



Appeal Decision

Site visit made on 3 July 2018

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2018

Appeal Ref: APP/F2360/W/18/3199821

Windmill Hotel, Preston New Road, Mellor Brook BB2 7NS

- 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 Mr A Bangs (James Hall & Company Limited) against the decision of South Ribble Borough Council.
 - The application Ref 07/2017/3283/FUL, dated 27 October 2017, was refused by notice dated 7 February 2018.
 - The development proposed is the demolition of public house and erection of petrol filling station, including fuel tanks, convenience foodstore and associated access, car park and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The National Planning Policy Framework (the Framework) was revised during the assessment of the appeal. Views from both main parties were sought on this matter, but no replies were received. Given that the policies in the Framework are material considerations which should be taken into account in dealing with applications (and appeals) from the day of its publication, I have had regard to it in my Decision.

Main Issues

3. The main issues are the effect of the proposal upon:
 - i) the character and appearance of the area; and
 - ii) the living conditions of nearby residents, with particular reference to noise and disturbance.

Reasons

Character and appearance

4. Located on the corner of Preston New Road and Branch Road, the site is currently occupied by The Windmill, a two storey former public house and car park. It has a prominent back of footway location and is situated within the rural village of Mellor Brook, on the main road between Blackburn and Preston. The village is characterised by important and identifiable older buildings located at road junctions, surrounded by largely 2 storey semi-detached residential dwellings. The proposal is to demolish the existing public house and replace it

- with a petrol filling station and associated canopy, a convenience food store and car parking. The convenience store would be single storey in height, with a hipped roof, red brick walls and timber cladding details.
5. The original building is 2 storeys in height, with some later single storey additions to the rear and side. It is constructed from rendered walls, quoined with stone blocks and has a dual pitched slated roof with chimneys to each end. Whilst its historic value is limited due to the later additions, and its appearance is falling into disrepair, it still forms a strong, imposing and identifiable focal point in the area. Additionally, developments opposite the site on both Branch Road and Preston New Road have strong consistent frontages.
 6. The canopy for the petrol filling area would be located to the front corner of the site. Whilst the design is the prescribed standard, and similar to many other petrol filling stations; in this prominent corner position within a rural residential village, its height, design and materials would appear incongruous, dominant and utilitarian. Even having regard to the other canopies on Preston New Road, the canopy would be out of keeping with the character and appearance of the village, alien to the particular setting and would fail to provide an identifiable and high quality replacement for The Windmill.
 7. Additionally, despite the convenience store design incorporating red brick and a hipped roof, its location to the rear of the site would result in an ill-defined frontage, at odds with surrounding strong frontages. Furthermore, notwithstanding the 'L' shape design; it would also occupy a considerable amount of floor space in comparison to other built forms in the immediate context, appearing incongruously elongated and bulky.
 8. Overall, the design is formulaic, basic and uninteresting. The arrangement of the building types would fail to maintain the strong sense of place and the proposal would not be sympathetic to local character or add to the overall quality of the area.
 9. Consequently, the proposal would have an unacceptable and adverse effect upon the character and appearance of the area. The proposal would be contrary to Policy 17 of the Central Lancashire Adopted Core Strategy Local Development Framework (July 2012) (CS) and Policies G17 and B1 of the South Ribble Local Plan 2012-2026 (July 2015) (LP), which seek to ensure new development is of high quality, provides an interesting visual environment and is in keeping with and respects the character of the area.

Living conditions

10. The appellant details that the pub has been closed since 2014 and marketed for sale since that time without interest. I agree with the appellant that this indicates the existing business is not viable and alternative uses should be considered. This being the case, the fall-back position with regard to the effects of the re-occupation of the public house upon neighbouring living conditions is of very limited weight. Additionally, I have had regard to the significant amount of representations from nearby neighbours on the matter of noise and disturbance.
11. The proposal would introduce a considerable amount of vehicle movements in and out of the development site, with associated activity from customers and noise from car doors slamming, car stereo music and starting of vehicles. This

would be throughout the day and into the night, with early morning and late night opening hours. Furthermore, given the size of the convenience store and associated parking spaces, it is likely there would be additional trips associated with this use.

12. At the time of my visit (1645), both roads were busy with constant flows of vehicles, often queuing at Branch Road to exit. Whilst I recognise this was a peak time, trips to petrol filling stations are generally made on trips elsewhere and therefore, it is likely there would be increased activity at the site during peak hours. This could lead to increased queuing on Branch Road given egress from the site is only available onto this road. In the event this did happen, there would be additional traffic noise and disturbance to nearby residential properties.
13. I acknowledge that the appellant's noise¹ assessment concludes that there would be no adverse effect from noise levels, and the Council's Environmental Health Service raises no objections, subject to conditions. I also acknowledge that there would be little effect upon highway safety or light spillage from the site. However, the noise assessment appears to focus upon deliveries and plant machinery; and not the effect of increased comings in and goings of customers and the noise disturbance that this would have upon residents.
14. Therefore, despite the assessments provided by the appellant, it is my judgement that there would be increased noise, traffic and activity from the site, both in terms of the petrol filling station and the convenience store. The effect of the proposal would be over a long period of the day, every day, without respite. This would materially alter the sound environment experienced by surrounding neighbouring residents, to their detriment.
15. Accordingly, the culmination of this activity would lead to disturbance of the neighbouring dwellings, and fail to provide a high standard of amenity for existing users. This would adversely and harmfully affect their living conditions, contrary to Policy 17 of the CS and Policies G17 and B1 of the LP, which seek to ensure new developments do not have a detrimental or adverse impact upon neighbouring properties.

Other Matters

16. The appellant details that the site is subject to anti-social behaviour and security issues on a weekly basis, yet little evidence has been presented to substantiate this matter. Although I recognise that crime and anti-social behaviour is undesirable, this is usually associated with vacant sites. I am aware of numerous methods of security which can reduce the risk of crime and anti-social behaviour at vacant sites; and this matter would not outweigh the harmful effects of the proposal.
17. The appellant sets out than an earlier submission for a similar proposal was withdrawn prior to determination by the Council. This proposal is different to that before me and I have had limited regard to it in my Decision.

Conclusion and planning balance

18. The proposal would bring additional employment to the area, of which there would be some economic benefit. There would also be some social benefits

¹ Report No 101423 dated 18 October 2017. Prepared by Miller Goodall Acoustics and Air Quality

from the convenience store and petrol filling station, although I have been presented with little evidence that the area is short of these facilities. On the other hand, the adverse environmental effect upon the character and appearance is of significant weight, and there would be social harm to the neighbouring residents from increased noise and disturbance.

19. On balance, the harm I have found would considerably outweigh the benefits and the proposal would not represent sustainable development. Accordingly, for the reasons above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR