

Item 10/00432/FUL

Case Officer Mr David Stirzaker

Ward Clayton-le-Woods And Whittle-le-Woods

Proposal Erection of 6 dwellings

Location The Royle and The Coppice Shaw Hill Whittle-Le-Woods
Chorley PR6 7PP

Applicant Wainhomes (North West) Ltd

Consultation expiry: 12 August 2010

Application expiry: 2 August 2010

Proposal

1. This application seeks planning permission for the erection of 6 two storey dwellings following the demolition of the existing detached two storey dwelling (Royle) and bungalow (The Coppice) on the site. The application site comprises of the aforementioned properties (Royle and The Coppice) and the garden curtilages associated with these properties.
2. It should be noted that the applicant has appealed to the Planning Inspectorate against non-determination of this application as the Council did not make a decision on the application within the 8-week statutory period. This application is therefore brought to Committee for a 'minded to' decision which will be advised to the Planning Inspectorate as part of the appeal process.
3. The site is accessed from Shaw Hill which adjoins the A6 to the east and is within the Whittle Le Woods Settlement covered by Policy GN1 of the Chorley Borough Local Plan Review. The site has been the subject of several applications with the most recent being refused planning permission earlier this year (Ref No. 10/00101/FUL) by Development Control Committee. This refused applicant has just been the subject of an appeal heard at a Public Inquiry, a decision on which the Council is currently awaiting.

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) and the Councils Interim Policy on Private Residential Garden Development;
 - Design, Appearance and Site Layout;
 - The amenities of neighbours;
 - Highway safety and parking provision;
 - Trees & Ecology;

Representations

6. Representations have been received from 20 local residents. This includes an objection from Graham Bolton Planning and Singleton Clamp Transport Planners. The contents of the objections can be summarised as follows:
 - The development is contrary to PPS3
 - How would developers large vehicles access the site as refuse vehicles have to reverse along the road at the moment
 - Few trees are to be planted
 - The development is not in keeping with the area
 - The existing road is too narrow to accommodate the development
 - Visibility at the junction is poor
 - Minimum density targets have been scrapped and garden land is no longer classified as brownfield land

- The Planning Committee should stand firm and reject this application
- The development would pose a serious highway safety hazard due to its narrow nature
- The number of houses should be reduced to 5
- The development would have a terrible impact on the character of the area
- If the trees had not been removed, the site would not be so barren
- A large amount of heavy and soft landscaping should be sought if permission is granted
- All houses in the local area are architecturally designed properties
- The Spinney development has already eroded the character of the area
- The new houses will result in detrimental overlooking
- The protected trees on the site would be damaged by the development
- The council is now empowered to turn these types of application down
- The development is too dense
- There are several hundred houses being built within a mile of Shaw Hill
- There is a serious risk of flooding as a result of the development
- The local area is characterized by large properties on large plots which in a landscaped setting which provides the local distinctiveness
- The private road is not built to adoptable standards and falls below normal standards for serving multiple dwellings
- There is no separate footway provision leading to the site
- Visibility from the cul-de-sac leading to the site from Shaw Hill is poor
- Damage to the road would be a concern

Consultations

7. Whittle Le Woods Parish Council object to the application. The Parish Council raises objections in relation to traffic existing 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 collection and storage, concerns are expressed in relation to the accessibility of the site by refuse collection vehicles (RCV's) and if the cul-de-sac is to be gated then there needs to be a suitable bin collection point on Shaw Hill. If the cul-de-sac is not gated, it needs to be demonstrated that there is sufficient room for RCV's to manoeuvre in and out of the site.
9. LCC (Highways) do not raise any objections to the application. The applicants have commissioned Singleton Clamp & Partners to submit a highways objection to the development and this has been considered by LCC (Highways). However, it is stated that the proposed development would not prejudice the highway network.
10. The Conservation Officer is now an accredited Building for Life Assessor and has carried out an assessment wherein the development 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. Much regurgitation of policy is included, both local and national, without much indication as to how key principles are to be achieved. Having seen the site it is clear that it is surrounded on all sides by bungalows. 2 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.
11. 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.
12. The Arboricultural Officer raises no objection in light of the amended plan.

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 15th 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 curtilages (which were formerly classified as previously developed land) that previously existed but the development of garden curtilages is not ruled out altogether although section 4 of the Coalition Agreement does make it clear that the new Governments 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.
15. In response to the changes to PPS3, the Council has now prepared an interim Policy on 'Private Residential Garden Development' and following a period of public consultation, this has been approved by the Council's Cabinet and will be reported to the full Council wherein it will be recommended for adoption hence the Policy is a material consideration. 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 curtilages 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 curtilage 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. 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

21. The application site is occupied by a bungalow and a two storey dwelling both with large gardens to the rear which are bounded by Shaw Hill Drive to the southwest. The existing properties are accessed from Shaw Hill and the proposed dwellings would also be accessed from Shaw Hill via a gated entrance.
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).
23. Aside from the poor Building for Life score, as with the previous application on this site, the proposed dwellings are from the Wainhomes stock of standard house types. The dwellings, in terms of design, do not respond to local character and whilst the density of the development has been reduced as a result of 5 dwellings being proposed as opposed to 6, the density of the development is still higher than that of the local area.
24. The immediate vicinity around the appeal site is characterised by large properties on generous plots. The size of these existing plots allows significant landscaping around the properties and landscaping dominates the locality. This along with the number of mature trees and vegetation in the Shaw Hill/Shaw Hill Drive area, some of which are protected by Tree Preservation Orders, gives the area a character dominated by landscaping that has a feeling of maturity. The Shaw Hill area therefore has its own local distinctiveness by virtue of this.
25. This mix of house types gives this small part of the Whittle-le-Woods area its own distinctive character from the rest of the settlement, as it has not been designed as a whole, but has built up over time on a largely individual plot by plot basis.

26. The application proposal of six properties of only three different house types in the layout proposed will not add to the variety of development in the area but will dilute its local distinctiveness. The density of the development would be higher than the locality resulting in dwellings on smaller plots. The dwellings would be quite close in comparison to the other dwellings in the locality and there would be less space for landscaping. Moreover, the dwellings have not been designed in response to local character so this would erode the local distinctiveness of the area. It is not considered this could be overcome by conditions in relation to materials as even if different materials were used for each property, it will still be obvious in the streetscene that the properties have been built together as a small development, particularly the dwellings that would back onto Shaw Hill Drive. On other sites this attribute may be a desirable characteristic to draw a scheme together for example. However in this case it is considered unacceptable as it does not reflect the individual nature of the housing in this area and the way in which Shaw Hill has evolved over time through the construction of largely individual properties.
27. Whilst 2 of the properties would front onto Shaw Hill and are effectively replacements for the existing dwellings on site, the other 4 would present rear elevations to Shaw Hill Drive. This would necessitate the need for some form of solid boundary treatment with either the existing wall/fence being retained or a new fence or wall being provided of at least 1.8m high for security and privacy purposes. There would be some space available for landscaping to soften the development but it is not substantive enough to ensure the development harmonises with the locality. As already stated, substantial landscaped gardens are a trait identifiable throughout the vicinity of the site. The enclosure of the development from Shaw Hill Drive exacerbates its sense of isolation from the rest of Shaw Hill and serves to highlight the standalone nature of the development.
28. Overall the proposed layout is not considered to satisfy the relevant criteria in PPS3. This is exemplified by the poor Building for Life score of 6.5 out of a possible 20. The guidance that design which is inappropriate in its context should not be accepted in this case means that the application is recommended for refusal on these grounds as the development would have a detrimental impact on the character, appearance and local distinctiveness of the locality.

The amenities of neighbours

29. In terms of the relationship between plots 2 to 5 and the properties to the southwest on Shaw Hill Drive, none of the properties opposite these plots are closer than 24m to the first floor rear facing windows in plots 2 to 5. There is also not a significant difference in levels between plots 2 to 5 and the Shaw Hill Drive properties. Also, the first floor windows in plots 2 to 5 face a boundary which demarcates the edge of Shaw Hill Drive and not residential gardens. This relationship is therefore considered to be acceptable.
30. In terms of the relationship between plot 5 and the properties to the northwest, plot 5 would have a finished floor level (FFL) of 91.35. Yew Tree House has a FFL of 90.783 so there would be a difference of 57cm and given the side of plot 5 would be 20m from the rear of this property, the relationship is considered acceptable. In terms of the relationship with Grandfells, a FFL for this property is not specified although eaves and ridge heights are which indicate that the FFL of this property is approx. 1.5m lower than that of plot 5 and with a distance of 21m between the side elevation of plot 5 and the main rear windows in Grandfells, this relationship is also considered to be acceptable.
31. The relationship between plot 2 and the adjacent property (The Croft) is acceptable as plot 2 is 50cm lower and the property does not have principle windows facing the boundary. Plot 1 is 30cm lower than The Spinney, the side elevation of which contains only secondary windows so this relationship is also considered to be acceptable. Plot 1 would sit approx. 3.5m above Bramblewood which is a detached bungalow. However, it would be sited 35m away with first floor windows 19m from the front garden boundary of this property. Plot 6 would sit 1.9m above Bramblewood and would be 40m from this property with first floor habitable room windows 17m from the front garden boundary. The relationship between plots 1 and 6 and Bramblewood is considered to be an acceptable one.
32. The property north of plot 6 (Jardine House) will be 50cm lower than plot 6. This property at ground floor level has a garage, utility room and secondary lounge window facing plot 6 whilst at first floor level there is an en-suite bathroom and landing window facing plot 6. The property has

a conservatory on the rear but the side windows are 14m from the boundary with plot 6. The relationship between plot 6 and Jardine House is therefore considered to be an acceptable one.

33. With regards to the relationship between the proposed properties, there are differences in finished floor levels between the plots at the front and the plots at the rear of the site. However, the only concern is the relationship between plot 1 and plot 3 in that plot 1 will be 95cm higher than plot 3 and the closest distance between the first floor habitable room windows is only 21m. The Councils Spacing Standards in this case require the distance to be 23m. The relationship between all of the other plots is considered to be acceptable.

Highway safety & parking provision

34. LCC (Highways) have not raised any objections to the application. It is stated that whilst Shaw Hill is an unadopted road and is substandard on a number of counts, because it is unadopted but the existing junction with Preston Road can easily accommodate the four additional properties being proposed, the development proposed will not have a detrimental impact on the highway network and therefore highway safety. It should be noted that the comments by LCC (Highways) have been made following consideration of the objection submitted by Singleton Clamp & Partners on behalf of residents.
35. With regards to parking provision, each dwelling would have at least 3 no. off street parking spaces. It is therefore considered that there is an adequate level of parking provision across the site.
36. In light of the comments of LCC (Highways), without an objection and a reason for refusal on highway safety that can be substantiated and thereafter defended at Appeal, refusing the application on highway safety grounds is not therefore recommended.

Trees & Ecology

37. There are 5 trees to the northwestern site boundary which are the subject of a Tree Preservation Order. The applicant has submitted a Tree Survey and a plan detailing Root Protection Zones to ensure that the on going health of the trees is not harmed by the development proposed. There are no objections from the Council's Arboricultural Officer.
38. There are no objections to the development from LCC (Ecology) in that the development is unlikely to result in significant impacts on biodiversity.

Sustainable Resources

39. 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

40. If the application had proved acceptable a s106 Agreement would have been required in relation to the provision of £5308 for the provision of equipped play areas, casual/informal play space and playing fields.

Overall Conclusion

41. Taking into account all of the issues; it is considered that this application should be refused planning permission as the development proposed would undermine the character, appearance and local distinctiveness of Shaw Hill. The applicant has not suitably addressed criteria (f) of Policy HS6 as insufficient evidence has been submitted to demonstrate that there are not other allocated or previously Also, 4 of the dwellings would be on garden land hence the development is considered to be contrary to PPS3 and the Councils Interim Policy on 'Private Residential Garden Development' as there are no exceptional circumstances that weight in favour of allowing the residential development of this site.

Planning Policies

42. National Planning Policies:
PPS1, PPS3

43. Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5 / HS3 / HS4 / HS6 / HS21 / TR4

44. Supplementary Planning Guidance

Design SPG

Interim Playspace Guidelines

45. Interim Planning Policy

Private Residential Garden Development

New Equipped Play Areas

45. Local Development Framework

Policy SR1: Incorporating Sustainable Resources into New Development

Sustainable Resources Development Plan Document

Sustainable Resources Supplementary Planning Document

Planning History

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

- 09/00868/FUL - Proposed development of 7 detached dwellings, garaging and associated infrastructure including demolition of the existing properties – Withdrawn
- 09/01014/FUL - Erection of 7 detached dwellings, garaging and associated infrastructure following demolition of the existing dwellings The Coppice and The Royle – Refused Planning Permission
- 10/00101/FUL - Erection of 7 detached dwellings, garages and associated infrastructure following demolition of the existing dwellings – Refused Planning Permission and currently the subject of an Appeal

Recommendation: Refuse Full Planning Permission

Reasons

1. Part of the proposed development (the 4 dwellings backing onto Shaw Hill Drive) 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 Shaw Hill area is made up of large individually designed detached properties on generously proportioned plots. The individual nature of the properties and the size of the plots mean that the character of the area has its own local distinctiveness which is dominated by landscaping. The provision of large detached dwellings that have not been designed in response to the local character results in a development that would erode this local distinctiveness whilst the density of the development, being higher than that of Shaw Hill, results in dwellings on smaller plots. The smaller plot sizes result in less space between the dwellings and less space for landscaping. The development would therefore be harmful to the local character and distinctiveness of Shaw Hill contrary to Policy GN5 and criteria (b) of Policy HS4 of the Chorley Borough Local Plan Review and Planning Policy Statement 1 (PPS1) and Planning Policy Statement 3 (PPS3).
3. Part of the development (the 4 dwellings backing onto Shaw Hill Drive) is on a site within the settlement boundary of Whittle-Le-Woods on an unallocated and un-developed 'Greenfield' garden land site. It has not been demonstrated that there are no other 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.