

Item 4d **12/00498/FUL**

Case Officer **Caron Taylor**

Ward **Euxton South**

Proposal **Erection of three detached dwellings**

Location **Land rear of 31 to 39 Park Avenue and north of 173 Wigan Road, Euxton**

Applicant **Mr & Mrs Robert Green**

Consultation expiry: **8 June 2012**

Application expiry: **12 July 2012**

Proposal

1. Erection of three detached dwellings.
2. The application is a full application for the erection of three detached dwellings with integral garages. The dwellings will have each have five bedrooms.

Recommendation

3. It is recommended that this application is granted planning approval.

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background information
 - Impact on Character of the Area
 - Highway Safety
 - Design And Appearance
 - Neighbour Amenity
 - Sewer
 - Ecology
 - Sustainable Resources
 - Flood Risk and Levels.

Representations

5. One letter of objection has been received from the occupier of 33 Park Avenue on the following planning grounds:
 - Visual impact, the repositioned properties will have a more detrimental effect on them;
 - Noise and nuisance, because of the levels they will be looking at the roof of the properties;
 - Wildlife that has remained undisturbed on the site;
 - More traffic entering and leaving an already busy road and pedestrian safety passing the entrance.
6. A letter has been received from the occupier 31 Park Avenue stating their only concern is the windows in the two nearest dwellings shown facing south overlooking their garden as they fear they may be accused of looking into them. Otherwise they have no issues with the proposal.

Euxton Parish Council

7. Councillors said that in the past, site lines were refused in a previous application and believed this may be a problem, thought it could be that the site lines had been corrected in a later application and could this be looked at.
8. The Parish Council objects to the application to move from 2 to 3 properties on this site, because of the increased traffic entering Wigan Road from this entrance/exit which in the past was said to have poor site lines.

Consultations

9. **United Utilities**

Have no objection to the proposed development.

10. A public sewer crosses this site and they state they will not permit building over it. We will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

11. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with them.

12. This site must be drained on a separate system, with only foul drainage connected into the combined sewer. Surface water must discharge to the adjacent watercourse which may require the consent of the Local Authority.

13. They request that a condition is attached to any approval stating that no development shall be commenced until a scheme for the disposal of foul & surface water has been approved in writing by the Local Planning Authority.

14. **Lancashire County Council (Highways)**

The application is for the erection of 3 detached dwellings. The site already has extant planning permission for 2no detached dwellings.

15. The applicant has informed the reason for the revision is for smaller dwellings on the site to allow for present market conditions.

16. The proposed dwellings are however each 5 bedroom as per the existing permission. Therefore, in terms of the numbers of bedrooms there is no change and as such the development with the 1no additional dwelling will generate 50% additional traffic movements on the site.

17. The site together with access provision for No 173 will support 4no dwellings. It is served by an existing access.

18. A49 Wigan Road is a classified main distributor road with a 30mph speed limit. The existing access is located in a dip in the road with an incline on either side and speeds are subjectively much higher.

19. The existing access is approximately 4m wide and is sub-standard. Whilst the site has extant permission, they recommend the existing access is improved to 5.5m wide with 6m radii with the footway to be extended part way into the site on the one side.

20. The need for the improved access is so that vehicles can pull in/off the carriageway safely, and the footway will ensure pedestrians are not in the carriageway.
21. They state they would require the plan drawing amended incorporating the above improvement if they are to fully support the application.
22. **Chorley's Waste & Contaminated Land Officer**
Recommends and informative note be placed on any permission regarding ground contamination.
23. **Environment Agency**
Originally objected to the application but then state they have reviewed their response and confirm that Chapel Brook is not designated as a Main River adjacent to the proposal site and have withdrawn their objection to the proposed development.
24. Section 5 of the Supporting Statement considers Flood Risk. The proposed floor levels are significantly higher than the predicted flood levels (as obtained from the Environment Agency) and so the proposed development is not considered to be at an unacceptable risk of flooding.

Applicants Case

25. The applicant advises that the change from two dwellings previously approved is for 3 smaller detached dwellings to make more efficient use of the site which is more sustainable and to reflect the changes in the housing market.

Assessment

Background Information

26. The application site is situated in the valley bottom adjacent to Wigan Road, Euxton at the point in the road where it dips down to Chapel Brook. The site itself is relatively flat although starts to rise up to the south as the properties on Park Avenue are at a higher level than the application site, and drops down to the brook which runs east to west to the north of the site. To the east of the site is an elevated pipeline, pumping station and control building.

Principle of the development

27. There have been a number of applications for dwellings on this site in the past. The most significant of these being 02/00882/OUT - outline application for erection of 2 dwellings and construction of private drives, gates and associated landscaping, with approval sought for siting, the means of access and landscaping. The Local Planning Authority refused this application on 9th June 2003 on the grounds of highway safety and loss of amenity space. The applicant appealed against this decision.
28. Before the appeal was determined a further full application was submitted for a single dwelling on the site (03/00261/FUL). This was refused by the Authority on similar grounds to the previous application - loss of amenity space and in addition the Windfall Housing Supplementary Planning Guidance which was in force at the time.
29. Following this second refusal the appeal decision for the 2002 application for two dwellings was received (02/00882/OUT) and had been allowed. This outline permission granted at appeal established the acceptability of the principle of two dwellings on the site.
30. In 2007 a further permission for two dwellings was made (a change to the layout to that previously approved at appeal) and then in 2008 another change to the house types (08/00201/FUL) was permitted.

31. The latest application on the site was 11/00070/FUL and was an application for renewal of permission 08/00201/FUL, this applicaiton was approved and could still be implemented at the time of writing.
32. In determining the appeal for two dwellings on the site the inspector considered the main relevant issues were:
- Effect of the proposed development on the character and appearance of the this part of Euxton;
 - The effect of the proposed development on highway safety and the free flow of traffic on Wigan Road.
33. The current proposal is for three dwellings. Three dwellings on the site are considered acceptable in principle but the details must also be assessed on the above grounds.
34. Impact on Character and Appearance of the Area:
The appeal Inspector stated in his decision report that the site is part of a break in the built form of Euxton. However, it is contained by the woodland, the railway embankment and the adjacent housing, and is not an extensive area of open land. The principal feature of the gap is the woodland in the vicinity of the site, which continues to the west of Wigan Road and it is this, rather than the appeal site, which provides a clear visual break between development to the north and south of the brook. Roadside tree cover augments this important contribution to the character of the area. The extent of the tree cover is such as to direct views from both the north and south along Wigan Road, and there are no long distance views into the site. In the valley bottom the grassed area to the south of the brook is clearly seen, but this is restricted to a short length of Wigan Road. Given the extent of tree cover in the area, the Inspector anticipated that views towards the site will still remain restricted after leaf fall and the appeal site does not make a significant contribution to the character of the area, either individually or as part of a wider network of open space. Consequently, the Inspector did not find that it is amenity open space of the type which Policy LT15 of the Local Plan seeks to protect.
35. He went on to say that the proposed houses would be sited back from the highway in line with the existing houses to the south on Park Avenue. As they would be set back into the site and the existing tree cover directs views along Wigan Road, the Inspector did not consider that they would be prominent or intrusive features along this stretch of road. He concluded that the appeal site does not make a significant contribution to the character of the area, and that the proposed development would not be damaging to the character and appearance of this part of Euxton.
36. The nearest of the previously approved two dwellings was set approximately 30m back from Wigan Road. The nearest of the three dwellings now proposed will be set back from Wigan Road by approximately 25m. Although this is less than the appeal proposal it is still considered a sufficient set back so that the properties will not directly front the road and the surrounding landscape and woodland will still form the dominant feature of the area from Wigan Road. Despite the scheme incorporating an additional dwelling over previous schemes it is still considered to have an acceptable impact of the character and appearance of the area.
37. Highway Safety
Access to the site from Wigan Road has been established as being acceptable by the appeal decision. There is already an access in place serving the applicant's property to the south. With regards to highway safety and the free flow of traffic the Inspector also considered this aspect of the proposal at the appeal for two dwellings. Adequate visibility at the site onto the A49 had already been accepted by the Highways Authority, however they were concerned at appeal about the

prospect of parking on Wigan Road and the effect of this and the increased level of usage of the access on highway safety and the free flow of traffic. The Inspector noted there would be parking and turning space within the curtilages of both houses and he considered that it more likely that vehicles would be left in the proposed cul-de-sac than on the main road and that the modest level of traffic generated by the proposal would not increase the prospect of conflict on Wigan Road. He concluded that the proposed development would neither reduce highway safety nor impede the free flow of traffic on Wigan Road.

38. Each of the three dwellings now proposed will have sufficient parking for at least four cars as well as benefitting from garaging. This is in excess of the Council's parking guidelines of three spaces for properties with four or more bedrooms. It is also considered that in line with the Inspectors assessment visitors to the properties are likely to park in the small cul-de-sac serving the three properties rather than on Wigan Road itself (particularly as this is likely to be free for parking as the property owners have sufficient parking within their curtilages).

39. The issues raised by LCC Highways regarding the access point design from Wigan Road have been put to the applicant who is discussing the matter with the Highway Engineer to hopefully come up with an acceptable scheme. This issue will be updated on the addendum.

40. Design and Appearance

As with the previous applications the proposed dwellings have been designed to pick up the theme of number 173 Wigan Road to south, which is accessed by the same access off Wigan Road, with chimneys, hipped roofs and gable features. This property is at a higher level than the current application site and the three proposed dwellings would not be viewed together directly with this property, however it is considered that the design of the dwellings is acceptable. There is a wide variety of housing types within Euxton and the dwellings will not be set within a traditional street setting. The properties on Park Avenue have their rear elevations facing the site and are at a significantly higher level, so the dwellings will not be viewed directly in the context of these properties. Samples of materials will be conditioned to be approved by officers.

41. Neighbour Amenity

The nearest neighbours to the application site are the properties on Park Avenue to the south. The rear gardens of these properties back onto the application site but are at a significantly higher level than the site itself. The nearest of the proposed dwellings to these properties is that proposed on plot 3, which will have a roof hipped away from the nearest existing dwelling. In the side (south) elevation is a door at ground floor level and two windows at first floor. However, these windows will serve a bathroom and a secondary window to a master bedroom. It is considered reasonable to impose an obscure glazing condition to these two windows on plot 3 to prevent overlooking to the properties on Park Avenue addressing an issue raised in representations to the application. There is a master bedroom window on plot 2 but it will be at such an oblique angle and so far forward on the property it is not considered it will result in a loss of amenity to the rear garden of plots 3. The same window on plot 1 (also a secondary window serving a bedroom) looks on to the front garden of plot 2 which is considered an acceptable relationship. It is also considered necessary to require the side windows in the north elevations of plots 2 and 3 (serving sitting rooms at ground floor and a bathroom at first floor) to be obscure glazed due to their orientation and half a metre level difference between the properties as it is not considered 2m fencing between the plots would give adequate privacy between the windows and gardens.

42. Although the properties on Park Avenue will look onto the proposed dwellings, the

scheme will not result in direct overshadowing, as they will be due north of the properties on Park Avenue. In addition, the properties on Park Avenue are at a significantly higher level than the application site.

43. Sewer

A sewer crosses the site which UU state they will not allow building over and the applicant may need to change the layout if a diversion of it is not feasible. The applicant is aware of the sewer as they have been the applicant for previous applications on this site. UU have not objected to the scheme but the applicant may not be able to implement the permission if an agreement cannot be reached with UU. This is not a planning issue to be considered but an informative note will be placed on any permission for completeness.

44. Ecology

In the past there has been an old stable on the site and a bat survey carried out, however at the time of the site visit for this application this buildings was no longer on the site.

45. The appeal Inspector did not consider that the proposed development would prejudice the integrity of the wildlife corridor and the proposals would not conflict with Policy EP5. It is not considered that there has been a change in circumstances on the site in this respect since the appeal decision.

46. Sustainable Resources

The proposal is required to meet policy SR1 of the Sustainable Resources DPD and this can be controlled by planning condition.

47. Flood Risk and Levels

The site adjoins a watercourse (Chapel Brook) and one small part of the nearest dwelling to it is within Flood Zone 3. The application is accompanied by flooding information and proposed finished floor levels. The proposed finished floor level of the dwelling nearest to the brook will be set at 40.5m AOD. The Environment Agency state the proposal is acceptable in terms of flood risk. Subject to a condition in terms of levels this the application is considered acceptable in this respect.

Overall Conclusion

48. There is extant outline permission for two dwellings on this site, originally granted on appeal that has established the acceptability of the principle of developing the site. The design of the dwellings is considered acceptable, as they will not be viewed directly in the context of the properties on Park Avenue, which are at a higher level and whose rear gardens face the application site, in addition, there is a wide variety of house designs in the immediate area. In terms of neighbour amenity and proximity to the properties on Park Avenue, the nearest property on plot 3 is further back on the site than the previous layout but is set further away from the boundary and it is considered an obscure glazing condition to small secondary windows in the south elevation is sufficient to preserve neighbour amenity. In addition, the dwellings proposed will be to the north of the properties on Park Avenue and will be at a lower level. It is therefore considered that the proposals comply with policy HS4 and is recommended for approval.

Planning Policies

National Planning Policies:

NPPF

Adopted Chorley Borough Local Plan Review

Policies: GN1, HS4, TR4.

Planning History

02/00882/OUT Outline application for erection of 2 no. dwellings and construction of private drives, gates and associated landscaping. Refused July 2003. APPEAL ALLOWED

03/00261/FUL Erection of a detached dwelling (note: this application was determined by the Local Authority before the outcome of the above appeal was received). Refused September 2003.

03/01018/CTY Change of use of land to operational land & construction of control building with vent stack, new access, timber gate & local ground reprofiling (Lancashire County Council application) No objection.

05/00081/CTY County Council application to construct a pumping station, control building, hand railings, fencing, realignment of a section of pipe bridge, new access, local land reprofiling and associated fencing (Lancashire County Council application). No objection.

08/00201/FUL Application for erection of two dwellings (substitution of house types and position of dwellings as approved by previous permission 07/00497/FUL). Approved April 2008

11/00070/FUL Application for renewal of planning permission 08/00201/FUL for the erection of two dwellings. Approved April 2011

Recommendation: Permit Full Planning Permission Conditions

- 1. 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.
- 2. The garages hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse, including the parking of cars. The garage shall not be used for any trade or business purposes.**
Reason: In order to safeguard the residential amenity and character of the area and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
- 3. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.**
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.
- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, no extension to the dwellings, outbuildings, or other works permitted by Schedule 2, Part 1, Class A or D shall be constructed or erected without express planning permission first being obtained (other than those expressly authorized by this permission).**
Reason: To ensure any extensions have sufficient flood protection measures incorporated and in accordance with the NPPF.

5. The site shall be drained on separate systems for foul and surface water, and no surface water shall enter the foul water system.
Reason: To ensure a satisfactory means of drainage in accordance with Policy Nos. EP17 of the adopted Chorley Borough Local Plan Review.
6. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.
Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.
7. The development shall only be carried out in accordance with the Finished Floor Levels shown on the approved plan. Ground levels should not be raised adjacent to the brook in order to ensure the flood flow path is retained.
Reason: To protect the appearance of the locality, in the interests of the amenities of local residents, to reduce the danger to intended occupants of the buildings from potential flooding and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and the NPPF.
8. 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 previously submitted plan(s)) 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 No. HS4 of the Adopted Chorley Borough Local Plan Review.
9. The windows in the first floor south elevation of the dwelling on plot 3 (shown serving a bathroom and secondary window to the Master bedroom on the approved plans), shall be fitted with obscure glazing and obscure glazing shall be retained at all times thereafter.
Reason: In the interests of the privacy of occupiers of neighbouring properties on Park Avenue and in accordance with Policy Nos. GN5 and HS4 of the adopted Chorley Borough Local Plan Review.
10. The windows in the ground and first floor north north-west elevations of the dwellings on plots 2 and 3 shall be fitted with obscure glazing and obscure glazing shall be retained at all times thereafter.
Reason: In the interests of the privacy of occupiers of the adjacent neighbouring property due to the orientation of the properties and the difference in levels and in accordance with Policy Nos. GN5 and HS4 of the adopted Chorley Borough Local Plan Review.
11. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time in the dwellings hereby permitted.
Reason: To protect the amenities and privacy of the properties on Park Avenue and the properties on adjacent plots due to their orientation and the difference in levels and in accordance with Policy Nos. GN5 and HS4 of the adopted Chorley Borough Local Plan Review.
12. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such

detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

13. All planting, seeding or turfing comprised in the approved details of landscaping as shown on the submitted plans 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.

14. Neither of the dwellings hereby permitted shall be occupied until the site access has been altered in accordance with the approved plans.

Reason: In the interests of highway safety and in accordance with Policy TR4 of the adopted Chorley Borough Local Plan Review.

15. No chimney or flue shall be constructed or erected in the side, front or rear (south, east or west) elevations of the dwelling on plot 3 at any time in the future without the express grant of planning permission.

Reason: In the interests of neighbour amenity and in accordance with Policy Nos. EP21 of the Adopted Chorley Borough Local Plan Review.

16. 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 1 January 2010, Level 4 for all dwellings commenced from 1 January 2013 and Level 6 for all dwellings commenced from 1 January 2016).

Reason: To ensure the development is in accordance with the NPPF and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

17. 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 to show how the development will meet the relevant Code Level. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority otherwise approve in writing.

Reason: To ensure the development is in accordance with the NPPF and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

18. No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question has met the necessary code level, has been issued to the Local Planning Authority, by an approved code assessor. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level. 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 the NPPF and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable

Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

19. The development hereby permitted shall be carried out in accordance with the following approved plans:

Ref:	Plan:	Date Received:
A1558/PL01	Site Layout	17 May 2012
A1558/PL02	Floor Plans and Elevations	17 May 2012

Reason: For the avoidance of doubt and in the interests of proper planning