



**PLANNING COMMITTEE: Thursday,
25 July 2024**

Report of: Assistant Director Planning & Regulatory Services

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SUBJECT: PLANNING APPLICATION REF: 2023/0328/FUL

PROPOSAL: Erection of detached house following demolition of existing detached house

APPLICANT: Mr Mills

ADDRESS: 48 Granville Park West, Aughton, L39 5HS

REASON FOR CALL IN: Application has been called in by Cllrs Hennessy and Lawton to consider the effect on the Conservation Area, and to consider; issues regarding Tree Preservation orders (TPOs); water run off; loss of light; loss of privacy; visual amenity; overbearing and layout and density of building.

Wards affected: Aughton & Holborn;

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Planning Committee on an application which seeks the demolition of the existing dwelling and its replacement with a modern detached dwelling.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 **APPROVE, subject to conditions.**

3.0 THE SITE

- 3.1 The site relates to a large detached, two storey 1960s dwelling located to the north of Granville Park West. The dwelling sits within an ample plot which is partially screened by mature trees. It is located in an elevated position above Granville Park West and the land slopes up towards the north. The site is subject to a number of tree preservation orders (TPO) on the boundaries of the site. Granville Park is characterised by large dwellings within large plots and the property sits amongst a mix of property styles and ages.

- 3.2 The site is located within the established residential area of Aughton designated as a Key Service Centre in the West Lancashire Proposals Map. It is also located within the Granville Park Conservation Area.

4.0 PROPOSAL

- 4.1 Planning permission is sought for a replacement 5 bedroom dwelling set out over a maximum of four floors. The dwelling would be designed in an 'L' shape with a four storey element being located to the eastern side of the plot linked with a lower two storey middle section and a pitched roof two storey 'annex' to the west.
- 4.2 The vehicular access is to remain in the same location as existing however the existing raised driveway is to be lowered to be more in line with the levels at the point of access.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2022/0366/FUL - Full refurbishment of existing property including extension to first floor / roof alterations, ground floor single storey side extension, ground / first floor general arrangement re-composition and proposed variations to all elevations. REFUSED (01/08/2022)
- 5.2 2004/0439 - Excavation under existing garage to form new garage at basement level; alterations to existing vehicular access; conversion of existing garage to lounge GRANTED (21/05/2004)
- 5.3 1995/0942 - Conservatory to side elevation GRANTED (16/01/1996)
- 5.4 1989/1497 - First floor extension GRANTED (07/06/1990)

6.0 OBSERVATION OF CONSULTEES

- 6.1 **United Utilities** (18/05/2023) – Report that the site should be drained on separate systems in the most sustainable way in accordance with the hierarchy set out in the NPPF.
- 6.2 **LCC Highways** (23/05/2023) – Report that they have no objection to the application as the proposed development would have a negligible impact on highway safety or highway capacity. They suggest that a number of conditions be attached to any granting of planning permission.
- 6.3 **Merseyside Environmental Advisory Service – MEAS** (28/09/2023) have provided a detailed response to the application, which is summarised as follows;

Designated Sites

- The site is within the SSSI Impact Risk Zone (IRZ) but the proposal does not meet a trigger for consultation with Natural England

Bats

- The preliminary Roost Assessment discovered the presence of bat droppings across two Roost Access points within the existing building. Two roost

characterisation surveys were undertaken which did not record any bats emerging or re-entering the building on either of the survey visits.

- A condition will be required for a Natural England European Protected Species Licence to be obtained and presented to the Council prior to any works commencing on the building.
- Assessment against the three tests set out in the Habitats Regulations has been carried out. Provided that mitigation measures are implemented, then these three tests would be satisfied and a Natural England Mitigation Licence is likely to be granted.

Amphibians and terrestrial mammals

- Site may be suitable for frog and hedgehog therefore Reasonable Avoidance Measures (RAMS) can be secured by a condition

Breeding birds

- Build features or vegetation may provide nesting opportunities for breeding birds.

Invasive Species

- Rhododendron, Montbretia, Variegated Yellow Archangel and Wall Cotoneaster are present within the site boundary which are listed on Schedule 9 of the Wildlife and Countryside Act 1981.
- A pre commencement condition is required for the applicant to submit a method statement for the control and management of these species.

- 6.4 **Arboricultural Officer** (29/05/2024) – Confirm that the latest amendments are acceptable provided that the implementation of the submitted method statement and tree protection is a condition of consent.

(28/11/2023) – Raised concerns that (i) the proposal will have a detrimental affect on the trees fronting the site and (ii) the development and access should be outside of the Root Protection Areas (RPA)

(11/08/2023) – Reports that (i) the primary concern are the protected trees fronting the site, (ii) the level changes or significant alterations to the access will have an unacceptable impact upon the trees, (iii) the main bulk of the proposed dwelling does affect trees and results in their removal. The trees within the site that the dwelling affects are of poor quality and should not prevent development and (iv) adjacent TPO trees not included within survey and these could be impacted.

- 6.5 **Growth Lancashire** (03/05/2024) – Report that they have no objection to the demolition of the existing house. The property is a fourth phase modern infill, which relates to properties constructed post war to 1979, and is noted in the Granville Park Conservation Area Appraisal (June 2017) as being of no interest and does not contribute to the character or appearance of the conservation area. They consider that the new property has been designed to respond to the architectural reference of the large phase one villas with its elevated gable on the frontage to Granville Park West. The scheme and general form and appearance is acceptable and when judged against the contribution made by the existing

property, will cause no further harm and meet the statutory duty required under the Planning (Listed Building and Conservation Areas) Act 1990.

- 6.6 **Principal Engineer Drainage** (03/07/2024) – following an update to the Drainage Strategy reports that he now has no objection to the application.

(23/05/2023) – Objects to the application on the followings grounds; (i) the applicant is relying on the use of infiltration to dispose of the surface water runoff but no percolation test results submitted to demonstrate viability, (ii) groundwater levels are known to be high in this area of Aughton and therefore it is possible that infiltration will not work as a result, and (iii) to overcome the objection it will need to be demonstrated that the surface water drainage system has a suitable point of discharge.

7.0 **OTHER REPRESENTATIONS**

- 7.1 Aughton Parish Council – 12th June 2023.

Cannot support the proposal as it is contrary to Plan GN3 and EN2, Granville Park Conservation Area Appraisal and the NPPF in respect of preserving Heritage Assets. The proposed design would detrimentally affect the character and appearance of the Conservation Area and impact on the residential amenity of neighbouring properties. The trees make a positive contribution to the Conservation Area and members wished to ensure full tree protection was afforded to the site should planning permission be granted.

- 7.2 A number of objection letters have been received from five neighbouring properties, to the original and amended scheme, which are summarised as follows:

Impact on Conservation Area

- Proposal does not meet with the criteria of the Granville Park Conservation Area Appraisal or the Granville Park Conservation Area Design Guide and as such the key characteristics of the conservation area will be undermined. Such characteristics include new build shouldn't be substantially larger than former buildings, gaps between buildings should be maintained and properties should be setback within the plot.
- The impact to the conservation area would be negative and the historic environment will not be enhanced.
- The existing is a substantial dwelling within a large plot which contributes to the character of the conservation area.
- The rear of application site contains garden walls, terraces, steps and paths from the villa that stood on the plot. These heritage garden features continue into 2 Thornhill Close and should be retained.
- The house will dominate the plot with no garden or trees to its rear boundary
- It will not have a spacious character and parkland feel.

Design/scale

- Concern regarding the size of property in comparison to the plot.
- Driveway / ground works – so much work involved which will damage tree roots and already established planting.
- Dwelling will be overbearing and dominating.

- Development will not be surrounded by greenspace.
- Dwelling will occupy a substantially larger proportion of the plot than existing.
- Concern for land stability if terraces and walls are removed from the rear of the site.
- Proposed dwelling is much larger than the existing.
- Dwelling will be set back further into the plot than its neighbours of 50 and 46 Granville Park West and as such the development will project beyond the rear boundaries of these dwellings.
- Will create a terrace effect.
- There is insufficient improvements to the amended scheme.

Impact on living standards

- Height and footprint will impact on the privacy of 2 Thornhill Close and other adjacent houses.
- Large roof terrace on the boundary with 2 Thornhill Close and the window on the rear / north elevation 1st and 2nd floor will overlook the house, patio and garden.
- Loss of light to number 2 Thornhill as a result of the height of the building
- The location of the terrace will result in increased noise to the garden of 2 Thornhill Close.
- Will remove the informal openness from 2 Thornhill Close
- Loss of views, light and privacy to direct neighbours.
- The removal of G1 trees opens up the boundary and would introduce a brick construction in this location adjacent to number 50 Granville Park West.

Impact on the street scene

- The 'L' shaped nature of the proposal, its positioning within the site and the scale, height and mass of the front element, is such that the sheer physical presence of the property will be overbearing.
- Will appear incongruous in the street scene and have an overbearing and cramped appearance.
- One of the new street view shows part of the house missing, obscured by tree, this is very misleading and will not be the true view.

Impact on trees

- Trees within the conservation area, both along the roadside and within gardens add to the character of the area.
- Trees have significant amenity and historical value.
- AIA indicates
 - o 5 trees will be removed
 - o T8 and T11 categorised as A2 and B2 trees will be retained but impacted by the development as will 3 other trees (T1, T3 and T12)
- The amount of hardstanding within the RPA of T8 and T11 exceeds the 20% limit set out in BS 5837:2012, such that the future of these trees are questionable.
- The garden would be shaded by T3, T8 and T10 (all A2) therefore a real risk of future pressure to fell or inappropriately prune.
- The AIA does not assess trees outside of the site boundary.
- Some of the trees that are stated to provide screening of the new property are not within the application site.

Landscaping

- New landscaping and trees will not be of visual benefit for decades.
- There's a reduction in tree and shrub cover and no feeling of seclusion.

Drainage

- Ground works will inevitably contribute to drainage problems.
- Nearby outside drain already has problems with drainage, the size of the property and disturbance to land levels will only exaggerate the problem.

8.0 SUPPORTING INFORMATION

8.1 Updated Drainage Strategy (Rev A) prepared by icis design limited. Received 3rd July 2024.

Arboricultural Method Statement (Rev B) prepared by Mulberry. Received 8th May 2024.

Licensed Bat Survey and Ecological Assessment (Version 2) prepared by ERAP Ltd. Received 7th September 2023.

Design and Access Planning Support Document, incorporating Drainage Strategy Statement (Rev A), prepared by Wickstead Developments. Received on the 9th May 2023.

Structural Feasibility of new dwelling, prepared by icis design limited. Received on the 13th April 2023.

Heritage Assessment, prepared by Garry Miller. Received 13th April 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 in the Key Service Centre of Aughton as designated in the West Lancashire Local Plan Proposal Map. The site is also located within the Granville Park Conservation Area

9.3 National Planning Policy Framework (NPPF)

Chapter 12 – Achieving well designed and places.

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

9.4 West Lancashire Local Plan 2012-2027 (DPD)

SP1 – A sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

IF2 – Enhancing Sustainable Transport Choice

9.5 **Supplementary Planning Document (SPD)**

Design Guide (January 2008)

Granville Park Conservation Area Design Guide (June 2017)

10.0 **OBSERVATIONS OF ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES**

10.1 The main considerations for this application are:

- Impact on the conservation area/Design and appearance
- Impact upon residential amenity
- Highways/Parking
- Impact upon existing trees / landscaping
- Ecology
- Drainage / flooding

Impact on the Conservation Area / Design and appearance

10.2 Proposed developments should comply with the requirements of policy GN3 which, along with the Council’s SPD Design Guide, requires that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.

10.3 The site is located within the Granville Park Conservation Area (CA) and as such the proposal must also conform with Policy EN4 of the Local Plan as well as complying with the statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 which serves to preserve the special character of heritage assets, including their setting. Section 72(1) of the Act states that Councils should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

10.4 The existing property is a 4th phase (properties constructed between the post WWII era and 1979) modern infill and is noted in the Conservation Area Appraisal (CAA) as being of no interest and does not contribute to the character or appearance of the CA. I am mindful that having regard to the statutory duty 'to preserve' the proposal merely has to cause 'no additional harm' and therefore the fact that the existing house is of no value is important in how the Local Planning Authority (LPA) take this application forward.

10.5 In the immediate vicinity of the site there are a number of different designs, scales and eras of dwellings. No. 46 to the east and no. 33 on the opposite side of the road are both replacement dwellings of a large contemporary style. No. 50 to the west is a replacement dwelling of substantial size with a modern/ classical appearance. All these dwellings have a significant width within their plots but are

all stepped back from the road frontage and views are filtered through existing tree lines and hedges on the front boundaries thereby minimising the appearance of these dwellings.

- 10.6 The proposal would introduce an 'L' shaped dwelling set further back into the plot than the existing. The design of the dwelling would incorporate a four storey gable frontage to the eastern side which would be attached to a two storey flat roof cross wing leading to a two storey pitched roof gable frontage to the western side. To accommodate the four storey element into the site, excavation work is required to bring the site levels down to the same as Granville Park West.
- 10.7 The proposed dwelling has been designed to respond to the architectural references of the large Phase 1 Villas, with its elevated gable on frontage to Granville Park West. These Phase 1 properties were constructed from the 1880's and some still remain from this era, including nos: 24 – 36 (even) and 40 Granville Park West. I have no objections to the approach taken and feel that the key issue relates to the size and scale of the proposed dwelling, rather than the design approach and appearance of the building. The presence of modern and contemporary designed buildings in the Conservation Area reflects the evolved character of the residential park and contributes rather than detracts from its character.
- 10.8 In relation to the scale, improvements have been made during the life of the application and the scale and position of the building has been amended to better respect the relationship with the adjoining properties and street views. The height of the dwelling would not exceed that of its neighbour at number 46 and the dwelling would be set behind the front elevation of this neighbour. The recessed nature of the development coupled with the low lying cross wing in my opinion results in a scale of building which is acceptable and similar to its neighbours which have varying height levels, pitched roof features, modern design and substantial plot widths.
- 10.9 The frontage trees screen the site and as such the views of the existing property are somewhat filtered. Whilst the presence of the side garden and space to no. 50 is important, the gap between buildings is best expressed towards the front of the site. In this regard whilst the proposed new construction stretched across most of the width of the site, I do not consider the cross wing will be highly prominent and when viewed from the roadside, I consider that the perceived 'gap' between buildings will be preserved. The submitted site cross section confirms that views of the cross wing would be seen against the 'rock face' at the rear of the site.
- 10.10 The proposed facing materials are considered to be appropriate for the conservation area and are found on other buildings in the locality. A condition will be attached to any approval to agree materials/samples prior to above ground construction.
- 10.11 Because of the importance of trees in the conservation area and the need to preserve the filtered views, the existing access to the site will be maintained, albeit some alterations to the land levels are proposed. Proposed construction works would be in close proximity to trees within the site, however the applicant

has submitted sufficient information to demonstrate that trees will not be impacted. This will be discussed further under the tree section below (paras 10.25-10.31). A condition will be attached to ensure levels are submitted to the local planning authority prior to works commencing on the site.

- 10.12 I am satisfied that the scheme and general form and appearance for the proposed dwelling is acceptable and when judged against the contribution made by the existing property, I assess that the proposal will cause no further harm and meet the statutory duty required under the Planning (Listed Buildings and Conservation Areas) Act.
- 10.13 As I am required to do so, I have given the duty imposed by s.72(1) of the Planning (LBCA) Act 1990 considerable weight in my comments. Overall, I consider that the proposed scheme, subject to confirmation of materials would not cause any discernible or additional harm to either the character or appearance of the Granville Park Conservation Area.
- 10.14 I am therefore satisfied that the proposal meets the objectives of Chapter 16 of the NPPF and accords with Policy EN4 and GN3 of the Local Plan.

Impact on residential amenity

- 10.15 Policy GN3 of the West Lancashire Local Plan states that development should “retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the neighbouring and proposed properties”.
- 10.16 The dwelling is to be slightly re-sited within its plot and pushed back into the northeast corner. The 'L' shape design also results in the cross wing running a significant way along the plot width at the rear. The north, east and west boundaries of the site are all to residential properties. Properties to the rear / north on Thornhill Close are located on higher ground than the application site.
- 10.17 To the west is the dwelling of 50 Granville Park West. The proposal will introduce a two storey building in close location to the boundary of this site. To accommodate the development, it is proposed that an existing grouping of trees will be removed from the boundary. The application property would be set further back into its plot than the neighbour at no. 50. Thereby it is anticipated that the development will be visible from vantage points within the rear garden and some oblique views from rear windows of no. 50. No windows are proposed on the elevation facing no. 50 and the building will be set in by about two metres from the boundary line. Only the upper parts of the development will be visible, and the roof line would slope away. It is accepted that this part of the development will be visible from no. 50 however I do not consider that it would result in any significant overbearing, loss of light or loss of privacy to this neighbour.
- 10.18 2 Thornhill Close is located to the rear/north of the application site. This dwelling is sited on a significantly higher ground level than the application property however the dwelling itself is located about 28m from the party boundary. The proposed dwelling will be brought closer to this neighbour because it is stepped back into the application site. The rear elevation is to have no windows and as such direct overlooking or loss of privacy would not be an issue. Windows are

proposed within the roof slope facing west however the design of the window with its deep side walls means that the actual glazed part of the window is significantly recessed and as such any oblique views into no. 2 Thornhill Close will be restricted. The proposal does however incorporate a terrace on the flat roof of the cross wing. This terrace is to have a timber fence running the width of the cross wing. This boundary fence would sit entirely above that of the boundary fence of number 2 Thornhill Close. Whilst this would be a visible feature from the garden of the neighbouring property, I do not consider it to be overbearing or result in a loss of significant light. Trees are in existence on this boundary within the neighbouring garden and as such will soften this development. The proposed boundary fence would ensure that no direct overlooking would be possible to this neighbour.

- 10.19 As a result of the ground levels only the upper levels of the four storey element would be experienced from the dwelling of no. 3 Thornhill Close. While some visual impacts will be felt from this neighbouring garden and dwelling, I do not consider that the proposal would result in any significant overbearing impact or loss of light. Mature trees within the boundary of this neighbour will also filter views of the property. No habitable windows would have a vantage point over this neighbour and as such I am satisfied their privacy would be maintained.
- 10.20 No. 46 Granville Park West to the east, sits close to the boundary and does have windows facing directly onto the site. Whilst the proposed dwelling would be located close to the party boundary, I am satisfied that no significant overbearing or loss of light would result. The step back at first and second floor level of the neighbour coupled with the existing boundary hedge would mean that the facing windows on this neighbour would not result in poor outlook because of the proposal. A window is proposed within the roof slope of the dwelling however this is to be to a stairway and would be finished in obscure glazing.
- 10.21 An Article 4 Direction is already in place in Granville Park Conservation Area. This means that certain building works, which in normal circumstances would be permitted development (ie: would not require planning permission) have had these rights removed and require planning permission. The direction is only in place for works that face onto a public highway. To ensure that garden standards and the amenity of adjacent occupiers are maintained, a condition is attached to the recommendation which removes permitted development rights for new (i) extensions, (ii) garages, (iii) carports, (iv) outbuildings, (v) windows and (vi) dormer extensions.
- 10.22 Overall, it is accepted that from neighbouring vantage points the proposal will be more visible than the existing dwelling, however I am satisfied that the proposal would not result in an overbearing impact or any loss of light to neighbouring gardens or dwellings. Furthermore, the placement of windows within the proposed dwelling and the boundary treatment on the terrace area would mean that there should be no direct overlooking. On balance I am satisfied that the proposal accords with Policy GN3 of the Local Plan in this regard.

Highways/Parking

- 10.23 The proposal involves utilising the existing gated access onto Granville Park West which is considered acceptable.
- 10.24 The proposed dwelling will be a five bedroom property and as such, in accordance with Policy IF2 of the Local Plan, is required to provide 3 onsite parking spaces. The proposal will include an integral double garage and a driveway to the front. Overall, I am satisfied that the development accords with Policy IF2 of the Local Plan as sufficient onsite parking is provided.
- 10.25 LCC Highways have been consulted as part of the application and have raised no objections to it but request that a number of conditions be attached to the recommendation. They are of the opinion that the proposed development would have a negligible impact on highway safety or highway capacity.

Trees/Landscaping

- 10.26 Policy EN2 of the West Lancashire Local Plan states that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere and where the benefits of the development clearly outweigh the loss or damage.
- 10.27 As part of the proposal Arboricultural Impact Assessments and Arboricultural Method Statement have been submitted to support the proposal. These reports have been updated during the course of the application following on from initial concerns raised by the Council's Arboricultural Officer.
- 10.28 To the front of the site are a number of mature trees which are protected by Tree Preservation Orders (TPO). There are also a number of other mature trees around the site which because of their location within the Granville Park Conservation Area make up an importance part of the street scene and the aesthetic of the area.
- 10.29 As part of the proposal a number of trees particularly to the west (on the boundary with number 50) are to be removed as well as a tree to the rear and on the entrance. T11 which is to be retained is located to the rear of the site, however the survey does note that the development will slightly encroach into the Root Protection Area (RPA) of this tree. However due to the existing ground levels and the design of the property, the excavation in this area is minimal.
- 10.30 Concern was originally noted from the Arboricultural Officer in regard to the proposed excavation of the driveway and its proximity to T1, T2 and T3. The applicants arboriculturist carried out an exploratory dig by hand in the location. These works confirmed that the current retaining wall was located directly on bedrock and as such acted as a root barrier preventing root penetration into the existing driveway.
- 10.31 Concerns were also raised regarding a wall to be introduced to the rear of the TPO trees which front the site. It was felt that the placement of this wall may result in encroachment into the RPA of these trees which would be unacceptable.

As part of discussions with the applicant during the course of this application, this wall has been removed entirely from the scheme.

- 10.32 The Arboricultural Officer has been consulted as part of the latest amendments and has stated that these are acceptable provided that the implementation of the submitted method statement and tree protection is a condition of any planning approval. I am therefore satisfied that subject to conditions that the proposal accords with Policy EN2 of the Local Plan in regard to impact to trees.

Ecology

- 10.33 The NPPF within chapter 15 requires that planning decisions should contribute to and enhance the natural and local environment. Paragraph 186 states that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".
- 10.34 Local Policy EN2, part 2, states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.
- 10.35 To support the application a Preliminary Roost Assessment (PRA) and Licensed Bat Survey and Ecological assessment has been undertaken in line with best practice and are accepted.
- 10.36 The PRA survey discovered the presence of bat droppings across two Roost Access points within the existing building which confirmed Common pipistrelle presence at the site. Two roost characterisation surveys were undertaken within August 2022 which did not record any bats emerging or re-entering the building on either of the survey visits. The report concludes that the droppings at Roost Access 1 and Roost Access 2 are indicative of a likely small common pipistrelle maternity / satellite roost.
- 10.37 As the proposals involve the destruction of a bat roost the applicant will require a Natural England European Protected Species license prior to any works commencing on the building. This can be controlled by a planning condition.
- 10.38 Development affecting European protected species must be assessed by the Local Planning Authority against three tests set out in the Habitats Regulations prior to determination. This shows how the Council has engaged with the Habitats Directive.
- 10.39 Merseyside Environmental Advisory Service (MEAS), the Councils ecologists, have assessed the proposal against the three tests and advise that as long as the mitigation measures recommended in the Preliminary Bat Mitigation Strategy within Section 5.4 of the submitted report are implemented, then these tests

would be satisfied and a Natural England Mitigation License is likely to be granted. This can be secured by a condition.

- 10.40 Other conditions recommended include a scheme for external lighting, RAMS for common amphibians and hedgehogs as well as a method statement for invasive species. These can all be dealt with by suitably worded conditions.
- 10.41 I am therefore satisfied that the applicant has demonstrated that the proposal would not have a detrimental impact upon protected species and as such accords with Policy EN2 of the Local Plan.

Drainage/flood risk

- 10.42 The application site lies within Flood Zone Risk Area 1 where there is a low probability of flooding. Limited information was originally submitted to support the application in terms of drainage. Foul water is to be discharged to the existing foul water sewer as existing. The applicant was initially relying on the use of infiltration to dispose of the surface water runoff but no percolation test results to demonstrate that the proposal was viable, accompanied the application. Groundwater levels are known to be high in this area of Aughton and therefore the Councils Principal Engineer was initially not convinced that infiltration will work as a result.
- 10.43 Recent soil infiltration testing has been undertaken by the applicant where it was found that that this approach would not be feasible. An infiltration tank is thereby proposed which will be of sufficient volume to store surface water run-off from the development site. The controlled discharge will flow into an existing outfall to Sugar Brook and the applicant has a right to use this connection as part of the site purchase.
- 10.44 Following on from this update to the Drainage Strategy report, the Drainage Engineer has now stated that he has no objection to the application.

11.0 CONCLUSION

- 11.1 The principle of the proposed development is considered to be acceptable and compliant with Local Plan policies and subject to appropriate conditions the proposal is not considered to have any significant adverse impacts on heritage and design matters, residential amenity, highways, drainage, ecology and trees. It is therefore considered that the proposal complies with the NPPF, the relevant policies of the Local Plan and the guidance within the Design Guide SPD.

12.0 RECOMMENDATION

- 12.1 That the planning application be GRANTED subject to the stated 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:

Existing Floor Plans & Elevations - Drawing No: L01 Rev A

Received by the Local Planning Authority 9th May 2023

Existing Location & Site Plan - Drawing No: L01 Rev A

Received by the Local Planning Authority 9th May 2023

Existing & Proposed Block Plans - Drawing No: L02

Received by the Local Planning Authority 9th May 2023

Level Changes - Drawing No: L03 Rev B

Received by the Local Planning Authority 29th April 2024

Floor Plans - Drawing No: G01 Rev C

Received by the Local Planning Authority on 29th April 2024

Proposed Elevations - Drawing No: G02 Rev A

Received by the Local Planning Authority on 19th June 2024

Visuals & Materials - Drawing No: G03 Rev B

Received by the Local Planning Authority on 19th June 2024

Street Scene Impact Analysis - Drawing No: G04 Rev A

Received by the Local Planning Authority on 19th June 2024

Section Through Driveway - Drawing No: G05 Rev A

Received by the Local Planning Authority on 19th June 2024

Surface Water Drainage Strategy – Drawing No: XX-00-6000 Rev PO1

Received by the Local Planning Authority on 3rd July 2024

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. Notwithstanding any description of materials in the application no above ground construction works of any phase of development shall take place until samples and / or full specification of materials to be used externally on the [buildings/ plots] to which they relate within that phase has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

The development shall be carried out using only the agreed materials and method of construction.

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 West Lancashire Local Plan 2012-2027 Development Plan Document.

4. No site clearance, preparatory work or development shall take place until the tree protection measures as set out in Arboricultural Method Statement and Arboricultural Implications Assessment (Ref: TRE/48GPW/Rev B) have been put into place. The measures contained in the approved Method Statement shall be fully implemented throughout the demolition and construction of the development.

Reason: To protect the existing trees on site and thereby retain the character of the site and the area and to ensure the development complies with the provisions

of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

The details shall relate to all land surfaces not built upon and shall include:

- Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks,
- hard surfaced areas and materials,
- planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing/phasing of work.
- existing plants / trees to be retained
- A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 7 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

6. No building shall be occupied/brought into uses until details of the number and location of bird nesting boxes and bat boxes to be incorporated into the scheme (minimum 1 per dwelling) shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed in accordance with the approved details prior to the first occupation of the dwellings and shall be retained at all times thereafter.

Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. No external lighting shall be installed on site until details of any such lighting has been submitted to and approved in writing by the Local Planning Authority. External lighting shall be minimal, designed to avoid excessive light pollution / spill onto areas of wildlife habitat. The external lighting shall be retained as approved thereafter.

Reason: To safeguard protected species and to minimise the visual impact of light on nearby residential properties and so ensure that the development complies with the provisions of Policies EN2 and GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

8. For the full period of demolition and construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will 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.

9. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material to be approved by the Local Planning Authority.

Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10. The proposed new dwelling shall not be occupied until the car parking area has been surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking area shall thereafter be kept free of obstruction and available for the parking cars at all times.

Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

11. Prior to occupation of the dwelling hereby approved, suitable provision shall be made for electric vehicle charging points.

Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

12. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Parts 1 A, B and E, or any amendments made to that Order, shall not apply:
 - (i) no extensions shall be carried out to the dwelling,
 - (ii) no garages or carports shall be erected within the curtilage of the dwellings,

(iii) no out-buildings or other structures shall be erected within the curtilage of the dwellings, and

(iv) no windows or dormer windows shall be added to the dwelling unless on application to the Local Planning Authority, planning permission for such development has been granted.

Reason: The character and location of the property are such that the Local Planning Authority wish to exercise control over future development in order to protect residential and visual amenity to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- o 24 Hour emergency contact number;
- o Details of the parking of vehicles of site operatives and visitors;
- o Details of loading and unloading of plant and materials;
- o Arrangements for turning of vehicles within the site;
- o Measures to protect vulnerable road users (pedestrians and cyclists);
- o The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- o Wheel washing facilities;
- o Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- o Measures to control the emission of dust and dirt during construction;
- o Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- o Delivery, demolition and construction working hours.

The approved CMP or CMS shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases.

INFORMATIVE – BIRD NESTING SEASON

No vegetation removal or management, ground clearance or building works are to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

INFORMATIVE – REASONABLE AVOIDANCE MEASURES

The habitats on site are suitable for hedgehog which is a Priority Species and Local Plan policy EN2 applies. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:

- A pre-commencement check for hedgehog mammals;
- All trenches and excavations should have a means of escape (e.g., a ramp);
- Any exposed open pipe systems should be capped to prevent mammals gaining access; and
- Appropriate storage of materials to ensure that mammals do not use them

INFORMATIVE – CONSTRUCTION SITE NOISE

Due to the proximity of existing noise sensitive premises and the potential for disturbance arising from contractor's operations, the developers' attention is drawn to Section 60 and 61 of the Control of Pollution Act 1974, BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites.

INFORMATIVE - WORKING HOURS FOR DEVELOPMENT SITES

In the interests of residential amenity, the applicant/agent/developer is strongly advised to adopt the following recommended construction/demolition hours for all works on site. Works audible at or beyond the site boundary should not occur outside the following hours;

Monday to Friday – 08:00hrs to 18:00 hrs
 Saturday – 08:30hrs to 13:30hrs
 Sundays or Public/Bank Holidays - not at all

Noisy or disruptive works carried on outside of these hours are much more likely to raise objections or complaints by local residents (due to disturbance) to the redevelopment of the site which may, in turn, result in formal action being pursued by Public Protection Services to enforce the recommended hours

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.