To: Members of the Development Management Committee

Councillors:

Chair – T McCarthy
Deputy Chair – J Richards

B Axcell, B Barr, D Earl, G Friend, T Higgins, L Hoyle, C Jordan, L Ladbury, F Rashid, G Settle

2 May 2012

Development Management Committee
Thursday, 10 May 2012 at 6.30pm

Council Chamber, Town Hall, Sankey Street, Warrington

Agenda prepared by Jennie Cordwell, Democratic Services Assistant – Telephone: (01925) 442111, Fax: (01925) 656278,
E-mail: jcordwell@warrington.gov.uk

A G E N D A

Part 1

Items during the consideration of which the meeting is expected to be open to members of the public (including the press) subject to any statutory right of exclusion.

Item 1. Apologies for Absence

To record any apologies received.
2. **Code of Conduct - Declarations of Interest**

Members are reminded of their responsibility to declare any personal or prejudicial interest that they have in any item of business on the agenda no later than when the item is reached.

3. **Minutes**

To confirm the minutes of the meeting held on 19 April 2012 as correct records.

4. **Planning Applications (Main Plans List)**


**Part 2**

Items of a "confidential or other special nature" during which it is likely that the meeting will not be open to the public and press as there would be a disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.

NIL

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DEVELOPMENT MANAGEMENT COMMITTEE

19 APRIL 2012

Present: Councillor T McCarthy (Chair)
Councillors B Axcell, G Friend,
L Hoyle, G Settle, J Richards
C Jordan, F Rashid and S Parish (substitute for T Higgins)

DM80 Apologies for Absence

Apologies were received from Councillors Higgins and Ladbury.

DM81 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor Settle</td>
<td>DM 84</td>
<td>Clr Settle was the Chair of Warrington Nature Conservation Forum, a former Chair of Warrington Athletic Club, a member of the Mersey Forest organisation and a Path Warden for Poulton with Fearnhead Parish Council and Woolston Parish Council. Clr Settle had also met with the Environment Agency on previous occasions but had not taken part in any discussions in relation to the application</td>
<td>Councillor Settle remained in the meeting and took part in the ensuing discussions and voted thereon</td>
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</tbody>
</table>

DM82 Minutes

Resolved,

That the minutes of the meeting held on 29 March 2012 were agreed as a correct record and signed by the Chair.

DM83 Planning Applications

Resolved,

That -

1. pursuant to the Town and Country Planning Act 1990, Planning (Hazardous Substances) Act 1990 the applications for permission to develop land be considered and dealt with in the manner agreed and entered into the Planning Register;

DM84 2011/19262 – River Mersey (Between Woolston & Bridgefoot roundabout); Padgate Brook (at Orford Road & from the Twiggeries to its confluence with The River Mersey); Spittle Brook (at
Agenda Item 3

Cinnamon Brow); and at Victoria Park, Black Bear Park, Knutsford Road and Weir Lane; at The Wharf Street/Vernon Street Junction; Wharf Street Adjacent to 'Next'; Howley Quay (Development Site); Howley Lane; Howley Lane Electricity Sub-Station; Paddington Bank; Bridge Lane Industrial Estate; Woolston Weir; The Bennett Recreation Grounds & Poulton Golf Course

Proposed application for Flood Risk Management Scheme comprising of the construction of 5km of flood defence wall and 2.2km of embankment along the River Mersey, Padgate Brook and Spittle Brook, including works within Victoria Park (new internal access roads, park entrance with associated modifications to Knutsford Road, relocation of bus stops and the pedestrian crossing and the closure of Weir Lane) Demolition and rebuilding of extension to 'Halfords' on Knutsford Road; Localised road raising; alterations to existing bridge crossings; Localised land raising; Creation of a new channel and associated flow control structures; Opening of existing culvert and alteration of existing embankment; and associated steps and ramps to accommodate changes in levels.

The Executive Director of Environment and Regeneration submitted the above application for approval subject to conditions.

Representations were heard in support of the Officer recommendation.

Resolved,

That planning application 2011/19262 be approved subject to updated and adjusted conditions reflecting the most up to date ecological and arboricultural provision. In addition, reserved matters for phase three were required to detail residential boundary treatments where works included residential gardens.

DM85 2012/19393– 16, Culcheth Hall Farm Barns, Withington Avenue, Culcheth And Glazebury, Warrington, WA3 4AN - Proposed two storey side extension (resubmission of application 2011/18955).

The Executive Director of Environment and Regeneration submitted the above application for approval subject conditions.

Representations were heard for and against the Officer recommendation.

Resolved,

That planning application 2011/19393 be refused permission due to the impact of harm to the character and appearance of the current building and surrounding area.
**DM86 Exclusion of the Public (including the Press)**

Resolved,

That members of the public (including the press) be excluded from the meeting by reasons of exempt information considered in the course of the following item of business being within Part 1, Schedule 12A to the Local Government Act 1972.

**DM87 Enforcement Action**

Under section 8.1 of the constitution, the Chair of the Committee, certified that the item was of such significance that it was of immediate urgency and could not wait until the next ordinary meeting of the committee nor dealt with under any procedure otherwise available under the Constitution due to potential legal proceedings against the developer.

Members of the Committee received a report of the Executive Director Environment and Regeneration Services in relation to an enforcement notice issued to a developer and the actions carried out to date. The Committee had been provided with a verbal report at the previous Committee meeting and it had been resolved that the Committee expected full compliance with the issued enforcement notice with sanction to move to prosecution if this was not secured.

Following contact by the developer with various officers of the Council, including the Executive Director a further inspection of the site took place on 13 April 2012. Given that Members had already been participating in Committee Site visits and, at the Chair’s suggestion, a brief visit to the site was conducted at the end of those site visits. It was indicated to the Executive Director, after that visit that the additional work had been carried out.

Members were asked to consider necessity and extent of any further action given the additional works that had been carried out.

To aid in making this decision the Committee was provided with confidential legal advice.

Resolved,

That a letter be sent to the developer detailing specific requirements of the enforcement notice in relation to the dimensions of the area of hard standing that was to be cleared and requiring that the area in question be cleared within a 14 day time scale. If this action was not taken then the matter would be considered once more at committee level with a view to considering the option of legal action.
Agenda Item 3

Signed

Dated
## DEVELOPMENT MANAGEMENT COMMITTEE

Thursday 10th May 2012

Start 18:30

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>2012/19814</td>
<td>Agricultural Land 10 acre field, Land to the West of Cuerdley Road, Penketh, Warrington, WA5 2UB Proposed construction of agricultural storage barn (resubmission of 2012/19450).</td>
<td>Approve</td>
</tr>
<tr>
<td>Application Number:</td>
<td>2012/19814</td>
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<tr>
<td>Ward:</td>
<td>Penketh &amp; Cuerdley</td>
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<tr>
<td>Development:</td>
<td>Proposed construction of agricultural storage barn (resubmission of 2012/19450).</td>
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<td>Applicant:</td>
<td>Mr Hesketh</td>
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<td>Recommendation:</td>
<td>Approve subject to Conditions</td>
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**Conditions:**
- Standard Time limit -full 3 years
- to accord with approved plans
- use for agriculture only; removal requirement when no longer required
- external materials to be as detailed on plan
- adj. boundary planting requirement

**Reason for referral**
The application is reported to Committee as a consequence of the objection from Penketh Parish Council.

**Description**
- Proposed erection of 150m² shallow pitched roofed timber boarded/metal sheeted agricultural storage barn (20m x 7.5m x 4.5m high to ridge), on 4.5ha land holding.
- To be sited 2.5m from field’s eastern boundary, which is separated from Cuerdley Rd by a separate plot of land. The land is accessed off Cuerdley Rd 25m from the proposed building, to which it would be linked by a compacted hardcore access track. Shrub/hedge (alder/hawthorn) planting is proposed along the adj. boundary for screening.
- A previous application, 2012/19450, (which provided for 3 agricultural storage barns of similar size to the 1 now proposed), which proved contentious locally, was withdrawn following advice to the agent that the size of the facility needed to be appropriate to the size of the applicant’s land holding.

**Location**
- Within Green Belt – the boundary of which runs along Cuerdley Rd itself.
• Agricultural land situated off western side of Cuerdley Rd, the northern part of which is separated from Cuerdley Rd by a separate plot of land used for stabling/accommodating horses.
• Other surrounding land to west of Cuerdley Rd is agricultural – row of dwellings along east side of Cuerdley Rd.

Relevant History
• 2012/19450 – 3 barns for storage of crops – withdrawn 9.4.12

Main Issues and Constraints
• Principal of proposal – Green Belt
• Neighbour / visual amenity
• Access

Key Policy/Guidance Checklist

| GRN1, GRN3, DCS1 | Green Belt / development proposals in countryside / DC strategy | • Appropriate use in Green Belt – requisite for intended function & size of holding, in terms of size & design.  
• Whilst building would be visible from properties along eastern side of Cuerdley Rd, the nearest of which is 40m away, not considered unduly prominent or visually intrusive – land is separated from the road by a separate plot of land at this point. Proposed boundary shrub planting would further reduce impact.  
• Existing access point – no objections raised by Highways (see below). |

Responses to Consultation

Cuerdley PC: No reply to date (due by 3.5.12)

Penketh PC (adj. parish) – Strongly object, on the basis of detriment to Green Belt, loss of open aspect/views, concern at potential for future conversion to residential, affect on wildlife, flooding issues & overdevelopment of Penketh.

(Full comments in Appendix 1)

Comment:
• The points of objection raised are an almost identical to the objections raised to the previous (withdrawn) application for 3 agricultural storage buildings, & appear to disregard the significant amendments from that scheme.
• The principle of the proposal accords with Green Belt policy – unlike the previous application, a single building of the size proposed is considered requisite for the size of the applicant’s land holding.
• Loss of views is not a valid reason to withhold planning permission.
• It appears likely that the lack of a historic requirement to store crops on this field reflects the fact that it was part of a much larger land holding prior to its acquisition by the applicant, who does not appear to own any adjoining land.
• In terms of design/construction/materials, the proposed building is entirely requisite for its intended agricultural function – and not readily capable of/suitable for conversion to residential use.
In any case, concerns about potential future uses (which require planning permission) are not a reason to withhold permission for a bona fide agricultural use – these are issues which would need to be addressed if/when an application to change its use were to be submitted – in any case, the permission can be conditioned to require the building’s removal when no longer required in connection with agriculture.

The land is not identified as of nature conservation/wildlife interest in the UDP – and the proposal does not involve the loss of trees or other wildlife habitats.

The site is not within the EA’s identified flood risk zones.

Other unrelated developments in Penketh (the adjoining parish) are irrelevant to the consideration of this proposal.

Highways – No highway objections, subject to informative re: extension of vehicle crossing.

The application forms confirm that the proposals will not affect the existing site access and as the barn will purely be used for agricultural purposes (i.e. storage of crops); it is considered that the proposal is unlikely to result in a significant increase in vehicle movements.

Additionally, the applicant has confirmed within the Design and Access Statement that an access track will be constructed from the existing entrance for access to the barns.

Environmental Protection: No objection to the proposal as submitted.

EA: No comments to make.

Responses to Notification (full details on file) (due by 3.5.12)

To date, 2 objections received on the grounds that the land is designated Green Belt.

Comment:

- The principle of the proposal accords with Green Belt policy (see above) – unlike the previous application, a single building of the size proposed is considered requisite for the size of the applicant’s land holding.
- Any further representations received will be reported verbally to the meeting.

Conclusion and Reasons for decision

- Whilst there were valid concerns in respect of the previous application for 3 buildings, it is considered that these have been addressed through this revised proposal for a single building, which is in line with the guidance provided to the agent.
- The proposal is considered to be acceptable as it accords with Warrington Borough Council Unitary Development Plan Policies DCS1, GRN1 & GRN3. This is by reason of agricultural use being appropriate within the Green Belt, the proposed building’s scale, height & design being requisite for its intended function & the size of the applicant’s holding, and the proposal being achievable without detriment to highway safety or the amenities which could reasonably be expected to be by local residents.

Appendix 1 – Parish Council comments:

<p>| Parish Council | Penketh |</p>
<table>
<thead>
<tr>
<th>Key areas of concern</th>
<th>Wish to strongly object on numerous grounds which follow:</th>
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<tbody>
<tr>
<td></td>
<td>1. The proposed number of car parking spaces is inadequate</td>
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<td>2. Construction of the barn will have detrimental effect on the open aspect of the area, especially as this is one of the highest points in Penketh and the construction would create a significant change to the landscape. It would effectively remove half the panoramic view to neighbouring properties and the approach to and from Warrington/Widnes would be drastically altered.</td>
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<td></td>
<td>3. The fields concerned are Greenbelt land and should remain so, being a natural border between Warrington and Widnes.</td>
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<td>4. Currently there is no access route to the agricultural land and historically there has been no requirement to store crops on any of the fields. The site has no existing services.</td>
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<td>5. The size of the structures concerns the Parish Council, as crops grown on a 10 acre site would not require a barn of this size to store them and it is speculated that this application is to put a structure on the land, prior to the Localism Bill which will take a more lenient view for the barns to be turned into residential dwellings.</td>
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<td>6. Development on the land would have an adverse impact on the wildlife that lives on it which include buzzards, sparrow hawks and hares.</td>
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<td>7. The residents along Farnworth Road are concerned about the impact of water runoff as water does not soak away easily and flooding regularly occurs in the lower corner of the site.</td>
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<td>8. Penketh is already 5 times overdeveloped than in other areas.</td>
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<td>The Penketh Parish Council meeting wish it to be heard before the Full Development Control Committee due the severity of the objections and the volume of complaints from residents.</td>
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<thead>
<tr>
<th>Key policy references</th>
<th>GRN1, GRN3, DCS1</th>
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<tbody>
<tr>
<td>Considered by Parish Council on</td>
<td>Comments received 18.4.12</td>
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