

No.3	APPLICATION NO.	2020/0158/OUT
	LOCATION	52A New Cut Lane Halsall Southport Lancashire PR8 3DW
	PROPOSAL	Outline - Three detached dwellings including details of access, layout and scale (all other matters reserved).
	APPLICANT	Mr Ray Barton
	WARD	Halsall
	PARISH	Halsall
	TARGET DATE	12th May 2020

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Mills has requested it be referred to Committee to consider the impact of cumulative effect of backland developments off New Cut Lane; loss of amenity to residents; highway safety/traffic generation; lack of infrastructure; and drainage/flood risk issues.

2.0 SUMMARY

- 2.1 I consider the principle of the proposed residential development is acceptable due to the designation of the land for housing under Policy RS1 of the WLLP. I consider that the proposed backland development is also acceptable in the context of the character of the local area. Although I am satisfied that the proposal would not cause significant harm to highway safety, ecology/biodiversity and drainage, I do have concerns in relation the impact upon the amenities of neighbouring properties as a result of the intensified use of the access track and future location of windows at Plot 1 resulting in overlooking implications. For this reason it is considered the development fails to comply with Policy GN3 of the WLLP.

3.0 RECOMMENDATION: REFUSE

4.0 THE SITE

- 4.1 The proposed development is on land to the rear of 52a New Cut Lane, Halsall. The land currently consists of a dwelling house (no. 52a) and associated amenity and hardstanding areas. There is an access road serving the existing dwelling which will be utilised to facilitate the development.

5.0 THE PROPOSAL

- 5.1 This application seeks outline planning permission for three detached dwellings including details of access, layout and scale (all other matters are reserved including appearance and landscaping).

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 None.

7.0 CONSULTEE RESPONSES

- 7.1 Environmental Health (07/04/2020) – No objections.

- 7.2 United Utilities (08/04/2020) – Recommends planning conditions.
- 7.3 Cadent Gas (19/03/2020) - Have identified apparatus in the vicinity of the proposed works. Lists requirements before works commence.
- 7.4 Highways Lancashire County Council (20/07/2020) – Recommends planning conditions.

8.0 OTHER REPRESENTATIONS

- 8.1 Objections have been received from neighbouring properties on the grounds of:

Impact of use of track on the adjoining properties, deflecting fences, water run off and potentially bridging of damp proof course;
Speed of vehicles using track road;
Errors in traffic report;
Bins only collected from New Cut Lane and impact of bins lined up on New Cut Lane;
The width of the access road/track is too narrow to provide access to the proposed properties and does not allow two vehicles to pass;
Impact of noise, vibration and pollution as a result of increased use of the access track;
Loss of privacy due to increased use of the track;
How will larger vehicles manoeuvre;
Further stress on water disposal;
Concerns about the impact that heavy piling will have on the surrounding properties;
Drainage concerns.

- 8.2 Halsall Parish Council (30/04/2020) and (03/07/2020) – Object on the grounds of:

Drainage;
Amenity;
Transport links;
Access, poor visibility and splay angles prevent safe vision on egress;
Fails to meet planning policies;
Excessive construction and dwellings in small settlement;
Change in character of the area;
Loss of privacy;
Loss of environment supporting wildlife;
Visibility splays;
Traffic safety;
No green space / play area.

9.0 SUPPORTING INFORMATION

- 9.1 Design & Access Statement and Planning Support Document
- 9.2 Ecology Survey and Assessment
- 9.3 Highways Technical Note
- 9.4 Noise Assessment

10.0 RELEVANT PLANNING POLICIES

- 10.1 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan provide the policy framework against which the development proposals will be assessed.

The majority of this site is allocated under Policy RS1 (a) (viii) of the WLLP as being a Housing Allocation site (Land at New Cut Lane, Halsall).

Approximately 45m of the access track to the site and a small element of the proposed 'additional parking' area is located within the settlement area of Halsall, which is designated as a Rural Sustainable Village in the WLLP.

10.2 ***National Planning Policy Framework***

Delivering a sufficient supply of homes

Promoting sustainable transport

Achieving well-designed places

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

Relevant West Lancashire Local Plan 2012-2026 (WLLP) policies:

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy RS1 – Residential Development

Policy IF2 – Enhancing Sustainable Transport Choice

Policy IF4 – Developer Contributions

Policy EN1 – Low Carbon Development and Energy Infrastructure

Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document, Design Guide (Jan 2008)

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

11.1 The main areas of consideration in determining this application are:

Principle of Development;

Design and appearance of the development;

Impact upon neighbouring properties;

Highways;

Ecological considerations;

Drainage.

Principle of Development

11.2 The majority of this site is allocated under Policy RS1 (a) (viii) of the WLLP as being a 'Housing Allocation site' (Land at New Cut Lane, Halsall). Approximately 45m of the access track to the site and a small element of the proposed 'additional parking' area is located within the settlement area of Halsall, designated as a 'Rural Sustainable Village' in the WLLP.

11.3 Policy GN1 in the Local Plan confirms that the development proposals on greenfield sites within settlement boundaries will be assessed against all relevant Local Plan policies applying to the site, including, but not limited to, policies on settlements' development targets, infrastructure, open and recreational space and nature conservation, as well as any land designations or allocations. Policy RS1 confirms that residential development will be permitted within Rural Sustainable Villages on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. As mentioned above, the land to the north east of the application site is within the settlement boundaries so development on this land for residential purposes would be acceptable in principle.

- 11.4 With respect to the development to the rear of the site on land designated as a 'Housing Allocation site', Policy RS1 confirms that this site is specifically allocated for residential development and has the capacity for up to 150 dwellings. I am satisfied that the proposed development for three dwellings would not prejudice the delivery of this allocation on the wider site nor given the scale of development significantly impact on infrastructure/services in the area.
- 11.5 Therefore, the principle of development is acceptable subject to the proposals conforming to all other planning policy, as discussed below.

Design and external appearance of the development

- 11.6 Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) 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.
- 11.7 Backland development is not uncommon in this area - particularly given that the land to the rear of the New Cut Lane is allocated for housing within the Local Plan. Backland schemes have also been granted planning permission at 14a and 72 New Cut Lane.
- 11.8 The local area comprises of a mix of two-storey dwellings, dormer bungalows and true bungalows. Either side of the access entrance on the New Cut Lane frontage are bungalows. Abutting the northern corner of the proposed site are a row of two storey semi-detached dwellings and to the south west, within the application site, no. 52a is a two storey detached property. The applicant has produced street scene and massing drawings to demonstrate that the development will have a lower ridge height than the existing property, no.52a by approx. 950mm. Whilst I acknowledge that the dwellings are greater in height than the properties to the immediate frontage which are a bungalow / dormer bungalow (no. 52 and no.54), the proposed dwellings are also seen in the context of two storey properties within close proximity to the site including that of no. 52a (in the application boundaries) and that of no. 42 – 48 New Cut Lane (which are set back approx. 30m from the road) and 62 – 64 New Cut Lane.
- 11.9 Being mindful of the existence of other two storey development in the area and that the proposed development would be set back a minimum of approx 80m from the road, in this context I consider the scale of the development will be acceptable in the streetscape when viewed from New Cut Lane and respect the character of the area.
- 11.10 The size of the plots is considered to be acceptable. Plots 2, 3 and the existing property, no. 52a comply with residential space standards. Although Plot 1 falls short of the minimum garden length, measuring at approx. 8m – the width is generous at 15m. I consider the level of amenity space to be provided would be acceptable.
- 11.11 As this application is in outline format, no detail of design / appearance is required at this stage and an assessment is kept for a later reserved matters application. Interface distances within the site appear satisfactory however the location of any windows would be an important consideration which would be assessed during a reserved matters application. However although Plot 1 would not appear deficient in terms of external amenity space, I am concerned about the impact of its siting on the amenities of adjoining residential properties.

Impact upon neighbouring properties

- 11.12 Policy GN3 of the Local Plan states that new development must retain or create reasonable levels of privacy and amenity for occupiers of the proposed and neighbouring properties.
- 11.13 With respect to neighbouring dwellings the closest properties to the development are no.48 – 56 New Cut Lane, with no. 52 and no. 54 being adjacent to the site access. I note objections from neighbouring properties that have been received in relation to the proposals.
- 11.14 In terms of the siting / location of the dwellings, proposed Plot 1 is closest to frontage residential development along New Cut Lane. The distance of Plot 1 is approx. 40m from the nearest built residential property outside of the application boundaries – this significantly exceeds the Council's minimum interface distance of 21m for properties facing back to back. However, at this site as properties on New Cut Lane adjacent to this site have long gardens I consider that it is also important to consider any amenity implications on neighbouring property's garden space.
- 11.15 At this stage, as this application is outline only, it has not been confirmed where the windows will be sited on Plot 1. However an indicative floor plan has been provided with the planning application which can be considered, which shows that Plot 1 (house type 'B') will have no windows to either side (facing Plot 2 to the south west side or facing no. 52 to the north east side). Windows will be concentrated to the front and rear of Plot 1.
- 11.16 The garden length to Plot 1 is approx. 8m. The garden area adjoins the garden area of no 48 New Cut Lane. The Council's Design Guide recommends that the minimum rear garden depth will be generally 10m to avoid any overlooking to neighbouring properties. As this distance falls short by 2m I consider that the development would result to direct overlooking to the rear garden area of no. 48.
- 11.17 The south east front elevation is approx. 6m from the common boundary and rear garden area of no. 56. This area of garden facing Plot 1 is well manicured and features a pond therefore an area which appears to be used regularly by the occupants of no. 56. In my view the short interface distance and low boundary treatment would result to an impact of overlooking to a used garden space to the detriment of the occupants of no. 56 New Cut Lane.
- 11.18 Concerns have also been raised by local residents in relation to the intensified use of the access track as a result of the development. No. 54 is approx. 4m from the access track and is separated by low level fencing to the front and higher boarded fencing to the garden area. Given these site conditions I do not consider the development would result in significant amenity impacts to the occupants of no.54 by virtue of vehicles and pedestrians using the access track.
- 11.19 No. 52 bounds the access track to the north-west and has habitable windows immediately adjacent to the access road. Fencing at no. 52 bounds the rear garden with the access track. A Noise Assessment has been submitted with the planning application which focuses on the potential noise impact from vehicles associated with the proposals on no. 52 New Cut Lane, the nearest existing dwelling to the access road.
- 11.20 The Noise Assessment concludes noise attributable to the future proposed use of the access road will not exceed British Standard and World Health Organisation guidelines and found intermittent peaks of noise in bedrooms from a very small number of cars on the access road would occur but would be of a lower magnitude than the significantly more regular noise from the existing road traffic. It is considered that the proposals should not result in an adverse noise effect on the amenity of existing dwellings provided the

access road has a macadam (or similar) surface. The Council's Environmental Health Officer has assessed the report and raises no objection and considers the noise assessment to be acceptable and the results to be plausible.

- 11.21 However Policy GN3 of WLLP highlights the importance that new development must retain or create reasonable levels of privacy and amenity for occupiers of the neighbouring properties. Although the use of the access is unlikely to impact significantly in terms of noise, I do have concerns that the intensified use of the access road will have impacts on the amenity of residents of no. 52 New Cut Lane. This property has three side windows on the boundary immediately adjoining the access track. One of these windows serves the bathroom and is obscure glazed. The middle window is the only window to the third bedroom/dining room and the rear window serves the kitchen/breakfast room.
- 11.22 The passing of cars so close to these windows at no.52 in my view would result in a level of disturbance to the occupants of no. 52 which would interfere significantly with the enjoyment of their home. The passing of vehicles and pedestrians is likely to result in a loss of privacy to the occupants of no. 52 due to siting of main habitable room windows immediately on the boundary. Although I acknowledge that vehicles already use the track for access to no. 52, the addition of three additional dwelling houses would in my opinion significantly increase the number of vehicle and pedestrian movements that will pass these windows on a daily basis.
- 11.23 On balance it is my view that the development would be harmful to the amenities of the occupants of neighbouring properties through overlooking, loss of privacy and disturbance and would not comply with Policy GN3 in the WLLP in respect of its impact on residential amenity.

Highways

- 11.24 The site will be accessed via an existing dropped kerb vehicular crossing off New Cut Lane. New Cut Lane is a classified road which has been categorised as a Secondary Distributor Road with a speed limit of 30mph fronting the site.
- 11.25 Lancashire County Council have been consulted on the development and consider that the visibility splays and parking provision are acceptable. Amendments have been made to the road layout during the consideration of the application which removed a footpath adjacent to the visitor parking spaces to allow an increased width of the access road to allow vehicles more room to pass.
- 11.26 The Highway Authority have indicated that due to the restricted nature of the turning areas within the site it is unlikely that refuse collection vehicles would collect refuse directly from the outside of the properties. Amended plans show that a central refuse collection point has been allocated to the north eastern boundary of the site close to the additional parking areas. Although I consider that this is not an ideal situation, the Council's refuse team have indicated that they do have a smaller fleet of refuse collection vehicles which would be able to pick up refuse from this point.

Ecological considerations

- 11.27 Policy EN2 in the Local Plan confirms that the need to take account of any potential impact on priority species or their habitat and to pay particular attention to the Habitat Regulations. This follows the advice provided at national level. It is a requirement of both local and national policy that appropriate surveys are submitted to address any impact or potential impact.

- 11.28 An Ecological Survey and Assessment accompanies the planning application. This concludes that the development proposals can be achieved with no direct adverse effect on designated sites for nature conservation. Appropriate and proportionate mitigation for the avoidance of significant adverse indirect effects on designated sites as a result of the recreational pressures and construction / site preparation related disturbance is feasible and could be secured through a planning condition.
- 11.29 Measures for the protection and long term conservation of nesting birds and foraging bats at the site could also be secured by condition.
- 11.30 Therefore it is considered the development complies with Policy EN2 of the WLLP.

Drainage

- 11.31 The proposal to connect the foul drainage system to the public foul sewer in New Cut Lane is acceptable, as is the proposal to use separate foul and surface water systems. However, given the site is lower than the highway a foul pumping station may be required. The applicant has indicated that a sustainable drainage system will be employed to deal with the removal of surface water, which should prove feasible due the presence of a land drain should infiltration prove unacceptable.
- 11.32 On consultation with the Council's Drainage Engineer no objections are raised. As limited information has been provided at this stage planning conditions would be required to secure the submission of a strategy for the separate foul and surface water drainage of the development.

Conclusion

- 11.33 The proposal for housing development on this site is considered acceptable in principle. Although the scheme would not be detrimental to highway conditions, drainage or ecology, concerns are raised in terms of residential amenity in particular overlooking implications due to the potential location of windows on Plot 1 and the intensified impact of the use of the access track upon the occupants of no. 52 New Cut Lane. For this reason the development would fail to comply with Policy GN3 of the WLLP.

12.0 RECOMMENDATION

- 12.1 That planning permission be REFUSED for the following reasons:

Reasons for Refusal

1. The proposed development conflicts with Policy GN3 of the West Lancashire Local Plan and adopted Supplementary Planning Document, Design Guide (Jan 2008) in that the intensified use of the access road to the development would result in unreasonable disturbance and loss of privacy to the occupants of no. 52 New Cut Lane.
2. The proposed development conflicts with Policy GN3 of the West Lancashire Local Plan in that the layout of plot 1 would detrimentally impact upon the amenity of adjacent occupiers residing at no.48 and 56 New Cut Lane by reason of overlooking to their rear garden areas.
3. NOTE
Despite the requirements of Paras 38-46 of the National Planning Policy Framework it has not been possible to reach a positive agreed solution through the Council's adopted and

published procedures. The development proposed shows insufficient regard to the policy requirements as detailed in the reasons above.