

Application Number 07/2017/3283/FUL

Address Windmill Hotel
Preston New Road
Mellor Brook
Blackburn
Lancashire
BB2 7NS

Applicant James Hall & Company Ltd

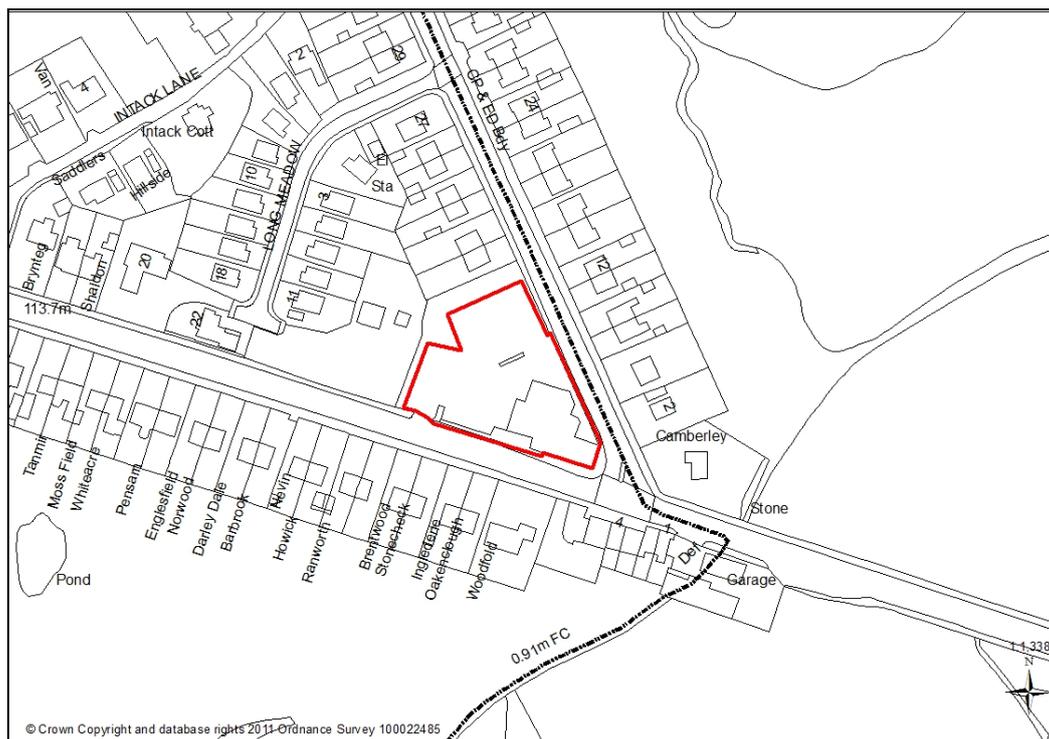
Agent Mrs Deborah Smith

Albert Edward House
The Pavilions
Preston
PR2 2YB

Development Erection of petrol filling station, including fuel tanks, convenience foodstore and associated access, car parking and landscaping following demolition of existing public house

Officer Recommendation Approval with Conditions
Officer Name Mr Mike Davies

Date application valid 27.10.2017
Target Determination Date 22.12.2017
Extension of Time 08.02.2018



1.0 SUMMARY

- 1.1 Following the withdrawal of an earlier an earlier application for a petrol filling station and convenience store on the site at the corner of Preston New Road and Branch Road, this new proposal has been brought forward following extensive work to address the concerns of County Highways.
- 1.2 The proposal has engendered a significant amount of local objection and details of these concerns are contained in the main body of the report. The site itself was formally used as a public house and there were no restrictions in terms of its use from a planning perspective. Therefore effectively as a fall back position under the current lawful use of the site a 24 hour eatery could open up utilising the existing building without the need for planning permission as the current use as drinking establishment (Class A4) can change to a restaurant (Class A3) or retail (Class A1) under permitted development without the need to apply for planning permission.
- 1.3 Having regard to the fall-back position and taking into account that the Highway Authority are now satisfied with the proposal, it is considered that it would be extremely difficult to substantiate a refusal based on impact on amenities. Clearly, there are probably more suitable uses for the site which may cause less disturbance in the locality, but the proposal before the Local Planning Authority is for a petrol filling station with convenience store. Whilst, there is considerable weight of feeling against the development it is considered that the proposal is policy compliant, addresses highway safety concerns and will not have a lesser impact on the amenities of the surrounding neighbours than the current unregulated public house use. With this in mind it is difficult to construct a justification for refusing the application which could withstand an appeal and accordingly it is recommended for approval subject to appropriate conditions to mitigate its impacts.

2.0 APPLICATION SITE AND SURROUNDING AREA

- 2.1 The application site is the Former Windmill public house site and associated car park. The site is located at the junction of Preston New Road and Branch Road. Branch Road forms the borough boundary with the Borough of Ribble Valley. The premises ceased trading as a public house in the autumn of 2014 and the site has been vacant since.
- 2.2 The northern and western boundaries of the site adjoin residential properties with roads being on the other two sides of the site. Across these roads the site faces more residential properties. There is a group of trees on the western boundary of the site which are to be retained, however the trees along the northern boundary adjacent 15 Branch Road have already been removed, although originally indicated as being retained. The public house itself sits at the south eastern corner of the site at the junction of Preston New Road and Branch Road and is two storeys in height. The existing building will be demolished as part of these proposals.
- 2.3 The site is within an existing B1 - Built up Area as defined on the South Ribble Local Plan Policy Map.

3.0 SITE HISTORY

- 3.1 Planning application (07/2016/0552/FUL) was submitted for a petrol filling station with a convenience store in 2016, however this was subsequently withdrawn by the applicant prior to a decision being made.

4.0 PROPOSAL

- 4.1 The proposals is for a new petrol filling station (PFS) incorporating a convenience store on the site of the former Windmill Public House. The proposal will involve the demolition of the existing public house situated on the corner of Preston New Road and Branch Road. The cleared site will then be redeveloped with a new petrol filling station comprising of a canopy over eight fuel pumps and a single storey convenience store with a gross floor area of approximately 210 square metres. The retail floor space created will therefore be below the Community Infrastructure Levy threshold and the proposal will not be CIL liable.
- 4.2 A new access/egress will be created to the site from Branch Road with an existing dropped kerb being removed. The existing access from Preston New Road will be re-opened and altered to allow access only to the site and alligator teeth traffic control measures will be fitted at the entrance to prevent vehicles leaving via Preston New Road.
- 4.3 The proposed opening hours of the petrol filling station and convenience store are 0600 – 2300 hours daily.

5.0 REPRESENTATIONS

- 5.1 433 representations have been received in relation to the proposal. Many of the objections have referred to existing petrol filling station provision in the area and that a further petrol filling station is not required. The regulation of competition is not a material planning consideration and therefore cannot be taken into account when determining this planning application.
- 5.2 The impact on property values has also been raised as a concern, however again this is not a material planning consideration that can be taken into account when determining planning applications.
- 5.3 In addition to the comments received in relation to over provision of petrol filling stations in the locality the following concerns which are material considerations in relation to the determination of this planning application have been raised.
- The junction of the A677/Branch Road is an accepted dangerous one and to put a petrol filling station and food store on this site is very dangerous.
 - To have vehicles entering of Preston New Road is extremely dangerous.
 - Vehicles turning into the site would obliterate the view of the pedestrian crossing.
 - The bus stop would cause problems for vehicles turning on to the site.
 - Large vehicles would have to swing out across the road to enter the site.
 - Exiting on to Branch Road would cause nuisance to local residents.
 - Branch Road is to be traffic calmed as a requirement of the redevelopment of the Enterprise Zone at BAE this proposal will increase traffic on Branch Road and a weight restriction was imposed.
 - Increase in on street parking on Branch Road detrimental to highway safety.
 - Increased traffic on Intack Lane as will be used as a short cut.
 - Hours should be restricted to 0700 – 2200 to reflect those at the current Windmill PFS.
 - The lighting which the PFS has indicated will cause light pollution.
 - The noise generated from this site will cause distress to local residents.
 - The smell of fumes will be unacceptable
 - Due to the configuration of the site, the tanker re-filling the tanks would not be able to vacate the site in an emergency.
 - Local houses would be endangered should there be any emergencies.

- The original portion of the Windmill Public House is of local architectural value and as such should be included in any future development of the site rather than destroyed
- Out of Character with the area.
- The proposals do not show any car washing/jet washing/car vacuuming facilities. These are part and parcel of PFS forecourts these are extremely noisy activities.
- Concern over the quality, content and accuracy of the accompanying Transport statement.
- Overdevelopment
- Concern at 24 hour use of site
- Impact on privacy
- Increase in litter
- Trees shown as being retained on the submitted plans were removed by contractors on 2/11/17.
- Site would be better development for affordable housing for local people.
- Highway safety issues
- Residential Amenity
- Pollution

5.4 A letter of objection has also been received from Nigel Evans MP who states that the junction of A677 where the petrol station would be sited is exceptionally dangerous and would be of detriment to road users, especially those entering off Preston New Road. There would be further safety issues caused by turning vehicles blocking the pedestrian crossing, and by HGV's turning into the site. Beyond the highway issues, there would be considerable noise and light pollution from the site.

5.5 Samlesbury Parish Council – wishes to object on the following grounds:

- The opening onto Preston New Road is deemed to be dangerous and has been refused at least twice in the past. It is in close proximity to a road junction, pedestrian crossing and the ingress/egress of the existing filling station some 500m away. Also with the opening of the Spur Road this month, the road will be even busier.
- Noise and light pollution.
- Egress from a petrol station should be no less than 100 metres from a road junction. This is not the case. If the egress was moved further from the junction then it would encroach on properties on Branch Road.
- Following the removal of trees it is believed that the resident bats now occupy the hotel.
- A need for another filling station/convenience store cannot be justified as there are already two on a 2 mile stretch of road.

5.6 Mellor Parish Council - wishes to object to this application, which is substantially very similar to the previous one for this site, which, following considerable local opposition, was withdrawn. The grounds for objecting are as follows:

- The site has bollards installed on A677 side due to previous numerous, major & fatal accidents in this blackspot - therefore no access on A677 should be allowed. Branch Road will have speed and weight restrictions applied March 2018, therefore exit for all vehicles, particularly large vehicles will cause further hazards.
- An additional fuel station is necessary & retail consent for a development at Branch Road roundabout adjacent to A59 has been allowed, therefore further retail is not needed.
- Affordable housing for this site would be more beneficial to this area, giving sustainability in a strong employment area.

6.0 CONSULTATION REPLIES

- 6.1 **LCC Highways** – Originally raised a number of concerns relating to technical details in relation to the design of the proposal. Following discussions these have now been addressed by the submissions of amended plans which address these aspects. In addition to the plans being reviewed by the County Highways Engineer, LCC's safety audit team have also undertaken a review of the proposals. The Highway Authority have therefore made the following observation in relation to the revised plans.
- 6.2 Preston New Road, the A677 is a Strategic Route, with a 30mph speed limit restriction on the sites frontage.
- 6.3 Having reviewed Lancashire County Council's five year data base for Personal Injury Accident (PIA). The data base indicates there has been seven recorded incidents (1 serious and 6 slight) within the vicinity of the junction of Preston New Road and Branch Road. On investigation of all the details recorded, the incidents appear to be of a nature that would not be worsened by the proposals.
- 6.4 The amended site plan (335 p-08 Rev F) shows that the site will provide 23 parking spaces, I am of the opinion that this level of parking is acceptable for the proposed development.
- 6.5 Two Sheffield style bicycle stands are proposed, this will provide parking for four bicycles. This level of cycle parking is acceptable.
- 6.6 A 7.5 tonne weight restriction (except for access) is planned for Branch Road. HGV's servicing the proposed site would legally be able to access Branch Road under the 'except for access' provision. If the proposed development is approved amendments to this highway scheme will need to be considered under the section 278 agreement for the development. This will need to include possible alterations to the proposed location of the 7.5 tonne weight limit signs and also the speed cushions that are proposed for Branch Road in the location of the proposed exit point.
- 6.7 The Internal layout, access and egress arrangements/measures and swept paths as shown in the amended site plans (335 p-08 Rev F, 335 p-09 Rev E and 335 p-11 Rev F) are acceptable.
- 6.8 The new and amended site accesses and associated off-site works will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact LCC Community Services before works begin on site.
- 6.9 Taking all of the above into consideration it would be difficult to prove that the proposed use would have a severe impact and the principle of a petrol filling station and convenience food store at this site is acceptable from the highway aspect. Therefore LCC Highways has no objections to the application subject to appropriate conditions.
- 6.10 **Highways England** - Having considered the scale and location of the site in question (which is located some distance away from the strategic road network), the development proposal is not relevant for Highways England to comment upon
- 6.11 **Environmental Health** – The proposed development has the potential to adversely affect the surrounding residential properties and as such the following conditions are considered essential to minimise the impacts to an acceptable level.

- 6.12 The submitted noise assessment has been reviewed and is generally accepted. However, the report states that the only plant that will be used during the night-time are the two air cooled condensers. With the air conditioning units only being used during store opening hours. The requested opening hours are from 06:00 to 23:00 with presumably staff arrived before and leaving after these times. As a minimum this would mean that air conditioning units would be operating from 06:00. A period of time recognised in all standard guidance as night-time and a period when people are arousing from sleep and potentially more likely to result in an adverse impact than the middle of the night (BS4142). As the predicted level has been ascertained via modelling this should be remodelled to include all of the external plant, to confirm there is no adverse impact.
- 6.13 The report further identifies that early morning deliveries are likely to result in an adverse impact on neighbouring properties with a suggested solution that engines and refrigeration plant are switched off. This doesn't address the arrival of the delivery vehicle or any 'clangs and bangs' from movement of cages. Experience has shown that delivery drivers do not always follow instructions with regard to turning off refrigeration units etc particularly relief drivers. Therefore the following conditions restricting delivery and waste collection times are suggested.
- 6.14 In addition, conditions to address the following issues are also recommended:
- prevention of burning of waste materials
 - a dust management plan
 - control hours of construction
 - contamination found during works
 - a lighting scheme
 - 10% of parking bays to be provided with electrical charging point
- 6.15 **Arborist** – Trees identified for retention should have protective fencing erected in accordance with BS 7837 2012 prior to construction commencement and remain in-situ until development completion. Drawing 101 of the 28th June 2016 identifies the RPAs. Given the overspill of the RPAs onto the hardstanding and the contractors wish to retain the existing kerb edging on the western boundary, the protective fencing can be erected at the kerbside running parallel with the site boundary.
- 6.16 **Ecology** – No comments received.
- 6.17 **Environment Agency** - No objection to the proposed development subject to the imposition of appropriate conditions.
- 6.18 Having reviewed the Phase I Environmental Assessment (Desk Study) for James Hall & Co (Properties) Ltd prepared by Geo2 (report ref: 16/0545, dated March 2016). We do not agree with the recommendation in the report that only a watching brief is required to be undertaken by contractors during future potential redevelopment works. The nature of the material used to infill the clay pit is unknown and we therefore recommend intrusive investigations to determine the nature of the infilled material, investigations across the site to determine if there is any historic contamination and associated groundwater sampling to assess any risks to controlled waters.
- 6.19 Intrusive investigations are also required to determine the depth of the groundwater across the site to ensure there is no sub-water table storage of underground fuel storage tanks. There must be a minimum of 1 metre unsaturated zone beneath the base of any underground fuel storage tanks and the highest expected natural water table.

- 6.20 There should be no storage of hazardous substances below the water table in principal or secondary aquifers. If underground fuel storage tanks are to be used on this site then it would need to be demonstrated that a minimum 1 metre unsaturated zone will occur beneath the base of any underground fuel storage tanks and the highest expected natural water table. Despite the above, the information submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.
- 6.21 We consider that planning permission could be granted to the proposed development as submitted provided appropriate planning conditions are included. Without these conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution
- 6.22 **Lancashire Archaeological Advisory Service (LAAS)** - has examined the application the recommendations remain the same as those provided to the previous application for this site (07/2016/0552/FUL). An extract from our earlier response is included below for information:
- "The building proposed for demolition is named as 'Windmill Inn' on the on the 1848 1st Edition Ordnance Survey 1:10560 mapping (Lancashire Sheet 62, surveyed 1844-46) and also appears on the more detailed 1:2,500 mapping of 1892. Inns were primarily concerned with providing accommodation for travellers. Many contained features such as a carriage entrance, courtyard and stabling for traveller's horses, which may have been visible here prior to modern extensions. The Windmill Hotel is sited at the junction between the 1819 Blackburn and Clitheroe Trust Branch Road and the 1824 Preston to Blackburn New Road, the latter forming a key route between Preston and Blackburn. The inn's construction is likely to have been in association with the building of these toll roads. The development as proposed will result in the total loss of historic fabric and while Lancashire Archaeological Advisory Service (LAAS) would not object to this development, we suggest a building record is made before any demolition work is carried out and a watching brief carried out during stripping in case any early elements are revealed."*
- 6.23 Consequently should the Local Planning Authority be minded to grant planning permission to this scheme, LAAS would recommend that a record of the building be made prior to demolition and an archaeological watching brief be maintained during stripping and that such works are secured via condition.
- 6.24 **United Utilities** - have no objection to the proposed development provided that appropriate conditions are attached to any approval.
- 6.25 In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
- 6.26 The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:
1. into the ground (infiltration);
 2. to a surface water body;

3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

- 6.27 **Lancashire Constabulary** - The Crime Impact Statement is formed based on local crime figures and trends, incidents reported to the police and community knowledge gathered from local policing teams. It is with this knowledge and policing experience that the recommendations made are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development.
- 6.28 Within the last 12 month period 10/11/2016-10/11/2017 the crimes and incidents that have been recorded within this policing incident location include theft where individuals have driven off from a petrol filling station where fuel was not paid for, criminal damage and burglary of business premises. The crime levels and types particularly driving off without paying for fuel indicate that the petrol filling station premises could be affected by crime. The convenience store will need to incorporate adequate security measures in order to design out the opportunity for crimes such as shoplifting and burglary.
- 6.29 Secured by Design (SBD) is a national police initiative to guide and encourage those engaged within the specification, design and constructions of new buildings to adopt crime prevention measures. The advice given has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments, in line with national and local planning policy. Further advice can be given if required.
- 6.30 In order to reduce the risk of crime affecting the staff, business, customers and immediate locality, should planning permission be granted several recommendations have been made. These should be incorporated into the design, in order to reduce the risk of crime affecting the future development and local community thereby promoting safer South Ribble communities and reducing avoidable demand on policing resources. As such an appropriate condition should be attached to any planning permission requiring the submission of an appropriate scheme that incorporates the above measures and reduces opportunities for crime by incorporating secure by design principles.
- 6.31 **Ribble Valley Borough Council** – Raises no objection to the principle of the development.

7.0 MATERIAL CONSIDERATIONS

7.1 Planning Policy

- 7.1.1 The NPPF advocates a presumption in favour of sustainable development. Paragraph 14 explains that a presumption in favour of sustainable development lies at the heart of the framework which for decision taking means “approving proposals that accord with the development plan without delay” and “where the development plan is absent, silent or relevant policies are out of date granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of when assessed against the policies in the framework taken as a whole or its specific policies indicate development should be restricted.”
- 7.1.2 The site is allocated as B1 – Existing Built-Up Area within the South Ribble Local Plan 2012 – 2026. The policy states that proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment, will be permitted provided that the development: a) Complies with the requirements for access, parking and services as

set out in the plan, b) Is in keeping with the character and appearance of the area; and c) Will not adversely affect the amenities of nearby residents.

- 7.1.3 Policy 17 of the Core Strategy and G17 of the Local Plan relate to the design of new development and the Central Lancashire Design Guide SPD is also a material consideration. The design of the petrol filling station and associated convenience store are fairly utilitarian in terms of their design being more functional than aesthetically pleasing. The existing building does form a strong corner feature, but has limited architectural/historic value do to the introduction of later additions.
- 7.1.4 Policy 26 of the Core Strategy relates to Crime and Community Safety. Lancashire Constabulary have made a number of recommendations in relation to reducing the risk of crime, however the proposal itself does not raise any specific issues in relation to crime and community safety and is therefore considered to comply with this policy.
- 7.1.5 Policy G13 of the Local Plan is relevant in relation to the protection and retention of trees on site. A number of trees were removed from the site around the time the application was submitted and a revised arboriculture survey was submitted to reflect these changes. The Council's Arborist is satisfied with the proposal subject to appropriate conditions to protect existing trees on site during construction work and a landscaping scheme to include additional tree planting will be conditioned.
- 7.1.6 Policy F1 of the Local Plan relates to car parking provision. The proposal makes provision for 23 on site car parking spaces including 2 disabled bays. The retail area has a public floor area of approximately 140 sqm which results in a requirement of 10 spaces to the serve development. However, factoring in staff parking and the nature of the way petrol filling stations operate the proposed parking provision is not considered unreasonable and this view is shared by the Highway Authority.

7.2 Fall-back Position

- 7.2.1 One of the material considerations that a Local Planning Authority should take into account when deciding whether to grant planning permission for a development proposal is what the alternative is for the site in question. When the development is not welcomed or is contrary to policy, the question of what can be done with the land without the need for planning permission can be particularly relevant.
- 7.2.2 An existing planning permission, permitted development rights and the existing use of a site are all examples of possible fall back options that developers may ask a local planning authority to take into account when deciding whether or not to grant planning permission. Often, especially when the local planning authority is seeking to refuse permission, the question arises as to whether the fall back position that is being put forward is a genuine fall back that qualifies as a material planning consideration.
- 7.2.3 The case of Zurich Assurance v North Lincolnshire Council (2012) involved a challenge by Zurich, the owners of much of the retail centre of Scunthorpe, to a decision by North Lincolnshire to grant planning permission for an out-of-town retail development on an existing garden centre site. One of the grounds of Zurich's challenge was that the Council had wrongly taken into account the potential for a fall back open retail scheme. This fall back was claimed to arise because the garden centre had, for many years, sold a wider range of goods than was permitted by the conditions imposed on its planning permission.
- 7.2.4 While Zurich sought to argue that the committee should have been advised that they could only take a fall back into account if it were a realistic possibility, the Court rejected this; finding that the fall back does not have to be probable or even have a high chance of occurring. Instead the Court held that, in order to be a material

consideration, a fall back only has to have "more than a merely theoretical prospect". While the likelihood of the fall back occurring may affect the weight to be attached to it, the Court did not feel it affected its status as a material planning consideration.

- 7.2.5 Fall back options occur frequently and not just in retail planning. Residential development proposals, for example, often involve a consideration of a fall back option as part of their justification for approval. This case sets the threshold for a fall back option very low indeed, although it leaves open the question of how much weight can be attached to something that has only an outside chance of ever happening. Local planning authorities need to be alive to the possibility of a fall back option when determining planning applications and developers will use the potential for a fall-back position to support their application. Clearly, in this particular case the fallback position is strong in terms of the former use of the site and the lack of control over this under the planning legislation.

7.3 Residential Amenity

- 7.3.1 Having regard to this judgement it needs to be set against the current context of this proposal. The site has a lawful use as a Class A4 drinking establishment with ancillary residential accommodation. There are no restrictions in terms of opening hours attached to this from a planning perspective as it is a long-standing use and therefore theoretically the current use could operate 24 hours a day or the current building could be converted into a 24 hour convenience store (Class A1) or restaurant/cafe (Class A3) without the need for planning permission using existing permitted development rights.
- 7.3.2 There is therefore a judgement call to be made about whether the impact of an uncontrolled Class A4 use is likely to cause greater nuisance/harm to resident's amenities than a petrol filling station operating 17 hours a day under an appropriately conditioned planning permission. Clearly, both uses have different characteristics and as a result will have differing impacts in relation to amenity considerations, but it is important to be mindful of the fall-back position and the potential impacts of a worse-case scenario when reaching a decision.
- 7.3.3 Noise can be generated from many sources and these will differ between the former use of the site and that proposed. Both will no doubt have impacts on the amenities of nearby residents, however to justify resisting the proposal it needs to be demonstrated that the proposed use will be significantly more harmful than that of the public house use in a worse- case scenario. The public house had a large surface level car park to the rear which fronted onto both Preston New Road and Branch Road with residential properties facing it across the highway on both sides of the site.
- 7.3.4 Concern has been expressed about petroleum and diesel fumes emanating from the site. However, whilst there may be an odour within the site the design of the site and the existing highways means that any odour emanating from the site will have dispersed before it reaches residential properties so will not be discernible in the atmosphere.
- 7.3.5 Petrol Filling Stations by design tend to be well illuminated and highly visible to attract the attention of passing drivers. The current building which sits on the corner has a significantly lower level of illuminance than associated with a Petrol Filling Station. The existing car park is illuminated via street lighting from Preston New Road and Branch Road and two low level floodlights columns with two lights on which are focused on lighting the car park with no light spilling outside of the site.
- 7.3.6 Clearly, the proposed PFS and convenience store are will have greater levels of luminance than at present. However, light spillage from the site can be controlled with

careful design and through appropriate conditions. Any proposals for future advertisements will also require advertisement consent under the Town & Country Planning (Control of Advertisements) Regulations 2007 and the luminance of signage can be controlled under this legislation. It is therefore considered that light pollution can be minimised through appropriate conditions.

- 7.3.7 The nearest property to the development is No. 15 Branch Road which sits on the northern boundary of the site. The rear of the store is situated 8 metres off the boundary and 10.5 metres from the side of the house. Whilst tree cover has been removed from this area it is intended to replant trees and introduce additional landscaping to this area along with a new boundary fence. The distance between the rear elevation of the store and the side elevation of the house are compliant with design guidance as neither contain habitable room windows and with the introduction of a landscaping scheme the impact on this properties amenities are minimal.

7.4 Design

- 7.4.1 The convenience store has been sited towards the rear of the site away from the junction of Preston New Road and Branch Road. The building is a single storey structure which has been designed on an angle (135 degrees) with a pitched roof. The building will be 6.8 metres high at the highest point of the ridge and will be 3.8 metres high at the eaves. The store building will be constructed from red brick, with horizontal timber cladding on top of this at the upper level with a grey slate concrete tile roof. The front of the store will be fully glazed to allow views in and out.

- 7.4.2 The top of canopy for the forecourt will be 5.9 metres high and will cover four petrol pump islands which can accommodate up to 8 vehicles at a time. No car washing facilities are indicated or proposed as part of this proposal. There is sufficient space around the boundary of the site fronting onto Preston New Road and Branch Road to incorporate a landscaping scheme to soften the appearance of the development.

7.5 Trees

- 7.5.1 A number of trees on the northern boundary of the site, which were indicated on the original submission as being retained were removed in early November. The trees were not of sufficient quality to justify a Tree Preservation Order and their removal before planning permission is granted means that the Local Planning Authority has no control over this. The matter was however immediately raised with the applicant to prevent trees along the western boundary being removed and a revised tree survey has since been submitted. Should planning permission be granted then a condition requiring landscaping including replacement tree planting would be attached.

7.6 Highways

- 7.6.1 Access and egress into the site have been longstanding concerns in relation to the use of this site for a petrol filling station. The previous application was withdrawn to allow for in depth consultation with LCC - Highway Engineers who had expressed concern in relation to the initial proposal. An ongoing dialogue has continued between the applicant and the highway authority and agreement has now been reached where the highway authority no longer have object to the proposal.
- 7.6.2 The demolition of the existing building which is located at the back of footpath on the junction of Preston New Road and Branch Road will improve visibility at the junction as currently the existing structure restricts visibility for vehicles entering Preston New Road from Branch Road as well as blocking views of vehicles waiting at the junction to vehicles travelling along Preston New Road in an easterly direction.

7.7 Marketing of site

- 7.7.1 A marketing report has been submitted in support of the application to demonstrate that the existing use of the site was no longer a viable business and that other alternatives have been considered. Fawley Watson Booth Chartered Surveyors were initially engaged by Enterprise Inns in April 2014 to look at disposal of the site and to look at appropriate alternative uses for it as part of marketing the site. The initial report concluded that appropriate alternative uses for the site might include retirement home, residential development, alternative retail or commercial development, or continued use for use similar to existing. To allow room for negotiation and to fully test the market a guide price of £650,000 was recommending for marketing.
- 7.7.2 The public house ceased trading in the third quarter of 2014 and an instruction to market the property was issued in October 2014, as the existing tenants found their business was no longer viable.
- 7.7.3 The particulars of the property were widely circulated to several national and regional A3 and A4 operators, various developers, care home specialists, convenience stores, national and local agents from the agents mailing list. The property was also marketed on the website and marketing boards were erected on site.
- 7.7.4 The marketing report states that a high frequency of enquiries from various operators was experienced proposing various end users. Best and final offers for the site were encouraged in early 2015. An unconditional offer of £599,995 for a nursery was pursued but aborted in February 2015 due to funding issues by the prospective purchaser.
- 7.7.5 During this time the property continued to be offered on the market for sale. After a few months best and final offers were encouraged again, but this led to only one reliable offer around the initial estimated sale price from a purchaser in a position to purchase the site unconditionally. This offer was accepted with the sale completing in early 2016.
- 7.7.6 The purchaser a local property developer, instructed FWB to continue to marketing the freehold interest. In March 2016 an offer was received from James Hall & Co Ltd (The Applicant) and a sale was agreed subject to obtaining a satisfactory planning permission.
- 7.7.7 The site has been openly marketed over a prolonged period of time and whilst there has been some level of interest in the site, offers that matched the site owner's valuation appear to have been few.

7.8 Competition

- 7.8.1 Within the representations received many of the objections have referred to existing petrol filling station provision in the area and that a further petrol filling station in the locality is not required. Whilst, it is acknowledged there is other existing provision in the locality it not the function of the Local Planning Authority or the planning system to regulate market forces. The regulation of competition is not a material planning consideration and therefore cannot be taken into account when determining this planning application.

8.0 CONCLUSION

- 8.1 The proposal is considered to be policy compliant with the NPPF, Core Strategy and South Ribble Local Plan 2012 – 2026. Whilst, alternative forms of development on the site may have been more desirable in terms of community benefit, the existing fall-

back position outlined above makes it extremely difficult to argue the case that the proposed new use of the site with controlled hours will be more disruptive to resident's amenities than the existing unregulated lawful use of the site.

- 8.2 Clearly, highway safety has been of considerable concern throughout the process and significant time and effort has been expended on developing a solution which satisfies the highway safety concerns of the Highways Authority. The County Council are now satisfied with the proposal from a highway safety point of view and no longer have any objections to the proposal.
- 8.3 Whilst, the redevelopment of the site for a petrol filling station is not necessarily the most welcome development of this site in terms of community benefits, it is difficult to construct a reasoned planning based case to resist this proposal given the issues discussed in the body of the report above.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg P-08 Rev F, P-09 Rev E, P-10 Rev D, P-11 Rev F.
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. No work shall be commenced until satisfactory details of the colour and texture of the facing and roofing materials to be used have been submitted to and approved by the Local Planning Authority.
REASON: To ensure the satisfactory detailed appearance of the development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
4. The development hereby approved, shall not be open to customers outside the hours of 0600 hrs to 2300 hrs daily, unless otherwise agreed in writing with the Local Planning Authority
REASON: In the interests of the amenity of nearby residential properties in accordance with Policy 17 in the Central Lancashire Core Strategy and G17 of the South Ribble Local Plan 2012 - 2026.
5. For the full period of demolition/construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety.
6. Prior to the commencement of development a Traffic Management Plan (TMA) shall be submitted to and approved in writing by the Local Planning Authority (in

conjunction with the highway authority). The TMA shall include and specify the provisions to be made for the following:-

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the demolition / construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- 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)
- Routes to be used by vehicles carrying plant and materials to and from the site;
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

REASON: To protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

7. The existing access on Branch Road shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads (concurrent with the formation of the new access).

REASON: To limit the number of access points and to maintain the proper construction of the highway.

8. No part of the development (excluding demolition) hereby approved shall commence until a scheme for the construction of the site accesses and the off-site works of highway improvement (including right turn facility on Preston New Road, Pavement widening to 2m, Amendments to 7.5t weight limit / traffic calming scheme) has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

9. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 8 has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.

REASON: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading.

10. The car parking and manoeuvring areas to be marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.

REASON: To allow for the effective use of the parking and manoeuvring areas.

11. Prior to the first use of the development 10% of parking bays shall be provided with a rapid (30 mins) electric vehicle recharge point to the parking area. The parking bay shall be appropriately marked to ensure the sole use by electric vehicles and an adequate charging infrastructure with associated cabling provided for the designated parking bay. The charging point shall be located so that a 3m cable will readily reach the vehicle to be charged when parked in the designated parking bay.

REASON: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.

12. There shall be no deliveries received by the site between 22:00-07:00 Monday to Saturday and no deliveries between 20:00-10:00 on Sundays and Bank Holidays.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.
13. There shall be no waste collection from the site between the hours of 22:00-07:00 Monday to Saturday and no waste collection on Sundays or Bank Holidays.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.
14. Prior to the commencement of any works on site a Dust Management Plan shall be submitted, for written approval, to the local planning authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control measures to ensure dust and soil does not travel beyond the site boundary. The Dust Management Plan shall consist of a suitable risk assessment in line with national guidance.
Once agreed the identified control measures shall be implemented and maintained throughout the duration of the site preparation and construction phase of the development.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.
15. During the site preparation and construction of the development no machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to Friday 09:00 - 13:00 on Saturdays. No construction shall take place at any time on Sundays or nationally recognised Bank Holidays.
REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.
16. Once works commence on the site, should site operatives discover any adverse ground conditions and suspect it to be contaminated, they should report this to the Site Manager and the Contaminated Land Officer at South Ribble Borough Council. Works in that location should cease and the problem area roped off. A Competent Person shall be employed to undertake sampling and analysis of the suspected contaminated materials. A report which contains details of sampling methodologies and analysis results, together with remedial methodologies shall be submitted to the Local Planning Authority for approval in writing. The approved remediation scheme shall be implemented prior to further development works taking place and prior to occupation of the development.
Should no adverse ground conditions be encountered during site works and/or development, a verification statement shall be forwarded in writing to the Local Planning Authority prior to occupation of the building/s, which confirms that no adverse ground conditions were found.
REASON: To ensure that the site is suitable for its intended end use and development work will not cause pollution of ground and surface waters both on and off site, in accordance with Policies 17 and 29 of the Central Lancashire Development Plan and the National Planning Policy Framework.
17. There shall be no burning of waste material or vegetation on site.
REASON: In the interests of the amenity and to safe guard the living conditions of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy and the NPPF.
18. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and

approved, in writing, by the local planning authority: 1) A preliminary risk assessment which has identified: o all previous uses o potential contaminants associated with those uses o a conceptual model of the site indicating sources, pathways and receptors o potentially unacceptable risks arising from contamination at the site. 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To prevent pollution of the water environment and the underlying aquifer.

19. The development shall not be occupied, until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for End 3 longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To prevent pollution of the water environment and the underlying aquifer.

20. The development (excluding demolition) hereby permitted shall not be commenced until such time as a scheme for the disposal of foul and surface waters and the installation of oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON: To prevent pollution of the water environment and ensure no contaminated water from oil spills, fuel forecourts or goods vehicles is discharged to surface water or groundwater

21. The development (excluding demolition) hereby permitted shall not be commenced until such time as a scheme to install underground tanks has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of excavation, the tanks, tank surround, associated pipe work and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent pollution of the water environment and the underlying aquifer.

22. The acoustic detailed within the submitted Noise Assessment, report number 101423, shall be fully implemented prior to first use of the site and shall be retained and maintained thereafter.

REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.

23. No development, including site clearance, shall commence until the developer has secured the implementation of a programme of building recording and analysis. This must be undertaken in accordance with a written scheme of investigation which shall have been submitted to, and approved in writing by, the Local Planning Authority.

The final report shall be submitted to the Local Planning Authority prior to the occupation of any dwelling.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological and/or historical importance associated with the building/site in accordance with Policy 16 in the Central Lancashire Core Strategy

24. Prior to the commencement of development (excluding demolition), 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 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 8.3 l/s. REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.
25. The development (excluding demolition) hereby permitted shall not be commenced until a scheme showing the provisions to be made for CCTV coverage, access control, and any other measures to reduce the risk of crime, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority. REASON: In order to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime in accordance with Policy 17 and 26 of the Central Lancashire Core Strategy and Central Lancashire Design Guide Supplementary Planning Document (Adopted October 2012).
26. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
- the proposed times construction works will take place
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the location of the site compound
 - suitable wheel washing/road sweeping measures
 - appropriate measures to control the emission of dust and dirt during construction
 - appropriate measures to control the emission of noise during construction
 - details of all external lighting to be used during the construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works
- REASON: To safeguard the amenities of neighbouring properties in accordance Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
27. The development (excluding demolition) shall not begin until a scheme detailing the boundary treatments for the site has been submitted to and approved in writing by the Local Planning Authority. The occupation of buildings or the commencement of the use shall not occur until the fencing/walling has been erected in accordance with the approved details. Any fencing/walling erected pursuant to this condition shall be retained at all times thereafter.

REASON: To ensure the provision and retention of adequate screening in the interest of amenity in accordance with Policy 17 of the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

28. Litter receptacles shall be provided for the use of patrons of the development hereby approved and shall be retained at all times thereafter.

REASON: To ensure the provision of satisfactory facilities for the disposal of litter and to comply with Policy 27 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

29. No development (excluding demolition) shall commence until details of the landscaping of the site including, wherever possible, the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the Local Planning Authority. The replacement tree or shrub must be of similar size to that originally planted.

Details submitted shall be compliant with 'BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations' and shall include details of trees and hedges to be retained or removed, root protection zones, barrier fencing, and a method statement for all works in proximity to those trees or hedges to be retained during the development and construction period. Details shall also indicate the types and numbers of trees and shrubs, their distribution on site, those areas seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.

REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G8 in the South Ribble Local Plan 2012-2026

30. Prior to the commencement (excluding demolition) of the approved scheme details of all external lighting shall be submitted for written approval to the local planning authority. The approved scheme shall then be installed, maintained and retained as approved. Any changes to the agreed scheme shall first be agreed with the local planning authority and no other external lighting shall be used thereafter. The submitted scheme shall include:

- the location and height of the lighting columns;
- the details of the light fittings;
- the colour of the lights;
- the lux levels;
- horizontal glare at the nearby sensitive receptors, both ground and first floor as appropriate.
- the over spill contour plot of the designed scheme
- impact on adjacent sites:
- the upward light ratio;
- details of current lighting levels in the area (environmental zone); and
- the details of louvers on the light fittings.

The lighting shall be erected, directed and shielded so as to avoid nuisance to residential accommodation in close proximity. No other lighting equipment may then be used within the development other than that approved by the Local Planning Authority. The agreed measures shall be installed prior to occupation of the

development and shall be thereafter retained and maintained for the duration of the approved use.

REASON: To safeguard the amenity and character of the area and to safeguard the living conditions of nearby residents and to accord with Policy 17 in the Central Lancashire Core Strategy and NPPF.

31. Before any site activity (construction or demolition) is commenced in association with the development, barrier fencing shall be erected around all trees to be retained on the site as detailed in the Tree Protection Plan which has been agreed by the Local Planning Authority. The fencing shall be constructed and located in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant, removal or addition of soil may take place. This includes ground disturbance for utilities. The fencing shall not be moved in part or wholly without the written agreement of the Local Planning Authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development.

REASON: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan 2012-2026

32. The development hereby approved shall not be brought into use until details of facilities for the storage of refuse and waste materials have been submitted to and approved by the Local Planning Authority and completed entirely in accordance with the approved scheme. The approved facility shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON: To safeguard the character and visual appearance of the area and to safeguard the living conditions of any nearby residents particularly with regard to odours and/or disturbance in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

RELEVANT POLICY

NPPF	National Planning Policy Framework
17	Design of New Buildings (Core Strategy Policy)
26	Crime and Community Safety (Core Strategy Policy)
POLB1	Existing Built-Up Areas
POLG13	Trees, Woodlands and Development
POLG17	Design Criteria for New Development
POLF1	Car Parking
SPD5	Design Guide (Supplementary Planning Documents)

Note:

1. The programme of archaeological works should comprise the following: i) The creation of a record of the building to Historic England level 3; and ii) A formal watching brief during the stripping out phase. This work should be carried out by an appropriately qualified

and experienced professional archaeological contractor to the standards and guidance set out in Understanding Historic Buildings (Historic England 2016) and to the standards and guidance set out by the Chartered Institute for Archaeologists.

Lists of suitable contractors are available on the following websites:
Chartered Institute for Archaeologists (CIFA) <http://www.archaeologists.net/>
British Archaeological Jobs and Resources (BAJR) <http://www.bajr.org/>

This is in accordance with National Planning Policy Framework paragraph 141: "Local planning authorities should ... require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible".

2. During the construction phase of the development any contaminated water must not be allowed to be discharged to surface waters or groundwater. If infiltration methods are to be used for surface water disposal the design of the surface water disposal system will need to incorporate sufficient treatment stages prior to discharge to the environment in line with CIRIA document C753.

The Environmental Permitting Regulations 2010 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which we will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater.

3. United Utilities Note: Not all public sewers are shown on the statutory utility records. The applicant should be made aware that the proposed development may fall within the required access strip of a public sewer and make contact with a Building Control body at an early stage. South Ribble Building Control can be contacted on 01772 625420

4. The applicant should ensure that the existing foul drainage system is in a good state of repair, regularly desludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of this proposal.

5. As a precaution, it is advised that once works commence on the site, should site operatives discover any adverse ground conditions and suspect it to be contaminated, they should report this to the Site Manager. Works in that location should cease and the problem area roped off until representative samples are sent for analysis and the results assessed by the Council which will then advise on the appropriate action.

6. The applicant is advised that the new access, will need to be constructed under an appropriate legal agreement. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact Lancashire County Council before works begin on site. Further information and advice can be found at www.lancashire.gov.uk
