The Planning Inspectorate

Appeal Decision

Site visit made on 24 February 2020

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/M0655/W/19/3241502
Land adjacent to Units 720 & 730, Birchwood Boulevard, Birchwood, Warrington WA3 7PS

- 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 North West Portfolio Limited against the decision of Warrington Borough Council.
- The application Ref 2019/34478, dated 18 February 2019, was refused by notice dated 25 October 2019.
- The development proposed is the erection of B8 self-storage unit, new access off Dewhurst Road, parking and associated works including demolition of garage, together with provision of additional parking for adjacent office building.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application which accurately describes the proposal.

3. The original application was made in outline with landscaping matters reserved. While I have had regard to all of the submitted plans, I have treated all landscaping elements shown as indicative.

Main Issues

4. The main issues in this appeal are:

    - The effect of the proposal on green infrastructure; and
    - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Green Infrastructure

5. The appeal site forms part of a predominantly open grassed area containing several trees between Dewhurst Road and 2 office units accessed from

Birchwood Boulevard. The surrounding area is characterised by a variety of activities including, amongst other things, large business units, a shopping centre and car park, petrol filling station, public house and school. Trees and grassed areas of varying widths frequently follow the road and footways, softening the built form.

6. The appeal site is located within an employment area allocated in the Council's Local Plan Core Strategy (CS) (adopted July 2014) under policy PV1. The Council have also identified the appeal site within its interactive policy mapping system as forming part of a larger Natural/Semi-Natural Green Space (green space). However, I have no further information regarding this green space. Moreover, I note that the trees are not formally protected, and the green space is not specifically allocated within the CS.

7. Nonetheless, the Council have referred me to policy QE3 of the of the CS which relates to all green infrastructure within the Borough. This policy states, amongst other things, that the Council in the assessment of applications will be focussed on protecting existing provision (of green infrastructure) and the functions this performs.

8. I have not been provided with a local definition of green infrastructure. However, the National Planning Policy Framework (the Framework) defines it as '*a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities'*. The appeal site and wider area of green space would appear to fall within this definition. As such, policy QE3 is relevant to the proposal.

9. There appears to have been no formal assessment of the Council's green infrastructure. However, from the evidence available and my observations on site it appears to me that this area of green space provides a largely visual function in softening the business units within Birchwood Boulevard. When travelling along Dewhurst Road, the Birchwood Boulevard units are set back and the grassed area and trees provide an attractive informal feature of reasonable depth.

10. This green space contrasts starkly with the large area of car parking and built form of the shopping centre and development on the opposite side of the road. The lack of meaningful planting and green areas around the shopping centre, in my view, increases the importance of the function of the green infrastructure on the opposite side of the highway, of which the appeal site forms a part.

11. I recognise that, planning permissions[1] for extended car parks have and will (if implemented) further erode this area of green space. This includes an approval for an extended car park in part of the appeal site which has not been implemented. In my view, the encroachment of these car parks, whilst permitted by the Council, each represent examples of a harmful incremental loss of green infrastructure which should not be used to permit further loss.

12. I recognise that the petrol filling station physically and visually breaks up the green infrastructure along Dewhurst Road. However, in my view, the removal of the trees, erosion of the grassed area and severance of the green space with the proposed access, would further diminish the amenity value of the green infrastructure on this side of Dewhurst Road.

[1] Application No: 2018/32445 and 2017/29916

13. There is no substantive evidence that the appeal site makes any significant contribution to local biodiversity. Although the proposal would introduce new planting, I have no substantive evidence that there would be a net gain in the biodiversity value of the site.

14. I recognise that most of the trees to be removed are Horse Chestnut trees which can be susceptible to, and I'm told some are showing signs of, bleeding canker. However, there is no substantive evidence before me that they will not survive and continue to make a significant contribution to the visual amenity of the area for many years to come. Trees of such age and appearance cannot easily be replaced and would not be offset by the immature planting proposed in a significantly reduced area of green space.

15. I therefore find, that the proposal would result in the erosion of an area of green infrastructure along Dewhurst Road. As such, the proposal would conflict with the requirements of policy QE3 of the CS. This policy is consistent with the provisions of the Framework and in particular, paragraph 171 which says, amongst other things, that plans should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure.

Character and appearance

16. The business units within Birchwood Boulevard are set back from Dewhurst Road in a reasonably consistent pattern. The proposed development would introduce built form into an area of open land between the business units and Dewhurst Road where there is none. I recognise that the position of the building has sought to leave a gap to Dewhurst Road. However, the proposal would still introduce a large building which would be contrary to the prevailing pattern of built development in Birchwood Boulevard.

17. I recognise that the adjacent petrol filling station is positioned next to, and accessed from, Dewhurst Road and does not conform to the pattern of development within Birchwood Boulevard. However, this is a small-scale structure which is relatively well contained by vegetation. The proposal would introduce a much larger built form and greater area of hardstanding. It would be a dominant feature along Dewhurst Road at odds with the pattern of development on that side of the highway.

18. I recognise that the proposal is a modern design with many positive features, including, amongst other things, large areas of glazing. Moreover, the building would be set down into the site and its scale and massing would, in itself, not be out of keeping with the scale and massing of other buildings in the surrounding area.

19. However, it is the building's location between the business units in Birchwood Boulevard and Dewhurst Road which leads me to conclude that it would appear incongruous in its surroundings. The scale and massing of the building combined with the erosion of the green space would exacerbate the harm in this particular location.

20. I note that the appellant has made changes to their scheme following discussions with the Council with the view to finding a solution, including amongst other things, increasing the distance of the building from Dewhurst Road. I also recognise that the appellant has sought to position the building as far back as possible from this road. The harm would be localised with views

limited, primarily to Dewhurst Road, Benson Road and from the retail car park opposite. However, for the reasons given above, the proposal would still be at odds with the prevailing pattern of development.

21. I therefore find, that the proposal would result in significant harm to the character and appearance of the surrounding area. The proposal would therefore be contrary to the requirements of policy QE7 of the CS. This policy says, amongst other things, that the Council will look positively upon proposals that are designed to reinforce local distinctiveness and enhance the character, appearance and function of the street scene, local area and wider townscape.

22. Policy QE7 is consistent with the provisions of the Framework. I therefore conclude that the proposal would conflict with paragraphs 127 and 130 of the Framework which broadly seek to secure high quality design.

Other Matters and Planning Balance

23. I recognise that no objections were raised to the planning application from third parties. Moreover, the Council did not make findings of harm with respect to, amongst other things, highway safety, heritage, flood risk, ecology, residential amenity, neighbouring business activities, noise or land contamination, subject in certain cases to recommended conditions. I have no reason to disagree with these findings. However, the absence of harm in these respects are neutral matters weighing neither for nor against the proposal.

24. I note the appellant's references to several other policies of the CS including, amongst others, policies CS1, PV1 and QE1 of the CS. Policy CS1 says, amongst other things, that throughout the Borough, development proposals that are sustainable will be welcomed and approved without delay. To be sustainable, it says that development must accord with national and local planning policy frameworks, taking into account other material considerations. To this end, I note the appellant's references to several paragraphs of the Framework including, amongst others, paragraph 11, 80 and 82 and in particular the presumption in favour of sustainable development.

25. I recognise that the appeal site provides no economic benefits at present, the appellant's have a proven track record of delivering this type of development and would invest significantly in the proposal. I recognise that the proposal would create employment opportunities and have associated economic benefits for the area. In this regard, the proposal would be in accordance with the objectives of paragraph 80 and 82 of the Framework and policy PV1 of the CS.

26. The appeal site is in a sustainable location and the proposed building would be constructed to modern design standards in accordance with good sustainable building practices and policy QE1 of the CS.

27. Against these benefits, the proposal would result in the erosion of green infrastructure along Dewhurst Road to the detriment of its function. Moreover, it would have a significant harmful effect on the character and appearance of the surrounding area. Good design is a key aspect of sustainable development and the desirability of new development to make a positive contribution to local character and distinctiveness. Therefore, on balance and for the above reasons, I conclude that the proposed development would not represent sustainable development as sought by both the Framework and policy CS1 of the CS.

28. I have taken account of the Framework and all the above considerations, including the benefits of the proposal. Overall, I find there to be no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan.

Conclusion

29. For the reasons set out, and having considered all other matters raised, the appeal is dismissed.

Robert Walker

INSPECTOR