



Appeal Decision

Site visit made on 2 October 2012

by Martin Whitehead LLB BSc(Hons) CEng MICE

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

Decision date: 16 October 2012

Appeal Ref: APP/N2345/A/12/2178025

535- 537 Blackpool Road, Ashton-on-Ribble, Preston PR2 1EQ

- 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 Jim Bayliss against the decision of Preston City Council.
 - The application Ref 06/2012/0052, dated 19 January 2012, was refused by notice dated 28 May 2012.
 - The development proposed is minor alterations, including the partial demolition of the existing built form, to allow its sub-division to provide two retail units and one Class D1 commercial unit with associated servicing and car parking.
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Decision

1. The appeal is allowed and planning permission is granted for minor alterations, including the partial demolition of the existing built form, to allow its sub-division to provide two retail units and one Class D1 commercial unit with associated servicing and car parking at 535-537 Blackpool Road, Ashton-on-Ribble, Preston PR2 1EQ in accordance with the terms of the application Ref 06/2012/0052, dated 19 January 2012, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposal on highway and pedestrian safety and its effect on the living conditions of neighbouring residents.

Reasons

4. The appeal site includes a collection of attached buildings and an open paved area on the corner of the junction of Abingdon Drive with the A5085 Blackpool Road. These roads form a busy signalised junction with Cottam Lane and Pedders Lane. The site is currently in use as a car showroom and dealer and, at my site visit, I observed that it provides vehicular accesses from Blackpool Road, which have removable barriers across them, as well as from Abingdon Drive. Blackpool Road forms part of Preston's Strategic Road Network and is one of the main east/west routes which link Preston City Centre with Blackpool and other nearby west coast towns. The speed limit in the area is 30 mph, which is enforced by a speed camera on Blackpool Road near to the site.

5. The proposal would reduce the scale of the existing buildings on the site and provide additional car parking. It would sub-divide the buildings into 2 shops and a dentist surgery. It would also result in the permanent closure of the accesses to the site from Blackpool Road and reduce the size of the main access from Abingdon Drive, by using a raised footway that would be able to be over run by larger vehicles.
6. Lancashire County Council, as the Highway Authority, withdrew its objection to the proposal, following amendments and subject to conditions, and has indicated that there have been no recorded collisions in the vicinity of the site access on Abingdon Drive over the most recent 5 year period. As such, I accept that there are no existing safety concerns at the location of the site access. Even so, the proposed closure of accesses and arrangements for entry to, and exit from, the site should benefit pedestrian and highway safety.
7. The appellant has submitted a Transport Assessment, in accordance with the requirements of paragraph 32 of the National Planning Policy Framework (Framework). This Assessment has found that the scale of newly generated traffic would be small and insignificant in comparison with the scale of the existing traffic movements in the area.
8. There are bus stops on Pedders Lane and Blackpool Road that are easily accessed from the site via signalised pedestrian crossings, and Blackpool Road forms part of the Orbit Bus Route. There is also a cycle lane along Blackpool Road on the side of the appeal site. This, together with the significant number of residential properties that are within walking distance of the site, should ensure that many potential customers to the proposed shops and dentist would not need to access the site by private car.
9. Most of the vehicles that would access the site from Abingdon Drive would travel via Blackpool Road, which is a 4 lane carriageway. As such, they would represent a small percentage increase in traffic flow on this busy main through route. Based on this, the road network should be able to cope with any additional traffic that would be generated, even using the higher 2 way peak hour traffic figures taken from TRICS data given in a report on the Transport Assessment by a consultant acting on behalf of the Council. Therefore, I am satisfied that there is sufficient evidence to indicate that the proposal would not cause any significant harm to the functioning of the signal junction and the road network, given its sustainable location and that the additional traffic would be on Abingdon Drive which is currently the least trafficked arm of the junction.
10. In terms of car parking, the proposal would provide 23 spaces, including 2 for the disabled. In addition, it would provide space for bicycle parking and motorcycle parking, secured by planning conditions. Comparisons provided by the appellant with other similar stores generally support the adequacy of the level of parking that would be provided, even though one of the examples used is near to capacity for a short period of time.
11. The Highway Authority has identified that the maximum number of parking spaces required would be 28, based on the standards in the Regional Spatial Strategy North West Partial Review, which it currently uses. However, it has accepted that the proposal would provide adequate parking, given the shared use and the different operational parking peaks and troughs for the 3 proposed uses. The calculations of the number of required spaces carried out by the Council's consultant does not take account of the accessibility weighting of the

- site, its restricted hours of opening and the restrictions put on the use of the non-food retailer.
12. Taking account of the above, together with the good access to the site by public transport and from residential properties, I find that there is insufficient evidence to show that the proposed on-site parking would be inadequate for the proposed uses. It would also meet the standards, which are for a maximum level of parking. Furthermore, the double yellow lines on the sides of the roads at the signal junction should enable any on-street parking at potentially dangerous or disruptive locations to be prevented by suitable enforcement measures.
 13. I have noted the concerns about the car parking layout that the Council's consultant has referred to, including the relative location and number of disabled parking spaces, the slightly below standard aisle width for spaces 10 and 11 and the orientation of spaces 18 to 20. Whilst the number of disabled spaces could be increased to the required level of 3 by a planning condition, I find that these matters carry insufficient weight to justify a refusal of planning permission.
 14. With regard to servicing and refuse collection, the Council's consultant has claimed that the number of deliveries would be greater than that suggested by the appellant. However, I am satisfied that, by controlling the times of delivery and the location of the servicing area by planning conditions, the level of servicing of the proposed uses indicated by the Council's consultant would not cause any significant disruption to traffic or any highway safety problems.
 15. Given the informal nature of the servicing arrangements to the existing use of the site, the proposal should improve the situation from that which could occur at present. The vehicle swept paths that have been provided by the appellant indicate that the necessary manoeuvring would be carried out within the confines of the site. As such, any reversing should be able to be adequately controlled to ensure that customers accessing the site would not be subjected to any significant resulting risk, particularly given the times, and the limited number, of deliveries that would be likely to occur.
 16. National policy provided in paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In the case of the appeal proposal, I have found that its impact on highway and pedestrian safety would not be harmful.
 17. Turning to living conditions, the Council has not contested the appellant's claim that there are no planning controls over the existing use of the site. Also, as most of the vehicles that would access the site would come from Blackpool Road, they would not need to pass any of the residential properties fronting Abingdon Drive. Based on this, I am satisfied that the noise that would be generated near to residential properties would not be sufficient to cause any significant harm to the living conditions of the occupants, given that the site is near to a busy road junction and that the hours of operation would be controlled by planning conditions.
 18. I have found that, due to the good accessibility of the site by other means of transport than the private car, the level of car parking would be sufficient to ensure that there would be very little additional on-street parking or

manoeuvring near to residential properties. As such, the proposal would not cause any significant harm to the living conditions of neighbouring residents.

19. I have considered the concerns expressed by local residents. However, there is insufficient evidence to show that the proposed uses would not be needed in the area. Also, they would not result in any significant harm to the neighbours' privacy, particularly as trees would be planted adjacent to the side of the house at 533 Blackpool Road. I am satisfied that the proposed alterations to the buildings on the site would be an improvement to their utilitarian appearance. There is little evidence to indicate that contamination of the site would be a significant problem, given that the proposal would re-use existing buildings. Other matters would be adequately dealt with by appropriate conditions.
20. For the reasons given above, I find that the proposal would not have a harmful effect on highway and pedestrian safety or on the living conditions of neighbouring residents. As such, it would accord with Preston Local Plan 1996-2006 Policy H5, as it would not have an adverse effect on residential amenity; and Policy T19, as it would not prejudice road safety and the movement of highway users and appropriate provision would be made for access, off-street servicing and parking. Also, it would represent sustainable economic development, in accordance with the Framework's main objective. Therefore, having regard to all matters raised, I conclude that the appeal should succeed.

Conditions

21. I have considered the 19 conditions suggested by the Council should the appeal be allowed, including the standard time for commencement of development. A condition to ensure compliance with the plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition regarding materials is necessary to protect the character and appearance of the surrounding area.
22. Conditions to restrict the retail floor space and control the use of retail Unit 3 are necessary in the interests of car parking and the vitality and viability of other shopping centres in the area. Conditions to control the use of the dentist surgery and the hours of opening of the uses on the site are necessary to protect the living conditions of local residents and car parking and highway safety in the area. A condition to control the glazing of windows is necessary to protect the neighbours' privacy. Conditions to secure the provision and operation of waste disposal facilities and control the installation of external plant and machinery are necessary to protect the character and appearance of the area and the living conditions of local residents.
23. Conditions regarding car parking and manoeuvring areas, vehicular accesses, the provision of highway works, including the re-siting of a telegraph pole, the provision of motorcycle parking and the adherence to a construction method statement, which includes wheel washing facilities, are necessary in the interests of highway safety and convenience. A condition to secure bicycle parking is necessary to promote sustainable means of transport. I am satisfied that all these conditions are reasonable and necessary. I have combined some of the suggested conditions and worded them to reflect the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*.

M J Whitehead

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos M3816-P-00 Rev C, M3816-P-01 Rev F, M3816-P-02 Rev D, M3816-P-03 Rev B, M3816-P-04 Rev B, M3816-P-05 Rev B, M3816-P-06 Rev A, M3816-P-100 Rev A, M3816-P-101 Rev B, M3816-P-102 Rev A, M3816-P-103 Rev A, M3816-P-104 Rev A and M3816-P-105 Rev A.
- 3) Notwithstanding any description of materials used in the application, no development shall commence until samples of the materials to be used in the construction of the external alterations to the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out using the approved materials.
- 4) The total floorspace of Unit 1 hereby permitted shall be limited to a maximum of 204 sq metres (net).
- 5) Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended), or any statutory instrument revoking and re-enacting that Order with or without modification, Unit 3 hereby permitted shall not be used for retailing any of the following goods and services except where ancillary to the principle permitted authorised sales: food and drink; fashion clothing and fashion footwear, other than specialist clothing and footwear for DIY purposes; books, stationery and greetings cards, other than specialist books and publications for DIY purposes; toys and children's goods; jewellery and watches; cosmetics and toiletries; pharmaceutical goods and optician's goods; sports clothing, equipment and accessories; china and glassware; pets and pet foods; musical instruments and equipment and recorded audio & visual products; small electrical goods not primarily intended for household use; and holidays and travel tickets.
- 6) Unit 2 hereby permitted shall be used for a Dentist Surgery only and for no other purpose, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
- 7) Unit 3 hereby permitted shall not be open for business or deliveries and dispatch of goods outside the hours of 0900 to 1700 on Mondays to Fridays, 0900 to 1800 on Saturdays and 1000 to 1600 on Sundays and Bank Holidays.
- 8) Unit 1 hereby permitted shall not be open for business or deliveries and dispatch of goods outside the hours of 0700 to 2200 on Mondays to Saturdays and 1000 to 1600 on Sundays and Bank Holidays.
- 9) Unit 2 hereby permitted shall not be open for business outside the hours of 0800 to 1800 on Mondays to Fridays and not at all on Saturdays and Sundays.
- 10) Prior to the first occupation of Unit 3, obscure glazing shall be installed in the first floor windows of the building on the south east elevation facing 46 Abingdon Drive and thereafter shall be retained at all times.

- 11) Prior to the commencement of the uses hereby permitted, facilities for recycling, storage and disposal of waste shall be provided and operated in accordance with the details in the Waste Management Strategy Ref JP/MA/10083/R006m, dated January 2012, and they shall thereafter be retained and operated in accordance with these details.
- 12) Any external plant or machinery to be installed on the building shall be installed and thereafter maintained in accordance with details that shall have first been submitted to and agreed in writing by the local planning authority.
- 13) The car park and manoeuvring areas shown on the approved plans shall be surfaced in accordance with a scheme that shall first be submitted to and approved in writing by the local planning authority and the car parking spaces and manoeuvring areas shall be marked out and signed in accordance with the approved plans before the commencement of the uses hereby permitted and shall be retained for these purposes thereafter.
- 14) Prior to the commencement of the uses hereby permitted, the cycling facilities shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the local planning authority and shall be retained for these purposes thereafter.
- 15) Prior to the commencement of the uses hereby permitted, motorbike facilities shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the local planning authority and shall be retained for these purposes thereafter.
- 16) The uses hereby permitted shall not commence until the existing accesses on Blackpool Road have been physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossings have been reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads.
- 17) The uses hereby permitted shall not commence until a scheme for the construction of the site access and the off-site highway works, including the re-siting of the existing telegraph pole adjacent to car park space 3, has been completed in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 18) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for the cleaning of the wheels of vehicles leaving the site and the cleaning of roads adjacent to the site.