



Jacqui Sinnott-Lacey  
Chief Operating Officer

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

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Tuesday, 24 November 2020

**TO: COUNCILLORS G OWEN, A PRITCHARD, I ASHCROFT, MRS P BAYBUTT,  
N DELANEY, T DEVINE, S EVANS, J FINCH, D O'TOOLE,  
E POPE AND J THOMPSON**

Dear Councillor,

A virtual meeting of the **PLANNING COMMITTEE** will take place on **THURSDAY, 3 DECEMBER 2020** at **7.00 PM** at which your attendance is requested. A Skype meeting request will be sent to individual Members of the Planning Committee. The meeting will also be available to view for members of the public via Webcast on the Council's website.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JS' followed by a flourish and a horizontal line.

Jacqui Sinnott-Lacey  
Chief Operating Officer

**AGENDA**  
**(Open to the Public)**

- 1. APOLOGIES**
- 2. MEMBERSHIP OF THE COMMITTEE**  
To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.
- 3. URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN**  
Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

- |           |  |           |
|-----------|--|-----------|
| <b>4.</b> | <b>DECLARATIONS OF INTEREST</b><br>If a member requires advice on Declarations of Interest, he/she is advised to contact the Legal and Democratic Services Manager in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.)  | 485 - 486 |
| <b>5.</b> | <b>DECLARATIONS OF PARTY WHIP</b><br>Party Whips are not to be used by this Committee in respect of its functions concerning the determination of applications, approval of consents, the taking of enforcement action and the exercise of powers and duties with regard to highways, hedgerows, the preservation of trees and high hedge complaints. When considering any other matter which relates to a decision of the Cabinet or the performance of any member of the Cabinet, in accordance with Regulatory Committee Procedure 9, Members must declare the existence of any party whip, and the nature of it. |           |
| <b>6.</b> | <b>MINUTES</b><br>To receive as a correct record the minutes of the meeting held on the 12 November 2020.  | 487 - 490 |
| <b>7.</b> | <b>PLANNING APPLICATIONS</b><br>To consider the report of the Corporate Director of Place and Community.   | 491 - 494 |
| 7a        | <b>2020/0800/FUL - 6 EAST MEAD, AUGHTON</b><br>To consider the report of the Corporate Director of Place and Community.  | 495 - 500 |
| <b>8.</b> | <b>OBJECTION TO A TREE PRESERVATION ORDER (TPO) PRIOR TO CONFIRMATION - LIME TREE AT 9 GRANVILLE PARK AUGHTON</b><br>To consider the report of the Corporate Director of Place and Community.  | 501 - 516 |

**We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.**

**REMOTE MEETING PROCEDURE: Please see attached sheet.**

**MOBILE PHONES: These should be switched off or to 'silent' at all meetings.**

For further information, please contact:-

Jill Ryan on 01695 585017

Or email [jill.ryan@westlancs.gov.uk](mailto:jill.ryan@westlancs.gov.uk)



## **REMOTE MEETINGS – GUIDANCE**

**This guidance is designed to assist members when attending remote meetings.**

**The guidance should be read in conjunction with the Council's Remote Meetings Protocol and Procedures Rules**

### **General**

1. If members wish to speak on a particular item it will assist the smooth running of the remote meeting if they indicate to the Chairman their wish to speak in advance of the meeting.
2. Please join the meeting no later than 15 minutes before the start of the meeting to ensure that the technology is working correctly.
3. It is a requirement of the remote meetings regulations that any member participating in a remote meeting must be able to be heard (and if practicable also be seen) by all other members, officers and public speakers participating in the meeting and, in turn, be able to hear (and if practicable see) those persons.
4. It is also a requirement that the meeting be live broadcast and so any camera (video-feed) should show a non-descript background and members should take care to ensure that no exempt or confidential papers can be seen in the video-feed.
5. At the start of the meeting please ensure that your microphone is muted and your video feed (if available on your device) is paused. Please remember to unmute your microphone (and unpauses your video feed if available) when invited to speak by the Chairman!
6. At the start of the meeting the Member Services Officer will read out which Members and Officers are present. The attendance of members will be recorded.

7. Please remember to mute your mic/pause your video feed when you're not talking.
8. Only speak when invited to by the Chair.
9. Please state your name before you make an address.
10. If you're referring to a specific page or slide mention the page or slide number.
11. In the event of failure of the live broadcast then the Chairman will immediately adjourn the meeting until such time as the live broadcast is restored.
12. In the event that a member's individual remote connection should fail, the Chairman will call a short adjournment to determine whether the connection can be re-established (either by video technology or telephone connection). If connection cannot be restored after a reasonable period of time then the presumption is that the meeting should continue, providing the meeting remains quorate.
13. If connection to a member is lost during discussion of an item of business at a regulatory meeting (planning and licensing committees) that member will not be able to vote on that item (unless that part of the discussion during which connection was lost is, in the view of the Chairman, capable of being repeated for the benefit of the member concerned).

### **Public speaking**

14. Any member of the public participating in a meeting remotely in exercise of their right to speak must be able to be heard (and if practicable also be seen) by members, officers and public speakers participating in the same item of business and, in turn, be able to hear (and if practicable see) those persons.
15. The Member Services Officer will mute the member of the public once they have spoken and remove them from the remote meeting on the instruction of the Chairman once the relevant item of business has been dealt with. Note: members of the public will be able to view/listen to the remainder of the meeting via the live broadcast.

## **Voting**

16. Unless a recorded vote is called by a member, the method of voting will be, at the discretion of the Chairman, by:
  - General assent by the meeting (where there is no dissent); or
  - By the Member Services Officer calling out the name of each member present with members stating "for", "against" or "abstain" to indicate their vote when their name is called. The Member Services Officer will then clearly state the result of the vote (to be confirmed by the Chairman)
17. Details of how members voted will not be minuted, unless a recorded vote is called for prior to the vote taking place.

## **Declarations of Interest**

18. Any member participating in a remote meeting who declares a disclosable pecuniary interest, or pecuniary interest that would normally require them to leave the room in which the meeting is taking place must leave the remote meeting. Their departure will be confirmed by the Member Services Officer who will invite the relevant member to re-join the meeting at the appropriate time.

## **Exclusion of the Press and Public**

19. There are times when council meetings are not open to the public when confidential, or "exempt" items (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. The Member Services Officer will ensure that there are no members of the public in remote attendance and the live broadcast is ended, once the exclusion has been agreed by the meeting for that item(s).
20. Every Member in remote attendance must ensure there are no other persons present in their remote location who are able to hear, see or record the proceedings (unless those such persons are also entitled to be so present). Members must declare to the meeting, if at any point during discussion of the item, this requirement is not met.





	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;*

*"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;*

*"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;*

*"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;*

*"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;*

*"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

**'non pecuniary interest'** means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

**'a connected person'** means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

**'body exercising functions of a public nature'** means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

**NB** Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

# Agenda Item 6

## PLANNING COMMITTEE

**HELD:** Thursday, 12 November 2020

Start: 7.00 p.m.

Finish: 9.05 p.m.

### PRESENT:

Councillor: G Owen (Chairman)  
A Pritchard (Vice-Chairman)

Councillors: I Ashcroft J Finch  
Mrs P Baybutt D O'Toole  
T Devine J Thompson  
D Evans D Westley  
S Evans

In attendance: Councillor E Pope (Ward Councillor – Newburgh)

Officers: Heidi McDougall - Corporate Director of Place and Community  
Ian Gill – Head of Growth and Development Services  
Catherine Thomas – Development Heritage and Environment Manager  
Ann Veevers – Principal Planning Officer  
David Delaney – Legal Assistant (Planning)  
Jill Ryan – Senior Member Services Officer  
Julia Brown – Member Services Officer  
Chloe McNally – Member Services Apprentice

### 55 APOLOGIES

There were no apologies for absence received.

### 56 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors Delaney and Pope and the appointment of Councillors D Evans and D Westley for this meeting only, thereby given effect to the wishes of the Political Groups.

### 57 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

### 58 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

### 59 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

60 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 15 October 2020 be approved as a correct record and signed by the Chairman.

61 **PLANNING APPLICATIONS**

The Corporate Director of Place and Community submitted a report on planning applications (all prefixed 2020 unless otherwise stated) as contained on pages 411 to 477 of the Book of Reports and on pages 479 of 483 of the Late Information Report.

(Notes:

1. 4 objectors and a representative for the applicant spoke in connection with planning application 0439/FUL relating to Eden Tearoom and Galleries, Course Lane, Newburgh and left the meeting after consideration of this item.
2. A Parish Councillor from Newburgh Parish Council spoke in connection with planning application 0439/FUL relating to Eden Tearoom and Galleries, Course Lane, Newburgh and left the meeting after consideration of this item.
3. In accordance with Regulatory Procedure Rule 7(b), Councillor Pope spoke in connection with planning application 0439/FUL relating to Eden Teamroom and Galleries, Course Lane, Newburgh.

62 **2019/0747/FUL - BUNGALOW FARM, HEATONS BRIDGE ROAD, SCARISBRICK**

RESOLVED: That planning application 2019/0747/FUL relating to Bungalow Farm, Heatons Bridge Road, Scarisbrick be refused for the reason as set out below:-

The proposed development, by virtue of its bulk and scale would result in significant visual harm in this open, flat landscape, contrary to the Council's SPD on Natural Areas and Areas of Landscape History Importance, Policies EN2 and GN3 of the West Lancashire Local Plan 2012-27 Development Plan Document and paragraph 127 of the NPPF.

63 **2019/0797/WL3 - 13 BEECH AVENUE, PARBOLD, WIGAN, LANCASHIRE**

RESOLVED: That planning application 2019/0797/WL3 relating to 13 Beech Avenue, Parbold be approved subject to the conditions and reasons as set out on pages 442 to 443 of the Book of Reports.

64 **2019/0798/WL3 - 11 BEECH AVENUE, PARBOLD, WIGAN, LANCASHIRE**

RESOLVED: That planning application 2019/0798/WL3 relating to 11 Beech Avenue, Parbold be approved subject to the conditions and reasons as set out on pages 448 to 449 of the Book of Reports.

65 **2019/0799/WL3 - 3 BEECH AVENUE, PARBOLD, WIGAN, LANCASHIRE**

RESOLVED: That planning application 2019/0747/FUL relating to 3 Beech Avenue, Parbold be approved subject to the conditions and reasons as set out on pages 454 to 455 of the Book of Reports.

66 **2020/0439/FUL - EDEN TEAROOM AND GALLERIES, COURSE LANE, NEWBURGH, WIGAN, LANCASHIRE**

RESOLVED: That planning application 2020/0439/FUL relating to Eden Tearoom and Galleries, Course Lane, Newburgh be approved subject to the conditions and reasons as set out on pages 468 to 470 of the Book of Reports.

67 **2020/0424/FUL - FYLDE VIEW FARM, SHORE ROAD, HESKETH BANK, PRESTON**

RESOLVED: That planning application 2020/0424/FUL relating to Fylde View Farm, Shore Road, Hesketh Bank be approved subject to the conditions and reasons as set out on pages 476 to 477 of the Book of Reports and with the rewording of Condition 1 as set out on page 483 of the Late Information Report.

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**Chairman**





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**Report of:** Corporate Director of Place and Community

**Contact:** Mrs. C. Thomas (Extn.5134)  
Email: [catherine.thomas@westlancs.gov.uk](mailto:catherine.thomas@westlancs.gov.uk)

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**SUBJECT: PLANNING APPLICATIONS**

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## **Background Papers**

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

## **Equality Impact Assessment**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

## **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

## CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location &amp; Proposal</u>	<u>Recommendation</u>
1	Aughton And Downholland	2020/0800/FUL	6 East Mead Aughton Ormskirk Lancashire L39 5ES  Single storey extension to rear and a two storey extension to side with an attic conversion.	<b>Planning permission granted. be</b>



## **PLANNING COMMITTEE**

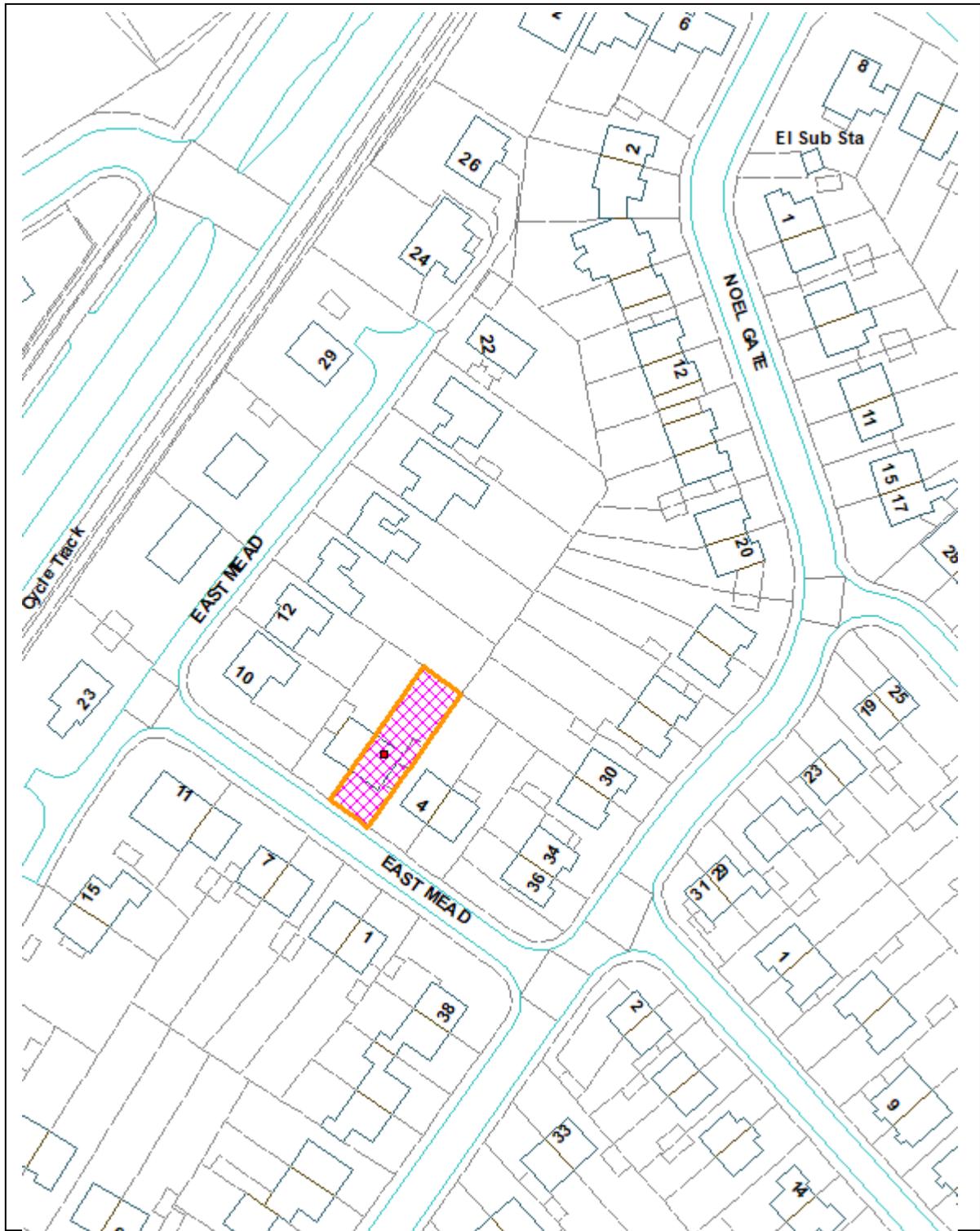
**03 December 2020**

**(Agenda Item 7)**

**PLANNING APPLICATION ITEMS**

**LOCATION PLANS**

6 East Mead, Aughton, L39 5ES.



# Agenda Item 7a

<b>No.1</b>	<b>APPLICATION NO.</b>	2020/0800/FUL
	<b>LOCATION</b>	6 East Mead Aughton Ormskirk Lancashire L39 5ES
	<b>PROPOSAL</b>	Single storey extension to rear and a two storey extension to side with an attic conversion.
	<b>APPLICANT</b>	Mrs Diane Hall
	<b>WARD</b>	Aughton And Downholland
	<b>PARISH</b>	Aughton
	<b>TARGET DATE</b>	24th November 2020

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## **1.0** **REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor O'Toole has requested it be referred to Committee to consider the impact on amenity of the adjacent residential properties.

## **2.0** **SUMMARY**

- 2.1 This application is for the erection an extension to the side and rear of a semi-detached bungalow and a flat roof dormer to the rear elevation. Given the size, design and position of the extensions and rear dormer, I am satisfied there would not be any significant detrimental impact upon neighbouring amenity. I also consider the overall design and parking requirements are acceptable and compliant with the relevant policies of the Local Plan.

## **3.0** **RECOMMENDATION: APPROVE subject to conditions**

## **4.0** **THE SITE**

- 4.1 The application relates to a semi-detached bungalow on the north side of East Mead. The property is flanked by residential property to the north, east and west elevations. A driveway on the east elevation leads to an attached flat roof garage.

## **5.0** **THE PROPOSAL**

- 5.1 The application proposes a rear single storey extension and two storey side extension with attic conversion.

## **6.0** **PREVIOUS RELEVANT DECISIONS**

- 6.1 None.

## **7.0** **CONSULTEE RESPONSES**

### **7.1** **Parish Council (29/10/20)**

No comments.

### **7.2** **Environmental Health (27/09/20)**

A contaminated land assessment will not be required.

## **8.0** **OTHER REPRESENTATIONS**

- 8.1 The Council has received 2 letters objecting to the proposal on the following grounds:

Proposed rear dormer would result in a loss of privacy to gardens and conservatory at adjoining property;  
Plans do not show proposed boundary fencing;  
Potential loss of light and overlooking;  
Difficult to assess full impact of development.

## **9.0 SUPPORTING INFORMATION**

9.1 None.

## **10.0 RELEVANT PLANNING POLICIES**

10.1 The application site is located within a Key Service Centre as designated in the West Lancashire Local Plan Proposal Map.

National Planning Policy Framework (NPPF)

West Lancashire Local Plan 2012-2027 DPD

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

IF2 – Enhancing Sustainable Transport Choice

Supplementary Planning Document – Design Guide (January 2008)

## **11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

11.1 The main considerations for the determination of this application are;

Design / appearance;

Impact upon neighbouring properties;

Highways / parking.

### **Visual appearance / design / character of area**

11.2 The character of East Mead is varied and has a mixture of detached and semi-detached houses and bungalows.

11.3 The SPD, Design Guide advises that extensions should largely appear subservient in scale to the existing dwelling. The proportions, external appearance and materials of an extension should match the architectural style of the existing property and draw on the characteristics of the wider area.

11.4 The main impact on visual amenity is the introduction of a side extension. The visual appearance and design of the proposed side extension is considered acceptable and the proposed extension would be set back from the front elevation.

11.5 The proposed rear dormer is set in from the gable, down from the ridge, and up from the eaves. Whilst there may be glimpsed views from the public realm in close proximity to the site dormers are a common characteristic of the area. The proposed rear extension would not be viewed from the streetscene.

- 11.6 In the circumstances described, I consider the proposed extensions and rear dormer are acceptable and compliant with Policy GN3 in the West Lancashire Local Plan and SPD Guide on Design.

### **Impact upon adjoining land uses**

- 11.7 Policy GN3 of the Local Plan states that developments should 'retain reasonable levels of privacy, amenity and sufficient garden / outdoor space for occupiers of the neighbouring and proposed properties.'
- 11.8 Concern has been expressed that the proposed extensions would have a detrimental impact upon the residents of neighbouring properties. Some of these concerns relate to the provision of a rear dormer. There are many dormers on the estate and in the vicinity of the site. Some of which have been added since the dwellings were originally constructed. In many cases rear dormers are permitted development under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. In this particular case I am satisfied that the design of the dormer is acceptable and would not result in a significant loss of privacy to neighbouring gardens and the conservatory at 8 East Mead sufficient to warrant a refusal of planning permission. The proposed dormer would serve a bedroom and whilst there would be some views over surrounding properties, the proposed dormer window looks directly out over the applicant's garden.
- 11.9 The former rear extension adjacent to 8 East Mead has now been demolished and would be replaced with a new single storey extension. This would measure approximately 2 metres in depth along the party boundary with 8 East Mead with a height of approximately 2.4 metres with lantern style roof. I am satisfied the extension would not result in a significant loss of light or poor outlook to residents at 8 East Mead.
- 11.10 The proposed single storey side and rear extension on the east elevation would replace an existing flat roof garage. The proposed extension would be set back approximately 1.2 metres from the front elevation and project approximately 4 metres past the rear elevation of the original dwelling. The extension would have 2 obscure glazed windows in the side elevation, serving utility room and bathroom. The extension would not be built right up to the party boundary. The adjacent property (4 East Mead) has its main entrance and a bathroom window opposite the proposed development. The separation gap between the proposed extension and 4 East Mead would be in excess of 3m. Whilst there would be some loss of light to 4 East Mead, the bathroom window and main entrance are not main habitable rooms. Therefore the proposal would comply with the Local Plan and SPD Design Guide.
- 11.11 The applicant's rear garden measures in excess of 10m and backs onto the rear garden at 14 East Mead. Given the length of the rear garden, I am satisfied there would not be any detrimental impact to residents at 14 East Mead.
- 11.12 Given the size design and position of the proposed extensions and rear dormer, I am satisfied there would not be any significant loss of amenity to residents at neighbouring properties from poor outlook, loss of light and loss of privacy. I am satisfied that the proposal accords with Policy GN3 of the Local Plan in this regard.

### **Highways / parking**

- 11.13 Policy IF2 of the Local Plan sets out parking standards for new developments based on the number of bedrooms within a property. The proposal is for a 3 bedroom dwelling and would require 2 off road car parking spaces. I have attached a condition requiring the

applicant to provide 2 off road car parking spaces before the proposed development is brought into use. Subject to this condition, I am satisfied the proposal accords with Policy IF2 in the Local Plan.

## **Summary**

11.14 I consider the proposed development acceptable and the details accord with Policies GN3 and IF2 and advice given in the Council's SPD Design Guide.

## **12.0 RECOMMENDATION**

12.1 That planning permission be GRANTED subject to the following conditions

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To comply with the requirements of 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 hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference 672-01; 672-02; 672-03; 672-04 received by the Local Planning Authority on 04/09/20  
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. The materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.  
Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. No part of the development hereby permitted shall be used or occupied until the proposed windows on the east elevation have been glazed with obscure glass to a degree sufficient to conceal or hide the features of all physical objects from view (level 4). The window shall be fixed shut or top hung and shall be retained as such with level 4 obscure glazing at all times thereafter.  
Reason: To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window or openings shall be added to the property (in the east elevation) until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.  
Reason: To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. Prior to the extensions hereby permitted being brought into use, 2 car parking spaces shall be provided on site in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt any additional hardsurfacing required shall be permeable or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage. Details of surfacing shall be provided on the submitted drawings.  
Reason: In the interest of residential amenity and highway safety and to comply with Policies IF2 and GN3 in the West Lancashire Local Plan 2012 to 2027.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

IF2 - Enhancing Sustainable Transport Choice

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.



# Agenda Item 8

PLANNING COMMITTEE:

DATE 3<sup>rd</sup> December 2020.



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**Report of:** Corporate Director of Place & Community

**Contact for further information:** David Thornber (Extn. 5114)  
(E-mail: [dave.thornber@westlancs.gov.uk](mailto:dave.thornber@westlancs.gov.uk))

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**SUBJECT: OBJECTION TO A TREE PRESERVATION ORDER (TPO) PRIOR TO CONFIRMATION – LIME TREE AT 9 GRANVILLE PARK AUGHTON.**

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Wards affected: Aughton and Downholland Ward.

## **1.0 PURPOSE OF THE REPORT**

1.1 To consider objections to a Tree Preservation Order (TPO) No 8, 2020. (The Order) from the owner.

## **2.0 RECOMMENDATIONS TO COMMITTEE**

2.1 That the TPO No 8, 2020 be confirmed without modification.

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## **3.0 BACKGROUND**

3.1 In response to a notification for tree removal (211 notice) to remove a lime tree and Sycamore at 9 Granville Park Aughton, it was considered expedient in the interests of amenity to make a single Lime tree subject to a TPO, which was made on 21<sup>st</sup> August 2020.

3.2 The Lime is mature, in good condition, multi-stemmed in habit, typical of the species with a potential useful life of many years.

## **4.0 CURRENT POSITION**

4.1 The Council has received a letter of objection from the owner of 9 Granville Park to the making of the TPO.

4.2 The owner's grounds of objection to the TPO can be summarised as follows.

- The tree overshadows our garden, impacting on our ability to enjoy using our amenity space
- During the summer months the tree T1- Lime, reduces daylight and sunlight to the garden area
- The property sits on a corner plot and there is no rear garden, just 2 side gardens. The side garden to the north offers little privacy therefore we try and use the garden to the south but this is overshadowed by the Lime tree
- During spring and summer, T1-Lime casts shadow across 85% of this garden from 12:30pm through to 8pm
- Overshadowing and lack of sunlight in the garden affects the wellbeing and mental health of the family and the enjoyment of our property, particularly during the stressful COVID situation such outdoor space is more valuable to families.
- T1 – Lime deposits a large amount of sap during the spring and summer months which settles on the patio, walls and furniture below
- The tree attract a large number of wasps and family members have been stung when using the garden area resulting in serious allergic reactions
- The tree overhangs our neighbours' roof (7 Granville Park). Recently they had their entire roof professionally cleaned, however now less than 12 months later, the northerly side of the roof beneath the tree is once again black with SAP deposits
- Fully accept that we purchased the property with the tree in situ, but at that point were unaware of its impact
- Invested heavily in refurbishing property but no useable gardens to enjoy
- Would be happy to plant a replacement tree
- Understand the importance of trees in the Conservation Area

## **5.0 OBSERVATIONS OF THE CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

- 5.1 The Lime tree (T1) is visible between buildings and from the public highway on Granville Park and makes an important contribution to the street scene. The Granville Park Conservation Area Character Appraisal indicates that one of the key characteristics of the Conservation Area is extensive tree and shrub cover and that the mature trees visible over rooftops and between buildings prove an important backdrop to the built development.
- 6.2 The Lime Tree (T1) tree is healthy, has a useful life of many years and contributes to the appearance of the street scene and Conservation Area (see photographs in appendix)
- 6.3 In 2018 the Council received a notification for the removal of a mature Lime tree, similar in stature, situated along the same south, western boundary of the property. Although the tree made a notable contribution to the visual amenity of the Conservation Area, it was not considered appropriate to protect it via the TPO procedures. This tree has since been removed resulting in a reduction of shading and light obstruction to the garden and thereby allowing the residents of the property to have a more user friendly amenity space.
- 6.4 Whilst it is recognised that the Lime tree (T1) does impose some constraints to the garden of 9 Granville Park in respect shading and light obstruction,

obstruction of the sun will depend on the time of day and the height of the sun in any particular month of the year.

- 6.5 Although there are times in the day that the tree will block light, the removal of the mature Lime tree in 2018 will have substantially increased the amount of light to the property.
- 6.6 Were the TPO to be confirmed there remains potential for the applicant to apply to prune the tree to thin out the density of the crown and further reduce shading impact. Such works would need to be approved via a TPO application for works.
- 6.7 The sap referred to is honey dew caused by Aphids. Such a nuisance is a common law one and not usually considered as grounds for tree removal. It is a natural occurrence for Wasps, Bees, Hover Flies and Moths to feed on the flowers of Lime trees. Trees encourage biodiversity in this regard.
- 6.8 The Council has not received any other objections with regard to possible nuisance to the neighbouring roof at 7 Granville Park.
- 6.9 In my view Lime tree (T1) makes a valuable visible contribution to the Conservation Area and its impact on light/ shade and usability of the domestic garden at 9 Granville Park is not so severe to justify allowing removal of the tree. Therefore I consider that the TPO should be confirmed.

## **7.0 SUSTAINABILITY IMPLICATIONS**

- 7.1 By encouraging and promoting appropriate management of trees and woodland the Council can influence the benefits that trees may provide which include:-
- Enhancement and maintaining the environment through nature conservation by providing wildlife habitats.
  - Reduction of the 'Greenhouse' effect by fixing atmospheric carbon from the air and the release of oxygen.
  - Improving and maintaining air quality by filtering out particulates from the atmosphere.
  - Visual enhancement by acting as screening between the built environments.
  - Reducing noise pollution particularly along roads.
- 7.2 The removal of the tree would lead to a notable loss visual amenity and some loss of the benefits associated with biodiversity.

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 8.1 None.

## **9.0 RISK ASSESSMENT**

- 9.1 The actions referred to in this report are covered by the scheme of delegation to Officers and any necessary changes have been made in the relevant risk registers.

## 10.0 CONCLUSIONS

10.1 It is considered that retention of the tree would not prevent the reasonable enjoyment of the property.

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### Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

<u>Date</u>	<u>Document</u>	<u>File Ref</u>
	The Tree Evaluation Method for Preservation Orders. (TEMPO). Guidance on assessment of trees.	TPO/8/2020
20 July 2020	Notification for tree works at 9 Granville Park.	T/2020/0131/TCA
02 Aug 2018	Previous notification for tree works. To remove a Lime tree at 9 Granville Park.	T/2018/0083/TCA
9 <sup>th</sup> and 25 <sup>th</sup> August 2020.	Letter and email of objections	TPO/8/2020

### Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

### Appendices

1. TPO Schedule and Plan.
2. Completed form for the Tree Evaluation Method for Preservation Orders. (TEMPO).
3. Photographs of the Lime tree.

**SCHEDULE  
SPECIFICATION OF TREES**

**LOCATION: LAND AT 9 GRANVILLE PARK, AUGHTON, ORMSKIRK**

**Trees Specified Individually**

(encircled in black on the plans)

**Reference  
on Map**

**Description**

**Situation**

T1

1 Lime

South side of 9 Granville Park, Aughton, Ormskirk

**Trees specified by reference to an area**

(within a dotted black line on the plans)

**Reference  
on map**

**Description**

**Situation**

None

**Groups of Trees**

(within a broken line on the plan)

**Reference  
on map**

**Description**

**Situation**

None

**Woodlands**

(within a continuous black line on the plans)

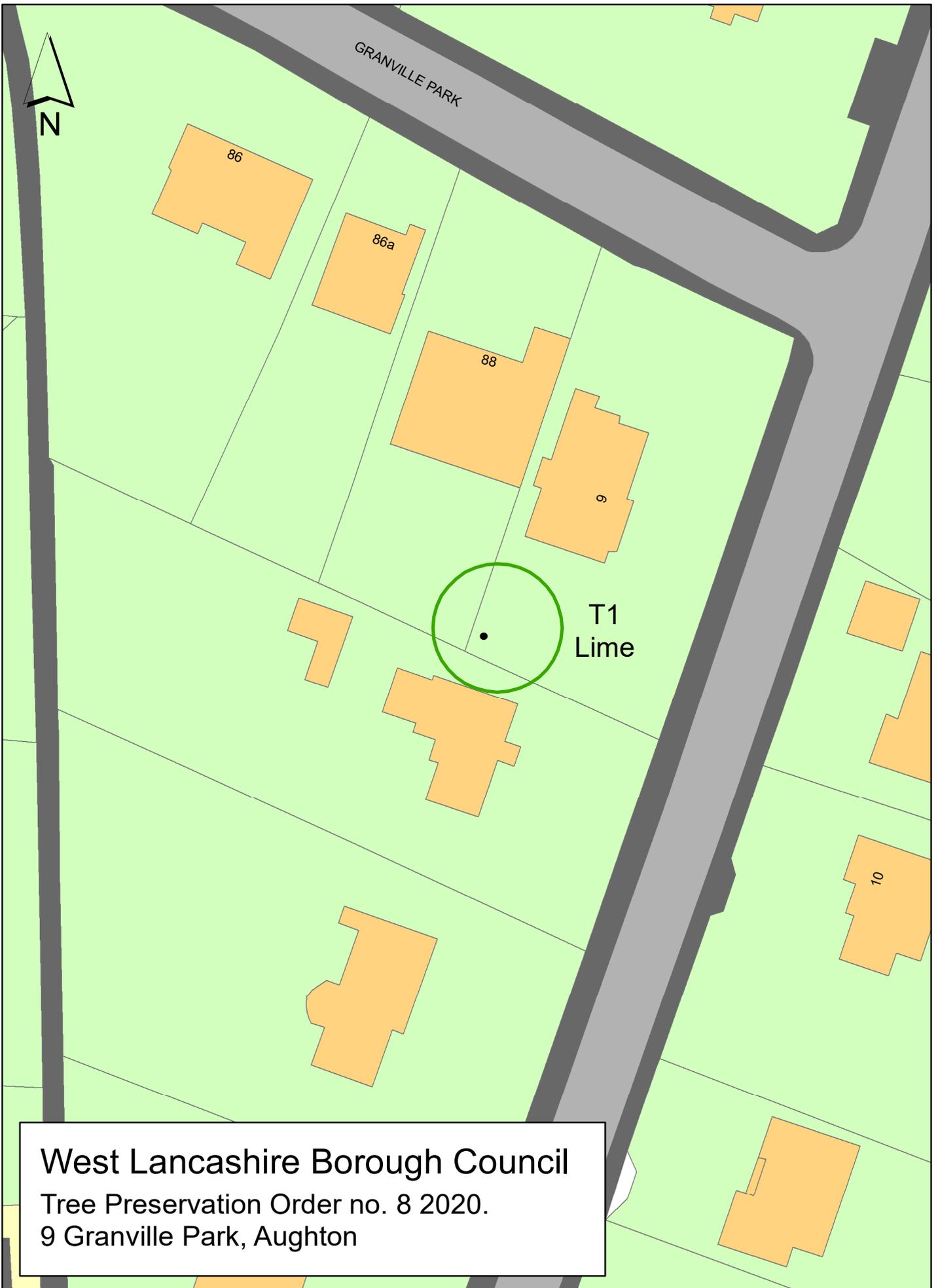
**Reference  
on map**

**Description**

**Situation**

None





West Lancashire Borough Council  
Tree Preservation Order no. 8 2020.  
9 Granville Park, Aughton



## TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

### SURVEY DATA SHEET & DECISION GUIDE

Date: Surveyor: David Thornber

Date 12/08/2020

[Scoring in blue type](#)

#### Tree details

TPO Ref (if applicable): Tree/Group No: Species: [Lime](#)

Owner (if known): Location: [9 Granville Park, Aughton](#)

#### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

##### Part 1: Amenity assessment

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

5) Good Highly suitable [4 \(previously pollarded\)](#)

3) Fair Suitable

1) Poor Unlikely to be suitable

0) Dead/dying/dangerous\* Unsuitable

#### Score & Notes

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

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

#### Score & Notes

5) 100+ highly suitable

[4\) 40-100 Very suitable](#)

2) 20-40 Suitable

1) 10-20 just suitable

0) <10\* Unsuitable

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

*Potential of other trees of better quality*

**c) Relative public visibility & suitability for TPO**

*Consider realistic potential for future visibility with changed land use*

#### Score & Notes

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

**d) Other factors**

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

5) Principal components of Arboricultural features, or veteran trees

4) Tree groups, or members of groups important for their cohesion

3) Trees with identifiable historic, commemorative or habitat importance

2) Trees of particularly good form, especially if rare or unusual

1) Trees with none of the above redeeming features (Inc. those of indifferent form)

**Score & Notes**

**Part 2: Expediency assessment**

*Trees must have accrued 9 or more points to qualify*

5) Immediate threat to tree

3) Foreseeable threat to tree

2) Perceived threat to tree

1) Precautionary only

**Score & Notes**

**Part 3: Decision guide**

**Add Scores for Total:**

**Decision:**

Any 0 Do not apply TPO

1-6 TPO indefensible

7-11 Does not merit TPO

12-15 TPO defensible

**16+ Definitely merits TPO**











