

Item 4a **12/00369/FUL**

Case Officer **Caron Taylor**

Ward **Chisnall**

Proposal **Demolition of no. 2 Nursery Close and erection of 10 dwellings (8 no. two-storey houses and 2 no. bungalows), access road and associated development**

Location **Land 40M south of 2 and Including 2 Nursery Close Charnock Richard Lancashire**

Applicant **Thomas Mawdsley Building Contractor**

Consultation expiry: **13 June 2012**

Application expiry: **7 June 2012**

Proposal

1. Demolition of no. 2 Nursery Close and erection of 10 dwellings (8 no. two-storey houses and 2 no. bungalows), access road and associated development.

Recommendation

2. It is recommended that this application is refused.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background information
 - Density
 - Levels and impact on the neighbours
 - Design
 - Trees and Landscape
 - Ecology
 - Flood Risk
 - Traffic and Transport
 - Public Right of Way
 - Contamination and Coal Mines

Representations

4. Twenty one letters of objection have been received and a petition signed by twenty seven people on the following grounds:
 - The scale of the development is unwarranted;
 - There is no shortage of housing in the area;
 - The proposal will impact on residential amenity in terms of overlooking/loss of privacy to Cherry Tree Close;
 - The infrastructure in the village cannot cope;
 - Highway safety- extra traffic to Church Lane and existing cul-de-sacs;
 - The site is a haven for wildlife;

- They are already overlooked by the Arley Homes Development;
- Access, parking and turning is inadequate;
- Nothing has changed since the previous application was recommended for refusal;
- The proposal is unsatisfactory backland development;
- Meadowlands would be the access route for heavy construction traffic which would be a danger to the young families living there plus the nuisance factor of noise and dust;
- The main sewer in Nursery Close is already under pressure from additional housing built by Arley Homes;
- Demolishing a perfectly sound four bedroom house to make an access is impractical and will disturb a quiet cul-de-sac;
- The angle and width of access to the proposed development was deemed unsuitable on the original application, particularly allowing access for emergency services. Has anything changed?;
- Increased traffic using Meadowlands which has a single access and exit on to Church Lane would cause an additional traffic hazard;
- Public outrage as expressed at the Parish Council Meeting surely sums up the feelings of the local residents;
- The local school will not be equipped to deal with a further 10 families once the remaining houses are built at Pole Green Nurseries;
- Wildlife will be severely affected. Birds will not continue to nest in the village with the amount of bushes and hedges cut back. The groundland will be made hard standing which will reduce the amount of food for wildlife species;
- There is plenty of sufficient, affordable housing being developed within the borough;
- Drainage system cannot cope with all the development;
- It will cause overlooking and impair privacy;
- The access would be via two T-junctions within a few metres of each other;
- Construction vehicles would have to use Meadowlands;
- The proposal will have further impact on the accident prone junction with Church Lane;
- This development along with other in the village and those at the Nursery on Church Lane are having an impact on the character on the village
- Garden grabbing;
- It will be unacceptable in the streetscene;
- Proximity to the junction with Meadowlands and the impact this will have especially with refuse collection;
- Policy GN4 restricts rural development and the proposal only loosely complies with criterion C;
- The question the housing and local need;
- Demolition of no. 2 Nursery Close will cause disruption to residents of Nursery Close which has already been endured due to building on the Dog and Partridge;
- Large good vehicles and emergency vehicles already have trouble gaining access to Meadowlands and this would be amplified by the proposed access road;
- Severe loss of privacy to 1, 3, 4 and 5 Nursery Close and 74 Lichen Close;
- Increase in traffic to those living in Meadowslands and Church Lane;
- There are properties that have been for sale in the village for a long time;
- It will isolate number 4 Nursery Close;
- The proposed wire mesh fence is not sufficient to prevent a loss of privacy;
- The site is not previously developed land under the NPPF – it is greenfield – the presumption should be against development;

- The majority of the site has blended into the landscape and supports wildlife and as such is of relevance to the amenity of the area on which the development would have an adverse effect;
- Impact on light and privacy to existing properties;
- The height of the houses would have a significant impact on the character of the area as a whole, and on the streetscene of Nursery Close in particular;
- The estate is used by the primary school for cycling training;
- Inadequate visibility splay at junction of proposed access road resulting in deficient Stopping Site Distance. [Manual for Streets DOT];
- 'Swept path' analysis not performed - or evidenced. [Manual for Streets DOT] 3.
- Turning space is poorly planned - should relate to the environment not to vehicle movement - resulting in space with no use except for turning vehicles;
- No evidence, suggestion or assurance that all houses would be 'significantly below market value' [Chorley Borough Local Plan Review (for Green Belt development)];
- The scale and nature of the proposed development is not in keeping or compliments established housing at Nursery Close and Meadowlands. Particularly in relation to road width, car parking arrangements and footway provision;
- Charnock Richard has inadequate local facilities to support additional developments: no shop, dilapidated community hall and poor public transport necessitating further private car use and is therefore not sustainable;
- It will have a detrimental impact on village life;
- The long established access to the site is from Chorley Lane;
- The access offers little segregation of pedestrian and vehicular traffic which is a safety issue;
- Nursery Close is only 5.5m wide and will present a danger when cars are parked on it;
- The current proposal is worse than the 2007 scheme as the bellmouth into the new development is narrowed and will not allow anything larger than a private car to pass.

Ward Councillor Leadbetter makes the following comments:

- The reasons for recommending refusal last time are essentially unchanged;
- This application proposes two semi-detached bungalows which are also to be offered as affordable dwellings. Considering recent developments and planning approvals, within Charnock Richard, this development is not required to meet local need as per policy GN4. The proportion of affordable housing is not a majority, let alone a substantial majority, as stated in policy HS8;
- The latest application adopts some of the guidance provided in the LCC Residential Road Design Guide, but does not satisfactorily address the issues of access for service vehicles or general parking provision;
- Additionally the poor access provision for service vehicles will increase the likelihood of a serious vehicle / pedestrian accident;
- The development remains over intensive for the site;
- The latest application retains the access between these two properties and will result in significant reduction in living conditions for the occupiers of these two properties, especially 4 Nursery Close which would become isolated;
- The narrow entrance to the development would result in highway running against the boundary of 4 Nursery Close generating unacceptable living conditions for the occupants of 4 Nursery Close and 74 Lichen Close;
- The roughly square area of the site proposed for development and the restricted access to the site, limits choice of site layout.
- The dwelling on plot 5 still appears to have its gable less than 12 metres from the rear elevation of 34 Chorley Lane. Similarly, whilst the layout on plot 1 has changed and

there is no longer an attached garage, the detached double garage of plot 1 appears too close to 4 Nursery Close.

- The size of the site remains unchanged and whilst minor alterations to the layout proposed in the outline application have been submitted, the proposed development would still adversely affect amenities of neighbouring properties. Despite what is reported in the Landscape Design Statement the development does not provide reasonable privacy and amenity for the residents of neighbouring properties as required in policy HS4 criteria (c).
- This latest application proposes pleached hornbeam trees and beech hedges as a screen. Whilst having an aesthetic value these will not provide any acoustic attenuation and the unacceptable noise and disturbance has not been addressed (a dense forest belt of around 10 to 30 metres in width has been demonstrated (Borthwick et al.) to reduce highway traffic noise by only 3dB).
- The width of the access road can only just be accommodated on the site of 2 Nursery Close and being midway along a short and modern cul-de-sac means the development will not be in sympathy with the locality.
- More recently the National Planning Policy Framework has come into force, at the heart of which is “presumption in favour of sustainable development”. However, this proposed development is not a sustainable development.
- In summary, this proposed development would have a significant impact on the amenities of occupiers of neighbouring properties; it would have a detrimental impact on the character and street scene of the existing estate; it is considered to be over development and does not accord with policies GN4, GN5, HS4, HS6, HS8 and TR4 of the Chorley Borough Local Plan Review, neither does it accord with the NPPF and in particular paragraph 64.

Two letters of objection have been received from planning consultants acting on behalf of residents on the following grounds:

- Design and Character: the reduction in the road width from Nursery Close results in a change of character. The proposal is cramped, over development of the site and the scheme would be isolated from the sider area. It will result in isolation of no. 4 Nursery Close. It is inappropriate in terms of density for its context and the sites physical characteristics;
- Residential Amenity: the interface distances do no meet the Council’s standards in terms of plots 1 and 5; there will be a detrimental impact on the outlook from the rear of the properties on Nursery Close and Lichen Close and a loss of sunlight; the proposed properties on plots 1-5 would have reduced amenity from the properties on Cherry Tree Close; the road will impact on the amenity of no. 74 Lichen Close and 4 Nursery Close due to the proximity with their boundaries;
- Highways: the cramped layout will cause problems in reversing out of parking spaces for residents of the proposed properties; the lack of visitor spaces will result in parking on the narrow access road or surrounding streets; there is no footway within the development prioritising vehicles over pedestrians; Manual for Streets recommends street widths less than 5m where on-street parking is discouraged; the turning head will not be sufficient for refuse vehicles and they will be forced to reverse out over a long distance;
- As a result the proposal is contrary to policies HS4 and HS6 of the Local Plan;
- Some of the previous reasons for refusal do not seem to have been overcome;
- Although LCC Highways may not object in technical terms, practically the scheme will not work due to on street parking and there are already problems in Nursery Close caused by this and the insufficient turning head;

5. One letter has been received stating they have no objection providing attention is paid to:
 - Privacy to their garden and dwelling;
 - The trees shown are not all within the site, some form the boundary and some are on their land, the growing trees have moved the boundary over and the original boundary should be maintained and extra shrubbery planted;
 - A wire mesh fence is proposed which is not good enough to maintain privacy, a sturdy wooden panel fence should be erected;
 - Provision should be main for surface water to leave the site as the original natural drainage was cut and blocked when Wainhomes built Meadowlands;
 - Meadowlands already has a problem sewer;
 - Charnock Richard does not have the amenities to support more large estates.

6. Charnock Richard Parish Council

The Parish Council object strongly to the proposals. They believe that there have been no significant changes to the earlier submission which would affect their previous observations. Therefore, the Council object on the grounds that highway safety for pedestrians, homeowners and motorists will be detrimentally affected by the proposed access which is inadequate and would not allow easy access for emergency service or utilities vehicles. The turning area within the development is inadequate and is likely to be congested with parked vehicles. The proposals will result in over intensive cramped development of the site also putting additional pressure on drainage and electricity supplies. Development will adversely affect established wildlife habitats. There would be considerable loss of amenity to all neighbouring residents and noise and nuisance caused by the proposed development would be insurmountable. The proposals would contravene a number of planning policies.

Consultations

7. Chorley Council Planning Policy

This proposal is for the erection of 10 dwellings on the site of a former commercial nursery and is located in the settlement of Charnock Richard where Local Plan policy GN4 applies. Policy GN4 limits development in rural settlements to (a) infill sites, (b) the rehabilitation and reuse of buildings, (c) that which provides affordable housing to meet a recognised local need, (d) that which meets a particular local community or employment needs, or (e) the re-use of previously developed land. It is considered that the proposed development of the application site does not comply with Policy GN4 as it does not meet any of the above criteria. To meet the requires of Policy GN4 the proposal is required to provide affordable housing to meet a recognised local need in accordance with Policy HS8.

8. Emerging Core Strategy Policy 1: Locating Growth focuses growth on brownfield sites and urban locations, with development in rural settlements to meet local needs. Policy 1 states that in smaller villages, development will typically be small scale and limited to infilling, conversion of buildings, and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes. It is considered that the proposal does not conform with Policy 1 as it does not provide exceptional reasons for large scale development and does not sufficiently contribute to affordable housing provision in Charnock Richard.
9. Local Plan Policy HS8 states that residential development of open land in a rural settlement will be restricted to schemes that would significantly contribute to the solution of a recognised local housing problem by meeting criteria (a) to (f) as shown below.

- (a) a substantial majority of the dwelling will be made available at significantly below current market costs;
 - (b) the occupancy of the dwellings will be limited on first and subsequent occupancy to people with close local connections who are unable to afford market housing;
 - (c) the development is shown to be economically viable and be capable of proper management for example through a village trust or similar local organisation;
 - (d) any remaining dwellings connected financially with the development will be limited to specialist types of accommodation for which there is a proven local need;
 - (d) the scale and nature of the development will be in character with the settlement;
 - (f) the development will be within a settlement with suitable adequate local facilities such as schools, shops and public transport services.
10. Criterion (a) requires that a substantial majority of dwellings be made available at below market costs. The proposal aims to provide two affordable dwellings as part of the development and therefore does not meet the requirements of Policy HS8.
 11. Emerging Core Strategy Policy 7 contains an affordable housing percentage requirement at or near 35% on sites of 5 or more dwellings in rural areas including Charnock Richard. The proposals indicate that the development will deliver only 20% affordable housing and, therefore, does not comply with Policy 7 of the Core Strategy.
 12. It has been established on other sites within the Borough (including the Dog and Partridge site, Charnock Richard) that the financial viability of the site is a material consideration and a reduced percentage of affordable units has been accepted where supported from a financial viability perspective. In the case of the Dog and Partridge site, 43% affordable housing was provided on the greenfield part of the site, above the 35% required by Core Strategy Policy 7 and marginally below Local Plan Policy HS8 requirements.
 13. Paragraph 54 of the NPPF states that 'local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.' However, it must be considered that the development will only provide two affordable dwellings which is unlikely to significantly contribute to the solution of local affordable housing and is substantially below the amount required by Local Plan and Emerging Core Strategy policies.
 14. The majority of the site is considered to be greenfield and therefore Local Plan Policy HS6 (f) is required to be met. This requires the applicant to demonstrate that there are no suitable brownfield sites available in Charnock Richard, however, previous planning decisions have acknowledged a lack of available brownfield sites in the settlement.
 15. Core Strategy Policy 5: Housing Density requires housing densities to be in keeping with the local area. The proposed development would be at a density of approximately 28 per hectare which is similar to other residential developments recently permitted in the surrounding area.
 16. It is considered that the proposed development of the application site does not comply with Policy GN4 or Emerging Core Strategy Policy 1: Locating Growth as it does not provide sufficient affordable housing to significantly contribute to the solution of a recognised local need. It does not meet affordable housing requirements as required by Core Strategy Policy 7 and Local Plan Policy HS8 and is not acceptable in principle.

17. **The Environment Agency**
Have no comments to make.
18. **Chorley Contaminated Land Officer**
Request a condition in relation to contaminated land.
19. **The Architectural Design and Crime Reduction Advisor**
This is a relatively low crime area. The design and access statement highlights that the site boundary and rear gardens will be enclosed with 1.8m fencing. This is supported. The feather edge board timber panels above the plinth wall should be flush with the front of the wall on the public side so as not to create a climbing aid.
20. Consideration should be given to incorporating the principles of Secured By Design into the scheme in accordance with Secured By Design New Homes guidance 2010 in order to prevent the opportunity for criminal activity. This should include uniformed lighting levels across the site, maximise the opportunities for natural surveillance and ensure clear defensible space is designated between private and public property.
21. Should Secured By Design accreditation be sought for the development further consultation on specific details would be required with the Police Architectural Liaison Officer.
22. **Chorley's Strategic Housing**
The proposal is for the two 2bed bungalows to be affordable units representing 20% of the scheme. The developer has attached a viability assessment to the planning application which he states shows that 30% affordable units would render the scheme not viable. Liberata should be asked to check this assessment.
23. As regards tenure the developer is offering one bungalow for social rent and one for shared ownership .Housing Strategy's preference would be for both bungalows to be for social rent as there is clear demand for this type of tenure. However, this would affect the viability assessment and therefore needs to be raised with the developer who in turn should check with the registered provider as to their assessment of demand for shared ownership bungalows in Charnock Richard. Liberata could also comment on the effect on viability of both properties being for social rent.
24. Two bed bungalows are in short supply across the borough and are therefore welcomed on this development. In terms of standards the affordable bungalows will need to comply with the HCA's Housing Quality Indicators details of which can be found on the HCA's web site.
25. The developer should be advised to consult with a registered provider at the earliest possible stage to discuss tenure and standards and their willingness to buy the properties on completion.
26. **Director People and Places**
In Charnock Richard there is a lack of quality play provision – let alone sufficient to cater for additional dwellings. They request that the contribution to be invested in to the improvement of fixed play equipment within in the village.
27. **Lancashire County Council (Highways)**
The site was subject to outline planning application in 2007 application no. 07/00713/OUT, which they understand was recommended for refusal before being withdrawn by the applicant. One of the reasons for refusal given in the committee report was owing to provision

of inadequate turning head. Other reasons given related to visual and neighbour amenity aspects.

28. The new application is again for 10no dwellings however in terms of the access and road layout it is apparent there are a number of notable improvements/changes from the previous application and as such they would have no overriding highway objection to the proposed development in principle. The turning head is improved, the entrance /access is improved to incorporate 6mR compared to 4.2mR previously and the previous layout included for footways where as the current road design is in the form of a shared pedestrian vehicle surface with grass service strip.
29. In terms of the access, the entrance will be formed using 6mR radii which will require the hedgerow to the left of the access on exit to be removed (side of No 4 Nursery Cl). The removal of the hedgerow will ensure visibility sightlines enabling vehicle-vehicle intervisibility between drivers at the access and at No 4. The residential development of 10 no dwellings is effectively very small scale and in transportation terms the traffic to be generated by the development is unlikely to have any significant impact on the highway network.
30. The access road has been designed in the form of a shared surface with a 4.5m wide surface. The design is based up on that of an 'access way' in accord with the Lancashire County Council's Residential Road Design Guide (RRDG). Whilst this guidance document is now superseded by Civilised Streets, which is based on Manual for Streets, it nonetheless still provided sound advice in terms of technical requirements. As such the road layout will prove satisfactory. The applicant has proposed a 4.5m wide shared surface with a 2m wide service verge on western side and a 0.5m wide verge strip along part of the eastern side.
31. Ideally the shared surface should have a varying width and be of irregular shape to discourage fast speeds. However the rumble strip will ensure reduced speeds at the access (a rumble strip at the entrance is a design characteristic of shared surfaces) and the road is relatively short including a slight bend therefore vehicle speeds are likely to be relatively low at between 10-15mph and will ensure a safe pedestrian route.
32. There should also be a variation in surface treatment between the main carriageway (Nursery Close) to define the change in character of the road. In accord with the submitted information, the surface treatment is yet to be decided however the applicant has informed his intention for the road be formally adopted, and as such the surface will likely need to be either asphalt with red chippings or block paving. The matter of the final surface treatment may be suitable addressed through a Section 38 agreement (highway agreement for adoption).
33. With respect to the turning head, it has been improved to that of a design recommendation as per the RRDG and is therefore of an acceptable standard. The provision of a turning head will ensure large vehicles including emergency and cleansing wagons will be able to enter and leave the site in a forward gear without having to undertake a reversing manoeuvre from Lichen Cose and Nursery Close.
34. A shared carriageway surface of 4.5m wide will prove acceptable for the small number of dwellings and will also aid slower vehicle speeds. The turning head is equally narrow and as such there can be concern parked vehicle may hinder normal turning movements. However the vehicle crossings/drives are laid out such that any vehicles parked on the road is also likely to obstruct the neighbouring vehicle access and therefore the likelihood of cars parking on the road is very small. In any case refuse collection etc is once a week with timed

operations therefore it is reasonable to assume residents will ensure no vehicles are parked at that time.

35. A 4.5m wide road surface together with a 2m wide service strip will enable adequate manoeuvring spaces for vehicles to suitably reverse on/off the drive (the minimum requirement is normally 6m).
36. Owing to the narrow carriageway width and the positions of the vehicles crossings/driveway, there will be little scope for on-street parking along the road. For that reason the level of car parking provision on the site should be required to meet recommended car parking standards. The current recommendation is for 2no spaces for a 2-3 bed room house and 3no spaces for a 4-5 bed room house. The garage should be sized 3m x 6m internal to be classed as one parking space.
37. Based on the plan drawings the single garages to plots 3 and 8 are of acceptable size. Also there is further space to accommodate 2no cars on the long drive thereby enabling 3no spaces in total. The drives do however need to be 3.0m wide between the building/fence lines to allow opening of doors, and where part of the drive also forms part of the pedestrian route it should be 3.2m wide (a). Car parking spaces in rows of 3's is not good practice however in this instance it will be a quite cul-de-sac and therefore will prove acceptable.
38. The integral garage to plots 2 and 9 scale only 5.2m x 2.7m internally on plan and may therefore be deemed sub-standard in size. Although the 2 plots have double drives, the plots are 4 bed room houses and should therefore support 3no parking spaces. As such the integral garages should be required to be improved to count as a parking space.
39. The double garages at plots 1 & 10 are also undersized however they may still count as a single parking space and therefore together with the double drive, the parking requirement for 3no spaces is satisfied.
40. The parking layout to plots 4-7 is in the form of tandem parking and whilst this is not ideal the spaces are separated by walkways and will therefore prove acceptable. Also, there is sufficient space for vehicles to adequately manoeuvre on/off the spaces.
41. The high wall to the parking frontage will require to be no more than 0.5m high to ensure driver-children intervisibility at all times (currently shown as 0.75m high). The side boundary fence between plots 7 & 8 to be extended to the back of service verge line, with the last 2m to be again no more than 0.5m high. Equally all shrub planting adjacent to the parking spaces to be of ground level type no more than 0.5m high.
42. Overall they feel the proposed changes make the road layout more acceptable from a highway viewpoint and as such they would have no overriding objection subject to the amendments above.
43. **Chorley's Waste & Contaminated Land Officer**
Due to a residential end use and that the proximity to infilled ground request a condition requiring report identifying any potential sources of ground contamination and where necessary remediation measures.

Assessment

Background

44. The application site was previously Buttermere Nurseries which ceased trading in the early 1990's and has been unused since. The site is overgrown and part of the site is covered in a concrete base. There are also two old block work buildings on the site against the east boundary. An outline application for ten dwellings was recommended for refusal in 2007 ref: 07/00713/OUTMAJ) (although it was withdrawn prior to a decision being made) for a number of reasons including, lack of ecology surveys, the size of the turning head and over intensive development, harm to the living conditions of 4 Nursery Close and 74 Lichen Close, failure to accord with the Council's spacing standards, harm to the character and appearance of the streetscene segregating 4 Nursery Close and that the scheme failed to provide a substantial number of affordable dwellings.

Principle of the development

45. The site is in within the settlement of Charnock Richard which is covered by policy GN4 of the Local Plan. This policy limits development to:
- (a) infill sites;
 - (b) the rehabilitation and reuse of buildings;
 - (c) that which provides affordable housing to meet a recognised local need in accordance with Policy HS8;
 - (d) that which meets a particular local community or employment need; or
 - (e) the re-use of previously developed land, bearing in mind the scale of any proposed development in relation to its surroundings and the sustainability of the location.
46. The proposal is not an infill site under criterion (a), and criteria (b) and (d) do not apply. The site is a former nursery and it is not considered that it meets the definition of previously developed land set out in the NPPF therefore criterion (e) does not apply either.
47. For housing to be acceptable on the site it would therefore have to meet criterion (c) that which provides affordable housing to meet a recognised local need in accordance with Policy HS8.
48. Policy HS8 states residential development of open land, other than a small gap in an otherwise built-up frontage, within a Rural Settlement excluded from the Green Belt (which includes Charnock Richard) will be restricted to schemes which would significantly contribute to the solution of a recognised local housing problem.
49. In all cases, all of the following criteria must be satisfied:
- (a) a substantial majority of the dwelling will be made available at significantly below current market costs;
 - (b) the occupancy of the dwellings will be limited on first and subsequent occupancy to people with close local connections who are unable to afford market housing;
 - (c) the development is shown to be economically viable and be capable of proper management for example through a village trust or similar local organisation;
 - (d) any remaining dwellings connected financially with the development will be limited to specialist types of accommodation for which there is a proven local need;
 - (e) the scale and nature of the development will be in character with the settlement;
 - (f) the development will be within a settlement with suitable adequate local facilities such as schools, shops and public transport services.
50. This requires that more than 50% of the dwellings must be affordable and the remaining must be specialist types for which there is proven local need.

51. The applicant has put forward a viability assessment report in support of their application stating that the scheme is not viable with more than two of the dwellings provided as affordable properties. This report has been considered by Liberata (the Council's Property Services Section) and the figures put forward are considered reasonable.
52. Viability is a material consideration in determining planning applications, as stated above an application on this site would only normally be acceptable in principle if more than half the dwellings were affordable and the remaining were specialist types for which there is proven local need. However, it is not considered that the provision of just two affordable units carry such weight to outweigh the policy presumption against it under policy GN4.
53. Viability has been taken into account when considering other applications in the village, including applications at The Dog and Partridge and Pole Green Nurseries. At The Dog and Partridge a small part of the site was previously developed land and the greenfield part of the site proposed 43% affordable housing (ten units). The applicant also accepted a one year permission. At Pole Green, again some part of the site was considered previously developed land and seven of the units (28% of the greenfield part of the site) were offered as affordable units. In addition a clawback/overage was applied to the site so that any increase in profit achieved would go towards affordable housing. It was clear that the number of affordable units and the timeframe with which they were to be delivered and the overage clauses were considered as material considerations in their favour. Given that this site would only result in two affordable dwellings it is not considered that this is a sufficient material consideration to allow the proposal, even if a shorter permission implementation condition were proposed, it is therefore contrary to policy GN4 of the Local Plan.
54. Considering the application against the emerging Core Strategy Policy 1, this states that in smaller villages development will typically be small scale and limited to infilling, conversion of buildings, and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes. It is not considered that emerging policy supports the scheme in its current form.
55. Paragraph 54 of the NPPF states that 'local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.' However, two affordable housing is not considered significant and therefore it is not considered the proposal complies with the NPPF.

Density

56. The proposed development would be at a density of approximately 28 per hectare which is similar to other residential developments recently permitted in the surrounding area.

Levels and Impact on the Neighbours

57. The levels on the site are slightly higher than those on Lichen Close and Nursery Close, however plot 10 complies with the interface distance taking account of the levels with the properties on Lichen Close. The other properties will look on to the rear gardens of plot 1 or a detached garage, all of which comply with the interface guidelines and is considered an acceptable relationship.
58. No. 4 Nursery Close will face towards the gable of the property proposed on plot 1, however this will be at an angle rather than directly facing it. There will be 12m between the nearest point of no. 4 and plot1 measured perpendicular to the property. Although there will only be 9m between the nearest points, there is an existing flat roof block work former nursery building in this corner which measures approximately 3m in height and is situated close to the

boundary with no. 4 approximately 3.5m from the nearest point of this property. It is therefore considered that the 9m relationship is acceptable considering the building on the site at present and the angle the proposed property on plot 1 will be viewed at. The proposed detached garage on plot 1 will be situated close to the boundary but will be lower in height than the former nursery building and will be set further back on the site.

59. The properties on Chorley Lane have larger rear gardens and the distances between these properties and plots 5 and 6 (the latter being a bungalow) exceed the interface guidelines.
60. To the east of the site are the new properties on Cherry Tree Close. These back on to the application site but are separated by a public footpath along with a row of protected trees. These are deciduous trees so will not provide much screening during the winter months.
61. The properties meet the interface guidelines in terms of distance to boundaries and between facing windows apart from plots 3, 4 and 5. Plot 3 is acceptable to the boundary but falls 70cm short on the rear elevation to rear elevation distance to 3 Cherry Tree Close. It also falls short on the interface with no. 2 Cherry Tree in terms of both distances. Plots 4 and 5 (semi-detached properties) also fall short on the distances. This issue has been raised with the agent and will be updated on the addendum.
62. The proposal complies with the 10m interface with the land to the west of the site which is in the ownership of a property on Chorley Lane. Although the proposed site layout shows a wire mesh fence on the rear boundary this would not be sufficient to protect the amenities of either the proposed properties or the adjoining land, however a condition could be imposed requiring boundary treatment details to be approved, not just here but around all boundaries of the site to ensure this is acceptable.
63. The impact on neighbouring properties is considered acceptable in terms of policy HS4 apart from plots 3-5, which has been put to the agent and will be updated on the addendum.
64. Although the access point is considered acceptable by LCC Highways, it is not considered the issues of the impact it would have on the amenity of neighbouring properties notably number 4 Nursery Close and 74 Lichen Close. These two properties, particularly number 4 Nursery Close are orientated towards the access rather than sit parallel to it. Although some planting is shown along the boundaries of the site with these properties adjacent to the access, there is a 'pinch point' at the end of their gardens with no room for planting. It is considered the Council's reason for refusal on the previous application at this site in relation to the impact on the amenity the access will have on these two properties from vehicles entering and exiting still remains.

Design

65. The proposed properties will be of six different house types, six detached properties, one pair of semi-detached properties and one pair of semi-detached bungalows. There are a wide range of properties in the area, including detached two-storey houses on Nursery Close and Chorley Lane and to the east, the new properties on Cherry Tree Close. There are also bungalows on Chorley Lane as well as semi-detached properties. The proposed properties are therefore considered acceptable in design terms.
66. The access point will however result in number 4 Nursery Close being isolated at the end of the existing cul-de-sac which was a reason for refusal of the previous application. It is considered this issue has not been overcome by the current application and is detrimental to the character of the area.

Open Space

67. The Council's Parks and Open Spaces Manager states that there is a lack of quality play space within the village. If the application was found to be acceptable this could be secured through a Section 106 legal agreement.

Trees and Landscape

68. A tree survey accompanies the application done in accordance with British Standard 5837:2005 *Trees in relation to construction*. There are a number of trees on or adjacent to the site, however they are along the boundaries. There is a group of protected trees (TPO 4 1991) categorised 'A' (high quality and value) including a mature Oak along the east boundary but outside the site and the proposed properties will be outside the root protection area for these trees. T15 (as marked on proposed site layout plan) is within the garden of no. 4 Nursery Close however the existing building (former nursery building) prevents root incursion into the site from this tree so it is considered the proposed garage on plot 1 will not have a detrimental impact on it.
69. There are a number of trees along the west boundary of the site. The largest of these is T14 an Oak tree that is outside the site and whose root protection area is only marginally inside the rear garden of plot 10. This relationship is considered acceptable. The other trees along this boundary are either categorised as 'B' (moderate quality and value) or 'C' (low quality and value). It is proposed to remove five trees along this boundary, all of which are categorised as low quality and value to allow adjacent trees more room to develop which is considered acceptable.
70. To the southern boundary adjacent plot 5 is a row of Leyland Cypress, and adjacent to the proposed parking spaces and plot 6 are two sections of hawthorn hedge. All these are categories as low quality and value but are to be retained in the scheme.
71. The proposal is considered acceptable in relation to trees subject to a condition requiring tree protection measures during construction.

Flood Risk

72. The site is less than 1 hectare in size and is not within Flood Zone 2 or 3 as identified by the Environment Agency. The proposal is therefore considered acceptable in relation to flood risk.

Traffic and Transport

73. The site would be accessed from Nursery Close off Meadowlands/Lichen Close. Lancashire Council as Highways Authority does not object to the principle of the development. The access has been amended from the previous application and it is not considered that the Council could substantiate a reason for refusal on highway grounds.
74. Representations have been made by objectors that vehicles will park in the turning head preventing large service vehicles from turning round. However, turning heads are a highways feature found across the Borough and in this instance the provision of parking bays accessed off it is a feature likely to prevent people parking within it as they would be blocking access to other residents parking spaces.
75. LCC do request some amendments to the width of driveways against building lines and the alteration of the height of the wall adjacent to the parking frontage but it is considered these could be amended to be made acceptable.

76. In terms of parking some of the double garages are of substandard size to be counted as two spaces, but can be counted as a single space. All the properties meet the Council's parking standards for the number of bedrooms apart from plots 2 and 9, this has also been raised with the applicant and will be updated on the addendum.

Public Right of Way

77. Public Footpath number 18 runs along the east boundary of the site. It is not considered that the proposal will have a detrimental impact on this footpath subject to appropriate boundary treatments as it will not affect its route and is likely to lead to greater overlooking of the public footpath than at present providing increased surveillance of it.

Contamination and Coal Mines

78. The site is not within a Coal Mining Referral Area. The Coal Authority only request an informative note is imposed on any permission.
79. A condition can be imposed in relation to any possible ground contamination as requested by the Council's Contaminated Land Officer.

Ecology

80. An ecology survey accompanies the application. No evidence of protected species was identified within the Site. The report sets out a number of recommendations and it is considered that providing any development is carried out in accordance with these then the proposal will not have a significant adverse effect on wildlife. The recommendations can be controlled by planning condition.

Sustainability

81. As the application is for more than five dwellings it is required to meet policy SR1 of the Council's adopted Development Plan Document on Sustainable Resources. This could be controlled by planning condition.

Section 106 Agreement

82. The Council's Parks and Open Space Manager states there is a lack of quality playspace in the village and therefore requests that the normal commuted sum is requested for the scheme. This could be secured through a legal agreement if the site proved acceptable.

Overall Conclusion

83. The application is considered unacceptable in principle on the grounds that it is a greenfield site that does not meet the criteria in policies GN4 and HS8 and it is not supported by emerging policy. The level of affordable housing proposed is not considered a material consideration that carries weight sufficient to justify permitting it. The proposal is also not considered acceptable in terms of the impact on the amenity of nos. 74 Lichen Close and no. 4 Nursery Close and in terms of the impact it will have on the streetscene and therefore character of the immediate area by isolating no. 4 Nursery Close.

Planning Policies

National Planning Policies:

NPPF

Adopted Chorley Borough Local Plan Review

Policies: GN4, HS4, HS6, HS8, TR4

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

94/00944/OUT - Outline application for residential development (Refused)

95/00321/OUT - Outline application for the erection of 1 no. detached dwelling using existing vehicular access between numbers 34 and 36 (Refused and dismissed at appeal)

07/00713/OUTMAJ – Outline application for the demolition of property and erection of 10 dwellings with associated garages, access roads and services.

Recommendation: Refuse Full Planning Permission

Reasons

- 1. The proposal does not provide a substantial number of affordable dwellings and other specialist types for which there is a proven local need, it is therefore contrary to policies GN4 and HS8 of the Adopted Chorley Borough Local Plan Review and it is not considered that emerging policy in the form of Core Strategy Policy 1 supports the proposal. The Viability Assessment submitted with the application is not considered a material consideration that outweighs the policy presumption against the proposal.**
- 2. The proposed vehicular and pedestrian access on the site of no. 2 Nursery Close serving the site would result in detrimental harm to the character and appearance of the streetscene by segregating no. 4 Nursery Close and interrupting the rhythm and prevailing character of the estate. The proposed development is therefore contrary to Policy Nos. GN5, HS4 and HS6 of the Adopted Chorley Borough Local Plan Review.**
- 3. The access to the site, by virtue of its position between no. 4 Nursery Close and no. 74 Lichen Close would result in detrimental harm to the living conditions the occupiers of these properties could reasonably expect to enjoy. In particular, the noise and disturbance generated by the vehicles use of the access by the occupiers of the proposed properties would be unacceptable. The proposal is therefore considered to be contrary to Policy Nos. HS4, HS6 and TR4.**