

**Item** 10/00159/OUT

**Case Officer** Mr David Stirzaker

**Ward** Eccleston And Mawdesley

**Proposal** Proposed 6 No. houses and associated works

**Location** Land 35m West Of 19 Bannister Lane Eccleston Lancashire

**Applicant** Lancashire County Council

**Consultation expiry: 18 October 2010**

**Application expiry: 29 July 2010**

### **Proposal**

1. This application, submitted in outline format by Lancashire County Council, seeks permission for the erection of six dwellings on a vacant piece of land off Bannister Lane in Eccleston. The site is within the settlement boundary of Eccleston. Members will recall an application for residential development on this site was reported to Development Control Committee last year on 18<sup>th</sup> August 2009 with an officer recommendation to grant planning permission although this recommendation was not agreed with and planning permission was subsequently refused by Members.
2. An illustrative layout has been submitted as part of the application, indicating how six 2 storey dwellings can be accommodated on the site with access taken from Larkfield to the east of the site. The layout also provides a turning head.
3. The site comprises of a roughly level overgrown piece of land bounded to the west by Larkfield, a telephone exchange to the north, and Bannister Lane to the east and south wherein the site tapers back at roughly 45° following the line of the road. A public footpath crosses the site from east to west and there are trees on the site in the north eastern corner which are the subject of a TPO (Tree Preservation Order) along with other trees to the east outside of the site boundary which are also subject to the same TPO. There are other trees on the site boundaries which are not the subject of a TPO.

### **Recommendation**

6. It is recommended that this application be granted outline planning permission.

### **Main Issues**

7. The main issues for consideration in respect of this planning application are:
  - The principle of development
  - Design & Layout
  - Amenities of neighbours
  - Highway safety & parking provision
  - Impact on trees
  - Ecological Impacts

### **Representations**

8. Six letters of objection has been received from local residents. The representations raise objections to the application and can be summarised as follows: -
  - The land is covered by a restrictive covenant which restricts its use to highway purposes
  - The density of the development is too high and a maximum of 4 dwellings should be provided on the site
  - The development would lead to a loss of light, overlooking, invasion of privacy and

- increased noise levels
- There would be extra traffic running to the site which could cause parking issues and problems if the public footpath is closed
- Pedestrian safety could be compromised
- The volume of traffic would increase leading to problems for local residents with access and parking
- There are protected trees in the area
- Construction traffic could harm the local road running to the site
- Site security is a concern as the building site could attract unwanted interest
- It would be more beneficial to widen Bannister Lane and provide better pedestrian and cycle facilities
- The site was cleared at a time of year when environmental impacts would have been at their greatest
- The narrow entrance from Larkfield would cause problems for bin wagons and delivery vehicles
- The land should be landscaped and replanted and could perhaps be used as a memorial garden
- If development is the only option, 3 bungalows should only be allowed on the site
- The new houses do not have sufficient parking space
- Bannister Lane is dangerous adjacent to the site and many cars have mounted the pavement coming from Wrightington
- Bollards on the footpath through the site have solved recent issues with motorbikes using the footpath and this issue could crop up again if planning permission is granted

## Consultations

9. **Eccleston Parish Council** object to the application stating that the development would be out of character with the dormer bungalow style properties on Larkfield whilst the density is not considered to be in keeping with the locality.
10. **LCC (Highways)** do not raise any objections to the application.
11. **LCC (Ecology)** request conditions to secure a methodology for any tree removal works to ensure bats are safeguarded and a native scheme of planting.
12. **The Director of People & Places** request a condition to secure a desk study and risk assessment of the potential for ground contamination.
13. **Planning Policy** advise that the application accords with Policy GN3 of the Local Plan Review but needs to be assessed against Policy LT15 which seeks to protect open land which makes a significant contribution to the character of an area, either individually or as part of a wider network of open space. A condition is also recommended to secure compliance with Policy SR1 (Sustainable Resources).
14. The **Arboricultural Officer** originally objected to the application citing the removal of the Willow trees as a particular concern. Following further negotiations, the applicant no longer proposes the removal of the protected Willow trees and the Tree Survey has been amended to now propose only the removal of Pear trees and 3 no. Poplar trees.

## Applicant's Case

15. Following the refusal of the last application (09/00507/OUT), the applicant had pre-application discussions with the Council in an attempt to address issues with the application, the result of which is this latest application.
16. The applicants Design & Access Statement states that the site is in a sustainable location in that it is within walking distance of local amenities including shops, a library and a number of local schools. The applicant also states that there are two local bus stops within 200 metres of the site which provide services to local towns. The applicant also states that the site was part of

the neighbouring telephone exchange and was purchased by Lancashire County Council in 1975 for a highway improvement scheme which has since been abandoned. The scale of the dwellings has now been reduced from 2.5 storey to 2 storey.

## **Assessment**

### Principle of development

17. The site was formerly part of the telephone exchange located at the end of Hawkswood and lies within the settlement boundary of Ecclestone and Policy GN3 offers specific guidance to the effect that so long as the site is wholly within the existing built-up extent of the settlement market housing development would be acceptable. Sites in Ecclestone are not limited to infill as in other rural settlements.
18. Policy LT15 refers to other open land which makes a significant contribution to the character of an area and that development on such sites will not be permitted. It is considered that it would be difficult to argue that the site makes a significant contribution to the character as it small in size, left over from the erection of the telephone exchange to the north and there are several other areas of designated amenity open space within a short distance. The land was acquired in 1975 for a now abandoned road improvement scheme. It is also not considered that the site has any wildlife or ecological value especially as it has been cleared and has since become overgrown and rubbish is accumulating.
19. Overall developing the site for residential purposes could be seen as assisting in consolidating the built form in this part of Ecclestone.

### Design & Layout

20. This is the part of the application that proved to be the most problematical when the last application (09/00507/OUT) was reported to Development Control Committee on 18 August 2009. The layout of the development comprises of 6 dwellings with 3 on each side of the access facing each other in a linear pattern. The previous scheme of development proposed 5 no. 2.5 dwellings and a single 2 storey dwelling. The dwellings now proposed have been reduced in scale to 2 storeys. Parking spaces are proposed to the front of the dwellings and the access incorporates a pavement to either side which to the north is linked to the public footpath which bisects the site.
21. The previous scheme was refused planning permission on the basis that the dwellings were out of character with the dormer bungalows on Larkfield to the west of the site. Obviously, there are no design details at this stage but the applicant has reduced the scale of the dwellings so as they now are all 2 storey in nature. It is accepted that such dwellings do not resemble the said dormer bungalows to the west but the style of these dwellings are reflective of a certain period of house building which is no longer popular amongst developers for various reasons. However, this does not override the fact that the development should reference local character. In response to this, to the east and north of the site are older and more traditional two storey dwellings comprising of a diverse mix of detached and semi-detached dwellings with several being close to Bannister Lane (nos. 15 & 19 in particular) so the dwellings proposed would reference the scale of these dwellings rather than those on Larkfield. This reference could be bolstered with the use of appropriate materials and detailing. The dwellings would also be prominent from Bannister Lane so in this context, they are reflective of the said local character identifiable along Bannister Lane but when seen from Larkfield, obviously they would not reflect the dormer bungalows. A balance has to be struck between reflecting the older more traditional properties on Bannister Lane or the dormer bungalows on Larkfield.
22. In terms of density, as stated, the locality comprises of a diverse mix of property types ranging from large traditional detached dwellings, small and medium sized traditional semi-detached dwellings and the more modern semi-detached and detached dormer bungalows on Larkfield. There are also traditional terraced dwellings fronting onto Bannister Lane to the east of the site. All of these properties sit on plots of varying size. Recent changes to PPS3 have removed minimum density levels of 30 dwellings per hectare that new developments should meet so a greater emphasis needs to be placed on reflecting local character and in this case, the size of the properties and plots are on balance, considered to be reflective of the local character.

23. There is also adequate space for bin storage for each of the dwellings proposed and for a bin wagon to enter and leave the site in a forward gear on collection days.

#### The amenities of neighbours

24. The dwellings are now 2 storey in nature and the levels details submitted by the applicant show that a suitable relationship can be achieved between the proposed and existing properties as there are not significant differences in level across the site. Conditions can be imposed to prohibit clearly glazed opening windows in the west facing elevations of the properties on plots 1 and 6 to mitigate overlooking and these dwellings are sited as such that they will not cause detrimental overshadowing, loss of light or loss of outlook in relation to 33 and 94 Larkfield, the properties closest to the development.

25. With regards to the property to the south of the site (72 Larkfield), the dwelling on plot 6 would be approx. 17.8m from the boundary with this property and approx. 26m from the rear elevation of this property. These distances are sufficient to address the difference in levels between these properties.

26. With regards to the properties on Bannister Lane nearest to the development (19 Bannister Lane and Knowle, Woodhart Lane), the dwelling on plot 4 would be approx. 19m from 19 Bannister Lane and approx. 18.5m from Knowle, Woodhart Lane. These distances are sufficient to ensure the amenities of the occupiers of these properties are also safeguarded.

#### Highway safety & parking provision

27. The layout includes a turning head within the site and there is adequate parking provision to serve each of the dwellings and it should be noted that LCC (Highways) have not raised any objections to the application. With regard to the footpath crossing the site, the applicant can divert this using the statutory procedure but it is essential that it is designed in a safe manner and lighting is maintained.

#### Impact on trees

28. The layout has been amended following comments from the Councils Arboricultural Officer wherein the dwelling closest to the protected trees will not breach a Root Protection Area. Some of the trees on the site will be felled but these comprise of a single Pear tree, a group of 3 no. Poplars and a group of 3 no. Pear trees. However, these trees are not the subject of a Tree Preservation Order and are not considered to be of such stature that they are worthy of retention.

#### Ecological Impacts

29. The applicant has undertaken a Bat survey and LCC (Ecology) have advised that no tree felling should be carried out until a method statement has been submitted to and approved in writing by the Council (in conjunction with LCC Ecology) which will set out measures to safeguard any species on the site. LCC (Ecology) also recommend compensatory native tree planting as part of any landscape proposals. Both of these matters can be dealt with via appropriately worded conditions.

#### Other matters

30. The issue raised regarding the covenant on the site is noted. However, this is a separate legal matter and it would be the applicants responsibility to address this matter if planning permission is granted as it is not a reason to withhold granting planning permission.

#### **Overall Conclusion**

31. In principle, the development of the site for housing purposes is considered acceptable. The illustrative layout shows how the site can suitably accommodate six dwellings and there are no highway objections to the access and parking. The development will also not have a harmful impact on the trees on the site which are the subject of a Tree Preservation Order.

#### **Planning Policies**

32. National Planning Policies:  
PPS1 / PPS3

### 33. Adopted Chorley Borough Local Plan Review

Policies: GN3 / GN5 / EP4 / EP9 / HS4 / HS6 / HS21 / TR4 / Design SPG

#### Planning History

34. The site has been the subject of the following planning applications: -

- 08/01215/OUT - Proposed erection of 6 two storey houses and associated works (Withdrawn)
- 09/00274/OUT - Development of 6 houses and associated works (Withdrawn)
- 09/00507/OUT - Erection of 5 No. 2.5 storey and 1 No. 2 Storey houses and associated works (Refused)

#### Recommendation:

It is recommended that planning permission be granted subject to the signing of a S106 Legal Agreement to secure the requisite sum towards playspace provision and the following conditions: -

#### Conditions

1. The approved plans are:

Plan Ref.	Received On:	Title:
08-1303-L01	4 June 2010	Location Plan
08-1303-OP01 Rev F	15 September 2010	Site Plan
-----	15 September 2010	Tree Survey & Constraints Plan
08-1303-SS01	31 August 2010	Existing Site Sections
08-1303-SS02	31 August 2010	Proposed Site Sections

*Reason: To define the permission and in the interests of the proper development of the site.*

2. The development hereby permitted shall only be carried out in accordance with the approved site plan date stamped 15 September 2010 (Ref No. 08-1303-OP01 Revision F) and the scale of the dwellings shall be two storey.

*Reason: To define the permission and in accordance with Policy Nos. GN3 and HS4 of the Chorley Borough Local Plan Review.*

3. Before the development hereby permitted is first commenced, full details of all reserved matters (namely the siting, design, external appearance of the building(s), the means of access thereto and the landscaping of the site) shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: The permission is in outline only and in accordance with Policy Nos. GN5, HS4 and TR4 of the Chorley Borough Local Plan Review.*

4. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1 January 2010, Level 4 for all dwellings commenced from 1 January 2013 and Level 6 for all dwellings commenced from 1<sup>st</sup> January 2016) and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies.

*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*

5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS6 of the Chorley Borough Local Plan Review.*

6. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.  
*Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Chorley Borough Local Plan Review.*
7. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on the approved plans). The development shall only be carried out in conformity with the approved level details.  
*Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.*
8. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.  
*Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
*Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*
10. The existing soil levels around the base of the trees to be retained shall not be altered.  
*Reason: To safeguard the trees to be retained and in accordance with Policy No. EP9 of the Chorley Borough Local Plan Review.*
11. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.  
*Reason: To safeguard the trees to be retained and in accordance with Policy No. EP9 of the Chorley Borough Local Plan Review.*
12. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on the approved plans) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.  
*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.*

13. Notwithstanding the details shown on the approved plans, the proposed driveways/parking spaces associated with the dwellings hereby permitted shall be constructed using permeable materials on a permeable base, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall only be carried out using the approved materials and construction details and shall be retained at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.  
*Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off. In accordance with Policy No.GN5 and EP18 of the Chorley Borough Local Plan Review.*
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E) (as amended) or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).  
*Reason: To protect the appearance of the locality and in accordance with Policy Nos. GN5 and HS4 of the Chorley Borough Local Plan Review.*
15. The development hereby permitted shall not commence until a Method Statement detailing the precautionary measures to be adopted when pruning or felling any trees on the site to safeguard potential bat roosts has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall detail the timing of any works and how the cutting back of the ivy at the bases of the trees to allow further inspection after dieback will be carried out prior to any felling or pruning works. Any tree pruning and felling works shall only be carried out in accordance with the approved Method Statement.  
*Reasons: To safeguard protected species and in accordance with Policy No. EP4 of the Chorley Borough Local Plan Review.*
16. All windows in the west facing elevations of the dwellings on plot 1 and plot 6 shall be fitted with Pilkington privacy level 3 obscure glazing (or a glass from an alternative manufacturer with an equivalent level of obscurity) and shall be non-opening. Non-opening obscurely glazed windows shall be retained as such at all times thereafter.  
*Reason: To protect the amenities of neighbours and in accordance with Policy No. HS4 of the Chorley Borough Local Plan Review.*