

Item 3d **15/00768/OUT**

Case Officer **Caron Taylor**

Ward **Euxton South**

Proposal **Outline application (specifying the access) for a two storey dwelling and detached garage.**

Location **Euxton Mills Hotel
Wigan Road
Euxton
Chorley
PR7 6JD**

Applicant **Newriver Property Unit Trust No 4**

Consultation expiry: **7th October 2015**

Decision due by: **30th October 2015**

Recommendation
That the application is approved subject to a S106 Agreement.

Representations

<p>Euxton Parish Council object to:</p> <ul style="list-style-type: none"> • The increased use of the one entrance/exit which will be left if this new build were to happen and take away the second entrance/exit. It is very difficult to turn right onto the A49 from the exit and more traffic will increase the risks. • Loss of parking spaces which may displace the parking onto the pavements outside, and residential streets close by.
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In total 1 representation has been received which is summarised below

<p>Objection</p> <p>Total No. received: 1</p> <ul style="list-style-type: none"> • The Euxton Mills building is an historic building with character - few of them left in Euxton although there is plenty of other space to build on. • The public house is an asset to the community with a "local" ethos which would be sorely missed if developers are allowed to tear it down. • Based upon the record of the venture capital company which owns this site now, users of this pub very much fear this application is only the first step in their plan to redevelop the entire site, to the advantage of their balance sheet/P & L account but to the detriment of the local community.

Consultees

Consultee	Summary of Comments received
LCC Highways	<p>The proposal is acceptable in principle from Highways perspective, however alterations should be made to the access on Wigan Road that will remain for the public house to assist safe right turns. The existing access to Dawbers Lane will also require some alteration in width to reflect the proposed residential use.</p> <p>The loss of car parking spaces may be an issue, especially as the applicant fails to provide details of how many spaces are to be lost as a result of the proposed development. Therefore, while I have no</p>

	objections to the proposal in principle, they suggest that the applicant be requested to provide details of the car parking spaces to be lost.
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Assessment

Principle of the Development

1. The application is made in outline only with all matters reserved apart from access. The application site is part of the car park of the Euxton Mills Hotel Public House.
2. In terms of the Core Strategy Policy 1(d) Euxton is identified as an Urban Local Service Centre where some growth and investment will be encouraged to help meet housing and employment needs.
3. In terms of the Local Plan 2012-2026 the site is within the settlement boundary of Euxton. Policy V2 of this Plan states that in such areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within the Plan.
4. The proposal is therefore acceptable in principle subject to it meeting the other policies of the Local Plan which are assessed below.

Appearance and Scale

5. Although these aspects are not applied for the Council need to be satisfied that these can be achieved at any reserved matters stage if outline permission was granted. In terms of scale the application is for a two storey dwelling and detached garage. There are a range of properties in the area but the majority of the nearby properties are two-storey, including the nearest property to the southwest, Westlea House a two-storey property is therefore considered acceptable.
6. In terms of appearance there are also a wide variety of designs in the immediate vicinity including terraced, properties, large detached houses and semi'-detached properties. It is therefore considered that an acceptable design could be achieved on the site.

Layout and Neighbour Amenity

7. The application is accompanied by an indicative site layout plan although layout is not applied for at this stage. As stated above the Council need to be satisfied that a satisfactory relationship with neighbours could be achieved at any reserved matters stage. The Council has adopted interface distances between new build and existing adjacent residential properties. The only property that would be affected immediately by the proposal is Westlea House, to the south of the site is Westlea Garage & MOT Centre. Westlea House is a large detached property set in a large garden to the southwest of the application site. The house itself is not visible from the application site due to large conifers approximately 10m high on the west boundary within its garden. It also has a detached outbuilding close to the boundary to the southwest of the site.
8. It is considered that a dwelling could be designed and satisfactorily located on the site so that it complies with the Council's interface distance of 10m from a window to a boundary with another property, though it is likely it will need to be altered from the indicative layout shown. In addition, the detached garage shown is indicated close to the access point. This would not allow a vehicle to pull clear of the highway while trying to enter the garage. The location of the garage will therefore need to be re-considered at any reserved matters stage but it is considered an acceptable location could be achieved.

Landscaping

9. The site is mainly covered in hardstanding being part of the public house car park. Landscaping would need to be submitted with any reserved matters application.

Highways

10. Euxton Mills public house currently has two access points, one on Dawbers Lane and one on Wigan Road. The proposed dwelling would use the access on Dawbers Lane and only the access on Wigan Road would remain for use by the public house with a smaller car park.

11. Lancashire County Council Highways state that the proposal is acceptable in principle from a highways perspective.
12. However, as the car park for the public house will only be accessed and egressed from Wigan Road, minor alterations will be required to that access to mitigate the residual impacts due to the access to Dawbers Lane no longer being available.
13. Amended plans have been requested from the agent, as asked for by the Highway Engineer, showing the existing footway in front of the public house building being extended in the southerly direction for about half the width of the existing access and then widening the access towards the south to align with the driveway to the car park. They have also requested that the footway in front of the boundary wall, between the existing site access and the access to 252 Wigan Road, be built out to align with the footways north and south of the access. This is to allow vehicles leaving the site to pull out sufficiently to look out for hazards before turning on to Wigan Road. A request has also been made to the agent to alter the existing access to Dawbers Lane that will serve the proposed dwelling which the Highway Engineer considers is too wide for a residential access. This will reduce its width and implement a standard kerb radius for a residential site. This matter will be updated on the committee addendum.
14. The Highway Engineer states they have noted the Parish Council's concern that if the access to Dawbers Lane is no longer available for use by customers and visitors to the public house this would lead to increased use of the access to Wigan Road. While this may appear a valid concern, in traffic terms this might not necessarily be the case. The site does not operate a one-way system where vehicles enter from one direction and leave from the other. As such, the choice of access in and out of the site is purely at the discretion of individual drivers and the Highway Authority have not seen any evidence to suggest that the use of the access to Dawbers Lane has alleviated traffic using the access to Wigan Road. From a highways point of view, both accesses are capable of coping with traffic associated with the Euxton Mills Hotel and whether or not the Dawbers Lane access is still in use should not lead to increased use of the Wigan Road access as feared by the Parish Council.
15. The Highway Engineer also states that the applicant has indicated on the submitted plan, that the Euxton Mills Hotel has parking provision for 17 vehicles. As an existing site, they do not consider that traffic generation by this number of vehicles would have an adverse implication for the access to Wigan Road, within the close proximity of which there has been no recorded traffic accidents in the past 5 years. Although it must be pointed out that there have been 3 recorded traffic accidents near the Dawbers Lane access within the same period. The minor improvements requested should assist safe right turns at the access as highlighted by the Parish Council.
16. Subject to an amended plan being received showing the amendments requested by the Highway Engineer the proposal is considered acceptable in terms of the access points into the site for both the proposed dwelling and the retained access for the public house.
17. In terms of parking the public house will benefit from 17 parking spaces, including one disabled space, following the erection of a dwelling on part of the car park. The comments of LCC Highways are noted, however Policy ST4 of the Local Plan and its associated appendix set out the Council's parking standards. This sets a requirement of 1 space per 5m² of public floor space which equates to a requirement of 16 spaces and one disabled parking space. This level of parking is shown on the remaining area of car park and a condition to require the remaining car park to be laid out as per the approved plans can be imposed (as it is in the blue edge of the application). It is therefore not considered that the loss of parking spaces will lead to on-street parking in the vicinity of the public house.
18. In terms of parking for the proposed dwelling. The application indicates the proposed dwelling could have five bedrooms. Policy ST4 requires dwellings with four or more bedrooms to have three off-road parking spaces. It is considered that three spaces could be achieved on the site while still allowing vehicles to enter and exit the site in a forward gear.
19. The proposal is therefore considered acceptable in terms of parking provision.

Open Space

20. Policy HS4A covers Open Space Requirements in New Housing Developments and HS4B covers Playing Pitch Requirement in New Housing Developments.
21. In accordance with these policies there is a requirement for a financial contribution towards new provision of amenity green space, provision for children/young people and allotments in Euxton and the need for a contribution towards improving the quality/value of an existing site. There is also a need for a contribution towards the improvement of existing playing pitches in the Borough as identified in the Chorley Action Plan within the Central Lancashire Playing Pitch Strategy & Action Plan (June 2012). Together this amounts to £2445 and will need to be secured via a Section 106 legal agreement.

Sustainable Resources

22. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

23. As such there will be a requirement for the dwelling to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

Community Infrastructure Levy

24. The proposed development would be CIL liable. The amount can only be calculated at any reserved matters stage when the floor area for the proposed dwelling is known. This development is CIL liable which is index linked.

Overall Conclusion

25. The application is recommended for approval subject to a Section 106 agreement.

Planning Policies

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

There is no planning history directly related to the current application. The history on the site relates to the public house.

Suggested 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. The submission of future reserved matters shall come forward in accordance with the scale and massing parameters set out in this application which is for a two-storey dwelling.

Reason: To define the consent and in the interests of residential amenity for the neighbouring properties.

3. *Either*, before the development hereby permitted is first commenced, *or* with any reserved matters application, full details of external facing materials and roofing materials to be used to construct the dwelling 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.

4. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed finished floor level of the dwelling (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

5. *Either*, before the development hereby permitted is first commenced, *or* with any reserved matters application, 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. The dwelling shall not 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. *Either*, before the development hereby permitted is first commenced, *or* with any reserved matters application, 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.

7. The dwelling hereby permitted shall achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

8. *Either*, prior to the commencement of the development *or* with any reserved matters application details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent.

However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

9. The dwelling hereby approved shall not be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

10. The works to construct the dwelling hereby permitted shall not commence until the alterations to the access on Wigan Road to Euxton Mills public house have been constructed in accordance with a scheme that shall first be submitted to and approved by the Local Planning Authority.

Reason: To enable traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and to ensure that the final details of the highway scheme/works are acceptable before work commences on site.

11. The dwelling shall not be occupied until the access to serve it has been constructed in accordance with the approved plans.

Reason: In order to ensure that the dwelling has a safe access point.