



PLANNING COMMITTEE: 28 July 2022

Report of: Corporate Director of Place & Community

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SUBJECT: PLANNING APPLICATION 2022/0212/FUL

PROPOSAL: VARIATION OF CONDITIONS NO. 3, 5, 6 AND 10 IMPOSED ON PLANNING PERMISSION 2019/0371/OUT TO VARY THE APPROVED PLANS.

ADDRESS: LAND TO THE WEST OF TODDS LANE, BANKS

Wards affected: North Meols

1.0 PURPOSE OF THE REPORT

- 1.1 The report advises Planning Committee on an application which seeks to vary condition 3 in order to amend the design of the proposed dwelling. As a result of the amended plans, the wording of conditions 5, 6 and 10 must also be varied to refer to the correct drawing numbers should permission be granted. Members are advised that the principle of the erection of a dwelling house has been established by the outline permission granted under application 2019/0371/OUT. The outline permission relates to the development of the land to erect a 2-storey detached dwelling together with parking and amenity. The outline permission included details of access, appearance and scale, with layout and landscaping reserved for later approval.
- 1.2 It is considered that the revised design of the dwelling house is acceptable and would be in keeping with the existing local vernacular. Access and parking arrangements are retained and impact upon the living conditions of neighbouring properties has been addressed in line with national and local planning policies and the relevant guidance.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

- 2.1 Approve subject to conditions.**
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3.0 THE SITE

- 3.1 The site relates to land at the rear of 25/25A Hoole Lane, Banks, but which fronts onto Todd's Lane. The land is overgrown in parts with remnants of building rubble present. The site measures approximately 20.4m x 13m.
- 3.2 The site is surrounded by residential properties within the settlement of Banks.
- 3.3 The site is accessed via Todd's Lane – a private unadopted road which currently serves 9 dwellings.

4.0 THE PROPOSAL

- 4.1 The application seeks the Variation of Conditions No. 3, 5, 6 and 10 imposed on planning permission 2019/0371/OUT to vary the approved plans.
- 4.2 The application is a s73 variation of the dwelling to be erected in connection with outline application 2019/0371/OUT. The proposal is for a three-bed dwelling (previously approved 2 bed property) with in effect a single-storey addition on its southern side.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2021/1383/FUL - Variation of Condition No. 3 imposed on planning permission 2019/0371/OUT to vary the approved plans. REFUSED
- 5.2 2019/0371/OUT - Erection of 1 no. detached 2-storey dwelling (including details of access, appearance, and scale) with off-street car parking and private amenity space. All other matters reserved. GRANTED
- 5.3 1993/1182 Outline-Detached dwelling including details of siting, design and means of access REFUSED

6.0 CONSULTEE RESPONSES

- 6.1 Lancashire County Council Highways (31/03/2022) – no objections
- 6.2 West Lancashire Borough Council's Principal Engineer (11/04/2022) – no further comments

7.0 OTHER REPRESENTATIONS

- 7.1 Councillor Howard
Requests the application be heard at planning committee due to concerns of overdevelopment of the site.
- 7.2 Meols Parish Council (16/05/2022) – letter of objection received which can be summarised as:
 - proposed property would infringe on neighbours privacy
 - todds lane unadopted and maintained by residents, long standing dispute about access to the site
 - no clear route for provision of services

- proposal includes removal of trees outside the site
- parking and access of concerns to residents due to lack of space

7.3 3 no. Letters of objection received which can be summarised as:

- previous application with very detailed particulars of the existing trees immediately rear of my fence
- no mention of these trees in this application
- the proposed property would be 1m from boundary line
- existing trees would be where the 1m path would be and where actual property wall is proposed to be
- existing trees well established , are home to lots of wildlife and great loss to environment if felled
- removal of trees would have effect on ground on my side
- trees to be retained on original permission
- concerns potential building work could cause damage to road surface
- services due to go through house on Hoole lane not owned by the new site owner
- Arboricultural Report of WLBC states some mature trees should be retained
- Proposed building too close to allow this to happen
- Developer been prevented from cutting down trees due to disturbing nests
- No provision been made to protect birds or nests
- Right of access to the site previously via Hoole lane, cut off due to extension of house
- Site is confined space, proposed building would occupy almost entire width of plot giving frontage considerably wider than any buildings in wider area
- Frontage almost 11m well over twice that of properties on Todds Lane,
- Footprint over 36% greater than previously approved
- Would clearly be over development
- Previous permission condition 10 for Arboricultural survey to be submitted in respect of the Hawthorn trees on northern border to be retained
- Impossible to see how condition could be met given proposal 1m away from trees
- Overbearing impact on neighbouring properties
- Current demands of existing infrastructure already at maximum
- Loss of privacy to neighbours in area
- Access issues
- No provision for storage on site

8.0 SUPPORTING INFORMATION

8.1 Plans submitted

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 application site is located within the Large Village Centre of Banks as designated in the West Lancashire Local Plan Proposal Map.
- 9.3 The National Planning Policy Framework (NPPF) relevant sections are:
Delivering a sufficient supply of homes
Achieving well-designed places
Promoting sustainable transport
Meeting the challenge of climate change, flooding, and coastal change
Conserving and enhancing the natural environment
- 9.4 West Lancashire Local Plan 2012-2027 DPD
Policy SP1 – A sustainable development framework for West Lancashire
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy GN5 - Sequential Tests
Policy RS1 - Residential Development
Policy IF2 – Enhancing Sustainable Transport Choice
Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

Supplementary Planning Document – Design Guide (2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of development

- 10.1 The principle of residential development on this site was established by the granting of outline application 2019/0371/OUT. The previous application accepted the loss of trees fronting Todds Lane and considered ecology and drainage impacts to be satisfactory.
- 10.2 The main considerations for this proposal are as follows:
- Highways and Access
 - Impact on neighbouring properties
 - Design and character of area

Highways and access

- 10.3 Todds Lane has been categorised as a local access road with a 20mph speed limit. Todds Lane runs approximately 70m in an easterly direction from the junction with Hoole Lane. The site is located at the end, roughly of the privately maintained unadopted section of Todds Lane.
- 10.4 The Highway Authority previously raised no objection to access and parking arrangements for one dwelling.
- 10.5 The proposed dwelling has a different design and parking arrangements. The dwelling now proposes to have three bedrooms with an integral garage and one parking space. Policy IF2 requires two parking spaces for both two and three-bedroom properties and the highway authority confirm that the garage meets the minimum required dimensions and replaces one of the car parking spaces

previously approved. The Highway Authority raises no objection and is of the opinion that the proposed development would not have a severe impact on highway safety or highway capacity within the vicinity of the site.

- 10.6 The parking and manoeuvring arrangements are tight but access to the garage of no 10 will be marginally improved due to the removal of the existing trees along Todds Lane. It is considered that the access and parking arrangements meet the requirements of policies GN3 and IF2

Impact on neighbours

- 10.7 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.
- 10.8 Details have been submitted of layout and floor plans in order to fully understand the proposed relationship to surrounding residential properties and their gardens. This proposal retains the approved building line (2019/0371/OUT) to the north side and rear (west) but proposes to increase/extend at single-storey level by approx. 2m to the side (south) and 2m to front (east). The previous design ensured that the principle habitable room windows at both ground and first floor of the proposed two-storey dwelling were to the rear (west). A separation distance of 21m is maintained between windows of the proposed and neighbouring rear elevations to no 25a/25 Hoole Lane with a minimum garden depth of 10m. The separation distances are in line with the SPD standards, it is therefore considered that there would be no adverse impacts to the properties identified.
- 10.9 The front elevation has however changed. The previous application 2019/0371/OUT on the front (east) elevation facing across the lane (to no 12) has two-bathroom windows and one wardrobe room window (obscure glazed) at first floor. The amended design of this application would remove one of the windows serving a bathroom and now only two obscurely glazed windows remain at first floor level. As such consideration is not considered that there would be any adverse impacts on no 12 Todds Lane.
- 10.10 In the north side of the proposed dwelling, there is one small ground floor window in the flank wall, there are no first-floor side facing windows proposed in the either side elevation. Given the relationship with the neighbouring properties, position, and siting of the windows, it is not considered that there will be any significant adverse impacts on no 11 Todds Lane or 57, 59 Fleetwood Drive or 23 Hoole Lane.
- 10.11 It is considered that the layout of the proposed dwelling has been designed to prevent any adverse impact on the amenity and living conditions of surrounding residential properties and complies with Policy GN3 and the SPD Design Guide.

Design and character of area

- 10.12 Policy GN3 and the SPD Design require all new development to have regard to the historic character of the local landscape and have regard to visual amenity and compliment or enhance attractive attributes and local distinctiveness through

sensitive design including appropriate siting, orientation, scale, materials landscaping and boundary treatments.

10.13 Todds Lane is characterized by a mix of dwelling types including a two-storey terrace of 6, a pair of semis and a detached bungalow, all of which sit within various sized plots. The application proposes a revised design for a two-storey dwelling. The building is to be extended to the side and to the front with a single-storey garage/utility extension, and the internal layout at first floor level to be reconfigured to provide three bedrooms instead of two. Whilst this slightly extends in front of the building line of the terraced properties there is a significant gap of 11m.

10.14 The previous application 2021/1383/FUL was refused for the following reason:

The proposed amended design of the development would, by reason of its, scale massing and design, result in a cramped form of development which would be out of character with the area and be detrimental to the visual amenities of the streetscene contrary to Policy GN3 of the West Lancashire Local Plan and the Supplementary Planning Document - Design Guide

10.15 The previous application was for amendments to the approved plans under outline application 2019/0371/OUT which in effect increased the width of the property at two-storey height and altered the design of the front elevation.

10.16 Comments have been raised that the proposed scale of dwelling to be erected on the site would present as overdevelopment. However, it is considered that whilst the site is constrained by development to most of its boundaries, the standard interface distances and garden depth can be achieved, affording the dwelling a sufficient standard of private amenity, and maintaining the privacy of adjacent properties. The proposed scale of development is therefore not considered to be overdevelopment and as such would not warrant a refusal on this basis.

10.17 It is considered that in this context, the applicant has sought to overcome the reason for refusal by reducing the scale of development. In my view the proposed amended design of the two-storey dwelling is of an acceptable scale, massing and design that would not detract from the character of the streetscene and would thereby comply with Policy GN3 of the Local Plan.

10.18 In terms of layout and landscaping this is a reserved matter which would be considered fully at reserved matters stage.

Other Matters

10.19 The application has received a number of objections, a number of which have been addressed above. The remaining matters concern the loss of trees, protection of birds and the maintenance of the unadopted highway, Todds Lane. Matters concerning the loss of trees and ecology were raised in the outline permission and reflected by condition.

10.20 Members are advised that a variation of condition application results in a new permission being granted for development previously approved albeit with amendments. The conditions previously imposed upon the original permission

will continue to apply in the case of a new permission following a variation of condition in so far as they are relevant to the development. As such, the conditions as imposed on outline permission ref. 219/0371/OUT will be repeated, and these will include the submission of hard and soft landscaping, Arboricultural Impact Assessment, Arboricultural Method Statement and Bird and Bat Box Mitigation.

10.21 With respect to the maintenance of Todds Lane, this is a civil matter as the lane is an unadopted highway, therefore its maintenance is the responsibility of the properties to which it serves, this includes the new dwelling.

11.0 Conclusion

11.1 The principle of the erection of a dwelling house has been established by the outline consent granted under application 2019/0371/OUT. It is considered that the revised design of the dwelling house is acceptable and would be in keeping with the existing local vernacular. Access and parking arrangements are retained and impact upon the living conditions of neighbouring properties has been addressed in line with national and local planning policies and the relevant guidance. I therefore recommend accordingly.

12.0 Recommendation

12.1 That planning permission be approved subject to the following conditions and reasons:

1. Application for approval of reserved matters must be made not later than 29 November 2022 and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Before any part of the development hereby granted permission is commenced, approval shall be obtained from the Local Planning Authority with respect to the reserved matters, namely (the layout and landscaping including details of landscape management and maintenance** (hereinafter called "the reserved matters").

Reason: The application is in outline form only and the matters referred to in the condition are reserved for subsequent approval by the Local Planning Authority.

3. The development hereby approved shall be carried out in accordance with details shown on the following plans:

Plan reference:

Dwg No. 21-089-121 - Proposed street scene plan;
Dwg No. 21-089-120 Rev B - Proposed floor plans and elevations;

Dwg No. 21-089-102 Rev D - Proposed site plan;

All received by the Local Planning Authority on 28th February 2022.

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.

4. No development shall take place until a strategy for the separate foul and surface water drainage of the development, including confirmation of which flood mitigation measures discussed in the Residential Development Design & Access Statement (APR 2019 Ref. 829) and accompanying Flood Risk Assessment (Ref: HYD298_TODDS.LANE.BANKS_FRS Revision 1 received by the Local Planning Authority on 9.10.19) are to be employed, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of this Council's Planning Applications –

Drainage, Flood Risk and Sustainability guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme shall be completed in accordance with the approved details prior to occupation of the dwelling.

Reason: These details are required prior to the commencement of development 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.

5. The parking spaces shown on Proposed Site Plan 21-089-102 Rev D received by the Local Planning Authority on 28th February 2022 shall be provided prior to first occupation of the dwelling hereby approved. The parking area shall be hardsurfaced and shall be made available for its intended use at all times thereafter.

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.

6. No part of the development hereby permitted shall be used or occupied until the proposed first floor windows on the front (east) elevation shown on 21-089-120 Rev B received by the Local Planning Authority on 28th February 2022 have been glazed with obscure glass to a degree sufficient to conceal or hide the features of all physical objects from view (Pilkington level 4). The window serving the first floor landing shall be fixed shut and the window serving the bathroom shall be top hung and shall be retained as such with level 4 obscure glazing at all times thereafter.

Reason: To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window or openings shall be added to the property, in the front (east) or side elevations, until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. No development on the construction phase shall take place until details and or full specification of the Sustainable Benefits of the scheme (set out in the applicants Design and Access Statement (Aug 2019) Appendix 11 - FRA Exception Test) at Design-stage SAP&EPC showing 15% improvement on current Building Regulations, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and method of construction.

Reason: To ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document and the requirements of the Exception Test set out in para 160 of the National Planning Policy Framework.

9. 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, including replacement and compensatory tree planting, have been submitted to and approved in writing by the Local Planning Authority as part of the reserve matter approval.

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

- 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 long-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 unless otherwise agreed in writing by the Local Planning Authority.

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 10 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.

10. Notwithstanding the Tree survey information shown on Proposed Site Plan 21-089-102 Rev D received by the Local Planning Authority on 28th February 2022 an Arboricultural Impact Assessment with Arboricultural Method Statement in respect of the hawthorn trees/ hedge on the sites northern boundary shall be submitted as part of the Reserve Matters application.

The Arboricultural Impact Study shall be approved in writing by the Local Planning Authority prior to the commencement of any development.

The Arboricultural Impact Study shall include the following particulars:

- a) the precise location of each existing tree and/or hedge on or near the sites northern boundary showing which trees are to be retained and the accurate crown spread of each tree/hedges measured at four points (N, E, S and W), and allocating a reference number to each tree and/or hedge;
- b) details of the species, diameter (measured at 1.5m), approximate height and assessment of the general health and stability of each existing tree and/or hedge and an assessment of their desirability to retain as detailed in British Standard 5837 Guide for Trees in relation to construction 2012.
- c) details of any proposed pruning of any tree and/or hedge to be retained either within or adjacent to the site;
- d) details of any likely impact to the retained trees and/or hedges due to alterations in existing ground levels, position and depth of any proposed excavations, location of any proposed buildings, roads, driveways, walls, services or any other development works on or adjacent the site
- e) details of all protective measures required to retain the health and stability of all retained trees and/or hedges on or adjacent the site including; fencing, designated washing and mixing areas, designated site cabin areas, access in and out the site, special surfaces and site supervision.

The Arboricultural Method Statement shall include full details of the following:

- a) Specification, Implementation, Supervision and Monitoring of the approved Tree and/or Hedge Protection Scheme
- b) Specification, Implementation, Supervision and Monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree and/or Hedge Protection Scheme
- c) Timing and phasing of all arboricultural works in relation to the approved development. All works identified in the Arboricultural Impact Study shall be in accordance with British Standard documents No's. 3998:2010 and 5837:2012.

No part of the development, or works to trees/hedges, shall be carried out except in accordance with a relevant approval of this condition.

Reason: These details are required prior to the commencement of development to ensure that the proper protection of trees has been carried out and to ensure compensatory tree planting in the interests of visual amenity and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

11. The dwelling shall not 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 have been 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 dwelling and shall be retained at all times thereafter.

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

12. Prior to construction of the dwelling hereby approved and as part of any reserved matters approval a scheme for the provision of an electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not 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:

Policy SP1 - A sustainable development framework for West Lancashire

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy GN5 - Sequential Tests

Policy RS1 - Residential Development

Policy IF2 - Enhancing Sustainable Transport Choice

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

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

13.0 SUSTAINABILITY IMPLICATIONS

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

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

15.0 RISK ASSESSMENT

15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

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

Background Documents

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

Appendix

Site Plan.