
Appeal Decision

Site visit made on 13 September 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 October 2016

Appeal Ref: APP/D2320/W/16/3152343

Land adjacent to the Railway Public House, Wigan Road, Euxton, Lancashire PR7 6LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Newriver Property Unit Trust No. 4 against the decision of Chorley Borough Council.
 - The application Ref 15/01092/OUT, dated 30 October 2015, was refused by notice dated 12 February 2016.
 - The development proposed is the erection of 9 No. dwellings.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 9 No. dwellings on land adjacent to the Railway Public House, Wigan Road, Euxton, Lancashire PR7 6LA in accordance with the terms of the application, Ref 15/01092/OUT, dated 30 October 2015 subject to the conditions in the attached schedule.

Procedural Matters

2. The appeal was submitted in outline with access only to be determined at this stage. I have considered the appeal on this basis with the sketch layout of the proposed development being for indicative purposes only, with the exception of the access details.

Main Issue

3. The main issue in this case is the effect of the development on highway safety in particular with regard the provision of car parking for the Public House.

Reasons

4. The appeal site forms part of the car park to the Railway Public House located on the A49 main distributor road in Euxton. The proposed development would take up just over half of the area of the current car park leaving 38 parking spaces to serve the Public House.
 5. Policy ST4 of the Chorley Local Plan 2012-2026 requires development proposals to make parking provision in line with standards set out in Appendix A of the Policy. In this case 52 parking spaces, including 3 disabled spaces would be required. The policy goes on to state that provision above or below this standard will be supported by evidence detailing the local
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circumstances that justify deviation from the standards. Policy BNE1 of the Local Plan sets out design criteria for new development and in Part d) similarly states that a development will not be permitted if it would reduce car parking provision below the standards, unless there are material considerations to justify the reduction.

6. I have had regard to the car parking surveys commissioned by the appellant, firstly in January 2016 over three days including a weekend and secondly over the Easter weekend, a busier trading period. Both surveys demonstrate a peak accumulation of 24 vehicles. I consider that this evidence, detailing local circumstances, provides sufficient justification to allow a deviation from the maximum parking standards in this case.
7. I acknowledge the Council's concern that the public house could be experiencing a low trading position and if this were to improve, demand for on-site car parking would increase. Any overspill car parking on Wigan Road would potentially affect the free flow of traffic on the highway and cause harm to highway and pedestrian safety. However I have been provided with no evidence to substantiate this concern. I am also mindful that the proposed 38 parking spaces exceed the peak accumulation by 58% thereby allowing some spare capacity for any increased parking demand.
8. I therefore consider that the proposed provision of 38 vehicles would be adequate to serve the Public House. The appeal proposal would comply with Policies ST4 and BNE1 of the adopted Chorley Local Plan which seek to ensure that development does not prejudice highway safety, pedestrian safety or the free flow of traffic.

Conditions

9. I have had regard to the conditions suggested by the Council in light of the National Planning Policy Framework and the Planning Practice Guidance. As the appeal is in outline with only the matter of access to be approved at this time, it is not necessary to impose conditions regarding layout, appearance, scale or landscaping. The normal conditions governing the submission of details in pursuance of reserved matters are necessary as is a condition to require the development to be carried out in accordance with the submitted plans for the avoidance of doubt and in the interests of the proper planning of the area. Conditions regarding materials for the construction of the proposed dwellings, boundary treatment, hard surfacing materials, landscaping, the management and maintenance of communal areas can be left to reserved matters stage. A condition in respect of ground and floor levels is necessary in order to protect the character and appearance of the site and the surrounding area.
10. In order to ensure energy efficiency reductions and to comply with Local Plan Policy 27 conditions are required with regard dwelling emission rates. I also consider it necessary to impose a condition regarding a construction management plan in order to safeguard the amenity of neighbouring residents and ensure the car park to the Public House remains available during construction. In addition a condition relating to the provision of the retained car park is required to ensure adequate off street car parking.
11. In the interests of highway safety, a condition regarding the details of the site access is necessary. Conditions relating to foul and surface water drainage are

appropriate in the interests of proper site drainage. Having regard to the sites location adjacent to the railway line and close to the public house, a condition requiring noise mitigation measures is necessary in order to protect the living conditions of future residents. A scheme for the provision of off-site public open space is necessary in order to comply with Chorley Local Plan Policies HS4A and HS4B.

12. Whilst I have no evidence of on-site contamination, having regard to the sites past use and proximity to the railway line, I find it necessary to impose a condition requiring investigation of the site. Where necessary and in the interest of clarity and precision, I have altered the conditions to better reflect the guidance.

Conclusion

13. I have found that the appeal proposal would not cause harm to highway safety with particular regard to the provision of car parking for the Public House.
14. For the reasons given above and having had regard to all other matters raised, I allow this appeal.

Helen Hockenhull

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. RT-SK002 Rev F – Site Layout and Drawing No. 15098-SK160114.1 Swept Path Analysis, Proposed Parking Area.
- 5) As part of the reserved matters application or prior to the commencement of development full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

- 6) All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.
- 7) 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.
- 8) 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.
- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 10) 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.
- 11) 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.
- 12) Prior to the commencement of the 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.

- 13) 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.
- 14) 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:
 - 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
- 15) 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).
- 16) 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. 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 the 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 measures stipulated in the approved report.