



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

Contact for further information:

Case officer: **Debbie Walkley (Extn. 5342)**

E-mail: debbie.walkley@westlancs.gov.uk

SUBJECT: PLANNING APPLICATION 2022/1164/FUL

PROPOSAL: Erection of a detached dwelling house and detached garage. Relocation of rear bedroom window from side elevation to rear elevation on existing dwelling.

ADDRESS: 10 Middlewood Road, Aughton, L39 6RG

REASON FOR CALL IN: Councillor O'Toole – raises concerns in relation to impact on residential amenity of neighbouring properties.

Wards affected: Aughton and Downholland

1.0 PURPOSE OF THE REPORT

1.1 The report advises Planning Committee on an application which seeks permission for the subdivision of the garden associated with No 10 Middlewood Road in Aughton to facilitate the construction of a single two storey four-bedroom dwelling and detached garage. In addition, it is proposed to relocate the rear bedroom window on the side gable to the rear elevation of the existing property (No.10 Middlewood Road) to prevent impact upon the living conditions of the proposed dwelling.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission be GRANTED subject to conditions

3.0 THE SITE

3.1 The application relates to the side garden of No 10 Middlewood Road which is a two-storey semi-detached Victorian dwelling house, The property is located to the western side of Middlewood Road and beyond the western boundary of the site is the Liverpool to Ormskirk Railway line. The application site sits within an established residential area of Aughton which comprises a varied mix of property styles.

4.0 THE PROPOSAL

- 4.1 Planning permission is sought for subdivision of the existing residential plot to create a new two storey detached dwelling with single detached garage, plus the relocation of an existing bedroom window from side elevation to rear elevation on original dwelling, No. 10 Middlewood Road.
- 4.2 The site has an extensive planning history including previous refusals and appeal decisions for the construction of a new dwelling at the site. The most recent of which under planning reference 2022/0405/FUL was refused for the following reason(s)
- i) *The design of the proposed development would be out of character and detrimental to the visual amenities of the street scene along Middlewood Road. As such the proposal would not accord with Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD and the Council's Supplementary Planning Document 'Design Guide'*

It is also noted that whilst not a reason for refusal, if all other matters had been considered acceptable, a condition was required to address previous concerns relating to the residential amenity of the future occupants of the new dwelling. The relocation of an existing first floor bedroom window on No 10 to the rear facing elevation was considered sufficient mitigation against overlooking to the proposed dwelling and is consistent with the Planning Inspectors view provided under Appeal Reference APP/P2365/W/21/3287216.

- 4.3 This new application has been submitted following pre application engagement and the proposed dwelling has been amended in terms of its scale and design to overcome the previous reason(s) for refusal. The repositioning of the bedroom window on the original property was also included in the original description of development however during the application the applicant has notified the Local Authority that this element of the proposal has now been undertaken.
- 4.4 During the current submission, the site ownership boundaries have been amended on the layout plan to incorporate the original residential dwelling of No 10 within the blue edge of the site. Furthermore, following initial consultation and representations, the ownership certification for the application has also been changed to reflect the joint ownership of the vehicular access way to the rear of the site shared by No's 10 and 12 Middlewood Road. Formal re-consultation on the changes has been completed with the affected parties.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 **2022/0405/FUL** - Erection of a detached dwelling house and detached garage. REFUSED 01.07.2022
- 5.2 **2021/0372/FUL** Erection of a detached dwelling house and detached garage REFUSED 20.08.2021 (APPEAL REF APP/P2365/W/21/3287216 DISMISSED)
- 5.3 **2020/0663/FUL** Erection of a detached dwelling house and detached garage REFUSED 25.09.2020 (APPEAL REF Appeal B, APP/P2365/W/20/3261193 DISMISSED)
- 5.4 **2020/0544/FUL** Erection of a detached dwelling house and garage REFUSED

5.5 **2019/0989/FUL** Single storey extension to the rear of the property (Retrospective) GRANTED 14.11.2019.

6.0 **CONSULTEE RESPONSES**

6.1 **United Utilities (01.12.2022)**

- National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in accordance with the drainage hierarchy outlined above. Sustainable Drainage Condition recommended
- Informative(s) provided in relation to Connection for Surface Water to public Sewer, Waste-water assets for adoption, Water and Waste-Water Services, UU Property, Assets and Infrastructure

6.2 **LCC Highways (13.12.2022)**

- Middlewood Road (U2573) is an unclassified road which has been classified as a Local Access Road with a speed limit of 20mph fronting the site. There are no Public Rights of Way affected by this application.
- The proposed property will be accessed off a private access/ drive which currently serves No 10 and 12 Middlewood Road
- The proposed layout plan (BEE_229_(90)_A100 Rev P-01) submitted indicates the erection of a new garage with 2 additional block paved parking spaces to the side. Based on the WLLP recommended parking the applicant has provided adequate parking for the size of property proposed.
- LCC Highway Development Control has no objection in principle to this application and is of the opinion that the proposed development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site

6.3 **National Rail (29.11.2022)**

Raises no objection to the principle of development subject to the imposition of conditions and advisory notes.

7.0 **OTHER REPRESENTATIONS**

7.1 **Aughton Parish Council (30.12.2022)**

- Members noted the application without comment having viewed LCC Highways response in respect of parking and access arrangements

7.2 4 no. neighbour representations have been received in respect of the proposal, a summary of which are outlined below:

Revised Ownership Certificate/ Shared Access

- The shared access that runs behind No 2 Middlewood Road and to the front of 10 and 12 is assumed for use of vehicles. I object as the surface is mainly soil and floods in heavy rain and is therefore not suitable for larger vehicles
- I envisage an erosion affecting the border of garden at No 2 Middlewood Road. There has been previous damage to a tree due to delivery vans using

the access. It is narrow and vehicles would have to reverse in or out with possibility of damaging No 2 as it is not possible to turn vehicles on the track

- The access would cause disturbance if in regular use and exacerbated by another property

Impact on Highways/ Local Parking Issues

- Concerns about the safety of the shared access; vehicles have to reverse out onto the road creating potential road hazards
- Increase in parking pressure within the locality due to displacement of residents parking at Arnian Court. Combined with inadequate parking provision at Town Green Station results in additional pressures for parking
- Objection to the garage being sited half-way along the rear driveway at present there are 5-6 car parking spaces which would be reduced to 3 spaces between 3 properties.
- The land of both driveways is jointly owned and maintained by No10 & 12. Would a new property have a legal right to use these driveways?
- Highways are ignoring parking issues with the possibility of having more cars parked on the street

Impact on Amenity

- The privacy of the west side of my property & garden (No2) would be impacted negatively by the new dwelling
- I strongly object to the rear bedroom window of no 10 being relocated from overlooking the building plot to look directly over my own rear garden resulting in a loss of privacy
- As advised in previous 4 representations I object to a large structure being built so close to No 2. The latest plan is a rehash of the original. Moving a window off the end elevation does not reduce the massive size of the structure- it is still a two storey house with large roof space and out of keeping
- It will overlook a garden and home which has been there for 61 years- obscure windows are not sufficient
- The front garden alongside No2 is not usable as outdoor space- it is not private as its directly by the road
- The kitchen/ lounge of the adjacent bungalow is the most frequently used and the planned structure will curtail the light. Anything that rises above the border hedge will be overbearing
- The proposal is contemporary in style and not in keeping with the surrounding properties which are older properties
- There are two trees at the boundary if these are removed the north facing wall will dominate my garden and its outlook
- The inspectors decision referred to the outbuilding blocking the view however they haven't accounted for the kitchen being higher than the back yard making views over the garage easily visible

Asbestos

- I trust the Council has investigated the previously reported burning of asbestos waste on site which is a contravention to HPA guidelines

Re-siting of window at No 10 Middlewood

- The moving of the side window on the original dwelling has already been completed prior to the issue of any planning decision

8.0 SUPPORTING INFORMATION

- 8.1 Drainage Strategy Report & Micro Drainage File: Dated July 2020 (30.10.2022)

- 8.2 Design and Access Statement (30.10.2022)
8.3 Artists Impressions- Proposed Development (30.10.2022)
8.4 Correspondence with Applicant. Acceptance of Pre-commencement Conditions (01.02.2023)

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located within the Key Service Centre of Aughton as designated within the West Lancashire Local Plan.
- 9.3 **National Planning Policy Framework**
Building a strong and competitive economy
Protecting green belt land
Conserving and enhancing the natural environment
- 9.4 **West Lancashire Local Plan (WLLP) 2012-2027 DPD**
Policy RS1- Residential Development
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
Policy IF2 - Enhancing Sustainable Transport Choices
- 9.5 **Supplementary Planning Document**
Design Guide (2008)
Development within the Green Belt (2015)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 10.1 The main considerations for this proposal are as follows:

- Principle of Residential Development
- Siting, Layout and Design
- Impact upon Residential Amenity
- Parking Provision/ Highways
- Drainage

Principle of Residential Development

- 10.2 At the core of the National Planning Policy Framework is the presumption in favour of sustainable development and this is reflected in Policy SP1 of the Local Plan. The application site is located within the Key Service Centre.
- 10.3 Policy GN1 in the Local Plan goes on to confirm that within settlement boundaries, development on brownfield land will be encouraged, subject to other relevant Local Plan policies being satisfied.
- 10.4 As such, the principle of residential development is acceptable on this site subject to its compliance with all other relevant planning policy and material planning considerations which are assessed below.

Siting, Layout and Design

- 10.5 Policy GN3 of the Local Plan states that new development should add to the distinctive character and visual amenity of the area. Proposals should consider the scale of new development and ensure that the height and massing is appropriate in relation to the neighbouring properties and the surrounding environment, and that the importance of spaces between buildings is recognised.
- 10.6 Guidance DP5 within the Council's SPD Design Guide states that new development should be of an overall scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that a building's height, scale and form including roofline do not disrupt the visual amenities of the street scene and impact on any significant wider landscape views.
- 10.7 The proposed dwelling house would sit adjacent to a pair of Victorian semi-detached properties to the south and a detached bungalow to the north and would measure approximately 12.5m long x 9.6m wide with a ridge height of 7.65m. It would be viewed largely in the context of the pair of Victorian semis, which are set back from the road frontage and are back-to-front, with the principal elevation fronting the railway line.
- 10.8 The most recent application reference 2021/0405/FUL was refused on the basis that the design of the proposed dwelling would be out of character and detrimental to the visual amenities of the street scene. Specifically, the rear elevation design which included contemporary glazed openings of a bold square form which spanned into the roof slope, alongside decorative panelling and brickwork features which as a result appeared out of character with the surrounding properties. This view was primarily taken by officers due to the rear elevation fronting Middlewood Road as the active frontage, and in this context would be more readily visible and at odds with the wider vernacular.
- 10.9 The applicant has sought to overcome the most recent reason for refusal by simplifying the design of the rear elevation which no longer contains any of the previous decorative features. The first-floor fenestration designs have been amended for a more simplistic and traditional pitched roof pedestal dormer(s) and a central velux roof light, taking similar forms to that of the immediate properties. Furthermore, the ridge height of the building would be 7.65m with eaves of 4.45m. Overall I am satisfied the revised dwelling is more in keeping with the varying designs on Middlewood Road and would not appear unduly incongruous or discordant in this location.
- 10.10 In respect of the proposed garage, this will be located to the eastern boundary of the site, closest to Middlewood Road, and positioned behind mature vegetation that encloses part of the site frontage. Given the existing screening, the single storey nature of the building and its position fronting onto a vehicular access, I am satisfied the proposed garage would not cause significant harm to the visual amenity of the local area.
- 10.11 Following the subdivision of the original plot of No 10, I am satisfied there would be sufficient remaining garden space for the original dwelling. In respect of the proposed new dwelling, the length of the rear garden is approx. 8.5m long, which is acknowledged as being less than the guidance figure of 10m outlined in the West Lancashire Design Guide. Nevertheless, its overall width is 12.5m and on balance, I consider these dimensions provide sufficient amenity space for the future occupants and is furthermore consistent with the scale and grain of development of other residential plots within the immediate locality.

10.12 Overall, I consider the proposal is in accordance with Policy GN3 of the Local Plan in respect of its design and appearance.

Impact upon Residential Amenity

10.13 In relation to an assessment of the proposed development to neighbouring uses, Policy GN3, criterion iii of the West Lancashire Local Plan (2012-2027) DPD states that any development should retain reasonable levels of privacy, amenity and sufficient garden / outdoor space for occupiers of the neighbouring and proposed properties.

Living conditions for no.2 Middlewood Road

10.14 In historical applications at the site, concern has been raised regarding the impact of a new dwelling in this location in relation to the amenity of number 2 Middlewood Road, this being the detached bungalow to the north of the site boundary. Similar representations have been raised in respect of the current application. Nevertheless, it is a material consideration that under the last application 2022/0405/FUL which amended the overall scale and footprint of the development and in turn increased the interface distances to the adjacent dwelling (approx. 13m) the Council concluded that the amendments had addressed the previous concerns relating to poor outlook and loss of light.

10.15 The current application proposes a ridge height uplift of the new dwelling from 7.3m to 7.65m however the footprint and scale remains as previously submitted. In this respect the minimum separation distances between the main window to gable elevations are retained and on balance it is considered that the modest increase of 0.35m would not result in any significant additional harm to the neighbouring property in respect of overbearing or overshadowing.

Living conditions for no.10 Middlewood Road

10.16 No 10 Middlewood Road is currently under the same ownership as the applicant. The layout plans indicate that the new proposed dwelling would be built close to the existing property and with a broadly consistent building line and overall length. In this respect I do not consider the new dwelling will result in any significant overshadowing or sense of overbearing. Whilst there are a number of side facing windows on the gable elevation of the original house, two of these serve non habitable rooms and the third bedroom window is proposed to be relocated. On this basis I do not consider the proposed development would harm the amenity of the existing occupants of No 10.

Living conditions for future occupants of the proposed new dwelling

10.17 It is noted that within previous applications for the site, a secondary reason for refusal was based upon the proposed development failing to provide adequate standard of living conditions for future occupiers of the proposed dwelling. This specifically related to overlooking issues from the existing bedroom window on the gable elevation of No 10 which was considered to result in an unreasonable loss of privacy to the most private part of the garden of future occupiers of the proposed dwelling.

10.18 The Planning Inspector(s) comments in consecutive appeals were consistent with the most recent (Ref: APP/P2365/W/21/3287216) stating that :

"A first floor bedroom window exists in the side elevation of the rear outrigger of No 10, which would enable direct close range overlooking of the proposed dwellings' private patio area. This would severely limit the privacy of the future occupiers of the proposed dwelling. As with the previous Inspector (appeal reference 3261193), the blocking up of this window could be secured via a planning condition, were I minded to allow the appeal, given that No 10 is within the same ownership as the appeal site".

- 10.19 On the basis of the above, the current development proposal includes the re-siting of this window from the side gable to the property's rear elevation. The Council has received notification (and photographic evidence) from the owner since validation that this element of the submission has already been completed. As such it is considered this element of mitigation to protect the amenity of the future occupants of the new dwelling has been satisfied. It is nevertheless considered appropriate to remove permitted development rights for the inclusion of any further windows being installed to the gable and this can be secured by way of condition.
- 10.20 In addition to the above, the Councils Environmental Health Officer reviewed the previous application(s) and noted that due to the position of the application site which is in very close proximity to the railway line, there is potential for noise and vibration. On this basis a Noise Assessment Report is required to evaluate the impact of the noise from the railway line and propose suitable mitigation to ensure that guideline levels of noise can be met in both internal and external (recreation) areas of the site. A vibration survey is also required, and this should determine the vibration dose value for the proposed dwelling in accordance with BS6472-1:2008.
- 10.21 In the absence of any noise assessment or vibration reports being submitted with this or previous applications, it is therefore considered necessary that any subsequent approval of permission should be subject to a condition securing the submission of this detail prior to commencement of any works on site.
- 10.22 Subject to the conditions described, I am satisfied the proposals would be in accordance with Policy GN3 of the West Lancashire Local Plan in respect of the living conditions of adjoining properties.

Parking Provision/ Highways

- 10.23 The proposed dwelling would have 4 bedrooms and Policy IF2 of the West Lancashire Local Plan recommends that residential properties of this scale are required to provide three off street parking spaces per dwelling. The submitted layout plans show two off street parking spaces alongside a detached garage which would have internal measurements of 3.8m x 5.42m. Lancashire County Council Highways recommend that a garage should have internal measurements of 3m x 6m to be a viable car parking space. Whilst the proposed garage is slightly less than these requisite dimensions, there is additional width to allow for cycle storage. On this basis LCC have not raised objections to the parking provision for either this or previous applications, which they consider to be accordant with Policy IF2 of the West Lancashire Local Plan. Provision of an electrical vehicle charging point would also be required given the construction of the new dwelling and this can be secured by way of condition.
- 10.24 Middlewood Road (U2573) is an unclassified road which has been classified as a Local Access Road with a speed limit of 20mph fronting the site. There are no Public Rights of Way affected by this application. The proposed dwelling will be

accessed off a private access/ drive which currently serves the existing dwellings of No's 10 and 12. LCC Highways have raised no objections to the proposed access arrangements as shown on the layout plans and remain of the view that the proposed development would have a negligible impact on highway capacity and safety within the immediate vicinity of the site.

Drainage/ Flood Risk

- 10.25 It is a requirement of Policy GN3 of the West Lancashire Local Plan that any new dwelling does not result in unacceptable drainage problems. The application site is located in Flood Zone 1 and classified as at negligible risk of flooding. The current application is accompanied by a Drainage Strategy and Micro Drainage Data Report that has also been submitted for previous applications and upon which the Councils Principal Engineer has made comments and raised no objections. These remain relevant to the current application and are outlined below.
- 10.26 The site appears to be at low risk of flooding from all sources and the disposal of the foul sewage to the nearby public foul sewer is considered acceptable. It is considered positive that the applicant is intending to use a pervious paving system which employs infiltration to dispose surface water run-off. Based on the submitted percolation test the ground permeability is suitable, however groundwater levels are known to be elevated in this area and no information has been provided with the peak seasonal groundwater level.
- 10.27 In principle no objections have been raised for the development of a new dwelling on the site in respect of drainage, nevertheless in the absence of the full details as outlined above, it is considered appropriate to require the applicant to submit a full Drainage and SuDS Maintenance Strategy for approval prior to commencement of any works on site and this can be secured by condition.
- 10.28 Subject to the conditions described, the proposal is considered accordant with Policy GN3 of the Local Plan.

Other Matters

- 10.29 The application has received 3rd party representations, with those relevant to planning matters having been considered above. For completeness however, comments have raised the issue of the use of the shared access/driveway, this being unadopted, therefore it's use, and maintenance is the responsibility of those properties to which it serves and therefore access it. Matters concerning the burning of asbestos does not fall within the remit of the planning regime and therefore limited weight is afforded, in addition, damage to private property is a civil matter and again limited weight is afforded in this regard.

11.0 Conclusion

- 11.1 The proposed development is considered compliant with the NPPF and Policies EN2, GN1, GN3 and IF2 of the West Lancashire Local Plan 2012-2027 DPD as such the application is recommended for approval.

12.0 Recommendation

- 12.1 That planning permission be GRANTED subject to the following 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:

Ground Floor Plan Dwg: BEE_229(2) A101 Received by the Local Planning Authority on 30th October 2022

First Floor Plan Dwg: BEE_229(2) A102 Received by the Local Planning Authority on 30th October 2022

Front Elevation Dwg: BEE_229(2) A201 Received by the Local Planning Authority on 30th October 2022

Rear Elevation Dwg: BEE_229(2) A202 Received by the Local Planning Authority on 30th October 2022

RHS Elevation Dwg: BEE_229(2) A203 Received by the Local Planning Authority on 30th October 2022

LHS Elevation Dwg: BEE_229(2) A204 Received by the Local Planning Authority on 30th October 2022

Garage Elevation Dwg: BEE_229 A901 Received by the Local Planning Authority on 30th October 2022

Garage Floor Plan Dwg: BEE_229 A900 Received by the Local Planning Authority on 30th October 2022

Site Plan as proposed Dwg: BEE_229 (90)_A102 Received by the Local Planning Authority on 31st January 2023

Proposed Location Plan Dwg: BEE_229 (90) A100 Received by the Local Planning Authority on 31st January 2023

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 dwelling hereby permitted shall match those shown on

First Floor Plan Dwg: BEE_229(2) A102 Received by the Local Planning Authority on 30th October 2022

Front Elevation Dwg: BEE_229(2) A201 Received by the Local Planning Authority on 30th October 2022

Rear Elevation Dwg: BEE_229(2) A202 Received by the Local Planning Authority on 30th October 2022

RHS Elevation Dwg: BEE_229(2) A203 Received by the Local Planning Authority on 30th October 2022

LHS Elevation Dwg: BEE_229(2) A204 Received by the Local Planning Authority on 30th October 2022

Garage Elevation Dwg: BEE_229 A901 Received by the Local Planning Authority on 30th October 2022

Garage Floor Plan Dwg: BEE_229 A900 Received by the Local Planning Authority on 30th October 2022

Materials Section of the Planning Application Form Received by the Local Planning Authority on 30th October 2022

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 ground and first floor windows on the Right Hand Side Elevation and the First Floor Window and Ground Floor glazed door on the Left Hand Side Elevation as drawings

RHS Elevation Dwg: BEE_229(2) A203 Received by the Local Planning Authority on 30th October 2022

LHS Elevation Dwg: BEE_229(2) A204 Received by the Local Planning Authority on 30th October 2022

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 windows shall be fixed 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 Left and Right Hand Side Elevations unless 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 development hereby approved being brought into use, a three pin 13 amp external electrical socket which is also suitable for outdoor use shall be installed at the residential property. The socket shall be located in a suitable position to enable the charging of an electric vehicle within the garage or on the driveway using a 3m length cable. The socket shall comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It shall also have a weatherproof cover and an internal switch in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles. To promote the use of low emission vehicles on the site in accordance with paragraph 35 of the National Planning Policy Framework and Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

7. A detailed noise assessment shall be undertaken to encompass noise measurements throughout the day and night-time periods and the results shall be used to define a scheme for protecting the dwellings from railway and road traffic noise which shall be submitted to and approved in writing by the local planning

authority prior to first occupation. All works which form part of the scheme shall be completed before the dwelling are occupied and retained thereafter.

Reason: To safeguard the future occupants amenity and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

8. Prior to the commencement of development a vibration survey shall be carried out in accordance with BS6472-1:2008 and this should determine the vibration dose value for the proposed dwellings and if necessary should define a scheme for protecting the dwellings from railway vibration which shall be submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before the dwelling is occupied and retained thereafter.

Reason: To safeguard the future occupants amenity and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

9. Prior to the commencement of development a strategy for the separate foul and surface water drainage of the development, including any necessary infiltration measures, attenuation measures, maintenance management proposals, and phasing of delivery if applicable, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme must be completed in accordance with the approved details and, if applicable, the approved phasing of the scheme. The MicroDrainage mdx file, if available, is required to aid the checking of design calculations.

Reasons: In the interest of providing a suitable drainage system to minimise the risk of flooding on or off site and its maintenance for the lifetime of the development in compliance with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

10. Prior to the commencement of development details of a scheme to prevent mud, stones and debris being carried onto the highway shall be submitted to and approved in writing by the Local Planning Authority. Provision to sweep the surrounding highway network by mechanical means shall be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety and to ensure compliance with the criteria of Policy GN3 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

11. Prior to the commencement of development, a method statement and risk assessment shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Network Rail. The development shall be implemented in accordance with the approved details thereafter.

Reason: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

12. A scheme for the boundary treatments including a suitable trespass proof fence adjacent to the railway boundary shall be submitted and to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of the proposed dwelling.

Reason: To protect the adjacent railway from unauthorised access.

13. Details of scaffolding works within 10m of the railway boundary, shall be submitted to and approved by the Local Planning Authority council in conjunction with Network Rail.

Reason: In the interests of protecting the railway and its boundary from over-sailing scaffolding.

14. Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved by the Local Planning Authority in conjunction with Network Rail.

Reason: To protect the adjacent railway and its boundary.

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:

Policy RS1- Residential Development
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
Policy IF2 - Enhancing Sustainable Transport Choices

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.

13.0 SUSTAINABILITY IMPLICATIONS

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 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.

16.0 HEALTH AND WELLBEING IMPLICATIONS

16.1 There are no health and wellbeing implications arising from this report.

Background Documents

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

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.

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).

Appendices

None.