

Item 4b **13/00985/OUT**

Case Officer **Mrs Helen Lowe**

Ward **Euxton South**

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

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

Applicant **Mr Steve McCarthy**

Consultation expiry: 3 December 2013

Application expiry: 26 December 2013

Proposal

1. This is an outline application for the erection of one dwelling and the provision of public green space in place of private garden, all matters are reserved apart from access.
2. Members may recall that this site was the subject of an earlier application in 2011 (ref. 11/00574/OUT for the erection of two dwellings. This application was refused and subsequently dismissed at appeal. The Inspector found that the proposal would unacceptable harm to the character and appearance of the locality.
3. The application site is an area of land located to the west of Balshaw Villa, at the junction of Balshaw Lane and Wigan Road in the settlement of Euxton. The indicative plan included with the earlier application showed two dwellings within the southern part of the site, the current application omits the dwelling closest to Wigan Road. It is proposed that the northern part of the site is used as an area of public open space.

Recommendation

4. It is recommended that this application is conditional outline planning consent, subject to a section 106 agreement.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Design and impact on the street scene
 - Density
 - Impact on the neighbour amenity
 - Impact on locally important building
 - Impact on highways, access and parking

Representations

6. **Two letters of objection** have been received making the following comments on the proposals:
 - Euxton has little need for further public open space
 - The proposed public space is not well situated, being in the centre of a busy junction and can offer very little by way of recreational value;
 - The creation of a communal space at this point in the village is likely to act as a magnet for nuisance and anti-social behaviour;

- The proposal to create a public space is simply included in order to get round local planning policy LT15, it is not needed or wanted;
- The access to the site is onto an already busy and potentially dangerous road;
- It is highly likely that there will be views into our garden and into our property itself, particularly on the first floor;
- There have been enough houses built in this area of Euxton;
- The character of the area is being ruined.

7. **Euxton Parish Council** have made the following comments on the proposals:
- this piece of open land is an important element of the local environment but considers that some of its value is lost when it is surrounded by tall hedges, as it is at present;
 - the principle of a single house located in the south east corner of the site and provision of some public open space is accepted (provided that planning powers are adequate to prevent any further development into the open land on the west side of the development). However, more of the land should be transferred to public open space and the area of garden around the proposed development reduced;
 - query the need for an additional vehicular access to this site in addition to the existing one on Balshaw Lane (and would note that, if the latter access served both properties the land proposed for the former could be transferred to public open space).

Consultations

8. **The Architectural Design and Crime Reduction Advisor** A planning condition should be added that no benches are installed in order to reduce the risk of anti-social behaviour. It is not envisaged that the green space will require lighting as sufficient may be available from surrounding street lighting. It is not envisaged the use of the open public space during darkness.
9. **United Utilities** No objection. The site should be drained on a separate system, with only foul drainage connected into the foul sewer. The developer should be made aware that a 150mm diameter sewer runs north of the site and we will require a 6metre easement, 3 metres either side of the centre line of the sewer for maintenance and repair.
10. **Lancashire County Council (Highways)** No objections subject to the imposition of a number of conditions.
11. **Chorley's Parks and Open Spaces Officer** The provision of public open space will improve the quantity, accessibility and quality of amenity green space in Euxton, this will contribute to the existing deficit of this typology of green space.
12. The detailed planning application must have a detailed design of the green space. Discussions must take place with the Council about the design prior to submission of a detailed design should they be expected to take on the maintenance of the land. Details such as the width of the path, surfacing materials of the path, gate design, tree species, inclusion of bins and benches need to be detailed and agreed. Character of the planting for example should be native in keeping with the surroundings.
13. A legal agreement will need to be drawn up regarding the future lease/ownership of the green space and the management and maintenance of the open space. Sufficient financial contribution will be agreed with the Council to ensure it is kept to a high standard.
14. **Chorley's Conservation Officer** No comments received.
15. **Chorley's Planning Policy Officer** This proposal involves the loss of part of an area of amenity green space protected under emerging Local Plan Policy HW2. Although not accessible this site is considered to provide visual amenity in the area. The proposal meets criterion a) of Policy HW2 as although part of the site will be lost, the remaining part, which

provided the most visual amenity, will be retained, enhanced and made accessible to the public, whereas at present it is private.

16. In regards to emerging Local Plan Policies HS4A and HS4B, a contribution will be required to the open space typologies set out in these policies as stated in my previous comments (attached). It is now inappropriate to ask for a contribution towards amenity green space. This site was not assessed in the Open Space Study as it was not accessible and was not included in the calculation of the current provision in the settlement. There is currently a deficit of amenity green space in the settlement and this proposal will reduce this deficit.

Applicants Case

17. The applicant has put forward the following in support of the application:
- The proposal is in accordance with the development plan;
 - The development will lead to greater access of the open space;
 - Euxton has been identified in the Local Plan as a suitable settlement for future housing development;
 - In balancing the benefits of maximising visibility and avoiding conflict with zebra crossing, the optimum location for the site access is 8m south of the existing access location.

Assessment

Principle of the development

18. This application seeks outline planning permission for the erection of one detached two storey detached dwelling and to provide public green space at Balshaw Villa in Euxton. The site comprises land to the west of Balshaw Villa (a locally important building) and is situated on a prominent corner at the junction of Balshaw Lane and Wigan Road in the settlement of Euxton. The land that is the subject of the application is identified as amenity green space in the Local Plan that is protected by policy HW2 in the emerging Local Plan. The land was also allocated under Policy LT15 of the Adopted Chorley Borough Local Plan Review.
19. Policy HW2 of the emerging Local Plan states that land currently or last used as open space will be protected unless:
- Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or
 - It can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and
 - The site is not identified as being of high quality and/or high value in the Open Space study; and
 - It can be demonstrated that the retention of the site is not required to satisfy a recreational need in the local area;
 - The site does not make a significant contribution to the character of an area in terms of visual amenity.
20. The site is not currently open to the public (in terms of physical access). The applicant proposes to open up the northern part of the site, near to junction of Balshaw Lane and Wigan Road to form an area of public open space in order to comply with Policy HW2. In providing this area of accessible open space the Council's Planning Policy section have advised that the proposal would meet the requirements of policy HW2. The impact of the proposals on the character of the area in relation to the open space is discussed below.
21. Although in the description of the development the land is described as private garden, having regard to the history and physical characteristics of the site, it is considered that the land in question does not form part of the domestic curtilage of Balshaw Villa (in particular information contained in application 02/001161/FUL). Policy HS6. Policy HS3 of the emerging Local Plan states that applications for development within private residential gardens on sites not allocated will only be permitted for one for one replacement; conversion of existing buildings and infill development.
22. It is possible that the land in question may have been incorporated within the curtilage (unlawfully) over time, although the current physical condition of the land does not suggest

that this is the case. In any case, given the location of the proposed dwelling, to the south of Balshaw Villa and north of adjacent properties on Wigan Road and Anderton Road, it is considered that the site does infill a gap in the built development of the area.

Design and impact on the street scene

23. As the application is in outline only details of the design and appearance of the proposed dwelling have not been submitted. There are a variety of building types and designs in the surrounding area, constructed from a variety of materials such as stone, brick and render. It is therefore not considered that a two storey dwelling would appear unduly incongruous.
24. As the site is identified as amenity green space and protected as such by the Adopted Local Plan and the emerging Local Plan it is considered that the visual impact of the proposed dwelling on the character of the street scene and adjacent open space is an important consideration in determining the application.
25. The site as it exists at present adds a significant degree of openness to the character of the surrounding area, even though it is not presently accessible to the public. The previous appeal decision found that whilst not physically accessible to the public, visually, in the context of the relatively built up surroundings it provides a sense of space and openness that makes a significant positive contribution to the character and appearance of the locality and that the erection of two, two storey dwellings, due to the height of the proposed buildings and the proportion of the site taken up by residential development, would materially reduce the openness of the site and greatly erode the sense of space it provides.
26. The current proposal now only involves the erection of one dwelling, located to the eastern boundary of the site adjacent to Balshaw Villa, furthest away from the western boundary of the site with Wigan Road. Although the siting of the proposed dwelling is not being applied for at this time, it is considered that the indicative plans provided show that a single dwelling could be located on the site in a position that would minimise the impact upon the openness of the site.
27. Taking also into consideration the reduction in the number of dwellings proposed and the enhanced accessibility to the remaining open space as a result of the proposals it is considered that this amended proposal would address the concerns raised by the Inspector in the earlier appeal decision and the spaciousness of the site would be adequately maintained. The positioning of the dwelling to the east of the application site would minimise the impact of the proposals on the street scene.
28. The introduction of a new access from Wigan Road would have an impact on the character of the site, introducing an area of hard surfacing and necessitating the removal of a length of hedgerow in order to facilitate the access. The indicative plan provided with the application shows the removal of 12.5m of hedgerow. The supporting technical note provided with the application states that no loss of hedge is required to accommodate the visibility spays since these pass in front of the hedge line. On balance it is not considered that this loss of hedgerow would be sufficient to warrant refusal of the application.

Density

29. This application is for one dwelling, on a relatively large plot of 0.42 ha. The density is considered to be acceptable given the variety of housing types and plot sizes in the surrounding area. The relatively low density will also help to minimise the impact of the proposals on the character of Balshaw Villa.

Impact on neighbour amenity

30. Whilst the application is not seeking permission related to siting and design, the applicant has submitted an indicative plan showing a suggested position of the proposed dwelling. The indicative layout submitted does show that part of the dwelling to the rear would be 8.9m from the boundary with 231 Wigan Road, which is less than the required 10m. However, it would meet the interface standards for distances between windows to habitable rooms at first floor level (21m). No objections have been received from this property. As no details of the internal layout are provided at this time, there may however be no habitable

windows in this position. It is also considered that the position/size of the dwelling could be altered to satisfactorily meet the interface standards at the reserved matters stage. The indicative plans also show that the dwelling would be located 38m from the boundary with properties on Euxton Hall Gardens and 13m from the boundary with no. 9 Anderton Road.

31. It is therefore considered that in principle the site would be capable of accommodating an additional dwelling whilst ensuring no additional harm would come to the amenity of neighbouring occupiers.

Impact on locally important building

32. Balshaw Villa is identified in the Adopted Local Plan and the emerging Local Plan as 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 a soft red brick with stone cills, lintels and other details with a Welsh slate roof.
33. Concerns were raised during the course of the previous application by the Council's Conservation Officer regarding the impact of the proposals on this locally important building. However, the Inspector found that it would be possible to ensure that the setting and heritage significance of the Villa could be maintained. Although the indicative plans now provided shows a slightly larger footprint, the proposed dwelling is broadly in the same position as unit 1 and the number of dwellings has been reduced from two to one. Given the findings of the Inspector and the reduced number of dwellings proposed it is not considered that a refusal could be sustained on these grounds.

Impact on Highways, access and parking

34. Presently the access to Balshaw Villa is taken from Balshaw Lane. The previous proposal proposed that access to both the existing and proposed dwellings would utilise the existing access. It is now proposed that the new dwelling is served by a new access from Wigan Road, to be located approximately 19m to the north of the existing pedestrian crossing.
35. There is an existing access point to the site from Wigan Road, approximately 8m north of the proposed access (and thereby closer to the junction of Balshaw Lane and Wigan Road). This has clearly not been used for some time, although there is a dropped kerb.
36. The County Highway Engineer has not objected to the location of the proposed access. It is considered that there would be adequate space within the site to accommodate an appropriate level of off street parking and the facility for vehicles to turn around. There are therefore no objections to the proposals on high safety grounds.

Section 106 Agreement

37. Policies HS4A and HS4B of the emerging Local Plan require all new housing developments to make provision for open space and recreation facilities. As the applicant has proposed to provide amenity green space on site it is not considered appropriate to request a financial contribution towards amenity green space. However, a contribution towards the provision/improvement of the other typologies and future maintenance of the onsite open space is required in accordance with the Open Space Study.

38. The Planning Policy Section have advised that the proposed contribution should be as follows:

New provision in Euxton of equipped play areas	£134
Improvement of natural/semi natural; open space in Euxton	£557
Improvements and provision of allotments within the Borough	£15
Improvements of playing pitches within the Borough.	£1,599

TOTAL **£2,305**

39. If private maintenance is not proposed, the applicant will also have to pay a financial contribution towards maintenance of the amenity green space they are creating. The

amount required is £40 per m² for a 10 year period. The proposed open space measures approximately 36m by 41m this gives a total maintenance sum of £59040.

Community Infrastructure Levy

40. The proposed development would also be liable to pay CIL. As the application is in outline only and the plans are indicative and subject to change it is not considered appropriate to use them as a basis to calculate the floor area. Therefore, an average floor area of 90 sq m for a detached dwelling would give a figure of £5850.

Overall Conclusion

41. It is considered that the revised proposals address the concerns raised by the Inspector in the previous appeal decision. The proposed dwelling would not be unduly harmful to the character and appearance of the area, and although there would be a reduction in the amount of open space, this would be compensated by the increased accessibility to the public of the remaining open space. Subject to this being secured through a legal agreement the proposal is accordingly recommended for approval.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Central Lancashire Core Strategy

Policies: 17, 26, 27

Adopted Chorley Borough Local Plan Review

Policies: GN1, EP9, HS4, HS6, LT15

Emerging Local Plan

Policies: ST4, HS3, HS4A, HS4B, BNE1, HW2

Planning History

99/00678/OUT Outline application for the erection of two detached bungalows

Refused 3 November 1999

02/01161/FUL 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

Approved 27 January 2003

11/00574/OUT Outline application for the erection of 2 no. two storey detached dwellings and provision of public green space in place of private garden (all matters reserved apart from access)

Refused 7 September 2011 Appeal dismissed

Recommendation: Permit subject to legal agreement Conditions

1. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved. *Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level, has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority. *Reason: In the interests of minimising the environmental impact of the development*

3. A scheme for the landscaping of the development and its surroundings shall be submitted as part of the reserved matters application. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

All hard and soft landscape works shall be carried out in accordance with the approved details within 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. *Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.*

4. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained. *Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.*

5. Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (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 building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times. *Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.*

6. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved. *Reason: To ensure that the materials used are visually appropriate to the locality.*

7. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*

8. 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*

9. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviers, or other approved materials. *Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.*

10. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the carriageway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain un-gated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway. *Reason: To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.*

11. The existing access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads prior to the use of the new access. *Reason: To limit the number of access points to and to maintain the proper construction of the highway.*

12. All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority. *Reason: In the interests of minimising the environmental impact of the development*

13. Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwelling will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification. *Reason: In the interests of minimising the environmental impact of the development.*

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

Title	Drawing Reference	Received date
Proposed site plan	13/090/P01	22 October 2013
Location plan	13/090/L01	22 October 2013
Topographical survey	0814/Topo	22 October 2013

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