



Appeal Decision

Site visit made on 23 January 2018

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State

Decision date: 21st March 2018.

Appeal Ref: APP/J2373/W/17/3190149

Windmill Service Station, Preston New Road, Blackpool FY4 4XQ

- 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 Rontec Service Stations 1A Limited against the decision of Blackpool Borough Council.
- The application Ref 17/0011, dated 12 January 2017, was refused by notice dated 13 June 2017.
- The development proposed is described as “demolition of buildings/infrastructure associated with the use of the existing caravan park and the redevelopment of the site to provide a drive-thru coffee shop (Use Class A1/A3)”.

Decision

1. The appeal is allowed and planning permission is granted for “demolition of buildings/infrastructure associated with the use of the existing caravan park and the redevelopment of the site to provide a drive-thru coffee shop (Use Class A1/A3)” at Windmill Service Station, Preston New Road, Blackpool FY4 4XQ in accordance with the terms of the application, Ref 17/0011, dated 12 January 2017, subject to the conditions attached in the schedule to this Decision.

Procedural Matters

2. The appeal site is a rectangular parcel of land comprising a petrol filling station and a caravan park. The site falls under the remit of two local authorities. I am advised that the caravan park falls under the jurisdiction of Fylde Borough Council, and the petrol filling station and site access falls under the jurisdiction of Blackpool City Council.
3. The appellant submitted identical planning applications to both local authorities. The application was refused by Blackpool City Council, and it is this decision that has led to the appeal before me. Fylde Borough Council approved the application on 1 September 2017, and I have been provided with a copy of the decision notice.¹ I have taken this permission into account in my consideration of this appeal.

Main Issue

4. The main issue is the effect of the development on highway safety, in particular, whether the development should make provision for a pedestrian crossing.

¹ Ref 17/0008

Reasons

5. The petrol filling station provides four petrol pumps and an associated retail forecourt building. Its primary role is to serve passing motorists. The caravan park to the rear provides residential accommodation in the form of 12 static caravans. The site is located on Preston New Road (A583), which is a dual carriageway and subject to a 40 mph speed limit. It is used by traffic accessing local roads and the wider road network, due to its proximity to junction 4 of the M55. There is a dedicated right turn lane and a gap in the central reservation, which allows traffic to enter and leave the site from both carriageways of Preston New Road.
6. The site borders agricultural land, part of which is used for car boot sales at the neighbouring Whyndyke Farm. The access to this land is immediately to the south of the site. I understand that the relevant Councils have resolved to grant planning permission for mixed use development on this land, although the development is not expected to come forward within the next 5 to 10 years. There is further large scale commercial development to the west and south-west of the site. The area to the north-west is predominantly residential in nature.
7. The proposed development would be a drive-thru coffee shop, and associated car parking that would be located on that part of the site currently occupied by the static caravans. The proposal would utilise existing access and egress points. The scheme includes modifications to the access arrangements to include a signal controlled right turn lane to provide access to the site from the northbound carriageway of Preston New Road. The gap in the central reservation would be closed so that all traffic leaving the service area and the adjoining farm would turn left onto the southbound carriageway.
8. The appellant's Transport Statement² indicates that Preston New Road in the vicinity of the site is used by a high volume of traffic. Average traffic speeds on the southbound carriageway were recorded as being 7-8 mph below the speed limit.
9. Accident data over a five year period from August 2011 to July 2016 shows that there were 28 personal injury accidents in the vicinity. The locations, severity and type of accident are variable. As such, the accident data does not indicate that there is an inherent issue at the Preston New Road/Petrol Filling Station access in relation to highway/pedestrian safety. I have considered the supplementary accident information provided by local residents and, whilst I appreciate that not all accidents are reported, I can only give limited weight to anecdotal information.
10. The traffic likely to be generated by the development has been estimated using surveys undertaken at a comparable site elsewhere. There is no evidence before me to suggest the methodology used by the appellant is unsound or that its conclusions are flawed. Consequently, I am satisfied that the predicted minor increase in traffic can be accommodated on the local highway network without detriment to highway safety. I also note that the Council, as Highway Authority, is satisfied that the proposed modifications to the access would be acceptable.

² ADL Highways and Traffic Engineering Ltd, dated 17 January 2017

11. Although there are footways along parts of Preston New Road and Clifton Road, pedestrian connectivity to the site is poor. There is an uncontrolled crossing point over the dual carriageway to the south of the site. To the north of the site there is a signalised junction at the intersection of Preston New Road with Clifton Road. There are no controlled pedestrian crossing facilities at this junction.
12. The appellant's supporting Traffic Statement³ includes details of likely modes of staff travel to the site. This is based on there being 15 full time members of staff employed at the drive-thru facility. The analysis concludes that the development would generate four pedestrian trips per day. This figure would be slightly higher (by two trips per day) if staff arriving by bus, who would have to cross the road for at least one of their journeys, are included. In any event, the trip number is not significant.
13. There is no information on the likely number of pedestrian movements resulting from customers. There is a residential estate directly across the road from the appeal site, a retail park and an office/factory. It is likely that the coffee shop would have internal and external seating, but it would be a drive-thru facility associated with an existing petrol filling station. Pedestrians may be attracted to the coffee shop element, but these potential customers are equally as likely to visit the facilities within the commercial development on the opposite side of the road, several of which are closer to the main residential and employment areas.
14. I accept that pedestrian connectivity is poor, but this problem exists at present. There is very limited evidence to demonstrate the development would make the existing situation demonstrably worse as it is unlikely to attract a significant number of pedestrians. Whilst traffic volumes in the area are heavy, vehicle speeds have been shown to be within the speed limit and the accident data does not suggest an inherent issue with highway/pedestrian safety in this particular locality. The traffic generated by the development would be minimal, which is unlikely to affect the free flow of traffic. The alterations to the access would reduce the likelihood of conflict, as vehicle movements would be more restricted than at present.
15. I have considered the Council's concerns about the proximity to the Whyndyke Farm development, but I note that this is unlikely to come forward for several years and, at that stage, further highway works would be required. I have also considered the concerns about promoting social inclusion but, as explained above, I do not consider that the development would generate significant demand from the nearby residential or employment areas. There is no evidence that certain groups of people would be excluded as a result of poor pedestrian connectivity.
16. I conclude that it has not been demonstrated that the development would have an adverse effect on highway safety, that a pedestrian crossing would be necessary, or that the residual cumulative impacts of the development would be severe. Therefore, the development would accord with Policy AS1 of the Blackpool Local Plan 2001 – 2016 (adopted June 2006), which seeks to ensure new development takes full account of access, travel and safety needs. It would also accord with the Framework, insofar as it seeks to secure safe and suitable access to the site for all people.

³ ADL Highways and Traffic Engineering Ltd, dated 24 November 2017

Other Matters

17. I am aware that the development would be on the site of a residential caravan park and several of the residents are elderly and/or disabled. Age and disability are 'relevant protected characteristics' for the purposes of the Equality Act 2010 and the Public Sector Equality Duty (PSED).
18. I note from the evidence before me that the residents own their caravans but they do not own the land. It appears that the lease for the land as a caravan park has expired and that legal proceedings have commenced for re-possession. As a result, through this separate process, the residents are going to need to find somewhere else to live, that would meet their needs and circumstances, with the considerable impact that would entail, whatever my decision on the appeal. Moreover, there is no evidence that the appeal has triggered this process, or that it would be accelerated should the appeal be allowed. It is also worthy of note that Fylde Borough Council has granted planning permission for that part of the development within its jurisdiction, which includes the caravan park.
19. I have also considered the residents' rights under the European Convention on Human Rights (ECHR), which is incorporated into the Human Rights Act 1998. Article 1 (of the First Protocol) concerns the protection of property and Article 8 deals with the right to respect for family life and the home. However, the same reasons set out above apply to that consideration.
20. In summary, while I have had regard to the three aims of the Equality Duty, and the residents' rights under the ECHR, for the reasons set out, these are matters to which I can attach limited weight.

Conditions

21. Paragraph 206 of the Framework states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. As I found that the development would not lead to significant conflict between pedestrians and other highway users, I have not imposed that part of the Council's suggested condition which seeks to secure improved pedestrian crossing facilities. I note as a consequence that this permission would not mirror that issued by Fylde Borough Council. Nonetheless, I do not consider that the facilities sought would be necessary and relevant to the development to be permitted. As such, the condition would not meet the tests set out in the Framework.
22. I have imposed an amended pre-commencement condition which is necessary to ensure the off-site highway works are constructed to an appropriate standard, in order to improve vehicular access to and from the site (7).
23. I have imposed the Council's suggested conditions to secure the provision of cycle and vehicle parking, and the refuse store, to ensure the safe operation of the site, and to encourage access by alternative forms of transport (4, 5).
24. I have imposed a pre-commencement condition to ensure a construction method statement is adhered to, which is necessary in the interests of highway safety and to reduce noise and nuisance (6). A pre-commencement drainage condition is necessary to ensure adequate provision is made for surface water drainage (3).

25. In addition to the standard time limit condition (1), I have specified the approved plans as this provides certainty (2). I note these do not correspond with those listed by the Council in their suggested condition, however, I have specified the plans before me. Finally, I have imposed a condition to restrict the use of the premises, which is necessary to ensure the building is used for the purposes applied for (8).

Conclusion

26. It has not been demonstrated that the development would have an adverse effect on highway or pedestrian safety. Consequently, the proposal would accord with the relevant policies of the development plan, and the guidance contained in the Framework.

27. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector

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, except where modified by conditions attached to this permission:
 - Site Location Plan Ref 161109-PLNG-10;
 - Proposed Layout Ref 161109-PLNG-12a;
 - Landscaping Plan Ref SY16-136-12-01;
 - Proposed Building Elevations Refs 161109-PLNG-13; 161109-PLNG-14; 161109-PLNG-15.
- 3) No development shall commence until 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), have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme must ensure that surface water is drained separately to foul and must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. No surface water shall discharge to the public sewerage system either directly or indirectly, unless agreed as part of the approved scheme. The development shall be completed in accordance with the approved details.
- 4) Prior to the development hereby approved being first brought into use the refuse storage provision shown on the approved Layout Plan shall be provided and shall thereafter be retained.
- 5) Prior to the development hereby approved being first brought into use the car, motorcycle and cycle parking provision shown on the approved Layout Plan shall be provided and shall thereafter be retained.
- 6) No development shall take place, nor 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:
 - a. the identification of the site access for construction traffic;
 - b. the timing of the provision, and standard of construction, of the site access for construction traffic;
 - c. times of construction activity at the site;
 - d. times and routes of deliveries to the site;
 - e. the parking of vehicles of site operatives and visitors;
 - f. loading and unloading of plant and materials;
 - g. storage of plant and materials used in constructing the development;
 - h. the erection and maintenance of security hoarding;
 - i. wheel washing facilities, including details of how, when and where the facilities are to be used;
 - j. measures to control the emission of dust and dirt during construction;

- k. measures to control the generation of noise and vibration during construction to comply with BS5228:2009;
 - l. a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 7) Development shall not commence until a scheme for the construction of the revised site access and egress, pedestrian connections through the petrol filling station site to serve the development, and the other associated highway works indicated on the Proposed Access Arrangement Plan Ref H1071-101 have been submitted to and approved in writing by the local planning authority. The approved works shall be fully constructed in accordance with the approved scheme prior to first use of the development hereby approved.
- 8) The approved premises shall be used for a drive through coffee shop, as described in the application, and for no other purpose (including any other purpose within Class A1 and/or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) as amended.

[end]