

Item 4k **11/00874/FUL**

Case Officer **Mr David Stirzaker**

Ward **Euxton North**

Proposal **Proposed residential development of 4 No. detached houses on plots 5, 6, 7 & 12 (amendment to planning approval 10/00573/FUL)**

Location **41 Wigan Road Euxton Chorley LancashirePR7 6JU**

Applicant **W. Marsden & Sons**

Consultation expiry: 4 January 2012

Application expiry: 7 December 2011

Proposal

1. This application proposes the erection of 4 no. detached dwellings on land to the east of Wigan Road, Euxton. The site is in the Euxton settlement area covered by Policy GN1 of the Local Plan and fronts onto Wigan Road.
2. The wider site was granted outline planning permission in 2008 (Ref No. 08/01052/OUTMAJ) for the erection of 12 no. detached dwellings and this outline approval included layout. There have been various applications following this which have secured either full planning permission or reserved matters approval on all of the 12 plots apart from plots 5, 6, 7 and 12. The relevant conditions on the planning permissions have also been discharged enabling the construction of 8 no. dwellings on the site to have now commenced.
3. The remaining plots are the subject of this application (plots 5, 6, 7 and 12) which is necessary because very minor changes are being made to layout and the footprints of the dwellings, a full planning application is required as opposed to a reserved matters application.

Recommendation

4. It is recommended that this application is granted conditional planning approval.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Levels
 - Impact on the neighbours
 - Design
 - Flood Risk
 - Traffic and Transport
 - Contamination and Coal Mines
 - Drainage and Sewers

Representations

6. No letters of objection have been received.
7. No letters of support have been received.
8. No comments have been received from the Parish Council.

Consultations

9. **LCC (Highways)** have not made any comments on the application to date. Any comments

received will be reported in the Addendum.

10. **Euxton Parish Council** has not made any comments on the application to date. Any comments received will be reported in the Addendum.

Assessment

Principle of the development

11. This site was granted outline planning permission in 2008 for the erection of 12 no. detached dwellings (Ref No. 08/01052/OUTMAJ). A reserved matters application was approved in 2010 (Ref No. 10/00938/REM) for the erection of 4 no. dwellings and a full application (Ref No. 10/00573/FUL) was also approved in 2010 for 4 no. dwellings. This has left the 4 plots to which this application relates without a reserved matters approval (plots 5, 6, 7 and 12) to date and because the dwellings now proposed have slightly different footprints to what was approved at outline, a full application is required.
12. The original outline planning permission required the submission of the reserved matters on or before 23rd December 2011 and then allowed a further 2 years for the development to commence. Given this latest application for the remaining plots was validated on 12th October 2011 (i.e. before 23rd December 2011), it is considered that the 'principle' of the 4 no. dwellings is still acceptable as the outline planning permission was extant at the time of the submission of this latest application.

Levels

13. There are no significant changes in levels proposed in relation to the 4 no. dwellings hence the slab levels proposed do not raise any concerns in terms of the finished floor levels of the dwellings and the relationship with the already approved dwellings on the site and the occupiers of the adjacent residential properties.

Impact on the neighbours

14. The internal relationship between the dwellings is considered to be an acceptable one in that the Council's interface standards will be complied with apart from the distance from the rear of plot 5 to the side of plot 6. This is 10m instead of the normal 12m. However, this distance only relates to the ground floor windows serving the dining room and utility room as the distance from the first floor windows and the family room is 12m. This relationship is therefore considered to be an acceptable one.
15. The dwelling proposed on plot 12 was originally proposed to be closer to the boundary with 45 Wigan Road (0.8m) than the footprint detailed on the original outline planning permission which showed the dwelling set 1.5m from the boundary. The applicant has now amended the plans so as this dwelling will be sited further from the boundary at a distance of 1.3m from it. This is only 0.2m less than originally detailed so this relationship is now considered to be an acceptable one.
16. In terms of plots 6 and 7, whilst the first floor windows are less than the 10m from the boundary they face, as set out in the Council's Spacing Standards, these plots face onto the car park associated with the Railway public house.

Design

17. The design of the dwellings is consistent with those already approved on the site so the 4 no. dwellings will integrate with the wider development of this site when constructed. Whilst the dwellings are typical of new build dwellings in that they have a fairly traditional appearance, they are of good design so in terms of the dwelling proposed on plot 5, this will not harm the character and appearance of the streetscene, especially given it will be at the end of the other properties approved fronting onto Wigan Road.

Flood Risk

18. The original outline planning permission included conditions requiring surface water run off to be attenuated to existing rates and that surface water should drain separately from foul waters. The attenuation measures for the whole site have been approved under the discharge of conditions application (Ref No. 11/00408/DIS).

Traffic and Transport

19. There are no concerns in terms of traffic and transport given adequate off road parking and manoeuvring space will be available for each dwelling which is consistent with the outline layout originally approved and LCC (Highways) have not made any comments on the application. A detached garage was originally shown on the plans for plot 12 and this is no longer being provided. However, this plot will still benefit from space for 3 no. cars to park off road.

Contamination and Coal Mines

20. The issue of contamination was addressed at outline stage as the original outline planning permission included a condition requiring remediation works to be carried out on the whole site prior to the commencement of development in accordance with measures submitted with the outline planning application.

Drainage and Sewers

21. As already stated in paragraph 15, the original outline planning permission included conditions requiring surface water run off to be attenuated to existing rates and that surface water should drain separately from foul waters. The attenuation measures have been approved under application no. 11/00408/DIS for the site save for the plots which are the subject of this application so a condition is needed to require the applicant to submit details relating to the remaining plots.

Section 106 Agreement

22. The original outline planning permission approved in 2008 (Ref No. 08/01052/OUTMAJ) included a S106 agreement requiring the payment of a commuted sum towards off site play space. This commuted sum related to all 12 dwellings and comprises of a single lump sum. Given the development has now commenced on site, under the original outline planning permission S106 agreement, the requirement to pay the Council the commuted sum has now been triggered hence a new S106 agreement is not required in relation to this application.

Overall Conclusion

23. The 'principle' of the 4 no. dwellings on this site was established in 2008 by virtue of the outline planning permission granted for 12 no. dwellings. The footprint of the dwellings is only slightly different from the 2008 outline approval.
24. Each dwelling will have adequate private amenity space and off road car parking. The design and scale of the dwellings are consistent with those already approved on the site hence subject to matching materials, the dwellings will not harm the streetscene and locality.
25. The dwellings will meet the Council's Spacing Standards in relation to the internal relationships and in terms of the original concerns with the proximity of the dwelling on plot 12 to the boundary with 45 Wigan Road, these have now been addressed by virtue of the amended site plan.

Other Matters

Sustainability

26. Under Policy SR1, the dwellings would be required to be constructed to the requisite Code Level for Sustainable Homes. This will be secured through the imposition of planning conditions.

Waste Collection and Storage

27. The layout of the development includes adequate provision for waste storage and the road layout, which is as per the original outline plan, will enable refuse collection vehicles to collect waste in compliance with the distances set out in Manual for Streets.

Planning Policies

National Planning Policies:

PPS1 / PPS3

Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5 / EP9 / EP16 / EP18 / EP19 / HS4 / HS6 / HS21 / TR4

Supplementary Planning Guidance:

- 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

Joint Core Strategy

Policy 1: Locating Growth

Policy 2: Infrastructure

Policy 4: Housing Delivery

Policy 27: Sustainable Resources & New Developments

Planning History

11/00407/DIS - Application to discharge conditions 5 (facing materials), 6 (hard ground surfacing materials), 10 (surface water strategy) and 11 (boundary treatment details) of planning approval 10/00573/FUL. Conditions discharged 28th July 2011.

11/00408/DIS - Application to discharge conditions 4 (external facing materials), 5 (hard ground surfacing materials), 13 (surface water strategy) and 14 (boundary treatment details) attached to planning approval 08/01052/OUTMAJ. Conditions discharged 28th July 2011.

10/00573/FUL - Proposed residential development of 4 detached houses (plots 8 - 11) including the access road. Approved 2nd September 2010

10/00398/REM - Reserved matters application for the erection of 4 no. two storey dwellings on plots 1 to 4 and detached garage to plot 7 on site granted outline planning permission (08/01052/OUTMAJ). Approved 19th November 2010

08/01052/OUTMAJ - Outline application for 12 detached houses, associated garages and access road (including access, layout and scale), following demolition of existing dwellings, offices and workshop/storage buildings. Approved 23rd December 2008.

07/00974/OUT - Outline application for the erection of 4 detached houses (layout & access only). Approved 29th May 2008

Recommendation: Permit Full Planning Permission Conditions

1. The approved plans are:

Plan Ref.	Received On:	Title:
05/133/P10 Rev B	13 December 2011	Location Plan & Site Plan
05/133/L01 Rev D	13 December 2011	Proposed Landscaping, Enclosures & Materials Plan
S07/146 A	2 September 2011	Topographical Land Survey
055/133/P12.1	12 October 2011	House Type G Plot 5 Floor Plans & Elevations
05/133/P11	27 September 2011	House Type F Plot 6 Floor Plans & Elevations
05/133/P13	27 September 2011	House Type H Plot 7 Floor Plans & Elevations
05/133P12.2 Rev A	13 December 2011	House Type GA Plot 12 Floor Plans & Elevations

Reason: *To define the permission and in the interests of the proper development of the site.*

2. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved site plan (05/133/P10 Rev B) received on 13th December 2011.
Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
4. All driveways shall be surfaced using Tobermore Hydrapave Shannon Duo block pavements laid on a permeable sub base which shall thereafter be retained and maintained as such at all times thereafter.
Reason: To prevent surface water run off, in the interests of the character of the area, to define the permission and in accordance with Policy Nos. GN5 and TR4 of the Adopted Chorley Borough Local Plan Review.
5. The dwellings hereby permitted shall only be constructed using the external facing materials specified on the approved *Landscaping, Enclosures & Material Schedule Plan* (Dwg No. 05/133/L01 Rev D) received on 13th December 2011.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
6. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1st January 2010, Level 4 for all dwellings commenced from 1st January 2013 and Level 6 for all dwellings commenced from 1st January 2016).
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
7. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
8. No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question meets the necessary Code Level, has been issued to the Local Planning Authority, by an approved Code Assessor. Within 6 months of completion of that dwelling a Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change-Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
9. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding

any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy Nos.GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

10. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.

11. The development hereby permitted shall be carried out in accordance with the Leyden Kirby Associates Ltd Ground Investigation & Risk Assessment reports for Land at Wigan Road, Euxton Ref. CL1057 dated 22nd March 2007 and 19th December 2007, together with additional groundwater and gas monitoring results dated 11th September report recommendations. These are summarised below. Please note that the site has been zoned into two areas for investigation, comprising the Western zone (current residential) and Eastern zone (current depot area).

- (i) Hotspot removal in Eastern zone; identified contamination to be excavated until all removed.
- (ii) Recommended gas protection measures incorporated into proposed buildings; in accordance with CIRIA C659, Characteristic Situation 2 for western zone of site and Characteristic Situation 3 for eastern zone of site.
- (iii) Capping layer in proposed garden areas of Eastern zone; 600mm cover (as per detail in report).

Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Planning Authority in order to demonstrate that the works set out in the above reports are complete. The validation report shall also identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangement for contingency action.

If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy, detailing how this unsuspected contamination shall be dealt with.

Reason: To prevent the pollution of controlled waters from potential contamination on site and to protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Policy Nos. EP1 and , EP17 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS23: Planning and Pollution Control.

12. The integral garages in the dwellings hereby permitted and the associated detached garages shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Reason: To ensure adequate garaging/off street parking provision is made and maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.

13. Prior to the commencement of the development a strategy to attenuate surface water discharges shall be submitted to and approved in writing by the Local Planning Authority. The Strategy should demonstrate that Greenfield run off rates will be achieved. The surface water drainage scheme shall thereafter be completed in accordance with the approved strategy and retained and maintained as such at all times thereafter.

Reason: To reduce the risk of flooding at the site and in accordance with Government advice contained in PPS25: Development and Flood Risk.

- 14. All planting, seeding or turfing comprised in the approved details of landscaping shown on the plan with dwg no. 05/L33/L01 Rev A received on 13th December 2011 shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.**

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.