



Appeal Decision

Site Visit made on 16 November 2020

by Gareth Thomas BSc(Hons) MSc(Dist) PgDip(Mgt) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2020

Appeal Ref: APP/Z2315/W/19/3242240

Former Padiham CP School, Burnley Road, Padiham BB12 8SJ

- 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 Valli Forecourts Ltd & Lancashire County Council against the decision of Burnley Borough Council.
 - The application Ref APP/2018/0397, dated 17 August 2018, was refused by notice dated 3 June 2019.
 - The development proposed is for a new petrol filling station, shop and community garden.
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Decision

1. The appeal is dismissed.

Main Issues

1. The main issues in this appeal are the effects of the proposed development on:
 - firstly, the setting of listed buildings, comprising Stockbridge House, a Grade II* listed building and Stockbridge Lodge a Grade II Listed Building together with its separately GII listed gatepost; and
 - secondly, the living conditions of occupiers of neighbouring properties in the immediate surrounding area in terms of noise and general disturbance.

Reasons

Effects on heritage assets

2. The proposed development would be within the settings of two listed buildings and an associated structure, which is separately listed. The first of these is Stockbridge House, which dates from the mid-17th century with later additions. Originally constructed as a landed gentry's residence and later associated with the nearby Shuttleworth Hall, it once occupied a much larger plot on the edge of the countryside at the time that included the appeal site. However, its former wooded area and gardens were detached, and its curtilage significantly reduced to allow the development of the town's primary school during the early 20th century. Having an 'L'-shaped plan form of random sandstone to the hall and coursed sandstone to the cross-wing, the re-modelling of the house in the early 19th century has not

diminished the grandeur of the original front elevation that faces the garden and which retains some of the windows to the original hall.

3. The second listed building is Stockbridge Lodge whose gatepost is also separately listed, was built in the mid-1800s for the nearby Gawthorpe Hall. Formerly known as Gawthorpe Lodge, the building is situated on the opposite side of Burnley Road from Stockbridge House. Echoing some of the architectural detailing of the Jacobean Hall itself, the front of the building faces diagonally across the appeal site towards Stockbridge House.
4. The special significance and special architectural interest of Stockbridge House derives to a substantial degree from the composition of the picturesque front aspect, including its position and formal garden structure that faces in a southerly direction over the former school site that once formed part of the original house and associated landscaped woodland and wider gardens. The alterations during the early 19th-century have not undermined the elegance and importance of the southern elevation and the harmony of its materials palette and formal ordered arrangement to the street, including stone walls and gateways clearly demonstrate the historic and architectural linkages with the appeal site, notwithstanding that the now demolished school buildings occupied the original extended gardens for a considerable period of time. The House is of significant interest as a historic dwelling built on the edge of what was originally open countryside, and which saw development take place that created the urban townscape we now see, but which doesn't necessarily undermine its significance to any great extent.
5. These features contribute significantly to an understanding of the historic and social functionality of the house and its development over time. I consider the significance of this building is largely derived from its age, form, fabric, architectural details and its positioning and outlook over once wooded and landscape grounds to the south. Although the original gardens and wooded area have been occupied for over a century by buildings that have recently been cleared, this factor has only served to accentuate the House's history and reinstated its former presence from views of the House from the west and east. Whilst the introduction of a landscaped community garden immediately south of the House is a positive feature of the appeal proposals, the visual relationship is weak and does little to reinstate the sense of the historic formal garden.
6. The special significance and special architectural interest of Stockbridge Lodge lies in its elegant and intact frontage at an angle to Burnley Road, its architectural detailing with references taken from the nearby Jacobean hall and its setting alongside mature greenery with clear views across and within the appeal site and beyond to and from Stockbridge House and Victoria Road. Due to their relative positioning within the urban area, the existing modern houses off Burnley Road have not impinged upon the setting of the Lodge leaving its importance as a prominent, elegant and obvious gatehouse building largely intact. The angled front aspect at the entrance to the driveway to Gawthorpe House nevertheless has visual and arguably historic connectivity to Stockbridge House with the 1890 OS Map clearly depicting a path across the appeal site to the House. This adds in my view to a strong historical association between the two buildings and with Gawthorpe Hall. I

do not accept that the setting of the Lodge is necessarily embodied in the land associated with Gawthorpe Hall although its historical association is without question. It is clear to me that its setting includes the appeal site.

7. In views from Burnley Road, from the east, the ground floor of Stockbridge House is largely screened by walling and some modern fencing behind which are mature trees and other vegetation; however, these features represent several phases of development and the needs of previous and existing owners to achieve reasonable privacy levels given the school development. However, clear views of the frontage are available from sections of Burnley Road and Victoria Road as well as key features of the upper storey and roof levels. At a height of some 5.2m to the underside of the proposed forecourt canopy, this structure would cut across and interrupt the available views of the west elevation of Stockbridge House from a considerable section of Burnley Road and obviate the diagonal views from Stockbridge Lodge towards Stockbridge House thereby severing the historic connection and undermine understanding of the association between the two listed buildings. This is also true of Stockbridge Lodge where views of the Lodge from Victoria Road and Stockbridge House would be significantly reduced by the introduction of a large scale and modern construction.
8. Although subject of further applications under separate Regulations, I consider that the totem pole signage that would inevitably follow a petrol filling station (PFS) development of this kind would also have a significant effect in terms of interrupting views of Stockbridge House from Burnley Road and views of Stockbridge Lodge from Victoria Road as well as the views towards each respective listed building. Accordingly, and taking all the above factors into account, I consider that the proposal would represent a harmful intrusion into the settings of both listed buildings and cause an unacceptable level of harm to the significance of their settings.
9. Paragraph 193 of the Framework states that, when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I am cognizant of my duties under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) which requires that special regard must be had to the desirability of preserving the listed building or its setting. This requires that considerable importance and weight must be given to any harm to a designated heritage asset or its setting.
10. In light of the conclusions set out above the proposal would conflict with Policy HE2 of the Burnley Local Plan (BLP), which states that proposals that affect the setting of listed buildings should avoid harm to their significance and in so doing, should maintain the aspects of the setting that contributes to their significance, including views into and out of them and the general relationship between the assets and the character of the surrounding townscape whilst respecting the character of existing architecture by having due regard to positioning and grouping of buildings, roofscapes and skylines.

Living conditions

11. At the time of my visit (1330), Burnley Road was busy with constant flows of vehicles; the noise of vehicles travelling along Burnley Road was discernible

from Victoria Road. This was not at peak time, which would suggest that noise from traffic would continue for much of the day. The Council's officer report suggested that the only concerns in terms of potential noise would be due to traffic movements within the site.

12. The appellants' noise report confirmed that the noise impact from cars entering and exiting the site between 0600-0700 and between 2200-2300, which is the period of time that the Council expressed reservations about, would be less than 1dB, which was deemed to be 'negligible' based on guidance provided within the Design Manual for Roads and Bridges (DMRB) and the appellants considered to be significantly below the Lowest Observed Adverse Effect Level. The Committee report, which was prepared prior to the removal of the jet wash and service bays from the appeal scheme, confirmed that with appropriate mitigation, the proposed development would be unlikely to give rise to noise problems.
13. I acknowledge that the appellants' noise assessment concludes that there would be no adverse effect from noise levels arising from vehicles entering and exiting the site, deliveries and plant machinery and the Council's Environmental Health Service raises no objections, subject to conditions. I also acknowledge that there would be little effect arising from light spillage from the site. The appellants have agreed to the conditions suggested by the Council relating to reduced opening hours.
14. However, the effect of increased comings in and goings of customers and the general disturbance that this would have upon residents of those properties that surround the site on three sides would be significant. The proposal would introduce a considerable amount of vehicle movements in and out of the development site, with associated activity from customers and noise from car doors slamming, blaring music and starting of vehicles. This would be throughout the day and into the night, with early morning and late-night opening hours.
15. Therefore, despite the assessments provided by the appellants, it is my judgement that there would be increased noise, traffic and activity from the site, both in terms of the forecourt operation and the convenience store. The effect of the proposal would be over a long period of the day, every day, without respite. This would materially alter the sound environment experienced by surrounding neighbouring residents, to their detriment.
16. Accordingly, the culmination of this activity would lead to disturbance to neighbouring dwellings and fail to provide a high standard of amenity for existing occupiers. This would adversely and harmfully affect their living conditions, contrary to Policy SP5 of the BLP, which seeks to ensure new developments do not have an unacceptable adverse impact upon neighbouring occupiers.

Other considerations

17. Paragraph 196 of the Framework advises that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal.

18. The proposal would result in the development of a previously developed site which is presently vacant and could remain vacant if no alternative development scheme comes forward. The present condition is having a negative and detrimental effect on the setting of both listed buildings. However, there is no evidence to suggest that the appeal scheme represents the only option available for the redevelopment of the site for a new beneficial use. The Council's officer confirmed that the site represents a sustainable location and a development opportunity. It is clear from local third-party representations that there may well be support for a suitable housing scheme should such development be promoted.
19. No evidence has been presented confirming that there is a clear demonstrable need for a PFS at this location and note that this view is not shared by a number of local residents who have made representations concerning the proposal and who point out to the presence of PFS within relatively close proximity. Whilst a PFS open for long hours might possibly be considered a public benefit, neither the Council nor local residents consider that it would be appropriate for the facility to be open for the hours originally intended given the close proximity to residential properties and this has been conceded by the appellants.
20. Thus, public benefits that might accrue include the considerable private sector investment involved in bringing forward this development and in its construction and subsequent employment generation. These economic benefits must carry at the very least moderate weight. However, they would not in my view outweigh the harm to the significance of the two listed buildings that I have identified and therefore would be contrary to the guidance set out in Section 12 of the Framework.

Other matters

21. Many of the concerns expressed by third party representations raise concerns with regards to traffic movements from South Drive and Stockbridge Drive onto Burnley Road. Concerns have been expressed in relation to the proposed access points to the site which would be located in close proximity to existing junctions leading to further congestion and highway safety problems. However, in the absence of evidence to the contrary, I accept the Council's conclusions that the proposed development could be accommodated without unacceptable impact on conditions of highway safety and convenience.
22. Concerns have also been expressed with regards to the effects of the proposed convenience store on the town centre and local shops and services. However, the Council has not raised this as a main issue as much of the trade would come about from customers buying fuel resulting in acceptable levels of trade diversion from local convenience shops whilst a store of this size and type would be unlikely to affect town centre trading.

Conclusion

23. For the above reasons and having regard to all other matters raised, this appeal should not succeed.

Gareth W Thomas

INSPECTOR