
Appeal Decision

Site visit made on 18 October 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 29 November 2016

Appeal Ref: APP/N2345/W/16/3151991

Land adjacent The Ribble Lodge Public House, Ribbleton Avenue, Preston PR2 6RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Newriver Property Unit Trust No 4 against the decision of Preston City Council.
 - The application Ref 06/2016/0097, dated 8 February 2016, was refused by notice dated 31 March 2016.
 - The development proposed is the erection of 3 No houses.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Newriver Property Unit Trust No.4 against Preston City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal relates to an outline planning application for the erection of three dwellings. Approval is being sought for access details, with all other detailed matters reserved for a future application, although a site layout plan has been submitted. This has formed part of my consideration of this appeal.
4. The street names on the application form and the appeal form are different. I have used the street name from the appeal form, which reflects my observations on site.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of existing nearby residential occupants and future occupants of the proposed development, with particular reference to noise and disturbance.

Reasons

Living Conditions

6. Ribbleton Avenue is a well-used highway that contains a mixture of residential and commercial uses. The latter includes a hot food takeaway, convenience store and a post office. The appeal site forms part of the car parking
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associated with The Ribble Lodge public house which fronts Ribbleton Avenue. The car park provision is split into two separate areas, one to the north east of the public house and the appeal site which is to the south west of the public house. Vehicular access to the car parks is from Ribbleton Avenue. Semi-detached dwellings on Ribbleton Avenue, Greenlands Crescent and Dorman Road abut the side and rear of the public house site. Their side or rear gardens adjoin the public house boundary which comprises of a mixture of treatments that includes concrete panel fencing and a mixture of trees and shrubs, some of which provide a strong screen of the site.

7. Given the location and the opening hours of the public house near to existing residential occupants, it is very likely that some noise and disturbance already occurs from time to time from its operation. Whilst existing occupants are generally a reasonable distance away and aided by screening, the proposed dwellings would be much closer. Comings and goings together with noise from entertainment as well as patrons inside and outside the public house could very easily transmit to the future occupants particularly during evening hours. The effect would especially be felt by the nearest future occupants in plot 3 who would be very close to one of the entrances to the public house which would be used by persons entering or leaving the public house. Thus, I consider it is reasonable to conclude that due to the proposed layout, notwithstanding future occupants' awareness, that they are likely to be very sensitive to noise and disturbance arising from the public house.
8. Whilst detailed landscaping and boundary treatment proposals could come forward during a reserved matters application, it remains unknown, due to the evidence available, whether the future occupants of the proposed houses would be adversely affected with or without such treatment. I recognise the appellant's point about a noise assessment being disproportionate, but on this occasion given the proposed relationship I consider it is a proportionate and reasonable piece of evidence that could provide the necessary assurances and inform any subsequent measures to satisfactorily mitigate any effect.
9. Although the appellant points to the use of planning conditions to secure a noise impact assessment, boundary treatment and acoustic screening at the detailed design stage, I consider the findings of a noise assessment go to the heart of whether the principle of the proposal would be acceptable. Whilst, the appellant suggests any impact on residents would be difficult to quantify and typical of an established residential urban environment, this is not conclusive evidence either way. Furthermore I do not consider the appellant's suggested condition is sufficiently precise with regard to the tests of paragraph 206 of the Framework, as it would allow the dwellings to be built prior to any noise assessment and any mitigation and attenuation works employed which may or may not be feasible. Thus, I am not persuaded that the living conditions of the future occupants of the dwellings would be satisfactorily addressed, even if they would be fully aware of the relationship of their house to the public house.
10. As a consequence of the proposal, vehicles currently using the appeal site for off-street parking would be displaced into the north eastern car park. I observed this car park being used and undoubtedly there would be some uplift in the use of this car park as a result of the proposal. It is slightly further away from the entrance to the public house, but I do not consider it would prevent persons from using the car park or accessing the public house.

11. The appellant's beat survey points to a peak demand of 12 spaces which is considerably below the maximum capacity of the car park. The Council has not provided a survey of its own. Instead, the Council queries the validity of this survey, based on the time of year it was undertaken. It is however a snap shot in time, but given the appellant's trade data which indicates February is a relatively busy month, it appears to be a reasonable representation of the demand for car parking at the public house site. Whilst concern is raised by the Council in respect of the use of this car park on the living conditions of 209 Ribbleton Avenue, the car park is already in use. In any event this car park could accommodate a similar number of vehicles as the existing car park which would be resurfaced. I am not therefore convinced the living conditions of the occupants of No 209 would as a consequence of the proposal be adversely affected, even during the early hours of Saturday and Sundays mornings.
12. Inevitably, there may be occasions when vehicles do park on nearby streets. However this is largely unrestricted, within walking distance of the public house and the proposed dwellings and could take place in any event. Whilst there is no quantifiable evidence before me to support the extent or the consequential effect of on-street parking on residents living conditions, I consider there is the potential for noise and disturbance issues to occur from on-street parking. In any event, given the parking beat survey, instances of on-street parking are unlikely to be common place. Therefore, I am not convinced existing nearby residents living conditions in this respect would be adversely affected as a result of the proposed development.
13. Despite my findings in respect of the existing occupants' living conditions this does not alter my findings in terms of the future occupants' living conditions. For these reasons, I conclude that the proposal would result in unacceptable living conditions for future occupants of the proposed development, with particular reference to noise and disturbance. The proposal would be contrary to Policy 17 of the Central Lancashire Core Strategy (CLCS), Policies AD1(a) and EN9 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) (PLP), the Central Lancashire Design Guide Supplementary Planning Document and paragraph 17 of the Framework. These policies collectively seek to ensure development proposals respond to their context and the living conditions of occupants are not adversely affected in areas of mixed use.
14. Whilst the Council consider the proposal is contrary to Policy 5 of the CLCS in respect of residential amenity, given the Council considered the proposed density of the development to be acceptable, I do not share its view that the proposal could then consequently detrimentally impact on residential amenity and conflict with Policy 5 of the CLCS. For these reasons I conclude the proposal would comply with this policy.

Other Matters

15. Whilst concern is raised in respect of highway safety and the risk of accidents, I am satisfied that the proposal would not result in a severe impact, subject to management measures and servicing outside of peak hours. Moreover, the proposed layout and amount of parking for each dwelling satisfies Policy ST1 of the PLP. Despite the north eastern car park being slightly further away from the public house entrance, I consider suitably worded planning conditions would ensure that patrons would be able to safely and conveniently access the

building. Although persons may disregard parking and speed restrictions, the enforcement of these lies outside the scope of this appeal.

16. Although concerns are raised about privacy to existing dwellings, a combination of slightly sub-standard interface distances and landscaping would ensure that neighbouring occupants would not be unduly affected. Finally, I consider foul and surface water drainage could be resolved at a later date.

Conclusion

17. Given the Framework's overarching aim to boost the supply of housing, the provision of a three extra houses in a sustainable location would offer social and economic benefits. However the scope of these is limited to the modest contribution that the proposal would make to the housing supply. I also consider the dwellings could be suitably designed, provide sufficient parking provision and garden space whilst reflecting the pattern of development. However, these matters do not outweigh my findings on the main issue.
18. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR