

Item 3f **15/01092/OUT**

Case Officer **Nicola Hopkins**

Ward **Euxton North**

Proposal **Outline application for the erection of up to 9 dwellings all matters reserved save for access**

Location **Land North Of The Railway Public House, Wigan Road, Euxton**

Applicant **Newriver Property Unit Trust No 4**

Consultation expiry: **9th December 2015**

Decision due by: **28th December 2015 (time extension agreed until 12th February 2016)**

Recommendation
Approve outline planning permission

Representations

Euxton Parish Council have no objection in principle although they have made the following comments:

- The Council is concerned that the proposed parking arrangements are inadequate. The proposed housing has minimum off road parking proposed for each dwelling and only a single visitor space serving the nine houses. The proposed parking for the public house is 38 spaces whereas the Chorley Local Plan baseline standard for a public house of this size would be 49 spaces.
- There is no satisfactory alternative location for parking displaced if the public house is busy (e.g. for functions) or the housing is particularly busy (e.g. private party). Even though the A49 does not have waiting restrictions it is not a suitable location for parking and, if parking did regularly take place, waiting restrictions would inevitably be introduced.
- EPC therefore suggests that the number of houses be reduced and the size of the public house car park increased above the currently proposed levels.

Consultees

Consultee	Summary of Comments received
CBC Waste and Contaminated Land Officer	No objection subject to condition
United Utilities	No objection subject to conditions
CBC Tree Officer	A site visit was carried at land adjacent The Railway Public House on 10/11/2015. No objections raised to the proposal.
CBC Environmental Health	Have provided advice in respect of noise
LCC Highways	Have raised concerns about the parking arrangements for both the houses and the public house

Assessment

Proposed Development

1. This is an outline application to establish the acceptability of the principle of constructing up to 9 dwellings on this site. Consent is sought at this stage for the means of access to the site. All other matters are reserved for subsequent approval.
2. The site is an existing car park associated with the Railway Public House which is accessed off Wigan Road with the land level rising slightly from the road level.
3. The site is partly laid out formally for parking, with areas also used informally for parking, associated with the public house. There are two vehicular access points into the site to serve the car park. The site is located within the settlement adjacent to the Green Belt boundary and is bounded to the east by the railway line.

Principle of the Development

4. The site is located within the settlement area of Euxton as identified within the Local Plan. The Local Plan identifies that development within settlement areas may be for an appropriate use such as housing, offices, community facilities or Green Infrastructure. This should be read in conjunction with other policies and proposals in the plan and with Core Strategy Policy 1: Locating Growth. Within Core Strategy Policy 1 Euxton is identified as an Urban Local Service Centre where some growth and investment will be encouraged to help meet local housing and employment needs. As such, in principle, developing the site for housing is considered to be acceptable.

Impact on the Neighbours

5. Although consent is not sought for layout as part of this outline application, an indicative layout plan has been provided to demonstrate that 9 dwellings can be accommodated on the site. The proposed layout details a mixture of detached, semi-detached and terraced properties; 7 two bedroom dwellings and 2 four bedroom dwellings. All are indicatively shown to be two storey.
6. The site is bordered to the east by the railway line, to the south by the retained car park for the public house, to the west by Wigan Road and to the north by the Green Belt. To the north of the site are 21-23 Wigan Road, the only immediate residential neighbours to the site. The properties are a pair of semi-detached dwellings located approximately 20m away from the application site. given the distance maintained and the fact that there are no habitable room windows in the side gable of the nearest dwelling ensures that a suitable layout could be achieved on this site without adversely impacting on the amenity of either the existing or future residents.
7. Internally within the site plots 3-7 are indicatively shown to face the rear elevations of plots 1 and 2. However the layout retains over 21m window to window distance and over 10m to the rear gardens of plots 1 and 2 to ensure that there is no loss of privacy created for the future residents.

Highways and Access

8. It is proposed to access the site via the existing access from Wigan Road which serves the existing car park. As set out above the car park currently has two access points from Wigan Road. It is proposed to retain the southern access (closest to the public house) to serve the car park for the public house and use the northern access for the proposed dwellings.
9. The Highway Engineer has reviewed the proposal and confirmed that the proposed residential development is acceptable in principle; however, the current layout would need to be re-drawn to scale to enable an assessment to be made as to whether there is adequate space on site to accommodate parking and reversing of vehicles. The layout shows varying sizes of parking spaces with the available space for reversing for instance between parking spaces nos. 3-6 and those of the 4-bedroomed dwellings seemingly less than the 6m required for safe reversing manoeuvres to be undertaken. The layout is indicative and there is sufficient space within the site to provide parking and sufficient

manoeuvring space, this can be addressed at reserved matters stage however the agent for the application has also provided a tracking plan which details that the parking spaces can be accessed and exited adequately to serve the needs of the future residents.

10. The proposed development indicatively includes a mixture of 2 and 4 bedroom dwellings. In accordance with Policy ST4 of the Adopted Local Plan, two off road parking spaces are required for the two bedroom dwellings which are detailed on the indicative layout. In respect of the 4 bedroom dwellings, three off road parking spaces are required which are detailed on the indicative layout in the form of double driveways and attached garage accommodation. For the garages to 'count' as a parking space they will need to meet the Manual for Streets dimensions of 6x3 metres however it is considered that sufficient parking can be provided and this would be addressed in detail at reserved matters stage.
11. The Parish Council are concerned about the parking arrangements for the public house as the proposal would result in the loss of part of the existing parking area and there are no alternative parking arrangements in the area. It is proposed to reconfigure the parking for the public house, which can be secured by condition as it is included within the blue edge, to provide 38 parking spaces. Policy ST4 of the Adopted Local Plan confirms that 1 parking space per 5m² is required for this public house along with 3 disabled parking bays.
12. The supporting information confirms that the net public floorspace of the public house is 243m² which generates a need for 49 parking spaces plus three disabled parking spaces. This is not achieved on the proposed indicative layout with a deficit of 14 spaces. The supporting information asserts that due to the location of the public house within the settlement boundary, there is a large potential for customers to walk and therefore the applicants consider the level of parking provision is adequate.
13. The Highway Engineer has stated, based on the existing internal gross floor area of 243m² provided by the applicant, the public house should have 52 parking spaces (49 spaces plus 3 for the disabled) in place. However, this number is proposed to be reduced to a total of 38 resulting in a deficit of 14 parking spaces. Highways would find this unacceptable as the site is in an area of low accessibility where public transport is not readily available to customers of the public house. There are no public car parks in the area and the section of the A49 Wigan Road within the immediate vicinity of the site only has a narrow footway on one side. Any parked vehicles on this section of road would therefore prevent use of one of the lanes which, given that the A49 Wigan Road in road hierarchy terms is categorised as a main distributor and provides for traffic movements in and out of town and links major residential and commercial districts, may lead to major delays. In the same way, parked vehicles would severely hinder pedestrian use of the footway.
14. Following receipt of these concerns the applicants have carried out a Car Park Survey Analysis to demonstrate the actual usage of the car park. The survey was undertaken on Friday 15th January 2016 and Saturday 16th January 2016 between the hours of 10:00 – 21:00 and also Sunday 17th January 2016 between the hours of 10:00 – 18:00. The survey notes that the peak accumulation during the Friday survey was observed to be 24 vehicles, on the Saturday the peak accumulation was surveyed as 21 vehicles and for the Sunday the peak accumulation recorded was 22 vehicles. The survey concludes that the proposed public house car park provision of 38 spaces is sufficient for the proposed development. This survey has been forwarded to the Highway Engineer at LCC and his comments will be reported on the addendum.

Public Open Space

15. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013 and open space requirements relating to new housing schemes need to accord with Local Plan Policies HS4A and HS4B and the approach in the SPD.

16. The supporting information asserts that the adopted SPD pre-dates Government guidance which resists the pooling of Section 106 contributions and there is not an open space deficiency in the area. As such a S106 Agreement has not been submitted with the application.
17. The Council is aware of the pooling restrictions set out within regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) and any requirement in terms of POS would be fully in accordance with the regulations.
18. In respect of this part of the Borough, a financial contribution towards the improvement of existing playing pitches is required from this development. The amount required is £1,599 per dwelling and the necessary scheme will be secured by condition.

Trees

19. There are two young self set ash trees, a young multi stemmed self set willow and a number of shrubs along a section of boundary railings with the railway on the eastern side of the site. The Council's Tree Officer has visited the site and confirmed that the trees are of low quality, with no material conservation or other cultural value. As such the trees on site are not considered worthy of protection and any tree loss to facilitate the development would need to be fully mitigated for by the landscaping of the site.

Noise

20. The proposed development is located adjacent to the railway line with the indicative layout showing houses and gardens backing onto the railway line. As such in this regard the application is supported by a Noise and Vibration Assessment which sets out a mitigation strategy in the form of barrier fencing as follows:
 - Along the northern, eastern and southern boundaries of the site fences of 2.5m in height.
 - To the rear of plots 1 and 2 garden fences of a minimum 2m in height.
 - Garden fences in between plots 3 to 9 of a minimum height of 1.5m.
21. The assessment confirms that with these proposed barrier fences in place, noise levels in the gardens would not exceed LAeq,16 hour 55dB across the development. This has been viewed by the Council's Environmental Health Section who have confirmed that from a noise perspective the mitigation is acceptable.
22. From a visual perspective the need for 2.5m high along the whole length of the northern and southern boundary was queried as the site is relatively open and this would have created a 'hemmed in' appearance out of character with the area. Following further discussions with the applicant's agent, it has been agreed that 2.5m high fencing is not required in the areas where private rear gardens are not proposed. This will ensure that the site can be maintained with a more open feel although this would need to be detailed further at reserved matters stage (as the layout is illustrative at this stage).

Sustainable Resources

23. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 6. 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.”

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

Community Infrastructure Levy

25. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Overall Conclusion

26. This site is located within the settlement area of Euxton where some growth and investment will be encouraged to help meet local housing and employment needs. As such it is considered that the development of this site for housing is acceptable.

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.

Suggested Conditions

No.	Condition									
1.	<p>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.</p> <p>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.</p>									
2.	<p>The development hereby permitted for up to 9 dwellings shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 685 1238 904"> <thead> <tr> <th data-bbox="320 685 628 719">Title</th> <th data-bbox="628 685 916 719">Reference</th> <th data-bbox="916 685 1238 719">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 719 628 752">Location Plan</td> <td data-bbox="628 719 916 752"></td> <td data-bbox="916 719 1238 752">2nd November 2015</td> </tr> <tr> <td data-bbox="320 752 628 904">Site Layout Option A (wholly in respect of the access and the retained car park for the public house)</td> <td data-bbox="628 752 916 904">RT-SK002 Rev F</td> <td data-bbox="916 752 1238 904">2nd November 2015</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Reference	Received date	Location Plan		2nd November 2015	Site Layout Option A (wholly in respect of the access and the retained car park for the public house)	RT-SK002 Rev F	2nd November 2015
Title	Reference	Received date								
Location Plan		2nd November 2015								
Site Layout Option A (wholly in respect of the access and the retained car park for the public house)	RT-SK002 Rev F	2nd November 2015								
3.	<p>As part of the application for reserved matters or 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.</p> <p>Reason: Full details of the proposed external facing materials were not provided as part of the application and in order to ensure that the materials used are visually appropriate to the locality samples are required.</p>									
4.	<p>As part of the first application for reserved matters or prior to the commencement of development full details of the alignment, height and appearance of all fences and walls and gates 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. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p>Reason: Full details of the proposed fences/walls were not provided as part of the application and in order to ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents the details are required.</p>									
5.	<p>The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (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.</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p>									
6.	<p>As part of the first application for reserved matters or 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.</p>									

	Reason: The submitted information did not include details of the hard surfacing materials and to ensure that the materials used are visually appropriate to the locality samples are required.
7.	All new dwellings are required to 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.	Prior to the commencement of the development 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.	No dwelling hereby approved shall 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.	No development shall take place until a Construction Method Statement has first been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: <ul style="list-style-type: none"> • the parking of vehicles of site operatives and visitors wholly within the application site • hours of operation (including deliveries) during construction and demolition • loading and unloading of plant and materials wholly within the application site • storage of plant and materials used in constructing the development wholly within the application site • measures to control the emission of dust and dirt during construction • a scheme for recycling/disposing of waste resulting from construction works Reason: The site is located off a main route in Euxton. The specified information is required in the interests of highway safety, to ensure that the adjacent car park is left free for patrons of the public house and to protect the amenities of the nearby residents. This information is required prior to commencement to ensure that the entire project adheres to appropriate procedures.
11.	The vehicular access to the site shall be constructed in accordance with submitted plan RT-SK002 Rev F received 2nd November 2015 and shall be completed in accordance with the approved plans prior to the occupation of the dwellings hereby approved.

	Reason: In order to satisfy the Local Planning Authority and Highway Authority that a suitable access is provided into the site.
12.	<p>Prior to the occupation of the first dwellinghouse hereby approved full details of the proposed arrangements for future management and maintenance of the communal areas within the development shall be submitted to and approved by the local planning authority. The communal areas shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and Maintenance Company has been established.</p> <p>Reason: To ensure that the communal areas serving the development are maintained to an acceptable standard in the interest of residential / highway safety.</p>
13.	<p>Prior to the commencement of the development full details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details</p> <p>Reason: To secure proper drainage and to manage the risk of flooding and pollution.</p>
14.	<p>Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 5l/s.</p> <p>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. Drainage is an early activity in the construction process and it is in the interest of all stakeholders to ensure the approach is agreed before development commences. This condition is imposed in light of policies within the Framework and NPPG.</p>
15.	<p>Due to the size of development, the proposed sensitive end-use (residential housing with gardens), and the proximity to railway land, the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.</p> <p>The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study and site investigation must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.</p> <p>Reason: It is the applicant's responsibility to properly address any land contamination issues and to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012). A Desk Study Report should include a desk study and site reconnaissance (walk over) and preliminary risk assessment as defined in 'CLR 11: Model Procedures for the Management of Land Contamination' (Environment Agency, 2004). Further guidance and advice on producing the report can be obtained from the Contaminated Land Officer.</p>
16.	<p>No development shall commence until a Scheme for the provision of off-site public open space in accordance with the principles of Policies HS4A and HS4B of the Adopted Chorley Local Plan 2012-2026 has been submitted to and approved in writing by the Local Planning Authority. The dwellings hereby approved shall not be occupied until the approved Scheme has been implemented.</p>

	<p>Reason:- The provision of off-site public open space is a requirement of the Development Plan and therefore a scheme or mechanism to deliver the requirements of the development plan are essential to make the development acceptable. A suitable scheme has not been submitted as part of the application and is needed prior to the commencement of the development to ensure a suitable scheme can be agreed.</p>
17.	<p>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 and paved or hard landscaped. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>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.</p> <p>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.</p>
18.	<p>Prior to the occupation of the dwellings hereby approved the noise mitigation measures shall be implemented in accordance with the submitted Planning Noise and Vibration Assessment dated September 2015. In particular the mitigation shall include:</p> <ul style="list-style-type: none"> • Along the northern, eastern and southern boundaries of the private rear garden areas of the dwellings which immediately back onto the railway line fences of 2.5m in height shall be erected • To the rear of the plots which are not immediately adjacent to the railway line garden fences of 2m in height shall be erected. • Rear garden fences in between the plots shall be 1.8m in height <p>Reason: in the interest of noise to ensure that the amenities of the future residents are not affected by noise from the railway line, in the interests of privacy to provide private rear garden areas and to maintain a feeling of openness to enable the inclusion of lower more rural types of boundary treatments where private rear gardens are not proposed.</p>
19.	<p>The parking spaces shown for the Railway public house on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the commencement of the construction of the dwellings hereby approved. Such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).</p> <p>Reason: To ensure provision of adequate off-street parking facilities for the public house prior to work on the dwellings commencing that will reduce the existing parking provision at the site.</p>