



Appeal Decision

Site Visit made on 25 May 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2021

Appeal Ref: APP/D0650/W/21/3267983

**Site of existing pharmacy and car park at Appleton Village, Widnes
WA8 6EQ**

- 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 Nasr against the decision of Halton Borough Council.
 - The application Ref 19/00534/FUL, dated 27 September 2019, was refused by notice dated 30 July 2020.
 - The development proposed is the demolition of existing pharmacy and construction of mixed development comprising 12no. two bedroom apartments and commercial unit (Use Class A1) at ground floor together with associated parking, landscaping and ancillary works.
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Decision

1. The appeal is dismissed.

Applications for costs

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

Procedural Matter

3. The proposal was amended during the course of the planning application to reduce the number of apartments from 17 to 12. I have therefore determined the appeal based upon the amended plans that were submitted and used the amended description in the banner header above.

Main Issues

4. The main issues are:
 - (i) whether the proposed development would be provided with an adequate parking provision
 - (ii) whether the proposal makes adequate provision for any additional need for open space arising from the development and for affordable housing

Reasons

Parking provision

5. The adopted parking standards are maximum numbers of spaces and do not represent the minimum that should be achieved. Although they provide a reference for the upper number of spaces that could be expected to be required, Policy TP12 of the Halton Unitary Development Plan 2005 (UDP)

advises that the appropriate level of car parking required as part of a new development will be dependent on the circumstances of that development.

6. There are three elements which affect the parking requirements in this instance, these being those associated with the proposed 12 apartments, those with the proposed new pharmacy and those with the existing 24 apartment block whose parking is interlinked with the overall parking requirements. In total, based on the amended proposal and the ratios set out by the Highway Authority, 52 spaces would be required for these three elements, whereas it is proposed that 37 spaces would be provided in total.
7. The appeal site is located within an urban area and within reasonable walking and cycling distance to both Widnes railway station and its bus interchange. This offers good connectivity not only to local destinations but also to those further afield such as Liverpool, Warrington and Manchester. There are also services and facilities in the immediate vicinity of the appeal site which could be easily accessed by means other than private motor vehicle, along with those found in Widnes town centre, which too is within a reasonable walking and cycling distance.
8. Car ownership levels in the area are shown to be 53%. Whilst the census data used in the Transport Statement is now 9 years old, I have not been made aware of any material circumstances which may lend weight to a likelihood that car ownership has significantly increased over that period. This suggests that car ownership in relation to the proposed development may not be high. Furthermore, the future occupants of the proposed apartments would be aware of the number of parking spaces available to them and would accordingly anticipate this upon purchase or lease of a property.
9. There is limited parking on the public highway close to the site but there is a public car park located on the opposite side of Appleton Village which provides some parking capacity that could be utilised by the proposed pharmacy, in addition to the fact that the appeal site is easily accessible on foot and by cycle. My attention has been drawn to the proposed reconfiguration of Appleton Village to provide a cycle route which would reduce parking capacity on the road and reduce the carriageway width. However, for the reasons I have outlined, the parking provision proposed on-site would be adequate to serve the proposed development, in the circumstances of the case.
10. Overall, given the location of the appeal site and in particular its good access to Widnes town centre, to services and facilities and to an extensive transport network, there are convenient and practical alternatives to the use of a private motor car. I also give weight to the fact that future occupants would not only be 'buying into' a development that had reduced parking availability, but that in this instance this would be adequately compensated for by the location of the site and its access to services, facilities and public transport. These factors justify a parking provision of the level that is proposed and mean that the development would not cause a conflict with the safe and efficient use of the public highway.
11. For these reasons, I conclude that the proposed development would provide an adequate parking provision and that this would not cause harm to the surrounding highway network or to highway safety. The proposal therefore accords with Policies BE1, TP12 and TP17 of the UDP where they seek to safeguard the public highway and highway safety. There would also be no

conflict with the National Planning Policy Framework where it seeks to achieve the same objective.

Open space and affordable housing

12. There would be no open space provided on the appeal site. The Council has identified that a sum of £7,028.78 would be necessary to meet the open space requirements of the development as there is a deficit in open space provision in the sub-area in which the appeal site is located, and evidence of this has been provided via worked calculations.
13. The requirement for open space provision is set out in Policy H3 of the UDP and the Provision of Open Space Supplementary Planning Document 2007 (SPD). I am satisfied that adequate information has been advanced by the Council to demonstrate that this contribution would meet with the statutory tests set out in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010.
14. A planning obligation to secure the required sum has not been provided with the appeal. I have considered the use of a planning condition to address this matter but I find that to do so would not accord with the guidance set out in Paragraph: 010 Reference ID: 21a-010-20190723 of the Planning Practice Guidance (PPG), as there is nothing before me to suggest that this is an exceptional circumstance where there is clear evidence that the delivery of the development would otherwise be at risk.
15. Policy CS13 of the Core Strategy 2013 (CS) requires the provision of 25% affordable housing. Whilst the Council has suggested that this could be dealt with by way of a planning condition, to secure the terms set out in the condition would require a legally-binding obligation, in the form of a planning obligation. I am therefore conscious of the aforementioned guidance of the PPG with regard to exceptional circumstances and the use of conditions in this respect. Accordingly, the necessary affordable housing would also not be secured.
16. In conclusion therefore, the proposal would not make adequate provision for the evidenced additional open space need arising from the development or for affordable housing. In this respect the proposal would fail to accord with Policies H3 of the UDP and CS13 of the CS. There would also be a conflict with the SPD.

Other Matters

17. The Government's objective is to significantly boost the supply of housing and the proposal would provide 12 modern apartments in an existing urban area, making efficient use of land. However, given the scale of the proposal, the delivery of additional housing units would not be substantial in number and therefore the provision of the additional housing can attract only moderate weight in support of the proposal.
18. The appeal site consists of the existing pharmacy building and an area of hard surfacing. It is enclosed to the front boundary with Appleton Village by a high hoarding. There would be a visual improvement as a result of the proposed development, and this offers moderate weight in its favour. It is suggested that the proposal may also result in a more modern pharmacy facility, however

based on the information before me in that respect this consideration can carry only limited weight.

19. The appellant has listed a number of procedural matters that they consider have arisen in relation to how the Council determined the planning application. These are not matters that relate to the planning merits of the case and therefore cannot have any bearing upon the outcome of this appeal.

Planning Balance & Conclusion

20. The proposal would accord with the policies of the development plan which seek to deliver new housing provision, and the additional housing proposed carries moderate weight in support of the proposed development. There would also be a visual benefit which offers moderate weight in support and the possibility of an improved pharmacy facility. For the reasons I have outlined, an adequate parking provision would be provided.
21. However, to proceed without securing the contribution towards the provision of additional open space and affordable housing would mean that the proposed development would fail to meet with evidenced needs in these respects and with Policy H3 of the UDP and Policy CS13 of the CS, along with the SPD. For this reason, the proposal would fail to accord with the development plan, taken as a whole, and the benefits of the proposal do not outweigh this conflict.
22. In conclusion therefore, there are no material considerations that indicate that a decision should be made other than in accordance with the development plan and I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR