



Appeal Decision

Site visit made on 2 October 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2023

Appeal Ref: APP/M0655/W/23/3323541

53 Church Street, Fairfield And Howley, Warrington WA1 2SZ

- 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 The Egerton Trust against the decision of Warrington Borough Council.
 - The application Ref 2022/42635, dated 30 November 2022, was refused by notice dated 11 May 2023.
 - The development proposed is described as, 'the creation of disabled parking bays (no.3), motorcycle parking (no.3) and cycle storage (no.10), with associated hard and soft 'heritage' landscaping to the rear.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In September 2023 the Government published a revised National Planning Policy Framework (the Framework). The revisions relate to national planning policy for onshore wind development, rather than anything relevant to the main issues in this appeal. Consequently, I have not sought the views of the parties.
3. The appellant requested that the appeal be dealt with by way of a hearing. Based on all that I have seen and read, I am satisfied that in the context of the 'Criteria for Determining the Procedure for Planning, Enforcement, Advertisement and Discontinuance Notice Appeals' guidance (2022), the written representations procedure is appropriate.
4. The Council suggests that the proposals are partially retrospective. However, my observations indicate that the works undertaken on site do not correlate with those on the submitted plans. The appeal has therefore been determined on the basis of the submitted plans.

Main Issues

5. The main issues in relation to this appeal are;
 - i) whether the proposal would preserve the setting of the grade II listed building of the Marquis of Granby Public House and Sykes Shoe Repairs;
 - ii) whether the proposal would preserve or enhance the character or appearance of the Church Street Conservation Area (CA); and
 - iii) the effect of the proposal on highway safety.

Reasons

Setting of Listed Building

6. The appeal site relates to the former Marquis of Granby Public House and stables, a Grade II listed building of 17th century origins¹. It comprises a picturesque 2-storey timber framed building on a stone plinth under a slate roof with timber battened doors and leaded casement windows, with decorative barge boards being a particularly unique architectural feature. Church Street is one of Warrington's oldest streets and the parcel of land to the rear of the former inn, provides physical evidence of the original medieval burgage plot². It also contributes to the sense of spaciousness around the listed building. Insofar as is relevant to this appeal, the special interest and significance of the listed building derives from its historical, aesthetic and evidential value.
7. The listed building is experienced in immediate views from within Church Street and Ellison Street as part of an urban context, comprising a mix of building types reflecting the evolved historic townscape development over the centuries. It is also visible in private views from the residential properties to the south-west where the open space to the rear can also be appreciated.
8. The Council's Conservation Officer describes the space to the rear of the listed building as the former pub garden, suggesting an undeveloped character. The current proposal seeks to undo recent works to the rear garden, including the extensive laying of tarmac to form a car park serving the health and well-being use recently permitted within the listed building³. Stone chippings would soften the appearance of the existing tarmac. However, their modern appearance and expansive use over a large area would detract from the quality and character of the listed building. Moreover, the chippings would still give the appearance of a car park, views of which would be opened up by the erection of railings to the boundary with Ellison Street, a well-used public thoroughfare.
9. Both parties agree that the incorporation of a garden area with planted beds, and the replacement of concrete fence panels with heritage style railings would improve the visual appearance of the appeal site. Nevertheless, they would not mitigate the harm arising from the creation of a car park and use of inappropriate chippings in proximity to the listed building.
10. The proposal would be wholly different in character and appearance to an undeveloped garden, thus failing to preserve the significance of the listed building as identified above. The harm would be modest but no less important given the context of the listed building. The proposal would thus conflict with Policy QE8 of the Warrington Local Plan Core Strategy 2014 (Core Strategy) which seeks amongst other things, to recognise and enhance the asset's contribution to the special qualities and unique physical aspects of the area.

Character or Appearance of CA

11. The listed building itself lies within the boundary of the CA with the rear garden area outside. The significance of the CA insofar as is relevant to this appeal, is its linear configuration of different building types and ages, that due to their enclosing frontages provide a strong degree of containment to Church Street. Being a timber framed building of historical and architectural merit with part of

¹ As described in the official Historic England list entry.

² As set out in the Church Street Conservation Area Appraisal.

³ Planning application reference 2021/40649.

the medieval burgage plot remaining to the rear, the host building contributes positively to the character and appearance of the CA.

12. As explained above, the proposal to replace the concrete panels with heritage style railings as well as the planted beds, would in isolation improve the appearance of the plot. However, the extent of the proposed hardstanding would remain significant and largely of modern chippings of an inappropriate finish, at odds with the historic building context. The use as a car park would be more evident from within Ellison Street given the transparency of the proposed railings.
13. Moreover, the realignment of the external boundary to increase visibility from the new access point would serve to widen this section of Ellison Street, a historic thoroughfare since 1772, which has a strong degree of containment due to the proximity of boundary treatments to either side. The proposal would thus diminish the contribution of the appeal site in views in and out of the CA.
14. The proposal would harm the aesthetic value of the CA. Although the harm would be localised and limited, such negative impacts can cumulatively erode the quality of the CA as a whole. The proposal would therefore, fail to preserve the character or appearance of the CA, and would be contrary to Policy QE8 of the Core Strategy as set out above.

Highway Safety

15. Policy MP3 of the Core Strategy expects new development to give a high priority to the needs and safety of pedestrians and cyclists. In this regard, development should not compromise, and should enhance and develop integrated networks of attractive and safe routes for pedestrians and cyclists. This chimes with the aims of the Framework which puts pedestrians and cyclists at the top of the transport hierarchy, whilst advising that development resulting in an unacceptable impact on highway safety should be refused⁴.
16. The proposed car park would result in vehicles using Ellison Street as their point of access. Despite being an adopted highway, Ellison Street is a long narrow passageway contained by tall boundary treatments to either side and encroached upon by lighting columns. Use by vehicles whilst not impossible, would be extremely difficult as acknowledged by the appellant⁵.
17. I observed that Ellison Street provides a well-used and convenient pedestrian route between the more commercial Church Street to the north, and the residential area of Ellesmere Street to the south. As there would be little room for vehicles and pedestrians or cyclists to pass each other safely, the proposal would bring them into direct conflict with each other. This would particularly be the case at the point where Ellison Street doglegs and a pinch-point is created between the host building, the lighting column and equipment cabinet. Even if drivers were to prioritise pedestrians and cyclists as suggested in the RSK Technical Note, the limited forward visibility at this location and the complete lack of refuge space for pedestrians and cyclists would severely compromise such users free passage and more importantly, their safety.
18. Whilst vehicle numbers and speeds accessing the appeal site may be low, nonetheless the proposed car park would result in the intensification of vehicular traffic use along the northern section of Ellison Street. The proposal could result in 2 vehicles trying to use the single width passageway at the

⁴ Paragraph 111 of the Framework.

⁵ Appellant's statement of case.

same time, particularly if patrons are arriving or leaving the health and well-being centre at set times for appointments. Vehicles may have to reverse onto Church Street, a well-trafficked main road subject to traffic regulation orders, which is likely to be prejudicial to highway safety. Visibility of vehicles turning left into Ellison Street from Church Street would also be impeded by the presence of a tree within adjacent third-party land such that oncoming cars would not be readily visible when the tree is in leaf. Significant harm to highway safety would thus arise from this proposal.

19. Measures said to complement the scheme are proposed including but not limited to, the removal of an existing vehicle crossover, the installation of bollards and setting back the railings and gated entrance which would be coded. Whether or not it was requested during the application process, no S106 legal agreement has been presented with the appeal to secure the proposed measures in perpetuity. No evidence has been presented to indicate that the Highway Authority would support the proposed measures, which would be within the adopted highway outside of the appeal site.
20. In any case, it seems to me that these measures would not directly prevent or significantly reduce the conflict between pedestrians and vehicles including motorcycles on Ellison Street, the crux of the issue here. The installation of bollards around the junction of Ellison Street and Church Street would not prevent vehicles parking in the entrance. Instead, they would create street clutter, likely to be hazardous to pedestrian safety, particularly for those with mobility or visual impairments. The setting back of the railings would not address the conflict of pedestrians and vehicles at the narrowest point of Ellison Street adjacent to the side elevation of the listed building.
21. The appellant suggests that the granting of permission for the health and well-being centre as a car free development should not compromise the provision of spaces for blue badge holders and those with mobility issues⁶. Nonetheless, the lack of a specific policy for car-free development here, does not negate the need for new development to ensure the safety of pedestrians, cyclists and other road users, as required by both Policy MP3 and the Framework.
22. Whilst such provision would be inclusive, it seems to me that it is even more important to achieve a safe access to the appeal site by users who may have impairments and/or adapted vehicles. The width of the northern section of Ellison Street is so restricted that only the smallest of cars and confident drivers would attempt to negotiate it, if at all. Thus, in this instance the provision of disabled car parking spaces would not function well in relation to existing patterns of pedestrian movement, or create an accessible and safe environment as required by Policy QE7 of the Core Strategy.
23. Parking for bicycles would encourage a more sustainable mode of transport that would not result in significant conflict with pedestrian usage of Ellison Street, due to their low speeds and unmotorised nature.
24. Whilst I have found the provision of cycle parking acceptable, the proposed car and motorcycle parking would result in an unacceptable impact on highway safety. Accordingly, conflict is found with Policies MP3 and QE7 of the Core Strategy as set out above.

⁶ RSK Technical Note.

Other Matters

25. The scheme has evolved to address the concerns following the refusal of a previous proposal for the creation of a 10-bay car park.⁷ Whilst the number of spaces has reduced, the degree of conflict between pedestrians and vehicles on Ellison Street remains significant due to the physical constraints of the street, regardless of how many vehicles are using the appeal site.
26. Reference is made to the Council introducing new comments within its statement of case in relation to its views on wheelchair user access to the main building, the use of bollards at the end of Ellison Street and the limitations of coded access to the car park. These comments were made in response to the appellant's appeal statement and are therefore valid, albeit they highlight the difference in opinion between the parties, regarding the merits of the proposal. The appellant's solution to the Council's concerns is the provision of ramps, signage and alternative access arrangements, none of which of before me. The need for so many additional measures to address the concerns indicates to me, that the use of Ellison Street for vehicular access to the proposed car park would be inherently unsafe.

Heritage and Planning Balance

27. The proposal would result in harm to the setting of a listed building and would fail to preserve the character and appearance of the CA. In the words of the Framework, such harm would be 'less than substantial.' Hence, I am directed to weigh such harm against the public benefits of the proposal.
28. The provision of disabled spaces would be of benefit to those patrons of the health and wellbeing centre that may have limited mobility. However, the access route to the proposed car park via Ellison Street would be tortuous for drivers and would put vehicles, pedestrians and cyclists in direct conflict with each other. Any public benefit would therefore be limited to the provision of cycle parking which would encourage more sustainable transport choices.
29. The Framework directs me to attach great weight to an asset's conservation, in this context meaning to sustain and not harm, an asset's significance. In this case, the designated heritage assets are a listed building of national significance and a CA of local significance.
30. The proposal would result in modest harm to the setting of the listed building and limited harm to the character and appearance of the CA. Consequently, the totality of harm to the heritage assets would not be outweighed by the limited public benefits of the proposal. Accordingly, conflict is found with paragraph 200 of the Framework, as harm to the significance of the designated heritage assets would not have clear and convincing justification.

Conclusion

31. The proposed cycle parking would not be harmful to highway safety. However, the absence of harm in this respect does not outweigh the harm that would occur to the setting of the listed building, the character and appearance of the CA and highway safety. There would be conflict with the development plan taken as a whole and the approach within the Framework, that is not outweighed by other considerations. The appeal is dismissed.

M Clowes - INSPECTOR

⁷ Planning application reference 2022/41594.