

**Item A. 3                      07/00713/OUTMAJ                      Refusal of Outline Planning Permission**

**Case Officer                      Mr David Stirzaker**

**Ward                                      Chisnall**

**Proposal                              Outline Application for demolition of property and erection of 10 dwellings with associated garages, access roads and services,**

**Location                              2 Nursery Close Charnock Richard Chorley PR7 5UA**

**Applicant                              Thomas Mawdesley Building Contractors**

**Proposal**                              This outline application proposes the demolition of a detached dwelling (2 Nursery Close) and the erection of 10 dwellings on land to the rear of this property with the former site of the dwelling being utilised to enable a means of vehicular access into the site from Nursery Close. The demolition of no. 2 Nursery Close means that there will be a net increase of 9 no. dwellings on the site as a whole.

The applicant is applying for the means of access to the site and has also provided an indicative site layout, which specifies 6 detached houses and 4 semi-detached houses.

**Background**                              The site is in Charnock Richard and comprises of a roughly square area of land along with no. 2 Nursery Close and its associated residential curtilage, which adjoins the site to the north. The site is at present overgrown and includes a concrete hardstanding and redundant buildings. Based on the historic planning files, the site was last used as a nursery (Buttermere Nurseries), a use that ceased circa 1992 and it would appear that there have been no intervening uses of the site since this time. The site is bounded to the south by residential properties on Chorley Lane, to the east by a public footpath, to the north by Nursery Close including no. 2 and Lichen Close and to the west by a further area of open land.

**Planning Policy**                              The site is located within the rural settlement area of Charnock Richard. The site is not allocated for any specific purposes. The proposal will therefore need to comply with Policy 5 (Development Outside Principle Urban Areas, Main Towns and Key Service Centres (Market Towns)) and Policy 7 (Parking) of the Joint Lancashire Structure Plan and the pertinent policies in the Chorley Borough Local Plan Review which are as follows: -

- GN4 - Rural Settlement Policy
- GN5 - Building Design
- EP4 - Species Protection
- EP18 - Surface Water Run-Off
- EP19 - Development and Flood Risk
- HS4 - Design & Layout of Residential Developments
- HS6 - Housing Windfall Sites
- HS8 - Local Needs Housing within Rural Settlements Excluded from Green Belt
- HS21 - Playing Space Requirements
- TR4 - Highway Development Control Criteria

**Planning History** Ref No. **94/00944/OUT** - Outline application for residential development (Refused)

Ref No. **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)

## **Consultations**

**Planning Policy** section advise that the proposal does not accord with Policy GN4, which seeks to limit development in rural settlements to certain specified types. Policy HS8 would require a substantial majority of the units to be affordable with the remaining units connected financially with the development limited to specialist types for which there is a proven local need.

**United Utilities** raise no objection to the application subject to the site being drained on a separate system.

The **Architectural Liaison Officer** raises no objections to the application.

The **Director of Streetscene, Neighbourhoods and Environment** advises that a desktop study and site walkover should be undertaken to identify any potential sources of land contamination.

**LCC (Highways)** do not object to the principle of the development but advise that the development is over intensive for the site, and the restricted parking and manoeuvring space are likely to result in standing/manoeuvring vehicles on the access road and/or highway, close to the site access with adverse effects on highway safety whilst the substandard access to unit no. 1 further compounds the objectionable nature of the development.

**Strategic Housing** comment that a number of the units should be affordable and a greater number of units should be 2/3 bedroom dwellings. There is also evidence need for both social and shared ownership properties within the area. On the basis of the plans submitted, support cannot be offered for the application.

## **Representations**

A total of 27 letters of objection have been received. The contents of these letters can be summarised as follows: -

- The proposal development would result in detrimental harm to highway safety
- The development would destroy wildlife habitats and the applicant has not undertaken an ecological survey
- Additional noise and disturbance would occur
- The development would harm the current levels of privacy enjoyed by adjacent residents
- Emergency vehicles, waste disposal vehicles and other delivery vehicles would not have easy access into the site
- Increased traffic poses a danger to children
- An upgrade to the electricity supply would be needed as Charnock Richard suffers from power cuts
- Dwellings would be constructed too close to the existing adjacent properties
- There are restrictive covenants that preclude the demolition of no. 2 Nursery Close and the use of the land upon which it is sited for providing a means of vehicular access to the site
- Public transport provision is at present inadequate and the development proposed would exacerbate the situation

- Felling of established tree on Nursery Close will impact on character of the area
- Demolition of the buildings on the site will exacerbate problems experienced with rats
- The housing market is at present saturate and cannot sustain the provision of these additional dwellings
- Contractors vehicles going to and from the site will pose a safety risk
- Development of this site would be contrary to PPS3 in that it is not previously developed land and there are other sites within the settlement of Chorley that could accommodate this development
- The layout and design of the development does not reflect good urban design principles
- The most appropriate way of gaining access into the site would be to demolish no. 4 Nursery Close which the applicants do not have control over
- No additional capacity is available for visitor parking as part of the development
- Occupiers of each of the dwellings will be likely to own at least 2 vehicles
- There will be on average 80 to 100 car movements passing along the access each day

## Assessment

The pertinent issues warranting consideration are as follows:

1. Planning Policy;
2. Design and the impact of the character of the area;
3. The amenities of adjoining residents;
4. Highways issues, and;
5. Ecological Issues

### Planning Policy

The site was last used as a nursery and the PPS3 definition of previously developed land excludes land that is or was last occupied by agriculture, a definition within which a nursery falls. This being the case, Policy GN4 only allows residential development on such land that meets a recognised local need. Policy HS8 goes further and requires a substantial majority of the dwellings to be made available at significantly below current market costs whilst any remaining dwellings connected financially with the development should be limited to specialist types of accommodation. Criteria (f) of Policy HS6 also requires applicants to demonstrate that there are no other suitable allocated or previously developed sites available in the settlement. Accordingly, the proposed residential development as submitted does not accord with the objectives requirements of these policies.

### Design and the Character of the Area

The layout of the development takes the form of a simple cul-de-sac with turning head flanked by dwellings either side with a block of garages at the cul-de-sac head. The dwellings shown on the layout plan comprise of detached and semi-detached properties and the density of the development is approx. 28 dwellings per hectare. Given the surrounding mix of dwelling types, this is not to dissimilar to the properties on Nursery Close and Lichen Close although to the south of the site there are more traditional properties on significantly larger plots fronting onto Chorley Lane. Given this application is in outline, the detailed design treatments of the dwellings is not known at this stage.

The access position into the site raises major concerns in that it would isolate no. 4 Nursery Close from the rest of the cul-de-sac. Also, whilst access to this type of back land development can more readily be assimilated into the built environment from, for example, primary roads where larger and older properties occupy road frontages wherein demolition frees up significant portions of land, in this case, the access is midway along a short and modern cul-de-sac and the width of the access road can only just be accommodated on the site of no. 2 Nursery Close. This aspect of the development will appear incongruous and out of character with the rest of the locality and the overall design and layout of the site is considered to be 'over development'. Accordingly, the proposal does not meet with the objectives of Policy Nos. GN5, HS4 and HS6.

### Residential Amenities

As detailed, the application proposes the demolition of no. 2 Nursery Close to enable vehicular access into the site. The proposed vehicular access raises a major concern in that the road serving the site would run between no. 4 Nursery Close to the east and no. 74 Lichen Close to the west. The road also runs right up to the garden boundary of no. 4 Nursery Close and on either side of the actual road, there is little space available for landscaping and noise attenuation measures to mitigate the impact of vehicular movements serving the proposed 10 dwellings. Notwithstanding this, the access will effectively segregate no. 4 Nursery Close from the rest of the cul-de-sac and it is considered that the access, coupled with the footways would lead to detrimental noise and disturbance for the occupiers of these particular properties caused by the concentration of passing vehicles and pedestrians.

In terms of accordance with the Council's spacing standards, based on the layout submitted, the dwelling on plot 5 does not appear to accord with the standards in that its gable would be less than 12m from the rear elevation of no. 34 Chorley Lane whilst the dwelling proposed on plot 1 is similarly too close to no. 4 Nursery Close. The dwellings on these particular plots would therefore have a detrimental impact on the outlook from these properties as well as being overbearing. These elements coupled with the access issues mean that the proposals do not therefore accord with the objectives of Policy Nos. HS4 and HS6.

### Highways

As detailed, access to the site would be facilitated by virtue of the demolition of no. 2 Nursery Close which would enable the formation of a 5.5m wide road into the site with 1.8m wide footpath on the western side running into the site. Further 1.8m wide footpaths are provided within the site. LCC (Highways) have provided comments on the application and in doing so have raised an objection based on the number of dwellings being proposed on the site citing the development as being over intensive. Objections are also raised in relation to the design of the turning head which is below the requisite standard and the lack of visibility from the driveway of plot 1. LCC (Highways) summarise by asserting that that the development is over intensive for the site and that the restricted parking and manoeuvring space is likely to result in standing/manoeuvring vehicles on the access road and/or highway, close to site access with adverse effects on highway safety. The substandard access to unit 1 further compounds the objectionable nature of the development. On the basis of these

comments, it is clear that the development would result in detrimental harm to highway safety and that the layout of the development is below an acceptable standard. On this basis, the proposal is contrary to Policy TR4 of the Local Plan and Policy 7 of the Joint Lancashire Structure Plan.

### Ecological Issues

The applicant has not submitted an ecological survey for the site and the existing buildings hence it has not been possible for the Council to forward such a document to LCC (Ecology) for advice. This constitutes a lack of information that has not enabled this particular element of the application to be fully assessed hence comprises one of the reasons for refusal.

**Conclusion** On the basis of the above, it is recommended that planning permission be refused for the following reasons.

### **Recommendation: Refusal of Outline Planning Permission**

#### **Reasons**

1. The application has not been accompanied by Ecological Survey/s hence it has not been established if the development will impact on predicted species and if so, what mitigation measures are required. The proposal is therefore contrary to Policy No. EP4 of the Chorley Borough Local Plan Review.
2. The turning head is of a size and design that fails to include scope for casual parking by service vehicles and/or visitor's vehicles without obstructing the turning area and/or private access points. The development is also over intensive for the site as the restricted parking and manoeuvring space is likely to result in standing/manoeuvring vehicles on the access road and/or highway close to site access with adverse effects on highway safety. The substandard access to unit 1 further compounds the unacceptable nature of the development. The proposal is therefore contrary to Policy No. TR4 of the Chorley Borough Local Plan Review and Policy 7 of the Joint Lancashire Structure Plan.
3. The access to the site, by virtue of its position between 4 Nursery Close and 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 vehicular use of the access by the occupiers of the 10 dwellings within the site in such close proximity to these properties would be unacceptable. The proposal is therefore contrary to Policy Nos. HS4, HS6 and TR4 of the Chorley Borough Local Plan Review.
4. The proposed residential development, by reason of its size, siting and layout, would result in a cramped form of development adversely affecting the amenities, which the occupiers of neighbouring properties could reasonably expect to enjoy through loss of outlook and overbearing impact. In particular, the dwellings proposed on plots 1 and 5 fail to accord with the Council's adopted Spacing Standards in relation to 4 Nursery Close and 34 Chorley Lane. The proposed development is therefore contrary to Policy Nos. GN5, HS4 and HS6 of the Chorley Borough Local Plan Review.
5. The proposed vehicular and pedestrian access on the site of 2 Nursery Close serving the site would result in detrimental harm to the character and appearance of the streetscene by segregating 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 Chorley Borough Local Plan Review.

6. The proposed development fails to provide a substantial number of affordable dwellings and other specialist types for which there is a proven local need. The proposed development is therefore contrary to Policy Nos. GN4 and HS8 of the Chorley Borough Local Plan Review and Policy 5 of the Joint Lancashire Structure Plan.

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