO plan could have a damaging effect on the potential for the site to deliver development

For the above reasons, TPO 23/0003/AR relating specifically to G2, should not be made permanent. I would be grateful if you could please keep me informed regarding any upcoming Meeting of the Planning Committee, where the TPO is to be discussed and final decisions made. My client will wish to make verbal representations ahead of any such debate. I shall look forward to hearing from you in due course.

Yours Sincerely,

Mike Sproston MRTPI  
for **PWA Planning**