



01 December 2021

Ms Catherine Lewis
South Ribble BC
Civic Centre
West Paddock
Leyland
Lancashire
PR25 1DH

By email

Dear Catherine

Re: Planning Application 07/2020/0768/Ful - Windmill Public House Redevelopment, Mellor Brook

You will by now have received a letter of today's date from Michael Kitching of SK Transport Ltd following the highways meeting on 24th November.

I am writing to set out some further planning points that flow, in part, from his letter but also relate to matters still outstanding from the Planning Committee held on 29 July, at which a decision on the application was deferred.

Air quality

The AQA submitted by the applicants concludes that *"Due to the relatively low number of anticipated vehicle trips associated with the proposals, road traffic impacts were not predicted to be significant"*.

This simply relies on the applicant's position that the development will generate 95 new trips on the local highway network, but completely glosses over the technical points set out in the SKTP letter of 09 August and reiterated in their letter sent today.

What we know from the AQA assessment is:

- 1) The applicant has only provided the AQ consultant with the estimated daily change in traffic movements generated from the convenience store (+95 vehicle movements).
- 2) They do not appear to have included in that figure any allowance for the fuel or convenience store deliveries.
- 3) There is the assumption that every car-borne trip to the PFS is an existing vehicle movement on the highway – i.e., this element of the development proposals is simply accommodating existing vehicle movements on the network.
- 4) The AQA makes no assessment of the overall increase in traffic movements onto/off the site and onto Branch Road when compared to the baseline position.

The key headline figures that the applicant has presented in the application are:

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- the TS confirms that the existing public house is predicted to generate 303 daily vehicle movements to/from Branch Road;
- the convenience store is predicted to generate 946 daily vehicle movements from the local highway network, all discharging onto Branch Road;
- the PFS is predicted to 1,020 daily vehicle movements from the local highway network, all discharging onto Branch Road.

When combined the daily convenience store and PFS trips to/from the site are 1,966 vehicle movements, compared to the applicant's own data that the public house would have generated 303 vehicle movements. That is a net increase of 1,663 vehicle movements, all discharging onto Branch Road, a route with direct residential frontage.

The AQA does not make any reference to the impacts of the increase in vehicle movements onto/off the site (an increase from 303 vehicle movements to 1,966 vehicle movements) and the associated stopping/starting of engines etc. It is clear that this increase of 1,663 vehicles onto and off the site, with the associated stopping/starting of engines and all traffic discharging onto Branch Road has not been factored into the AQA.

Overall the AQA conclusions are simplistic and are simply based on the transport consultant's estimate of the increase in the convenience store vehicle trips. This approach fails to acknowledge the overall change in vehicles arriving/departing from the site, and the circa six-fold increase in traffic being attracted to/from the site and discharging onto Branch Road.

The AQA output can only reflect its input and therefore, as presently submitted, it presents a misleading and unrealistic evaluation of the true impacts of the application proposal.

It is therefore imperative that the AQA be re-run to take into account the significant increase in traffic clearly detailed in the SKT correspondence.

Other Planning Considerations

No robust reasons have yet been advanced by the applicant as to why the current proposals are so significantly different from the scheme that was refused on appeal that the Inspector's decision (and her reasoning) can be set aside.

The attached appeal decision for a McDonald's drive-through has clear parallels with the Windmill site. In particular, the Inspector refers to "*human noise*" which relates to activity in the car park which would disturb local residents even though it is not directly measurable. Importantly, he says he has not been presented with evidence that there would be no adverse impact on residents.

The same applies to highways impact. At para 37 he states that:

"Nor am I satisfied that the evidence before me is sufficiently robust or conclusive to demonstrate that there would not be a severe adverse impact upon the efficient operation of the highway network or an adverse impact upon highway safety arising from the development." [Our emphasis].

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Crucially he reached this conclusion despite the fact that [the relevant] County Highways and EHO did not object to the application. This resonates with the Inspector's findings in relation to the Windmill application site. She says that:

I acknowledge that the appellant's noise 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. 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. 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

Both of these appeal decisions demonstrate that robust and justifiable grounds for refusal can and do exist, even in cases where the relevant statutory consultees have not objected.

I look forward to discussing these matters further with you in due course.

Yours sincerely

Sheila

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Director

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