

Item 4 **11/00574/OUT**

Case Officer **Mr Matthew Banks**

Ward **Euxton South**

Proposal **Outline application for the erection of 2no. two storey detached dwellings and provision of public greenspace in place of private garden (all matters reserved apart from access).**

Location **Balshaw Villa Balshaw Lane Euxton ChorleyPR7 6HZ**

Applicant **Mr Steven McCarthy**

Consultation expiry: 25 August 2011

Application expiry: 2 September 2011

Proposal

1. Outline application for the erection of 2no. two storey detached dwellings and provision of public greenspace in place of private garden (all matters reserved apart from access).

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;
 - Density;
 - Design and impact on the streetscene;
 - Impact on neighbour amenity;
 - Impact on Locally Important building;
 - Impact on Highways, access and parking.

Representations

4. To date (15 August 2011) a total of 4 neighbour letters have been received objecting to this application as well as an objection from Councillor Goldsworthy.
5. The comments from the neighbouring residents can be summarised as follows:
 - Euxton has little need for a village green given the existing number of public open spaces in the immediate area;
 - There are two existing areas of open space within close proximity to the site including the playground off Balshaw Lane and Millennium Green off Wigan Road;
 - The village green is not well situated at the centre of a busy junction and at the confluence of two major roads;
 - The village green offers very little recreational value;
 - The village green is likely to act as a magnet for anti-social behaviour;
 - The existing access to the site is already dangerous;
 - Traffic in the area is fast moving and heavy;
 - The steep incline in Balshaw Lane reduces visibility;
 - There are two roundabouts within close proximity to the site access;
 - There are two bus stops within close proximity to the site access;
 - The proposed dwellings would be visible from surrounding properties;
 - The proposal is contrary to the council's garden grabbing policy;
 - There is no need for housing in the area;
 - The dwellings will result in the loss of light and overshadowing of neighbouring properties;
 - The area is green belt land.
6. The comments from **Councillor Goldsworthy** can be summarised as follows:
 - The proposal is a violation of the Council's 'Garden Grabbing Policy';

- The land is 'Amenity Open Space' with significant historical connection to Euxton Hall;
- Building on this land will have a significant negative visual impact on valued open space.

Consultations

7. **The Environment Agency** – no objection in principle subject to conditions.
8. **The Architectural Design and Crime Reduction Advisor** – no objections subject to the removal of the public art and benches in the area of public greenspace.
9. **Chorley's Conservation Officer** – objects – The significance of the heritage asset (locally important building – Balshaw Villa) will be compromised by the proposal.
10. **United Utilities** – no objection
11. **Lancashire County Council (Highways)** – object – the proposed development would have a detrimental impact on the operation and safety of the highway network at this location.
12. **Chorley's Waste & Contaminated Land Officer** – no objections
13. **Planning Policy** – object – the proposal would be contrary to Policy LT15 of the Adopted Chorley Borough Local Plan Review and the Council's Adopted Interim 'Garden Grabbing' Policy.
14. **Parish Council** – Euxton Parish Council would support this application in principle but, would like to see an increased area of Public Open Space in relation to the whole site.

Assessment

Principle of the development

15. This application seeks outline planning permission for the erection of 2.no two storey detached dwellings and to provide public greenspace at Balshaw Villa, Euxton. The site comprises the residential garden of Balshaw Villa (a locally important building) and is situated on a prominent corner plot at the junction of Balshaw Lane and Wigan Road. The site is allocated under Policy LT15 of the Chorley Borough Local Plan Review as amenity open space
16. Historically, this site was subject to an objection at the Chorley Local Plan Review Inquiry. The Council proposed the site for amenity open space under Policy LT15 and the objector proposed housing development on this site. The Inspector concluded that the visual impact of the site was particularly important in providing a sense of space and openness and made a significant positive contribution to the character of the area. The Inspector also commented that public access to the site was not decisive in considering the site's visual impact or its contribution to the character of the area. As such, the Inspector concluded the site should be allocated for amenity space under Policy LT15 purely for its positive visual impact in the area.
17. Policy LT15 states that development within areas of amenity open space or on land which makes a significant contribution to the character of an area, either individually or as part of a wider network will not be permitted unless either (1) it will lead to greater public access to, and enhance the visual amenity of, the open space and it will not have a detrimental effect on any site of nature conservation value or (2) it involves a change of use or extension to an existing building which will not harm the amenity value of the open space.
18. The site is currently not open to the public (in terms of physical access) and forms the private residential garden of Balshaw Villa. The applicant proposes to open up part of the site, near the junction of Balshaw Lane and Wigan Road to form an area of public greenspace in a bid to comply with criteria (a) of Policy LT15.
19. In terms of design, the Council's Open Space Officer has been consulted who stated that the council would be in a position to adopt the public greenspace; however, this would be on the proviso that it would be significantly simplified in design to assist with future maintenance costs.
20. The proposed public greenspace originally incorporated a new public art feature, seating area and extensive landscaping. However, the design has now been simplified in line with the comments from the Council's Open Space Officer and Architectural Design and Crime reduction officer and the council is currently awaiting comments which will be addressed in the Addendum. If the amended Public Greenspace is considered acceptable, the future maintenance of the public greenspace would be secured through Section 106 agreement together with a suitable commuted sum.
21. With regard to the acceptability of the proposal it has been acknowledged that the development will lead

to greater public access to the site because there is currently none. However, the application site can be seen from numerous vantage points and is prominent in the surrounding area, contributing significantly to the open aspect of this part of Euxton.

22. It has been noted that since the site was allocated under Policy LT15, the hedge enclosing the site has been allowed to grow, consequently making the site less visible in the summer months. However, the site is more visible when the deciduous trees and hedges lose their leaves and still retains open aspects above the hedge significantly contributing to a sense of space and openness in the area.
23. It is considered that the amended design of the public greenspace means it will function more as a transitional space rather than an area of amenity space which further reduces the benefit to the local community. It is considered that the public greenspace is not particularly well sited, being near to a busy, noisy roundabout and would offer limited recreational value given its simplified design. The Parish Council have stated they would look to support the application in principle, however, would like to see an increased area of Public Open Space in relation to the whole site.
24. The significant contribution this site makes to this part of Euxton is the primary reason why it was allocated under Policy LT15 by the Inspector in 2007. Therefore, although the proposed development would be increasing public access to the site in accordance with criteria (a) of Policy LT15, the limited benefit this would have is not considered to outweigh the visual harm that would come to the surrounding area as a result of losing a significant part of the site to built development.
25. It must also be noted at this point that an outline application (ref: 99/00678/OUT) for two detached dwellings on this site was previously refused, with one of the reasons for refusal relating to non-compliance with Policy LT15.
26. The council aims to protect the quality, character and amenity value of urban areas and in this case, the proposal is therefore considered contrary to Policy LT15 of the Adopted Local Plan Review. Additionally, it must also be taken into consideration that the National Planning Policy Framework (NPPF) – Consultation Draft outlines that one of the objectives of the current government is to secure a greater coherence of strategic networks of green infrastructure by planning positively for their creation, protection, enhancement and management to help ensure green space is preserved for future generations. The application site is allocated as Amenity Open Space and as such is subject to this guidance as outlined in the draft NPPF.
27. Changes to National Planning Policy Statement 3: Housing (PPS3) means that private residential gardens have now been excluded in the definition of previously developed land. By removing private residential gardens from this definition, gardens are now considered Greenfield land which has removed the presumption in favour of the development of such sites.
28. In response to the changes to PPS3, the council formulated and adopted an 'Interim Garden Grabbing Policy' which places a greater restriction on what development can be considered acceptable within residential gardens. This proposal is for the erection of two detached dwellings and as such, would technically not accord with the Council's 'Interim Garden Grabbing Policy'. However, following a recent appeal decision, an Inspector ruled the 'Interim Garden Grabbing Policy' carried limited weight as it has not been subject to independent scrutiny and did not form part of the Development Plan. As a result each case is assessed on its own merits.
29. The national move to restrict 'garden grabbing' now places a greater emphasis on the need for applicants to demonstrate clearly that there are no previously developed sites available in the settlement. As such, criterion (f) of Policy HS6 of the Adopted Chorley Borough Local Plan applies to this site. Policy HS6 (f) states that in the case of previously undeveloped sites applicants are required to demonstrate that there are no suitably allocated or previously developed sites available in the settlement which can be demonstrated through the submission of a valid HS6 (f) Appraisal.
30. The applicant has prepared a HS6 (f) Appraisal and identified only one available site at Wigan Road, however, this is under construction. No further sites are identified in the report, however, there is a further site at the former concrete works at Wigan Road (which is covered by Policy HS7 as being suitable for residential development) as and when it becomes vacant or land assembly takes place. This site currently remains in employment use and is not available or deliverable for housing. As such, it is considered that applicant has satisfied the HS6 (f) test.
31. In addition to the above, regard must be had to a recent appeal decision (ref: 10/00414/OUTMAJ / APP/D2320/A/10/2140873) which assessed the deliverable housing supply in Chorley. The Inspector found that the council had a 5.38 year deliverable housing supply which is comfortably in excess of the required five year RSS requirement. As such there is not considered to be an additional presumption to

consider this planning application favourably in terms of housing need.

32. With regard to the above, the development is considered contrary to Policy LT15 of the Adopted Local Plan Review and the principle is therefore found to be unacceptable.

Density

33. This application is for the erection of two dwellings within the garden of Balshaw Villa and as such, will result in a density of approximately 0.21 dwellings per hectare. The density is considered acceptable given the variety of housing types and plot sizes in the surrounding area.

Design and impact on the streetscene

34. Scaled plans detailing the design and appearance of the proposed dwelling have not been submitted with this application; however, indicative photomontages and a site layout plan have been submitted to illustrate how the development would appear when viewed in the streetscene. As such, it is still appropriate to assess the indicative images and how the development will appear within the streetscene.
35. In terms of design, it has been noted there are a variety of building types in the surrounding area, constructed from a variety of materials ranging from stone and brick to a rendered finish. As such, the applicant has shown both a brick and rendered properties which are substantial in size. Therefore, in terms of design, it is not considered the proposed dwellings will appear incongruous or out of character in the streetscene.
36. As established previously, the site is allocated as Amenity Open Space and as such, it is considered the visual impact the proposed dwellings will have on the character of the streetscene is an issue closely linked to the assessment of the proposal in accordance with Policy LT15 (as detailed earlier in this report).
37. With regard to siting, the photomontages show the proposed dwellings to be set back from the immediate road frontage on both Balshaw Lane and Wigan Road. However, given the open nature of the site, the dwellings would still be visible within the streetscene.
38. It is therefore considered that because the properties would be visible from numerous viewpoints in the surrounding area, and the site adds a significant degree of openness to the character of the surrounding area, the resulting built development will cause significant detrimental harm to the open aspect of this part of Euxton and consequently the streetscene
39. The proposal is therefore considered contrary to Policy HS4 of the Adopted Local Plan Review.

Impact on neighbour amenity

40. Whilst the application is not seeking permission in relation to siting or design, the applicant has submitted an indicative plan showing the position of the proposed dwellings. As such, taking into account the proposed dwellings will be two stories in height and the surrounding land levels are relatively flat, it is considered that in principle, the site would be capable of accommodating an additional two dwellings whilst ensuring no significant detrimental harm would come to the amenity of the neighbouring occupiers.
41. This would be subject to detailed plans formulated in accordance with the requisite design guidance.

Impact on Locally Important building

42. Balshaw Villa is a locally important building and is an example of an early 20th Century 'Arts & Crafts' style detached house set in quite extensive gardens located in a prominent position close to the junction of Balshaw Lane and Wigan Road. It is constructed in quite a soft, red brick with stone sills, lintels and other details with a 'Welsh' slate roof.
43. Balshaw Villa would be sited adjacent to the proposed dwellings and as such, the council's Conservation Officer has been consulted regarding the impact the proposed development will have on this locally important building.
44. The Council's Conservation Officer considers the erection of two detached dwellings within such close proximity to this heritage asset will have an unacceptably detrimental impact upon the significance of the setting of the building. It has been acknowledged that the introduction of a planting scheme will go some way to soften the impact, however, the overall relationship is still considered unacceptable.
45. As such, the proposed development is considered to compromise the significance of the heritage asset and its setting and is considered contrary to Planning Policy Statement 5 (PPS5).

Access and parking

46. With regards to access, Lancashire County Council Highways have been consulted regarding the application.
47. As highlighted previously, the site forms a corner plot between Balshaw Lane and Wigan Road and the existing access to the site is taken from Balshaw Lane, serving one property, Balshaw Villa.
48. It has been noted that Balshaw Lane is effectively 3 lanes wide at the site entrance, comprising 2 lanes westbound (towards the roundabout) and 1 lane eastbound (heading towards Chorley) which results in significant vehicular movement within the area.
49. To the north of the existing access, opposite the site is Balshaw Avenue which serves a further 10 residential properties which also contributes to vehicular movement within the area.
50. The existing access serving Balshaw Villa is sited approx 30m from the roundabout give-way markings, and bus stops exist on both sides of the road within close proximity to the access (1no. bus stop to the west of the access on the same side and 1no bus stop on the other side of the road in an easterly direction). Both the bus stops provide a regular bus service (buses stopping every 10-15min depending on the time of the day) and the proposed access would be effectively sandwiched between these.
51. The significant traffic movement within the area is also substantiated through a traffic count carried out at the roundabout (dated Sept 2007) which recorded approximately 4000 two way vehicle movements on Balshaw Lane during both am & pm peak 3-hour periods. This equates to approximately 1300veh/hr vehicle movements across Balshaw Lane within the immediate locality. As such, it is clear that in terms of traffic movement, the site is located on approach to what is considered to be a busy stretch of highway.
52. With regard to accident records in the area, LCC Highways have confirmed there are no recorded injury or accident records within the last 5 years within the immediate vicinity of the access, which in itself would indicate there is no underlying accident problem. However, there are 4 recorded injury accidents at the main roundabout to the west which demonstrates highway safety issues exist in the surrounding area.
53. As such, taking into consideration the above, and with regard to the submitted plans, LCC Highways have raised a number of concerns with the proposed development which are examined in more detail below.
54. It has been established that this section of the highway network is already very busy at peak traffic times, which is exacerbated by the presence of the nearby bus stops, the existing site access to Balshaw Villa, the existing access to Balshaw Avenue and an already significant level of conflicting vehicle movements (turning and manoeuvring) at the locality. As such, it is considered that any increase in conflicting vehicular movements at this busy and congested location should not be encouraged.
55. It is considered that an increase in vehicle movement at the Balshaw Villa access by way of an additional 2 dwellings will lead to increased vehicle conflict between vehicle movements at Balshaw Avenue and Balshaw Villa. This is because the two accesses are directly opposite each other and will lead to an added level of confusion as to who has right of way when vehicles are emerging/exiting at the same time across the highway.
56. It is considered that when vehicles turning into the site (when heading east along Balshaw Lane) meet vehicles exiting the site (also heading in an easterly direction along Balshaw Lane), a conflict may arise whereby vehicles entering the site will have to wait for a gap in the westbound traffic which could lead to congestion with the potential for traffic to queue back towards the roundabout, thereby worsening the complex highway situation at the site.
57. It is considered that 2no. 4 bedroom dwellings will result in an additional fourteen vehicle movements at the site (on a daily basis), and whilst this number may not seem excessive, it is a combination of the location of the access and the volume of passing traffic that raises serious cause for concern.
58. With regards to visibility, it is considered that this has already somewhat been affected by the presence of parked buses which stop immediately west of the site entrance. The proposal seeks to relocate the existing access approximately 5m west of its current position which will further exacerbate the problem by bringing the new access closer to the existing bus stop and into further conflict with parked buses. It is considered that the proposed access will further obstruct driver visibility thereby worsening the situation at the site.

59. The visibility sightline at the existing access is poor because it is partially obstructed by the existing adjacent hedgerow and due to the fact that the access falls away sharply from the back of the footway towards the body of the site.
60. The resulting visibility in the lead direction (east) as indicated on plan drawing SCP/10051/F004 is proposed over third party land. As such, a condition could not be enforced requiring visibility improvements and future maintenance and in any case, it is not considered the required visibility is achievable as it would involve looking over and through the existing timber fencing on third party land. As such, the council is not satisfied that adequate visibility can be achieved at the site to enable safe entry and exit at the proposed access.
61. The proposal does not specifically indicate the parking layout at the site, however, it is considered that adequate off-road parking and turning provision could be accommodated for each dwelling.
62. As such, it is considered that the application will have a significant detrimental impact on the operation and safety of the highway network at this location and potentially in the surrounding area and is therefore contrary to Policy TR4 of the Adopted Chorley Borough Local Plan Review.

Overall Conclusion

63. On balance of the above, the application is recommended for refusal as it would be contrary to PPS5 and Policies LT15, TR4 and HS4 of the Adopted Chorley Borough Local Plan Review.

Planning Policies

National Planning Policy

Planning Policy Statement 3: Housing (PPS3)

Planning Policy Statement 5: Planning and the Historic Environment (PPS5)

Adopted Chorley Borough Local Plan Review

Policies: GN1, EP9, HS4, HS6 and LT15.

Development Plan Documents and Supplementary Planning Documents/Guidance.

Sustainable Resources Development Plan document (Policy SR1)

Sustainable Resources Supplementary Planning Document

Householder Design Guidance Supplementary Planning Document

Supplementary Planning Guidance: Design Guidance

Planning History

The site history of the property is as follows:

Ref: 02/01161/FUL

Decision: PERFPP

Decision Date: 27 January 2003

Description: Erection of two storey extension to the rear of the property and single storey detached store room and creation of new vehicular access onto Balshaw Lane,

Ref: 99/00678/OUT

Decision: REFOPP

Decision Date: 3 November 1999

Description: Outline application for the erection of two detached bungalows,

Application Number-

- Outline application for the erection of 2no. two storey detached dwellings and provision of public greenspace in place of private garden (all matters reserved apart from access).
- Refuse
- 2 September 2011.

Recommendation: **Refuse Outline Planning Permission**

Reasons

1. The proposed development is contrary to Policy LT15 of the Adopted Chorley Borough Local Plan Review which identifies the site and an area of Amenity Open Space. The development would result in built development which would cause significant detrimental harm to the open and spacious character of the area and would be contrary to the purposes for which the site was allocated under Policy LT15.
2. The proposed development will have an unacceptably detrimental impact upon the significance of the designated heritage asset and its setting (Balshaw Villa) and is therefore contrary to Planning Policy Statement 5 (PPS5).

3. The proposed development is contrary to Policy GN4 of the Adopted Chorley Borough Local Plan Review as the development does not respect the surrounding area in terms of design and layout and would cause significant detrimental harm to the open and spacious character of the streetscene.
4. The proposed development would cause significant detrimental harm to the operation and safety of the highway network and is contrary to Policy TR4 of the Adopted Chorley Borough Local Plan Review.