

Item B. 2 **07/00685/FUL** **Permit (Subject to Legal Agreement)**

Case Officer **Mrs Nicola Hopkins**

Ward **Clayton-le-Woods West And Cuerden**

Proposal **Demolition of existing dwelling and erection of 5 detached houses and 2 bungalows,**

Location **54 Lancaster Lane Clayton-Le-Woods Leyland PR25 5SP**

Applicant **Wainhomes Developments Ltd**

Proposal The proposal relates to the erection of 7 detached dwellinghouses at 54 Lancaster Lane, Clayton le Woods. The proposal incorporates demolishing the existing detached bungalow located on the site and erecting two detached bungalows and 5 detached two storey dwellinghouses.

The detached bungalows will be located to the north of the site and one of the bungalows will front onto Lancaster Lane. The two storey detached dwellinghouses will be set further back into the site away from the frontage with Lancaster Lane.

Access to the site will be via Lancaster Lane and will be located adjacent to the boundary with number 50 Lancaster Lane. The access road will remain private and will be managed by a private Management Company.

Planning Policy **Planning Policy Statement 1:** Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 9: Biodiversity and Geological Conservation
Planning Policy Statement 23: Planning and Pollution Control
North West Regional Spatial Strategy: Policy ER5
Joint Lancashire Structure Plan:
Policy 7 –Parking
Policy 21- Lancashire’s Natural and Manmade Heritage Access and Parking SPG
Chorley Borough Local Plan Review:
GN1- Settlement Policy- Main Settlements
GN9- Transport Accessibility
EP4- Species Protection
EP9- Trees and Woodland
HS4- Design and Layout of Residential Developments
TR4- Highway Development Control Criteria

Planning History **07/00124/FUL-** Demolition of existing dwelling and the erection of 7 detached houses. Refused for the following reasons:

- 1) The proposed development would constitute overdevelopment of the site which would be out of character with the surrounding area. In particular the proposed development would be out of character with the scale and design of the immediate neighbours and the level of amenity space provided

which each property would be out of character with the surrounding area. As such the proposal is considered to be contrary to Policy HS4 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS3: Housing.

- 2) The sub division of the site would result in cramped and an unsatisfactory form of development. In particular the level of amenity space provided with each property is not considered to be adequate in respect of the type and size of dwellings proposed. As such the proposal is considered to be contrary to Policy HS4 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS3: Housing.
- 3) The Council cannot fully assess the proposal as insufficient information has been submitted in respect of the application. The following details are required in order to fully assess the proposal:
 - Details of the Management Company arrangements.
 - Adequate details of the access junction with Lancaster Lane.
- 4) The proposed development fails to adequately integrate within the surrounding area. The grant of planning permission has the potential to lead to an influx of similar sporadic developments within the immediate area which would create highway safety implications and result in an inconsistent form of development within the area. As such the proposal is considered to be contrary to Urban Design Principals, Policy HS4 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS3: Housing.

Applicant's Case

The applicant has forwarded the following comments in the form of a design and access statement:

- The site is previously developed land in a highly sustainable location and therefore appropriate for residential development
- The design of the scheme is appropriate for this location and takes full account of the need to preserve the amenity of neighbours
- The proposals conform to the policies of the adopted development plan
- No unacceptable harm will arise to residential amenity and the appearance and character of the area will benefit from the proposed development
- The proposals have been considered against the seven qualities of successful places as set out in 'By Design' the companion guide to PPS1

Representations

Clayton le Woods Parish Council object on the grounds of increased traffic and overdevelopment of the site

90 letters of objection have been received (although some are duplicates and some relate to the appeal which is currently ongoing at the site) raising the following points:

- Impact on traffic levels- impact on highway safety and congestion
- Impact on the character and appearance of the area. The properties have large garden areas which creates a rural outlook.
- Set a precedent for other developments along Lancaster Lane
- Loss of light and privacy

- No need for additional housing taking into account the Buckshaw Village development
- Impact on trees and wildlife
- Additional pollution
- Contribute to the loss of identity of a small local area
- Impact on local services and amenities
- Reliance on the car- public transport is poor in the area
- Request adequate boundary treatment to neighbouring properties

2 letters has recently been received from neighbours stating that a traffic counter has been installed along Lancaster Lane.

1 letter has been received from a neighbour following the reconsultation on the amended plans. The neighbour puts forward the following comments which he would like to be addressed at the Development Control Committee Meeting:

- 1) The Committee is one day prior to the deadline for comments on the amended plans. Is this proper and indeed legal?
- 2) On 13th August felling of trees on the site commenced. This included felling some substantial and long established trees. Is the contractor jumping the gun?

4 letters of support has been received stating the following points:

- Concerned with the press influenced objections to the planned development.
- The journalist concerned visited local residents to promote resistance to this plan and provide himself with sensational reporting material.
- Believe the plan is a reasonable approach to provide extra homes in a desirable area. Not everyone wants to live on a large housing estate and this would promote the community
- The site is located close to motorway access and local services
- Wainhomes are a reputable developer who will develop the site responsibly
- Will provide much needed family homes in a residential area
- National Governments recommendations propose making use of brown field sites for the provision of new homes.
- The Chairman of Committee should view the site.
- Sustainable location
- No particular harm to local amenity
- Design reflects the character and appearance of the area

Consultations

Lancashire County Council Archaeology Section have no comments to make.

The Environment Agency has no objection to the proposal although they have put forward some suggestions which have been attached to the recommendation as informatives

Lancashire County Council's Highway Engineer made the following comments on the proposal:

- If it is preferred that the road remains as a private drive, then arrangements for an acceptable management scheme need to be submitted.
- On that basis the application is generally acceptable.

- The drive which serves plot 1 should come off at 90 degrees to the kerbline, 20m back from the junction with Lancaster Lane.
- No explanation has been put forward for the bin collection arrangements. The driveway will be inaccessible to refuse vehicles and the bin carry distance has been well exceeded. So what provision will be made for refuse collection?
- There is no turning provision at the end of the drive and therefore Plot 5 will have to reverse into next door's property. Perhaps provision should be made for Plot 5 to have a turn-round.

Lancashire County Council's Ecologist has made the following comments:

- Great Crested Newts have been recorded in the area. However it is unlikely that they will occupy habitats within the application area.
- There is the potential that the site support bats and as such no favourable recommendation can be made until the presence or otherwise of bats has been established.
- Works during the bird breeding season (March to July inclusive) should be avoided
- Consideration should be given to retaining trees within the development
- The proposal will result in the loss of a back garden which will erode the extent and quality of urban biodiversity
- The replacement of gardens with hardstanding has the potential to increase flooding. Recommends that the Environment Agency is consulted.
- Landscaping proposals should comprise only native plant communities appropriate to the natural area.

Assessment

The main issues to consider are whether the development is appropriate within this location, the impact on the neighbours amenities, the impact on highway safety in the area and whether the development is in character with the surrounding area.

The submission of this application follows the refusal of an earlier planning application for residential development on the site. The applicants have appealed the previous decision and that appeal is currently ongoing. The previous application was refused for the reasons set out above; this application seeks to address the reasons for refusal.

A number of concerns have been raised by neighbours in respect of the proposed development and the proposed development for the residential development to the rear of 46 and 48 Lancaster Lane. However as members may recall the application at 46 and 48 Lancaster Lane was refused at the last Development Control Committee.

In accordance with Planning Policy Statement 3: Housing the site is considered to be previously developed land. Previously developed land is land which is or was last occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. PPS3 encourages the redevelopment of previously developed land as opposed to developing Greenfield land. As such the principle of redeveloping the site for residential development accords with Government guidance.

The previous application was refused for a number of reasons one of which was the fact that the development was considered to be out of character with the immediate surrounding area. The two immediate neighbours to the property, along Lancaster Lane, are bungalows. It was considered that the introduction of a two storey dwelling fronting and close to Lancaster Lane was not in character with the area. This amended application has replaced the two dwellinghouses close to Lancaster Lane with bungalows which is considered to be more in character with the street scene. The remaining five properties are proposed as detached two storey dwellinghouses. It is considered that the nature of the site can accommodate two storey dwellinghouses set back into the site. This is due to the fact that the properties will not be immediately visible along the Lancaster Lane frontage and the properties located to the rear of the site along Kirkby Avenue are characterised by two storey dwellings.

PPS3 encourages developments which are designed to a high standard and take into account the needs of the future and existing residents. In particular PPS3 sets out advice for proposed family housing and states that it is that the needs of children are an important consideration and that good provision of recreational space is provided including private garden areas.

The previous application was refused as the proposed sub division of the site was considered to be unacceptable and the level of amenity space provided would not be adequate for the type of housing proposed. This amended application has amended the siting of the properties to ensure that adequate private amenity space is associated with each dwellinghouse.

There was a concern with the previous application that the development could create a 'piecemeal' form of development and lead to a sporadic influx of similar developments within the area. In an attempt to address this concern the amended scheme incorporates a junction with Lancaster Lane which is suitable to serve a greater number of dwellings and the private drive could be widened by using land from the adjacent property. As such it is not considered that the proposal will prejudice the development of the adjacent gardens if they were brought forward for development in the future which would enable a consistent form of development and reduce potential highway safety implications.

In respect of the impact of the development on the existing neighbours. The scheme was amended during the process of the previous application and the properties are sited to ensure that the required distances as set out in the Council's Approved Spacing Standards are achieved. Each proposed property has in excess of 10 metres of garden space from the rear elevation to the boundary they face which ensures that the proposal will not create overlooking to the detriment of the neighbours. In addition to this 21 metres will be retained from the rear first floor windows on plots 5,6 and 7 to the rear elevation of the properties on Kirkby Avenue which accords with the Council's spacing standards. It is not considered that the proposed dwellinghouses will adversely impact on the neighbours amenities in terms of loss of privacy or overlooking.

The properties are located some distance away from the existing properties and it is not considered that the proposed

dwellinghouses will create loss of light to the detriment of the neighbours amenities. Plot 2 will be located to the rear of number 58 and the proposal incorporates a detached single garage close to the boundary. It is not, however, considered that the erection of a single storey garage in this location will adversely impact on the neighbours amenities.

A number of the neighbours have raised concerns in respect of the impact on highway safety and the additional traffic created by the proposal. The proposed incorporates a private access drive to serve the properties. The maximum number of properties usually permitted to be served off an access drive is three and this proposal clearly exceeds this number, as such the access drive should be made up to adoptable standards. However in this situation as the drive will remain private and will be managed by a Private Management Company the Highways Engineer at Lancashire County Council considers the scheme to be acceptable. Full details of the management company will be required as a condition.

In respect of highway safety the proposal incorporates an access junction with Lancaster Lane. The design of this junction follows previous consultation with LCC Highways Section. The Highways Engineer at Lancashire County Council raised minor concerns with the proposed layout and the scheme was subsequently amended to satisfy the Highway Engineer's concerns

Two neighbours have pointed out that a traffic counter has been installed along Lancaster Lane however as it is the school holidays the traffic is 20% lower. This counter however does not relate to the planning process, it may have been installed by the Highways Authority, Traffic Consultants or the developers.

The proposed site is considered to be sustainable as it is accessible by a number of modes of transport including public transport and there are a number of local services within the immediate locality. As such the application site accords with Government advice contained in PPS1 and Policy GN9 of the Adopted Chorley Borough Local Plan Review.

The Ecologist at Lancashire County Council raised a number of concerns with the proposal. The main concern relating to the impact of the development on Bats. Following the receipt of these comments the agent for the application has confirmed that the bat survey has been carried out. This survey has been sent to the Ecologist at LCC for comment. Any comments will be reported on the addendum.

The Ecologist also raised concerns in respect of the loss of valuable garden space. The proposed development however does incorporate private garden areas within the development which could act as future habitats. In addition to this the submission of landscaping details will be attached as a condition.

Conclusion

It is established that the redevelopment of the site for residential development is considered to be acceptable in principle. It is considered that the amended scheme addresses the reasons for refusal in respect of the previous proposal. The proposed development reflects the character of the surrounding area and

adequately takes into account the needs of the existing and future residents. As such the scheme is considered acceptable.

**Recommendation: Permit (Subject to Legal Agreement)
Conditions**

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. 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 previously submitted 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 Adopted Chorley Borough Local Plan Review.

3. 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.

4. 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.

5. 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 areas 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 Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

6. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans 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 of the Adopted Chorley Borough Local Plan Review.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) 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 No. HS4 of the Adopted Chorley Borough Local Plan Review.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No HS4 of the Adopted Chorley Borough Local Plan Review.

9. No development shall take place until a desktop study in order to identify any potential sources of land contamination associated with the development has been carried out and approved in writing by the Local Planning Authority. If the potential for contamination is confirmed further studies by the developer to assess the risks and identify and appraise the options for remediation will be required.

Reason: To protect the environment and to prevent harm to human health by ensuring that the land is remediated to an appropriate standard in accordance with Government advice contained in PPS23: Planning and Pollution Control and Policy No. EP16 of the Adopted Chorley Borough Local Plan Review.

10. The garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review

11. Prior to the commencement of the development full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.

Reason: To ensure the satisfactory management of the private driveway and refuse storage/ collection at the site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
