

**Item**                            **10/00436/FUL**

**Case Officer**               **Mr David Stirzaker**

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

**Proposal**                    **Erection of 9 dwellings and associated infrastructure**

**Location**                   **96 Lancaster Lane Clayton-Le-Woods Leyland PR25 5SP**

**Applicant**                   **Wainhomes Limited**

**Consultation expiry: 9 September 2010**

**Application expiry: 28 July 2010**

### **Proposal**

1. This application seeks planning permission for the erection of 9 two storey dwellings following the demolition of the existing detached bungalow on the site. The application site comprises of 96 Lancaster Lane which is located in the settlement of Clayton-le- Woods.
2. The site comprises of a large detached bungalow and several outbuildings. The site fronts onto Lancaster Lane and Spring Meadow being adjacent to the roundabout junction of Lancaster Lane, Spring Meadow and the modern residential estate to the north. There is a tall evergreen hedge on the southern boundary of the application site.
3. An application was submitted earlier this year (Ref No. 10/00023/FULMAJ) and was reported to Development Control Committee on 30<sup>th</sup> March wherein planning permission was refused for the erection of 10 dwellings on the site. The reasons for refusal refer to the development being out of character with the local area and the failure of the layout to meet with the Council's Spacing Standards.

### **Recommendation**

4. It is recommended that planning permission be refused.

### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Principle of the development in light of changes to Planning Policy Statement 3 (PPS3);
  - Design, Appearance & Site Layout;
  - The amenities of neighbours;
  - Highway safety and parking provision
  - Impact on trees
  - Other matters

### **Representations**

6. A total of 44 representations have been received from local residents. This includes 19 copies of the same objection signed by different residents. The contents of the objections can be summarised as follows:
  - There would be up to 20 extra vehicles and construction traffic accessing the site
  - There are numerous empty properties in the area and a large amount of dwellings area being constructed on Buckshaw Village
  - The application should be refused as the land is no longer classified as brownfield land
  - The tree survey makes no mention of the Laylandii trees on the southern boundary
  - The bat survey is not comprehensive enough
  - The proposed 9 dwellings do not reflect the density of the area
  - There will be demand on local service provision
  - Development is contrary to amended PPS3

- Biodiversity of the local area would be impacted by the development
- The character of the area would be detrimentally harmed by the development
- Young children would be endangered by the development
- Additional noise and disturbance would be generated by the development
- Traffic calming measures would be needed along Spring Meadow
- Trees have been removed from the site
- Any more development will add to the congestion in the area
- There will be increased car parking on Spring Meadow
- Development would be contrary to the Council's Garden Grabbing Policy
- The houses are out of reach in price terms of local people
- There are enough local houses proposed to cater for local needs without speculative developments such as this one
- The number of properties is out of proportion to the existing character of the area
- There is little difference between this application and the previous application for 10 houses
- Loss of privacy
- Car pollution
- The Leylandii on the southern boundary should be reduced in height to 3 or 4m
- Development would add to the risk of flooding in the local area
- Consideration should be given to double yellow lines being provided on Spring Meadow

### **Consultations**

7. Clayton Le Woods Parish Council object to the application. The Parish Council raises objections in relation to traffic exiting the site onto Spring Meadow close to a bend and roundabout and the overdevelopment of the site.
8. The Director of People and Places recommends the imposition of a condition requiring the applicant to undertake a ground condition survey and undertake remediation measures if deemed necessary. With regards to bin storage and collection, no concerns are expressed in relation to the application.
9. LCC (Highways) objected to the originally submitted site layout and as a result, the applicant has amended the site plan in an effort to address the issues raised. There are still objections to the amended scheme which are as follows: -
  - The road does not meet adoptable standards
  - The design requirements of Manual for Streets have not been met
  - Not enough consideration has been given to the movement of pedestrians
  - The driveway serving Plot 1 is at an unacceptable location within the roundabout approach. No driveway will be accepted on this frontage. I am aware that this is an existing driveway, but the road has changed and the drive will also change with the new development. Presently traffic arriving at the drive can make a quick entrance as it is a long drive. The new layout has a short drive that will need a more restrained and slower movement, and means vehicles will need to carry out a reversing manoeuvre on or off the highway.
  - Plot 2 is not "part" of the main development group but the parking is via the new roadway. There will be a temptation for the resident to park on the roundabout or at least pull up onto the footway to unload. This would not be acceptable and consideration will need to be given on how to prevent this happening.
10. LCC (Ecology) advise that the development is unlikely to result in significant impacts on biodiversity and subject to a precautionary approach, the proposals should result in at least the maintenance of the biodiversity value of the site. This could be secured through the use of appropriate conditions.
11. The Conservation Officer is now an accredited Building for Life Assessor and has carried out an assessment of the development which has achieved a score of 6.5 out of 20. In summary, this proposal uses standard house types rather than bespoke designs that could have responded to the specific context. It is clear that the site is surrounded on all sides by bungalows. Two storey

houses are in evidence further along Lancaster Lane and Spring Meadow, but in the immediate area it is bungalows that dominate. Information provided in the Design and Access/Planning Statement is lacking in detail and some key pieces of information are missing, which could have improved the ultimate score.

12. The Arboricultural Officer raises no objections to the application.

#### Assessment

##### Principle of the development

13. As Members will already be aware, the new Coalition Government has recently made changes to Planning Policy Statement 3 (PPS3) following a commitment set out in section 4 (Communities and Local Government) of the Coalition Agreement. Private residential gardens are now excluded from the definition of previously developed land in Annex B of PPS3 whilst the national indicative minimum density of 30 dwellings per hectare has been deleted from paragraph 47 of the same document. In its letter to Chief Planning Officers of the 15<sup>th</sup> June 2010, the Government states that the objectives of the changes to PPS3 are to give Local Authorities the opportunity to prevent overdevelopment of neighborhoods and prevent garden grabbing.

14. This change to National Planning Policy has been widely publicised in the media. The changes to PPS3 remove the presumption in favour of developing garden land (which were formerly classified as previously developed land) that previously existed but the development of garden land is not ruled out altogether although section 4 of the Coalition Agreement does make it clear that the new Government's objective is to give Local Authorities new powers to stop 'garden grabbing' and prevent the types of small residential developments that have recently been permitted across the Borough, particularly in the Clayton-Le-Woods and Whittle-Le-Woods areas. Garden land is now classified as 'Greenfield' land.

15. In response to the changes to PPS3, the Council has now adopted an interim Policy on 'Private Residential Garden Development' following a period of public consultation. The Policy seeks to resist residential development on private garden land. The Policy reads as follows: -

Within the boundaries of settlements, applications for development within private residential gardens on sites not allocated in saved Local Plan Policy HS1 will only be permitted for:

- (a) agricultural workers dwellings/dependents where there is a proven need and where they need to be located in a specific location.
- (b) appropriately designed and located replacement dwellings where there is no more than one for one replacement.
- (c) The conversion and extension of buildings, provided they are not allocated for, currently used for, or their last use was for, employment uses, and the conversion would have significant urban regeneration benefits.

16. The Policy recognises the fact that at the local level, communities do not support such development and actively object when planning applications for schemes such as this one are submitted to the Council as local distinctiveness is being undermined. The Policy does include a caveat that garden development may be considered in exceptional circumstances, subject to other material planning considerations, providing the developer can demonstrate that the proposed development is in keeping with the character of the local area. The Policy is not part of the development plan but is a material consideration in the determination of this application.

17. With regards to Policy HS6 in the current Local Plan, this states that in the case of previously undeveloped sites applicants are required to demonstrate that there are no suitable allocated or previously developed sites available in the settlement (criteria f). It is not considered that the applicant has submitted sufficient evidence to suitably meet the requirements of Policy HS6 (f).

18. With regards to the implications of the reclassification of garden land in PPS3 on the Council's housing figures, in recent years the Council has comfortably exceeded the brownfield/previously developed land target of 70% set out in the Regional Spatial Strategy, although this document has now been withdrawn, and significantly exceeded the national annual target in PPS3 of at least 60% of dwellings to be built on previously developed land. During 2009/10 78.8% of units completed were on previously developed land. The figures for 2008/09 and 2007/08 were 78.6% and 91.4% respectively. These figures were all calculated before the change to the

definition of garden land in PPS3, but show that Chorley has been successfully meeting targets for re-using previously developed land in recent years. As targets for housing on previously developed land are being exceeded, the Council is not under pressure to release sites such as this and similar ones for housing development.

19. Paragraph 67 of PPS3 states that where there is significant underperformance against previously developed land trajectories, Local Planning Authorities may consider invoking development control policies in relation to development on particular categories of land, for example, rejecting applications on Greenfield/garden land sites until evidence demonstrates that the underperformance issue has been addressed and actual performance is within acceptable ranges. As the figures in paragraph 18 demonstrate, Chorley is already exceeding previously developed land targets and there is considered to be a deliverable 5 year supply of housing. On this basis, the development of this site would not prejudice these targets hence a reason for refusal on this particular basis could not be substantiated and thereafter defended at Appeal.
20. In summary, PPS3 no longer classifies this type of site (garden land) as previously developed land wherein a presumption in favour of development exists and as the Council is meeting targets in terms of housing on previously developed land, the Council is not under pressure to release sites such as this one and those similar for housing development. Also, the applicant has not provided evidence to meet the requirements of criteria (f) of Policy HS6. Criteria (g) of Policy HS6 also states that there should not be any conflict with other Policies in the Local Plan. The application is considered to be contrary to the newly adopted Interim Policy on 'Private Residential Garden Development' and there are no exceptional circumstances in this case that would weigh in favour of approving the application.

#### Design, Appearance & Layout

21. The site is occupied by a large bungalow set back from the highway with a low boundary wall at the back edge of the footway. There is an extensive landscaped front garden which wraps around the road frontages (Lancaster Lane and Spring Meadow). Access is taken from Lancaster Lane. To the northeast of the site are bungalows and across Spring Meadow to the west are other bungalows. To the north across Lancaster Lane are modern houses set behind a landscaped open space area and to the south on Spring Meadow there is a mixture of modern bungalows and modern houses.
22. PPS3 sets out the national criteria to be taken into account in assessing design quality for residential development. PPS3 states that matters to consider when assessing design quality include the extent to which the proposed development:
  - *is easily accessible to community facilities and services with public transport available and the scheme is well laid out so that all the space is used efficiently, is safe, accessible and user friendly*
  - *provides or enables good access to community and green and open amenity and recreational space (including playspace) as well as private outdoor space such as residential gardens, patios and balconies*
  - *is well integrated with and complements the neighbouring buildings and local area more generally in terms of scale, density, layout and access*
  - *facilitates the efficient use of resources during construction and in use and seeks to adapt to and reduce the impact of climate change*
  - *takes a design led approach to the provision of car parking space that is well integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly*
  - *creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.*
23. The development has achieved a Building for Life score of 6.5 out of a possible 20. Building for Life assessments produce a score in relation to the design quality of planned or completed housing developments. A score of 9.5 or less is considered to be poor. In this case, the low score achieved by the development is a clear indication that the development is poor in terms of its design and layout and it does not meet the design criteria specified in PPS3 (which is set out above in paragraph 24).

24. Aside from the poor Building for Life score, as with the previous application on this site (Ref No. 10/00023/FULMAJ), it is considered that the introduction of two storey dwellings at this prominent location on Lancaster Lane and Spring Meadow would be incongruous and adversely impact on the streetscene by dominating the bungalows adjacent to the application site on the south side of Lancaster Lane. The dwellings proposed are from the Wainhomes stock of standard house types hence in design terms do not respond to the local character or context. This is particularly concerning given the prominence of the proposed dwellings in the streetscene.
25. The layout is cramped resulting in the Council's interface distances not being met on plots 5 to 7 and between plots 5 and 3.
26. Overall the proposed layout is not considered to satisfy the relevant criteria in PPS3, notwithstanding the changes to this document in terms of the classification of the land. It is considered that the development would be harmful to the character and appearance of the locality by virtue of its design and layout and given the presumption in favour of developing these types of sites has now been removed as a result of changes to PPS3, the applicant has not demonstrated to the Council that there are exceptional circumstances that weigh in favour of permitting the development. The layout is of a higher density and therefore more cramped than the existing residential development running along Lancaster Lane. This is particularly evident in the context of the properties on either side of the application site on Lancaster Lane. Also, many of the properties along the south side of Lancaster Lane are traditional bungalows on generously proportioned plots and these are in the vicinity of the site whilst the poor design and layout of the development is exemplified by the low Building for Life score of 6.5 out of 20.

#### The amenities of neighbours

27. The most obvious issue with the application is the failure of plot nos. 5 to 8 to meet the Council's interface standards in that the first floor windows in these properties would be less than the required 10m from the boundary they face (the garden of 98 Lancaster Lane). In relation to the property proposed on plot 9, there is a concern with regards to the relationship between this property and 248 Spring Meadow to the south which is a bungalow with principle windows in its rear elevation which faces the site although it would be 12m from the dwelling on plot 9.
28. Also, whilst the site is relatively flat, the applicant has not submitted a topographical survey and the proposed site plan does not detail finished floor and site levels so a full assessment of the development cannot be fully undertaken.
29. The relationship between several of the dwellings proposed is also considered unacceptable. In particular, the first floor windows in plot 5 would be only 5m from the rear garden boundary of plot 3 resulting in an unacceptable relationship for the occupiers of plot 3.
30. On the above basis, it is considered that the proposed development would have a harmful impact on the amenities of the occupier/s of 98 Lancaster Lane and would not provide suitable levels of privacy for occupiers of the proposed dwellings.

#### Highway safety & parking provision

31. LCC (Highways) objected to the originally submitted plan. The applicant has amended the plan in an attempt to address the objections to the development. However, LCC (Highways) have made further comments on these plans wherein there are still objections to the development in terms of the layout. In particular, there are no turning facilities for plot 1 so vehicles would have to reverse onto Lancaster Lane and not enough consideration has been given to the movement of pedestrians. Also, the road should be designed to adoptable standards and the design requirements in Manual for Streets have not been met.
32. Also, with regards to parking provision, there is a requirement for 3 no. parking spaces per dwelling. Some of the driveways are not wide enough to accommodate 2 cars parked side by side so there would be an under provision of off street parking across the site.
33. On the basis of the above comments, it is considered that the development would be detrimental to highway and pedestrian safety and it would also not provide adequate parking provision for the proposed properties.

### Trees & Ecology

34. The applicant has detailed Root Protection Areas around the trees to the north of the site which are the subject of a Tree Preservation Order (TPO) and the Arboricultural Officer raises no objections to the application.
35. The application was accompanied by a bat survey that confirmed that there were no bats present in the bungalow and that the proposed development would be unlikely to impact on bats in the area. LCC (Ecology) do not raise any objections to the development in that the development is unlikely to result in significant impacts on biodiversity.

### Sustainable Resources

36. The application is required to conform to Policy SR1 of the Sustainable Resources Development Plan Document. It is therefore considered that the Council would be justified in adding conditions to ensure that the requirements of Policy SR1 are achieved if the application was being recommended for approval.

### Section 106 Agreement

37. If the application had proved acceptable a s106 Agreement would have been required in relation to the provision of £10,616 for the provision of equipped play areas, casual/informal play space and playing fields.

### **Overall Conclusion**

38. As submitted the layout is unsatisfactory in that it does not comply with the Council's adopted interface distances as there is a cramped relationship between the several of the proposed dwellings and between the dwellings and the adjacent residential garden. The proposed two storey houses on the Lancaster Lane frontage is considered to be out of character with the area that is predominantly made up of bungalows hence the previous reason for refusal has not been overcome. The poor design and layout of the development is reflected in the Building for Life score of 6.5 out of 20 achieved. Also, in light of the comments from LCC (Highways), it is considered that the development would be detrimental to highway safety. The development of this site would also be contrary to the Council's Interim Policy on Private Residential Garden Development as there are no exceptional circumstances that weigh in favour of the application.

### **Planning Policies**

39. National Planning Policies:  
PPS1, PPS3
40. Adopted Chorley Borough Local Plan Review  
Policies: GN1 / GN5 / HS3 / HS4 / HS6 / HS21 / TR4
41. Supplementary Planning Guidance  
Design SPG
42. Interim Policy Documents  
Private Residential Garden Development  
New Equipped Play Areas
43. Local Development Framework  
Policy SR1: Incorporating Sustainable Resources into New Development  
Sustainable Resources Development Plan Document  
Sustainable Resources Supplementary Planning Document

### **Planning History**

44. The site has been the subject of the following planning applications: -
- 10/00023/FULMAJ - Erection of 10 dwellings and associated infrastructure – Refused Planning Permission at Development Control Committee on 30<sup>th</sup> March 2010

## **Recommendation: Refuse Full Planning Permission**

### **Reasons**

1. The proposed development is on land which is presently garden land not allocated for housing in the Chorley Borough Local Plan Review. In response to recent changes to Planning Policy Statement 3 (PPS3), the Council has prepared an Interim Policy on Private Residential Garden Development which seeks to resist residential development taking place on private garden land unless certain criteria are met or there are exceptional circumstances. In this case, the proposed dwelling does not meet one of the three criteria listed in the Policy nor are there considered to be exceptional circumstances that weight in favour of approving the development.
2. The proposed development is within the settlement boundary of Clayton-Le-Woods on an unallocated and un-developed 'Greenfield' site. It has not been demonstrated that there are no suitable allocated or previously developed sites available within the settlement and as such the proposal is contrary to criteria (f) of Policy HS6 of the Chorley Borough Local Plan Review and PPS3: Housing.
3. No provision is available to enable vehicles to enter and leave plot 1 in a forward gear and the development has not been designed in accordance with design guidance in Manual for Streets. In particular, inadequate consideration is given to the movement of pedestrians. The road has also not been designed to an adoptable standard and the position of plot 2 could result in vehicles parking on Lancaster Lane. The development would therefore be harmful to highway and pedestrian safety contrary to Policy TR4 and criteria (e) of Policy HS6 of the Chorley Borough Local Plan Review and Manual For Streets.
4. Lancaster Lane predominantly comprises of traditional bungalow style properties, particularly on the south side of the road which are sited on generously proportioned plots with large front gardens. The provision of two storey dwellings to the Lancaster Lane and Spring Meadow frontage sited close to the road would have a harmful impact on the local character of the Lancaster Lane locality. This is exemplified by the higher density of the development proposed in comparison with that on Lancaster Lane. The proposed development would therefore be contrary to criteria (b) of Policy HS6 of the Chorley Borough Local Plan Review and PPS3.
5. The first floor windows in the rear elevations of the proposed dwellings on plots 5 and 6 would be sited less than 10m from the boundary they face. The first floor windows in the front elevation of the dwelling on plot 5 would be less than 10m from the garden boundary of plot 3. As a result of this, the proposed dwellings would allow detrimental overlooking and therefore have a detrimental impact on the amenities which the occupiers and future occupiers of the adjacent existing property can reasonably expect to enjoy and the occupiers of the dwelling on plot 3. The development is therefore contrary to Policy HS4 (c) and Policy HS6 (c) and (d) of the Chorley Borough Local Plan Review.