

Appeal Decision

Site visits made on 23 February and 11 March 2017

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 22nd March 2017

Appeal Ref: APP/M0655/W/16/3164341

81A Grappenhall Road, Stockton Heath, Warrington WA4 2AR

- 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 Mr Frazer Lloyd-Jones against the decision of Warrington Borough Council.
 - The application Ref 2016/28485, dated 13 July 2016, was refused by notice dated 21 October 2016.
 - The development proposed is outline application for residential development of up to 9 no. dwellings, including site access.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 9 no. dwellings, including site access at 81A Grappenhall Road, Stockton Heath, Warrington WA4 2AR in accordance with the terms of the application, Ref 2016/28485, dated 13 July 2016, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr Frazer Lloyd-Jones against Warrington Borough Council. This application is the subject of a separate decision.

Procedural Matters

3. The application was made in outline with all matters reserved except for access and I have decided the appeal on this basis. I have had regard to the site layout plans submitted with the application as they show the access arrangements and give an indication of how 9 dwellings could be developed on the site. However, as layout is reserved, the siting of the dwellings does not form part of this permission.
 4. The appellant has submitted an amended plan at appeal stage showing a revised design to the junction of the access road with Grappenhall Road so that the new kerb would be further away from a pavement tree to the west of the access. This modification is minor in nature and would not prejudice any party. That said for reasons given later I do not consider that the modification is necessary so I have determined the appeal on the basis of the original junction design.
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Main Issues

5. The main issues are:
- (a) the effect on the character and appearance of the area;
 - (b) the effect on the living conditions of neighbouring residents, with particular reference to outlook and noise and disturbance; and,
 - (c) the effect on highway safety

Reasons

Character and Appearance

6. The irregularly shaped site lies to the rear of large properties fronting Grappenhall Road. Semi-detached dwellings lie beyond the western, northern and eastern boundaries. There is a semi-derelict detached house at the bottom of the narrow access drive between Nos. 79 and 81 Grappenhall Road with dilapidated outbuildings to its rear. Further back into the site is a detached garage and there are the remains of some timber structures towards the northern end of the site. The remainder of the site is largely overgrown with scrub and brambles. The most notable trees are those on the southern boundary at the foot of the long gardens of the Grappenhall Road properties. The site boundaries are marked by a mix of fencing, walls and vegetation. Some of the boundary treatments are in a poor state of repair.
7. Because of the narrowness of the access and the presence of vegetation and surrounding development the site is not readily visible from Grappenhall Road or other surrounding streets. Whilst the access would be widened and the removal of some of the vegetation at the end of Hollow Drive could allow views into the site from that direction, the new houses would be predominantly to the rear of existing dwellings and would be seen as a discrete development from the surrounding area. The density of development would be higher than that of housing on Grappenhall Road but would be comparable with the nearest residential development to the west, north and east.
8. The surrounding houses currently look out over a largely undeveloped site. There would be a change in character with the erection of 9 dwellings and increased domestic activity. That said the overgrown and somewhat unkempt site does not contribute to the wider area as open space and is not protected as such. Residential development at the density proposed would be in character with the area and would not represent an overdevelopment of the site.
9. There would be scope to keep the most significant trees on the site, the aspen and other species on the southern boundary, and existing hedging is also shown as being retained. The improved junction onto the main road would lead to works close to a lime tree within the pavement. However, the tree is showing signs of stress and has been classified as Category C¹, low quality. From what I saw at the site visits it is in a poorer condition and of lower amenity value than most other pavement trees nearby. That said the evidence indicates that both the original and revised access arrangements would appear to allow the tree to be retained. If the main parties wish to pursue a revised junction design it is matter that could be discussed prior to or at reserved matters stage.

¹ BS 5837:2012 – Trees in relation to design, demolition and construction - category grading

10. The dwelling on the site dates from the early nineteenth century and has the characteristics of a vernacular building of that era. Although not a listed building and notwithstanding the appellant's views, it would fall into the category of a non-designated heritage asset. The application was accompanied by information about the building, including a letter from Historic England's predecessor, English Heritage, dated 2009, explaining why the building did not merit listing. Prior approval was granted for demolition of the dwelling in 2015. That said the effect on the significance of the heritage asset is an issue that should be taken into account in determining the appeal² and I will return to this later in the planning balance.
11. Putting to one side the effect on the significance of the heritage asset, I conclude that the development would be acceptable in relation to the character and appearance of the area. There would be compliance with Policies CS1 and QE7 of the Core Strategy³ (CS) on this issue as the residential development would have regard to local distinctiveness and harmonise with adjacent buildings subject to detailed design and would be of a density which would optimise the potential of the site without damaging the character of the area.

Living Conditions

12. The outlook of, and view from, surrounding occupiers would change as the largely undeveloped site would be replaced by houses. However, there is sufficient space on the site to ensure that 9 dwellings could be developed with acceptable interface distances between existing and proposed properties based on the indicative housing layout. As a result the development would not be overbearing for neighbouring occupiers or lead to significant loss of privacy or light.
13. The development would inevitably lead to increased activity on the site and down the access. However, any noise and disturbance on the site would be related to domestic activity and would not be uncharacteristic of this residential area.
14. The passage of vehicles from 9 houses down the widened access would increase noise and disturbance for the dwellings adjacent to the drive. However, there would be a reasonable separation distance between the access road and the side elevation of No 79. Nos. 79 and 81 would both benefit from new screen walls alongside the access. The level of vehicle movements from 9 dwellings would not be significant. For example the appellant indicates that peak hour movements would comprise around 6 two-way vehicle movements, a figure which is not disputed. This would occur when traffic on Grappenhall Road is already likely to be at its noisiest and therefore would be less noticeable.
15. The site has been subject to vandalism, anti-social behaviour and security concerns. Redevelopment would significantly reduce the likelihood of such occurrences.
16. Accordingly the proposal would have an acceptable impact on the living conditions of neighbouring residents, with particular reference to outlook and noise and disturbance. There would be compliance with Policies CS1 and QE6

² See paragraph 135 of the National Planning Policy Framework

³ Warrington Local Plan Core Strategy (adopted July 2014)

of the CS in this regard as the living conditions of neighbouring residents would be respected in relation to outlook, privacy, light and noise and disturbance.

Highway Safety

17. The access would be widened to provide a 4.8m wide carriageway with a 2m footway down the eastern side. Such an arrangement would comply with documents such as Manual for Streets (MfS) and the Council's own guidance for a development of this scale. The additional traffic that would use Grappenhall Road as a result of the development would not be significant and would not exacerbate any congestion.
18. The carriageway width would not allow two larger vehicles such as refuse lorries or delivery vans to pass. However, the occasions that such an incident would occur would be likely to be so infrequent as not to be material. So the likelihood of a vehicle having to reverse onto Grappenhall Road would again be small.
19. MfS indicates that visibility splays of 43m by 2.4m are appropriate for a 30 mph road. However, the appellant has also commissioned speed surveys and these show that 85th percentile wet weather speeds would indicate that 'Y' distances of 41m to the east and 45m to the west should be considered. The drawings indicate that both options can be achieved from the proposed junction, a position that I was able to confirm on site.
20. The pavement trees do not significantly affect visibility as the foliage is above driver sight lines and the trunk diameters are relatively slim. Although the diameters could increase, the trees are subject to pollarding so are unlikely to become substantial fixed obstructions. Moreover, the Highway Authority would have powers to take action in the unlikely event that the trees became a hazard.
21. In terms of parked cars I noted that most houses on the main road have space for two or more cars within their plots. Besides, parking on the footway is a criminal offence and parking in a carriageway with double white lines, as is the case to the east of the access here, is a civil offence except in certain circumstances. Therefore, it is unlikely that many residents or their visitors would choose to park unlawfully on the pavement or on the side of the road.
22. When I first visited the site in mid-afternoon the only cars on the highway in the vicinity of the site access were those associated with my site visit and some emergency tree works following strong winds earlier in the day. It might be assumed that more parking is likely to take place in the evenings and at weekends but there is no evidence that on-street parking is particularly prevalent or likely⁴. When I returned to the area early on a Saturday morning one car was parked on the pavement to the west of the access but, due to the width of the footway, it did not affect visibility to the extent that pulling out onto the main road would have been hazardous.
23. The formation of the access road would deter parking close to the improved access as drivers should not park within 10m of a junction. The existence of pavement trees and driveways would further reduce the opportunities to park. Provision is made for parking for No 81 in the rear garden. All in all the likelihood of visibility being impaired by parked cars is not a significant risk.

⁴ See appellant's transport statement dated November 2016 (paragraphs 2.60 to 2.65)

24. For the reasons stated earlier I consider that the original junction design would be acceptable. That said whilst I note that the reduced kerb radius on the western side which would result from the revised junction arrangement would not meet the Council's guidance, MfS at Section 6 outlines the benefits that can accrue from such an arrangement, including for pedestrians.
25. For the above reasons the effects on highway safety would not be significant and the proposal would comply with Policies CS1, QE6 and QE7 of the CS in this regard as the access design would be of a suitable standard, highway and public safety impacts have been considered and the layout would function well in terms of existing patterns of movement. A safe and suitable access would be achieved for all people in accord with paragraph 32 of the National Planning Policy Framework (the Framework). In arriving at this conclusion I have taken into account the reference to collisions near the site access but note that the Council does not raise this as evidence of a material safety concern.

Other Matter

26. The site has been subject to habitat and bat surveys which indicate that it has low potential for protected species. The detailed layout and landscaping would allow suitable habitats to be created in the gardens of the properties. The recommendations of the Bat and Extended Phase 1 Habitat Surveys can be given effect by conditions.

Planning Balance, Conditions and Conclusions

Planning Balance

27. There is agreement between the main parties that the Council cannot demonstrate a five-year supply of deliverable housing sites. Therefore, in accordance with paragraph 47 of the Framework relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 of the Framework indicates that where the development plan is out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I am aware that some of the CS housing policies were subject to a successful legal challenge in 2015, in particular the policy relating to the housing requirement. This reinforces the fact that the development plan is out-of-date in respect of policies for the supply of housing.
28. I have found no material harm arising from the main issues and there would be compliance with the development plan in these respects. My conclusions in relation to character and appearance and living conditions are consistent with those of the Inspector who determined the previous appeal relating to the site⁵. In terms of the non-designated heritage asset I have had regard to the fact that its demolition has already been approved. Therefore, the weight that I give to the harm arising from its loss is limited. Moreover, there are economic and social benefits that need to be weighed against the limited harm. In particular the proposal would provide much needed housing in an accessible location. This would have spin-off economic benefits of construction jobs and increased local spend

⁵ Appeal Decision Ref: APP/M0655/W/16/3164341 dated 24 August 2005

29. In conclusion the limited harm arising from the loss of the non-designated heritage asset would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Moreover, the proposal would accord with the development plan as a whole based on what has been put before me so should be approved without delay.

Conditions

30. I have considered the conditions included in the Council's Committee Report against the advice within the Framework and the Planning Practice Guidance. I have amended the wording and combined some conditions as necessary so that the conditions meet the relevant tests.
31. I have imposed a condition relating to the approved plans for certainty. As the original junction arrangement would be satisfactory I have referred to the relevant drawings in the condition.
32. Conditions specifying the information to be contained in the details of reserved matters, including levels, parking and electric vehicle charging points, are necessary in the interests of character and appearance, living conditions and sustainable transport. The parking and charging point requirements are supported by the Council's 'Standards for Parking in New Developments' Supplementary Planning Document.
33. A Construction Method Statement (CMS) is needed due to the proximity of existing dwellings to the site and its access. However, I have not included all the requirements referred to by the Council given the relatively small scale nature of the scheme. Further details of the access and road layout are required to ensure that it meets highway standards. I have also imposed a condition relating to the provision of replacement car parking for No 81 so that off-street parking continues to be available. Even though the site is not in a flood risk area, details of surface water drainage should be submitted to ensure that these are satisfactory and incorporate sustainable systems as appropriate.
34. Trees to be retained should be protected during construction so that their amenity value is safeguarded. Conditions are required to put into effect the recommendations of the Habitat and Bat Surveys relating to lighting and its impact on bats and controls on clearance and construction works to ensure reasonable avoidance measures for nesting birds, hedgehogs and bats.
35. Although the provision of affordable housing is supported by Policy SN2 of the CS, the Written Ministerial Statement of November 2014 is a material consideration that indicates that the appeal should be decided otherwise than in accord with this development plan policy. The development is for less than 10 units but, depending on the size of the dwellings, may exceed 1,000 sq m. In the eventuality that the latter applies I have imposed a condition requiring affordable housing provision.
36. The CMS, details of access, tree protection measures, surface water drainage and affordable housing need to be agreed pre-commencement as they are likely to form an integral part of the layout design or need to be put in place before works start on site.
37. There is no evidence before me that the site is likely to be contaminated so I have not imposed the conditions suggested. However, I have included a condition should unexpected contamination be found. Landscaping is a

reserved matter so there is no need for separate conditions relating to planting and surfacing materials. Foul drainage would be covered by the Building Regulations.

Conclusions

38. For the reasons given above I conclude that the appeal should be allowed subject to the conditions discussed earlier and included in the attached schedule.

Mark Dakeyne

INSPECTOR

Schedule of Conditions

Reserved Matters Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall commence not later than 2 years from the date of approval of the last of the reserved matters.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as the plans relate to the junction and access road: Location Plan Drawing No 2007-101 Revision A; Site Plan Drawing No 2007-110 Revision D; and Existing and Proposed Site Access Drawing No 2007-118.
- 5) The details pursuant to condition no 1 shall include existing and proposed levels across the site including finished slab levels of the proposed dwellings. The plans shall include a level adjacent to the site which shall remain fixed and levels of existing dwellings adjoining the site. The development shall be carried out in accordance with the approved levels.
- 6) The details pursuant to condition no 1 shall include the provision of car and cycle parking and electric vehicle charging points for the proposed dwellings. The parking and electric vehicle charging points shall be provided in accordance with the approved details prior to the occupation of the dwelling to which they relate and thereafter retained.

Pre-commencement conditions

- 7) 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 Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;

- iii) storage of plant and materials used in constructing the development;
- iv) measures to control vibration and the emission of dust and dirt during construction;
- v) a scheme for recycling/disposing of waste materials resulting from demolition and construction works;
- vi) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the demolition, site clearance and construction periods for the development.

- 8) Prior to the commencement of the development full construction details of the proposed junction, access road and internal highway layout shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the junction, access road and internal highway layout has been constructed in accordance with the approved details.
- 9) No development shall take place until details of off-street car parking for No 81 Grappenhall Road have been submitted to and approved in writing by the local planning authority. The approved parking shall be provided before the occupation of any of the dwellings hereby permitted and thereafter retained.
- 10) Prior to the commencement of any works on site, including demolition and site clearance, a scheme of tree works; measures for the protection of trees, hedges and shrubs to be retained in accordance with the details of landscaping pursuant to condition no 1; and a construction methodology shall be submitted to and approved in writing by the local planning authority. The scheme shall then put in place and retained throughout the duration of site clearance, demolition and construction works as approved. The scheme shall accord with the requirements of BS 5837:2012 – Trees in relation to design, demolition and construction and follow the principles set out in the Arboricultural Implication Assessment and Tree Protection Method Statement dated 6 May 2016.
- 11) No development shall take place until details of surface water drainage works have been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details before any dwelling is occupied. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to the hierarchy of drainage options within the Planning Practice Guidance and DEFRA's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,

- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 12) At reserved matters stage, should the combined floor space of the development exceed 1,000 sq m, a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

Pre-occupation condition

- 13) Details of street lighting and any other external lighting shall be submitted to and approved in writing by the local planning authority before any dwellings are occupied. Development shall be carried out in accordance with the approved details. No other external lighting shall be provided.

Conditions to be complied with during the development

- 14) Tree felling, vegetation clearance, demolition or other works that may affect nesting birds shall not be undertaken between 1 March and 31 July in any year unless the absence of nesting birds has been confirmed by surveys or inspections which have been submitted to and approved in writing by the local planning authority.
- 15) Reasonable Avoidance Measures for hedgehogs shall be in place during all demolition, site clearance and construction works between 1 October in any one year and 31 March in the following year. Any wood piles or other suitable materials and vegetation within the site shall be checked for hibernating hedgehogs before disturbance/clearance. Other working practices shall be adopted to ensure no harm comes to hedgehogs on site including:
- i) All excavations on site shall be covered at night or a ramp shall be provided to allow hedgehogs and other mammals to exit excavations;

- ii) All excavations on site shall be checked for hedgehogs and other mammals each morning prior to the re-commencement of any works;
 - iii) All stored building materials that might be used for temporary resting places by hedgehogs and other mammals shall be stored off the ground on pallets or similar; and,
 - iv) If any hedgehogs are found then they shall be carefully moved to a safe area.
- 16) The recommendations of the 'Inspection and Assessment in Relation to Bats' report dated 22 October 2015 contained in paragraph 8.1 shall be adhered to during removal of the roofs of the existing buildings.
- 17) Any contamination that is found during the course of demolition and site clearance and construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

END OF SCHEDULE OF CONDITIONS