

**Item 4h**                    **13/00849/FUL**

**Case Officer**            **Adele Hayes**

**Ward**                      **Clayton-le-Woods North**

**Proposal**                **Demolition of the existing dwelling and the erection of nine residential dwellings comprising 7 terraced dwellings and one pair of semi - detached houses**

**Location**                **Rodger Bank Gough Lane Clayton Brook Bamber Bridge Preston**

**Applicant**                **Mr & Mrs D Butler**

**Consultation expiry: 7 October 2013**

**Application expiry: 6 November 2013**

### **Proposal**

1. This application seeks full planning permission for nine residential units comprising 7no. terraced dwellings and one pair of semi-detached houses, following the demolition of the existing property and detached garage.
2. The application site is accessed via a short length of Gough Lane, from Clayton Brook Road. This road currently provides vehicular access to the existing dwelling at Rodger Bank, the property opposite known as "Overdene", which is in use as a care home, and a number of flats on the corner of Gough Lane and Clayton Brook Road. Pedestrian and cycle access to the rest of the Clayton Brook Estate and other dwellings off Gough Lane is available from this end of Gough Lane, but vehicles are prohibited beyond Rodger Bank and Overdene.
3. The surrounding area is predominantly residential in character with terraced dwellings on three sides and a bungalow opposite the site.
4. The application site comprises a large curtilage serving the existing bungalow which is thought to date from the 1930's - 40's and was built before the construction of the Clayton Brook Estate which now surrounds the site.
5. Planning permission was granted in July 2007 to erect six 2½ storey dwellings and a 2 ½ storey apartment block following demolition of the existing dwelling on the site. However this planning consent was never implemented and expired in July 2010.

### **Recommendation**

6. It is recommended that this application is granted conditional planning permission subject to the signing of a S106 agreement.

### **Main Issues**

7. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Impact on neighbouring amenity
  - Design of the development
  - Trees and Landscape
  - Highway safety and parking

- Open Space
- Section 106 & Community Infrastructure Levy (CIL)

## Representations

8. One letter has been received objecting to the proposal on the grounds that the existing care home on Gough Lane has 2 wheel chair users and access is very important, as is parking. Tenants and support staff require access 24 hours a day and it is considered that 9 additional properties could potentially create the need for 9+ further cars and there is insufficient space. The care home also requires access for refuse collections for general waste and recycling which again they feel would be compromised.
9. No letters of support have been received

## Consultations

10. **Clayton le Woods Parish Council** - no comments have been received
11. **United Utilities** - have not raised any objections.
12. **Lancashire County Council (Highways)** – recommend conditions
13. **The Council's Waste & Contaminated Land Officer** - recommends a condition due to the proposed sensitive end-use (i.e. residential housing & gardens) requiring the applicant to carry out an initial desk study, site walkover and preliminary risk assessment. If this initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

## Assessment

### Principle of the development

14. The application site comprises a detached bungalow and its associated garden. It is located in Clayton Brook. Clayton Brook/Green is an identified Urban Local Service Centre in the emerging Chorley Local Plan where some growth and investment is encouraged.
15. This proposal relates to a private residential garden and as such should be assessed against Policy HS3 in the emerging Local Plan. This plan is at a very advanced stage and the Local Plan Inspector is not proposing significant changes to Policy HS3 in her Minded Main Modifications, so it can be given significant weight in the determination of this application.
16. Policy HS3 states that in settlements applications for development within private residential gardens on sites not allocated in the Housing Allocations Policy will only be permitted for:
  - a) Appropriately designed and located replacement dwellings where there is no more than one for one replacement.
  - b) The conversion and extension of domestic buildings.
  - c) Infill development on gardens. Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.
17. This proposal is not for a replacement dwelling or the conversion/extension of a domestic building so it does not comply with criterion a) or b). The proposal is for nine houses and does not involve the filling of a small gap in an otherwise built-up street frontage. Therefore, the proposal is also contrary to criterion c) of this policy.

18. However, paragraph 5.29 of the preamble to Policy HS3 states that when assessing applications for garden sites the Council will also have regard to the relationship of development to the surrounding character in terms of density, siting, layout, massing, scale, design, materials building to plot ratio and landscaping. The preamble also states that the Council will have regard to sustainability issues such as access to public transport, school, businesses and local services and facilities.
19. Policy HS3 includes the additional sustainability criteria detailed above so in terms of this issue, there are factors which weigh in favour of the proposal. Firstly, the site is located in Clayton Brook which is an identified Urban Local Service Centre in the emerging Chorley Local Plan where some growth and investment is encouraged.
20. The proposal is within walking distance of a number of local junior schools. Clayton Brook County Primary is approximately 300 metres away and St Bede's RC Primary (and Church) and Westwood Primary schools are approximately 400 metres from the site. High schools are available approximately 2 and a half miles away in Bamber Bridge (which are accessible by bus).
21. A children's day nursery is also within walking distance.
22. The park/play area and playing fields are less than 125 metres from the site up Gough Lane.
23. The main Clayton Brook Village Centre is approximately 175 metres from the site (with Village Hall, Community Church, Spar, Chemist, Doctors, Hairdressers, and a choice of three take – aways).
24. There are bus stops on Clayton Brook Road a few metres from the site, that go through the estate (via Great Greens Lane and back onto Preston Road), more bus stops serving a number of bus routes into Preston (via Bamber Bridge and Walton Le Dale), Chorley and linking to Leyland. Other routes on the A6 give access to Croston, Bolton, Horwich, Blackburn and Brindle.
25. The site is within walking distance to shops and other facilities such as churches, ASDA supermarket, library and the sports centre (less than a mile away).
26. There are places of employment in the locality such as the main Walton Summit Industrial/Employment Estate (just over a half a mile away) and, slightly further afield – South Rings Business Park (Bamber Bridge).
27. On the basis of the above factors, it is considered that the site is in a highly sustainable location and therefore meets with the objectives of Criteria (1) of Policy HS3, which seeks to promote sustainable forms of development. This material consideration therefore weighs in favour of planning permission being granted for the development on this particular site hence the 'principle' of the development is considered to be an acceptable one.

#### Impact on the Neighbouring Amenity

28. 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.
29. The properties retain ten metres from the first floor windows to the private garden boundaries of the properties to the rear of the site and as such will not create overlooking to the detriment of the neighbours amenities.
30. It is not considered that this proposal will have a detrimental impact on the neighbouring amenity.

### Design of the development

31. The proposed design and layout follows the principles established under the previous permission and is therefore considered to be acceptable.
32. The proposed dwellings would be traditionally constructed and finished with brick walls including timber detailing, render and a slated roof and the design would be complementary to the other dwellings in the area.
33. The development would be in keeping with the size of other dwellings in the area and will be of a similar density. The maximum eaves and ridge heights would be approximately 5.5 metres and 8.5 metres respectively.

### Trees and Landscape

34. There is only one tree on the site in the rear garden, a young multi stemmed maple, of no real value. Three sides of the boundary consist of Leyland Cypress hedge. To the front of the property on the north boundary the hedge consist of hawthorn, holly and hazel and forms part of the hedge running along Gough Lane. There are trees on the outside of the eastern boundary that will require a Root Protection Area and this can be secured through the imposition of a condition.

### Highway safety and parking

35. The site is located on the section of Gough Lane that lies between the two arms of Clayton Brook Road and is approximately 60m west of the junction of Gough Lane and the eastern arm of Clayton Brook Road. From this junction, Gough Lane is unadopted up to a point approximately 115m to its junction with the western arm of Clayton Brook Road. This is contrary to the information provided by the applicant in the Adoption Statement that "the highway immediately outside of the site/curtilage of the dwelling is understood to be adopted by the highway authority". The section of road outside the site is unadopted and is currently privately maintained.
36. The proposed internal arrangement of the parking areas and turning spaces are acceptable, however, the number of parking spaces proposed are 2 less than the normal required standard. 16 spaces are proposed rather than 18. In the Design and Access Statement (D&AS), the applicant has sought to justify the reduced level of parking provision on the basis of sustainability of the site. From plan, it appears there is not much scope for a further 2 spaces to be provided within curtilage, but while the County Highway Engineer has not insisted on the 2 spaces being provided, as the road outside the site is privately maintained, the applicant has been advised that long term on-street parking on unadopted highways may be a 'trespass' against the owner/s of the road.
37. Visibility to the right of the access (when exiting) is poor due to the presence of trees and shrubbery. The trees are outside the applicant's boundary and would require a third party approval to be pruned. Gough Lane is closed outside the proposed site and would not be used by general traffic, however, the development would generate substantial vehicular trips. Therefore, for safety reasons, approval of the proposal should be subject to improvement of visibility at the access and this can be secured by the imposition of a condition.
38. It is indicated in the Adoption Statement that the development will not be offered for adoption. Nonetheless, it is important that the layout is safe and accessible to all vehicles and other users including pedestrians, cyclists and those with impaired mobility. Given that this would be the only access for all users, including larger vehicles, the applicant has been requested to increase the width of the access from the 4.5m proposed to a minimum of 4.8m.
39. From the junction of the eastern arm Clayton Brook Road and Gough Lane, the carriageway narrows on approach to the access and continues for the rest of Gough Lane. The narrow section of carriageway outside the proposed development requires altering as noted by the

applicant in the Adoption Statement by properly realigning the road and extending the wider section past the access towards west to enhance safety.

40. Also, for safety and convenience of pedestrians, the existing footway to the right (when leaving the site) should be extended round the radius of the proposed access. To the left, a new footway would be required round the left hand side radius and extended for the full width of the site. The applicant indicates in the Adoption Statement that these works could be undertaken by the Highway Authority under Section 278 agreement of the Highways Act 1980. Whilst this would have been the case under normal circumstances if the road were to be adopted, this section of Gough Lane is unadopted. It is therefore the responsibility of the applicant to obtain the consent of the owners of the road and enter into the necessary agreements to the satisfaction of the Local Planning Authority to enable the improvements to be made and the applicant has been advised accordingly.
41. There are no highway objections to the proposal in principle, but as the above works are essential improvements required to make the access safe for use and appropriate conditions are therefore recommended.

#### Open Space

42. The Council's Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17<sup>th</sup> September 2013.

#### Amenity Greenspace

43. Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a surplus of provision in Clayton Brook/Green in relation to this standard, a contribution towards new provision in the settlement is therefore not required from this development.
44. However, the site is within the accessibility catchment (800m) of several areas area of amenity greenspace that are identified as being low quality and/or low value in the Open Space Study (1798 – Between Forsythia Drive/Homestead, 1785 - Adjacent 9 Brow Hey & 1515 - Adjacent Gardenia Close); a contribution towards improving these sites is therefore required. The amount required is £140 per dwelling.

#### Provision for children/young people

45. Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in Clayton Brook/Green in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. The amount required is £134 per dwelling.

#### Parks and Gardens

46. There is no requirement to provide a new park or garden on-site within this development. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

#### Natural and Semi-Natural Greenspace

47. There is no requirement to provide new natural/semi natural greenspace on-site within this development.
48. However, the site is within the accessibility catchment (800m) of several areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Study (1861 – Rear of School Field, 1855 – Rear of 41 – 44 Woodfield, 1857 – Opposite 34 – 37 Brow Hey & 1858 – Opposite 16-44 Carr Meadow); a contribution towards improving these sites is therefore required. The amount required is £557 per dwelling.

## Allotments

49. There is no requirement to provide allotment provision on site within this development.
50. However, there is an allotment within the accessibility catchment that is assessed as low quality and/or value in the Open Space Study (ref 1648 - Allotments rear of Bay Horse Hotel, Preston Road, Whittle-le-Woods). A contribution towards improving the quality of this site is therefore required from this development. The amount required is £15 per dwelling.

## Playing Pitches

51. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.
52. The total financial contribution required from this development is as follows:

Amenity greenspace	= £1,120
Equipped play area	= £1,072
Parks/Gardens	= £0
Natural/semi-natural	= £4,456
Allotments	= £120
Playing Pitches	= £12,792
<b>Total</b>	<b>= £19,560</b>

## Section 106 Agreement & Community Infrastructure Levy (CIL)

53. A S106 agreement is required to secure the commuted sum of £19,560 to be used towards off site open space as detailed above.
54. The development will also be liable for CIL.

## **Conclusion**

55. It is considered that the 'principle' of residential development on this site is acceptable due to the sustainable credentials of the site, resulting from its location and it is considered that the proposed development complies with the thrust of the Framework when taken as a whole.
56. The proposal would complement existing properties in with the surrounding area and would not result in any significant harm to the character or appearance of the surrounding area or cause any harm to the amenity of the neighbours. There are no concerns in relation to parking provision or highway safety provided the recommended highway works are undertaken.
57. It is therefore recommended that planning permission be granted for the proposed, subject to the signing of a S106 agreement.

## **Planning Policies**

### National Planning Policies:

National Planning Policy Framework (NPPF)

### Adopted Chorley Borough Local Plan Review

Policies:

GN1: Settlement Policy- Main Settlements

GN5: Building Design & Retaining Existing Landscape Features.

EP4: Species Protection

EP9: Trees and Woodland

HS4: Design and Layout of Residential Developments

HS21: Playing Space Requirements

TR4: Highway Development Control Criteria

Supplementary Planning Guidance (SPG):

- Design Guide

### Joint Core Strategy

Policy MP clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Planning policies that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date the Council will grant planning permission unless material considerations indicate otherwise taking into account Policy MP a) and b).

Policy 1 Locating Growth

Policy 4 Housing Delivery

Policy 5 Housing Density

Policy 17 Design of new buildings

Policy 22 Biodiversity and Geodiversity

Policy 27 Sustainable Resources & New Developments

### Emerging Chorley Local Plan 2012-2026

Policies:

ST3: Road Schemes and Development Access Points

ST4: Parking Standards

HS3: Private Residential Garden Development

HS4A: Open Space Requirements in New Housing Developments

HS4B: Playing Pitch Requirements in New Housing Developments

BNE1: Design Criteria for New Development. Criteria a, b, c, d, f, g and h are relevant to the proposal.

BNE9: Trees

BNE10: Species Protection

### **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 2½ and 3 storey dwellings with the provision of 16 parking spaces. Withdrawn

**07/00626/FUL** - Demolish existing dwelling and erect 6 No. 2½ storey dwellings and a 2 ½ storey apartment block comprising 2 No. 2 bed roomed and 1 No. 1 bed roomed apartments and the provision for 15 car parking spaces. Approved July 2007

**10/00517/FUL** - 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. Withdrawn

**Recommendation: Permit (Subject to Legal Agreement)**

**Conditions to follow on the Addendum**