
Appeal Decision

Site visit made on 13 June 2014

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 3rd July 2014

Appeal Ref: APP/H4315/A/14/2216164

**St Helens College Newton Campus, Crow Lane East, Newton-le-Willows
WA12 9TX**

- 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 Morris Homes Ltd against the decision of St. Helens Metropolitan Borough Council.
 - The application Ref P/2013/0420, dated 16 May 2013, was refused by notice dated 12 December 2013.
 - The development proposed is the demolition of the existing college building and erection of 10 houses comprising two and three storey and amendment to plot 50.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing college building and erection of 10 houses comprising 2 and 3 storey and amendment to plot 50 at St Helens College Newton Campus, Crow Lane East, Newton-le-Willows WA12 9TX in accordance with the terms of the application, Ref P/2013/0420, dated 16 May 2013, subject to the conditions set out in Annex A.

Procedural Matter

2. I note the detailed description of development on the application form. The more concise description used in the above heading, and on which basis I have determined the appeal, is that used on the appeal form.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site forms part of the former St Helens College campus that is currently being developed for residential uses. The majority of the site is occupied by the old Technical College building that fronts onto the road and which has previously been granted permission for conversion into 20 apartments. Immediately adjacent to the college building is a library, whilst to the other side is a church which is set well back from the road behind lawned gardens. The wider area, although predominantly residential, contains a mix of other uses and the buildings vary considerably in their type, age and design, such that there is no strong character in the locality.

5. The proposed development consists of a terrace of 6 houses fronting Crow Lane East and 4 dwellings to the rear that would face onto the new housing being developed on the remainder of the site.
6. The Council have highlighted that the existing building is recognised as a significant local building and I note the strong local support for its retention. I understand that together with the library building, it was assessed by English Heritage in 2008 but it was not considered appropriate for listing. It is not located within a conservation area.
7. Policy CQL4 of the St Helens Local Plan Core Strategy (October 2012) (CS) seeks to protect, conserve, preserve and enhance the historic built environment and landscape character of the borough, including both designated and undesignated historic assets. In support of this The *St Helens List of Locally Important Buildings Supplementary Planning Document (June 2011)* (LIBSPD) sets out criteria to assess buildings and structures that may be considered suitable for inclusion on a list of locally important buildings. Such an approach to the identification of non-designated heritage assets is supported by the Planning Practice Guidance (PPG). Despite the adoption of the LIBSPD, I understand that, at present, a local list has not been produced for the borough.
8. Whilst I accept that it is not essential for a building to be locally listed for it to be considered a non-designated heritage asset, in this case, as adopted criteria for this purpose exist, I consider that this provides the appropriate methodology for determining whether a building is a non-designated heritage asset. As part of the application, an assessment of the heritage significance of the building has been produced which includes an assessment of the building against the Council's adopted criteria. The assessment concludes that the building lacks specific local interest and does not meet the criteria for local listing and the Council have not produced any evidence to the contrary to indicate that it meets any of their adopted criteria.
9. Whilst the retention and reuse of the building would be preferable to its demolition, the appellant has highlighted that for a number of reasons the conversion of the existing building would not be possible or viable. These include the fact that the layout of the building is such that it is not readily convertible to modern apartments which would have adequate outlook, amenity space and parking and local estate agents have confirmed that there would be little demand for the type of apartments that would be created. In addition, the evidence shows that the building has structural defects which would significantly increase the conversion costs, making the conversion scheme uneconomic.
10. I note the concerns of the Council that other potential uses for the building have not been examined. However, as the structural defects in the building would need to be rectified before the building could be re-used and other uses are likely to have a lower end value than residential, it is unlikely that a viable alternative use for the building would be able to be found.
11. The scale and mass of the current building results in it having a strong presence on the street. The front façade of the building includes attractive architectural features, many of which are also present on the library. However, the other elevations of the building lack these details. Like the existing building, the proposed development fronting onto Crow Lane East would be

elevated above street level and as the main entrances for the houses would be from the street it would maintain an active street frontage.

12. The scale and mass of the proposed terrace would result in it maintaining a strong presence on the street whilst the reduction in height from three storey in the centre, to two storey at either side would ensure the proposal would be sympathetic to the height of the library and church building at either side. In addition, the design of houses would incorporate many of the architectural details and features found on the current building which would result in the proposed development making a positive contribution to the streetscene and to the local distinctiveness of the area.
13. The houses located to the rear of the site have a similar design to others on the wider housing development. The Council considers that the separation distances and the design of these houses are adequate and would complement the other houses currently being built. I have no reason to disagree with this assessment.
14. The appellant's evidence highlights that the demolition of the building could take place without the need for planning permission. Although prior notification would be required this would not consider the planning merits of the demolition. As such the site could be cleared and then permission could be sought for housing development on the site which may not reflect the nature and detailing of the college building, as does the present proposal. The appellant portrays this as a fall back position which I am asked to consider. I have no evidence to suggest that, if the appeal proposal were not to go ahead, this alternative development proposal would not be pursued. This would potentially result in a scheme that would not make the same positive contribution to the character and appearance of the area as that proposed. This is a matter to which I attach considerable weight.
15. Overall therefore, whilst the demolition of the building is regrettable, I am satisfied that its retention and re-use is neither possible nor viable. Furthermore, I consider that the proposed replacement building would make a positive contribution to the character and appearance of the area. As such there would be no conflict with Policies CP1 and CQL4 of the CS which seek to maintain or enhance the quality of the built environment and in particular the historic built environment.

Other Matters

16. The submitted Unilateral Undertaking aims to provide financial contributions in lieu of on-site provision for affordable housing. The requirement for affordable housing are set out in Policy CH2 of the CS which indicates that on sites of this size a commuted sum in lieu of on-site provision may be acceptable. The Council have confirmed that given the local circumstances there is no over-riding local need for on-site provision and so, in this case, a commuted sum is acceptable. Policy CH2 sets out the justification for the affordable housing contribution. I consider that the measures in the Unilateral Undertaking are necessary, related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the National Planning Policy Framework.

17. It has been put to me that there is no need for the development as there are already lots of new houses in the area and that there is a lack of demand for them but there is a demand for apartments. However, notwithstanding the fact that some historic buildings in the town may have been successfully converted, the evidence from local estate agents is that there is good demand for the type of housing proposed but there would be little demand for the type of apartments that would be created from the conversion of this particular building. Moreover, although it is suggested that the development would result in the overdevelopment of the area, the proposal would create less dwellings than was previously proposed. For this reason the impact of the development on traffic generation and air quality would also be likely to be less. In respect of these two issues I also note that the Council has raised no concerns with the development.
18. Concern has been raised regarding the impact of the demolition on the structural integrity of the adjacent library building. Although this is a civil matter to be determined between the respective landowners, a document has been submitted which outlines the work that would be undertaken to the library wall following the demolition. Therefore, I am satisfied that the proposal would not harm the adjacent building.
19. It has been stated that too many historic buildings in the town have already been lost and that a number of unsympathetic developments have been allowed in the area. However, I do not have the details of the buildings that have been lost or of the circumstances that led to these other proposals being considered acceptable. In any case, I have determined the appeal on its own merits.

Conclusion and Conditions

20. For the reasons set out above, I conclude the appeal should be allowed.
21. In addition to the standard implementation condition it is necessary for the avoidance of doubt to define the plans with which the scheme should accord. In the interests of the character and appearance of the area conditions are required to control the external appearance of the building, to control the site levels and to secure the landscaping of the proposed development. To ensure that the development would not have an adverse impact on protected wildlife species or their habitats, it is necessary to require a method statement for the demolition of the building to be approved and to ensure the provision of bat boxes.
22. Conditions to control the dust emissions from the site are necessary to protect the amenity of neighbouring residents. Although I have not been given any detailed evidence regarding potential contamination of the site, given the sensitive nature of the end use, I consider it would be appropriate to have a condition to assess the potential for contamination and to outline measures of how any contamination would be dealt with. As I understand Japanese Knotweed has been identified as being present on the site, a condition to control the eradication of this plant is necessary.
23. In the interests of road safety and to ensure the roads are kept free from mud and other detritus which could cause a hazard for road users a condition requiring the provision of wheel washing facilities for vehicles visiting the site is necessary. A condition to ensure the adequate provision and satisfactory

appearance of the parking and servicing areas is necessary before the development is first occupied. However, given the current nature of the site I do not consider that a condition controlling the clearance of grass, trees and hedges is necessary.

Alison Partington

INSPECTOR

Richborough Estates

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Planning Layout Drg No. N839/P/PL01 Rev H; Lymm and Didsbury Housetypes Plots 55-60 Elevations and Plans Drg No. N839/P/PLOTS 55-60 Rev B; Landscape Structure Plan Drg No. M2060.02_C; Means of Enclosure Dwg No. N839/P/FENCE/01; Dunham 2 House Type Elevations Dwg No. N839/P/HTDUN/01; Dunham 2 House Type Floor Plans Dwg No. N839/P/HTDUN PLOT50 /02; Dalton House Type Plots 52 & 53 Elevations Dwg No. N839/P/HTDA/01; Dalton House Type Plots 52 & 53 Plans Dwg No. W759/P/HTDA/02 Rev A; Capesthorne 2 House Type Elevations Dwg No. N839/P/HTCAP/01; Capesthorne 2 House Type Floor Plans Dwg No. N839/P/HTCAP/02; Edgeware Elevations Dwg No. N839/P/HTEDGE/01; Edgeware Floor Plans Dwg No. N839/P/HTEDGE/02; Double Plans and Elevations Dwg No. N839/P/GARAGE/01; and Window Jamb & Sill Details: Door Jamb Details Drawing No. B7.
- 3) No development shall take place, except for site clearance, demolition and remediation, until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the demolition of the building, a method statement for the soft demolition approach must be submitted to, and approved in writing by, the local planning authority. The building must then be demolished in accordance with the agreed method statement. If bats are found during the soft demolition process, works must stop and a licence from Natural England will be required for works to continue.
- 5) No development shall take place until details of a mitigation scheme for dust suppression has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
- 6) No development shall take place until the following has been undertaken:
 - a) A site investigation and assessment shall be carried out by an appropriately qualified and experienced person or persons. This shall determine the status of contamination, including chemical / flammable or toxic gas / asbestos/ physical hazards / other contamination at the site. The investigations and assessment shall be in accordance with current Government and Environment Agency recommendations and guidance, and shall identify the nature and concentration of any contaminants present, the potential for migration and risks associated with them. This is to include a risk assessment with regard to controlled waters. Results of the investigation shall subsequently be submitted to and agreed in writing by the local planning authority.
 - b) A remediation strategy shall be formulated that includes a timetable for implementation, monitoring proposals and remediation

validation methodology. This shall be submitted, to and approved in writing by, the local planning authority.

c) The agreed remediation strategy shall be demonstrably and successfully completed in accordance with the details agreed above before the proposed use commences. A Site Validation/Completion Report shall be submitted to, and approved in writing by, the local planning authority within 4 weeks of the completion of the implementation of the agreed strategy, and shall be completed by a suitably qualified professional. This shall include details on the remediation works undertaken; validation testing of the adequacy of the remediation; certificates of the suitability of the imported cover materials from a suitably qualified independent person; the fate of any excavated material; and any necessary verification-monitoring program.

- 7) No development shall take place until existing and proposed site levels have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the agreed levels.
- 8) No development shall take place until details of wheel wash facilities for all vehicles visiting the site have been submitted to, and approved in writing by, the local planning authority. Such details shall include plan(s) showing the location(s) of the facilities, hours of operation and technical specifications of plant and equipment. Thereafter the wheel wash facilities shall be installed and operated in accordance with the approved details.
- 9) No development shall take place until a scheme for eradication of Japanese Knotweed has been submitted to, and approved in writing by, the local planning authority. The scheme should include:
 - A location plan showing where the Japanese Knotweed is;
 - How it will be demarcated to prevent it being spread any further;
 - Identify what method of control will be used;
 - Set out when annual monitoring reports will be submitted to the local planning authority.Monitoring reports should describe the current status of Japanese Knotweed at the site and provide full details of the treatment undertaken. Monitoring reports are required until no Japanese knotweed has been recorded at the site for 12 consecutive months. A validation report is then required confirming the remediation treatment carried out and that the site is free of Japanese Knotweed for approval in writing by the local planning authority
- 10) No development shall take place, except for site clearance, demolition and remediation, until a scheme for the provision and implementation of a minimum of 2 bat bricks/boxes has been submitted to, and approved in writing by, the local planning authority. The agreed scheme shall be implemented in accordance with a timetable agreed with the local planning authority and retained as such thereafter.
- 11) No dwelling shall be occupied until the areas for parking and servicing shown on Site Layout Plan Dwg No. N839/P/PL01 Rev H, approved under condition 2 to this permission have been surfaced, drained and

permanently marked out or demarcated in accordance with the details and specifications shown.

- 12) No dwelling shall be occupied until the landscaping scheme shown on Landscape Structure Plan Drawing No. M2060.02_C, approved under condition 2 to this permission has been implemented. Any planting which within a period of 5 years of implementation dies, is removed, or becomes seriously damaged or diseased shall be replaced during the next planting season with others of a similar size or species, unless the local planning authority gives written consent to a variation. Should replacement planting be necessary, the Council shall be notified in writing at least 7 days prior to the planting taking place. Notification shall include details of the problem with the implemented scheme and the specification and timing of the replacement planting.

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