To: Members of the Development Management Committee

Councillors:

Chair – T McCarthy
Deputy Chair – J Richards
B Barr, J Davidson, G Friend, T Higgins, L Hoyle, C Jordan, L Ladbury, L Murphy, F Rashid and G Settle

4 July 2012

Development Management Committee
Thursday, 12 July 2012 at 6.30pm

Council Chamber, Town Hall, Sankey Street, Warrington

Agenda prepared by Louise Murtagh, Democratic Services Officer – Telephone: (01925) 442111, Fax: (01925) 656278, E-mail: lmurtagh@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.
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<thead>
<tr>
<th>Item</th>
<th>Title</th>
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<tbody>
<tr>
<td>2.</td>
<td><strong>Code of Conduct - Declarations of Interest</strong></td>
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<tr>
<td></td>
<td>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.</td>
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<td>3.</td>
<td><strong>Minutes</strong></td>
<td>1</td>
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<td></td>
<td>To confirm the minutes of the meeting held on 21 June 2012 as a correct record.</td>
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<td>4.</td>
<td><strong>Planning Applications (Main Plans List)</strong></td>
<td>Attached as a separate document</td>
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<td>5.</td>
<td><strong>Results of Planning and Enforcement appeals</strong></td>
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<td>6.</td>
<td><strong>Land to the rear of Petersfield Gardens</strong></td>
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<td>An opportunity for interested parties to view their opinions regarding the land to the rear of Petersfield Gardens</td>
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**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.
7  Land to the rear of Petersfield Gardens


If you would like this information provided in another language or format, including large print, Braille, audio or British Sign Language, please call 01925 443322 or ask at the reception desk in Contact Warrington, Horsemarket Street, Warrington.
DM7 Apologies for Absence

There were no apologies for absence received.

DM8 Code of Conduct – Declarations of Interest

There were no declarations of interest received.

DM9 Minutes

Resolved,

That the minutes of the meeting held on 31 May 2012 were agreed as a correct record and signed by the Chair.

DM10 Planning Applications

Resolved,

That following application be deferred to enable a site visit to take place. The application would be brought before the Committee meeting on 12 July 2012:

2012/19826 - Plot 4, Barleycastle Trading Estate, Lyncastle Road, Appleton, Warrington, WA4 4SN - Proposed construction of class B8 storage and distribution warehouse with ancillary office/welfare facilities, creation of 39 delivery van parking spaces, 60 car parking spaces and 3 disabled parking spaces, covered cycle store to accommodate 5 cycle parking stands, docking facilities for HGVs and delivery vans, refuelling and vehicle wash/maintenance area, associated manoeuvring and circulation hard standings, separate car parking and servicing entrances, erection of new means of enclosure and sliding entrance gates around site periphery, associated soft landscaping treatment, installation of lighting and miscellaneous associated plant, together with highway safety improvements along the existing service road (to include creation of safe pedestrian routes, crossing points and replacement of existing lighting), and the creation of a security control booth of 8m2 with associated vehicle barriers.
Site visit to take place on Friday 6 July 2012.

Under section 8.1 of the constitution, the Chair of the Committee, certified that the items DM11, DM12 and DM13 were of such significance that they were 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 developers.

**DM11 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.

**DM12 Enforcement Action – land at rear of Marton Close, Culcheth, Warrington**

Members of the Committee received a verbal 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 in respect of the enforcement notice. The enforcement issue had been discussed by the Committee numerous times and it had been resolved that compliance with the issued enforcement notice was expected by the developer with sanction to move to prosecution if this was not secured. It was the view of officers that the requirements of the enforcement notice had not been complied with.

The course of action recommended by Officers was that the Council carry out the remediation works and to charge those against whom the notice was served. The Executive Director Environment and Regeneration Services was asking for the Committee to ratify this decision.

The recommendation was put to the Committee and discussed at length.

Following which it was:

Resolved - that the Committee ratify the decision of the Executive Director Environment and Regeneration Services and to proceed with the recommended course of action, that being the Council to carry out the remediation works and to charge those against whom the notice was served.
DM13 Proposed Enforcement Action – land at rear of Petersfield Gardens, Culcheth

Members of the Committee received a verbal report of the Executive Director Environment and Regeneration Services in relation to non-compliance with a planning permission previously granted.

A request had been received from the Ward Councillor that the Committee undertake a site visit prior to considering if enforcement action was required.

Resolved - That Committee undertake a site visit to land at rear of Petersfield Gardens, Culcheth.

This site visit would take place on Friday, 6 July 2012.

Signed………………………

Dated ………………………
<table>
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<tr>
<th>Item</th>
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<th>App number</th>
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<th>Recommendation</th>
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<tr>
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<td>3</td>
<td>2012/19826</td>
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<td>Approve subject to sec 106 agreement</td>
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APPROVE AS REC – S106
2  20  2012/20007  Bank Park Depot, Kendrick Street, Warrington WA1 1UZ
Proposed demolition of existing building and associated parking and construction of part 2, part 3 storey office building with associated parking, site entrance and landscaping.

DEFER SITE VISIT

3  33  2012/20011  Bank Park Depot, Kendrick Street, Warrington WA1 1UZ
Application for conservation area consent for proposed demolition of existing building and associated parking and construction of part 2, part 3 storey office building with associated parking, site entrance and landscaping

DEFER SITE VISIT

ENFORCEMENT – PETERSFIELD GARDENS

Enforcement action to be commenced removal of all material including base – and access reinstated in complete accordance with approved plans. Retrospective application not to be determined prior to enforcement action being taken.
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<th>11</th>
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<th>Date</th>
<th>Reference</th>
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<th>Decision</th>
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Application Number: 2012/19826

Location: Plot 4, Barleycastle Trading Estate, Lyncastle Road, Appleton, Warrington, WA4 4SN

Ward: APPLETON.

Development: Proposed construction of class B8 storage and distribution warehouse with ancillary office/welfare facilities, creation of 39 delivery van parking spaces, 60 car parking spaces and 3 disabled parking spaces, covered cycle store to accommodate 5 cycle parking stands, docking facilities for HGVs and delivery vans, refuelling and vehicle wash/maintenance area, associated manoeuvring and circulation hard standings, separate car parking and servicing entrances, erection of new means of enclosure and sliding entrance gates around site periphery, associated soft landscaping treatment, installation of lighting and miscellaneous associated plant, together with highway safety improvements along the existing service road (to include creation of safe pedestrian routes, crossing points and replacement of existing lighting), and the creation of a security control booth of 8m² with associated vehicle barriers.

Applicant: Mr Morley Estates

Recommendation: Approve subject to Section 106 Agreement

Conditions:
- Standard Time limit - full 3 years
- Compliance with approved plans
- Job/training opportunities to be agreed & implemented
- Energy efficiency and renewable measures
- Acoustic insulation of external plant
- Scheme to limit surface water run-off to be agreed
- Scheme to manage risk of flooding from overland flow of surface water to be agreed
- Noise management/mitigation scheme
- Lighting to be agreed
- Land remediation
- Landscaping to be agreed
- Landscaping to be implemented
- Tree/hedgerow protection
- Submission of details of floor levels

This application was deferred at DMC on 21st June to enable Members to visit the site.

Reason for Referral

- The application has been referred to committee at the request of Councillor P Walker

Description

- The proposal would form a key part of Warburtons’ (bakery) distribution system – and has been designed and laid out with their specific requirements in mind
- The development would be a new facility – rather than replacing an existing one
- The proposals would provide a total of 2843 sq m floorspace in an approx 11 metre high building - comprising the uses set out above and accessed from the existing access road within Barleycastle Trading Estate, off Lyncastle Road
- The single 11.3m high (max height) building would house the main warehouse at ground floor “despatch” level - with ancillary office, staff and other facilities at ground, and first floor level
- 90 FTE jobs would be accommodated at the site
- 60 car parking spaces will be provided on site including 3 disabled spaces and 10 cycle spaces, together with 39 spaces for larger vehicles
- Hours/days of use would be “24/7” (including Sundays and Bank Holidays)

Location

- A currently vacant 1.62 ha site within the north-western edge of Barley Castle Trading Estate
- The nearest residential dwellings include Yew Tree Farm and Yew Tree Barn to the immediate north – and those on Yew Tree Lane and Crofton Close – between approx 250-315 metres to the north-north west

Relevant History

Warehousing was approved on this site in June 1987 (87/20146). Outline permission was granted for B1; B2 and B8 uses in May 2003 (A02/46148) – and this was renewed in February 2006 (2005/07191).

Main Issues and Constraints

- Principle
- Highways/Transport matters
- Detailed matters; design, landscaping etc
- Flood Risk
- Impact on living conditions
- Other material considerations

**Key policy/guidance checklist**

The National Planning Policy Framework

**Supplementary Planning Guidance/Documents:**

- Design and Construction
- Landscape Design Guide for New Developments
- Planning Obligations

**Adopted Warrington UDP policies:**

<table>
<thead>
<tr>
<th>Policy</th>
<th>Principle</th>
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<tbody>
<tr>
<td>EMP1; EMP5; DCS1; LUT1; GRN2;</td>
<td>The principle of commercial uses on this site have been confirmed by the grant of several planning consents here (Relevant History – above). The site is within Barley Castle Trading Estate as shown on the UDP Proposals Map.</td>
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<tr>
<td>LUT1; LUT3; LUT5; LUT7; LUT10; LUT12; LUT20; LUT22;</td>
<td>Additional transport assessment information has been assessed with the conclusion that the proposal is acceptable, subject to conditions and subject to a financial contribution of circa £58k (Appendix 2 below) – which has now been agreed with the applicant.</td>
</tr>
<tr>
<td>REP1; REP4; REP5; REP6;</td>
<td>There is no objection on this ground subject to condition.</td>
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</table>
| DCS1; GRN2; HOU7; REP10; | At its nearest point, the corner of the proposed building would be approx 15.8m from the gable elevation of the dwelling at Yew Tree Barn. That gable contains a first floor window with juliet-style balcony and two ground floor windows – which would face the 11.3 m high building. The main elevations of Yew Tree Barn – containing the main windows and doors to habitable rooms – would face to the east and west – away from the proposed building. The nearest part of Yew Tree Farmhouse is approx 45m from the proposed building – and its main elevation is orientated away from the proposed building. There is substantial tree and other vegetation along the boundaries of the site with both residential properties – including that within the garden of Yew Tree Farmhouse - and along both sides of Yew Tree Lane itself. There is planting well over 5m in height along the boundary between the site and the garden of Yew Tree Barn.

It is material for Members to note that indicative plans were approved for a building of slightly greater height as part of A02/46148 – albeit on a part of the site approx 20 metres or so further from the objectors’ premises – and this permission was renewed in February 2006. Although this permission is now expired, these decisions show that the potential impacts of a large commercial building on this site were previously regarded as capable of mitigation by condition – even though – at that time, light and general industrial uses were also permitted – in addition to warehousing. |
<table>
<thead>
<tr>
<th>SOC1; GRN2; REP1; REP8; DCS7</th>
<th>Other material considerations</th>
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<tr>
<td>The economic and job retention/creation opportunities which would flow from the scheme are acknowledged. There is no objection on grounds of land quality, subject to condition.</td>
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Yew Tree Farmhouse is a grade II listed building. Yew Tree Barn – converted to a dwelling under A02/45024 – is an ex-agricultural building - formerly within the curtilage of Yew Tree Farmhouse itself. The proposed development would not physically intrude into the setting of the listed building or of Yew Tree Barn – and would not seriously harm the character and appearance of the listed building.

Although there is little opportunity within the site to enhance either planting opportunities or natural habitats, there is no objection to the planting which is proposed.

**Comment:**
- Although the 15.8m distance between the proposed building and the nearest part of Yew Tree Barns exceeds the recommended minimum of 13m – which applies where a main elevation faces a blank gable in residential situations – it is acknowledged that a building of 11.3m max height would be visible over the 5-6m high planting along the boundary with Yew Tree Barn
- At its nearest point, the proposed building would come to within 2.5m of the boundary of the garden with Yew Tree Barns – although this boundary is well screened to a height of over 5 metres
- The applicant is adamant that the site has been laid out according to the precise and exacting demands of Warburtons – and after their thorough consideration of alternatives. The applicant is also clear that – as far as they are concerned – there is no scope to make adjustments to the layout now proposed
- The applicant is confident that the proposal allows for the retention and extension of the existing earth bund – to help reduce impact on adjacent residents
- It should strongly be borne in mind that indicative plans were approved for a building of slightly greater height as part of A02/46148. This outline permission was renewed as recently as February 2006 – albeit the building was shown to be on a part of the site approx 20 metres or so further from the objectors’ premises
- The conversion of former barns to a dwelling at Yew Tree Barns was permitted subject to the condition that noise attenuation measures were implemented to prevent harm to living conditions (A02/45024) – although it is not known whether such measures were implemented

**Responses to consultation** *(Full details on file)*

**Planning Policy**

No objection.
Highways

No objection subject to conditions and subject to a financial contribution of circa £58k (Appendix 2 below). This financial contribution has now been agreed.

Environmental Protection

No objection subject to conditions Appendix 1.

Environment Agency

No objection.

Responses to Notification (Full details on file)

Councillor P Walker

You will have had objections from both residents and Appleton Parish Council to this application. I would like to add my support to these objections and request that, if you are minded to approve, this application is put to Committee for final determination.

Parish Council

Object:
- Barleycastle Lane is unclassified and completely inadequate for present traffic
- Are already congestion problems/traffic difficulties at the junction of Grappenhall Lane and Barleycastle Lane
- Proposal – with large numbers of HGVs; delivery vans and staff vehicles, would worsen problems
- A traffic assessment should have been submitted with the application
- If approval is eventually recommended, this should be subject to a S106 Agreement for highway improvements
- Traffic through Appleton Thorn will be greatly increased
- At a recent traffic check, there were already 400 vehicle movements on Grappenhall Lane near the Thorn Inn during a half hour monitoring period

Neighbours – Five objections:
- Noise, light, chemical (traffic) pollutants, damage to environment and to important nearby listed buildings
- Applicant has previously removed mature trees and displaced wildlife
- Site is not within trading estate – it is between the trading estate and residential properties
- Site is important Greenfield land – a barrier between the trading estate and residential properties – and should remain designated as Greenfield Land
- Contrary to NPPF unless national review of alternative brownfield sites (as Warburtons operate nationally)
- Agreeing to a proposal designed to serve 39 delivery van spaces and 63 parking spaces does not support the Council’s and NPPF’s transition towards a low carbon future
• Site adjoins residential property and would cause harm by reason of light & noise pollution, vibration and general disturbance
• Would be very difficult for residents to enjoy outside spaces and gardens if this were built
• Road congestion and damage
• Would not enhance quality of life of residents
• Noise assessment should have been done independently – not by an organisation chosen by the applicant
• Noise restrictions should be on the aggregate of all noise, and there should be a requirement to re-test every 12 months
• Evening and weekend working should be prohibited
• A light pollution assessment should be undertaken
• The Human Rights Act prohibits local authorities taking action which would interfere with an individual’s enjoyment of private and family life, including enjoyment of his home
• Very close to the boundary with adjacent residential properties – which will not allow the extension of the earth bund to reduce noise impact
• Design and appearance does not relate well – in conflict with policy EMP4
• As a minimum, the Council should insist upon a 5m high earth bund and a 10m depth of mature trees along the entire length of the boundary with residential properties
• Position of proposed building should be moved to at least 20m from the boundary with residential properties
• Building should be no higher than the ridge of adjacent residential properties
• Does not support local economy – Warburtons is a national manufacturer with numerous locations throughout the UK
• Building would be too big for its plot

Comment:
• The potential impact of the proposal on the living conditions of occupiers of nearby residential property is addressed in detail in Appendix 1 below
• The site is within Barley Castle Trading Estate - as shown on the UDP Proposals Map
• Indicative plans were approved for a building of slightly greater height as part of A02/46148 – albeit on a part of the site approx 20 metres or so further from the objectors’ premises – and this permission was renewed in February 2006
• The proposed development would not physically intrude into the setting of the listed building or of Yew Tree Barn – and would not seriously harm the character and appearance of the listed building

Conclusions and reasons for recommendation/decision

The development would make provision for the particular needs of the end-user on a site where the principle of such development is acceptable. It is considered that the potential impacts of the development can be adequately mitigated by condition and by the identified measures to be funded via S106 Agreement. In these circumstances, the proposal is considered to be in accordance with NPPF and with policies DCS1; DCS7; EMP1; EMP5; GRN2; GRN22; HOU7; REP1; REP4; REP5; REP6; REP7; REP8; REP10; REP16;
Appendix 1 – Advice from WBC Environmental Protection

The applicant has submitted a detailed acoustic assessment reviewing the ambient noise climate in the area and calculating likely noise at the façade of nearby residential properties (Yew Tree Farm and Yew Tree Barn being the closest to the application site).

A manned acoustic assessment has occurred to obtain representative background noise levels in close proximity to the application site, this has indicated that background noise levels are 43dB(A) although they ranged from 43-55dB(A). For the purposes of the assessment, the lowest measured value has been utilised for comparison purposes thereby representing the worst case scenario.

Noise from similar vehicle loading/unloading operations have been collected by the acoustic consultants previously and has been compared to the levels predicted at the boundary of the nearest residential properties (Yew Tree Farm & Yew Tree Barn), correcting for distance and acoustic attenuation provided by the building itself has indicated the levels should be between 26-29dB(A). This is inclusive of the addition of an acoustic feature correction (penalty for irregular/sudden noise), the rated noise level of 26/29dB(A) has been calculated at the nearest property which is significantly below the ambient background noise level (43dB(A)).

Short term increases in noise will occur through the night although these have been assessed to be no more than 37dB over a 5 minute period. This is still a worst case of 6dB below the background noise level which when considering the attenuation provided by a partially open window – 10-15dB, will result in a noise level of between 22 and 27dB. World Health Organisation and BS8233 guidance indicates acceptable internal noise levels for bedrooms – their guidance levels are between 30-35dB for bedrooms with a maximum level of 45dB so the overall noise level from the proposed activities should be within that range.

Specific features including loading/unloading procedures utilising rubberized dock seals to couple up to the HGV’s will assist to minimise noise from operations at the site. Most vehicular noise will be shielded by the orientation of the building itself.

There is an earth bund at the boundary of the site with residential properties which will further assist to attenuate noise to the Yew Tree Farm/Barn area although specific detail concerning the extent or makeup of this is not included with the application – although indication that it will be extended has been included. As a result, a condition requiring additional detail on acoustic treatment of the boundary and earth bund will be requested to ensure that additional acoustic shielding can be provided wherever possible.
Noise from plant and equipment likely to be utilised on site has also been assessed within the acoustic report. Using the established background noise level, a recommendation of noise from plant and equipment to be no more than 10dB below the ambient background noise level at the nearest residential property has been recommended. This equates to a maximum noise level of 33dB(A) which the acoustic report has indicated can be achieved by careful selection and orientation of plant. In reality, a condition should be recommended limiting noise from plant and equipment to no more than 35dB at the façade of the nearest residential property.

The following acoustic mitigation measures have been recommended by the applicant:

- Docking seals shall be used for all loading/unloading of vehicles
- Cages/Trolleys to be handled with consideration
- Articulated vehicles (engines and refrigeration units) shall be switched off whenever vehicles are onsite
- Reverse Alarms to be silenced where-ever possible
- No use of vehicle horns on site

These provisions should be conditioned where feasible and adopted as part of an ongoing site management plan for noise control and noise mitigation from activities on site.

No detail has been provided on lighting for the site. As it operates 24 hours, lighting of certain areas will be necessary. I would recommend that a condition is imposed requiring the submission of a detailed lighting plot to indicate lux levels on site and also to show the fall off of light over distance. Obviously the site needs to be well illuminated from Health & Safety point of view however this can be done with tight control over the spill of light from the site.

As the site is mainly on the previous RAF Stretton site and is hence a brownfield redevelopment of the site, my colleagues have recommended that a full contaminated land assessment should be carried out for the site. A condition has been recommended to address this element.
In summary, I have no objection to the proposal as submitted subject to the imposition of the following conditions and informatives.

Conditions

Noise Management Scheme
Prior to the commencement of the use hereby permitted, the applicant shall submit to the Local Planning Authority a detailed noise management scheme which addresses all of the noise mitigation measures raised within the submitted AEC acoustic report referenced as ‘AEC Report: P2516/R1/AJT dated 11 May 2012’. Once approved in writing by the Local Planning Authority, all mitigation measures shall be implemented in full and maintained thereafter.

Regular review of site procedures and operations shall be carried out and any changes documented and notified in writing to the Local Planning Authority within 2 weeks of adoption. The Scheme shall also identify actions to be taken by the site occupier in case of receipt of a justified complaint of noise from local residents.

HGV Delivery Restrictions
No more than two HGV Articulated Vehicles shall be permitted to be driven or manoeuvred on site simultaneously at any given time

External Lighting – Illumination and Light Plot
Prior to the erection of any external lighting associated with the development hereby approved, the applicant shall submit details of the lighting proposed for the site including an illumination plot to the Local Planning Authority for approval. Once approved in writing, the agreed scheme shall be implemented in full prior to the use of the lighting commencing and retained thereafter.

Development On Land Affected By Contamination
Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is
subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

i. a survey of the extent, scale and nature of contamination;

ii. an assessment of the potential risks to:
   a. human health,
   b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
   c. adjoining land,
   d. groundwaters and surface waters,
   e. ecological systems,
   f. archeological sites and ancient monuments;

iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’.

B. Submission of Remediation Scheme
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme
The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a
verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

**E. Long Term Monitoring and Maintenance**

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed in advance, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’.

**Appendix 2 – Advice from WBC Highways**

A Transport Assessment has now been submitted by the applicant. Comments in relation to the application are as follows:

1. **Proposed Site Access**

The application seeks to utilise an existing private industrial access route onto Lyncastle Road to serve the proposed development. Lyncastle Road is unadopted in this location.

The private industrial access currently has no pedestrian footway provision along its length. Proposed Service Road Works Plan WS-U4-V6 Rev B seeks to provide a 1.8m footway along the access route, to form a link between the site and Lyncastle Road. This should ensure sufficient segregation between pedestrians and HGV’s within the site.

2. **Proposed Parking Provision**

The application proposes to provide 63 car parking spaces including 3 disabled spaces, 39 Light Goods Vehicle / Heavy Goods Vehicle parking spaces, and 5 cycle parking spaces.

The Council’s adopted maximum standard for car parking to serve B8 development is 1 space per 45 sqm. On the basis of 2830 sqm B8 Storage and Distribution space as proposed, 2830/45 = 63 spaces.

The proposed parking provision of 63 car parking spaces therefore represents the maximum number of parking spaces permitted by the Council’s adopted maximum standards.

3. **Anticipated Traffic Impact**

The submitted Transport Assessment tests the operation of the junction of Barleycastle Lane and Grappenhall Lane during the weekday AM peak hour (0730 – 0830) and weekday PM peak hour (1700 – 1800).
The trip rates supplied by the applicant, based on 2838 sqm of B8 Storage and Distribution space, confirm that the proposed development can be expected to result in the following additional number of trips during the weekday AM and PM peak hours.

<table>
<thead>
<tr>
<th>Peak Period</th>
<th>Trip Rates</th>
<th>Trips for 2,838 sqm GFA B8 Development</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Arrive</td>
<td>Depart</td>
</tr>
<tr>
<td>AM</td>
<td>0.344</td>
<td>0.131</td>
</tr>
<tr>
<td>PM</td>
<td>0.149</td>
<td>0.307</td>
</tr>
</tbody>
</table>

**Table 1: Trip Rates and AM / PM Peak Hour Trip Totals**

As can be seen from the above Table 1, the proposed development would be likely to result in 14 additional traffic movements in the AM peak hour and 13 in the PM peak hour.

The observed traffic movements at the junction of Barleycastle Lane and Grappenhall Lane are detailed below in Table 2.

<table>
<thead>
<tr>
<th>Arm</th>
<th>AM</th>
<th>PM</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Left</td>
<td>Right</td>
<td>Ahead</td>
<td>Left</td>
<td>Right</td>
</tr>
<tr>
<td>Grappenhall Lane West</td>
<td>421</td>
<td>189</td>
<td>-</td>
<td>182</td>
<td>59</td>
</tr>
<tr>
<td>Barleycastle Lane Northbound</td>
<td>87</td>
<td>-</td>
<td>154</td>
<td>218</td>
<td>-</td>
</tr>
<tr>
<td>Barleycastle Lane Southbound</td>
<td>-</td>
<td>147</td>
<td>487</td>
<td>-</td>
<td>355</td>
</tr>
<tr>
<td>Total Vehicles</td>
<td>1485</td>
<td>1451</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Table 2: Observed AM / PM Peak Hour Flows at Junction of Barleycastle Lane and Grappenhall Lane**

When comparing the additional traffic movements in Table 1 to the observed traffic flows within Table 2, (even assuming all traffic is routed out from the site along Barleycastle Lane to the M6), this would result in an increase of approximately 1% of traffic at the junction.

In terms of the impact that this additional traffic will have on the operation of the junction of Barleycastle Lane and Grappenhall Lane, this is detailed below in Table 3. Arm A relates to Barleycastle Lane, Arm B to Grappenhall Lane West, and Arm C to Grappenhall Lane North.

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RFC</td>
<td>Queue</td>
<td>RFC</td>
<td>Queue</td>
</tr>
<tr>
<td>AM</td>
<td>0.802</td>
<td>3.72</td>
<td>0.805</td>
<td>3.79</td>
</tr>
<tr>
<td></td>
<td>0.657</td>
<td>1.81</td>
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<td></td>
<td>0.298</td>
<td>0.42</td>
<td>0.302</td>
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<tr>
<td></td>
<td>0.775</td>
<td>3.22</td>
<td>0.779</td>
<td>3.26</td>
</tr>
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</table>
Table 3: Barleycastle Lane / Grappenhall Lane Ghost Island Priority PICADY results

As can be seen from Table 3, with the additional traffic generated by the proposed development, the junction of Barleycastle Lane and Grappenhall Lane is still predicted to operate within acceptable capacity limits in both the AM and PM peak hours. The highest RFC measurement being 0.805 in the AM peak hour experienced on Grappenhall Lane West turning left onto Grappenhall Lane North, where a queue of approximately 4 vehicles can be expected.

4. Access to the site Via Non Car Modes

Whilst access to the site for motorised vehicles is good with the site being within close proximity of M6 Junction 20, access to the site by walking and public transport is considered to be demonstrably poor.

4.1 Public Transport Access

The submitted Transport Assessment written in support of the application confirms that the site has limited public transport links. The nearest bus stops to the site being situated within Appleton Thorn village from where an hourly service between Warrington and Hatton is available.

It should be noted that the bus stops in Appleton Thorn lie approximately 800m from the site, twice the nationally recommended maximum walking distance of 400m from the proposed development.

4.2 Pedestrian Access

In respect of pedestrian access to the site, the Transport Assessment states that “There are existing pedestrian routes in the vicinity of the site that will assist the accessibility of the site for pedestrians”

This is correct - however it is noted that the pedestrian routes referred to are not assessed at all in terms of their completeness or quality.

A site visit undertaken on the 13th June 2012 confirmed that dedicated pedestrian footways exist on Lyncastle Road and Barleycastle Lane, however there are no available footways which link Barleycastle Lane and Grappenhall Lane.

Therefore, at present there is no direct footway access to public transport services or to Appleton Thorn from the proposed development.

4.3 Public Rights Of Way

It is noted that Public Footpath Number 24 (Appleton) provides pedestrian access from Grappenhall Lane to the boundary of the proposed development site.

At present Footpath Number 24 is essentially a dead end, which offers no wider connection elsewhere. In relation to this issue, the Council’s Public Rights of Way Officer has made the following comments:

“In respect of the proposed development of a vacant plot in the business park off Lyncastle Road, the Council’s approved Rights of Way Improvement Plan 2006..."
identifies the need to "fill in gaps in the walking network e.g. around Omega, Stretton Airfield and the M56". The business park is on the site of Stretton Airfield and one of the war time severed footpaths (Appleton footpath no.24) has a cul de sac end at the boundary of the development site.

To date no study has been made to formally identify the missing links and the feasibility of making the linkages, however, the obvious means of re-linking this path back into the network is via a corridor of unused land along the boundary of the business park to Arley Road near the start of Appleton footpath no.29.

The current development proposal will remove any scope for this ROWIP goal. The developer should be asked to consider boundary treatment that would be compatible with the future creation of this footpath link."

We would therefore welcome feedback from the applicant in respect of this issue.

5. Travel Plan Framework

A Framework Travel Plan has been submitted in support of the application. This has been reviewed by the Council’s Travel Plan Officer who has made the following comments:

- When the end user is already known, and it is important to ensure implementation when the plan is passed from consultant to occupier, then a Full Travel Plan is required.

- A Travel Plan Coordinator should be appointed to drive the Travel Plan in advance of occupation.

- There are no details from the occupier of whether the site will be staffed by current employees relocating from other sites, or whether an employment strategy will be used to recruit from the local area to encourage sustainable travel to work.

- Although concluding that the site is accessible by public transport, there are no details given of bus service destinations, frequency or timetables, or timings for shift workers to support this conclusion.

- There are no proposals to link the site to Appleton Thorn giving ease of access to pedestrians to encourage walking and public transport use.

- There are several businesses on the Barleycastle Trading Estate which have car parking congestion and ineffective travel plans due to the lack of sustainable access to the site. A solution would be to introduce an overarching travel plan for the whole site. This could provide joint funding to bring bus services to the site, and wider car sharing opportunities for employees.

- In summary, the Framework Travel Plan lacks the detail and commitment required to ensure employees have a choice of travel modes, and hence cannot be approved in relation to planning application 2012-19826.

Given the above comments, a revised Full Travel Plan will need to be conditioned should planning approval be granted.
6. Supplementary Planning Document

The Councils Supplementary Planning Document “Planning Obligations” (approved by Executive Board on the 17th September 2007) has been considered in relation to the proposed development. The SPD identifies the financial contribution to be sought in respect of the proposed development in order to mitigate its impact on the transport network, applying a cost of £413 per additional daily trip arising as a result of the development.

The TRICS trip rate information presented by the applicant suggests that a daily trip rate of 4.954 trips per 100 sqm GFA of B8 Storage and Distribution space (Commercial Warehousing) can be expected.

Applying this daily trip rate to the proposed floorspace of 2830 sqm results in the following SPD calculation:

\[28.30 \text{ (GFA/100)} \times 4.954 \text{ (Average Daily Trip Rate per 100 sqm GFA)} \times 413 \text{ (SPD cost per trip)} = £57,901\]

The SPD therefore advises that a sum of £57,901 should be sought in order to mitigate the transport impact of the proposals.

7. Site Observations

Site observations undertaken on the 13th June 2012 also confirmed the following:

7.1 Highway Condition

The condition of Barleycastle Lane carriageway is fairly good, however its generally substandard width for accommodating HGV flows is resulting in HGV’s straddling the centre line. This factor, combined with high levels of HGV usage along the lane has resulted in severe wearing of the central white lining of the carriageway, to the point where it is barely visible.

Additionally, the condition of the carriageway of Lyncastle Road from its junction with Barleycastle Lane is deteriorating significantly due to high levels of HGV usage. This is resulting in the carriageway breaking up at its junction with Barleycastle Lane, with various other carriageway defects also being evident along the carriageway and footway of Lyncastle Road.

7.2 Pedestrian Access

As noted previously, no direct footway connection currently exists between the site and Appleton Thorn. However, from Lyncastle Way a footway is provided on the southern side of the carriageway up to an adopted track (understood to be the line of the old Barleycastle Lane), from where the track is hard surfaced before leading out onto a footway alongside Grappenhall Lane, which then connects with Appleton Thorn village.

The hardsurfacing of this connecting track, (to ensure a continuous footway link between Barleycastle Trading Estate and Appleton Thorn) was ensured as part of a previous planning approval, 99/39155, with the condition requiring its implementation also being supported by a Planning Inspector who determined the Call In Inquiry.
Site observations confirmed that the access track is at present blocked by temporary concrete barriers. It is understood that these barriers have been in place for some time, in order to deter fly tipping and occupation of the land.

Clearly, the track would benefit from an appropriate gating scheme which would allow pedestrian access, whilst prohibiting vehicular access. This would then ensure that a continuous pedestrian link is available between the site and public transport services, residential dwellings and amenities available in Appleton Thorn.

8. Summary and Conclusions

In view of the above, following consideration of the Council’s Public Rights of Way Officer’s request, we would seek the applicant’s agreement to securing an appropriate financial contribution to allow progression of the following works:

1. Carriageway markings relining scheme along Barleycastle Lane;
2. Highways maintenance works to Lyncastle Road; and
3. Scheme for renewal of pedestrian link between Barleycastle Lane and Grappenhall Lane.

The above schemes would address the highway safety issues relative to the site, and would ensure that pedestrian accessibility between the site and Appleton Thorn is achieved.

Should planning permission be granted, we would also wish for the following conditions to be attached:

“Prior to occupation of the development, the proposed car and cycle parking spaces shown on site plan WSU4-V6-Rev B date stamped 10th April 2012 shall be provided and shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.”

“Prior to occupation of the development, a Full Travel Plan (including Travel Plan survey, action plan measures and targets) shall be submitted to and agreed by the Local Planning Authority. The Full Travel Plan shall be implemented as agreed unless otherwise agreed in writing with the Local Planning Authority.”
### Plans List

**Item 2**  
12-Jul-2012

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>2012/20007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>BANK PARK DEPOT, KENDRICK STREET, BEWSEY AND WHITECROSS, WARRINGTON, WA1 1UZ</td>
</tr>
<tr>
<td>Ward:</td>
<td>Bewsey and Whitecross</td>
</tr>
<tr>
<td>Development:</td>
<td>Proposed demolition of existing building and associated parking and construction of part 2, part 3 storey office building with associated parking, site entrance and landscaping.</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Mercer</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Approve subject to Section 106 Agreement</td>
</tr>
</tbody>
</table>

**Conditions:**
- Standard Time limit -full 3 years
- Accordance with approved plans
- Energy efficiency and renewable measures
- Job/training opportunities to be agreed
- Archaeological monitoring
- Land remediation
- Noise insulation of any external plant
- Landscaping to be agreed
- Implementation of agreed landscaping
- Tree protection measures
- Measures for bats
- Protection of nesting birds
- Paving and visibility splays
- Travel plan to be implemented
- Car & cycle parking

**Reason for Referral**
- The applicant – Golden Gates Housing Trust – is a registered provider of social housing, to whom the Council’s housing stock was transferred in November 2010.

**Description**
- This application is submitted concurrently with 2012/20011, for conservation area consent
GGHT currently have premises at 88 Sankey Street – it is likely that WBC will re-use or let those premises as offices following re-location of GGHT

A purpose built, part two storey, part three storey new headquarters building for Golden Gates Housing Trust (GGHT) is proposed

The scheme also aims to provide potential for future expansion

The existing buildings on the depot site – a greenhouse (the locally-listed “Crosfields Conservatory”) and two depot structures - would be removed to make way for the re-development

The two storey element would have a “green roof”; the three storey part would incorporate photovoltaics

47 car parking and 20 cycle spaces would be provided on site

182 FTE employees would operate from the site

Location

An approx 0.3 ha dis-used depot site, alongside part of Kendrick Street – which is itself the remnant of an older route now severed by Midland Way. The site abuts an approx 40m stretch of Midland Way to the north - and a 50m stretch of Kendrick Street itself

Bank Park itself is to the immediate south and west

The site is within the Town Centre in UDP policy terms, and is within the Town Hall Conservation Area (THCA) boundary – abutting its northern edge and is within the wider setting of the Town Hall – a grade 1 listed building

The proposed new building would be approx 180m from the Town Hall building, and approx 130m from the back of the east annex

A 2m high brick wall currently backs the pavement along Midland Way would also be removed

Relevant History

Planning applications for minor works have been made at the depot site since 1995

The parkland area surrounding the site was opened as Warrington’s first public park in 1873

Main Issues and Constraints

Principle
Impact on character/appearance of streetscene/setting
Trees and wildlife
Highway matters
Impact on living conditions

Key policy/guidance checklist

The National Planning Policy Framework
### Supplementary Planning Guidance/Documents:

**Bank Park SPD**  
**Design and Construction SPD**  
**Town Hall Conservation Area document**

**Adopted Warrington UDP policies:**

| DCS1; SOC1; DCS1; GRN2; BH5; BH8; | Principle | The site is within the Town Centre in UDP policy terms, where proposals for uses including offices are acceptable in principle. The potential to upgrade Bank Park and the setting to the Town Hall as part of the Council’s Development Management activity is set out in the approved Bank Park SPD (2010). The site is very accessible to the town centre – and is a sustainable location in that sense. The re-development would re-generate the dis-used former depot site in broad accord with the approved Bank Park SPD and with the Town Hall Conservation Area (THCA) document. |
| DCS1; GRN2; BH5; BH8; | Impact on character/appearance of streetscene/setting | This application is submitted concurrently with 2012/20011, for conservation area consent – which considers the impact of the proposed demolition on the character and appearance of the THCA. Outside the THCA, existing buildings heights vary up to five storeys – along the Sankey Street edge.  

Although within the wider setting of the Town Hall, the site is not considered to be within its curtilage – as defined by the Planning and Listed Building Acts. English Heritage are uncertain as to whether this is the correct position in law – and are not clear as to whether the site contains buildings which are – strictly – “curtilage buildings” – within the curtilage of the Town Hall. If the locally-listed “Crosfield Conservatory” building is confirmed as a curtilage building – other parts of NPPF would become relevant, including the need to balance the potential harm of its loss with any public benefits achieved by the development.  

The contemporary design of the new building presents some contrast with the surrounding context – which is typified by buildings and formal spaces forming the main part of the Warrington’s civic heritage. The proposed use of traditional materials – especially brick and render – is informed by the 18th & 19th century context. The building is considered capable of introducing much stronger townscape to the Midland Way edge than currently exists. English Heritage, however, remain highly critical of the scheme – for example highlighting what they regard as a poor relationship with Bank Park – and failing to take proper and full account of other historical relationships.  

The proposed landscaping is intended to reflect that of the parkscape – by including a variety of trees, plants and shrubs – which would complement the existing stock. |
| DCS1; GRN2; GRN22; | Trees and wildlife | Detailed survey work has been submitted and assessed, with the conclusion that the scheme would impact on protected habitats or species. Some tree loss would occur – possibly including a large ash (T317) on the north west of |
### Highway matters

The site is very accessible to the town centre, is well served by buses – and so is a sustainable location in these important senses. A financial contribution of circa £50k, on the basis of the adopted “Planning Obligations” SPD has been agreed with the applicant (Appendix 2).

### Impact on living conditions

The nearest housing is on Rolleston Street approx 50m to the north of the site, on the far side of Midland Way and the railway line. Houses on Crosfield Street are further away – approx 108m distant. In these circumstances, it is not considered the proposal would impact significantly on living conditions.

### Other material considerations

The site is within an area of archaeological potential - and so a condition is recommended to require monitoring.

The proposed re-development would entail the remains of the locally-listed “Crosfields Conservatory”. The glazed part of this building has long since disappeared – and it is generally in a poor state – so that together with the more modern depot buildings, hardstands, fencing etc does not contribute positively to the Conservation Area. This matter is considered separately as part of 2012/20011. English Heritage remain critical of the absence of an attempt to research the history of the Conservatory – and of any exploration of a way to retain it as part of a finished scheme.

The proposed office building would have a green roof – which is considered to be in the scheme’s favour as a sustainable drainage measure.

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**Comment:**

- **The Bank Park SPD was adopted in March 2010. It indicated the general accept ability of development in the park, specifically including the area currently occupied by the depot. The SPD was the subject of extensive publicity and consultation, which included contact with English Heritage. A range of comments and objections were received and considered as the Executive Board confirmed approval of the policy document. This proposal is considered to accord with the approved Bank Park SPD, in the following regards:**

  - The position of the building and its park facing design help the development to define the north east edge of Bank Park and also to be integrated with the park. The orientation of the building assists in this - as does the landscaping design which echoes and strengthens the tree lined pedestrian routes. The new landscaping will also bring the derelict corner of the park into life - with activity & colour
  
  - A major factor of the ability to be integrated into the park is the lack of a boundary fence. In accordance with the SPD the proposed building and its surrounding landscaping would visually appear as part of the park
  
  - Integration with existing cycleway provision
  
  - The Council’s aspirations to improve Bank Park with a development partner is fulfilled
Responses to consultation (Full details on file)

Planning Policy
No objection.

Highways
No objection, subject to conditions. A financial contribution of circa £50k has been agreed with the applicant. Appendix 2 below.

Environmental Protection
No objection subject to conditions.

Tree Officer
No objection subject to condition - and subject to the retention of the ash specimen at the Kendrick Street entrance.

Parks and Green Spaces
Object:
- The planting in the south west corner is not supported as clear access is required at this location for maintenance vehicles to enter the Park
- The footpath link within the park will require relocation from the western path across the park towards the court in order to provide a logical pedestrian route across thus reducing inconvenience to park users
- The stopping up of the established path at the south east corner is not supported. This route should be redirected to provide adequate access to Kendrick Street from Bank Park, thus reducing inconvenience to park users
- T164 is a specimen Ash tree at the Kendrick Street entrance; this tree should be retained as an amenity feature. I would recommend that design / positioning options are considered which will retain this tree
- A specimen Black Mulberry; Morus nigra should be included within the planting schedule to compensate for the loss of the mature specimen located to the east of the conservatory

English Heritage (EH)
- EH remain critical of the proposal – in terms both of the analysis of the historical context of the site - and of the merits of the proposed building’s design and impact
- EH were not consulted pre-application as claimed by applicant
- EH recommend that the application is withdrawn until such time as a scheme is produced which more clearly enhances the conservation area and the setting of the Town Hall
- EH has met with the applicant and Officers – since the submission of the application – and following supplementary design work and justification by the applicant – but remain critical of the proposal
  - the appraisal of relevant UDP policies is selective and there is no reference to policies concerning development in the vicinity of listed buildings; locally listed buildings or development in conservation areas;
  - consideration of NPPF requirements is inadequate;
- no appreciation of how Town Hall might influence scheme design
- misses opportunity to contribute to the distinctiveness of the site and there is little to distinguish the building from many office or business park developments
- use of render on main elevation facing Bank Park would conflict with established character and increase prominence of the proposed building
- scheme would not sustain or enhance the significance of the relevant heritage assets

Comment

- English Heritage have two areas of concern – firstly whether the principle of development is acceptable, given location possibly within the curtilage of the grade 1 listed Town Hall or at least affecting the setting of the Town Hall; and secondly that even if the principle of the development is acceptable the design of the proposed building is unsympathetic and lacks reference to the historic setting in which it is to be located.
- Consideration of the first issue can usefully reflect on the historic relationship of the depot site, the Town Hall and the Park. The depot is a much altered and amended group of buildings which have served to accommodate the maintenance functions of the Park. It is not believed that the buildings were functionally part of the Town Hall when it was used as a residence. It does not have the same relationship as a coach house, maintenance space for kitchen or residential gardens. There is perhaps some useful contrast with ancillary buildings at Walton Hall which can be seen to relate to the historic residential use. Further the character if the existing buildings and their physical relationship with Town Hall, together with the visual separation as a result of landscaping and layout, would appear not to preclude the redevelopment of this part of the wider Park. There appeared to be some acceptance of this position – including views expressed by English Heritage when the SPD was adopted.
- The design of the building is clearly the most contentious issue. English Heritage advocate a design which can more distinctly draw upon the historic setting with the Park and relative to the Town Hall. The design, form and scale of the Crown Court building is seen by EH as a successful interpretation of a building which sits comfortably within the setting of the Town Hall and the Park. The proposed building makes a statement and seeks to define the northern edge of the Park and present the wider Town Hall area. A distinct boundary is avoided, parking and landscaping blending into the wider park in the absence of fencing or other boundary treatment. Extensive areas of glazing are used to reflect trees and planting within the Park.
- There are clearly differences of view over the subjective issue of the suitability of design in this instance. This is a matter over which the Committee can rightly take a view which seeks to balance the somewhat contradictory assessments of the applicant’s representatives and English Heritage.

Environment Agency
No objection subject to condition.

Archaeology
No objection subject to condition.

Responses to Notification (Full details on file)
**Ward Councillor**
Councillor S Parish has commented – Appendix 1 below.

**Neighbours**
No response.

**Conclusions and reasons for recommendation/decision**

The site is within the Town Centre in UDP policy terms, where proposals for uses including offices are acceptable in principle. The potential to upgrade Bank Park and the setting to the Town Hall as part of the Council’s Development Management activity is set out in the approved Bank Park SPD (2010). The site is very accessible to the town centre – and is a sustainable location in that sense. The re-development would re-generate the dis-used former depot site in broad accord with the approved Bank Park SPD and with the Town Hall Conservation Area (THCA) document.

Overall, it is considered that the proposal would accord with policies DCS1; REP1; REP8; GRN2; GRN22; BH5; BH8; BH13; BH14; LUT1; LUT20; and SOC1 of the adopted Warrington UDP; with the Town Hall Conservation Area document; with the Bank Park SPD and with the aims of NPPF.

**Appendix 1 – Comments from Ward Councillor**

1. The Bank Park Area Supplementary Planning Document says that "it is important to note that the Possible Bank Park Depot Development Site is indicative only. Development proposed on the site would have to be assessed and justified against policies set out in the Planning Policy Framework section, including those relating to the protection of green space". This section of the SPD is now out of date because of the replacement of Planning Policy Guidance notes and Planning Policy Statements with the National Planning Policy Framework.

   Objections from nearby residents have included references to the status of the land and the commercial justification for the development; while these may not strictly be planning issues in themselves, NPPF (#129) says that “existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or the need for and benefits of the development clearly outweigh the loss”. The suggestion is that the deed of gift for the land was for a park, and the use of the land for servicing the park does not expunge that original intention, in which case this section of the NPPF should apply, and the commercial arrangements (including financing of the development) would be part of the planning considerations.

2. In the Design and Access statement (p.13) it is said that the location is just as accessible for pedestrians and cars as 88 Sankey Street. For those using public transport then walking, reaching the new premises will entail walking further, perhaps in inclement weather with little opportunity for shelter en route.

   The statement that the proposal will stimulate economic growth by releasing 88 Sankey Street for a new tenant should be given little credence, given the number of empty offices in the vicinity and consequent applications to convert office premises for residential use.
Reference on p.12 to the bus depot presumably means Bank Park Depot.

3. I assume it has been determined that the site is not regarded as being within the curtilage of the Town Hall (and thus needing listed building consent). I take it that there is nothing left within the site that could be considered “ancillary” to the Town Hall, but had any of the original boundary wall remained to the application site it would have been hard not to regard that as covered by the listing. The site includes the metalled roadway at the south side, and it is arguable whether this is currently part of the application site or part of the park. Given the legal minefield of defining the curtilage of a listed building, it would be helpful to have a clear statement of the reasons why it is not regarded as part of the curtilage.

4. The plans show diverted footpaths at this roadway. It does not seem clear whether the diverted footpaths would be within the site of the new building or would encroach on what is at present grassed areas of the park. If these are rights of way, presumably a separate application to divert the paths will be needed, but it would be useful to have the details on record as part of the application.

5. I note that the designers of the new building have tried to include references to other buildings including the Town Hall. I’m not sure how well they have succeeded, but it remains a fairly unremarkable modern office building.
Appendix 2 – Advice from WBC Highways

The site benefits from being situated in a highly accessible location lying within a short walking distance of Warrington Bank Quay and Central Rail Stations and Warrington Bus Station.

1. Proposed Site Access

The site is currently served via a circa 5m wide vehicular access from Kendrick Street. Kendrick Street connects with Legh Street to the south east to provide direct access to the town centre. To the north of the existing site access, Kendrick Street is stopped up at its former junction with Midland Way, with linkages through this area for pedestrians only.

Proposed site plan 7178/08-10A seeks approval for construction of a 7m wide entrance onto Kendrick Street. This will replace the existing vehicular entrance to the site, and has been designed to be sufficiently wide to accommodate refuse vehicles, delivery vehicles, maintenance vehicles and fire appliances.

No visibility splays or tactile paving are shown at the proposed widened access onto Kendrick Street on proposed site plan 7178/08-10A. We would therefore seek to ensure provision of visibility splays of 2.4m x 42m and the installation of tactile paving at the proposed site access by way of planning condition.

Site observations have noted that the proposed widening of the site access may also necessitate the relocation of a street lighting column to the north west of the existing site access. The applicant is therefore advised to contact the Council’s Street Lighting section to determine whether the street lighting column will be affected by the proposed widened junction, and if so, whether it can be relocated.

2. Proposed Parking Provision

Proposed site plan 7178/08-10A seeks to provide 46 parking spaces to serve the proposed development. The proposed office building represents 2044 sqm of B1 floorspace.

The Council’s maximum adopted standard for B1 Office use is 1 space per 35 sqm.

Therefore, on the basis of the 2044 sqm B1 office space proposed:

\[ \frac{2044}{35} = 58 \] spaces maximum.

The proposed 46 spaces therefore fall within the Council’s adopted maximum parking standards.

In terms of cycle parking, it is noted that proposed site plan 7178/08-10A includes provision of 20 cycle parking spaces. Furthermore, the proposed development will offer showers, lockers and changing rooms for the use of cyclists. This is welcomed.

3. Swept Path Analysis

The internal layout of the site has been designed to accommodate servicing by a large 3 axle refuse vehicle. The swept path of such a vehicle satisfactorily entering, manoeuvring and exiting the site is shown on drawing number 2667-X-(96)-01.
4. Traffic Regulation Orders

Within the submitted Transport Statement (para 3.6), the applicant has requested that:

“To assist with turning manoeuvres at the site access and to prevent blocking of the carriageway, it is proposed that the existing Traffic Regulation Orders on Kendrick Street are extended.”

It is to be noted that at present the majority of Kendrick Street is covered by a No Waiting At Any Time (Double Yellow Line) Traffic Regulation Order, with the exception of a short section of highway directly opposite the proposed site access and at the stub of Kendrick Street by Midland Way. During a site visit undertaken on the 6th June 2012, this unrestricted parking area was observed to be accommodating around 12 parked vehicles.

Whilst the extension of the TRO is not formally required to facilitate access to the proposed development – the proposed site access being some 7m wide – the extension of traffic restrictions opposite the access would ensure access for larger vehicles would not be compromised.

Accordingly, the Council’s Traffic Management section has confirmed that the proposed amendments to the Traffic Regulation Order covering Kendrick Street can be implemented for a cost of approximately £3,000.

5. Footpath Diversions

The Council’s Public Rights of Way Officer has been consulted in respect of the application and has confirmed that there are no recorded Public Rights of Way affected by the proposals. There are however, a number of paths with historical public usage recorded within Bank Park that will need to be redirected as a result of the proposals.

The Council’s Public Rights of Way Officer is satisfied with the proposed redirection of these paths and has therefore raised no objections to the proposals.

6. Supplementary Planning Document

The Council’s Supplementary Planning Document “Planning Obligations”, approved by the Executive Board on the 17th September 2007 has been considered. This attaches a cost of £413 per additional daily trip generated by the development in order to mitigate the transport impact of proposals.

The TRICS database identifies that B1 office space will on average attract 15.5 trips per 100 sqm of GFA per day. On this basis the SPD calculation would therefore be:

\[20.44 \times 15.5 \times 413 = £130,846\]

However, given that the proposed development is located within the town centre, with close proximity to bus and rail stations, and also that the proposed development seeks permission for reduced levels of parking; it is considered that a significant reduction to the SPD calculation can be applied in this instance.
7. Cycle and Pedestrian Improvements

Notwithstanding the above, site observations have however confirmed that there are a number of sustainable transport improvement measures that would be relevant and necessary to the proposed development. These are detailed below:

(i) It is noted that an on carriageway cycle lane passes immediately adjacent to the site on Midland Way. However no suitable route into Kendrick Street exists from the cycle lane. The creation of a cycle access point to Kendrick Street from Midland Way would therefore improve cycle accessibility to the site.

(ii) The nearest bus stops to the site are on Legh Street to the south of the proposed development site. However, site observations have confirmed that there is a distinct lack of suitable pedestrian crossing points on Legh Street. The provision of improved pedestrian crossing facilities on Legh Street would significantly improve pedestrian accessibility between the site, Golden Square shopping centre and the nearest bus stops.

In view of the above, we would welcome a contribution of £50,000 from the applicant towards implementation of the above sustainable transport improvements. It should also be noted that this sum would also cover the cost of implementing the requested TRO amendment on Kendrick Street as previously detailed.

8. Framework Travel Plan

A Framework Travel Plan has been submitted in support of the application. This has been reviewed by the Council's Travel Plan Officer who has advised that:

(i) A Full Travel Plan, rather than a Framework Travel Plan could have been submitted in this instance due to the fact that the proposed land use, end user and travel patterns are known.

(ii) The Framework Travel Plan is considered to be lacking in commitment, comprising a list of measures that the occupier could implement. As the site is already very accessible, a workable Full Travel Plan could easily be developed by devising a marketing and promotion strategy.

(iii) A Travel Plan Co-ordinator should be appointed from within the current staff and a Travel Survey of existing travel demand should be undertaken at the earliest opportunity. This should identify how existing staff are intending to travel to the new site and what encouragement they would need in order to change their mode of travel. Measures and targets can then be linked to the survey outcome and be put in place ready for the relocation.

In view of the above, we would wish to condition the submission and agreement of a Full Travel Plan prior to occupation of the development, and would advise the applicant that commencement of a Staff Travel Survey at the earliest opportunity would indeed be beneficial.
9. Summary and Conclusions

No highway objections are raised in respect of the proposed development, subject to a S106 agreement securing a contribution of £50,000 towards sustainable transport improvements within the vicinity of the site and the requested amendment to the Traffic Regulation Order on Kendrick Street. Should planning permission be granted we would also request that the following conditions are attached:

“Prior to occupation of the development, a scheme for the provision of tactile paving at the proposed site entrance onto Kendrick Street and the provision of visibility splays of 2.4m x 42m at the site entrance shall be agreed with the Local Planning Authority. Such scheme as is agreed shall be implemented prior to occupation of the development and shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.”

“Prior to occupation of the development, a Full Travel Plan (including Travel Plan survey, action plan measures and targets) shall be submitted to and agreed by the Local Planning Authority. The agreed Full Travel Plan shall be implemented as agreed unless otherwise agreed in writing with the Local Planning Authority.”

“Prior to occupation of the development, the car and cycle parking spaces shown on drawing no 7178/08-10A shall be provided and shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.”
Application Number: 2012/20011

Location: BANK PARK DEPOT, KENDRICK STREET, BEWSEY AND WHITECROSS, WARRINGTON, WA1 1UZ

Ward: Bewsey and Whitecross

Development: Application for conservation area consent for proposed demolition of existing building and associated parking and construction of part 2, part 3 storey office building with associated parking, site entrance and landscaping.

Applicant: Mr Mercer

Recommendation: Approve subject to Section 106 Agreement

Conditions:
- Standard Time limit -full 3 years
- Approved plans/drawings

Description

- This application is submitted concurrently with 2012/20007, for full planning permission, also on this Agenda
- The locally-listed “Crosfields Conservatory” would be one of the buildings which would be removed to make way for this re-development, at the former depot site
- A 2m high brick wall currently backs the pavement along Midland Way would also be removed

Location

- The site is within the Town Hall Conservation Area and within the wider setting of the Town Hall – a grade listed building

Relevant History

- As for 2012/20007 – also on this Agenda.

Main Issues and Constraints

- Impact on character/appearance of conservation area and setting of listed building (the Town Hall)
Key policy/guidance checklist

The National Planning Policy Framework (NPPF)

Supplementary Planning Guidance/Documents:

Town Hall Conservation Area
Bank Park
Design and Construction

Adopted Warrington UDP policies:-

<table>
<thead>
<tr>
<th>DCS1; GRN2; BH5; BH8; BH13; BH14;</th>
<th>Impact on character/appearance of conservation area and setting of listed building (the Town Hall)</th>
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<tbody>
<tr>
<td></td>
<td>Given the physical distance from the Town Hall, from the west annex buildings and from any other listed buildings/structure within Bank Park – combined with the tendency for the site to be read in the context of the Midland Way frontage as well as the Park – it is not considered that the proposed demolition of buildings would seriously impact on the character/appearance of the conservation area nor the setting of any listed building, or the curtilage/setting of any listed building. The remnants of the locally-listed “Crosfields Conservatory” is now devoid of glass and is generally in poor condition, with tree growth within its confines. Although within the wider setting of the Town Hall, the site is not considered to be within its curtilage – as defined by the Planning and Listed Building Acts. English Heritage are uncertain as to whether this is the correct position in law – and are not clear as to whether the site contains buildings which are – strictly – “curtilage buildings” – within the curtilage of the Town Hall. If the locally-listed “Crosfield Conservatory” building is confirmed as a curtilage building – other parts of NPPF would become relevant, including the need to balance the potential harm of its loss with any public benefits achieved by the development.</td>
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Responses to consultation (Full details on file)

As for 2012/20007 – also on this Agenda.

Responses to Notification (Full details on file)

As for 2012/20007 – also on this Agenda.
Conclusions and reasons for recommendation/decision

Given the physical distance from the Town Hall, from the west annex buildings and from any other listed buildings/structure within Bank Park and substantial intervening tree cover – combined with the tendency for the site to be read in the context of the Midland Way frontage – it is not considered that the proposed demolition of buildings would seriously impact on the character/appearance of the conservation area nor the setting of any listed building, or the curtilage/setting of any listed building. The remnants of the locally-listed “Crosfields Conservatory” is now devoid of glass and is generally in poor condition, with tree growth within its confines. Its loss and replacement with new development would not seriously impact on or harm the character appearance of the conservation area.

Overall, it is considered that the proposal would accord with policies DCS1; REP1; GRN2; BH5; and BH8 of the adopted Warrington UDP; with the Town Hall Conservation Area document and with the aims of NPPF.
WARRINGTON BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE
12th July 2012

Report of the: Executive Director Environment and Regeneration Services
Report Author: Michael Davies – Principal Planning Officer
Contact Details: Email Address: mdavies@warrington.gov.uk
Telephone: 01925 442813

Ward Members:

1. **SUMMARY PAPER – REPORT ON:**
   Results of Planning and Enforcement appeals.

2. **Purpose of the Report:**
   To advise members of the results of appeals.

3. **Recommendations:**
   To note the reports.

4. **Reason for Recommendation:**
   To inform Members of the results of appeals.

5. **Confidential or Exempt:**
   Not applicable

6. **Financial Considerations:**
   None.

7. **Risk Assessment:**
   Not required.

8. **Equality Impact Assessment:**
   No equality impact assessment is considered to be required.
9. Consultation:

Not relevant

10. Clearance Details (Record of clearance of report):

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<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Relevant Executive Board Member</td>
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<td>SMB</td>
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<tr>
<td>Relevant Executive Director</td>
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<tr>
<td>Solicitor to the Council</td>
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<tr>
<td>S151 Officer</td>
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<tr>
<td>Relevant Head of Service</td>
<td>Peter Taylor</td>
<td>Yes</td>
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11. Background Papers:
Planning application and appeal documents

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peter Axford</td>
<td><a href="mailto:paxford@warrington.gov.uk">paxford@warrington.gov.uk</a></td>
<td>01925 442827</td>
</tr>
</tbody>
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DECLARATION OF INTEREST

WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
12th July 2012

REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2011/18487
APPEAL REF: M0655/A/11/2163479/NWF

LOCATION: Land at Cliffe Lane Farm, Cartridge Lane, Grappenhall

DESCRIPTION: Proposed bungalow

OFFICER RECOMMENDATION; Refuse

COMMITTEE DECISION; Refuse

APPEAL DECISION: Dismiss

MAIN CONSIDERATIONS:
Whether proposal is inappropriate in green belt
Impact on openness of green belt
Effect on housing supply
Whether any material considerations in favour of proposal
Whether harm by reason of inappropriateness is clearly outweighed by very special circumstances

INSPECTOR’S FINDINGS:

- The site has an approx 70m frontage with Cliffe Lane, part of an extensive, grassy field separating farmhouse from a pair of semi-detached two storey houses
- The bungalow is needed to provide suitable accommodation for Mrs Cross – the applicant’s wife – who has become ill with a condition known as Multiple System Atrophy, and who is largely confined to a wheelchair

**Whether proposal is inappropriate in green belt**
- According to the new NPPF – as well as the UDP – the proposal would be inappropriate, by definition, in green belt

**Impact on openness of green belt**
- Bungalow would occupy a significant part of a wide open space between existing buildings on a road frontage
- Would substantially and harmfully reduce green belt openness

**Housing Supply**
- The bungalow would provide a bungalow specially adapted to the disabilities and medical needs of Mrs Cross
- Such a property could be categorised as providing for the special needs outlined in policy SOC1
**Agenda Item 5**

*Whether any material considerations in favour of proposal*

- Most effective way of managing Mrs Cross’s condition would be for her to continue to be cared for at home, by her husband and family
- If Mr & Mrs Cross were to move elsewhere, Mr Cross would be less able to continue his supervision and work on the farm
- In the absence of Mrs Cross’s income as a pharmacist (since the condition has forced her to give up her job), it would not be practicable simply to employ another worker to replace Mr Cross’s input on the farm
- The farm house is unsuitable for wheelchair use – the Council accepts this – and that it would not be practical to make it more accessible and safe for Mrs Cross
- The farmhouse is reached via a sloping and uneven courtyard; there are numerous changes in level between ground floor rooms & has other shortcomings
- The possible conversion of an outbuilding is not practical – as it would be compromised by dust pollution from the grain-drying processes; nor has it been confirmed that the building is structurally capable of conversion
- Another possibility is the extension of the farmhouse itself – the appellant has set out this is not practical - but it is not possible to conclude that it would not be feasible to design a suitable extension
- Nor has appellant paid attention to possibility of extending the next door semi – currently occupied by her son

**Very Special Circumstances**

- Little weight can be given to the unsuitability of the existing farmhouse, given that the possibility of extending it or – alternatively – the adjacent semi - has not been explored
- Personal circumstances carry little weight in green belt context
- There are no other considerations which might amount to very special circumstances

**EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:**

- Officers and Members found it very difficult to refuse this application – albeit in line with Planning considerations – in the light of the genuine needs of Mr & Mrs Cross
- As the Inspector noted, it is impossible not to feel profound sympathy for Mrs Cross and the impact her illness has had on her - and her family
- Such a predicament, however, is personal circumstance – which does not amount to the very special circumstances needed to outweigh the harm to green belt in this case

**UNITARY DEVELOPMENT PLAN**

GRN1; HOU1; HOU2; SOC1

*Managing the Housing Supply SPD*