

**Item A. 3**                      **08/01052/OUTMAJ**      **Outline App Permitted with Legal Agmnt**

**Case Officer**                      **Caron Taylor**

**Ward**                                      **Euxton North**

**Proposal**                              **Outline application for 12 detached houses, associated garages and access road (including access, layout and scale), following demolition of existing dwellings, offices and workshop/storage buildings**

**Location**                              **37 - 39 And Land To Rear Wigan Road Euxton**

**Applicant**                              **W Marsden And Sons Ltd**

**Application No.**                      **08/01052/OUTMAJ**

**The application has been brought to the Chairman's Briefing, as letters of objection has been received and it is a major application.  
Consultation expiry: 6<sup>th</sup> November 2008  
Application expiry: 2<sup>nd</sup> January 2009**

**Proposal**                              The application is an outline application for 12 detached houses, associated garages and access road (including access, layout and scale), following demolition of existing dwellings, offices and workshop/storage buildings

**Summary**                              The site falls to be considered brownfield land and as such, in respect of National Planning Policy, Its redevelopment for housing is considered to be acceptable in principle. Accordingly the proposal will help to meet the RSS target of housing development on brownfield land. Although the site is an existing employment site, due to its individual constraints and characteristics, the type of uses it could be put to is limited. Therefore it is not considered that the site is suitable of being re-used for employment purposes having re-assessed it against the criteria in Policy EM9. The scheme is considered acceptable in terms of layout, scale and access subject to appropriate conditions.

**Policies**                              RSS, PPG3, PPS23, PPG25, GN1, EM9, HS4, EP17

**Planning History**                      There is no planning history relevant to this application.

**Consultations**                      Coal Authority  
Standing Advice

LCC Highways  
Originally objected to the application, however amended plans have been received in response to the comments raised by the Highways Engineer and they now find the scheme acceptable.

Planning Policy  
Have commented that the site falls to be considered under Policy EM9 of the Adopted Chorley Borough Local Plan Review as a former employment site and as such the provisions of the Policy and associated Supplementary Planning Guidance apply.

Environment Agency

Have reviewed the Ground Investigation & Risk Assessment and Groundwater & Gas Monitoring reports accompanying the application. They state further assessment of the groundwater flow regime at the site may be required, which need to be addressed in order to prevent potential risks to controlled water from site-derived contamination. They therefore recommended a condition and informative that should be placed on any permission addressing this issue.

#### CBC Environmental Protection

They are satisfied with the developer's proposals to mitigate against the pollutant linkages identified, which should act to minimise the identified risks from ground contamination at this site. They therefore have no objections to the proposed development provided that developer carries out the proposed remedial measures in full accordance with the report recommendations.

#### CBC Waste Management

Have reviewed the plans and have not identified any concerns from a waste collection perspective.

#### Network Rail

Have no objection to the principle of the development, subject to recommended conditions.

#### United Utilities

Have no objection providing the site is drained on a separate system with only foul drainage connected into the foul sewer.

### **Representations**

#### Euxton Parish Council

Euxton Parish Council has no objections to the tidying up of this area, and building.

Two letters of objection have been received from neighbouring properties. They object on the following grounds:

- The proposed access to an already very busy A49. Highways should be consulted. The proposal will bring only more danger to this stretch of road;
- Flooding. Euxton Lane has to be closed at the Bay Horse due to flooding under the railway bridge. This is due to water running down Wigan Road from the Railway Tavern. The already ageing drains can't cope now, after heavy rain the A49 becomes a river of water ending up at the Bay Horse. The same applies to Pack Saddle Bridge.
- The area has not yet been spoiled by development (garden grabbing, which should be stopped);
- Does Euxton need any more development? If not checked development will ruin Euxton. The number of houses for sale in Euxton and Buckshaw Village can surely accommodate the property market;
- The proposed houses are large detached properties and will be expensive, hardly in the reach of first time buyers. Today's failing market and Euxton does not need more of this type of development;
- The two buildings on Wigan Road to be demolished are of outstanding architecture and should be listed, not destroyed.

A further letter states their desire to build three properties further down the road was required to leave access for a road to be carried through into the adjacent property north of their plot. However they feel an adoptable road serving the application site would be more appropriate to serve future development plots if and when desired.

## **Background**

The application site covers a former haulage depot accessed down the side of the Railway Public House, including vehicle storage, repair, garages and offices, within the settlement of Euxton. The site also includes the land fronting Wigan Road, which will involve demolishing two existing dwellings (37 and 39 Wigan Road).

There is already outline planning permission (07/00974/OUT) for the erection of four detached dwelling on the land fronting Wigan Road that forms part of the application site where plots 1 to 4 are proposed, although the layout differs from this previous approval.

In addition the land between no. 39 and no. 43 Wigan Road within the application site benefits from a Certificate of Lawfulness (07/00125/CLPUD) confirming that an earlier approval (91/00851/FUL) for the erection of one dwelling is still extant.

Therefore the current application is for 12 dwellings but part of the site currently already benefits from extant permissions for dwellings. Therefore there is a net increase of 9 dwellings taking into account earlier permissions and the dwellings currently on the site. The layout of this earlier approval will be altered to incorporate the rest of the application site.

## **Assessment**

### Employment Use

A former haulage depot forms part of the application site. Policy EM9 covers the redevelopment of existing employment sites for non-employment uses. In accordance with Policy EM9 an assessment is made into whether the site is suitable of being re-used for employment purposes. Sites that are identified as suitable are required to be marketed for employment purposes if the proposal is for a non-employment use.

Chorley Council recently commissioned an Employment Land Review jointly with South Ribble and Preston Councils. This was published in August 2008 and includes this site. The review identifies the site as an 'Other Urban' site which are generally of reasonable quality but may be constrained limiting their full current availability or market attractiveness. This site is described within the review as being of 'moderate' quality.

In line with the Employment Land Review guidance officers have examined the precise mix and nature of uses on this site with consideration to policy, development requirements, character of the area and constraints. The assessment has confirmed that due to the constraints of this site, close to residential dwellings, the type of employment uses that would be suitable are limited to light industry type uses. These uses tend to require smaller sites and therefore on a site the size of the application site would tend to result in more than one occupant. This would result in intensification of the use of the site and have implications on the amount of traffic, which would also impact on the amenity of neighbouring residential properties. In addition the access and visibility splay to handle an intensification of the site is limited.

Additionally there are alternative sites in the vicinity for employment.

As such it is not considered that the site represents the best example of an appropriate employment site within the Borough and is not particularly suitable for employment re-use. Therefore the site does not require marketing for employment re-use in line with the Supplementary Planning Guidance.

### Housing

The proposal is an outline planning application for the redevelopment of the site for residential use. The access, layout and scale are fixed as part of this application and the proposal incorporates the erection of 12 dwellinghouses on the site.

In accordance with Planning Policy Statement 3: Housing the site is considered to be previously developed land. Previously developed land is land which is or was last occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. PPS3 encourages the redevelopment of previously developed land.

The proposed housing development will achieve the redevelopment of a brownfield site within the defined settlement boundary and as such the redevelopment of the site is considered to be appropriate and accords with Government guidance.

### Design, Layout and Appearance

In terms of layout, Local Plan Policy HS4 states that residential development will be permitted provided that a number of criteria are satisfied:

In terms of the scale and layout respecting the surrounding area, although the application is outline it does include layout and scale, specifying it as two-storey. There is a wide range of properties on Wigan Road, without one over riding style. The buildings to be demolished as part of the proposal are a two-storey building associated with the existing use of the site next to the Railway Public House (two-storey), a dormer bungalow with a mansard roof and a true bungalow. The nearest property to the south number 43, which is the main residential property the proposals will be viewed in the context of, is a two-storey house. There is a bungalow opposite, number 38, which is operated as a car sales business. The application indicates that the proposed dwellings will be two-storey in scale and this is considered in keeping with the surrounding area.

Policy HS4 states that sites should be planned and laid-out comprehensively. There are a number of properties to the south of the application site on Wigan Road that have large rear gardens, and it is possible that they could come up for development in the future. It is noted that one of the objectors has stated that room should be left from the proposed development to allow these to be accessed if necessary from this parcel in the future (which it precludes at present). However, the current layout is considered comprehensive in accordance with Policy HS4 and as highways require the use of shared driveways there is a limit to the number of properties that can be served off them.

### Waste Collection

The Council's Waste Management Officers have considered the proposal and have no objections, nor can they foresee any problems in terms of waste collection from the properties in line with criteria (f) of Policy HS4.

#### Neighbour Amenity

Policy HS4 requires the development to provide reasonable privacy and amenity for future residents and the residents of neighbouring properties. The proposed layout does not result in unacceptable overlooking to any existing properties. The properties on plots 8 to 12 will back onto the railway line and there will be over 10m between their front windows and the properties that front Wigan Road on plots 1 to 5. The properties on plots 6 and 7 will back onto the grounds of the Railway Public House so will not result in any overlooking.

No. 43 Wigan Road is outside the application site and two of the new dwellings will be on the land behind it. There will be 12.5m from the property on plot 12 to the rear boundary of no. 43 and in addition a double garage will be positioned next to the boundary to reduce its impact further. In terms of the property on plot 11 there will be 11.5m to the rear boundary of no. 43, which again exceeds the Council's adopted interface guideline of 10m. The interface guidelines are also adhered to between properties within the site, subject to window positioning which will be considered at the reserved matters stage.

#### Highways

The proposed housing development as proposed will be accessed via a new access moved further south, away from the Railway Public House than the existing access to the site. The access and internal road have been amended at the request of LCC Highways and the amended plan is now acceptable to them.

#### Contamination

The application is accompanied by reports on ground investigation & risk assessment, ground water and gas monitoring. These have been sent to the relevant bodies and are considered acceptable in line with PPS: 23 subject to further assessment of the groundwater flow regime at the site, which can be secured by condition.

#### Public Open Space

There is a requirement for a commuted sum towards public open space and the applicant has agreed to enter into this via a Section 106 Agreement.

#### Sustainability

Following the adoption of the first policy document; the Sustainable Resources Development Plan Document (DPD), within Chorley's new Local Development Framework (the new style Local Plan), in September 2008, an Energy Efficiency/Resource Conservation Statement, which sets out how the development complies with the criteria of policy SR1 of the DPD, is required as part of the application.

The agents for the application have been made aware of this requirement and as the application is only outline, it is considered that the requirements can be dealt with at reserved matters stage.

To ensure that the future reserved matters applications accord with Policy SR1 of the Sustainable Resources DPD, appropriately worded conditions will be attached to the recommendation in respect of reducing energy consumption.

#### Trees

There are limited trees and vegetation on the site. There is a hedge on the frontage boundary with Wigan Road and this will be removed to allow a sufficient visibility splay to be created, however a new hedge will be planted further back behind railings. In terms of trees there is only one larger tree on the frontage, which is a holly. The application will involve the removal of this tree, however, it is not considered it is of a size or significance in the streetscene that would warrant its protection by a Tree Preservation Order.

#### Flooding

United Utilities and the Environment Agency have no objection to the proposal on flooding grounds. LCC Highways have raised the issue that the present Surface Water system is overloaded and there is flooding to Pack Saddle Bridge. They therefore require the developer to submit calculations of total discharge and proposals of an appropriate drainage system that will reduce flooding. In addition, in line with PPG25, the amount of impermeable surfacing can be reduced by requiring hard surfaces, such as driveways to be constructed in line with the latest guidance on permeable surfaces.

These two aspects will be secured by condition.

#### Other

The buildings to be demolished are not listed nor are they in a conservation area. They are not of an age or character that would warrant listing.

Due to the size of the site and the number of dwellings proposed there is no requirement for affordable housing on the site.

Given the extant permissions and that the scheme also involves demolition of existing dwellings, there is a net increase of 9 dwellings on the site. It is not therefore considered reasonable to require a highways contribution for the scheme though a planning obligation as this is only required on schemes of 10 new dwellings or more.

**Recommendation**    **Permit    Outline    Planning    Permission    (Subject to S106 Agreement)**

**Refuse if S106 Agreement is not signed prior to 23<sup>rd</sup> December 2009 (due to the Christmas period)**

#### **Conditions**

1. An application for approval of the reserved matters (namely external appearance of the buildings 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: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. All planting, seeding or turfing comprised in the approved details of landscaping 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.*

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

*Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

4. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details 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 using the approved external facing materials.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

5. 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 Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

6. Unless otherwise agreed in writing, the application for approval of Reserved Matters shall be accompanied by full details of the predicted energy use of the development expressed in terms of carbon emissions and a schedule setting out how energy efficiency is being addressed, including benchmark data. It will show the on-site measures to be installed and implemented so as to produce a minimum of 10%, or locally set targets (whichever is the higher) in place at the receipt of the reserved matters, of the predicted energy use of the development by means of low carbon energy sources. Appropriate on-site measures include rainwater/brown water recycling, the implementation of sustainable urban drainage systems and the provision of storage space for recyclable waste materials and composting. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD.*

7. No dwelling hereby permitted shall be occupied until the site access with Wigan Road has been completed in accordance with the details shown on Drawing No. 05/133/0P04 Rev A (stamp dated 14<sup>th</sup> November 2008), or as otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*

8. The outline planning permission hereby approved relates to the erection of two-storey dwellings. The application for reserved matters shall only be for two-storey dwellings to a scale as specified in the Design and Access statement accompanying this application.

*Reason: In the interests of the appropriate development of the site, to prevent intensification in the development of the site and in the interests of the visual amenities of the area. In accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review*

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

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

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

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

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

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

*Reason: To prevent the pollution of controlled waters from potential contamination on site and to protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control.*

11. The integral/attached garage shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

*Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No.TR8 of the Adopted Chorley Borough Local Plan Review.*

12. The application for approval of reserved matters shall include a scheme of landscaping indicating 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. It shall specifically include details of a new native boundary hedge fronting Wigan Road. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

*Reason: In the interests of the amenity of the area and in accordance with Policies No.GN5 and EP9 of the Adopted Chorley Borough Local Plan Review.*

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

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

14. 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 plans) shall have been submitted to and approved in writing by the Local Planning Authority. This shall include details of a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary (and shall make provision for its future maintenance and renewal. Any existing Network Rail fencing/wall must not be removed or damaged). 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.

*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.*

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