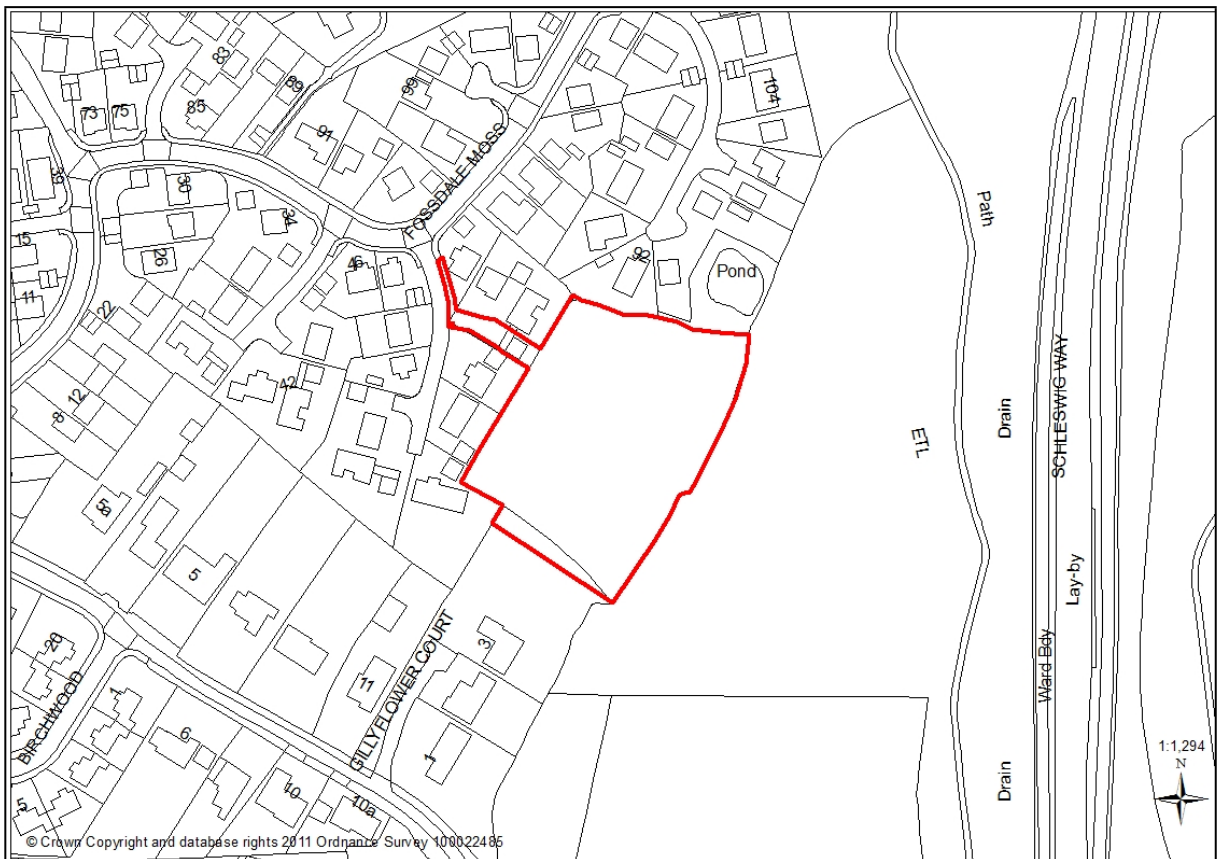


<b>Application Number</b>	07/2016/0299/FUL
<b>Address</b>	Land To The Rear Of 60-64 Fossdale Moss Fossdale Moss Moss Side Leyland
<b>Applicant</b>	Five Star Development Homes Ltd
<b>Agent</b>	Mr Christie McDonald Steven Abbott Associates LLP Broadsword House, N.Quarry Bus. Pk. Appley Bridge Wigan WN6 9DL
<b>Development</b>	Erection of 12 dwellings and associated garages together with access following demolition of existing garage at 64 Fossdale Moss
<b>Officer Recommendation</b>	<b>Refusal</b>
Date application valid	29.06.2016
Target Determination Date	28.09.2016
Extension of Time	N/A



## 1. REPORT SUMMARY

1.1 The application relates to a 0.49 hectare broadly rectangular shaped parcel of largely unmanaged open land located to the south and east of existing properties on Fossdale Moss. A mix of modern bungalow and two-storey properties back onto the application site along the western and northern boundaries. A belt of mature trees is present along the eastern boundary of the site within land that is owned by the Council and is allocated as Green Infrastructure and

Green Corridors/Green Wedges. The site is within an area of land designed as B1: Existing Built-Up Area in the South Ribble Local Plan (2012-2026).

1.2 The proposal is for a residential development comprising of 12 detached dwellings, all of which are two-storey and have further accommodation within the roofspace, together with associated garages. The development is proposed to be served by an access road in between 62 and 64 Fossdale Moss, which would require the demolition of a double garage linked to 64 Fossdale Moss and works to the driveways of 64 and 66 Fossdale Moss.

1.3 The proposed development would require an on-site/off-site public open space contribution of £7,128, which can be secured as part of the S106 Agreement should Committee be minded to approve the application. In addition to this the proposed development would require a Community Infrastructure Levy payment of £148,011.63 which will contribute to infrastructure requirements contained within the Regulation 123 list.

1.4 The proposed housetypes and designs on the site are not considered to be out of character with the surrounding area. Sufficient garden space, comparable to that present with nearby residential properties, are proposed for the dwellings. The proposed development is not considered to result in the overdevelopment of the site. The proposed inter-relationships are considered to be acceptable and are not considered to result in undue overlooking / loss of privacy or overdominance / overshadowing. The Local Authority's Arboriculturist has raised no objections in principle to the proposed development, recommending the submission of a sunlight/daylight analysis should the application be approved.

1.5 County Highways have fully assessed the proposal and have raised no objections to the proposed development. In terms of overall traffic generation, the proposed scheme is not considered to materially increase traffic within the estate and would have a *"negligible impact on safety and capacity in the immediate vicinity of the site"*. The proposed development provides an acceptable level of off-street parking. The proposed access to serve the site would impact on the off-street parking arrangements for 64 Fossdale Moss and the access arrangements for 66 Fossdale Moss, however it has been demonstrated on the amended plan that the proposed site layout can provide parking and access arrangements for existing properties that are acceptable to County Highways.

1.6 Fossdale Moss is characterised by cul-de-sac spurs, comprising of a small number of residential properties, off an estate road. The application proposes an additional cul-de-sac spur off one of the existing cul-de-sac spurs in order to access the development to rear of existing properties. Also, whilst this proposed access arrangement has been considered acceptable from a technical highway perspective, the proposed access road would appear as crammed between the southern (front) elevation of 64 Fossdale Moss and the northern (side) elevation of the detached double garage at 62 Fossdale Moss. The proposed access road and its northern footpath would be situated 0.6m from the southern (front) elevation of 64 Fossdale Moss. There are no inter-relationships similar to this in the area and, as such, the proposal is considered to be seriously out of keeping with the character of the residential area. The resulting impact would appear as cramped and visually intrusive form of development which would be detrimental residential amenity and the character of the area. It is for this reason that Officer's consider the design of the proposed development falls short of the high quality of design Policy G17 of the Local Plan and paragraph 17 of the NPPF seeks. The proposed development is considered to have a detrimental impact on the character and appearance of the area, contrary to the requirements of Policy G17 (criterion b) of the South Ribble Local Plan (2012-2026).

1.7 Whilst no objections to the access road to serve the proposed development were received from Lancashire County Council's Highways Department from a technical perspective, in assessing the proposal they would not have considered how the proposed access road would have an impact on residential amenity of neighbouring properties.

1.8 The southern elevation of the bungalow at 64 Fossdale Moss is the principal elevation of the dwelling, with the front door, kitchen and master bedroom windows present. The proposed access arrangements result in the northern side of the new access road carriageway being 3m

from the habitable rooms windows within the front elevation of 64 Fosssdale Moss. The proposed associated footpath along the northern side of the new access road would be offset from the same elevation by a distance of 1.2m-1.4m, with a 1m high railing proposed as a boundary treatment to 64 Fosssdale Moss. The proximity of the proposed new access road and associated footpath to the habitable room windows on the southern (front) elevation of 64 Fosssdale Moss would have a significant detrimental impact on the residential amenity of the property in terms of overlooking / loss of privacy. To overcome this issue amended plans have been submitted which propose the windows on the southern elevation of 64 Fosssdale Moss be removed and replaced with rooflight windows together with the resiting of the door. If Members are minded to approve the application this can be required by way of inclusion within a Section 106 Agreement.

1.9 The cul-de-sac to which the access road to serve the new development is proposed to connect to comprises of 9 detached properties, with a further two properties at the cul-de-sac entrance. The width of the carriageway is 5m with no parking restrictions in place. There is no footway within the cul-de-sac, with only the sections of service strips in front of driveways providing intermittently a makeshift pavement for pedestrians. It is noted that as part of the proposed development a 15m stretch of footpath would be provided along the eastern side of the cul-de-sac to connect to the existing footpath on the main Fosssdale Moss estate road. The proposed development would however more than double the number of properties that the cul-de-sac spur off Fosssdale Moss (50-66 Fosssdale Moss – even numbers only) serves which, whilst may not have significant highway and pedestrian safety implications, is considered to have a detrimental impact on the residential amenity of the occupants of properties within the cul-de-sac in terms of an increase in traffic noise and congestion resulting from the additional properties. This reduction in the quality of the residential environment is contrary to Policy B1 (criterion c) of the South Ribble Local Plan (2012-2026).

1.10 The concerns that Officers have with the proposed development have been brought to the attention of the applicant/agent and a response has been received from the agent which is attached as an appendix to this report.

1.11 It is noted that the proposed development has benefits, specifically the provision of a 15m stretch of footpath to improve pedestrian safety along the northern section of the cul-de-sac spur off the main Fosssdale Moss estate road, a £7,128 public open space contribution which would be spent on the improvement of public open space within the locality, a CIL contribution of £148,011.63 which would contribute to infrastructure requirements contained within the Regulation 123 list and would also deliver 12 dwellings to contribute to the Council's housing land supply requirement. However, on balance, it is the Officers opinion that the harm that the proposed development would have on the character and appearance of the area and the residential amenity of the occupants of the properties within the cul-de-sac spur off Fosssdale Moss (50-66 Fosssdale Moss – even numbers only) outweighs the benefits the development would bring.

1.12 For the above reasons, the proposed development is considered to be contrary to the requirements of Policies 17 and 22 of the Central Lancashire Core Strategy and Policies B1 and G17 of the South Ribble Local Plan (2012-2026). The application is recommended for refusal.

## **2. APPLICATION SITE AND SURROUNDING AREA**

2.1 The application relates to a 0.49 hectare broadly rectangular shaped parcel of land located to the south and east of existing properties on Fosssdale Moss, some 60m to the west of Schleswig Way.

2.2 The site, which has a slight drop in level towards the south-east, is largely unmanaged and overgrown. A mix of modern bungalow and two-storey properties back onto the application site along the western and northern boundaries. To the south of the site is a parcel of land within the field boundary which is excluded from the application, beyond this is the head of Gillyflower Court which is a modern development comprising of 3 large detached properties accessed from Cocker Lane. A belt of mature trees is present along the eastern boundary of the site within land that is owned by the Council and is allocated as Green Infrastructure (Policy G7) and Green Corridors/Green Wedges (Policy G12) in the South Ribble Local Plan (2012-2026).

2.3 The site is within an area of land designed as B1: Existing Built-Up Area in the South Ribble Local Plan (2012-2026).

### **3. SITE HISTORY**

3.1 There is no planning history in relation to the application site.

3.2 In July 2004 outline planning permission (072003/0205/OUT) was granted for the erection of three dwellings to the south of the application site, on what is now Gillyflower Court.

3.3 In November 2004 a planning application (07/2004/0398/FUL) for the erection of three dwelling and 8 apartments was refused on the land immediately to the south of the application site and on land the land further to the south on what is now Gillyflower Court. The reasons for the refusal related to the impact on the character of Cocker Lane, the detrimental impact additional traffic would have along the eastern-most section of Cocker Lane and the loss of two trees protected by a Preservation Order.

3.4 In April 2005 a planning application (07/2005/0176/FUL) for the erection of three dwellings to the south of the application site, on what is now Gillyflower Court, was refused due to the impact the development would have on the character of the area and trees that were subject to a Preservation Order. A subsequent appeal against the refusal of this planning application was dismissed by the Planning Inspectorate with the detrimental impact three large dwellings would have on character of Cocker Lane cited as the reason in coming to that decision.

3.5 Also in April 2005 another planning application (07/2005/0177/FUL) for the erection of three dwellings to the south of the application site, on what is now Gillyflower Court, was refused due to the impact the development would have on the character of the area and trees that were subject to a Preservation Order.

3.6 In June 2005 a planning application (07/2005/0467/FUL) was granted for the erection of a detached two-storey dwelling following the demolition of the existing dwelling at 15 Cocker Lane on land to the south of the application site, on what is now Gillyflower Court. This permission was not implemented.

3.7 In March 2006 a planning application (07/2006/0128/FUL) for the erection of two dwellings to the south of the application site, on what is now Gillyflower Court, was withdrawn.

3.8 In May 2006 a planning application (07/2006/0248/FUL) for the erection of three dwelling to the south of the application site was approved. This permission has since been implemented with the development now known as Gillyflower Court.

### **4. PROPOSAL**

4.1 The proposal is for a residential development comprising of 12 detached dwellings together with associated garages.

4.2 The development is proposed to be served by an access road in between 62 and 64 Fossdale Moss, which would require the demolition of a double garage linked to 64 Fossdale Moss and works to the driveways of 64 and 66 Fossdale Moss.

4.3 The proposed dwellings, all of which are two-storey and have further accommodation within the roofspace, would be constructed in brick. Each of the proposed house types has a roof eaves height of 4.9m and a roof ridge height of 8.3m.

4.4 Existing trees along the site boundaries are proposed to be retained. The proposed new access road would be constructed beyond the northern side boundary of 62 Fossdale Moss with an intervening landscaped buffer-strip, 0.4m-0.8m wide and comprising of tall shrubs, proposed. The existing evergreen hedge to the front of 62 Fossdale Moss along the northern side boundary does not form part of the application site.

4.5 The application is accompanied by a Planning, Design and Access Statement, Ecology Report and a Tree Impact Appraisal.

4.6 Amended plans have been submitted at the request of County Highways to clarify the proposed access and parking arrangements for the existing properties at 64 and 66 Fossdale Moss and to try address issues raised in relation to the proximity of the proposed access road to habitable room windows on 64 Fossdale Moss. The proposal now includes the erection of a detached double garage adjacent to 64 Fossdale Moss to be served by the new access road together with the proposed resiting of windows and the front door on the southern elevation of 64 Fossdale Moss.

## **5. REPRESENTATIONS**

5.1 As of the 30<sup>th</sup> August 69 letters of objections have been received (of which 38 were received from properties that submitted 2 or more representations) in relation to the proposal. A summary of the points raised follows:

### **Policy Considerations**

- Loss of a 'greenfield' site

### **Character / Appearance**

- Design of the proposed dwellings would be out of keeping with the surroundings

### **Relationship To Neighbours**

- Overlooking / loss of privacy
- Overshadowing / overdominance
- Potential for headlights from cars exiting the new access causing disturbance to habitable rooms opposite

### **Highway Safety Issues**

- Highway safety issues associated with increased traffic, location of site access and construction traffic
- Congestion
- Inadequate provision for refuse and emergency vehicles to manoeuvre
- Lack of off-street parking provision for proposed dwellings and existing the existing properties that will have their accesses' altered

### **Highway Amenity Issues**

- Detrimental impact additional traffic would have on the amenities of neighbouring properties

### **Tree Issues / Wildlife**

- Potential impact on wildlife including great crested newts and bats
- Potential for requests to prune/remove trees due to light deprivation to proposed dwellings

### **Other Issues**

- Lack of infrastructure for additional development including school places and doctors
- Noise and disturbance during construction
- Noise and pollution associated with occupation of the proposed units
- No information provided on who is to maintain proposed landscaping
- No consideration given to proposed siting of street lamps
- No need for additional dwellings in the locality
- Need for Council to undertake due diligence on the proposer to ensure they are in a position to fund and complete the development
- When the site was marketed for sale as part of the 15 Cocker Lane listing in 2003 it was advertised as "not permissible development land"
- Potential for flooding and subsidence
- Potential for the proposed development to result in increase in crime
- Potential for increase in power-cuts
- Potential damage to roads by construction vehicles

- Covenants on existing properties prevent changes to boundary treatments

3 letters of support have been received (of which 2 came from the same property) from the neighbouring residential properties at 64 and 66 Fossdale Moss. A summary of the points raised follows:

- Proposal is well designed and in character with the surroundings
- Proposal would make good use of a redundant piece of land

1 letter has been received which neither supports or opposes the proposed development, making comments in relation to the need to protect trees during construction.

## **6. CONSULTATION REPLIES**

**County Highways** have raised no objections to the proposed development, confirming that the level of traffic generated from the proposal should have a *“negligible impact on safety and capacity in the immediate vicinity of the site”*. Within their consultation response, County Highways confirm that the required sight lines from the proposed access onto Fossdale Moss are achievable over the existing adopted highway based on the recommendations from Manual for Streets, subject to the removal of a hedge within service verge to the north of the proposed access. It is confirmed that the off-street parking provision for each of the proposed new dwellings is acceptable.

Amended plans have been provided in response to a request from County Highways to confirm acceptable off-street parking provision for 64 and acceptable access arrangements for 66 Fossdale Moss. The amended plan also confirms that a footpath is proposed to the north of the access road. County Highways have confirmed that the amended plans are acceptable.

Conditions are recommended relating to the provision of wheel washing facilities for construction traffic, the specification of the new estate road, access and off-site highway works and the submission of a Traffic Management Plan covering the construction period.

**Environmental Health** have raised no objections to the proposed development subject to the imposition of conditions relating to the provision of a Construction Nuisance Prevention Plan, hours of construction, restrictions on hours that piling activities can take place, invasive plant species, the submission of a contaminated land report, inclusion of trickle vents on all openable windows, acoustic fence details and the provision of electric vehicle recharge points.

The Local Authority’s **Arboriculturist** has raised no objections to the proposed crown lifting of the canopies of trees which overhang the site together with removal of major deadwood. A condition is recommended to provide protective fencing around trees during construction. Concern has been highlighted relating to the potential overshadowing trees along the eastern boundary of the site would have on the rear gardens of Plots 3 to 9. A condition has therefore been recommended for the provision of a sunlight/daylight analysis should the application be approved.

**Ecology** requested site surveys be undertaken to establish if bats or Great Crested Newts would be impacted by the proposed development. The surveys concluded that there are no evidence of bats within the garage that is proposed to be demolished and no bats were detected by the dusk emergence survey on the site. The presence of Great Crested Newts has reasonably been discounted at the adjacent pond through Environmental DNA analysis. A further pond is present within 270m of the site which is connected to the site by suitable terrestrial habitat, therefore a Reasonable Avoidance Measures Method Statement has been provided at the request of Ecology.

**United Utilities** have submitted no observations.

The **Local Lead Flood Authority (LCC)** has raised no objections to the proposed development subject to the imposition of conditions relating to the submission of an acceptable surface water

drainage scheme and an appropriate management and maintenance plan for a sustainable drainage system.

The **Architectural Liaison Officer** (Lancashire Constabulary) have raised no objections to the proposed development, recommending a number of crime prevention/reduction measures which have been passed on to the applicant.

## **7. MATERIAL CONSIDERATIONS**

### **Policy Considerations**

#### **7.1 i) NPPF**

7.1.1 The NPPF promotes a presumption in favour of sustainable development and supports sustainable economic development to deliver, amongst other things, homes. The site, which is within the settlement of Leyland, has good public transport links, is considered to be within a sustainable location.

#### **7.2 ii) Core Strategy Policy Considerations**

Policy 1 of the Core Strategy is entitled 'Locating Growth' and encourages the focussing of growth and investment in the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble.

Policy 4: Housing Delivery seeks to ensure that sufficient housing land is identified over the 2010-2026 period.

Policy 5 of the Core Strategy covers Housing Density and states:

*"The authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land."*

Policy 6 of the Core Strategy covers Housing Quality and aims at improving the quality of housing. This is assessed in the following sections of the report.

Policy 17: Design of New Buildings expects the design and new buildings to take account of the character and appearance of the local area and effectively mirrors Policy G17 in the South Ribble Local Plan (2012-2026).

#### **7.3 iii) South Ribble Local Plan 2012-2026**

7.3.1 The Local Plan was adopted by the Full Council on the 22<sup>nd</sup> July 2015 for use in development management purposes to guide decisions on planning applications and now carries 'full weight' in the planning process.

7.3.2 The site is within an area of land designed as B1: Existing Built-Up Area in the South Ribble Local Plan 2012-2026. Policy B1 permits the re-use of land and buildings provided that:

- i) the development complies with the requirements for access parking and services, as set out elsewhere in the Plan;
- ii) is in keeping with the character and appearance of the area; and
- iii) will not adversely affect the amenities of nearby residents.

7.3.3 This will be assessed in the following sections of this report.

#### **7.4 iv) Open Space**

7.4.1 As the proposed development would result in a net gain of more than 4 dwellings on the site an on-site/off-site public open space contribution of £7,128 is required. Given the scale, nature and location of the proposed development it is considered that this open space should be

provided off-site. This requirement can be secured as part of the S106 Agreement should Committee be minded to approve the application.

## **7.5 CIL**

7.5.1 Based on the Community Infrastructure Levy charging schedule, the proposed development would be required to pay a net CIL payment (after deductions due to the floor area of the double garage to be demolished) of £148,011.63 which will contribute to infrastructure requirements contained within the Regulation 123 list.

## **7.6 Character / Appearance**

7.6.1 Policy 17 of the Core Strategy expects new buildings to *“take account of the character and appearance of the local area”* with Policy G17 of the Site Allocations DPD requiring development not have a detrimental impact on *“the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials”*. In consideration of the above, the local distinctiveness and character of the local area have been assessed. The surrounding area is wholly residential and comprises of a variety of house-types and designs. The proposed housetypes and designs on the site are not considered to be out of character with the surrounding area. Sufficient garden space, comparable to that present with nearby residential properties, are proposed for the dwellings. The proposed development is not considered to result in the overdevelopment of the site.

7.6.2 Policy G17 also draws from paragraph 17 of the NPPF (to *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants”*) in requiring *“The layout, design and landscaping of all elements of the proposed, including any internal roads, car parking, footpaths and open spaces, are of a high quality and will provide an interesting visual environment which respects the character of the site and local area”*. Fossdale Moss is characterised by cul-de-sac spurs, each comprising of a small number of residential properties, off an estate road. The application proposes an additional cul-de-sac spur off one of the existing cul-de-sacs in order to access the development to rear of existing properties. Also, whilst this proposed access arrangement has been considered acceptable from a technical highway perspective, the proposed access road would appear as cramped between the southern (front) elevation of 64 Fossdale Moss and the northern (side) elevation of the detached double garage at 62 Fossdale Moss. The proposed access road and its northern footpath would be situated 0.6m from the southern (front) elevation of 64 Fossdale Moss. There are no inter-relationships similar to this in the area and, as such, the proposal is considered to be seriously out of keeping with the character of the residential area. The resulting impact would appear as cramped and visually intrusive form of development which would be detrimental to residential amenity and the character of the area. It is for this reason that Officer’s consider the design of the proposed development falls short of the high quality of design which Policy G17 of the Local Plan and paragraph 17 of the NPPF seeks. The proposed development is considered to have a detrimental impact on the character and appearance of the area, contrary to the requirements of Policy G17 (criterion b) of the South Ribble Local Plan (2012-2026).

## **7.7 Relationship To Neighbours**

7.7.1 A splayed distance of 14m would be present from the rear elevation of the dwelling on Plot 1 to the rear elevation of the detached two-storey dwelling at 92 Fossdale Moss. Whilst this distance falls short of the recommended minimum first floor window to first floor window spatial separation distance, the acute inter-relationship between the properties is considered to prevent the proposal from having an undue impact in terms of overlooking / loss of privacy.

7.7.2 A minimum distance of 21m would be present between the rear elevation of the dwelling on Plot 2 to the rear elevation of the detached two-storey dwelling at 94 Fossdale Moss.

7.7.3 A minimum distance of 13m would be present between the blank side elevation of the dwelling proposed on Plot 10 to the main rear elevation of the existing two-storey dwelling at 62 Fossdale Moss. Although a conservatory/orangery is present on the rear elevation of 62 Fossdale Moss, a distance of approximately 9.5m would be present from the rear elevation to the blank side gable on Plot 10.



7.7.4 A minimum distance of 27m would be present between the rear elevation of the dwelling proposed on Plot 10 to the front elevation of the existing two-storey dwelling at 58 Fossdale Moss.

7.7.5 A splayed minimum distance of 11m would be present between the rear elevation of the dwelling on Plot 12 to the side elevation of the existing dwelling at 58 Fossdale Moss.

7.7.6 The proposed inter-relationships are considered to be acceptable and are not considered to result in undue overlooking / loss of privacy or overdominance / overshadowing.

7.7.7 A neighbour has raised concern at the potential for headlights from car exiting the new access causing disturbance to habitable rooms opposite. Such a relationship between an access road or 'T' junction and habitable room windows are commonly found within residential areas.

7.7.8 The impact that the proposed access would have is considered separately in the 'Highway Amenity Issues' section of this report.

## **7.8 Highway Safety Issues**

7.8.1 County Highways have fully assessed the proposal and have raised no objections.

7.8.2 The proposed scheme includes the removal of an existing laurel hedge along the boundary of 64 Fossdale Moss, with a 1.5m wide footpath proposed in its place to join with the existing footpath on the main Fossdale Moss estate road. The proposed provision of this footpath connection has been made at the request of the County Highways in the interest of pedestrian safety.

7.8.3 In terms of overall traffic generation, the proposed scheme is not considered to materially increase traffic within the estate and would have a *"negligible impact on safety and capacity in the immediate vicinity of the site"*. Within their consultation response, County Highways confirm that the required sight lines from the proposed access onto Fossdale Moss are achievable over the existing adopted highway based on the recommendations from Manual for Streets, subject to the removal of a hedge within service verge to the north of the proposed access.

7.8.4 The proposed development provides at least 3 off-street parking spaces (including garages) for the 4 and 5 bed dwellings therefore complying with the parking standards contained within Policy F1 of the South Ribble Local Plan (2012-2026). The proposed access to serve the site would impact on the off-street parking arrangements for 64 Fossdale Moss and the access arrangements for 66 Fossdale Moss, however it has been demonstrated on the amended plan that the proposed site layout can provide parking and access arrangements for existing properties that are acceptable to County Highways.

## **7.9 Highway Amenity Issues**

7.9.1 Whilst no objections to the access road to serve the proposed development were received from Lancashire County Council's Highways Department from a technical perspective, in assessing the proposal they would not have considered how the proposed access road would have an impact on the residential amenity of the occupants of neighbouring properties.

7.9.2 The access road to serve the development is proposed to be provided between the existing two-storey detached dwelling at 62 Fossdale Moss and the detached bungalow and 64 Fossdale Moss, requiring the demolition of a double garage linked to 64 Fossdale Moss and utilisation of the existing driveway for 64 Fossdale Moss and part of the existing driveway for 66 Fossdale Moss. Off-street parking for 64 Fossdale Moss is proposed to be created to the east of the existing bungalow in the form a detached double garage. The proposed new access road would then serve the 12 new dwellings and also 64 and 66 Fossdale Moss.

7.9.3 The southern elevation of the bungalow at 64 Fossdale Moss is the principal elevation of the dwelling, with the front door, kitchen and master bedroom windows present. The proposed access arrangements result in the northern side of the new access road carriageway being 3m from the habitable rooms windows within the front elevation of 64 Fossdale Moss. The proposed

associated footpath along the northern side of new access road would be offset from the same elevation by a distance of 1.2m-1.4m, with a 1m high railing proposed as a boundary treatment to 64 Fosssdale Moss. The proximity of the proposed new access road and associated footpath to the habitable room windows on the southern (front) elevation of 64 Fosssdale Moss would have a significant detrimental impact on the residential amenity of the property in terms of overlooking / loss of privacy. To overcome this issue amended plans have been submitted which propose the windows on the southern elevation of 64 Fosssdale Moss be removed and replaced with rooflight windows together with the resiting of the door. If Members are minded to approve the application this can be required by way of inclusion within a Section 106 Agreement.

7.9.4 The cul-de-sac to which the access road to serve the new development is proposed to connect to comprises of 9 detached properties, with a further two properties at the cul-de-sac entrance. The width of the carriageway is 5m with no parking restrictions in place. There is no footway within the cul-de-sac, with only the sections of service strips in front of driveways providing intermittently a makeshift pavement for pedestrians. It is noted that as part of the proposed development a 15m stretch of footpath would be provided along the eastern side of the cul-de-sac to connect to the existing footpath on the main Fosssdale Moss estate road. The proposed development would however more than double the number of properties that the cul-de-sac spur off Fosssdale Moss (50-66 Fosssdale Moss – even numbers only) serves which, whilst may not have significant highway and pedestrian safety implications, is considered to have a detrimental impact on the residential amenity of the occupants of properties within the cul-de-sac in terms of an increase in traffic noise and congestion resulting from the additional properties. This reduction in the quality of the residential environment is contrary to Policy B1 (criterion c) of the South Ribble Local Plan (2012-2026).

#### **7.10 Tree Issues / Wildlife**

7.10.1 The Local Authority's Arboriculturist has raised no objections in principle to the proposed development. Concern has been raised regarding the potential for existing trees along the eastern boundary of the site to overshadow the gardens of Plot 3 to 9. A condition has therefore been recommended for the provision of a sunlight/daylight analysis should the application be approved.

7.10.2 At the request of Ecology, site surveys have been undertaken to establish if any protected species would be impacted by the proposed development. The surveys concluded that there are no evidence of bats within the garage that is proposed to be demolished and no bats were detected by the dusk emergence survey on the site. The presence of Great Crested Newts has reasonably been discounted due to the absence of this species at the adjacent pond through Environmental DNA analysis. A further pond is present within 270m of the site which is connected to the site by suitable terrestrial habitat, therefore a Reasonable Avoidance Measures Method Statement has been provided at the request of Ecology.

#### **7.11 Other Issues**

7.11.1 Neighbours have raised concern at the potential for noise and disturbance during construction. A degree of disturbance is an inevitable part of any development however, should the application be approved this can be controlled by suitable conditions. Neighbours have also raised concern at the potential for noise and pollution associated with the occupation of the proposed units. It is common for residential properties to share party boundaries with other residential properties, such inter-relationships do not result in unacceptable noise disturbance through the occupation of the units. The increase in pollution resulting from the occupation of 12 dwellings is considered negligible, with Environmental Health raising no objections to the proposed development.

7.11.2 Neighbours have raised objection at the lack of infrastructure to support the development. Should the application be approved the development would be subject to the Community Infrastructure Levy charging schedule, therefore contributing to infrastructure requirements contained within the Regulation 123 list.

7.11.3 Concern has been raised by neighbours as to who will maintain landscaping within the development. Should the application be approved landscaping within the curtilage of plots would

be in the control of the owner/occupiers. Landscaping outside of domestic curtilages would either need to be adopted as part of the highway or the ownership of the strips of land transferred to one of the plots.

7.11.4 It has been highlighted by neighbours that no consideration has been given to the siting of street lamps. The proposed siting of street lamps is not a material consideration for planning applications and would be determined by County Highways as part of the road adoption process.

7.11.5 Neighbours have questioned the need for additional dwellings in the locality. Whilst the site is not an allocated housing site the Local Plan allows for windfall development, in line with the NPPF. The designation of the site, within the defined Existing Built-Up Area, allows the re-development of the land for residential purposes, in principle.

7.11.6 A neighbour has queried if the Council are required to undertake due diligence on the proposer to assess the suitability of them and their finances as a developer. As planning permissions are tied to the site and not the applicant such an assessment would hold no purpose. Regardless of this, the history of a developer is not a material planning consideration.

7.11.7 A neighbour has advised that when the site was marketed for sale as part of the 15 Cocker Lane listing in 2003 it was advertised as “not permissible development land”. The policy position has changed significantly since 2003, when a housing moratorium was in place, with the publication of the NPPF and the adoption of the new Local Plan.

7.11.8 Neighbours have raised concern at potential flooding issues. The site is not within Flood Risk Zones 2 and 3 and the Local Lead Flood Authority and United Utilities have raised no objections to the proposed development subject to the imposition of conditions which include foul and surface water drainage details. The concerns raised by neighbours relating to potential subsidence would be addressed through the submission of details for Building Regulations approval.

7.11.9 A neighbour has raised concern at the potential of the proposed development to result in an increase in crime. No evidence has been provided to support this statement.

7.11.10 Neighbours have raised concern at the potential for an increase in power-cuts as a result of the proposed development. Should planning permission be granted the developer would be required to apply to National Grid to connect to the high voltage mains. The suitability of the connection, and any upgrading work, would be made know to the developer at that time.

7.11.11 Concern has been raised by neighbours at the potential for damage to the existing highway network by construction vehicles. Any damage to the adopted highway should be reported to County Highways to investigate.

7.11.12 Neighbours have highlighted covenants on existing properties on Fossdale Moss that would prevent the alterations to boundary treatments proposed. Such covenants are not a material planning consideration and it would be up to the house builders who prepared the covenants to enforce its requirements, should they wish to do so.

## **7.12 CONCLUSION**

7.12.1 It is noted that the proposed development has benefits however, on balance, it is the Officers opinion that the substantial harm that the proposed development would have on the character and appearance of the area and the residential amenity of the occupants of the properties within the cul-de-sac spur off Fossdale Moss (50-66 Fossdale Moss – even numbers only) outweighs the benefits the development would bring.

7.12.2 The proposed development is considered to be contrary to the requirements of Policies 17 and 22 of the Central Lancashire Core Strategy and Policies B1 and G17 of the South Ribble Local Plan (2012-2026). The application is recommended for refusal.

## **8. RECOMMENDATION:**

Refusal.

### **REASONS FOR REFUSAL:**

1. That the increase in traffic flow within the cul-de-sac spur off Fossdale Moss (50-66 Fossdale Moss - even numbers only), and the resulting amount of traffic and associated traffic noise, resulting from the proposed vehicular access would have a detrimental impact on the residential amenity of the occupants of neighbouring properties within the cul-de-sac. This is contrary to Policy B1 (criterion c) of the South Ribble Local Plan (2012-2026).
2. The proposed access road between 62 and 64 Fossdale Moss, by virtue of its size, design and proximity, would appear crammed in the streetscene. It would be situated in very close proximity to the southern (front) elevation of 64 Fossdale Moss and, as such, would be seriously detrimental to the character and appearance of the residential area. This is contrary to Policy G17 (criterion b) of the South Ribble Local Plan (2012-2026).

### **RELEVANT POLICY**

- 1 Locating Growth (Core Strategy Policy)
- 3 Travel (Core Strategy Policy)
- 4 Housing Delivery (Core Strategy Policy)
- 5 Housing Density (Core Strategy Policy)
- 6 Housing Quality (Core Strategy Policy)
- 17 Design of New Buildings (Core Strategy Policy)
- 22 Biodiversity and Geodiversity (Core Strategy Policy)
- 29 Water Management (Core Strategy Policy)
- POLB1 Existing Built-Up Areas
- POLF1 Car Parking
- POLG13 Trees, Woodlands and Development
- POLG16 Biodiversity and Nature Conservation
- POLG17 Design Criteria for New Development