

Item 1 **09/00068/FUL Permit (Subject to Legal Agreement)**

Case Officer **Caron Taylor**

Ward **Euxton North**

Proposal **Proposed demolition of existing bungalow and the erection of 3 houses**

Location **53 Wigan Road Euxton Chorley PR7 6JU**

Applicant **Mr Andrew Loughlin**

**The application has been brought to the Chairman's Briefing, as letters of objection have been received and the application is for three dwellings.
Consultation expiry: 26th March 2009 (due to re-notification on amended plans)
Application expiry: 30th March 2009**

Proposal Application for demolition of the existing bungalow and the erection of 3 houses.

Background The application site is currently occupied by a single bungalow facing Wigan Road. It has a long rear garden that backs onto the railway line. There are residential properties to the north and opposite the site, immediately to the south bounding the site is a commercial garage (Felton's Garage) with residential properties on the other side of this.

Summary The redevelopment for three houses is acceptable in policy terms as the site is classified as brownfield land under PPS3. Amended plans have been received following comments from LCC Highways and they now have no objection to the scheme. The scheme is considered acceptable in terms of layout, scale and relationship with surrounding properties subject to appropriate conditions.

Policies RSS, PPS3, PPS23, PPG25, GN1, EP9, HS4, EP17

Planning History An application for a similar proposal was withdrawn in January 2008 (ref: 07/01419/FUL).

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.

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

CBC Environmental Protection

Request a condition be imposed regarding submission of a study to identify any potential contamination.

Network Rail

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

Representations

Euxton Parish Council

- State that the properties are closer to no. 51 and there is concern over them blocking light;
- Three properties on the site of one seems disproportionate to the original footprint and character of the area;
- There will be up to nine vehicles leaving by the entrance drive which is next to a business (Felton's Garage);
- Request that a Tree Preservation Order is placed on the remaining trees on the site;
- There are concerns over the loss of natural drainage and the increase of properties and hardstanding over this naturally draining land may cause flooding problems, coupled with the loss of the trees which help drain the land;
- If the application is permitted it is requested that the garages for the properties are conditioned to remain as such so they cannot be converted, as this would cause increased parking problems.

Four letters of objection have been received from neighbouring properties. In addition a further letter of response to notification on amended plans has been received signed by four properties. The planning issues they raise are:

- The drains on Wigan Road cannot cope when there is heavy rain, the land is clay and therefore floods;
- There is flooding in the area including up people's drives and in their gardens as the drainage system is overloaded;
- The drainage is slow and anyone can see that Wigan Road gets flooded on either side – the bridge at the junction of Wigan Road and Euxton Lane becomes impassable;
- There are enough houses in the area being built;
- The proposal will result in loss of light to the kitchen/dining room of no. 51, which only has one window in the side elevation. If a house with double garage replaces the existing bungalow then two-thirds more light will be lost;
- The proposed houses on plots 2 and 3 will result in a loss of privacy and loss of light to no. 51;
- The proposal will result in loss of wildlife in the garden and it is proposed to fell further trees;
- The proposal will result in noise and disturbance;
- The proposal will add to the danger on the A49;
- The Euxton area is already lacking in open space;
- The proposed property on plot 1 stand forward of the building line of Wigan Road, with the garage protruding beyond it.
- It is requested that a Tree Preservation Order is placed on a number of trees;
- The internal alterations shown on the amended plans do

- nothing to change their objections to the development;
- The temporary fencing is now shown around two trees to protect them during development but with no mention of the twenty plus trees that are planned to be felled.

Assessment Principle of Dwellings on the Site

Planning Policy Statement 3: Housing (PPS3) is the national planning guidance that sets out the Government's national policies on housing and is a material consideration in determining planning applications.

PPS3 defines previously developed land (also known as brownfield land) as that which was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The application site is therefore considered to be previously developed land under this definition. The development of previously developed land is encouraged over the use of greenfield sites. The principle of redevelopment of the site is therefore acceptable in principle in line with planning policy.

It is considered that the proposals are in line with national planning guidance PPS1 and Local Plan Policy GN9 and HS6, in that the site is considered to be located in a sustainable location, accessible via a variety of transport methods with a range of local services in the area.

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, the proposed properties are all two-storey. Although the existing property on the site is a bungalow there is a wide range of properties on Wigan Road, without one over riding style, including numbers 49 and 51 immediately to the north which are a pair of semi-detached houses. The erection of two-storey dwellings is therefore considered acceptable in principle as they are considered in keeping with the surrounding area.

Although the attached garage of the proposed property on plot 1 is positioned forward of the front of numbers 19 and 51 it is not considered that this would warrant refusal of the application. The garage will only be single storey and will be positioned to the north of Felton's Garage which has a canopy that stands proud of the general building line. In addition, a recent outline approval on the former Ellerbeck Skips Site to the south of the Railway Inn (ref: 08/01052/OUTMAJ), which specified layout permitted similar garages to that now proposed. Due to the wide variety of house types in the area and that the projection is only single storey this aspect is considered acceptable.

Policy HS4 states that sites should be planned and laid-out comprehensively. There are properties to the either side of the application site that have large rear gardens, and it is possible that they could come up for development in the future. While it would be premature to refuse the application on these grounds the layout has been looked at carefully to ensure that the road serving the properties on plots 2 and 3 is built close to the boundaries with neighbouring boundaries to minimise the risk of ransom strips

being created in the future and therefore the likelihood of multiple accesses to Wigan Road being necessary.

Waste Collection

The Council's Waste Management Officers have considered the proposal and have no objections in line with criteria (f) of Policy HS4.

Neighbour Amenity

Policy HS4 requires the development to provide reasonable privacy and amenity for residents of neighbouring properties, as well as between the proposed properties themselves.

The layout between the properties on the site complies with the Council's interface guideline of 10m for distance between the first floor window in plots 2 and 3 and the boundary with the rear garden of plot 1. In terms of plots 2 and 3 they back onto the railway line.

The main issue with the proposal is the relationship between the properties and no. 51 Wigan Road to the north. This property has a single storey extension on the rear/side with a door and window in the side elevation and a first floor landing window on the side elevation facing the application site. The main part of the property on plot 1 is generally in line with the property at no. 51, although the garage projects forwards of its front elevation. No. 51 has a side carport towards the front of the side elevation and the proposal complies with a 3m plus 45degree line taken from the nearest ground floor window of this property. Although no. 51 has a side window serving a kitchen in the side elevation close to the boundary it is not considered that this relationship is unacceptable as the proposed property on plot 1 will be approximately 3.6m from the boundary of proposed dwelling on plot 1, a common relationship in this type of street layout. It would also seem unfair to refuse permission on the application site on the basis that the neighbour has extended their property with a side window. In addition it would be expected that there would be a 2m fence between the two properties on the side boundary.

Amended plans have been received altering the internal layout of the proposed property on plot 2 so that the first floor windows nearest to the boundary with no. 51 serve a bathroom and ensuite so are therefore obscure glazed. The relationship between the properties is therefore considered acceptable subject to a condition requiring these windows to remain obscure glazed and top-opening only.

Due to the commercial garage to the south adjacent to the property proposed on plot 3 the proposal will have an acceptable relationship with no. 57 Wigan Road, the nearest residential property to the south.

The land is relatively flat and there will not therefore be differences in levels between the proposed dwellings and surrounding properties.

Highways

The two dwellings to the rear of the plot will be via a widened and amended access where the existing driveway for the bungalow is positioned. The access and turning within the site has been

amended in line with the requirements of Lancashire County Council, the Highways Authority for the area, it is therefore considered acceptable.

In terms of parking each dwelling will have a single garage and double driveway, which is considered sufficient to serve the dwellings in line with the Interim Draft RSS policy for Parking Standards, subject to a condition that the integral garages are retained for parking.

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.

Trees

There are a number of trees, shrubs and hedges on the site and the application is accompanied by a tree report. There is a hedge on the frontage boundary with Wigan Road most of which will be retained. A Tree Preservation Order (TPO 2 Euxton 2009) has been placed on three trees on the front boundary with Wigan Road and several trees on the rear boundary with the railway to create a buffer between it and the proposed properties on plots 2 and 3. Although there are other trees on the site some of which will be removed it is not considered that these would warrant the protection of a tree preservation either due to their size, or due to their limited public amenity value.

Flooding

United Utilities have no objection to the proposal on flooding grounds. However, it is known that locally that the present Surface Water system is overloaded and there is localised flooding. A condition is therefore proposed to require the developer to submit calculations of total discharge and proposals of an appropriate drainage system that will prevent the development causing 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 aspects will be secured by condition.

Other

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

Recommendation **Permit Planning Permission (Subject to S106 Agreement)**
Refuse if S106 Agreement is not signed prior to 30th March 2009.

Recommendation: Permit (Subject to Legal Agreement)
Conditions

1. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. All windows in the first floor of the west elevation of the dwelling on plot 2, serving the bathroom and en-suite (as shown on Drawing no. 08/116/PO3 Rev B) shall be fitted with obscure glass and be top opening only and obscure glazing and top-opening windows shall be retained at all times thereafter.

Reason: In the interests of the privacy of occupiers of the neighbouring property and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

3. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level in the north elevation of the dwelling on plot 2 or the south elevation of the dwelling on plot 3 as shown on Drawing No. 08/116/P01 Rev B.

Reason: To protect the amenities and privacy of the adjoining properties and in accordance with Policy Nos. GN5 and HS4.

4. The integral/attached garage on all plots as shown on the approved plans 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.HS4 of the Adopted Chorley Borough Local Plan Review and adopted Supplementary Planning Document: Householder Design Guidance..

5. The site must be drained on a separate system with only foul drainage connected into the foul sewer. Surface water must drain separate from the foul and must not discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.

6. No part of the development hereby permitted shall be occupied or used until a means of vehicular access has been constructed in accordance with the approved plans.

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

7. During the construction period, all trees to be retained shall be protected by minimum 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 (as shown on Drawing No. 08/116/P05) at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand. In respect of trees T10 and T23 'No Dig' Road Construction shall be used as detailed on Drawing No. 08/116/P05 unless otherwise agreed in writing with the Local Planning Authority

Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 and HT9 of the Adopted Chorley Borough Local Plan Review.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. The development hereby permitted shall not be permitted 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. 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 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.

Reason: In the interests of safety and in accordance with PPS23: Planning and Pollution Control.

14. Before the development hereby permitted commences, the applicant must contact Network Rail's Outside Parties Engineer (OPE):

Territory Outside Party Engineer

Network Rail (London North Western)

11th Floor

The Mail Box

100 Wharfside Street

Birmingham

B1 1RT

E-mail: opelondonnorthwestern@networkrail.co.uk

Reason: To ensure the safety, operational needs and integrity of the railway.