

Item 10/00517/FUL

Case Officer Liz Beard

Ward Clayton-le-Woods North

Proposal Proposed development of 6 No. 2 1/2 storey dwellings and 1 No. 2 1/2 storey apartment block (comprising 2 No. 2 bedrooms and 1 No. 1 bedroom apartments) and provision for 15 car parking spaces.

Location Rodger Bank Gough Lane Clayton Brook Bamber BridgePreston

Applicant Mr & Mrs D Butler

Consultation expiry: 8 November 2010

Application expiry: 26 August 2010

Proposal

1. The proposal is for the development of 6 no. two and a half storey dwellings and 1 no. two and a half storey apartment block.
2. The six dwellings have three bedrooms and the apartment block comprises of three apartments one with one bedroom and the other two with two bedrooms.
3. Access is taken from Gough Lane and there are 15 car parking spaces included in the scheme. There are individual garden areas included with all the houses and a communal garden area included for the apartments.
4. The site is currently occupied by one bungalow and a detached garage within a predominantly residential area.

Recommendation

5. It is recommended that this application is refused.

Main Issues

6. The main issues for consideration in respect of this planning application are:

- The principle of development
- Impact on the neighbouring amenity
- Design of the development
- Mix of housing
- Highway safety and parking
- Location of development

Representations

7. Two letters of objection have been received raising the following points:

- Overpowering development for this lane.
- Large number of cars use this area access into the lane thinking they can get through, however it is blocked off.
- Single track lane.
- When it rains the water runs down the lane like a river, as there is a spring near this development site.
- The height of the development is not in keeping with the lane

- The lane is unadopted and as such the residents will have to maintain it.
 - Will this development mend this lane?
 - New Government said they would put pay to garden development as they are no longer brownfield sites.
 - Building may block sunlight, increase traffic and noise and restrict vehicle access as it is a narrow track.
8. Clayton le Woods Parish Council raise objections on the ground of increased traffic and drastic change to what is a now a quiet lane becoming a busy one with buildings and parking of this size. The area is peaceful, residential part of the parish and moreover a safe environment for children.

Consultations

8. United Utilities have been consulted and any comments received will be reported on the addendum.
9. Lancashire County Council (Highways) were involved in the previous scheme, and there were no objections following the revisions made during the processing of the application. However, following an assessment of the plans there are objections on highway safety grounds, in that the details provided do not show that the highway can be built to adoptable standards and the properties cannot be serviced. There is no pedestrian route provided within the site, but this arguably is a slow movement area. Where do the pedestrians walk when they want to leave the site? They are not given a route to join Gough Lane. This needs to be addressed whilst accepting there are limited arrangements on Gough Lane itself. The road cannot accommodate a refuse vehicle or enable it to turn in it, the reversing distance is too great, and yet the bin store is at the farthest location.
10. Environmental Protection state that due to the sensitive end-use and proximity of the above site to land that may potentially be affected by contamination (infilled ground), the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with the Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full in accordance with the measures stipulated in the approved report.
11. Planning Policy and Design have provided comments in relation to the design of the proposal and these have been discussed in the assessment part of the report.

Assessment

Principle of Development

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states '*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*' The development plan for the purpose of determination is the Adopted Chorley Local Plan Review where saved policies GN1, HS4 and HS6 are of relevance. There is also the Proposed Interim Policy-Private Residential Garden Development which relates to sites and applications for development within private residential gardens on sites not allocated within saved Local Plan Policy HS1.
13. The application site includes an existing residential dwelling and associated garden, and as such is affected by the changes to Planning Policy Statement (PPS) 3: Housing in June 2010, as well as the Council's Proposed Interim Policy on Private Residential Garden Development.
14. PPS3 has excluded residential gardens from the definition of previously developed land (Annex B of PPS3). This means that private residential gardens are now considered Greenfield and not Brownfield land. The change in definition removes any presumption in favour of the

development of private residential gardens. However, it does not mean that proposals should automatically be refused. The emphasis, through National and Local Planning Policy, is to prioritise the development of Brownfield Land, whilst at the same time does not rule out development on Greenfield Land, as applications still need to be assessed on their individual merits.

15. PPS3 also places emphasis on the quality and design of housing and that there should be a mix of housing in suitable locations, in sustainable locations.
16. The Council's Proposed Interim Policy-Private Residential Garden Development is also a material consideration, where it states:

'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 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.'

The interim policy statement also states:

'Beyond the 3 criteria listed, 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.' Therefore the scheme has to be assessed in relation to exceptional circumstances.

16. There was a previous permission for this site (ref.07/00626/FUL) which, was effectively the same development. This application was submitted on 23 June 2010 and the previous application approval expired on 19 July 2010, hence the resubmission. Paragraph 73 of PPS3 states:

'When considering applications relating to sites for which planning permission has been previously granted for a similar proposal, but where the development has not been implemented, Local Planning Authorities should consider, based upon robust evidence provided by applicants, whether the site is likely to be developed. There is no presumption that planning permission should be granted because of a previous approval, particularly if the original permission proposal did not deliver the policy objectives of this PPS.'

17. The agent has stated that the applicant is keen to sell the site to a local housing developer. Since receiving the previous planning permission a number of offers were made on the site. However, due to the economic downturn and the reluctance of banks to lend money none of the offers were finalised.
18. The application site is not an allocated site, therefore Policy HS6 is of relevance. There are various criteria that need to be considered within this policy. Criteria (a) to (e) are discussed within the rest of the report. In relation to criteria (f) it states that '*..in the case of a previously un-developed site the applicant can demonstrate that there is no suitable allocated or previously developed sites available in the settlement..*' This has not been demonstrated by the applicant.
19. In considering this scheme, as well as taking the information detailed above, into account, there needs to be a balanced approach, and the material considerations looked at. This includes whether exceptional circumstances have been demonstrated. These are discussed in the rest of the report.

Impact on the Neighbouring Amenity

20. The site is surrounded by residential properties therefore the impact on the existing neighbours amenities is one of the main issues for consideration. The surrounding housing is higher density with small gardens. The proposed development shows that adequate privacy distances can be maintained in relation to the surrounding development. It is not considered that this proposal will have a detrimental impact on the neighbouring amenity.

Design of the Development

21. The proposed properties are two and a half storey, however, the half storey incorporates converting the roof space with a dormer window in the front elevation, and roof lights to the rear. The proposed houses are 8.0m high to the ridge height, which is similar to that of a two storey house.
22. The proposed apartment block is located adjacent to Gough Lane. There are three apartments located within the property and it has been designed similarly to the dwellings in that the roof space will be used and a dormer window proposed to the front elevation. The property will be 8.5m in height to the ridge. Whilst the apartment block faces sideways on to the entrance of the site this is to enable the privacy distances to be achieved. To break up the blank façade it is suggested that the ground floor be designed with brickwork and a light coloured render considered at a higher level. A condition in relation to a request for materials can be added accordingly.
23. The privacy distances, garden areas and parking requirements have all been considered. The majority of the properties achieve the required spacing standards to ensure the amenities of future residents are protected. However, the garden areas of Plots 4 & 5 and 8 & 9 are slightly less than 10 metres in length. In these instances where the garden is not 10 metres in length, Plots 4 & 5 are located where there is a road behind. In relation to Plots 8 & 9 these properties are sited to ensure there will be no overlooking created by first floor windows to neighbouring garden areas and therefore complies with PPS3, and the Council's Design Guidance.
24. In relation to the proposal fitting in with the character of the area, the density of the site is approximately 58 dwellings to the hectare, which is quite a high density development, which is largely due to the apartments on the site. Although there are some detached properties, in larger grounds along Gough Lane, the area surrounding the application site on both sides and to the rear is very high density housing, with small plots. Therefore it is considered that the proposal will fit in with the character of the area, as it is predominately high density.

Mix of Housing

25. One of the other considerations that PPS3 states should be looked at within a scheme is the mix of housing that is to be provided. This proposal is a mix of six 2 ½ storey dwellings, which have three bedrooms and 2 no. two bedroom apartments and 1 no. one bedroom apartment. This is an acceptable mix of housing and is therefore considered appropriate within the area.

Highway Safety and Parking

26. The layout that was previously approved was amended during the processing of the application, following comments made from the Highways Engineer (ref.07/00626/FUL). This revised scheme has been assessed by the Highways Engineer, in relation to the Department for Transport Manual for Streets document, where he has raised concerns in relation to adoption standards, but also to the highway/pedestrian safety.
27. Due to the application being for 9 properties the roadway should be built to adoption standards and adopted as a public highway. The layout is not suitable for adoption and although it will be a private driveway and maintained by a private company it still needs to be built to an appropriate standard.
28. There is no route within the site for pedestrians. This is seen as a slow movement area, but there is not route for pedestrians to walk when they leave the site and join Gough Lane.
29. In relation to the collection of waste the road cannot accommodate a refuse vehicle or allow it to turn. The reversing is too great and the bin store is located in the corner of the site.

Location of Development

30.PPS3 also talks about consideration should be made on the location of development. This is in terms of community facilities, good access to jobs and key services as well as infrastructure. This site is in an established residential area, within the Clayton Brook area which has a range of community facilities, has good access to the motorway network and has bus routes into Chorley and the surrounding area. The site is within a sustainable location and therefore complies with this objective of PPS3.

Overall Conclusion

31. It is considered that the proposal would fit in with the surrounding area and not result in any significant harm to the character and appearance of the surrounding area or cause any harm to the amenity of the neighbours. There are no concerns in relation to parking provision, however, concerns have been raised in relation to highway safety. The site is within a sustainable location and provides an appropriate mix of housing.
32. The site has already been identified within the Council's SHLAA document and contributes to the five year housing land supply, (Policy HS6) as there was a previous application, for the same scheme, approved. Therefore this proposal will not have an impact on the housing figures. However, the application fails to demonstrate that there are no suitable allocated sites or previously developed sites available within the Clayton Brook settlement (Criteria (f) of HS6).
33. This application is on a garden site, where there is no presumption in favour of development. It has not been demonstrated that there are no suitable allocated sites or previously developed sites available and therefore the application is contrary to Policy HS6 (f). There are also conflicts in relation to highway/pedestrian safety. The proposal is therefore considered to be contrary to Policy, and it is not considered that exceptional circumstances have been demonstrated to justify this application.

Planning Policies

National Planning Policies:

PPS1 and PPS3

Adopted Chorley Borough Local Plan Review

GN1: Settlement Policy

GN5: Building Design and Retaining Existing Landscape Feature and Habitats

HS4 Design and Layout of Residential Development

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

Planning History

00/00579/FUL- Erection of detached commercial garage (Class B2) Withdrawn.

05/00171/FUL- Erection of single storey rear extension. Approved April 2005.

07/00350/FUL- Proposed development of 9 no, two storey and 3 no storey dwellings with the provision for 16 parking spaces. Withdrawn.

07/00626/FUL- Demolish existing dwelling and erect 6 no. 2 ½ storey dwellings and a 2 ½ storey apartment block comprising 2 no. 2 bedrooomed and 1 no. 1 bedrooomed apartments and the provision of 15 car parking spaces. Approved with conditions July 2007.

Recommendation: Refuse Full Planning Permission

Reasons

1. The proposed development is on land which is presently garden land, which is not allocated for housing in the Chorley Local Plan Review. In response to recent changes to Planning Policy Statement 3: Housing, 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 proposal does not meet one of the three criteria listed in the Policy nor are there considered to be exceptional circumstances that weigh in favour of approving the development.
2. The proposed development is within the settlement boundary of Clayton Brook 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 saved Policy HS6 of the Chorley Local Plan Review and Planning Policy Statement 3: Housing.
3. There is no pedestrian provision within the site and there is no pedestrian link to join into Gough Lane. The road cannot accommodate refuse vehicles and there is no provision for manoeuvring within the site, in accordance with the Department for Transport document 'Manual for Streets.' The development would therefore be harmful to pedestrian and highway safety and contrary to saved Policy TR4 of the Chorley Local Plan Review and Manual or Streets.