



Appeal Decision

Site visit made on 11 February 2020

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2020

Appeal Ref: APP/M0655/W/19/3239500

Woolston Car Centre, 11 Manchester Road, Woolston, Warrington WA1 4AE

- 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 Sainsbury's Supermarkets Ltd against the decision of Warrington Borough Council.
 - The application Ref 2019/34391, dated 1 February 2019, was refused by notice dated 11 July 2019.
 - The development proposed is the change of use of existing building from car sales and repairs (Sui-Generis Use Class) to retail (A1 Use Class) alongside facilitating building works to include; demolition of part of the existing building at rear and rebuilding of the rear section of the building, elevational changes including to shop front, installation of ATM, external plant compound, boundary treatment and changes to car park layout.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing building from car sales and repairs (Sui-Generis Use Class) to retail (A1 Use Class) alongside facilitating building works to include; demolition of part of the existing building at rear and rebuilding of the rear section of the building, elevational changes including to shop front, installation of ATM, external plant compound, boundary treatment and changes to car park layout at Woolston Car Centre, 11 Manchester Road, Woolston, Warrington WA1 4AE in accordance with the terms of the application, Ref 2019/34391, dated 1 February 2019, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - The effect of the development on highway safety with particular regard to the provision of parking and servicing areas; and
 - The effect of the development on the living conditions of nearby residents.

Reasons

Highway Safety

3. The appeal site comprises an existing commercial site which is in use as car sales showroom and vehicle repair garage. The existing building is positioned centrally within the site and there is an existing access from Hawthorne Avenue and a gated access on New Cut Lane.

4. The proposal would see the change of use of the existing building for use as a retail unit. The change of use would involve the partial demolition of the rear workshop and its rebuilding plus alterations to the south western corner of the building. The building would therefore occupy a smaller footprint than at present. The retail store would be open to customers from 07:00am until 11:00pm Monday to Sunday.
5. The parking arrangements for the development would provide 17 customer parking spaces plus an area for deliveries. I have considered the amendments made during the application process and the comments provided from the Highways Team throughout the process.
6. The Appellant has undertaken an assessment of data from other Sainsbury's convenience stores. This assessment is based on a number of criteria, including gross floor area, population considerations and passing traffic volumes. I have carefully considered the amount and type of data provided and find that it does demonstrate that the proposed level of parking would be acceptable. Furthermore, due to the scale and location of the proposed store, I find it reasonably likely that many of the customers would visit the store on foot or by cycle.
7. The surrounding streets are subject to some existing on street parking and the Council have raised concerns over the proposed development resulting in an exacerbation of this. However, there are parking restrictions in the form of double yellow lines at the junctions of Hawthorne Avenue, New Cut Lane and Manchester Road which run along the majority of the appeal site boundaries. In addition, the Appellant has removed one of the proposed pedestrian accesses to reduce the likelihood of on street parking adjacent to this location. Taken collectively with the submitted evidence demonstrating a sufficient level of parking, I find that the proposed development would be unlikely to significantly exacerbate levels of on street parking.
8. The Appellant has carried out a Transport Statement and Addendum Technical Note as well as a further Transport Appeal Statement. Manoeuvring space has been indicated within the site which would allow a delivery lorry to enter the site in forward gear, reverse within the site to park up and then exit in forward gear also which would avoid reversing manoeuvres within the public highway. The swept path analysis carried out used a 12.2 metre lorry for the purposes of tracking. I note the comments of the Appellant that the lorries accessing the site are more likely to be 9.9 metre lorries. Whilst concern has been raised over the potential for larger articulated delivery lorries being used once the store is operational, I have considered whether this and other matters related to the delivery of goods to the store could be reasonably secured by condition. I have noted the Council's views on this matter and also considered the other examples of such conditions provided by the Appellant. Considering the use of such a condition against the necessary tests, I find that a condition requiring a Service Delivery and Management Plan would be reasonable and could restrict the size of delivery vehicles attending the site.
9. The proposed development would incorporate pedestrian accesses, one from Hawthorne Avenue and one from New Cut Lane adjacent to the junction with Manchester Road. The New Cut Lane access would require pedestrians to cross the road leading to the parking spaces, however this arrangement is not uncommon within supermarket car parks. The plans show a pedestrian crossing

to ensure that people walking to the store can cross safely. In addition, the small-scale nature of the store and number of parking spaces would be unlikely to give rise to significant numbers of vehicles and the visibility at this crossing point is reasonably clear.

10. The car parking spaces shown as numbers 12 to 17, would be in proximity to the access point for delivery vehicles and the manoeuvring area. This would require pedestrians to walk around this area to access the store. I note the Council's comments in relation to the visibility of HGV drivers and safety concerns. However, delivery vehicles using this area would utilise reversing alarms and the Appellant advises that the vehicles are equipped with a 360-degree camera. Furthermore, pedestrians would have good visibility and awareness of the delivery vehicles and the pedestrian route from these spaces to the store would be clearly marked. As such, I find that the Appellant has demonstrated that the proposed arrangements would not be detrimental to pedestrian safety in this regard.
11. I have carefully considered the requirements of the Council's Appendices which include the WBC Design Guidance, Parking Standards and images. The Council indicate that the proposed development would not meet the requirements of Design Guidance Note DGN01 and the Council's Standards for Parking in New Development SPD in terms of the provision of parking spaces, however, based on the evidence before me and the above considerations, I find that the local considerations of the proposed scheme outweigh this conflict in this particular instance.
12. Based on all of the evidence before me I find that the proposed development would provide adequate parking and manoeuvring areas and a suitable access for vehicles and pedestrians. Accordingly, it would not give rise to significant harm in terms of highway safety and therefore would comply with Policies CS1, QE6 and MP7 of the Warrington Local Plan Core Strategy (2014) (Core Strategy). Taken collectively, these policies require development to demonstrate that it will not significantly harm highway safety and will safeguard public safety, amongst other things. It would also comply with the aims of the National Planning Policy Framework (2019) (the Framework), specifically paragraphs 109, 109 and 110 which include the need for development to achieve safe and suitable access, avoid harmful impacts on highway safety and allow for the efficient delivery of goods.

Living Conditions

13. The appeal site is located in proximity to a number of other commercial and industrial units. However, adjacent to the site are residential properties along Manchester Road and Hawthorne Avenue.
14. The proposed development would result in a number of visitors to the site, including customers on foot, in vehicles and deliveries by lorry. The proposed vehicular access would be off Hawthorne Avenue at a central point along the site boundary. Whilst this would give rise to some noise including reversing signals, engines and car doors closing, as well as noise from people speaking, I have had regard to the current use of the site and the surroundings.
15. The site is located in proximity to the main Manchester Road which carries significant traffic levels throughout the day and evening. Against the backdrop of the traffic noise levels, the noise from the movement of vehicles is likely to

be reasonably well assimilated. Furthermore, the site is currently in commercial use with a number of cars on site which would generate some visitors and car noises. I recognise that the current use of the site operates for fewer hours than the proposed use and that visitors may not be so frequent, however I am advised that deliveries and visits to the site are unrestricted for the current use.

16. I have considered the Appellant's acoustic assessment. I also note the comments of the Council's Environmental Health Team which conclude that based on the proposed hours, noise from vehicle deliveries would not be a nuisance and that external plant noise levels would be acceptable and as such recommends conditions. I therefore find that, based on the evidence before me, the proposed development and the proposed opening hours would be unlikely to result in a significant increase in noise and disturbance to nearby residents.
17. The inclusion of conditions relating to restrictions on opening hours, delivery times and refuse collections would further ensure that these aspects of the development would not result in harm to the living conditions of adjoining occupiers.
18. Local concern has been raised in relation to the potential for lights to shine into the neighbouring property and loss of light to the rear of properties. I note that a separate consent has been granted for the proposed signage which would have considered impacts on neighbouring living conditions in terms of the positioning and luminance of the signage.
19. In terms of the loss of light, the proposed development would replace the existing workshop and involve alterations which would result in a smaller footprint. It would occupy a similar position within the site to the existing building and although would have some elevational changes, it would not be significantly different to impact upon nearby properties. I have been provided with little evidence to show that the new building would result in loss of light to surrounding dwellings.
20. Consequently, for the above reasons, and based on the evidence before me, I find that the proposed development would not result in undue harm to the living conditions of nearby residents. It would therefore comply with Policies CS1 and QE6 of the Core Strategy which seek to support development which would not lead to an adverse impact on the amenity of future occupiers or those currently occupying adjoining or nearby properties, amongst other criteria. It would also accord with the Framework which requires development to promote a high standard of amenity for existing and future users and that the fear of crime do not undermine the quality of life in paragraph 127.

Other Matters

21. Local objections have been received concerning, in addition to the above matters, the proximity to other stores and lack of need for another shop, the potential for antisocial behaviour and impacts on house sales.
22. I have not been presented with any evidence to support the view that a further retail premises is not needed, nor have I been made aware of any policies which restrict the number of shops. Furthermore, the Council identified in their

original report that there was not a requirement for the sequential test to be carried out or any objections to the principle of a retail use in this location.

23. I have little evidence before me to suggest that the proposed use would give rise to crime or antisocial behaviour. Matters of house sales are not ones which are necessary for me to conclude upon.

Conditions

24. In addition to the standard time limit condition I have imposed a condition listing the approved plans as this provides certainty. The Council have suggested a number of conditions which I have considered in line with the advice in the Planning Practice Guidance and amended or omitted where necessary.
25. Conditions for contamination and site investigations, including remediation and unsuspected contamination, are necessary in the interests of ensuring the site is suitable for its intended use with regard to human health, waters and environmental factors. Conditions restricting hours of opening, deliveries and refuse collection arrangements and the submission of a construction management plan are necessary to protect the living conditions of nearby residents. I have imposed conditions restricting gates, parking provision, pedestrian access and the provision of a service delivery and management plan in the interests of highway and pedestrian safety. I have included conditions for the provision of cycle parking and electric vehicle charging points to encourage sustainable modes of transport.
26. I have not included a condition restricting the materials to be used in the external surfaces of the building as these are detailed on the submitted plans and are therefore covered by condition 2.

Conclusion

27. For the reasons given above, and having carefully considered all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

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: Drawing Numbers 18-2118 500; 18-2118 502 Rev A; 18-2118 503 Rev B; 18-2118 504 Rev C; 18-2118 505 Rev A; 18-2118 506 Rev A; 18-2118 507; VN84111-TR106 12.2m Rigid Test Track 1 and VN81111-TR106 12.2m Rigid Test Track 2.
- 3) No development other than site clearance works or demolition shall take place until the following are undertaken:
 - a) With specific consideration to human health, controlled waters and wider environmental factors, the following documents must be provided (as necessary) to characterise the site in terms of potential risk to sensitive receptors: Preliminary Risk Assessment (PRA or Desk Study); Generic Quantative Risk Assessment (GQRA) informed by an Intrusive Site Investigation; Detailed Quantative Risk Assessment (DQRA); Remedial Options Appraisal Completing a PRA is the minimum requirement. DQRA should only be submitted if GQRA findings require it.
 - b) Submission of a remediation and Verification Strategy: As determined by the findings of Section a) above, a remediation strategy (if required) and verification (validation) strategy shall be submitted to and agreed in writing by the local planning authority. This strategy shall ensure that the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how they will be verified.

The actions required in sections a) and b) shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution 2011) and C665 (CIRIA, 2007).
- 4) The development shall not be taken into use until the following requirements have been met and required information submitted to and approved in writing by the local planning authority:
 - a) Remediation and Verification: Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report must be submitted to the local planning authority for approval.
 - b) Reporting of Unsuspected Contamination: All unexpected or previously unidentified contamination encountered during development works must be reported immediately to the local planning authority and works halted within the affected area(s). Prior to site works recommencing in the affected area(s) the contamination must be characterised by intrusive investigation, risk assessed with remediation/verification measures proposed as necessary and a revised remediation and verification strategy submitted in writing and agreed by the local planning authority.

- c) Long Term Monitoring and Maintenance: If required in the agreed remediation or verification strategy, all monitoring and/or maintenance of remedial measures shall be carried out in accordance with the approved details.

The site shall not be taken into use until remediation and verification are completed. The actions required to be carried out in Sections a) to c) shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution 2011) and C665 (CIRIA, 2007).

- 5) Prior to the first use of the development hereby permitted, a Service Delivery and Management Plan shall be submitted to and approved in writing by the local planning authority. Details shall include, but not limited to, the types of delivery vehicles. Once the premises are brought into use it shall thereafter be operated in accordance with the approved Plan.
- 6) No delivery or despatch vehicular movements nor any loading or unloading of vehicles shall take place on site except between the hours of 07:00 and 20:00 on Monday to Sunday.
- 7) The collection of refuse from the site shall be limited to between the hours of 07:00 and 20:00 on Monday to Saturdays and at no time on Sundays or Bank or Public Holidays.
- 8) The use hereby permitted shall only be open to members of the public between the hours of 07:00 and 23:00 from Mondays to Sundays.
- 9) Prior to the commencement of any works on site, other than for investigative works in relation to Condition 3, the developer shall provide in writing a Construction Environmental Management Plan (CEMP) to the local planning authority for written approval. The CEMP shall review all construction operations proposed on site and shall cover, as a minimum, the following areas of work on a phase by phase basis, identifying appropriate mitigation measures as necessary:
- a) Proposed locations of site compound areas;
 - b) Proposed routing of deliveries to site compounds or deliveries direct to site;
 - c) Proposed delivery hours to site;
 - d) Proposed construction hours;
 - e) Acoustic mitigation measures; and
 - f) Control of dust and air quality on site and consideration for joining a Considerate Contractors Scheme.

The CEMP shall consider in each case issues relating to construction and demolition – noise, dust, odour, control of waste materials and vibration – where not detailed in a separate condition. Once approved in writing, all identified measures within the CEMP shall be implemented in accordance with the requirements therein and shall be reviewed on a regular basis and in case of receipt of any justified complaint. Any changes to the identified CEMP mitigation measures from either the regular review process or following receipt of a complaint shall be

forwarded to the local planning authority within 24 hours of a change being agreed or implemented.

- 10) No gates or other means of obstruction shall be placed across the vehicular access formed as part of this development.
- 11) There shall be no direct pedestrian or vehicular access between the site and New Cut Lane and a continuous wall or fence one metre in height or greater shall be erected before trading commences and be permanently maintained on the boundary line of New Cut Lane. The fence or wall shall extend to the proposed internal crossing locations at the junction of Manchester Road and New Cut Lane, broadly in line with approved drawing 18-2118 504 Rev C.
- 12) The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out in accordance with the details and specifications shown in drawing 18-2118 504 Rev C. The parking and servicing areas shall be retained thereafter for no other purpose.
- 13) Prior to the first use of the development hereby permitted, a servicing and waste management strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include details of how HGV movements will be managed to ensure that no layovers or waiting will occur on the highway and shall set out design and operational proposals for servicing and the storage, transfer and collection of goods and waste, ensuring that appropriate arrangements are made and that logistical requirements are appropriately considered and addressed. The strategy shall be implemented in accordance with the approved details.
- 14) A scheme for the provision of staff cycle parking in accordance with the Council's current standards shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved prior to the first use of the development and shall be retained thereafter for no other purpose. The cycle parking shall be in a secure designated area suitable for secure anchorage of at least two cycles in a sheltered location. Visitor cycle parking shall also be provided in accordance with the approved drawings prior to the first use of the development.
- 15) A scheme for the provision of electric vehicle charging points, or passive provision, shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be provided prior to the first occupation of each unit and retained thereafter for that purpose.