

No.4	APPLICATION NO.	2020/0606/FUL
	LOCATION	72 New Cut Lane Halsall Southport Lancashire PR8 3DW
	PROPOSAL	Variation of condition Nos 2, 12 and 15 imposed on planning permission 2019/1257/FUL relating to design and layout, boundary treatments and electric vehicle charging points.
	APPLICANT	Broadley Developments Ltd
	WARD	Halsall
	PARISH	Halsall
	TARGET DATE	10th September 2020

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Mills has requested that it be referred to Planning Committee to consider whether the amended design for plot 8 results in loss of amenity to residents adjoining the site.

2.0 SUMMARY

- 2.1 I consider the amended design of Plot 8, including a new garage, to be acceptable as I do not consider that the proposal would over dominate or result in any significant loss of light to the neighbouring property or garden and the application complies with Policy GN3 in the Council's Local Plan. The other minor alterations to the scheme and position of electric vehicle charging points are considered to be acceptable in principle.

3.0 RECOMMENDATION: Approve with conditions

4.0 THE SITE

- 4.1 The site comprises a residential development under construction, by virtue of planning permission granted under application 2019/1257/FUL, to the rear of the former No.72 New Cut Lane.
- 4.2 The land to the rear (including part of the application site) is allocated under Policy RS1 in the Local Plan as a Housing Allocation site- Land at New Cut Lane, Halsall capacity 150 units.

5.0 PROPOSAL

- 5.1 The application is for a variation to the permission granted in respect of application 2019/1257/FUL for 8 dwellings. The applicant seeks to vary conditions (2) Plans- design and layout, (12) boundary treatment and (15) electric vehicle charging points.
- 5.2. The main change relates to a new garage to the side of Plot 8, a dormer bungalow close to the boundary of the garden of No 70 New Cut Lane.
- 5.3 Other changes proposed include amendments to the design of the rear first floor windows to the master bedrooms of Plots 1-5, to be the same as to rear of Plots 6-7. Minor changes to the approved site boundaries are proposed as a result of the redesign of plot 8.

Details in discharge of Condition 15 (Electric Vehicle Charging Points) are also provided for approval- drawing of charging point positions and data sheet included. The charging units are to be fixed externally, to the sides of dwellings.

6.0 SUPPORTING INFORMATION

6.1 The applicant has submitted the following accompanying documents:

Summary of Variations and Revised Drawings

7.0 CONSULTEE RESPONSE

7.1 LCC Highways (18/08/20) No objections.

8.0 OTHER REPRESENTATIONS

8.1 Letters of objection from an adjoining property on New Cut Lane have been received in respect of the addition of a garage, which is only 1 m away from the party boundary. The garage height and high pitch of the roof, which the developers say will be reduced to 37.5 degree pitch is still overshadowing our back garden reducing light. The bungalow and garage cover three quarters the width of our back garden and is very imposing.

9.0 RECENT RELEVANT PLANNING HISTORY

9.1 2020/0205/CON - Approval of Details Reserved by Condition No. 5 of planning permission 2019/1257/FUL relating to the construction phase.

9.2 2020/0219/CON - Approval of Details Reserved by Condition Nos. 4 and 10 of planning permission 2019/1257/FUL relating to a scheme for the construction of the site access and material details.

9.3 2019/1257/FUL- Erection 8 dwellings etc. following demolition of No. 72. GRANTED

9.4 2001/0559 - REFUSED Erection of 6 dwellings; land to the rear of 70 New Cut Lane

10.0 RELEVANT PLANNING POLICIES

10.1 National Planning Policy Framework (NPPF), and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed.

10.2 The land to the rear (including part of the application site) is allocated under Policy RS1 (a) (viii) of the West Lancashire Local Plan 2012-2027 DPD as being a Housing Allocation site (Land at New Cut Lane, Halsall).

10.3 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

10.4 West Lancashire Local Plan (2012-2027) DPD

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development
RS1 - Residential Development
RS2 - Affordable and Specialist Housing
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN3 - Provision of Green Infrastructure and Open Recreation Space

- 10.5 **Supplementary Planning Documents:** Design Guide (Jan 2008)
Supplementary Planning Document – Provision of Open Space in New Residential Developments (July 2014)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 11.1 The application is a variation to the permission granted in respect of application 2019/1257/FUL for 8 dwellings by varying conditions relating to (2) Plans - design and layout, (12) boundary treatment and (15) electric vehicle charging points.
- 11.2 The main change relates to a new garage to the side of Plot 8, a dormer bungalow, close to the boundary of the garden of No 70 New Cut Lane.
- 11.3 The main issue raised by the variations is the impact on neighbouring properties.

Impact upon Neighbouring properties

- 11.4 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.
- 11.5 With respect to neighbouring dwellings the closest is no 70 New Cult Lane with its relatively short 10.5m garden. In granting the original permission permitted development rights were removed from Plot 8 in relation to any roof alterations specifically to allow a detailed assessment of any proposed extensions on neighbours. The addition of a garage to the side of Plot 8 has resulted in the main bulk of the dormer bungalow being moved 1.1m further away from the boundary of no70 so this is some 15.3 m away from its windowed elevations. This would improve the amenity for neighbours.
- 11.6 The proposed side garage measures 3.3 in width by 6.7m in length and is set back some 5.2 m from the front of the house and projects 3.8m past its rear. It is 1.2m off the boundary with no 70 and 12m from the rear elevation of no 70. The original garage design comprised a pitched roof to match that of the angle of the main roof resulting in it being at its apex 5.6 m high. Building works are well advanced and the developer acknowledges that these works are being carried out without consent. The developer has had discussions with the neighbours and amended plans have now been received showing a flat roof to a maximum height of 3m. The boundary fence is approximately 1.7m high.
- 11.7 Whilst I have some sympathy for the neighbours and regret the actions of the developer in commencing work in advance of securing permission, the works are being carried out at the developer's risk. Whilst the proposals are different to those originally approved, I still consider them acceptable as I do not consider them as a whole to over dominate or result in any significant loss of light to the neighbouring property or garden. I have had specific regard to the spatial separation standards set out in the Council's Design Guide SPD which state that the minimum distance between main (windowed) elevations and those

that do not contain primary windows of habitable rooms is 12m. This policy in effect allows 2 storey developments 12m from windowed elevations.

- 11.8 On the basis of the above I am satisfied that the development complies with Policy GN3 in the WLLP in respect of its impact on neighbouring properties.

Other Matters

- 11.9 The rear first floor windows to the master bedrooms of Plots 1-5 have been redesigned, to be the same as to rear of Plots 6-7. I consider the design to be acceptable in principle.
- 11.10 The minor changes to Plot 8 boundaries are considered to be acceptable.
- 11.11 The external fixing of Electric Vehicle Charging Point to the sides of dwellings is also acceptable.
- 11.12 As this is a s73 application many of the original conditions need to be re imposed/updated as well as variations to conditions 2, 12 and 15.

12.0 SUMMARY

- 12.1 The addition of a garage to the side of Plot 8 has resulted in the main bulk of the dormer bungalow being moved 1.1m further away from the boundary of no70 New Cut Lane, providing some betterment and although a flat roofed garage is now proposed along the boundary this will have limited impact. Whilst the proposals are different to those originally approved, I consider the amended design acceptable, as I do not consider that the garage would over dominate or result in any significant loss of light to the neighbouring property or garden. The proposal complies with Policy GN3 in the Local Plan and will not have a significant impact on the amenities of nearby residents.

13.0 RECOMMENDATION

- 13.1 That Planning Permission be GRANTED subject to the following conditions:

Conditions

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Proposed Location Plan Drwg No 928 501
received by the Local Planning Authority on 5 December 2019
Proposed Plots 6, 7 GA Plans and Elevations Drwg No 928 507 A
received by the Local Planning Authority on 29 January 2020
Landscape Proposal Drwg No 6243.01
received by the Local Planning Authority on 21 January 2020
Drainage Strategy Drwg No 19188/04/1
received by the Local Planning Authority on 22 January 2020
Proposed Site Plan Drwg No 928 503 C
Proposed 1st Floor Interfaces Drwg No 928 504 A
Proposed Boundary Treatments Drwg No 928 505 B
Proposed Plots 1-5 GA Plans and Elevations Drwg No 928 506 B
Existing and Proposed Street Scenes I Drwg No 928 509 B
received by the Local Planning Authority on 16 July 2020
Proposed Plot 8 GA Plans and Elevations Drwg No 928 508 D
Existing and Proposed Street Scenes II Drwg No 928 510 D
Existing and Proposed Street Scenes III Drwg No 928 511 D

received by the Local Planning Authority on 17 August 2020

2. The finished floor levels, ground levels and ridge heights of the proposed dwellings, shall be as shown on Existing and Proposed Street Scenes I -III Drwgs No 928 509A, Drwgs No 928 510A and Drwgs No 928 511A received by the Local Planning Authority on 29 January 2020.
For the avoidance of doubt the maximum ridge height of the proposed dwellings shall be 11.85 AOD
Reason: To ensure the satisfactory visual appearance of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
3. All fencing and boundary treatments, excluding external boundary hedging, shall be carried out in accordance with the approved details shown on Proposed Boundary Treatments Drwg No 928 505 B received by the Local Planning Authority on 16 July 2020.
The works shall be carried out before any part of the development is occupied
4. The site access, including visibility splays together with the relocation of the lighting column and the telegraph pole, shall be constructed in accordance with the s278 Works Drwg No 19188/05/1A and Proposed Lighting Column Drwg No 928-503 A received on 02 July 2020 approved under 2020/0219/CON
The site access shall be maintained as approved during all stages of construction.
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.
5. Construction works shall be carried out in accordance with the details in the approved Construction Phase Health and Safety Plan by Broadley Developments received on 2 March 2019 (in relation to areas for site compound including the siting of office, storage of plant and materials and measures to prevent the transfer of mud out of the site)
For the avoidance of doubt the development must be implemented in accordance with these approved details whilst any demolition/construction works are in operation.
Reason: To protect the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. The access road, footways and vehicular turning areas shall be laid out as shown on the approved Proposed Site Plan Drwg No 928 503 prior to any occupation of the dwellings hereby approved or to a timetable agreed in writing by the local planning authority.
Reason: In the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
7. The development shall not be occupied until the surface water and foul sewage disposal works have been completed on site in accordance with the approved Drainage Strategy Drwg No 19188/04/1 received by the Local Planning Authority on 22 January 2020. No surface water shall discharge to public sewer either directly or indirectly.
Before any dwelling is occupied / the building is first brought into use, a validation report (that demonstrates that the drainage scheme has been carried out in accordance with the approved plan) must be submitted to the Local Planning Authority.
The approved works shall be retained as such thereafter.
Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. No dwelling shall be occupied until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted to and agreed in writing with the Local Planning Authority and which, as a minimum, shall include:
- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Management Company;
 - b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i) on-going inspections relating to performance and asset condition assessments
 - ii) operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - c) Means of access for maintenance and easements where applicable.
- The system shall be implemented and thereafter managed and maintained in accordance with the approved sustainable drainage details / plan.
- Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. Foul and surface water shall be drained on separate systems.
- Reason: To secure proper drainage and to manage the risk of flooding and pollution and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined in the letter from Broadley Developments dated 6 March 2020 received on 6 March 2020 and approved by 2020/0219/CON
- 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.
11. All hard and soft landscape works, including external boundary hedging, shall be carried out in accordance with the approved details shown on Landscape Proposal Drwg No 6243.01 received by the Local Planning Authority on 21 January 2020. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.
- 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 in the West Lancashire Local Plan 2012-2027 Development Plan Document
12. The development shall be implemented in accordance with the mitigation strategy/precautionary measures described in Section 9 Conclusions and Recommendations of the Preliminary Ecological Appraisal and Tree Appraisal supplement prepared by Tyrer Ecological Consultants Ltd; and received by the Local Planning Authority on 5 December 2019

Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. 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) specifically Schedule 2, Parts 1, Class AA- enlargements of a dwellinghouse by construction of additional storeys and Class B - additions etc to the roof of a dwellinghouse, no alterations to the roof of the main dwelling or garage shall be made to Proposed Plot 8. Any submission to alter the roof should show the positioning, size and design which should be submitted to and approved in writing by the Local Planning Authority.

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.

14. All electric vehicle charging points (minimum 1no. per dwelling), shall be carried out in accordance with the approved details shown on Electric Vehicle Charging Points Drwg No 928 520 and product data sheet received by the Local Planning Authority on 16 July 2020. No dwelling shall be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.

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:

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

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.