

<b>No.4</b>	<b>APPLICATION NO.</b>	2021/0063/FUL
	<b>LOCATION</b>	72 New Cut Lane Halsall Southport Lancashire PR8 3DW
	<b>PROPOSAL</b>	Variation of Condition No 1 on Planning Permission 2020/0606/FUL relating to installation of velux roof windows to rear plots 1-7.
	<b>APPLICANT</b>	Broadley Developments Ltd
	<b>WARD</b>	Halsall
	<b>PARISH</b>	Halsall
	<b>TARGET DATE</b>	15th March 2021

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Councils delegation scheme; however, Councillor Maureen Mills has requested that it be referred to Planning Committee due to the impact on residential amenity and concern over the use of retrospective planning applications.

## **2.0 SUMMARY**

- 2.1 I consider the amended design of Plots 1-7, comprising the addition of 2no. high-level velux roof windows to the rear, first floor bedrooms would not cause any overlooking of neighbouring properties or their gardens and would comply with Policy GN3.

## **3.0 RECOMMENDATION APPROVE with conditions.**

## **4.0 THE SITE**

- 4.1 The site comprises a residential development under construction (2019/1257/FUL) to the rear of the former No.72 New Cut Lane. The former site of the now demolished No. 72 forms the access to the residential development.
- 4.2 The land to the rear (including part of the application site) is allocated under Policy RS1 as being a Housing Allocation site- Land at new Cut Lane, Halsall capacity 150 units.

## **5.0 PROPOSAL**

- 5.1 The application follows the permission granted in respect of application 2019/1257/FUL for 8 dwellings and subsequently varied by 2020/0606/FUL which included an additional garage to plot 8.
- 5.2. The only change relates to the retrospective amended design of Plots 1-7, comprising the addition of 2no. high-level velux roof windows to the rear, first floor, vaulted master bedrooms of each dwelling.

## **6.0 SUPPORTING INFORMATION**

- 6.1 The application is accompanied by the following documents:

Summary of Variations and Revised Drawings.

## **7.0 CONSULTEE RESPONSE**

- 7.1 LCC Highways (19/02/21) No objections.
- 7.2 Parish Council (19/02/21) Parish Council need further detailed information and drawings such as distances from other dwellings, angles of view from the proposed velux type windows onto existing neighbouring properties and subsequently view angles from existing properties into the proposed velux windows.

## **8.0 OTHER REPRESENTATIONS**

- 8.1 Letter of objection from adjoining property on New Cut Lane.  
These windows take away any privacy as they are overlooking not just our back garden but our neighbours also;  
These velux windows have been fitted without any planning permission being granted.

## **9.0 RECENT RELEVANT PLANNING HISTORY**

- 9.1 2020/0606/FUL - 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. GRANTED.
- 9.2 2019/1257/FUL- Erection 8 dwellings etc. following demolition of No. 72. GRANTED.
- 9.2 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 follows the permission granted in respect application of 2019/1257/FUL for 8 dwellings and subsequently varied by 2020/0606/FUL which included an additional garage to plot 8.
- 11.2. The only change relates to the amended design of Plots 1-7, comprising the retrospective addition of 2no. high-level velux roof windows to the rear, first floor, vaulted master bedrooms.
- 11.3 The main issue raised by the variations is its 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 The high level velux windows have already been inserted either side of the hipped roof to the rear on Plots 1-7. The sections submitted with the application show these to be part of a vaulted bedroom roof with the windows at minimum 3.5m above floor level. The case officer has been in Plot 7 nearest to residential properties and given this height above the floor level has confirmed that there is no overlooking or impact on the amenities of surrounding residential properties and their gardens.
- 11.6 Whilst it is unfortunate the developer commenced work in advanced of securing permission, the works were carried out at the developers risk. Whilst the proposals are different to that originally approved I consider them acceptable and compliant with Policy GN3 in the WLLP in respect of the impact on neighbouring properties, therefore there is no planning reason to warrant refusal of the application.
- 11.7 As this is a s73 application (to vary a planning condition), condition 1 in relation to the approved plans requires amending along with many of the original conditions which need to be re-imposed.

## **12.0 SUMMARY**

- 12.1 The insertion of high level velux windows to Plots 1-7 have no overlooking or impact on the amenities of surrounding residential properties and their gardens and would comply with Policy GN3.

## **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

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

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

Proposed Plots 1-5 GA Plans and Elevations Drwg No 928 506 C

Proposed Plots 6, 7 GA Plans and Elevations Drwg No 928 507 B

received by the Local Planning Authority on 14 January 2021

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.

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.

Reason: To safeguard and enhance the character of the area and to protect residential amenity in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

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

### **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.