



Appeal Decision

Site Visit made on 21 September 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/D2320/W/21/3272793

2 Oak Drive, Chorley PR6 7BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Judith Rhind against the decision of Chorley Borough Council.
 - The application Ref 19/00339/FULMAJ, dated 19 March 2019, was refused by notice dated 24 March 2021.
 - The development proposed is the erection of a two storey building comprising 10 no. apartments with associated parking and infrastructure following demolition of the existing building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey building comprising 10 no. apartments with associated parking and infrastructure following demolition of the existing building at 2 Oak Drive, Chorley PR6 7BY in accordance with the terms of the application, Ref 19/00339/FULMAJ, dated 19 March 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal.
3. It is clear from the plans and accompanying details, which were amended during the course of the planning application, that the development proposed now comprises 10 apartments. I have therefore used the Council's description of the development proposed in the banner heading above, and in my decision as it more accurately describes the proposal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal relates to a vacant detached two storey building that was previously in use as a rest home. The character of the surrounding area is predominantly residential with nearby estate roads comprising a mixture of two storey semi-detached and detached dwellings, that have well defined building lines and are set out in an orderly fashion.

6. Nonetheless, the appeal site is accessed via a short unadopted highway known as Oak Drive, off Maple Grove. It also sits in a relatively secluded position, in between two detached dwellings which are varied in their size, scale and style. These properties and the appeal site also face dense tall mature vegetation that screens views of them from the nearby A674 Millennium Way.
7. It is undisputed that the proposal would be approximately 2.3 metres taller than the ridge height of the existing building, and that it would be of a greater height than the neighbouring properties to each side of it. Nonetheless, the dwellings along Oak Drive already vary in height. Revised plans also show that the proposal would have a smaller footprint than the building that it would replace, and that there would be an increased amount of space maintained between the proposal's side elevations and the shared boundary fence lines.
8. Although its rear elevation would be apparent from Rowan Grove, views of it would be filtered by the presence of shrubbery and mature trees at the head of this cul-de-sac. It is also set well back from the turning head of this road and would be seen against a backdrop of the tall dense vegetation that bounds the A674. The proposal's relatively contemporary design, with projecting and recessed elements, glazed balustrades and Juliet balconies, would also not appear conspicuous in the context of the diverse neighbouring properties on Oak Drive.
9. In light of the factors above, I do not consider that the modest increase in height and bulk would result in the proposal's size, scale and massing appearing oversized or overdeveloped within its context.
10. I therefore find that the proposed development would not cause any harm to the character and appearance of the area. As such it would not conflict with Policy BNE1 of the Chorley Local Plan 2012 – 2026 (2015) (Local Plan). This seeks, amongst other things, to ensure that new development does not have a significantly detrimental impact on the surrounding area by virtue of factors including its density, siting, layout, scale and massing.

Other Matters

11. Local residents and third parties' concerns regarding highways, noise, and property values are noted. However, the Council's Highway Authority has not raised any objections in regard to transportation or the proposed parking provision, and I am satisfied that the number of vehicle movements would not result in any unacceptable congestion or highway safety risk.
12. I also do not consider that the occupants of ten one bedroom apartments in a residential area, would result in such an increase in noise or air pollution, when compared to the previous rest home use, as to cause unacceptable harm to the occupiers of neighbouring properties. Any disturbance during construction would be for a temporary period only and can be controlled by a suitably worded planning condition for a construction traffic management plan. I am also mindful that the Council's Environmental Health Officer has not raised any objections in respect of air pollution or noise generated from future residents or the nearby roads.
13. Satisfactory intervening distances would also be achieved between the appeal building and the habitable room windows of neighbouring properties to ensure that local residents would not experience any significant loss of light, outlook or

privacy. Furthermore, United Utilities and the Council's Lead Local Flood Authority have not raised any objections in respect of the drainage of the site, and I am satisfied that appropriately worded conditions in relation to foul and surface water and sustainable drainage can satisfactorily address any impacts of the appeal proposal in this regard were planning permission to be granted. Nor is there any firm evidence to suggest that recycling and waste collection arrangements would lead to infestation, or that the development would result in a loss of security or place an undue strain on local infrastructure.

14. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property and the loss of views are outside of the remit of the appeal. Similarly, ownership issues in respect of Oak Drive are a private matter between the relevant parties and not within my jurisdiction.
15. Comments from local residents in respect of their anxiety and distress are also acknowledged. However, I have reasoned above, with reference to planning considerations in terms of the public interest, that the proposal would not have unacceptable effects.

Conditions

16. I have considered the conditions suggested by the Council against advice in the Planning Practice Guidance (PPG): *Use of planning conditions*. A condition specifying the approved plans is necessary to provide certainty and would ensure that the development permitted is carried out in accordance with them. As such a separate condition requiring that the external materials are constructed in accordance with the details specified in the approved plans is not necessary as it repeats this requirement.
17. Conditions requiring details of external lighting and the boundary treatment are necessary in the interests of safeguarding the living conditions of the occupiers of neighbouring properties and the visual amenity of the area. It is also necessary in the interests of highway safety and the living conditions of neighbouring residents to ensure that a construction traffic management plan is submitted for the local planning authority's approval, as would be achieved by condition 4. I also agree that a condition is necessary to ensure that the proposed secure cycle storage is implemented and retained to encourage more sustainable modes of transport.
18. To protect breeding birds, site works should not take place between March and August unless nesting birds are absent. Whilst a landscaping scheme is also necessary to ensure that all the relevant landscaping works are provided I have added an additional condition to ensure that they are maintained thereafter in the interests of visual amenity, and to provide opportunities to mitigate any impact on, and disturbance to wildlife.
19. To ensure adequate drainage, conditions relating to the provision of foul and surface water drainage and a sustainable surface water drainage scheme have been imposed. However, I am unable to locate the suggested access route between the site and the A674 Millennium Way on the submitted plans. As such I cannot be certain that a condition to restrict the direct access between them for pedestrian use is reasonable or necessary.

Conclusion

20. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should therefore be allowed.

Mark Caine

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Proposed Plans, Elevations & Roof Plan Dwg No 17/054/P04 Revision C, Proposed Site Plan Dwg No 17/054/P03 Revision B, Location & Site Plan Dwg No 17/054/L01 Revision A, and the specification sheet referenced 'Vertical Bike Hanger Shelter'.
- 3) No work to clear vegetation within the site, no tree removal, and no other works that may affect nesting birds shall take place between 1 March and 31 August inclusive, unless the absence of nesting birds has been confirmed by an ecologist, and written approval has been given by the Local Planning Authority.
- 4) Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP is to include the following provisions:-
 - a) The parking of vehicles of site operatives and visitors;
 - b) Loading and unloading of plant and materials used in the construction of the development;
 - c) Storage of such plant and materials;
 - d) Wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used;
 - e) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
 - f) Routes to be used by vehicles carrying plant and materials to and from the site;
 - g) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.The development shall be carried out in accordance with the approved CTMP during the construction period.
- 5) Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of

drainage options in national planning practice guidance. In the event of surface water discharging to a public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

- 6) Prior to the commencement of any development, other than demolition, a surface water sustainable drainage scheme, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall include the following details:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) In accordance standard S3 and S5 of the Non-statutory technical standards for sustainable drainage systems 2015, the drainage strategy should demonstrate that the surface water run-off must be as close as reasonable practicable to greenfield runoff rate from the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) A plan showing flood water exceedance routes, both on and off site;
- d) A timetable for implementation, including phasing as applicable;
- e) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates;
- f) Details of water quality controls, where applicable.

The development shall be carried out in accordance with the approved details prior to the first occupation of the dwellings.

- 7) The dwellings hereby permitted shall not be occupied until a sustainable drainage management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- (a) Arrangements for adoption by an appropriate public body or statutory undertaker, or for management and maintenance by a management company, and
 - (b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved details.

- 8) No external lighting shall be used or installed until details of an illumination scheme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the occupation of the building.
- 9) No above ground works shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes, proposed numbers/densities where appropriate, and the provision of bird nesting opportunities.
- 10) 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 the 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.
- 11) The development hereby permitted shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the local planning authority. The boundary treatment shall be carried out in accordance with the approved details before the buildings are occupied.
- 12) The development hereby permitted shall not be brought into use until the secure cycle storage for ten bicycles is provided in accordance with the proposed site plan Ref: 17/054/P03 Revision B and the specification sheet referenced 'Vertical Bike Hanger Shelter' and is retained for its intended purposes thereafter.