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## Appeal Decision

Site visit made on 5 July 2017

**by Keith Manning BSc (Hons) BTP MRTPI**

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

**Decision date: 11 August 2017**

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**Appeal Ref: APP/M2325/W/17/3171250**

**Post Office Hotel, 18 Freckleton Street, Kirkham, Preston PR4 2SP**

- 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 Andy Bradshaw against the decision of Fylde Borough Council.
  - The application Ref 16/0968, dated 1 December 2016, was refused by notice dated 8 February 2017.
  - The development proposed is demolition of single storey rear extensions to existing building, alterations & conversion of existing public house into 3no self-contained apartments & 3no new build town houses
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of single storey rear extensions to existing building, alterations & conversion of existing public house into 3no self-contained apartments & 3no new build town houses at Post Office Hotel, 18 Freckleton Street, Kirkham, Preston PR4 2SP in accordance with the terms of the application, Ref 16/0968, dated 1 December 2016, subject to the conditions set out in the annex hereto.

### Application for costs

2. An application for costs was made by Mr Andy Bradshaw against Fylde Borough Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues are:-
  - a) The potential effect of on-street parking on highway safety; and
  - b) its potential effect on the visual and residential amenity of the area.

### Reasons

#### *Background*

4. The appeal site fronts a main street within Kirkham Town Centre, diagonally opposite the local police station and within the Kirkham Conservation Area. It comprises a semi-derelict traditional hotel or public house with a car park to one side, also derelict and unused. In short, the site detracts significantly from the otherwise pleasant street scene which has developed incrementally over time and is characterised by a mixture of largely terraced dwellings and more substantial commercial or institutional buildings.

5. Kirkham town centre is a highly sustainable location in the sense that it has many shops for day to day needs within walking distance of the houses that closely surround it and intermingle with commercial premises. It is served by buses and a nearby railway station. I have no doubt that the proposed development could conveniently be occupied by residents who cannot or choose not to, utilise private motorised transport on a day-to-day basis. Equally, it is entirely possible that at least some of those occupying the proposed dwellings would in fact choose to own vehicles of one sort or another, in which case they would need to park according to opportunities available within and around the town centre, whether on-street, where permissible, or in a car park such as, for example, the Mill Street car park a short distance away.

*a) Highway safety*

6. I acknowledge that there is competition for such on-street parking opportunities as are available near the site, which is unsurprising given that the town centre hosts a variety of shops and other attractions as well as traditional terraced housing. Having myself parked and walked around the centre and the adjacent streets, including those within reasonable proximity to the site, I do not consider the competition for parking spaces to be unduly intense. It is in the nature of central areas that there is such competition and there is nothing to suggest that Kirkham is unusual or particularly problematic in this respect by comparison with many such areas throughout the country. There are opportunities to park safely on-street at locations within reasonable proximity to the site. These might include parts of Marsden Street, Stanley Street, Old Row and Chapel Walks, all of which had space available at the time of my visit on a weekday morning. As with all such situations it is often a case of 'first come first served' in the event that localised demand exceeds supply, in which case most motorists will simply find a place to park a little further away. That is a fact of modern life.
7. That said, I did observe some parking on characteristically broad pavement areas of Freckleton Street in the vicinity of the site, including outside the local police station. If such behaviour is problematic or illegal it seems to me that, as anywhere else, the answer lies in appropriate management measures or enforcement activity, as the case may be.
8. In any event, local policy does not require on-site parking in each and every residential development. There are no minimum standards and the introduction to the local standards applying notes that Lancashire County Council, the relevant highway authority (HA), was one of the first to introduce maximum standards and explains that... "*Levels of car parking are set out as the maximum that may be allowed, rather than minimum levels which must be provided*".
9. I am of course aware that the Town Council has expressed concerns that, on this site, parking should be provided and that the Lancashire Constabulary has referred to incidents and complaints which suggest that parking behaviour is not necessarily ideal. But this is no substitute for systematic analysis or evidence that a highway safety problem would necessarily be caused by the development at issue. Parking competition is entirely normal, as I have noted, and there is no evidence of accidents directly attributable to this in the vicinity or HA concern that would be the case. On the contrary, I note that the HA response to the proposal (which is rooted in the Framework and the inherent

sustainability of the location), although noting that the proposal does have the potential to lead to a small increase in parking demand in the area, does not anticipate any severe highway safety impact - a conclusion borne out by a lack of recorded accidents on Freckleton Street over the most recent five year period. Certainly there is nothing to suggest, following the actual tests of the Framework at paragraph 32 that safe and suitable access to the site cannot be achieved for all people (as would likely be the case with existing terraced houses and apartments without dedicated parking) or that the residual cumulative impacts of the development would be severe. Looking at the area within a reasonable walk of the site, even bearing in mind an understandable desire for proximity of parking opportunity by those potential occupiers who might choose to own private motorised transport, I consider the effect would be relatively marginal.

10. In the light of the above, I find no evidence of significant conflict with policy HL2 of the Fylde Borough Local Plan or criterion p) of policy GD7 of the emerging local plan as drafted. Moreover, compliance with maximum parking standards cannot require 10-12 spaces on-site. The adopted parking standards currently in force clearly contemplate development without parking in accessible locations such as this, should a developer wish to market properties on that basis.

*b) Amenity*

11. I note that the HA response to the application says... *"while this proposal could have the potential to lead to a small increase in parking demand in the area, I consider this impact will be predominantly in relation to local amenity"*. However, as people already habitually park in the vicinity of the site and the town centre more generally, it is difficult to see how the small increment of additional parking pressure would have a significantly detrimental effect on visual and residential amenity as opposed to perhaps a little more day to day inconvenience for those who choose to own and park cars in the locality, which is not an uncommon feature of life in centrally located residential areas of this type. The considerable visual and amenity benefits of redeveloping this site as proposed in any event are more than enough to counter such concerns and should be weighed in the balance accordingly.

*Other matters, planning balance and overall conclusion*

12. The Council's statement confirms that it is unable to demonstrate a five year supply of deliverable housing sites and therefore, following paragraph 49 of the Framework, the 'tilted balance' embodied in the paragraph 14 definition of the presumption in favour of sustainable development is engaged.
13. Moreover, by virtue of s72 of the Planning (Listed Buildings and Conservation Areas) act 1990, I am obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the Kirkham Conservation Area. Given the harmfully negative impact of the site in its present condition, I am in no doubt that the restoration of the hotel building and the replacement of its car park with an increment of terraced houses within the street scene, consistent with its historic pattern of development, would substantially enhance both the character and the appearance of the conservation area and that is a matter to which I attach significant weight and importance.

14. In conclusion, I have found that there is no conflict with relevant policy in the development plan or within the Framework, or with relevant local parking standards. The proposal, which is in a highly sustainable location which could well be attractive to residents not wishing to be reliant upon motorised private transport, would in a modest way contribute to needed housing supply in the Fylde Borough and the national object of boosting such supply. It would substantially improve the conservation area. The social, economic and environmental effects of the proposal would therefore be positive. Against that, I have concluded that the claimed disadvantages of the proposal in highway safety and amenity terms are without demonstrable substance, notwithstanding the representations of the Lancashire Constabulary and the Town Council.
15. For the reasons I have given, it has not been demonstrated that any adverse effects of granting planning permission would significantly outweigh the benefits when assessed against the policies in the Framework taken as a whole. Nor do I consider in this instance that it would be possible to do so, given the likely marginal impact on existing parking conditions and practices within and around the Kirkham town centre as a whole. The proposed development may therefore be considered sustainable in the terms of the Framework and I therefore conclude, having considered all other matters raised, that subject to appropriate conditions, the appeal should be allowed.

#### *Conditions*

16. Subject to minor wording changes I am satisfied that, for the most part, the conditions suggested by the Council are necessary and appropriate having regard to Planning Practice Guidance. I acknowledge the concern expressed by the appellant concerning the suggested condition 11, given that a construction method statement was submitted with the application. However, although reasonably comprehensive in scope and a basis for rapid progress in the discharge of suggested condition 11, the submitted statement seems to me to lack precision in a number of respects and a method statement to be approved specifically, pursuant to that condition, is therefore a necessary requirement.
17. Given the sensitivity of the area as a heritage asset I consider a more detailed control mechanism for materials than is implicit in the drawing specification is required and that the "External Materials Mood Board" (Drawing No 13), whilst usefully indicative of intentions regarding materials, lacks comprehensive precision. Therefore the suggested condition 3 should be retained broadly as drafted whilst the mood board should be deleted from the list of approved plans. However, save for the requirements of condition 3 regarding the minutiae of new materials proposed to be introduced, I agree that the drawing No 12 adequately addresses the external works to repair, through conversion, the existing building and therefore propose to omit the suggested condition 12 accordingly.

*Keith Manning*

Inspector

### **Annex: Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Location Plan -drawing no. 247-09  
Proposed site plan -drawing no. 247-10  
Proposed elevation & floor plan (conversion) -drawing no. 247-12  
Proposed elevation & floor plan (new build) -drawing no. 247-11
- 3) No development shall take place until a detailed schedule of all materials to be used on the external walls and roofs of the approved dwellings has been submitted to and approved in writing by the local planning authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where required by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of the proposed ground levels across the site and the proposed finished floor Levels of the proposed dwellings. The development of the site shall be undertaken in accordance with these approved details.
- 5) No development shall take place until a scheme detailing the means of surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall not include any connections to the public foul sewer system and should it involve a Sustainable Urban Drainage System (SUDS) then details of the future management of the SUDS and a management company that will be established to oversee the maintenance of the drainage system shall form part of the submitted scheme. The works shall be implemented and maintained as necessary in accordance with the approved scheme.
- 6) No development shall take place until a scheme detailing the means of foul water drainage of the residential development area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the development is drained on a separate system with only foul drainage connected into the foul or combined sewer. The works shall be implemented and maintained as necessary in accordance with the approved scheme.
- 7) No development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The details shall include means of enclosure, hard surfacing materials, and provision of refuse receptacles, lighting and services as applicable. Soft landscaping details shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The landscaping shall be implemented in accordance with the approved details and programme and all planting shall in any event be completed no later than the end of the next planting season following substantial completion of the buildings.

- 8) The whole of the landscape works, as approved, shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall include the replacement of any trees, shrubs or hedges that are removed, seriously damaged or which die or become, in the opinion of the local planning authority seriously diseased within the above specified period. Replacements shall be of a similar size and species. The whole of the planted areas shall be kept free of weeds; trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary.
- 9) None of the town houses hereby approved shall be occupied until the conversion of the existing public house to apartments has been completed and the apartments made ready for occupation as indicated on the drawing no. 247-12 (proposed conversion plan).
- 10) Should any protected species be found during conversion works all site works shall cease until ecological advice has been sought from a suitably qualified person and a detailed method statement and programme of mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved.
- 11) No development shall take place, or 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 including decorative displays and facilities for public viewing, where appropriate,
  - 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.

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