

**Item B. 1**                      **08/01107/FUL**                      **Permit (Subject to Legal Agreement)**

**Case Officer**                      **Mrs Helen Lowe**

**Ward**                                      **Lostock**

**Proposal**                              **Erection of two detached dwellings**

**Location**                              **71 Station Road Croston Leyland PR26 9RL**

**Applicant**                              **Mr Harry Sutton**

**Proposal**                              This application proposes the erection of two detached dwellings. The plans have been amended to move plot two further from the protected tree on site, provide three off road parking spaces and an adequate sized garden for plot two.

**Location**                              Land rear of 71 Station Road, Croston

**Summary**                              The main issues to consider in determining the application are impact on neighbour amenity, design and appearance and impact on highway safety.

**Planning Policy**                      GN1: Settlement Policy – Main Settlements  
GN4: Settlement Policy – Other rural settlements  
GN5: Building Design and Retaining Existing Landscape Features  
EP9: Trees and Woodlands  
EP18: Surface Water Runoff  
HS4: Design and Layout of Residential Development  
HS6: Housing windfall Sites  
HS21: Playing Space Requirements  
TR4: Highway Development Control Criteria

**Planning History**                      No relevant planning history

**Consultees Responses**                      LCC Archaeology: no objections to the proposal  
Tree Officer: has advised that the dwelling on plot 2 needs to be moved further from the protected sycamore tree (the plans have subsequently been amended so that the dwelling on plot 2 is 5m from the trunk of the tree, as recommended by the tree officer).  
Neighbourhoods (Environmental Health): Have advised that a condition should be attached to the permission requiring a land contamination report to be carried out prior to development commencing. This has been requested as land adjacent to the site has possibly been used as a timber yard historically.  
LCC Highways: Proposed access is acceptable, garages should measure 6m by 3m internally to be counted as a parking space. No objections to amended plans.  
Planning Policy: no comments received  
Parish Council: Object on the following grounds:  
Road safety, the location of the access is on a blind corner, Bramblewood has no pavements and the road is used as the only safe walking surface as the opposite side is permanently occupied by vehicles;

- The verge and shrubs contribute to the visual amenity of the area;
- The number of parking spaces is insufficient for the size and nature of the proposed properties;
- The Croston parish Plan undertaken in 2004, identified a need for single storey accommodation with no requirement for dwellings of the nature of this application;
- The plans show that part of the dwelling for plot 2 is intended to be built under the canopy of the tree and within 2.6m of its trunk.

### **Third Party Representations**

Eighteen letters of objection (from 12 separate addresses) have been received (including a letter of objection from Cllr Moulton). They make the following comments:

- The proposed access to the development will cause serious hazard to pedestrians and other road users. There are no pavements on Bramblewood and cars park on the Bramblewood to visit the chemist and other properties on station Road. The proposal would remove the grass verge which offers safety for pedestrians. There are lots of residents with young children and prams on Bramblewood;
- The appearance of the proposal is not in keeping with the other properties, in particular the use of white soffits and fascias, porthole windows and the style of garage door;
- Not enough parking is proposed;
- The removal of trees and shrubs would be detrimental to the amenity of the area;
- There is no need for additional 4 bedroom, 2 storey, detached houses in Croston. The Parish Plan identified a need for bungalows and there are lots of houses already for sale in the village;
- Not enough soft landscaping is proposed to the front;
- The road serves ten properties on Bramblewood and four on station road, it is already a busy road;
- A previous application for access off Bramblewood to the rear of 71A was refused;
- The sycamore tree would be damaged by plot 2, it should not be removed;
- Children play on the green space;
- Concerns over construction vehicles;
- Proposals would exacerbate existing congestion and road safety issues, generate extra traffic and stop access for emergency and refuse vehicles;
- The tree houses bats and barn owls;
- The proposal would result in over development of the site;
- Access should be via Station Road;
- Impact on wildlife in gardens;
- The dwellings would overlook our rear garden and reduce privacy (No. 2); our lounge and front gardens (No. 3); would cause loss of sunlight to kitchen, utility, bathroom, landing, stairwell and hallway will be gloomy, dark and depressing from 5pm till sunset (No. 1);
- Number 71A has only one window to the back of their

property which serves their stairs, plot 1 will be directly in their line of vision;

- If three parking spaces per dwelling are provided there wouldn't be enough green space in front of the development.
- Believe that it is not right to develop back garden land. Very few houses in Croston have a garden big enough for children to run about, the number should not be further reduced.

In response to the receipt of amended plans, three further letters of objection have been received. They make the following comments:

- Request that the application go before the planning committee;
- LCC Highways have not adequately considered the safety considerations of the access;
- Removal of the garage from plot 2 renders that house not in keeping with every other house on Bramblewood;
- Bringing forward Plot 2 means that the line of the two houses does not at all blend in with the position of nos 1 & 2 Bramblewood;
- The amended plans clearly demonstrate that the plot is not big enough for two four bedroomed detached houses;
- The revised plans do not relieve the highway safety issues raised previously.

Cllr Moulton has also re-iterated his previous concerns with the proposal (the access, no need for this type of house).

## **Assessment**

Policy GN4 of the Local Plan states that development in rural settlements is appropriate on previously development land. 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. As the proposal is only for two dwellings, there is no affordable housing requirement.

### *Neighbour amenity*

The west facing gable end of plot one would be 12m from the facing first floor windows in the rear elevation of no. 71A Station Road. No windows to habitable rooms are proposed in this elevation. The windows in the rear of 71A are not to habitable rooms, and in any case the proposal would comply with the Council's interface standards. Some loss of light and overshadowing to the garden would be caused by the proposed dwelling, however it is not considered that the size and scale of the dwelling would be sufficient to cause an unacceptable overbearing impact on the occupants of no. 71A (the ridge height of the proposed dwellings would be 8.2m). There would be a distance of 10m between existing rear facing first floor windows of

no. 71 Station Road and the proposed new garden boundary. This is considered sufficient to result in an adequate level of privacy for the occupants of the Plot 1 and to provide an adequate amount of amenity space for the occupants of no. 71.

The the east facing gable of plot two would be 10m from the facing gable of no. 1 Bramblewood. No windows to habitable rooms are proposed in the elevation of the proposed dwelling or are present in the facing elevation of no. 1 Bramblewood. There is a door to the kitchen in the gable of no. 1 Bramblewood, but this room also has a window on the rear elevation. The rear elevation of plot two would be set behind the rear elevation of no. 1 Bramblewood. The front elevation of plot 2 would also comply with the 45 degree guideline taken from the nearest ground floor window in no. 1 Bramblewood.

The proposed dwellings would cause a small degree of overlooking to the front garden area of no. 3 Bramblewood, however due to the positioning of the properties, the distance between them and the fact that no. 3 is already overlooked by no.1 (which is nearer) it is not considered that this is sufficient reason to warrant refusal of the proposal.

#### *Design and Appearance*

The existing dwellings on Bramblewood are all detached dwellings, granted consent in the late 1980s/early 1990s, and appear considerably different in style, character, appearance and density to those properties fronting Station Road. The applicant has indicated that the dwellings would be constructed from materials to match the existing dwellings on Bramblewood (except for soffits and fascias). It is considered that it is appropriate that the proposed dwellings should reflect the character of the existing properties on Bramblewood, rather than those on Station Road as they would have a closer physical relationship with those properties. It is considered appropriate to attach conditions requiring sample materials to be submitted and approved and to ensure that windows, doors, fascias and soffits are constructed from dark brown UPVC to match existing dwellings.

Approximately 12m of hedging, shrubbery and one small tree will need to be removed from the landscaped area along the southern side of the entrance to Bramblewood in order to facilitate access to the development. This green area does enhance the visual amenity of Bramblewood, however a significant area will remain and there will be some landscaping to the front gardens of the proposed dwellings. It is not considered that this would warrant refusal of the proposal.

The position of plot two has been amended in order to ensure that the dwelling is sufficiently far from the protected tree to avoid undue harm. The proposed dwellings would not have as much soft landscaping to the front as the adjacent dwellings, due to their size and layout, however, again it is not considered that this is sufficient reason to warrant refusal of the proposals. It is recommended that permitted development rights are removed from plot 2 in order to prevent the construction of side extensions that would damage the protected tree.

#### *Highway Safety*

The resident's concerns regarding parking and access problems

on Bramblewood are noted, and it is clear that a number of vehicles do park on the road. However, as LCC Highways have not objected to the proposed access, it is not considered that the proposal could be refused on these grounds. The applicant has amended the scheme to increase the internal dimensions of the garage. There would now be ample space to park three vehicles off the highway at each dwelling. It is therefore considered that it would be unreasonable to refuse the proposal on the grounds that the development would cause an increase in off street parking.

#### *Other issues*

With regard to residents concerns regarding the impact on wildlife habitats, the mature sycamore tree is not to be removed as part of the proposal and the scheme has been amended in order to minimise impact on this tree. It is not considered that this is sufficient reason to warrant refusal of the application.

The applicant has indicated on the submitted plans that porous macadam will be used to surface the front driveways. I can find no record of any planning application for vehicular access to the rear of no. 71 or 71A being refused, and in any case planning consent would not need to be obtained to form a new access.

**Conclusion** Subject signing of s106 agreement to secure play space contributions the application is recommended for approval.

#### **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 51 of the Planning and Compulsory Purchase Act 2004.*

2. 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.*

3. 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.*

4. The development hereby permitted shall only be carried out using the ground surfacing materials specified in the approved plans and no others used without the prior written consent of the local planning authority.

*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area, to prevent an undue increase in surface water run off and in accordance with Policy Nos. GN5, HS4 and EP18 of the Adopted Chorley Borough Local Plan Review.*

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 HS4 of the Adopted Chorley Borough Local Plan Review.*

6. Notwithstanding the details shown on the approved plans the development hereby permitted shall not be commenced until the colour finish of the windows, doors, fascias and soffits has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted 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 HS4 of the Adopted Chorley Borough Local Plan.*

7. Due to the sensitive end-use, the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.

The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

*Reason: In the interests of safety and in accordance with the guidance in PPS23.*

8. 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 Nos. EP9 and HT9 of the Adopted Chorley Borough Local Plan Review.*

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, (Schedule 2, Part 1, Classes A(h) and Class E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling hereby permitted on plot two .

*Reason: In order to prevent the construction of any extensions or outbuildings that would cause harm or damage to the adjacent protected tree (TPO7(Croston) 2008) and to protect the appearance of the locality and in accordance with Policy Nos. GN4 and EP9 of the Adopted Chorley Borough Local Plan Review.*

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