To: Members of the Development Management Committee

Councillors: Chair – T McCarthy
Deputy Chair – J Richards
L Ladbury, M McLaughlin, S Wright,
F Rashid, G Settle, L Murphy, J Davidson,
C Jordan, B Barr, S Woodyatt

4 September 2013

Development Management Committee

Thursday, 12 September 2013 at 6.30pm

Council Chamber, Town Hall, Sankey Street, Warrington, WA1 1UH

Agenda prepared by Jennie Cordwell, Democratic and Member Services Officer – Telephone: (01925) 442139, 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
   Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Members are reminded of their responsibility to declare any disclosable pecuniary or non-pecuniary interest which 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 22 August 2013 as a correct record.

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

   Report of the Executive Director of Environment and Regeneration.

5. **Department for Communities and Local Government Consultation August 2013 – Greater Flexibilities for Change of Use**

   Report of the Executive Director of Environment and Regeneration

6. **Section 106 Quarter 1 Report 2013/14 (1st April 2013 – 30th June 2013)**

   Report of the Executive Director of Environment and Regeneration

7. **Results of Planning Appeals**

   Report of the Executive Director of Environment and Regeneration

   7.1 10 Seymour Drive, Padgate

**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.

8. **Unit 7, Wharf Employment Area, Wharf Street, Farfield and Howley, Warrington, WA1 2HT**

   Report of the Executive Director of Environment and Regeneration
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.
DEVELOPMENT MANAGEMENT COMMITTEE

22 AUGUST 2013

Present:  Councillor T McCarthy (Chair)
           Councillor J Richards (Deputy Chair)
           Councillors B Axcell (sub for C Jordan), B Barr,
           B Brinksman (sub for S Wright), F Rashid, L Ladbury,
           M McLaughlin, L Murphy, G Settle and S Woodyatt

DM32 Apologies for Absence

Apologies for absence had been received from Councillors Davidson, Jordan and S Wright

DM33 Code of Conduct – Declarations of Interest

There were no declarations of interest received.

DM34 Minutes

Resolved,

That the minutes of the meeting held on 1 August 2013 were agreed as a correct record and signed by the Chair.

DM35 Planning Applications

Resolved,

That Pursuant to the Town and Country Planning Act 1990 (As Amended) the applications for permission to develop land be considered and dealt with in the manner agreed.

DM36 2012/20529 – Land off Marsden Avenue, Latchford, Warrington. WA4 1UB - Construction of 104no. dwellings (comprising 58no. semi-detached dwellings and 46no. terraced dwellings) including new access road from Marsden Avenue, car parking, landscaping, public amenity areas and sustainable urban drainage/ eco zone.

The Executive Director of Environment and Regeneration submitted the above application with a recommendation of approval subject to section 106 and other conditions.

Representations were heard in support of and against the Officer recommendation.

Members were also provided with an update report prepared by the Development Control Manager. The report gave further information relating to
the public consultation carried out and details of further discussions with the Council’s Environmental Protection Team and Planning Officers. These discussions had led to an amended recommendation for consideration by Members.

Resolved,

That consideration of application 2012/20529 be deferred to enable further public consultation in respect of the planning application - in the form of notifying all ward Councillors and the residential properties that were notified at original planning application registration stage. The application would be considered at the next Development Management Committee meeting.

DM37 Results of Planning and Enforcement Appeals

A report of the Executive Director of Environment and Regeneration set out the result of recent appeals along with the Inspector’s findings and the Executive Director’s subsequent comment:

<table>
<thead>
<tr>
<th>Application/Appeal Reference</th>
<th>Location and Description</th>
<th>Committee/Delegated Decision</th>
<th>Appeal Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/20018 APP/M0655/A/13/2191197</td>
<td>Lymm Rugby Football Club, Crouchley Lane, Lymm WA13 0AT Erection of a 20m telecommunications monopole (mast) and associated works.</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
<tr>
<td>2012/20610 APP/M0655/A/13/2192076</td>
<td>Land off Mill Lane, Warrington WA2 0SU (Part of Peel Hall Farm) and land off Windermere Avenue/Grasmere Avenue, Warrington, Cheshire Residential development of up to 150 homes with access from Mill Lane and associated works, together with improvements and refurbishment of sports pitches, flood lights, and improved car parking and access at Grasmere Avenue/Windermere Avenue.</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
</tbody>
</table>
### Agenda Item 3

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Location</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/20617 APP/M0655/A/13/2192225</td>
<td>70 Clarence Road, Grappenhall, Warrington, WA4 2PQ</td>
<td>Demolition of an existing bungalow and erection of a pair of semi detached houses.</td>
<td>Refuse</td>
</tr>
<tr>
<td>2013/21253 APP/M0655/D/13/2199646</td>
<td>90 Higher Lane, Lymm, Cheshire, WA13 0BY</td>
<td>1st floor extension to front elevation and side elevation, bedroom/ensuite to first floor, Garage to ground floor, rear extension to ground floor and re-model existing ground and first floors.</td>
<td>Refuse</td>
</tr>
<tr>
<td>2012/20212 APP/M0655/A/12/2188636 (Appeal A) APP/M0655/C/12/2189147 (appeal against enforcement action) (Appeal B)</td>
<td>Land at 5 Clay Lane, Burtonwood, Warrington WA5 4HH</td>
<td>Change of use of land to domestic curtilage, erection of potting shed, wall and formation of concrete footpath (retrospective).</td>
<td>Refuse</td>
</tr>
</tbody>
</table>

Resolved,

That the report be noted

Signed…………………………

Dated ………………………
## DEVELOPMENT MANAGEMENT COMMITTEE

**Thursday 12th September 2013**

**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>2012/20529</td>
<td>Land off Marsden Avenue, Latchford, Warrington, WA4 1UB</td>
<td>Approve sub sec 106</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Construction of 104no. dwellings (comprising 58no. semi-detached dwellings and 46no. terraced dwellings) including new access road from Marsden Avenue, car parking, landscaping, public amenity areas and sustainable urban drainage/ eco zone</td>
<td></td>
</tr>
</tbody>
</table>
**ITEM 1**

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>2012/20529</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Land off Marsden Avenue, Latchford, Warrington, WA4 1UB</td>
</tr>
<tr>
<td>Ward:</td>
<td>Latchford East</td>
</tr>
<tr>
<td>Development</td>
<td>Construction of 104no. dwellings (comprising 58no. semi-detached dwellings and 46no. terraced dwellings) including new access road from Marsden Avenue, car parking, landscaping, public amenity areas and sustainable urban drainage/ eco zone.</td>
</tr>
<tr>
<td>Date Registered:</td>
<td>20-Aug-2012</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Halebank Developments (Warrington) Ltd.</td>
</tr>
<tr>
<td>8/13/16 Week Expiry Date:</td>
<td>18-Nov-2012</td>
</tr>
</tbody>
</table>

**Reason for Referral to Committee**

Ward Cllr Steve Wright has requested that the application be referred to committee due to concerns about land contamination.

Members deferred consideration of the planning application at the last Development Management Committee meeting (22/8/13). This was to allow additional public consultation given the passage of time since the original planning application was submitted. Residents, ward councillors and the Parish Council have been sent a further letter confirming the date, time and venue for this meeting. In addition they have been advised that if they wish to make further comments they can do so and members will be made aware of such comments.

**Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

- Article 8 - The right to respect for private and family life, home and correspondence.
- Article 1 of Protocol 1 - The right of peaceful enjoyment of possessions and protection of property.
Site and Proposal

The application site is located approximately 1.5 miles east of Warrington Town Centre and is approximately 3.4 hectares in size. It lies on the eastern edge of the residential suburb of Latchford, approximately midway between the River Mersey to the north and the Manchester Ship Canal to the south.

The majority of the site is elevated above the surrounding ground level by approximately 2 metres and currently consists of an area of unmaintained scrubland with trees around its periphery. The north and east boundary of the site is formed by Morris Brook. The land to the east and south-east of the application site is currently being developed in phases as a new residential development accessed from Thelwall Lane. A public open space for this development is proposed to the east of Morris Brook. Further to the east is Woolston Eyes SSSI. To the west is Westy Park, which is a Council owned parcel of open space. There are existing residential properties along the southern boundary of the site and a residential care home (Westy Hall Care Home) adjacent to the southwest corner of the site. An unadopted footpath runs along the western boundary of the application site separating it from the public open space to the west.

The proposal seeks full planning permission for 104 dwellings in a mix of 2 and 3 bedrooms. 72 of the units are for affordable rent and 32 are proposed for open market sale. The layout is in the form of semi-detached properties and short terraces situated around a new loop road. Access to the proposed development would be taken from Marsden Avenue immediately to the east of Westy Hall Care Home. The proposals involve providing an additional 'soil cap' to the site which is already elevated above the surrounding ground level by approximately 2 metres. There are three areas of amenity space near to the entrance to the site, which are proposed to be grassed with peripheral tree and shrub planting.

Relevant Planning History

81/12586 - Proposed construction of light industrial units – Approved 9th December 1981.
88/22343 – Outline application for the erection of Industrial units (Use Classes B1/B3 and B8) – Withdrawn 14th December 1988.
A02/44759 - Outline application for residential development (max 150 units) – Withdrawn 3rd February 2006.
Planning Policies

National Planning Policy Framework (NPPF)

Unitary Development Plan (UDP)
- Policy DCS1 Development Control Strategy
- Policy DCS3 Engineering Services
- Policy DCS7 Provision and Enhancing of Landscaping in New Development
- Policy LUT1 Land Use / Transportation Strategy
- Policy LUT2 Transport Priorities in Development Control
- Policy LUT3 Walking
- Policy LUT5 Cycling
- Policy LUT7 Public Transport
- Policy LUT12 Transport Impact Assessment
- Policy LUT20 Parking
- Policy HOU1 Housing Land
- Policy HOU2 Housing Development – Restrictions
- Policy HOU3 Housing Development – Development Control
- Policy HOU4 Open Space
- Policy HOU6 Housing Density & Mix
- Policy HOU7 The Residential Environment
- Policy HOU13 Privacy and Daylight
- Policy HOU15 Affordable Housing
- Policy REP1 Prudent Use of Resources
- Policy REP4 Protection of the Floodplain
- Policy REP5 Surface Water Run-off and Sustainable Drainage Systems
- Policy REP7 Ground Water Quality
- Policy REP8 Land Contamination
- Policy REP12 Development Near Existing Sources of Pollution
- Policy GRN2 Environmental Protection and Enhancement
- Policy GRN10 Protection and Enhancement of Urban Green space
- Policy GRN12 Opportunities to Improve Open Space Provision
- Policy GRN16 Sites of Natural Importance for Nature Conservation
- Policy GRN17 Sites of Local Importance for Nature Conservation
- Policy GRN20 Wildlife Corridors
- Policy GRN21 Protection of Nature Conservation Resource
- Policy GRN22 Protection and Enhancement of Landscape Features
- Policy GRN24 Woodland Planting

Local Plan Core Strategy (LPCS) Emerging Policy
- Policy CS1 Overall Spatial Strategy – Delivering Sustainable Development
- Policy CS5 Overall Spatial Strategy – Strategic Green Links
- Policy CS8 Overall Spatial Strategy – Inner Warrington
- Policy SN1 Distribution and Nature of New Housing
- Policy SN2 Securing Mixed & Inclusive Neighbourhoods
• Policy QE1 Decentralised Energy Networks and Low Carbon Development
• Policy QE3 Green Infrastructure
• Policy QE4 Flood Risk
• Policy QE5 Biodiversity and Geodiversity
• Policy QE6 Environment and Amenity Protection
• Policy QE7 Ensuring a High Quality Place
• Policy MP1 General Transport Policies
• Policy MP3 Active Travel
• Policy MP4 Public Transport
• Policy MP7 Transport Assessments and Travel Plans

Notification Responses

Councillors: Objection received from Councillor Steve Wright
1. There are concerns about land contamination therefore it is requested that the application go to Committee.

Neighbours: Letters of objection received from 3 neighbouring properties
1. Lack of highway infrastructure to support the level of proposed development.
2. Impact on views from properties in Edgewater Park.
3. Loss of Urban Green Space contrary to Policies GRN10 and GRN12 of the adopted UDP.
4. The Local Authorities SHLAA does not see the land coming forward for development for 11-15 years due to the requirement for significant remediation.
5. Site investigations submitted with the application identify high levels of methane in the south west corner of the site, where POS is proposed. The use of this contaminated area for POS is a concern.

NB: Further notification letters were sent out on 23rd August 2013.

Consultation Responses

Housing Services: No objections
The statement on affordable housing submitted with the application and the proposed housing mix contained therein is generally consistent with the findings of the updated SHMA. The Housing Service can confirm that it is fully supportive of the proposals. Although the emerging LPCS requires on-site affordable provision to deliver a mix of social rent and intermediate tenures, in this case the provision of all the affordable properties as a single tenure type (affordable rent) represents a better outcome in terms of the overall quota of affordable homes to be delivered and eligibility for government subsidy.

Environment Agency: No objection
Whilst the submitted FRA does not adequately assess the risk of flooding to the proposed development site from the Manchester Ship Canal (MSC) the EA’s flood modelling has assessed the potential flow rates across the
floodplain from the MSC. These indicate that the proposed development is located outside of the 1 in 100 year flood zone (Flood Zone 3). Surface water discharge from the site should be the same as the discharge rate from the undeveloped greenfield site. The discharge of surface water should, wherever practicable, by to Sustainable Drainage Systems (SuDS). Conditions are recommended to require the submission of schemes to limit the surface water run-off generated by the proposed development; to manage the risk of flooding from overland flow of surface water and to demonstrate a minimum site level of 10.50 AOD.

The land is known to have had an industrial use that is very likely to have led to elevated levels of contamination. The land was previously used by the nearby tannery site and known to have received wastes from the tannery. Site investigations have identified elevated concentrations of contamination, both on the proposed development site and in the adjacent watercourse.

Based on the information presented will the application it is considered that pollution linkages continue to be present and that the change of use and disturbance through development would not improve the site conditions or risks to controlled waters. Further work and possibly remediation aimed at lowering risks to controlled waters may be needed.

Nevertheless, it is considered that planning permission could be granted for the proposed development if the EA’s prescribed standard national condition requiring the submission of a remediation strategy to deal with the risks associated with contamination of the site is imposed. Without the proposed condition development of the site poses an unacceptable risk to the environment and the EA would object to consent being granted.

**Environmental Health: No objections subject to specific prior-to-commencement conditions**

The site was formerly used for the disposal of slurried waste from local tanneries by constructing a low retaining bund approximately 3 metres high around the perimeter of the lagoon. Once this method of tannery waste disposal was finished in the mid 1970’s, the site was subsequently used as a landfill for the disposal of solid construction, demolition and some commercial waste. Tipping of wastes on the site was completed in approximately 1980 when the site was capped with a thin covering of soil and allowed to re-vegetate. No further disposal activities have occurred on site since this time and the re-vegetation of the site is now fairly advanced.

The remediation proposals have gone through several iterations and whilst the remedial measures proposed for internal gas protection and ground contamination have remained the same throughout the duration of the consultation the Remediation Strategy and remedial proposals for the site have evolved significantly in terms of external ground gas protection.

As a result of 18 months detailed discussions with different consultants, the current recommendations for remedial measures and protection for existing off site residential properties along Pichael Nook are significantly different to
those originally proposed. The science underpinning the proposals has changed significantly during discussions. The origin of the source of the ground gas is now thought to be from an on-site source as opposed to the off-site source (i.e. Westy Park) originally envisaged. This being Peat, Made Ground and Tannery Waste deposits under the site, with gas freely venting to atmosphere via diffusive flow (flowing freely through the site surface), rather than the pressure-driven flow as previously thought.

Consequently, the external gas protection now proposed, comprises three 'Virtual Curtains', which are essentially a network of permeable conduit tubes sunk into the ground and ventilated using 'above ground' inlet and exhaust pipes, which allow generated gases to be diluted and to vent freely from the ground to atmosphere. These Virtual Curtains are substantial engineering structures extending across the south-west corner and along the complete southern and south-eastern boundaries of the site and extend to 7.00m below ground level. The two Virtual Curtains along the southern site boundaries are proposed to protect off-site residential properties along Pichael Nook, with the third Virtual Curtain positioned to isolate the south-west corner (the undevelopable area) from the wider site. The south-west corner is also proposed to comprise up to 12 'Venting Nodes', which will extend into underlying Peat and Tannery Waste deposits, again allowing free venting of gases to atmosphere (See Proposed Layout of Virtual Curtain Plan, Drg no. 12/6520/5, in Appendix 1).

The other significant difference is that although the original Environmental Consultant initially recommended 3 months of post-completion gas-monitoring, the current Ground Gas Consultant (EPG) has subsequently recommended that no post-project gas-monitoring is required.

The human health, controlled waters and ground gas issues can be summarised as follow;

- Ground contamination is relatively light and the robust cover system proposals for the site should protect site users from ground contamination within sensitive areas.
- The Environment Agency (EA) has confirmed they are content to condition any forthcoming consent in order to resolve any potential risk to ground or surface waters.
- The gas origin is thought to be the site itself, as opposed to an off-site source. The south-west corner of the application site (Gas Risk Classification: CS04) has been declared 'undevelopable' due to human health risk from ground gases. However, for the remainder of the site (determined Gas Risk Classification: CS02), internal gas protection measures for new buildings and/or confined spaces should mitigate risk to site users although a higher standard of gas protection measures (CS04/Amber02) is to be incorporated into all buildings. The risk posed to on-site users by external gas protection measures are thought not to be significant either. Whereas the risk posed to off-site residents (dwellings along Pichael Nook) from gas is undetermined but the applicant's Ground Gas Consultants maintain that the current
external gas protection proposals (virtual curtains) should mitigate all risk.

There remain concerns in respect of some of these issues which are outlined in more detail in the Environment & Public Protect Service full comments contained in Appendix 3.

Whilst, concerns are expressed over the development of the site for a sensitive end use, the external gas protection measures now proposed changes the nature of the site from a freely gassing site to one with impermeable structures, with gas protection and additional large-scale external engineering venting structures to allow built development to be considered feasible. The consultant has through design and proposed indemnity made the site one which could be developed provided that tight control through necessary conditions and on-going monitoring of the virtual curtains in combination with rigorous enforcement of conditions through the build process. Ordinarily, risk classifications for a site of this size would be uniform. It is unusual for such different levels of risk to exist on small sites. Typically if a portion of a small site is deemed “undevelopable”, then the entire site would be classified as “undevelopable”. However, the extreme magnitude of remedial measures proposed requires a less conventional approach to contaminated land regulation in this case and the rationale behind the assessment of risk as presented appears robust, such that we cannot reasonably question further the proposed measures, providing the requested assurances/indemnities are supplied.

**NB:** The Council’s Environmental Protection Team received an Inspection and Maintenance Programme from the applicant on 22/8/13. This related to the proposed Virtual Curtains. The Council’s Environmental Protection Team has confirmed that this is acceptable subject to the Inspection and Maintenance Programme being part of a Section 106 agreement.

**United Utilities: No objections**
The development should be drained on a totally separate system with only foul drainage connecting into the foul sewer. Surface water should be discharged into the adjacent watercourse. The water main will need to be extended to serve the development and the applicant may be required to pay a capital contribution for its provision.

**Public Realm Asset & Flood Risk: No objections**
The proposals are acceptable as long as United Utilities agree to adopt the surface water system and the system will not flood any part of the site in a 1:30 year return period design storm. The additional 190m³ of storage which has been identified as surface water attenuation for the 1:100 year return period design storm should not flood properties internally and when detailed design has been completed on the drainage network, flow paths should be agreed with the planning authority.
Highways: No objections
The proposed amended site access arrangements, shown on Drg no. 2479-01-003 Rev B, are acceptable and should be secured by way of planning condition. Although, it should be noted that the northerly visibility splay extends across land that is in the ownership of the Council and confirmation should be sought from the Council’s Estates Department that the land within the splay will remain permanently free from obstruction. The amended internal site layout, Shown on Drg no. 2479-01-002 Rev P, meets the Council’s design standards for adoption. The proposals retain access to the existing footpath that runs along the western boundary of the site. A contribution, of £38,500 in support of the Council’s Local Transport Strategy towards footway/tactile paving improvements in the vicinity of the site has been agreed.

Natural Environment Officer: Some Concerns Expressed
The application was accompanied by a Protected Species Survey carried out by ADK in September 2012 and supplemented by further reports by SLR Consulting and Amenity Tree Care (Great Crested Newt Survey - dated 28th May 2013)(Bat Survey – dated 31st July 2013)(Ecological Overview and Commitment to Mitigation/Enhancement Statement - dated 1st August 2013) that demonstrate that there are no badgers, great crested newts or bats on the site. Nevertheless, the application proposes to retain trees in various locations around the periphery of the site, as shown on the Overall Site Layout Plan (Drg no. 2479-01-002 Rev P) that have potential as bat roosts and retain the reed bed to the north of the site. This is welcomed and should retain some foraging habitat for bats and other species.

However, the proposals do not adequately address; the loss of habitat for breeding birds; the need to provide details of the treatment of the brook corridor and the retention of an adequate buffer zone for the ditch along the eastern boundary of the site. The 6m buffer, shown on the Overall Site Layout Plan (Drg no. 2479-01-002 Rev P), does not seem to be taken from the 'bank top' as directed in the ADK Protected Species Survey report. It seems to be a strip encompassing the ditch that is just 6 metres wide in total. Also, the watervole mitigation plan referenced does not detail any habitat enhancements works to the length of the ditch channel and there is no access provision to the area for maintenance.

Arboricultural Officer: No objections
The majority of the mature trees within the site are Poplar, which are very poor quality specimens and not worthy of protection. However, they probably have some ecological value with numerous decay pockets and crevices providing habitats for small mammals and invertebrates. The existing planting on the edge of the playing fields is of some collective merit and should be retained with some additional planting and maintenance.

The remainder of the site is predominantly natural regeneration of native species. This is widespread across the site but not of sufficient size to warrant any special protection measures and any replacement planting in mitigation of their loss should soon achieve similar height and coverage.
condition is recommended to require suitable replacement planting to be provided as part of a landscaping scheme for the site.

**Estates:**
The Estates Department are negotiating with the developer’s agent with regards to the developer acquiring the Councils interest in the land required for the visibility splay.

**Education:** No comments
No comments received.

**Observations**

**Principle of Housing**
The application site is within the defined town of Warrington and within this an area defined as Inner Warrington. These designations are common to both the UDP and the emerging LPCS.

LPCS Policy SN1, which guides the nature and distribution of new housing within the Borough, specifies that “The majority of new homes delivered within the borough will be focussed on previously developed land within Inner Warrington inclusive of the Town Centre, where development will be welcomed as a catalyst to secure physical, environmental, social and economic regeneration in accordance with Core Strategy Policy CS8”.

LPCS Policy CS8 prescribes, through a criterion based approach, objectives which development proposals within Inner Warrington are expected to aid the delivery of. The proposal conforms with those objectives which relate to the delivery of housing and the redevelopment of underused and derelict land. As such it is considered that the proposals align with the Council’s spatial approach to housing land release.

Whilst assessment against the emerging LPCS is deemed most appropriate, it may also be beneficial to note that the proposal is also deemed to comply with UDP policies which govern housing land release. This owes to the proposed development clearly fulfilling two of the criterion specified in UDP Policy HOU2, in that if approved the proposal would contribute to:

- the regeneration of inner urban areas in need of investment and improvement; and
- the available supply of affordable or social housing in relation to identified needs.

In respect of affordable housing requirements, both the UDP (Policy HOU15) and LPCS (Policy SN2) require 20% of the total number of residential units proposed on sites within Inner Warrington to be provided as affordable. It is noted that the submission proposes a level of provision (70%) considerably in excess of this requirement, driven by Registered Provider activity utilising funding secured through the Affordable Homes Programme. There are no objections to this level of provision which evidently complies with policy
With regards to the tenure mix of the affordable housing proposed. This has
been informed by way of discussions with Council officers in the Housing
Strategy Team and as such is considered acceptable. The applicant
proposes to secure the specified level of affordable provision by way of a
condition an example of which they set out in Annex One of their submitted
Affordable Housing Statement. Securing the provision in this manner is
deemed necessary and there are no objections to the employment of the
condition put forward to secure this objective.

Design
Policies LUT1, REP1, GRN2 and DCS1 of the UDP are general policies that
seek to guide new development to existing built up areas, encouraging the
redevelopment previously developed and degraded sites in order to make
efficient use of land, natural resources and promote sustainable development.
They also seek to preserve the character and appearance of an area, whilst
ensuring that development deters crime, is accessible, preserves the
amenities of neighbours, incorporates attractive landscaping, promotes
energy efficiency and is designed to a high standard. Policy HOU3 indicates
that all housing developments should be well designed and planned so as to
enhance the local community and specifies a number of criteria that they
should take account of in order to achieve this. Policy HOU4 specifies the
level of open space provision that housing developments should provide in
order to meet the recreational needs of its future residents. Policy HOU6
seeks to achieve net site densities of between 30-50 dwellings per hectare
and to create mixed and inclusive communities by providing an appropriate
mix of dwelling size, type and affordability in relation to local housing need.
Policies CS1, SN2, QE1, QE3 and QE7 of the emerging LPCS have similar
criteria.

The application is supported by a Planning and Regeneration Statement
(PARS); an Affordable Housing Statement (AFS) (both by Mosaic and dated
August 2012); a Design and Access Statement (DAS) (by Pozzoni and dated
July 2012) and a Statement of Community Involvement (SCI) (by Mosaic
dated August 2012). The site and its surrounds are described in the PARS
(page 6 and 7) and indicated that there are a wide range of services available
within approximately 0.5 mile of the site despite its location on the edge of the
urban area.

The scheme is fairly high density (31 dwellings per hectare) with a mix of
dwelling types consisting of 52 two bedroom houses and 52 three bedroom
houses, 70% of which would be for affordable rent, which accords with the
prevailing need as identified by the Strategic Housing Market Availability
Assessment and the Council’s Housing Strategy Team.

Whilst, the site is located at the rear of existing properties on Marsden Avenue
and is accessed via a gap between Westy Hall Care Home and Pichael Nook
the layout provides a pleasant entrance to the scheme with properties fronting
on to open space. A loop road serves the site with development fronting onto
it on all sides providing a secure surveyed environment.

The development is two-story in scale, which is consistent with existing properties in the area and contains a mixture of semi-detached and terraced properties, which is again consistent with style of dwellings in the area. The design of the properties and the materials used in their construction is essentially conventional, although there are some contemporary elements to both the design and materials, including the use of render and timber cladding.

The DAS (para 3.01) indicates that there is 158% level of parking provision across the site with all parking spaces located either immediately adjacent to properties or within their curtilage. In addition, all dwellings have cycle storage provision. The level of parking provision is considered to be acceptable and to accord with the provisions of Policies LUT2 and LUT5 in that parking provision, including cycle parking has been made that does not exceed the Council’s maximum standards.

The site is included in the Council’s open space audit and benefits from protection through the development plan. Policy QE3 of the LPCS seeks to continue the same approach as that of UDP Policy GRN10. Essentially, these polices do not preclude outright the development of green or open spaces but instead seek to ensure that no unacceptable losses occur by way of determining the value of the space in question. The site is in private ownership and no formal arrangements are in place to facilitate public use of the site. Whilst, it is accessed on an informal basis and fulfills a limited recreational function from a quantitative perspective the value of the site is deemed to be limited due to its proximity to a wide range of alternative sites of a similar character.

In addition, the proposals include approximately 6000 sq metres of informal open space in five separate parcels, which is significantly in excess of the requirement in Policy HOU4. The policy requirement in respect of children’s play equipment has been waivered, in this instance, by agreement with Officers due to the close proximity of Westy Park and the formal play opportunities (2 MUGA’s, large equipped playground) that are on offer there.

Whilst the site was previously identified, via UDP Policy GRN12, as one of a number of specific opportunities to improve open space provision within the borough, this aspiration has not been rolled forward into the emerging LPCS, owing to a lack of resources to realistically acquire any of the identified sites within the plan period, all of which are in private ownership.

In is proposed that the development will be constructed to Code for Sustainable Homes (CfSH) Level 3 using a “fabric first” approach, with the dwellings being both highly insulated and constructed with recyclable materials. Both Policies REP1 of the UDP and QE1 of the emerging LPCS require development to be as energy efficient as possible and to seek to minimise carbon dioxide emissions. The proposal to provide CfSH’s Level 3 is broadly in accordance with the UDP, the emerging LPCS and the NPPF.
with regard to sustainability, climate change and energy issues.

Residential Amenity
There have not been any objections from neighbouring properties in respect of perceived impact upon outlook, daylight or privacy.

Policy HOU13 of the UDP states that when considering proposals for housing development the Council will assess privacy and day lighting standards by reference to the following recommended distances:

For conventional house types up to two storeys in height:
- a minimum distance of 21 metres between main face elevations containing windows of living rooms; and
- a minimum distance of 13 metres between main face elevations containing windows of living rooms, and windows of living rooms and a gable or windowless elevation.

These distances may need to be increased where:
- there are significant differences in site levels; or
- residential properties of three storeys or more adjoin conventional house types.

Policy QE6 of the emerging LPCS also seeks to maintain privacy and daylight standards but without specifying the specific distances that policy HOU13 does.

Application of the standards in Policy HOU13 to the current proposal demonstrates compliance with both the 13 metre and the 21 metre requirement where appropriate. All the proposed dwellings retain adequate separation distances to existing dwellings in excess of the minimum requirements set out within policy HOU13. Drg no. P2479-01-004 Rev C demonstrates that the separation distance to the nearest properties to the southeast (Morris Homes Development) would be approximately 24 metres (window to window), whilst to the existing properties in Pichael Nook to the south it would be 20 metres (gable to gable).

Although, the site is elevated in respect of some of the surrounding land levels and there are proposals to raise the level of the site further in order to resolve contamination issues, Drg no. P2479-01-009 Rev A shows that the properties would not be significantly elevated in respect of the Morris Homes Development. In addition, whilst, there would be a change in level of approximately 2 metres between the properties at the end of Pichael Nook and those at the southern end of the application site (Plots 65 to 68) these properties would be 20 metres apart between their side gables.

Policies REP1, DCS1, GRN2, HOU7, REP7, REP8 and REP12 of the UDP seek to avoid impacts arising from land contamination and adverse impacts on water quality, including ground water. Policy REP8 specifically requires a site investigation ad assessment to be undertaken prior to any development,
where it is considered that the land may be contaminated or where the development is classified as being sensitive by government guidance. In addition, both Policies HOU7 and REP12, seek to ensure a safe and healthy living environment for both existing and proposed development and will not permit the introduction of land uses that are sensitive to pollution into areas near to sources of pollution if unacceptable injury to amenity or nuisance to the new or existing use would be likely. Policies CS1 and QE6 of the emerging LPCS contain similar criteria.

A major consideration for the development of the site is with regard to the potential impact for off-site residents and the changes to the gassing regime on the site should the permeable nature of the site change as a consequence of development.

The Council’s Environmental and Public Protection Service consider that contaminated land issues can be addressed by planning condition.

In respect of gases from the site it is proposed to put in place virtual curtains (with associated vent nodes) to separate new and existing houses from the “undevelopable” part of the site. An inspection and maintenance programme has been agreed between the applicant and the Council’s Environmental Protection Service. From a control and enforcement point of view this would form part of a Section 106 agreement with obligations placed on the Registered Provider/landowner/management company and successors in title to ensure compliance with the agreed inspection and maintenance programme.

Therefore, it is considered that, provided that the stringent measures outlined in the detailed Environmental & Public Protection Service memorandum (dated 8th August 2013 and 21/8/13) are imposed the proposal would not have a materially harmful impact upon the living conditions of either the existing or the proposed residential properties.

Highways
Policies LUT2, LUT3, LUT5 and LUT7 outline the transport priorities that development proposals should adhere to with the highest priority been given to the needs and safety of pedestrians, cyclists and access to public transport. Policy LUT20 requires all new development to make provision for safe and secure off-street car and cycle parking in accordance with the Council’s approved standards. Whilst Policy LUT12 requires that all proposals likely to have significant transport implications must be accompanied by a Transport Assessment. Policies QE6, MP1, MP3, MP4 and MP7 of the LPCS seek to achieve similar objectives.

Whilst, the proposed development would generate an increase in traffic levels on the surrounding road network the Transport Assessment demonstrates that the level of increase would not have a material impact upon the highway network. The access arrangements have been revised from when the application was originally submitted. The amended, Site Entrance Junction Plan (Drg no. P2479-01–003 Rev E) now proposes appropriate visibility
splays and junction radius. The internal site layout is in accordance with the Council’s adopted standards. There are adequate visibility splays at all the junctions and driveways and the road width and turning heads are of the appropriate dimensions to allow larger service and refuse vehicles to access the development. The level of parking provision proposed is in accordance with the Council’s standards and is considered to be acceptable and an acceptable commuted sum has been negotiated towards footway and tactile paving improvements within the vicinity of the site. Whilst, there is no specific agreement in respect of the use of council land to achieve the required northern visibility splay there seems to be a reasonable proposed of this being achieved during the life of the planning permission. As such, Circular 11/95 (as amended) on The Use of Planning Conditions allows for the imposing of a condition worded in a negative form, prohibiting development until an agreement has been reached.

In conclusion, there are no objections to the proposals from a highway perspective, subject to the imposition of suitable conditions to ensure the surfacing and retention of the car parking spaces, the submission of full construction details of the access road, internal highways and the means of controlling vehicular traffic along the footpath adjacent to the western boundary of the site; the submission of a scheme for the implementation and retention of the visibility splays at the access to the site and the provision of a commuted sum of £38,500 (via a S106 Agreement) to fund improvements to pedestrian footways and tactile paving in the vicinity of the site.

**Biodiversity**

The Natural Environment and Rural Communities Act (NERC)(2006), places a duty on local authorities to have regard to the conservation of biodiversity in exercising their functions. One of the key aspects of the NPPF is that planning decision should aim to conserve and enhance biodiversity and incorporate it into and around developments. Paragraph 118 indicates that where a planning decision would result in significant harm to biodiversity which cannot be mitigated, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for then planning permission should be refused. The Conservation of Habitats and Species Regulations (2010) implemented the European Habitats Directive, part of which makes it an offence to deliberately capture, kill or disturb a member of a European Protected Species or to damage or destroy the breeding site or resting place of such an animal.

Policies GRN2 and GRN22 of the UDP require development proposal to maintain and where possible enhance biodiversity and to identify and protect important landscape features. Whilst Policies GRN16, GRN17, GRN20 and GRN21 seek to protect designated sites of national and local importance for nature conservation and wildlife corridors, will not permit development that will have an adverse effect on them unless the reasons for the development clearly outweigh the nature conservation value of the sites and requires development proposals to be accompanied by a site survey, an assessment of the likely impacts, proposals for protection and management of features identified for retention and proposals for compensating for any features that
are lost. LPCS Policies CS5, QE3 and QE5 have similar aspirations.

There are several sites of nature conservation importance (Woolston Eyes SSSI, Westy Point local nature reserve and the Mersey Valley Wildlife Corridor) in the vicinity of the application site. However, none are considered to be sufficiently close to be adversely affected by the proposed development.

A number of recent surveys have been undertaken that demonstrate that great crested newts, badgers and bats are not present on the application site. Nevertheless, there is some limited potential for roosting bats to be present within certain trees around the site boundary and bats are likely to continue to make use of the site periphery for foraging and commuting purposes. Also all habitats on the site are considered to be suitable for use by breeding birds, including some UK and local BAP species. Whilst, water vole presence cannot be completely discounted it is considered to be unlikely.

The Ecological Overview & Commitment to Mitigation/Enhancement Statement produced by SLR Consulting Ltd and dated 1st August 2013 outlines a number of mitigation measures that include; retention of trees suitable for roosting bats, the retention of a 6 metre buffer of vegetation around the ditch to be managed for the benefit of wildlife, including water voles and removal of vegetation on the site outside of the bird breeding season.

The Council’s Natural Environment Officer has expressed concerns about the lack of detailed proposals for the treatment of the brook corridor and the width of the buffer (6 metres). It is considered that enhancements to the brook corridor should be provided prior to a decision being made on the application and that the buffer for the brook should be 6 metres either side of the ditch measured from the bank top. The applicant has indicated that to provide the requested 6m buffer from the bank top of the ditch would fundamentally compromise the viability of the scheme. Plans have been provided to demonstrate that this requirement would necessitate altering the layout of the scheme, impacting on road layout, interface distances, garden space and the building line of the crescent, and that this would result in the loss of 10 plots. Whilst, ideally details of the treatment of the ditch corridor should be provided up front and a greater separation distance from the bank top should be provided it is accepted that to do so would compromise the viability of the scheme and hence the provision of a significant amount of much needed affordable housing. It has been adequately demonstrated that the proposals would not impact on any protected species and it is considered that an acceptable level of compensatory habitat can be provided. Consequently, if the application is to be approved conditions are recommended relating to the time of year when site clearance can be undertaken; the eradication of Japanese Knotweed, the provision of nesting habitat for roosting bats and birds; the provision of a habitat management plan and limiting the level of the lighting at the site periphery.

At the last meeting Councillor Settle indicated that there was Giant Hogweed
close to the site and that there may be potential for some to be on site. A planning condition is recommended to ensure that this is removed in the event that it is found on the site.

Flooding
Policy REP4 of the UDP states that in areas at risk of flooding and in circumstances where the risk of flooding elsewhere would increase as a consequence, new development or land raising will not be permitted unless appropriate flood protection and mitigation measures are installed as part of the development. Policy QE4 of the emerging LPCS indicates that only development proposals where the risk of flooding has been fully assessed and justified by an appropriate Flood Risk Assessment (FRA) will be supported. A site specific FRA is required for all development on sites of 1 hectare or more in Flood Zone 1 and all proposals in Flood Zones 2 and 3 and Critical Drainage Areas. Policy REP5 requires new development generating surface water run-off that would result in adverse impacts should include appropriate attenuation measures.

A Flood Risk Assessment and Drainage Impact Assessment (Doc Ref: 37716A/FRA-Rev A) (by Curtins dated July 2012) have been submitted in support of the application. Whilst, the FRA failed to adequately assess the risk of flooding to the proposed development site from the Manchester Ship Canal (MSC), the Environment Agency have assessed the potential flow routes across the floodplain from the MSC and these indicate that the site is located outside of the 1 in 100 year flood outline. As such there are no objections to the proposals from the EA subject to the imposition of conditions; demonstrating a minimum site level of 10.50 metres AOD; requiring a scheme to limit the surface water run-off generated by the proposed development and to manage the risk of flooding from overland flow of surface water.

Trees
Policies GRN2, GRN22 and GRN24 of the UDP seek to protect and promote trees and woodland, incorporate these features into the layout and landscape of developments and provide new planting in landscaping proposals. Policies QE3 and QE7 of the LPCS have similar requirements.

The majority of the trees within the site are either of very poor quality or are immature specimens that have naturally regenerated. Neither of which, are worthy of retention or protection from an arboricultural point of view. However, the mature Poplars have some ecological value with numerous decay pockets and crevices providing habitats for small mammals and invertebrates, including bats. These trees are shown to be retained with some remedial pruning and the Overall Site Layout Plan (Drg no. P2479-01-002 Rev P) shows some indicative replacement planting along the edge of the playing fields and the southern boundary of the site. The retention of the mature Poplar trees as habitat and suitable replacement planting can be secured by way of conditions.
Recommendation

(A) Approve subject to Section 106 agreement relating to (i) compliance with Inspection and Maintenance Programme for Virtual Curtain Rev 2 – 21/8/13, (ii) affordable housing (70%), (iii) financial contribution of £38,500 for highway improvements in the vicinity of the site including footway/tactile paving improvements and (iii) The establish of a management company to maintain/retain areas of identified open space, any area(s) of land (including car parking areas/roads) that are not to be adopted by WBC Highways and the implementation / management of the Inspection and Maintenance Programme for Virtual Curtain Rev 2 – 21/8/13.

(B) That delegated authority is given to the Executive Director Environment & Regeneration to refuse planning permission if the Section 106 agreement has not been satisfactorily completed within 3 months of the committee meeting.

Conditions

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

2. The development hereby approved shall be carried out entirely in accordance with the following plans and specifications, unless amendments are otherwise agreed in writing with the Local Planning Authority.
   • Site Location Plan (Drg no. P2479-01 - 001 Rev D)
   • Overall Site Layout Plan (Drg no. P2479-01 - 002 Rev N)
   • Site Entrance Junction Plan Drg no. P2479-01 – 003 Rev E)
   • Southern Section Site Plan (Drg no. P2479-01 – 004 Rev C)
   • Eastern Section Site Plan (Drg no. P2479-01 – 005 Rev C)
   • Western Section Site Plan (Drg no. P2479-01 – 006 Rev C)
   • Street Elevation Sheet 1 (Drg no. P2479-01 – 007 Rev B)
   • Street Elevation Sheet 2 (Drg no. P2479-01 – 008 Rev C)
   • Sketch Site Sections (Drg no. P2479-01 – 009 Rev A)
   • Plans & Elevations - Plots 1-5 (Drg no. P2479-01 – 010 Rev A)
   • Plans & Elevations - Plots 6-10 (Drg no. P2479-01 – 011 Rev A)
   • Plans & Elevations - Plots 11-14 (Drg no. P2479-01 – 012 Rev A)
   • Plans & Elevations - Plots 15-18, 19-22, 33-36, 41-44 (Drg no. P2479-01 – 013 Rev A)
   • Plans - Plots 23-30 (Drg no. P2479-01 – 014 Rev A)
   • Elevations - Plots 23-30 (Drg no. P2479-01 – 015 Rev A)
   • Plans & Elevations - Plots 31-32, 90-91, 96-97 (Drg no. P2479-01 – P016 Rev B)
   • Plans & Elevations – Plots 37-40, 45-48 (Drg no. P2479-01 – P017 Rev A)
   • Plans & Elevations - Plots 49-50, 59-60 (Drg no. P2479-01 – 018 Rev A)
   • Plans & Elevations – Plots 51-52, 57-58 Drg no. P2479-01 – 019 Rev A)
   • Plans & Elevations – Plots 53-56 (Drg no. P2479-01 – 020 Rev
A) Plans & Elevations – Plots 61-64, 77-80, 98-101 (Drg no. P2479-01 – 021 Rev A)
   • Plans & Elevations – Plots 65-68 (Drg no. P2479-01 – 022 Rev A)
   • Plans & Elevations – Plots 69-72, 73-76 (Drg no. P2479-01 – 023 Rev A)
   • Plans & Elevations – Plots 81-83, 102-104 (Drg no. P2479-01 – P024 Rev B)
   • Plans – Plots 84-89 (Drg no. P2479-01 – 025 Rev A)
   • Elevations – Plots 84-89 (Drg no. P2479-01 – 026 Rev A)

3. No site clearance/vegetation removal shall be carried out on the site between 1st March and 31st August inclusive in any year, unless approved in writing by the Local Planning Authority.

4. No development shall commence until full details of a scheme for the eradication of Japanese Knotweed (and any identified Hogweed on the site) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and clearly identify the extent of the Japanese Knotweed (and any identified Hogweed on the site) on a scaled plan.

5. Prior to the commencement of any development, a scheme for protecting from construction damage of all trees/the reed beds at the northern end of the site and the ditch and its embankment along the eastern boundary of the site, shown to be retained on the approved Proposed Overall Site Plan (Drg no. P2479-01-002 Rev N) shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before any site works commence and shall be retained during the period of construction.

6. No development shall take place until a mechanism is agreed with the Local Planning Authority to ensure the implementation and retention of visibility splays of 2.4 metres by 43 metres in both directions to the proposed site access at the junction of Marsden Avenue and Nook Lane. Once implemented nothing shall be erected or allowed to grow above a height of 0.6 metres within the splays.

7. Development works of any kind shall not begin until the following conditions have been satisfied and discharged by the Local Planning Authority (LPA) and written approval to commence development works has been issued by the LPA. All requirements to be completed in accordance with the following guidance references: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

A: CHARACTERISATION: With specific consideration to human health, controlled waters and wider environmental factors, the following must be provided (as required) to fully characterise the site in terms of potential risk to sensitive receptors:

Preliminary Risk Assessment (PRA or Desk Study)
Intrusive Site Investigation
Generic Quantitative Risk Assessment (GQRA)
Detailed Quantitative Risk Assessment (DQRA)
Remedial Options Appraisal

PRA is the minimum requirement. DQRA only to be submitted if GQRA findings require it. The investigation(s) and risk assessment(s) must be undertaken by competent persons and all findings must form the subject of a written report.

B: SUBMISSION OF A REMEDIATION & VERIFICATION SCHEME: If required by Section A, a remediation scheme must be agreed with the LPA to ensure the site is suitable for the intended use and mitigate risks to human health, controlled waters and environmental receptors. Proposals should be derived from the Remedial Options Appraisal and form the subject of a written Remediation & Verification Strategy Report, detailing proposed remediation measures/objectives and how proposed remedial measures are to be verified/validated. All must be agreed in writing with the LPA.

8. Prior to the commencement of any works on site, the applicant shall submit, in writing, to the Local Planning Authority, details of statements of indemnity or surety underwriting the suitability of the external gas protection measures (proposed as part of the agreed remediation strategy for the site) and guaranteeing their effectiveness in mitigating ground gas risk. Once approved in writing by the LPA, all remedial works required to achieve compliance with the statements of indemnity or surety shall be implemented in accordance with the agreed remediation strategy.

9. Prior to the commencement of the construction of any dwellings, samples of the external roofing and facing materials (including colour or render, paintwork and colourwash) shall be submitted to the local planning authority for approval. The development shall only be constructed in accordance with the approved details.

10. Prior to the commencement of the construction of any dwellings, a scheme demonstrating a minimum site level of 10.50 metres AOD, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full as an integral part of the development.

11. Prior to the commencement of the construction of any dwellings, a scheme to limit the surface water run-off generated by the proposed development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be fully implemented, in accordance with the timing/phasing arrangements embodied within the scheme and maintained thereafter.

12. Prior to the commencement of the construction of any dwellings, a scheme for the disposal of foul drainage shall be submitted to and agreed in writing by the Local Planning Authority. The site must be drained on a totally separate system, with only foul drainage connected
into the public foul sewerage system.

13. Prior to the commencement of the construction of any dwellings, and notwithstanding the indicative details shown on the Proposed Overall Site Layout Plan (Drg no. P2479-01 - 002 Rev P), precise details of all hard and soft landscaping shall be submitted to and approved by the Local Planning Authority. These details shall include; the size, species and spacing of all planting and areas to be grassed; the enhancement of the reed bed at the northern end of the site; replacement tree planting to provide bat foraging habitat; a scheme of enhancements to the ditch that runs along the eastern boundary of the site to provide suitable habitat for water voles; the hardstanding of all the car parking and turning areas and a programme of works. The approved landscaping scheme shall be implemented in accordance with an agreed timescale. If any trees, plants or shrubs within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

14. Prior to the commencement of the construction of any dwellings, a scheme for the incorporation of features suitable for use by roosting bats and breeding birds shall be submitted to and agreed with the Local Planning Authority. The agreed scheme shall be implemented prior to the completion of construction and retained thereafter.

15. Prior to the commencement of the construction of any dwellings, full construction details of the proposed access road and internal highways serving the development shall be submitted to and agreed with the Local Planning Authority. The access road and internal highways shall be constructed in accordance with the agreed construction details prior to the occupation of any of the dwelling units.

16. Prior to the commencement of the construction of any dwellings, full construction details of, and the means of controlling vehicular traffic along, the footpath extending northwards from the site access to the northern boundary of the site shall be submitted to and agreed with the Local Planning Authority. The upgraded footpath shall be constructed in accordance with the agreed construction details prior to the occupation of any of the dwelling units.

17. Each dwelling unit hereby permitted shall be constructed to achieve Code for Sustainable Homes Level 3. No phase or sub-phase of the construction of any dwelling units shall begin until details of a ‘Design Stage Assessment’ and related certification have been submitted to and approved in writing by the Local Planning Authority to show how the development will meet Code level 3. The development shall be carried out entirely in accordance with the approved assessment and certification.

18. Prior to the commencement of the construction of any dwellings, a lighting plan for the application site shall be submitted and approved in writing by the local planning authority. The lighting plan shall ensure
ecological receptors remain dark and unaffected from light spillage.

19. Prior to the commencement of the use of any of the dwellings, the car parking spaces and turning areas, shown on the approved Section Site Plans (Drg nos. P2479-01-004 Rev B, P2479-01-005 Rev B and P2479-01-006 Rev B), shall be laid out and made available for use. These facilities shall be retained at all times thereafter.

20. Prior to the commencement of the use of any of the dwellings a habitat management plan shall be submitted to and approved by the Local Planning Authority. The plan shall include:
   (i) a description and evaluation of the features to be managed;
   (ii) ecological trends and constraints on the site that may influence management;
   (iii) the aims and objectives of management;
   (iv) appropriate management options for achieving the aims and objectives;
   (v) prescriptions for management actions;
   (vi) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
   (vii) personnel responsible for the implementation of the plan; and
   (viii) monitoring and remedial/contingency measures triggered by monitoring.

   The agreed habitat management plan shall be carried out as approved.

21. Prior to the commencement of any construction works on site, the applicant shall submit to the Local Planning Authority in writing, the framework of an adverse odour action management plan in case of malodorous emissions resulting from or associated with, external gas protection measures. The agreed adverse odour action management plan shall be enacted upon receipt of any substantiated odour complaint advised to the applicant by any representative of the Local Planning Authority or by any Environmental Protection Official. The adverse odour action management plan shall overview all key steps necessary for the applicant to ascertain the origin and nature of any malodours and shall detail an options appraisal with recommendations for the remediation of said malodour. Any remedial actions recommended by the options appraisal in case of complaint shall be implemented within a period not exceeding 5 working days.

22. Prior to the commencement of the use of any of the dwellings the following conditions shall be satisfied and discharged by the Local Planning Authority. All requirements to be completed in accordance with the following guidance references: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

   A: REMEDIATION & VERIFICATION: The remediation scheme approved by the LPA shall be carried out in accordance with the agreed Remediation Strategy and remedial works shall be verified in accordance with the agreed Verification Strategy. Following completion
of all measures, a Verification/Validation/Completion Report must be produced and submitted to the LPA for approval.

B: REPORTING OF UNEXPECTED CONTAMINATION: Unexpected or previously-unidentified contamination encountered during development works must be reported immediately to the LPA and works halted within the affected area. Contamination must then be characterised by intrusive investigation and risk assessment reporting, with remediation/verification measures (if required) being agreed with the LPA. An updated Remediation & Verification Strategy Report must then be submitted to the LPA for approval and procedures followed as per Section A of this Condition.

C: LONG-TERM MONITORING & MAINTENANCE: If required as part of the agreed remediation scheme, monitoring and/or maintenance of remedial measures may be required to be carried out post-completion of development works and in accordance with the ‘Model Procedures for the Management of Land Contamination’ (Ref: CLR11) guidance document, published by DEFRA and the Environment Agency. Following completion of all works, findings must form the subject of a written report and be submitted to the LPA for approval.

**Reasons**

1. To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.
2. To ensure a satisfactory development and to avoid any ambiguity as to what constitutes this permission.
3. To ensure the protection of wildlife and its supporting habitat so as to accord with Policies GRN2 and GRN21 of the Warrington Unitary Development Plan and Policies CS1 and QE5 of the emerging Warrington Local Plan Core Strategy.
4. To eradicate Japaness Knotweed from the development site and to prevent the spread of the plant through development works in accordance with the Wildlife and Countryside Act and to accord with biodiversity objectives of National Planning Policy Framework, Policies GRN18 and GRN21 of the Warrington Unitary Development Plan and Policy QE5 of the emerging Warrington Local Plan Core Strategy.
5. To ensure the retention of features which are important to the character and amenity of the surrounding area so as to accord with Policies DCS1, GRN2, GRN9 and GRN22 of the Warrington Unitary Development Plan and Policies QE3, QE7 and CC2 of the emerging Warrington Local Plan Core Strategy.
6. In the interests of highway safety so as to accord with Policies DCS1, LUT1 and HOU3 of the Warrington Unitary Development Plan and Policies CS1 and QE6 of the emerging Warrington Local Plan Core Strategy.
7. To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in
the vicinity) during development works and after completion so as to accord with Policies GRN2 and REP8 of the Warrington Unitary Development Plan, Policies CS1 and QE6 of the emerging Warrington Local Plan Core Strategy and paragraph 121 of the National Planning Policy Framework.

8. To provide a guarantee of the effectiveness of the proposed external gas protection measures so as to accord with Policies GRN2 and REP8 of the Warrington Unitary Development Plan, Policies CS1 and QE6 of the emerging Warrington Local Plan Core Strategy and paragraph 121 of the National Planning Policy Framework.

9. In the interests of visual amenity so as to accord with Policies DCS1 and HOU3 of the Warrington Unitary Development Plan and Policy QE6 of the emerging Warrington Local Plan Core Strategy.

10. To reduce the risk of flooding to the development and its future occupants so as to accord with Policies REP4 and REP5 of the Warrington Unitary Development Plan and Policies CS1 and QE4 of the emerging Warrington Local Plan Core Strategy.

11. To prevent the increased risk of flooding by ensuring the satisfactory storage/disposal of surface water from the site so as to accord with Policies REP4 and REP5 of the Warrington Unitary Development Plan and Policies CS1 and QE4 of the emerging Local Plan Core Strategy.

12. To ensure that an adequate foul drainage system is provided so as to accord with Policies DCS1 and DCS3 of the Warrington Unitary Development Plan and Policies CS1 and QE6 of the emerging Local Plan Core Strategy.

13. In the interests of improving the visual amenity of the area and to promote wildlife interests so as to accord with Policies DCS1, DCS7, GRN2, GRN22 and GRN24 of the Warrington Unitary Development Plan and Policies QE3, QE5 and QE7 of the emerging Warrington Local Plan Core Strategy.

14. In order to preserve the habitat of protected species and promote wildlife interests in accordance with the Conservation of Habitats and Species regulations 2010, Policies GRN2 and GRN21 of the adopted Warrington Unitary Development Plan and Policies CS1 and QE5 of the emerging Warrington Local Plan Core Strategy.

15. In the interests of highway safety so as to accord with Policies DCS1, LUT2 and GRN3 of the Warrington Unitary Development Plan and Policies CS1 and QE6 of the emerging Warrington Local Plan Core Strategy.

16. In the interests of highway safety so as to accord with Policies DCS1, LUT2 and GRN3 of the Warrington Unitary Development Plan and Policies CS1 and QE6 of the emerging Warrington Local Plan Core Strategy.

17. In order to facilitate reductions in energy requirements and the associated carbon emissions so as to contribute towards the objectives of the Government’s Climate Change Programme as outlined in the National Planning Policy Framework; Policies REP1 and DCS1 of the adopted Warrington Unitary Development Plan and Policies CS1 and QE1 of the emerging Warrington Local Plan Core Strategy.

18. In the interests of highway safety so as to accord with Policies DCS1,
LUT2 and GRN3 of the Warrington Unitary Development Plan and Policies CS1 and QE6 of the emerging Warrington Local Plan Core Strategy.

19. In the interests of highway safety so as to accord with Policies DCS1, LUT2 and GRN3 of the Warrington Unitary Development Plan and Policies CS1 and QE6 of the emerging Warrington Local Plan Core Strategy.

20. To ensure the protection of wildlife, their supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy and to accord with Policies DCS1, GRN2, GRN3 and GRN21 of the Warrington Unitary Development Plan and Policies QE5, QE7 and CC2 of the emerging Warrington Local Plan Core Strategy.

21. To protect the amenity of residential properties from the adverse effects of malodour from the external gas protection measures so as to accord with Policies GRN2, HOU2, REP8 and REP12 of the Warrington Unitary Development Plan, Policies CS1 and QE6 of the emerging Warrington Local Plan Core Strategy and paragraph 121 of the National Planning Policy Framework.

22. To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion so as to accord with Policies GRN2 and REP8 of the Warrington Unitary Development Plan, Policies CS1 and QE6 of the emerging Warrington Local Plan Core Strategy and paragraph 121 of the National Planning Policy Framework.

Informatives

1. The Local Planning Authority has worked positively and proactively with the applicant to ensure that the proposal is a sustainable form of development without any significant impact upon the amenity of adjoining properties, character of the area, road network, trees or the environment from land quality issues. The proposal was the subject of negotiated amendments. As a result the proposal accords with the development plan. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

2. Reason for approval - The proposal is considered to be acceptable as it accords with the relevant guidance in the NPPF and Warrington Borough Council Unitary Development Plan Policies: DCS1 Development Control Strategy, DCS3 Engineering Services, DCS7 Provision and Enhancement of Landscaping in New Development, LUT1 Land Use/Transportation Strategy, LUT2 Transport Priorities in Development Control, LUT3 Walking, LUT5 Cycling, LUT7 Public Transport, LUT12 Transport Impact Assessment, LUT20 Parking, HOU1 Housing Land, HOU2 Housing Development – Restrictions, HOU3 Housing Development – Development Control, HOU4 Open Space, HOU6 Housing Density and Mix, HOU7 The Residential Environment, HOU13 Privacy and Daylight, HOU15 Affordable

3. This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a 'condition precedent'. The following should be noted with regards to conditions precedent:

(a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.

(b) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application. If any other type of condition is breached then you will be liable to a breach of condition notice.

4. If your proposal involves activities that could affect the operations/installations of the Statutory Undertakers you are advised to consult the relevant party BEFORE commencing work. The Local Planning Authority disclaims all responsibility in the event of any accident, mishap or damage should you fail to act on this advice.

5. Works audible at the site boundary should not exceed the following times unless with the written permission of the LPA or Environmental Health & Protection. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors. Contractors and sub contractors must have regard to BS 5228 and the Control of Pollution Act 1974. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven
days notice to Environmental Health & Protection, Warrington Borough Council, New Town House, Buttermarket Street, Warrington, WA1 2HN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health & Protection. Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and fines of up to £5000 plus £50 for each further breach and/or six months imprisonment.

6. The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present.

7. The scheme, required by condition 11, to limit the surface water run-off generated by the proposed development should include a surface water discharge directly into the adjacent watercourse.

8. The schemes required by condition 14, to provide features suitable for use by roosting bats and breeding birds should incorporate bat and bird boxes of the schwegler type.

9. United Utilities water main will need extending to serve the development site. The applicant may be required to pay a capital contribution for these works and will need to sign an Agreement under Sections 41, 42 and 43 of the Water Industry Act 1991. A separate metered supply will be required to each unit and all internal pipework must comply with current water supply (water fittings) regulations 1999.

10. The proposed development site is known to be located within 250m of a potential ground gas generation source (landfill site). As such, new buildings and/or confined spaces at the site may potentially be affected by hazardous ground gases. The Applicant/Developer should ensure that the appointed Contractors and Building Control Officer are made aware of the above, so that adequate precautions can be taken to protect construction workers and future site users from possible ground gas issues associated with the site and vicinity. Further information regarding this matter can be obtained from the Council’s Environmental Protection Team (Tel: 01925 442581). Irrespective of any involvement by the LPA, the responsibility to address land quality issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site.

11. Any external lighting associated with car park areas and immediate building illumination should be designed and installed by competent persons. The system should be designed according to best practice in respect of glare, light spill and efficiency. Advice can be obtained from: Institution of Lighting Professionals, Regent House, Regent Place, Rugby, CV21 2PN.

12. The formation of the site access makes it necessary to execute works
for the construction of a vehicle crossing over a kerbed footway which is a highway maintainable at the public expense. These highway works must be specified and carried out in accordance with the requirements of the Highway Authority, Warrington Borough Council.

13. In order to construct the access roads to a standard capable of future adoption by the Council, the applicant will need to enter into a S.38 Agreement with the Council. This agreement will need to include a means of ensuring 20 mph maximum traffic speeds within the site and any necessary Traffic Regulation Orders to ensure safe access. The applicant is advised to contact Chris Bluck, the Council’s Highways Adoption Engineer, on 01925 442688 in respect of these matters.

**Appendix 1 – Drawings/Plans**

Location Plan – showing context in relation to Westy Care Home and Park.
Public Amenity Area Plan (Drg no. P2479-01-027)
Proposed Site Plan
Vent bollards
0.9m high at
25m spacing
for all
sections of
virtual curtain

Virtual Curtain 1:
Nodes 7m Deep,
2m Spacing

Virtual Curtain 2:
Nodes 3m Deep,
1m Spacing

Virtual Curtain 3:
Nodes 3m Deep,
1.5m Spacing

Gas Protection Measures as Specified Provided to All Residential Properties

Individual nodes, vented, 7m deep, 10m spacing along access road
Proposed Layout of Virtual Curtain Plan (Drg no. 12/6520/5)

Street Elevations (Drg no. P2479-01-007 Rev B)
Street Elevations (Drg no. P2479-01-008 Rev C)

Proposed Site Sections (Drg no. P2479-01-009 Rev A).
Appendix 2 – Photographs of Site

Aerial photographs of application site.
General photographs of area around application site

Footpath (providing access from Marsden Avenue)
House type
Westy Hall Care Home
New Houses along Manchester Ship Canal
New Housing Development and Existing Terraces

General photographs of area around application site
General photographs of application site.

Photographs of Morris Brook

The site was formerly used for the disposal of slurried waste from local tanneries by constructing a low retaining bund approximately 3 metres high around the perimeter of the lagoon.

The precise commencement date of this use is unknown but appears to be between the late 1940’s and the mid 1960s. Tannery waste was piped to the site from nearby tanneries as an aqueous slurry arising from the lime treatment of hides and then latterly chrome tanning. Once this method of tannery waste disposal was finished in the mid 1970’s, the site was subsequently used as a landfill for the disposal of solid construction, demolition and some commercial waste. Tipping of wastes on site was completed in approximately 1980 when the site was capped with a thin covering of soil and allowed to re-vegetate. No further disposal activities have occurred on site since this time and the re-vegetation of the site is now fairly advanced.

The planning application is for the construction of residential housing and public amenity areas. The amenity elements previously proposed for the site had not been developed because it was declared ‘undevelopable’ due to human health risk from ground gases.

We were also concerned regarding the remediation strategy for the site initially and through extensive consultation with ground and gas consultants, the original remediation strategy has now been modified.

A major consideration for the development of the site was with regard to the potential impact for off-site residents and the changes to the gassing regime on the site should the permeable nature of the site change as the development proceeds.

I have summarised how this remediation strategy has altered over this period to incorporate our concerns.

REMEDIATION EVOLUTION SUMMARY:

Initial Remediation Proposals: Initial proposals to mitigate risk from ground contamination were to fit a robust cover system, underlain with a Geotextile (anti-dig) layer, to all Gardens and Soft-landscaped areas of the site.

There were no proposals to remove any ground contamination sources from the site.

Gas origin at this time was thought to be an off-site source (Westy Park) with gas migrating onto site by means of pressure-driven advective flow.

Required internal gas protection measures were calculated as only being of CS02 specification (with the SW corner of the site removed from the risk
assessment), but this was upgraded to CS04 voluntarily, as a precaution.

External gas protection proposals were simply to isolate the SW corner of the site (deemed undevelopable due to gas generation and emission) from the wider site using a Bentonite Cut-off Trench, extending 8.00m beneath ground level. This would not allow any venting of ground gases and would simply act as a physical barrier. No other remedial measures were recommended for the site.

To summarise:

<table>
<thead>
<tr>
<th>GROUND CONTAMINATION</th>
<th>Gardens</th>
<th>Soft Landscaping</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source Removal</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Encapsulation</td>
<td>1000mm Top/Sub-soil Cover System + Geotextile</td>
<td>1000mm Granular Fill Cover System + Geotextile</td>
</tr>
<tr>
<td>Monitoring/Maintenance</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUND GASES</th>
<th>Internal</th>
<th>External</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source Removal</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Gas Protection Measures</td>
<td>CS04 / Amber 02</td>
<td>8.00mbgl Bentonite Cut-off Trench (SW corner)</td>
</tr>
<tr>
<td>Monitoring/Maintenance</td>
<td>None</td>
<td>3 months gas-monitoring</td>
</tr>
<tr>
<td>Gas Source</td>
<td>OFF-SITE (Land-filled material at Westy Park)</td>
<td></td>
</tr>
<tr>
<td>Gas Migration Method</td>
<td>Pressure-driven Advective Flow</td>
<td></td>
</tr>
</tbody>
</table>

**Current Remediation Proposals:** After 18 months of detailed consultation with two ground/gas consultants, the remediation proposals for ground contamination have remained the same, as do proposals for internal gas protection measures.

The scope and control method of external gas protection has been increased markedly and is utilising a different control technique.

The Authority suggested gas venting trenches may be a prudent consideration on 01/11/2012 and these (in various guises) have been incorporated into the a revised Remediation Strategy throughout the consultation.

The origin of the gas source is now thought to be from an on-site source, that being Peat, Made Ground and Tannery Waste deposits under the site, with gas freely venting to atmosphere via diffusive flow, rather than the pressure-driven flow as previously thought.

The external gas protection now proposed, comprises 3x 'Virtual Curtains',

39
which are essentially a network of permeable conduit tubes sunk into the
ground and ventilated using ‘above ground’ inlet and exhaust pipes, which
allow generated gases to be diluted and to vent freely from the ground to
atmosphere.

These Virtual Curtains are substantial engineering structures extending
across the south-west corner and along the complete southern and south-
eastern boundaries of the site and extend to 7.00m below ground level.

The two Virtual Curtains along the southern site boundaries are proposed to
protect off-site Residential properties along Pichael Nook, with the third Virtual
Curtain positioned to isolate the south-west corner (the undevelopable area)
from the wider site.

The south-west corner is also proposed to comprise up to 12x ‘Venting
Nodes’, which will extend into underlying Peat and Tannery Waste deposits,
again allowing free venting of gases to atmosphere.

The other significant difference is that although the original Environmental
Consultant initially recommended 3x months of post-completion gas-
monitoring, the Ground Gas Consultant (EPG) has subsequently
recommended that no post-project gas-monitoring is required.

To summarise:

- Ground contamination remedial measures remain as previously
  recommended.
- Ground gas remedial proposals are updated according to the following
  table (property protection measures remain the same but external gas
  control has changed significantly)

<table>
<thead>
<tr>
<th>GROUND GASES</th>
<th>Internal</th>
<th>External</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source Removal</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Gas Protection Measures</td>
<td>CS04 / Amber 02</td>
<td>2 x 3.00mbgl Virtual Curtains (S &amp; SE boundaries)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 x 7.00mbgl Virtual Curtain (SW corner)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>12 x 7.00mbgl Venting Nodes (SW corner)</td>
</tr>
<tr>
<td>Monitoring/Maintenance</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Gas Source</td>
<td>ON-SITE (Peat, made ground, tannery wastes)</td>
<td></td>
</tr>
<tr>
<td>Gas Migration Method</td>
<td>Diffusive Flow</td>
<td></td>
</tr>
</tbody>
</table>

- In summary, the Remediation Strategy and remedial proposals for the
  site have evolved significantly in terms of external ground gas
  protection.
• Theories as to the source of the ground gas have also changed completely, from the original off-site source (ie: Westy Park), to the current determination of an on-site source (ie: Peat, Made Ground and Tannery Wastes).

• Remedial measures proposed for internal gas protection and ground contamination have remained the same throughout the duration of the consultation.

HUMAN HEALTH, CONTROLLED WATERS & GROUND GAS SUMMARY:

Human Health: Ground contamination was relatively light and the robust cover system proposals for the site should protect Site Users from ground contamination within sensitive areas.

Controlled Waters: Undetermined at present, but the Environment Agency (EA) have confirmed they are content to Condition any forthcoming consent in order to resolve any potential risk to groundwaters or surface waters.

Ground Gas: Gas origin is thought to be the site itself, as opposed to an off-site source. South-west corner of the subject site (Gas Risk Classification: CS04) is declared 'undevelopable' due to human health risk from ground gases. For the remainder of the subject site (determined Gas Risk Classification: CS02), internal gas protection measures for new buildings and/or confined spaces should mitigate risk to Site Users although a higher standard of gas protection measures (CS04/Amber02) is to be incorporated into all buildings. Risk posed to On-Site Users by external gas protection measures are thought not to be significant either. Risk posed to Off-site Residents from gas is undetermined, but Ground Gas Consultants maintain that the current external gas protection proposals (virtual curtains) should mitigate all risk.

CURRENT CONCERNS

These will require additional conditions to the standard land quality condition to control the risks at the site:

• Odour: Odour generation potential of external gas protection measures (i.e.: Virtual Curtains and Venting Nodes) bedded into anaerobic Peat and underlying Tannery Waste (organic silts) is currently uncertain. Assurances have been provided that no odour will be generated, but this is based solely on the lack of odour generation at other sites, where similar remedial measures have been employed. No details are provided as to whether these sites comprised similar geology to the subject site; whether remedial measures were of the same scale as those proposed for the subject site; or indeed whether these sites were in a similar residential/urban setting as that of the
subject site. As such, whether the proposed external gas protection measures will generate odours that may impact on residential amenity is undetermined at present.

- **Off-site Impacts:** Regarding gas, Ground Gas Consultants have stated that the proposed development will likely "seal" the site with buildings/hard-standing (preventing diffusive gas flow), leading to off-site migration of gases and that this effect has been seen before on other similar sites. External gas protection measures have been proposed to mitigate off-site gas migration, but these are unproven (see bullet point below). Regarding odour, if odour generation does occur, it is theorised that odours are likely to dissipate rapidly and as such, will not migrate off-site. As such, whether the proposed development will have any gas or odour off-site impacts is undetermined at present.

- **Effectiveness of External Gas Protection Measures:** Design calculations appear consistent with guidance and best practice. Assurances have been provided that the proposed external remedial measures will prevent off-site migration of ground gases, but only in the context of the technology being used successfully on other sites. Again, it is unclear whether these 'other sites' share similar environmental conditions to the subject site or indeed if the technology employed was of similar specification to that recommended here. Statements of indemnity or surety that the proposed remedial measures will mitigate risk and off-site migration were requested, but will only be provided after planning permission is granted and the Ground Gas Consultants (EPG) are appointed to install/oversee remedial works. As such, whether the proposed external gas protection measures will prove effective in mitigating risk and preventing off-site gas migration is undetermined at present.

- **Long-term Maintenance:** Large-scale external engineering structures are likely to require periodic maintenance, especially if they are open to atmosphere and/or are partially buried in the ground. ‘Virtual Curtains’ and conventional venting trenches are susceptible to clogging or ‘siling-up’ with particulates over time, this reduces their effectiveness by reducing gas venting capacity. In addition, exposed elements of the venting system are susceptible to damage either by vandalism or accidentally, which would otherwise impede the effective performance of integrated venting measures. No long term maintenance of external gas protection measures was proposed for the subject site. However the Ground Gas Consultants have now conceded that some maintenance/inspections will be required to ensure the continued effective performance of the virtual curtains/venting nodes. Environmental Protection concur with the potential risk posed by particulates (clogging/siling up), but also the risk posed by potential
damage to exposed elements from human interference.

- **Controlled waters:** As stated above, the controlled waters aspect of the Contaminated Land Consultation is incomplete, with the EA content to Condition any forthcoming planning permission. However, the EA have stated that "...pollution linkages continue to be present (on-site) and that the change of use and disturbance through development would not improve the site conditions or risks to controlled waters". As such, the impact of the proposed development on underlying groundwaters and nearby surface waters is undetermined at present and is unlikely to improve the current environmental/ecological position.

Whilst we have concerns over the development of the site, this proposal changes the nature of the site from a freely gassing site to one with impermeable structures, with gas protection and additional large-scale external engineering venting structures to allow built development to be considered feasible. The consultant has through design and proposed indemnity made the site one which could be developed provided that tight control through necessary conditions and ongoing monitoring of the virtual curtains in combination with rigorous enforcement of conditions through he build process. It is of concern that the area will be developed for a sensitive end use as a lower risk use class, would be considered more suitable.

**Should planning permission be granted, the following list of conditions MUST BE INCLUDED, IN FULL, in any decision notice otherwise our recommendation would be for REFUSAL:**

**Conditions**

**Contaminated Land - Precommencement**

Unless otherwise agreed with the Local Planning Authority (LPA), development works of any kind shall not begin until the following conditions have been satisfied and discharged by the LPA and written approval to commence development works has been issued by the LPA. All requirements to be completed in accordance with the following guidance references: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

A: **CHARACTERISATION:** With specific consideration to human health, controlled waters and wider environmental factors, the following must be provided (as required) to fully characterise the site in terms of potential risk to sensitive receptors:

- Preliminary Risk Assessment (PRA or Desk Study)
- Intrusive Site Investigation
- Generic Quantitative Risk Assessment (GQRA)
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal
PRA is the minimum requirement. DQRA only to be submitted if GQRA findings require it. The investigation(s) and risk assessment(s) must be undertaken by competent persons and all findings must form the subject of a written report.

B: SUBMISSION OF A REMEDIATION & VERIFICATION SCHEME: If required by Section A, a remediation scheme must be agreed with the LPA to ensure the site is suitable for the intended use and mitigate risks to human health, controlled waters and environmental receptors. Proposals should be derived from the Remedial Options Appraisal and form the subject of a written Remediation & Verification Strategy Report, detailing proposed remediation measures/objectives and how proposed remedial measures are to be verified/validated. All must be agreed in writing with the LPA.

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

In accordance with: Policy REP8 of the adopted Local Plan (23 January 2006); Policy QE6 of the Submitted Local Plan Core Strategy (September 2012); and Paragraph 121 of the National Planning Policy Framework (March 2012).

Disclaimer: Irrespective of any involvement by this LPA, the responsibility to address land quality issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site.

NOTE TO PLANNER – The Precommencement condition is required because although earlier discussions and reports have reviewed aspects of the site, risks to controlled waters have not yet been fully characterised and a remediation strategy has not yet been fully agreed.

Contaminated Land - Completion
Unless otherwise agreed with the Local Planning Authority (LPA), occupancy or use of the development shall not be permitted until the following conditions have been satisfied and discharged by the LPA. All requirements to be completed in accordance with the following guidance references: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

A: REMEDIATION & VERIFICATION: The remediation scheme approved by the LPA shall be carried out in accordance with the agreed Remediation Strategy and remedial works shall be verified in accordance with the agreed Verification Strategy. Following completion of all measures, a Verification/Validation/Completion Report must be produced and submitted to the LPA for approval.

B: REPORTING OF UNEXPECTED CONTAMINATION: Unexpected or previously-unidentified contamination encountered during development works
must be reported immediately to the LPA and works halted within the affected area. Contamination must then be characterised by intrusive investigation and risk assessment reporting, with remediation/verification measures (if required) being agreed with the LPA. An updated Remediation & Verification Strategy Report must then be submitted to the LPA for approval and procedures followed as per Section A of this Condition.

C: LONG-TERM MONITORING & MAINTENANCE: If required as part of the agreed remediation scheme, monitoring and/or maintenance of remedial measures may be required to be carried out post-completion of development works and in accordance with the ‘Model Procedures for the Management of Land Contamination’ (Ref: CLR11) guidance document, published by DEFRA and the Environment Agency. Following completion of all works, findings must form the subject of a written report and be submitted to the LPA for approval.

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

In accordance with: Policy REP8 of the adopted Local Plan (23 January 2006); Policy QE6 of the Submitted Local Plan Core Strategy (September 2012); and Paragraph 121 of the National Planning Policy Framework (March 2012).

Disclaimer: Irrespective of any involvement by this LPA, the responsibility to address land quality issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site.

Submission of Statements of indemnity / surety
Prior to the commencement of any works on site, the applicant shall submit, in writing, to the LPA, details of statements of indemnity or surety underwriting the suitability of the external gas protection measures (proposed as part of the agreed remediation strategy for the site) and guaranteeing their effectiveness in mitigating ground gas risk. Once approved in writing by the LPA, all remedial works required to achieve compliance with the statements of indemnity or surety shall be implemented in accordance with the agreed remediation strategy.

Reason: To provide a guarantee of the effectiveness of the proposed external gas protection measures.

Submission of External Gas Protection Measure Maintenance Programme.
Prior to the commencement of any construction works on site, the applicant shall submit, in writing to the Local Planning Authority, proposals for a programme of maintenance associated with external gas protection measures to be installed on site. Once approved in writing by the Local Planning Authority, the programme shall be implemented in accordance with the agreed remediation strategy and the agreed maintenance programme.
Authority the maintenance programme shall be implemented, in full, until such
time as ground gas emissions are no longer a potential risk to human health or adversely impact residential amenity.
Cessation of the maintenance programme will be contingent on further future site assessment and agreement, in writing with the Local Planning Authority, that ground gas emissions from the site no longer represent a potential risk to human health or adversely impact residential amenity.

Reason: To ensure the external gas protection measures are maintained in such a manner that gas emissions associated with the site do not adversely impact on either residential amenity or human health.

Adverse Odour Action Plan
The applicant shall submit to the Local Planning Authority, within 6 months of permission being granted and in writing, the framework of an adverse odour action management plan in case of malodourous emissions resulting from or associated with, external gas protection measures. The agreed adverse odour action management plan shall be enacted upon receipt of any substantiated odour complaint advised to the applicant by any representative of the Local Planning Authority or by any Environmental Protection Official. The adverse odour action management plan shall overview all key steps necessary for the applicant to ascertain the origin and nature of any malodours and shall detail an options appraisal with recommendations for the remediation of said malodour. Unless otherwise agreed by the Local Planning Authority, any remedial actions recommended by the options appraisal in case of complaint shall be implemented within a period not exceeding 5 working days.

Reason: To protect the amenity of residential properties from the adverse effects of malodour from the external gas protection measures.

Informatives

Working Hours for Construction Sites
This is not a condition: In the interests of residential amenity, the applicant/agent/developer is strongly advised to adopt the following recommended construction/demolition hours for all works on site.

Works audible at or beyond the site boundary should not occur outside of Monday to Friday 08.00hrs to 18.00 hrs, Saturday 08.30hrs to 13.30hrs and at no time on Sundays or Public/Bank Holidays.

Noisy or disruptive works carried on outside of these hours are much more likely to raise objections or complaints by local residents (due to disturbance) to the redevelopment of the site which may, in turn, result in formal action being pursued by Public Protection Services to enforce the recommended hours.

For more advice and guidance on recommended construction/demolition
hours or construction/demolition methods, please contact an officer from Public Protection on 01925 442589.
1. PURPOSE OF THE REPORT

1.1 To provide members with details of the above consultation document prior to sending consultation comments to the Department for Communities and Local Government.

2. REPORT

2.1 Members will be aware that a number of amendments to the town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 which came into force on 30th May 2013. These changes have been reported to DMC previously (for example prior approval applications for six and eight metre householder rear extensions, changes of use to free schools etc). The Government wishes to make further changes to the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 so that fewer planning applications are submitted. In summary the consultation document (as attached) proposes the following:

- To create a permitted development right to assist change of use and the associated physical works from an existing building used as a small shop or provider of professional/financial services (A1 and A2 uses) to residential use (C3) (PRIOR APPROVAL APPLICATION REQUIRED);

- To create a permitted development right to enable retail use (A1) to change to a bank or a building society;

- To create a permitted development right to assist change of use and the associated physical works from existing buildings used for agricultural purposes to change to residential use (C3) (PRIOR APPROVAL APPLICATION REQUIRED);
• To extend the permitted development rights for premises used as offices (B1), hotels (C1), residential (C2 and C2A), non-residential institutions (D1), and leisure and assembly (D2) to change use to a state funded school, to also be able to change to nurseries providing childcare (PRIOR APPROVAL APPLICATION REQUIRED); and

• To create a permitted development right to allow a building used for agricultural purposes of up to 500m² to be used as a new state funded school or nursery providing childcare (PRIOR APPROVAL APPLICATION REQUIRED).

2.2 It is proposed to send the following comments.

2.3 Change of use from professional/financial services (A1 and A2 uses) to residential use (C3): It is considered that the adoption of town centre policies that are applied to planning applications (i.e., the current position in Warrington) provides the best basis for ensuring the continued vitality and viability of town centres.

2.4 The proposal would still require the submission of a prior approval application and hence the proposal would not be truly permitted development. The proposal would still mean the submission of a type of application (but not a planning application) albeit one where there is a small fee and where only certain planning considerations could be taken into account.

2.5 The proposed prior approval regime suggests that a prior approval consideration would be “impact of its loss on the economic health of the town centre”. This would need to be defined and to apply such a definition nationally to fit all local circumstances would be problematic. This is essentially the sort of consideration that would form the basis of the determination of a planning application (i.e., the case now). One may take the view that what is being proposed is still essentially a “planning application” but with a much reduced fee but still the same time needed to assess proposals in terms of impacts from a planning point of view.

2.6 To create a permitted development right to enable retail use (A1) to change to a bank or a building society: This is generally supported but if an adopted and up to date Local Plan defines a primary shopping area with reference to a plan, then the permitted development right should not automatically apply to those areas. There is a need to retain as many A1 retail units as possible within established retail cores / primary shopping areas. The Warrington Local Plan Core Strategy (which will be adopted shortly) defines the Primary Shopping Area and does not exclude this use but provides a policy basis in which to assess the appropriateness of the use in terms of clustering and concentration. An alternative might be a permitted development threshold relating to a period of time that an A1 unit has been vacant (e.g., if vacant for 2 years then the permitted development change applies). The consultation document also outlines that government would work with the banking and building society industry to agree how these sorts of premises can best be distinguished from other financial services within class A2 e.g., betting shops, etc. This work is critical and should be carried out without delay to avoid subsequent changes to betting shops without the need for planning permission.

2.7 Change of use and the associated physical works from existing buildings used for agricultural purposes to change to residential use (C3): The countryside in
Warrington is Green Belt. There are concerns about a significant number of agricultural buildings being converted to residential units in unsustainable locations. The proposed prior approval regime suggests that sustainability would be a consideration. One may take the view that what is being proposed is still essentially a “planning application” but with a much reduced fee but still the same time needed to assess proposals in terms of impacts from a planning point of view.

The conversion of agricultural buildings to residential developments usually requires the creation of garden area/areas of parking, detached domestic storage buildings etc. This can lead to an “urbanisation” of the green belt and conflict with the purpose(s) of the green belt (eg to safeguard the countryside from encroachment). It would therefore be appropriate to still require planning permission for the conversion of agricultural buildings to residential units in green belt locations and of course conservation areas/land within the setting of listed buildings etc.

2.8 The consultation document refers to the conversion of agricultural buildings. Stables are not by definition agriculture. This needs to be clarified. It will be important to ensure that situations are avoided in respect of “abuses of the planning system” (eg stables recently built and then converted to houses).

2.9 There is no definition of what constitutes a conversion as distinct from a new build. There is a need for clarification in this regard. In addition there is a need for clarification in terms of whether changes of use would be permitted for metal/wood agricultural buildings or whether this would relate solely to substantially built (eg masonry buildings) buildings. One may take the view that permitting the conversion of metal or timber buildings for residential use may not be appropriate; a number of Local Planning Authorities have planning policies that deal with these matters when considering planning applications as distinct from prior approval applications.

2.10 To extend the permitted development rights for premises used as offices (B1), hotels (C1), residential (C2 and C2A), non-residential institutions (D1), and leisure and assembly (D2) to change use to a state funded school, to also be able to change to nurseries providing childcare: The proposal does not consider the need for outside space for children to play. There is a need for clarification relating to whether highway/transport impacts includes whether any prior approval application would include appropriate car parking provision. One may take the view that what is being proposed is still essentially a “planning application” but with a much reduced fee but still the same time needed to assess proposals in terms of impacts from a planning point of view.

2.11 To create a permitted development right to allow a building used for agricultural purposes of up to 500m2 to be used as a new state funded school or nursery providing childcare: There are concerns about the provision of schools of this nature in rural areas and whether this would amount to sustainable development in terms of accessibility and public transport availability. In addition there is scope for such “permitted developments” to conflict with the purposes of green belt. It would
be sensible to exclude green belt, conservation areas etc from the permitted change of use.

3. CONFIDENTIAL OR EXEMPT
3.1 Not confidential or exempt.

4. FINANCIAL CONSIDERATIONS
4.1 None

5. RISK ASSESSMENT
5.1 No risks identified.

6. EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT
6.1 Not required.

7. CONSULTATION
7.1 The Council's Planning Policy Service has been consulted.

8. REASON FOR RECOMMENDATION
8.1 To inform members in respect of the consultation document prior to formal comments being sent to the Department for Communities and Local Government.

9. RECOMMENDATION
9.1 (i) That members note the report
(ii) That members agree to the consultation comments being sent to the Department for Communities and Local Government including, if necessary, additional comments and/or modifications.

10. BACKGROUND PAPERS

Department for Communities and Local Government Consultation August 2013 – Greater Flexibilities for Change of Use (attached).

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel Hartley</td>
<td><a href="mailto:dhartley@warrington.gov.uk">dhartley@warrington.gov.uk</a></td>
<td>01925 442809</td>
</tr>
</tbody>
</table>
Greater flexibilities for change of use - Consultation
Introduction

1. The consideration of planning matters must be proportionate and address the issues which have the potential to have the greatest impact on the local areas and those nearby. The measures that we introduced in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 which came into force on 30 May 2013 go some way to further freeing up the planning system so that change of use can take place more freely and owners are able to make best use of their property.

2. We want owners to recognise the potential of their properties, the opportunities that change of use can bring and the great value of reusing brownfield land. This makes a strong contribution to wider regeneration and supports our firm commitment to high street renewal and the town centre. This also makes an important contribution to reducing the pressure for new greenfield development.

3. It is clear that the dynamics of the market will influence what are likely to be the use of a property and site, and it is important to ensure that the planning system can respond effectively. We want decisions to be taken at the right level and often this can be allowing an owner to decide on the most appropriate future use of a commercial property where the current use is no longer economically viable. It is important that we focus on bringing empty and redundant buildings back into use and support brownfield regeneration. In doing so we can increase the resident population around and near town centres. This will support the existing shops by increasing footfall.

4. The Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 1995 (as amended) are significant deregulatory tools. They allow change of use between land uses that have similar impacts, without the need to apply for planning permission. But we can go further, and in the 2013 Budget Statement the Government announced its intention to consult on allowing further flexibilities between use classes to support change of use from certain agricultural and retail uses to residential. This consultation takes forward that commitment as well as looking at further opportunities to support growth. To this end the Government is proposing action in five areas:

- To create a permitted development right to assist change of use and the associated physical works from an existing building used as a small shop or provider of professional/financial services (A1 and A2 uses) to residential use (C3);
- To create a permitted development right to enable retail use (A1) to change to a bank or a building society;

---

• To create a permitted development right to assist change of use and the associated physical works from existing buildings used for agricultural purposes to change to residential use (C3);

• To extend the permitted development rights for premises used as offices (B1), hotels (C1), residential (C2 and C2A), non-residential institutions (D1), and leisure and assembly (D2) to change use to a state funded school, to also be able to change to nurseries providing childcare; and

• To create a permitted development right to allow a building used for agricultural purposes of up to 500m² to be used as a new state funded school or nursery providing childcare.

5. The changes proposed in this consultation document will help make better use of existing buildings, support rural communities and high streets, provide new housing and contribute to the provision of child care for working families.
The consultation process and how to respond

<table>
<thead>
<tr>
<th>Topic of this consultation:</th>
<th>Greater flexibilities to change use - Consultation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scope of this consultation:</td>
<td>The consultation seeks views on the Government’s proposals to amend the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to grant permitted development rights to allow change of use and associated physical works to residential use for buildings used for retail and agricultural purposes; changes of use for retail premises to banks and building societies and a range of changes of use to support nurseries providing child care and state funded schools.</td>
</tr>
<tr>
<td>Geographical scope:</td>
<td>These proposals relate to England only.</td>
</tr>
</tbody>
</table>

Basic information

| To: | This is a public consultation and it is open to anyone to respond. We would particularly welcome views from: Local planning authorities Developers Retailers Farmers Community representatives |
| Body/bodies responsible for the consultation: | Department for Communities and Local Government (Planning Development Management Division). |
| Duration: | The consultation is published on 06 August 2013 and ends on 15 October 2013. This is a 10 week period. |
| Enquiries: | Saima Williams Tel. 0303 44 42058 E-mail: saima.williams@communities.gsi.gov.uk |
| How to | By e-mail to: |
respond: Changeofuse.planning@communities.gsi.gov.uk

The form can also be completed on Survey Monkey at:
https://www.surveymonkey.com/s/NHXVK66

A downloadable questionnaire form, which can be emailed to us, will be available on our website at www.communities.gov.uk/consultations

Alternatively, paper communications should be sent to:
Saima Williams
Consultation Team (Greater flexibilities to change use)
Planning Development Management Division
Department for Communities and Local Government
1/J3, Eland House
Bressenden Place
London SW1E 5DU

Additional ways to become involved:
If you require this material in an alternative format, please contact us.

After the consultation:
The Department for Communities and Local Government will publish its response to the consultation alongside any changes agreed as part of this consultation coming in to force.

Background

Getting to this stage:
The current framework for change of use in planning is contained in the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Previous engagement:
A consultation paper “New opportunities for sustainable development and growth through the reuse of existing buildings” was published in July 2012 and closed on 11 September 2012. The proposals taken forward from the consultation came into force 30 May 2013 as part of a wider package of changes to permitted development rights.
Policy Background

6. The planning system provides an opportunity to ensure that any change is appropriate and does not adversely impact on the local area. The change of use of land and buildings can require a planning application where it is considered to be “development”. It has been recognised that this can be a burden on business in terms of time and cost and is sometimes of little value if the change of use did not impact adversely on the neighbourhood. Therefore we believe there are changes where the need for planning permission is unnecessarily burdensome. This is particularly the case where there is scope to encourage better and more sustainable use of a property.

7. Our consultation paper “New opportunities for sustainable development and growth through the reuse of existing buildings”\(^2\), published in July 2012, recognised that in vibrant communities there will be a need and an appetite for sustainable development to support overall growth. This includes allowing buildings to change their use to adapt to changing circumstances.

8. We brought forward a package of changes which came into force on 30 May 2013\(^3\) which takes a significant step towards shifting the balance in favour of those who are looking to make best use of their property assets while respecting the amenity of others. The changes enable owners to bring forward imaginative proposals to bring new businesses and activities to an area. The permitted development rights for change of use that came into force on 30 May 2013 cover:

- Increases in size thresholds for changes between the B use classes;
- change of use subject to prior approval conditions for:
  - existing office premises (B1(a)) to change to residential use (C3) for three years;
  - agricultural buildings to change to a number of other uses including shops, financial and professional services, cafes, offices, storage and assembly and leisure (A1, A2, A3, B1, B8, C1 and D2);
  - premises in a range of use classes - offices, hotels, residential institutions, non residential institutions and secure non residential institutions (B1, C1, C2, C2A, and D2) to change to use as a state-funded school;
- temporary use of buildings:
  - buildings with a range of uses - shops, financial and professional services, cafes, pubs, fast food takeaways, offices, non residential institutions, assembly and leisure (A1, A2, A3, A4, A5, B1, D1 and D2) to change to uses having a lesser or similar impact including shops, financial and professional services, cafes, offices, (A1, A2, A3 and B1)

---


\(^3\) [https://www.gov.uk/government/speeches/planning-promoting-regeneration](https://www.gov.uk/government/speeches/planning-promoting-regeneration)
for a single temporary period of up to two years, subject to a 150m² size limit;

- buildings in all use classes to change to use as a state-funded school for a temporary period of one academic year, subject to approval by the Secretary of State for Education.

9. This consultation builds on the above changes and recognises further opportunities for new homes and businesses to be created through change of use. Our commitment to reform continues with the removal of unnecessary burdens and regulations that are key to presenting opportunities to owners to make best use of their property assets. This also makes an important contribution to reducing the pressure for new green field development.

**Legal Background**

10. Under the Town and Country Planning Act 1990, development control extends not only to building work but also to changes in the use of buildings or land. Planning permission is usually required for material changes of use. What constitutes a material change of use is a matter of fact and degree, to be determined in each case by the local planning authority.

11. Certain uses are so similar in planning land use terms that to require planning permission to change use would be unnecessarily burdensome. To relieve the planning system of such unnecessary applications, the legislation excludes from the definition of development, any change where both the existing and the proposed use fall within the same class within the Town and Country Planning (Use Classes) Order 1987 (as amended) (“the Use Classes Order”)⁴.

12. In the Schedule to the Use Classes Order, uses fall within four main categories:
   - Part A covers shops and other retail premises such as restaurants and bank branches;
   - Part B covers offices, workshops, factories and warehouses;
   - Part C covers residential uses;
   - Part D covers non-residential institutions and assembly and leisure uses.

   There are separate use classes (e.g. A1, A2) within each Part. In addition there are also uses that are sui generis i.e. outside the use classes system. These are listed at article 3(6) of the Use Classes Order.

13. Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (“the General Permitted Development Order”)⁵ grants planning permission for specified changes of use between some

---

⁴ The Town and Country Planning (Use Classes) Order 1987 (SI 1987/764)
⁵ The Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418)
use classes in the Use Classes Order. The effect of granting planning permission in a development order is that the development is considered to be permitted development and a planning application is not required.

14. Change of use can be an issue locally where an area is seeking to secure regeneration or to protect certain amenities. Therefore there is scope for local planning authorities both to go beyond, or to restrict, the operation of national permitted development rights. Local development orders and neighbourhood development orders allow local authorities to extend the types of permitted developments that do not require a planning application. To restrict national permitted development rights, local planning authorities can issue an article 4 direction, although this may attract compensation liabilities. Both measures need to be tested through local consultation.

Proposals for Change

15. The 2013 Budget announced our intention to consult on allowing further flexibilities between use classes to support change of use from agricultural and retail uses to residential. There is great potential for some properties that do not have a viable future in their current use to be converted to homes. There is also an opportunity to bring forward additional changes which build on the 30 May 2013 package and further enhance the key objective of supporting economic growth.

16. The proposals in this consultation strongly support key Government priorities for making better use of existing buildings, supporting the high street and rural communities; providing new housing; developing more free schools and contributing to the provision of child care for working families. The proposals continue the momentum of our reforms and it is our intention to bring forward the changes, subject to this consultation, for April 2014.

17. The package covers permitted development rights to allow shops and existing buildings used for agricultural purposes of up to 150 square metres to change to residential use. It proposes a permitted development right to allow retail uses to change to banks and building societies only. It also enables premises used as offices, hotels, residential and non-residential institutions, and leisure and assembly to be able to change use to nurseries providing childcare; and a building used for agricultural purposes of up to 500m² to be used as a new state funded school or a nursery providing childcare.

18. The objective is to allow change of use with the minimum need for planning permissions. However there are some material planning considerations which need to be recognised and allowed for when bringing forward permitted development rights. Therefore, by the use of a prior approval, the Secretary of State will be able to have confidence that the planning impact of any change of use will be mitigated.
19. Where the permitted development is for change of use only, and prior approval is required, a fee of £80 will apply. Where the permitted development also allows for physical development and prior approval is required a fee of £172 will apply.

20. The proposals are set out in detail below with associated questions. A separate consultation response form, containing all the questions, is provided and can be completed electronically and submitted to the Department. The form can also be submitted via Survey Monkey.

Creating new homes from old shops

21. There is a real opportunity to support both the high streets and housing agendas by allowing change of use to housing of shops that are no longer viable. There is no doubt that individuals value and recognise the importance of the city centre, high street and local shops. However, at the same time it is accepted that there are circumstances where a particular street or individual shop is unlikely to survive the current challenges facing the retail sector. It is therefore important that action is taken to arrest the problems of decline and blight.

22. The online retail offer can be important to many and may well, in some cases, complement rather than replace shops. Therefore we want to support the retail offer that will continue to exist on the high street. This means finding new uses for shops that no longer have a future. It is likely these will be in secondary locations away from the main retail area. It is possible for local authorities to take action locally, freeing up change of use through local development orders for other uses including housing. Neighbourhood Plans could similarly bring forward neighbourhood development orders. These could be used to help down size a high street or local centre where part is no longer viable for commercial and retail purposes. By focusing on bringing new homes into the area, for example by establishing “home zones”, conversion to housing can be actively promoted.

23. However, even with a proactive approach by some local authorities and neighbourhoods and despite the universal recognition of the change that is taking place in shopping habits, some local authorities have been slow to relax local planning policies to allow change of use and associated physical works.

24. The town centre first policy set out in the National Planning Policy Framework recognises that residential development can play an important role in ensuring the vitality of centres, and asks local authorities to set out policies to encourage residential development on appropriate sites. We recognise, however, that defining what sites would or would not be appropriate to change from retail to residential use, through a permitted development right, is challenging. While the National Planning Policy Framework refers to primary shopping areas and primary and secondary frontages, it does not require the use of these terms in the local plan. There is no precise and consistent term that could be used to frame a national permitted development right around a particular type of retail unit or site (e.g. that with a secondary frontage).

25. Therefore it is proposed to introduce a national permitted development right for change of use and physical works. This recognises the Portas Review support for
more flexibility for change of use on the high street. The scope of the permitted
development will be sufficient to provide for the conversion such as new frontage,
windows and doors. There will be prior approval in respect of design, the potential
impact of the loss of the retail unit on the economic health of the town centre, the
need to maintain an adequate provision of essential local services such as post
offices, and the potential impact of the change of use on the character of the local
area. This will allow the local authority to have regard to their local plan policies for
the area. All local authorities are working to put in place an up to date local plan, if
they have not already done so. Those local authorities still developing and
consulting on plans will need to set out in their plan the primary retail areas and
wider retail hierarchy, as required by the National Planning Policy Framework. This
will inform an authority’s decision making when subsequently considering a prior-
approval application.

26. While it is our objective that the prior approval criteria should provide local
authorities with some discretion, and give a sufficiently robust protection for the
main town centre, it should also allow for change of use to proceed in the more
marginal locations. As with all prior approvals it will be subject to appeal and can be
tested if local authorities are found to be using it unreasonably to prevent change of
use. The Department established the Future High Streets Task Force to offer
advice on how to deliver the high street offer of the future, and we will work with
them as part of our consultation exercise on this proposal.

27. Specifically in framing a new permitted development right for a retail building to
change to residential use (C3), with the associated physical development to allow
conversion, it is proposed that the right would:

- apply to A1 (shops) and A2 (financial and professional services);
- have an upper threshold of 150m²;
- allow conversion to a single dwelling house or a maximum of four flats, but
  not a small HMO;
- enable the external modifications sufficient to allow for the conversion to
  residential use;
- not apply in article 1(5) land as set out in the General Permitted
  Development Order (i.e. conservation areas, National Parks, Areas of
  Outstanding Natural Beauty, the Broads and World Heritage sites);
- be subject to a prior approval for design to ensure that physical development
  complies with local plan policies on design, material types and outlook;
- be subject to a prior approval allowing account to be taken of the potential
  impact of its loss on the economic health of the town centre, the need to
  maintain an adequate provision of essential local services such as post
  offices, and the potential impact of the change of use on the local character
  of the area. In order to ensure the policy delivers maximum benefits, we wish
28. We believe local plans that are currently being adopted across the country following the introduction of the National Planning Policy Framework will provide appropriate retail and town centre policies against which any prior approval application for a permitted development can be judged in terms of its impact and any necessary mitigation. The proposal also recognises that more substantial conversions will merit consideration of a full planning application.

**Question 1**

Do you agree there should be permitted development rights, as proposed, for shops (A1) and financial and professional services (A2) to change use to a dwelling house (C3) and to carry out building work connected with the change of use?

How do you think the prior approval requirement should be worded, in order to ensure that it is tightly defined and delivers maximum benefits?

The place of banks on our high street

29. Currently banks and building societies are generally classed as A2 uses (financial and professional services). However increasingly banking services are also offered by, and within, the larger retailers. Banks are also a recognised and valued feature of most high streets offering important services which are best suited to a high street location.

30. While there is a permitted development right for financial and professional services (A2) use to change to a retail use (A1), the reverse cannot happen without planning permission. This situation reflects the time when financial services generally had office-like frontages which were considered to break up the retail character of a street. This is less true now with banks and building societies adopting a more retail-like approach to the design of their premises.

31. Therefore it is proposed to recognise the changing nature of banks and building societies by providing a tightly prescribed permitted development right that would allow A1 uses to change use to banks and building societies only. There would be no change permitted to other A2 uses subsequently. We would work with the banking and building society industry to agree how these sorts of premises can best be distinguished from other financial and professional services within class A2: either by definition or by the nature of the regulation in place. We will consider whether there would be merit in setting an upper size threshold, given the intention is that this will apply to banks where services are provided principally to visiting members of the public.
32. We have already provided permitted development rights to make the most of the potential for diversification and economic growth in rural areas from the reuse of existing and redundant agricultural buildings for commercial purposes.

33. During the previous consultation a number of those who responded highlighted the potential for redundant buildings to be converted into homes. We recognise that this proposal could bring forward additional homes in rural communities and contribute to the delivery of the Coalition Agreement pledge of supporting “Home on the Farm.” Therefore we have looked at the suggestions in detail and the nature of a permitted development that would allow suitable buildings that no longer have an agricultural use to convert.

34. Agriculture and the use of existing agricultural buildings are not development in terms of planning legislation. However, as we have already demonstrated it is possible to provide a permitted development right that allows conversion of existing buildings used for agriculture to other uses. What would be an acceptable change of use needs to be carefully defined. We want to avoid high-impact development occurring without the opportunity for local consideration and to balance any reduction in the flexibility already afforded to farm businesses against new freedoms. It is also important to avoid creating the opportunity for over development.

35. As a change to a dwelling house is likely to need some external alterations we recognised that for the permitted development to be effective it should also include provision for some limited physical development.

36. Specifically, in framing a new permitted development right for an agricultural building to change to residential use (C3) with the associated physical development to allow conversion, it is proposed that the right would:

- allow up to 3 additional dwelling houses (which includes flats) to be converted on an agricultural unit which existed at the time that the intention to consult was announced in the Budget Statement of 20 March 2013.

- have an upper threshold of 150m² for a single dwelling house;

- enable the physical development necessary to allow for the conversion, and where appropriate the demolition and rebuild, of the property on the same footprint;
• include prior approval for siting and design to ensure physical development complies with local plan policies on design, materials and outlook;

• include prior approval for transport and highways impact, noise impact, contamination and flooding risks to ensure that change of use takes place only in sustainable locations;

• apply to agricultural buildings constructed prior to announcement of the proposal to consult in the Budget Statement of 20 March 2013;

• apply in article 1(5) land as set out in the General Permitted Development Order (i.e. conservation areas, National Parks, Areas of Outstanding Natural Beauty, the Broads and World Heritage sites).

37. There is an existing definition of an agricultural unit set out in Part 6 of Schedule 2 to the General Permitted Development Order. This is agricultural land which is occupied as a unit for the purposes of agriculture, including any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or any dwelling on that land occupied by a farm worker. The Order currently grants less generous permitted development rights for operational development for agricultural units of less than 5 hectares. It is proposed that all agricultural units in place at the time of the consultation should have the same 3 dwelling house permitted development right. This recognises that the size of the unit does not necessarily relate to the number or suitability of buildings which it would be appropriate to convert.

38. The existing agricultural permitted development rights set out in Part 6 of Schedule 2 to the General Permitted Development Order allow for the construction of new agricultural buildings or extension of existing agricultural buildings, not including dwelling houses. Therefore it is proposed that in the future an owner will be able to choose to exercise either the existing permitted right to construct a new agricultural building or the new right for conversion of an agricultural building to a dwelling house. Where the new right is exercised the owner will only be able to exercise the permitted development for construction of a new agricultural building once a period of 10 years has elapsed. This recognises that it is only where the agricultural buildings are genuinely redundant that it is appropriate to grant a permitted development right to allow for the change of use. In addition an owner will not be able to exercise the new right if they used the existing permitted development right to construct a new agricultural building on or after this consultation paper was published. This will not prevent planning permission being sought for development during this period.

**Question 3**
Do you agree there should be permitted development rights, as proposed, for existing buildings used for agricultural purposes to change use to a dwelling house (C3) and to carry out building work connected with the change of use?
Supporting working families to find childcare

39. The participation of women in the labour market in this country is lower than in many other countries both in Europe and worldwide. The affordability and availability of childcare is a major barrier to work amongst parents of the under 5’s. There is a strong demand for a greater number and range of nurseries providing childcare. Without suitable provision it is difficult for young families to be able to find places that are convenient for their journeys to work.

40. We are consulting on a proposal to relax planning rules so that non-domestic early years childcare providers can deliver additional and high quality places to meet increasing demand. To achieve this we believe that there is a strong case for replicating the permitted development rights for permanent change of use to state funded schools, which came into force on 30 May 2013, to cover nurseries providing childcare.

41. Permitted development rights for nurseries will enable providers to respond more quickly to changing market needs and help grow a thriving and competitive child care market. Access to suitable premises that can be quickly converted to nurseries is repeatedly flagged by providers as an issue which limits their ability to be rapidly responsive to growing childcare needs.

42. Our proposal would allow offices (B1), hotels (C1); residential institutions (C2); secure residential institutions (C2A) and assembly and leisure (D2) to change use to nurseries providing childcare and carry out limited building works, as allowed for schools under Part 32 of the General Permitted Development Order, connected with the change of use. The school permitted development rights were restricted to state funded schools. This reflected the policy importance attached to ensuring there were sufficient state school places available for all children whose parents wished to use the state sector. It is proposed that the permitted development right is applied only to registered early years childcare providers in non-domestic premises. The prior approval requirements in respect of transport and highways impact, noise and contamination risks that are in place for state-funded schools would also be replicated here.

43. All childcare providers must be on the Early Years Register which is regulated by Ofsted\(^6\). The register covers people caring for children aged from birth to 31 August after their 5th birthday. Providers are required to deliver the Early Years Foundation Stage. Ofsted regulation and inspections of providers will provide an assurance of quality.

---

6 See Part 3 of the Childcare Act 2006 (c. 21)
Do you agree that there should be permitted development rights, as proposed, to allow offices (B1), hotels (C1); residential institutions (C2); secure residential institutions (C2A) and assembly and leisure (D2) to change use to nurseries proving childcare and to carry out building work connected with the change of use?

Provision for children in rural areas

44. The permitted development rights for agricultural buildings to be used for a range of commercial uses came into force on 30 May. These have been welcomed in the rural communities. However they did not include any changes to support education.

45. It can be particularly difficult in rural areas to find local educational provision and suitable buildings for new providers to convert to schools. Therefore it is proposed to build on the approach adopted for the agricultural permitted development rights to bring forward provisions for allowing change of use to state-funded schools as well as nurseries providing childcare.

46. The permitted development will allow for change of use with prior approval where the gross floorspace of the building is less than 500m². This upper threshold would be the same as for the existing permitted development right for agricultural buildings to change to various commercial uses, and will ensure that a number of farm buildings would be able to change their use under these new permitted development rights. The prior approval will cover noise, transport, flooding and contamination. This combines the existing permitted development prior approval requirements for agricultural buildings and schools. We propose that operational development should be permitted to the same extent as for agricultural buildings changing use under existing permitted development rights, i.e. a modified form of the operational development rights available under Class B of Part 41 of Schedule 2 to the General Permitted Development Order.

47. The permitted development right will be available in respect of more than one building on an agricultural unit, provided that the overall size limits are not breached. In recognition of cumulative impact, any proposed changes which take the cumulative size above the 500m² limit would trigger the need for a planning application.

Question 5
Do you agree there should be permitted development rights, as proposed, for buildings used for agricultural purposes to change use to new state funded schools or nurseries providing childcare and to carry out building work connected with the change of use?
Benefits and impact from our proposals

48. The planning system, including the Use Classes Order and the General Permitted Development Order, ensures that development which comes forward is delivered in suitable locations, in a manner that benefits local communities and that any adverse impact is properly managed.

49. In bringing forward proposals for permitted development rights the consultation recognises that there remains scope to secure forms of change of use with a lighter touch approach than would otherwise be possible through the planning application route. This will lighten the planning process for businesses, boost growth and contribute to delivering more homes.

50. There will be benefits for businesses and owners that carry out development by no longer being required to prepare and submit planning applications for certain developments. While all the proposals retain some element of local authority assessment, this will be limited to the particular impact of a development. This will allow local authorities to better focus on larger developments which are likely to be of a more strategic importance to the local area.

51. The proposals recognise that there are circumstances where it will remain important for developers to have the opportunity for engagement with local authorities and those who may be affected by the development. Therefore the proposals set out in this consultation seek to strike a balance between the engagement and the potential benefits of freeing up processes for changing use to achieve sustainable development.

52. Bringing forward further permitted developments with a consistent approach to prior approval will assist local authorities in ensuring they have in place systems that are light touch while also ensuring those affected by the development have the opportunity to comment on proposals that will impact on them.

53. The proposals set out should encourage owners to consider whether they are securing best use from their properties. It should ensure that the opportunity for a good quality proposal to be delayed is minimised, with any unacceptable impact properly managed or mitigated. In bringing forward these proposals we have sought to ensure that the new permitted development rights will not have an adverse impact or introduce burdensome processes.

54. We believe that the proposals outlined will provide greater opportunities to change use which in turn will contribute to making better use of existing buildings, deliver additional homes, support rural communities and high streets and contribute to the provision of schools and nurseries for working families.
55. It is the intention that these changes should be made nationally in England, with certain exclusions for article 1(5) land\textsuperscript{7}. We are also proposing that the following types of development should be excluded from the permitted development right because they raise issues requiring further consideration:

- listed buildings and scheduled monuments;
- buildings within Sites of Special Scientific Interest, safety hazard zones and military explosives storage areas; and
- development where an environmental impact assessment is required.

56. The Department welcomes your views on the benefits and impact of these proposals for further permitted development rights, and any further evidence that might inform their development.

| Question 6 |
| Do you have any comments and further evidence on the benefits and impact of our proposals set out in the consultation? |

\textsuperscript{7} Article 1(5) land’ refers to types of areas set out in article 1(5) of the General Permitted Development Order
Consultation criteria

About this consultation

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want the information that you provide to be treated as confidential, please be aware that under the Freedom of Information Act 2000, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested. Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

If you have any queries regarding the consultation process, please contact:
DCLG Consultation Co-ordinator
Zone 6/H10 Eland House
London SW1E 5DU
email: consultationcoordinator@communities.gsi.gov.uk
1. PURPOSE OF THE REPORT

1.1 This report provides an update for members relating to the status of planning obligations and S106 Agreements.

2. BACKGROUND

2.1 The attached report details progress of S106 Agreements for the 1st quarter of 2013/14. The report includes details of active developments where S106 provisions have been triggered and developments which are yet to commence.

3. REPORT BODY

Section 106 Agreements

Quarter 1 Report

1. Highlights of Quarter 1 – 1st April 2013 – 30th June 2013

<table>
<thead>
<tr>
<th>SECTION 106 HIGHLIGHTS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Value of Agreements Signed (1st April 2013 – 30th June 2013)</td>
<td>£284,494.00</td>
</tr>
<tr>
<td>Payments Received (1st April 2013 – 30th June 2013)</td>
<td>£224,000.00</td>
</tr>
<tr>
<td>Monitoring Fees Received (1st April 2013 – 30th June 2013)</td>
<td>£1435.00</td>
</tr>
</tbody>
</table>

Table 1: Quarter 1 (1st April 2013 – 30th June 2013)


Prepared By Melanie Hughes - Planning Obligations and Monitoring Officer.
2. Agreements

2.1 Four Section 106 Agreements were signed between the 1st April 2013 and the 30th June 2013. The agreements provide a potential total income of £284,494.00.

Notable Agreements Negotiated:

2.2 Financial Contributions- All of the agreements negotiated in the 1st Quarter of this financial year (2013/14) involved financial contributions from developers. These included:

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Development Site</th>
<th>Date S.106 Signed</th>
<th>Development Details</th>
<th>Amount</th>
<th>S.106 Details</th>
<th>Triggers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/18363</td>
<td>A J BEER AND CO WARRINGTON LTD, STATION ROAD, LATCHFORD, WARRINGTON, WA4 2AD</td>
<td>23/04/2013</td>
<td>Proposed extension of time limit for implementation of permission 2008/12578 (sheltered housing)</td>
<td>£135,931.00</td>
<td>Affordable Housing Contribution - £100,000 Towards the costs of providing affordable or low cost housing within the borough. Highways Contribution - £35,931 The highways contribution is solely towards the implementation of highways improvements within a two mile radius of the site which have the effect of mitigating the impact of additional traffic generated by the implementation of the planning permission.</td>
<td>The affordable housing contribution is to be paid prior to the 1st occupation if the development. The highways contribution is to be paid upon commencement of the development.</td>
</tr>
<tr>
<td>2012/20090</td>
<td>HOLLINGREAVE FARM, DAM LANE, RIXTON-WITH-GLAZEBROOK, WARRINGTON, WA3 6LE</td>
<td>12/06/2013</td>
<td>Proposed demolition of existing farmhouse and construction of two storey detached replacement dwelling, conversion of two existing agricultural buildings to create five dwellings; removal of redundant structures and provision of landscaping.</td>
<td>£45,000.00</td>
<td>Towards the provision of affordable housing.</td>
<td>To pay the contribution upon the 1st occupation of the development.</td>
</tr>
<tr>
<td>2012/20175</td>
<td>LAND AT DOEFDOR</td>
<td>22/03/2013 (Appeal)</td>
<td>Proposed residential</td>
<td>£88,563.00 (Max) excl</td>
<td>Provision of 8 affordable units on site. (4 Low cost</td>
<td>Complete the affordable</td>
</tr>
</tbody>
</table>
### Agenda item 6

**CLOSE, CULCHETH AND GLAZEBURY, WARRINGTON, WA3 4DL**  
April 2013

**Development comprising 26 dwellings (18 two storey detached and 8 mews type dwellings), access roads and landscape works**

*the provision of affordable units and maintenance of POS*

*Off site contribution for POS (£42,886.00)*  
This is to be divided between:

- £18,576.00 – Upgrading of the existing children’s play space (Culcheth Village Green)
- £24,310.00 – Sports facilities at the Culcheth Villages Shaw St Recreational Ground.

*Or*

- £60,000.00 – Towards the costs of providing an equipped children’s play area within any part of the Newlands Village Estate as the Council shall so decide in its absolute discretion.

**Play Area Maintenance**  
- £4800 per annum.

**Traffic Improvements**  
- £28,563 towards the improvements to pedestrian facilities on Common Lane.

**Off site - public open space contributions**

The Council can decide which off site POS contribution it wishes to receive. This must be given by written notice within 1 month of commencements and all consents for the implementation of the play area should be provided – The developer will then make the relevant payment prior to the occupation of the 5th market dwelling.

**Traffic improvement contribution** – This should be paid to the council prior to the occupation of the 5th market dwelling

Once monies have been received the Council has a period of 5 years of the date of receipt.

---

**TOTAL FITNESS, WINWICK ROAD, WARRINGTON, WA2 8HQ**  
18/04/2013

**Proposed change of use from leisure (use class D2) to retail non-food (use class A1).**

£15,000.00

**Highways contribution - £5000**  
Towards the costs in providing improvements to the road network within 2 mile radius of the site

**Landscaping contribution - £10,000.00**  
Towards the costs of providing improvements to the A49 corridor within the vicinity of the site.

On or before the 1st occupation.

---

**Table 2: Section 106 Agreements Signed - 1st April 2013 – 30th June 2013**

---


Prepared By Melanie Hughes - Planning Obligations and Monitoring Officer.
3. Payments Received

3.1 The total payments received during the 1st Quarter 2013/14 were £224,000.00. Table 4 lists the payments received during this period:

<table>
<thead>
<tr>
<th>App No</th>
<th>Address</th>
<th>Money Received</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010/17091</td>
<td>Eagle Ottawa, Warrington Ltd, Thelwall Lane, Warrington.</td>
<td>£15,000.00 (1st quarter – total contribution received is £35,000.00)</td>
<td>Towards the implementation of a traffic regulation order.</td>
</tr>
<tr>
<td>2009/15420</td>
<td>Land/building south side of Farrell Street</td>
<td>£159,000.00</td>
<td>To apply the highways contribution solely towards the provision of improvements to the highways network in the vicinity of the site.</td>
</tr>
<tr>
<td>2009/15420</td>
<td>Land/building south side of Farrell Street</td>
<td>£50,000.00</td>
<td>Towards the costs of the recreational facilities associated with the development and locality – (riverside path)</td>
</tr>
</tbody>
</table>

Total £224,000.00

Table: 3 Quarter 1 2013/14 Receipts

Monitoring Receipts:

<table>
<thead>
<tr>
<th>App No</th>
<th>Address</th>
<th>Date</th>
<th>Amount Received</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/20721</td>
<td>Total Fitness, Winwick Road, Warrington.</td>
<td>18/04/2013</td>
<td>£350.00</td>
<td>Monitoring</td>
</tr>
<tr>
<td>2011/18363</td>
<td>A J Beer and Co Warrington Ltd, Station Road, Latchford, Warrington.</td>
<td>22/04/2013</td>
<td>£700.00</td>
<td>Monitoring</td>
</tr>
<tr>
<td>2009/15420</td>
<td>Land/building south side of Farrell Street</td>
<td>13/05/2013</td>
<td>£35.00</td>
<td>Monitoring</td>
</tr>
<tr>
<td>2012/20090</td>
<td>Hollingrevea farm, Dam Lane, Rixton-with-Glazebrook, Warrington, WA36LE.</td>
<td>12/06/2013</td>
<td>£350.00</td>
<td>Monitoring</td>
</tr>
</tbody>
</table>

Total £1435.00

Table: 4 Monitoring Receipts

3.2 Notable payments received were:

- **2010/17091 - Eagle Ottawa, Warrington Ltd, Thelwall Lane, Warrington.**
  
  Highways Contribution - £15,000.00 (Total received equals £35,000.00) - Towards the implementation of a traffic regulation order.

- **2009/15420 - Land/Building South Side of Farrell Street.**
  
  Highways Contribution - £159,000.00 - To apply the highways contribution solely towards the provision of improvements to the highways network in the vicinity of the site.

  POS Contribution - £50,000.00 - Towards the costs of the recreational facilities associated with the development and locality – (riverside path)


Prepared By Melanie Hughes - Planning Obligations and Monitoring Officer.
4.0 Expenditure:

4.1. Current schemes in the process of being implemented.

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Total Contribution Received</th>
<th>Description/ Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005/06963</td>
<td>Land at Former Carrington Wire, Warrington</td>
<td>£700,000.00</td>
<td>Highways - Long Lane improvements are now complete. Final accounts are now being finalised.</td>
</tr>
<tr>
<td>2010/16581</td>
<td>Saxon Park East</td>
<td>£125,552.00</td>
<td>Highways - Right of way works have been completed. There are some remaining works to be completed prior to the accounts being finalised.</td>
</tr>
<tr>
<td>2006/09635</td>
<td>Woolston Grange Avenue, Birchwood</td>
<td>£800,000.00</td>
<td>Highways - Following the feedback from the local residents / ward clrrs and Longbarn Residents Association – highways are progressing with an order to 'stop up' the footbridge, with a view to removing the structure (August 2013). There will also be the completion of some additional footpath works which will be scheduled once the footbridge has been removed.</td>
</tr>
<tr>
<td>2007/11895</td>
<td>Grappenhall Motors Co, 194-196 Knutsford Road, Grappenhall, Warrington</td>
<td>£20,000.00</td>
<td>Highways - Pedestrian improvements/ resurfacing of the carriage way to East View have been completed. Invoices have been received accordingly.</td>
</tr>
<tr>
<td>2009/15034</td>
<td>Warrington Baths Site</td>
<td>£64,428.00</td>
<td>Highways: The monies have been used to implement crossing works in Legh Street. Awaiting final invoices.</td>
</tr>
<tr>
<td>2009/14880</td>
<td>Woolston Grange Avenue, Birchwood, Warrington, Cheshire (UU)</td>
<td>£60,000.00</td>
<td>Highways: Bus service provision to the site. The bus service has been commissioned. The funding will support the service until 2014.</td>
</tr>
</tbody>
</table>

Further detailed information regarding the progress of individual schemes and contributions received to date can be found in the appendices.

**APPENDICIES**

1. **Appendix 1** - Total Obligations Value and Status and Ward
2. **Appendix 2** - Highways review of outstanding section 106 monies.
3. **Appendix 3** - Public open space review of outstanding section 106 monies.
4. **Appendix 4** - Education review of outstanding section 106 monies.

Prepared By Melanie Hughes - Planning Obligations and Monitoring Officer.
5. **Appendix 5** - Primary care trust review of outstanding section 106 monies.

6. **Appendix 6** - Affordable housing review of outstanding section 106 monies.

7. **Appendix 7** - Environmental Improvements review of outstanding section 106 monies.
## Appendix 1 Total Obligations Value by Status and Ward (June 2013)

<table>
<thead>
<tr>
<th>Ward</th>
<th>Number of Agreements</th>
<th>Total Obligation Value</th>
<th>Not Started</th>
<th>Under Construction</th>
<th>Development under construction however, currently suspended</th>
<th>Scheme complete with outstanding obligations</th>
<th>Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appleton</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Bewsey and Whitecross</td>
<td>18</td>
<td>£2,569,096.00</td>
<td>£601,500.00</td>
<td>£589,428.00</td>
<td>£150,000.00</td>
<td>£1,228,168.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Birchwood</td>
<td>4</td>
<td>£239,117.00</td>
<td>£100,000.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£129,117.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Burtonwood and Winwick</td>
<td>3</td>
<td>£141,451.76</td>
<td>£101,576.76</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£39,875.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Culcheth, Glazebury and Croft</td>
<td>4</td>
<td>£403,563.00</td>
<td>£403,563.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Fairfield and Howley</td>
<td>7</td>
<td>£3,587,014.16</td>
<td>£199,059.16</td>
<td>£1,038,515.00</td>
<td>£390,440.00</td>
<td>£1,959,000.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Grappenhall and Thelwall</td>
<td>2</td>
<td>£46,674.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£46,674.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Great Sankey North</td>
<td>4</td>
<td>£2,116,467.34</td>
<td>£1,869,972.34</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£246,495.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Great Sankey South</td>
<td>2</td>
<td>£200,535.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£200,535.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Hatton, Stretton and Walton</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Latchford East</td>
<td>12</td>
<td>£1,290,931.00</td>
<td>£147,931.00</td>
<td>£251,000.00</td>
<td>£622,000.00</td>
<td>£270,000.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Latchford West</td>
<td>6</td>
<td>£1,357,907.00</td>
<td>£0.00</td>
<td>£1,263,347.00</td>
<td>£0.00</td>
<td>£94,560.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Lymm</td>
<td>8</td>
<td>£775,910.00</td>
<td>£155,000.00</td>
<td>£275,834.00</td>
<td>£0.00</td>
<td>£345,276.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Orford</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Penketh and Cuerdley</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Poplars and Hulme</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Poulton and Fearnhead</td>
<td>1</td>
<td>£1,485,645.00</td>
<td>£1,485,645.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Rixton and Woolston</td>
<td>4</td>
<td>£973,144.80</td>
<td>£113,144.80</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£860,000.00</td>
<td>£0.00</td>
</tr>
</tbody>
</table>
## Appendix 2 Current Status of Section 106 Monies – Highways

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010/16581</td>
<td>Saxon Park East Off Forrest Way, Warrington</td>
<td>£125,552.00</td>
<td>Right of way works have been completed. There are some remaining works to be completed prior to the accounts being finalised.</td>
</tr>
<tr>
<td>2005/06963</td>
<td>Land at Former Carrington Wire, Warrington</td>
<td>£700,000.00</td>
<td>A49 and Long Lane works are now complete. Awaiting final accounts</td>
</tr>
<tr>
<td>2007/11351</td>
<td>Land at 6, Birchwood Park</td>
<td>£32,500.41</td>
<td>Monies are to be utilised towards improvements to Birchwood Station. Awaiting further detail regarding timescales.</td>
</tr>
<tr>
<td>2006/09635</td>
<td>Woolston Grange</td>
<td>£800,000.00</td>
<td>All covenants in the agreement have been completed. Further consultation has been completed regarding additional crossings and the removal of the footpath bridge. This is likely to be implemented Summer 2013. The final improvements in the area will include the implementation of some additional footpath works. This will then complete all expenditure and infrastructure required to support the development.</td>
</tr>
<tr>
<td>2007/11895</td>
<td>Grappenhall Motors</td>
<td>£20,000.00</td>
<td>Pedestrian improvements / resurfacing works have been completed on the carriage way to East View.</td>
</tr>
<tr>
<td>2006/07553</td>
<td>Lakeside Drive</td>
<td>£267,000.00</td>
<td>Contribution for the wider strategic network. Initial expenditure has included lining works at Brian Bevan Island/ Church Street.</td>
</tr>
</tbody>
</table>
**Agenda item 6**

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Description</th>
<th>Amount</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P/2003/1461 Vulcan</strong></td>
<td>A scheme to improve highways safety in Alder Root Lane including the installation of traffic controls in the vicinity of the railway over bridge within the Borough of Warrington. Design brief produced.</td>
<td>£60,000.00</td>
<td></td>
</tr>
<tr>
<td><strong>2009/15103 Ainscough Rd/ Dewhurst Rd</strong></td>
<td>Monies are to be utilised towards improvements to Birchwood Station. Awaiting further detail regarding timescales.</td>
<td>£21,576.00</td>
<td></td>
</tr>
<tr>
<td><strong>2009/15034 Warrington Baths Site</strong></td>
<td>Works complete – The monies have been utilised towards the costs of financing a pedestrian crossing on Legh Street. Awaiting final invoices.</td>
<td>£64,428.00</td>
<td></td>
</tr>
<tr>
<td><strong>2009/14880 Woolston Grange Avenue, Birchwood, Warrington, Cheshire (UU)</strong></td>
<td>The bus service has been commissioned. The funding will support the service for the next 3 years.</td>
<td>£60,000.00</td>
<td></td>
</tr>
<tr>
<td><strong>2011/17717 Red Cott Farm Lymm</strong></td>
<td>Local transport contribution – Towards identified measures and initiatives for the local transport network.</td>
<td>£50,634.00</td>
<td></td>
</tr>
<tr>
<td><strong>2011/17845 Birchwood Shopping Centre, Dewhurst Road, Birchwood</strong></td>
<td>Pedestrian Contribution (The Provision of 2 pedestrian crossings on Dewhurst Road, one to serve as a link between the Development and the station, and the other near to the junction with Benson Road). No progress - new contribution.</td>
<td>£75,000.00</td>
<td></td>
</tr>
<tr>
<td><strong>2011/18512 810, Europa Boulevard, Burtonwood and Westbrook, Warrington, WA5 7TY</strong></td>
<td>New Contribution towards footway and cycle improvements.</td>
<td>£126,000.00</td>
<td></td>
</tr>
<tr>
<td><strong>2012/20007 Bank Park Depot, Kendrick Street, Bewsey and Whitecross, Warrington, WA1 1UZ.</strong></td>
<td>New contribution towards highways improvements within a 1 kilometre radius of the site.</td>
<td>£50,000.00</td>
<td></td>
</tr>
<tr>
<td><strong>2010/17091 Eagle Ottawa</strong></td>
<td>New Contribution – Monies to be utilised towards the implementation of a TRO</td>
<td>£35,000.00</td>
<td></td>
</tr>
<tr>
<td><strong>2012/20721 Total Fitness</strong></td>
<td>New Contribution – Monies to be utilised towards providing improvements to the road network within a 2 mile radius</td>
<td>£5,000.00</td>
<td></td>
</tr>
</tbody>
</table>


Prepared By Melanie Hughes - Planning Obligations and Monitoring Officer.
<table>
<thead>
<tr>
<th>Ref No</th>
<th>Description</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009/15420</td>
<td>Land/building south side of Farrell Street</td>
<td>£238,500.00</td>
<td>(Received to date) (Total amount to be received is £318,000.00)</td>
</tr>
</tbody>
</table>

New Highways Contribution. The contribution is to be solely utilised towards highways improvements in the vicinity of the site.
### Appendix 3 Current Status of Section 106 monies - Public Open Space

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006/08021</td>
<td>Land to the rear of 25-29, Church Street, WARRINGTON</td>
<td>£10,000.00</td>
<td>The contribution is to be utilised in the development/improvement of play/sport/recreational facilities within a 5 kilometres radius of land within 7 years of the date of payment of the contribution. Monies have been used to provide athletic equipment at Victoria Park. Invoices have been received – awaiting final accounts.</td>
</tr>
<tr>
<td>2006/08548</td>
<td>Lingley Autos, Lingley Road, Great Sankey</td>
<td>£31,637.60</td>
<td>The contribution has been paid in instalments. The monies are to be utilised towards the provision/improvement of POS within a 5 mile radius of the site. POS have allocated the monies towards play area improvements at Fresh Water Close.</td>
</tr>
<tr>
<td>2011/19313</td>
<td>Bruche</td>
<td>£227,760.00</td>
<td>New contribution - Towards sports pitch provision</td>
</tr>
<tr>
<td>2011/19313</td>
<td>Bruche</td>
<td>£101,985.00</td>
<td>New contribution - Towards non pitch provision</td>
</tr>
<tr>
<td>2011/19313</td>
<td>Bruche</td>
<td>£55,900.00</td>
<td>New contribution – Towards play area provision</td>
</tr>
</tbody>
</table>
### Appendix 4 Current Outstanding Balance of Section 106 monies - Education

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>A02/45601</td>
<td>Brittania Works</td>
<td>£175,000.00</td>
<td>Towards the costs of improving accommodation in schools in the area.</td>
</tr>
</tbody>
</table>

### Appendix 5 Current Outstanding Balance of Section 106 monies - Primary Care Trust

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005/06963</td>
<td>Carrington Wire</td>
<td>£55,000.00</td>
<td>New Contribution - PCT notified</td>
</tr>
</tbody>
</table>

### Appendix 6 Current Outstanding Balance of Section 106 monies - Affordable Housing

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>A02/45573</td>
<td>Land At Liverpool Road, Great Sankey</td>
<td>£175,000.00</td>
<td>Commuted sums towards the authorities affordable housing programme.</td>
</tr>
</tbody>
</table>
Agenda item 6


Prepared By Melanie Hughes - Planning Obligations and Monitoring Officer.

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006/08274</td>
<td>Land Adjacent to Manchester Ship Canal</td>
<td>£500,000.00</td>
<td>Commuted sums towards the authorities affordable housing programme.</td>
</tr>
<tr>
<td>2010/16847</td>
<td>Boothshill House, Lymm</td>
<td>£225,000.00</td>
<td>Commuted sums towards the authorities affordable housing programme.</td>
</tr>
<tr>
<td>2011/19313</td>
<td>Bruche</td>
<td>£1,100,000.00</td>
<td>New Contribution - Commuted sums towards the authorities affordable housing programme.</td>
</tr>
</tbody>
</table>

**Appendix 7 Current Outstanding Balance of Section 106 monies - Environmental Improvements**

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007/09837</td>
<td>Land at John Street/Winwick Street, Warrington</td>
<td>£150,000.00</td>
<td>Detailed design work complete - implementation this financial year.</td>
</tr>
<tr>
<td>2004/04708</td>
<td>Cheshire Lines</td>
<td>£50,000.00</td>
<td>Detailed design work complete - implementation this financial year.</td>
</tr>
<tr>
<td>2005/06460</td>
<td>Former Christadelphian Hall, Museum Street</td>
<td>£12,350</td>
<td>New owner (Purchase complete) Contribution received – Towards environmental improvements in the vicinity of the site.</td>
</tr>
</tbody>
</table>
5. **CONFIDENTIAL OR EXEMPT**

5.1 Not applicable

6. **FINANCIAL CONSIDERATIONS**

6.1 Whilst the securing of commuted sums clearly has wider financial considerations the report is provided for information.

7. **RISK ASSESSMENT**

7.1 Not applicable

8. **EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT**

8.1 Not applicable

9. **CONSULTATION**

9.1 Not applicable

10. **REASON FOR RECOMMENDATION**

10.1 The report provides an update for members relating to the status of S106 Agreements.

11. **RECOMMENDATION**

11.1 That the contents of the report are noted

12. **BACKGROUND PAPERS**

None

**Contacts for Background Papers:**

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Prepared By Melanie Hughes - Planning Obligations and Monitoring Officer.
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
DATE OF COMMITTEE

Report of the: Executive Director of Environment and Regeneration
Report Author: Melanie Hughes
Contact Details: Email Address: Mhughes6@warrington.gov.uk
Telephone: 01925 442841
Ward Members: All

TITLE OF REPORT: Section 106 Quarter 1 Report 2013/14 (1st April 2013 – 30th June 2013)

1. PURPOSE OF THE REPORT

1.1 This report provides an update for members relating to the status of planning obligations and S106 Agreements.

2. BACKGROUND

2.1 The attached report details progress of S106 Agreements for the 1st quarter of 2013/14. The report includes details of active developments where S106 provisions have been triggered and developments which are yet to commence.

3. REPORT BODY

Section 106 Agreements

Quarter 1 Report

1. Highlights of Quarter 1 – 1st April 2013 – 30th June 2013

<table>
<thead>
<tr>
<th>SECTION 106 HIGHLIGHTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value of Agreements</td>
</tr>
<tr>
<td>Signed (1st April 2013 – 30th June 2013)</td>
</tr>
<tr>
<td>Payments Received</td>
</tr>
<tr>
<td>(1st April 2013 – 30th June 2013)</td>
</tr>
<tr>
<td>Monitoring Fees</td>
</tr>
<tr>
<td>Received (1st April 2013 – 30th June 2013)</td>
</tr>
</tbody>
</table>

Table 1: Quarter 1 (1st April 2013 – 30th June 2013)
2. Agreements

2.1 Four Section 106 Agreements were signed between the 1st April 2013 and the 30th June 2013. The agreements provide a potential total income of £284,494.00.

Notable Agreements Negotiated:

2.2 Financial Contributions- All of the agreements negotiated in the 1st Quarter of this financial year (2013/14) involved financial contributions from developers. These included:

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Development Site</th>
<th>Date S.106 Signed</th>
<th>Development Details</th>
<th>Amount</th>
<th>S.106 Details</th>
<th>Triggers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/18363</td>
<td>A J BEER AND CO WARRINGTON LTD, STATION ROAD, LATCHFORD, WARRINGTON, WA4 2AD</td>
<td>23/04/2013</td>
<td>Proposed extension of time limit for implementation of permission 2008/12578 (sheltered housing)</td>
<td>£135,931.00</td>
<td>Affordable Housing Contribution - £100,000</td>
<td>The affordable housing contribution is to be paid prior to the 1st occupation if the development.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The highways contribution is to be paid upon commencement of the development.</td>
</tr>
<tr>
<td>2012/20090</td>
<td>HOLLINGREAVE FARM, DAM LANE, RIXTON-WITH-GLAZEBROOK, WARRINGTON, WA3 6LE</td>
<td>12/06/2013</td>
<td>Proposed demolition of existing farmhouse and construction of two storey detached replacement dwelling, conversion of two existing agricultural buildings to create five dwellings; removal of redundant structures and provision of landscaping.</td>
<td>£45,000.00</td>
<td>Towards the provision of affordable housing.</td>
<td>To pay the contribution upon the 1st occupation of the development.</td>
</tr>
<tr>
<td>2012/20175</td>
<td>LAND AT DOEFORD</td>
<td>22/03/2013 (Appeal)</td>
<td>Proposed residential</td>
<td>£88,563.00 (Max) excl</td>
<td>Provision of 8 affordable units on site. (4 Low cost</td>
<td>Complete the affordable</td>
</tr>
<tr>
<td>Project Address</td>
<td>Date</td>
<td>Description</td>
<td>Agreement Details</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>------</td>
<td>-------------</td>
<td>------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CLOSE, CULCETH AND GLAZEBURY, WARRINGTON, WA3 4DL</td>
<td>April 2013</td>
<td>development comprising 26 dwellings (18 two storey detached and 8 mews type dwellings), access roads and landscape works</td>
<td>the provision of affordable units and maintenance of POS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>housing units prior to the occupation of the 12th market dwelling.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Off site contribution for POS (£42,886.00)</td>
<td>This is to be divided between:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- £18,576.00 – Upgrading of the existing children’s play space (Culcheth Village Green)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- £24,310.00 – Sports facilities at the Culcheth Villages Shaw St Recreational Ground.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Or</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>£60,000.00 – Towards the costs of providing an equipped children’s play area within any part of the Newlands Village Estate as the Council shall so decide in its absolute discretion.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Play Area Maintenance - £4800 per annum.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Traffic Improvements - £28,563 towards the improvements to pedestrian facilities on Common Lane.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012/20721 TOTAL FITNESS, WINWICK ROAD, WARRINGTON, WA2 8HQ</td>
<td>18/04/2013</td>
<td>Proposed change of use from leisure (use class D2) to retail non-food (use class A1).</td>
<td>£15,000.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Highways contribution - £5000 – Towards the costs in providing improvements to the road network within 2 mile radius of the site</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Landscaping contribution - £10,000.00 – Towards the costs of providing improvements to the A49 corridor within the vicinity of the site.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>On or before the 1st occupation.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 2: Section 106 Agreements Signed - 1st April 2013 – 30th June 2013
3. Payments Received

3.1 The total payments received during the 1st Quarter 2013/14 were £224,000.00. Table 4 lists the payments received during this period:

<table>
<thead>
<tr>
<th>App No</th>
<th>Address</th>
<th>Money Received</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010/17091</td>
<td>Eagle Ottawa, Warrington Ltd, Thelwall Lane, Warrington.</td>
<td>£15,000.00 (1st quarter – total contribution received is £35,000.00)</td>
<td>Towards the implementation of a traffic regulation order.</td>
</tr>
<tr>
<td>2009/15420</td>
<td>Land/building south side of Farrell Street</td>
<td>£159,000.00</td>
<td>To apply the highways contribution solely towards the provision of improvements to the highways network in the vicinity of the site.</td>
</tr>
<tr>
<td>2009/15420</td>
<td>Land/building south side of Farrell Street</td>
<td>£50,000.00</td>
<td>Towards the costs of the recreational facilities associated with the development and locality – (riverside path)</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>£224,000.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

Table: 3 Quarter 1 2013/14 Receipts

**Monitoring Receipts:**

<table>
<thead>
<tr>
<th>App No</th>
<th>Address</th>
<th>Date</th>
<th>Amount Received</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/20721</td>
<td>Total Fitness, Winwick Road, Warrington.</td>
<td>18/04/2013</td>
<td>£350.00</td>
<td>Monitoring</td>
</tr>
<tr>
<td>2011/18363</td>
<td>A J Beer and Co Warrington Ltd, Station Road, Latchford, Warrington.</td>
<td>22/04/2013</td>
<td>£700.00</td>
<td>Monitoring</td>
</tr>
<tr>
<td>2009/15420</td>
<td>Land/building south side of Farrell Street</td>
<td>13/05/2013</td>
<td>£35.00</td>
<td>Monitoring</td>
</tr>
<tr>
<td>2012/20090</td>
<td>Hollingreave farm, Dam Lane, Rixton-with-Glazebrook, Warrington, WA36LE.</td>
<td>12/06/2013</td>
<td>£350.00</td>
<td>Monitoring</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>£1435.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

Table: 4 Monitoring Receipts

3.2 Notable payments received were:

- **2010/17091 - Eagle Ottawa, Warrington Ltd, Thelwall Lane, Warrington.**
  
  Highways Contribution - **£15,000.00** (Total received equals £35,000.00) - Towards the implementation of a traffic regulation order.

- **2009/15420 - Land/Building South Side of Farrell Street.**
  
  Highways Contribution - **£159,000.00** - To apply the highways contribution solely towards the provision of improvements to the highways network in the vicinity of the site.
  
  POS Contribution - **£50,000.00** - Towards the costs of the recreational facilities associated with the development and locality – (riverside path)
4.0 Expenditure:

4.1. Current schemes in the process of being implemented.

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Total Contribution Received</th>
<th>Description/ Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005/06963</td>
<td>Land at Former Carrington Wire, Warrington</td>
<td>£700,000.00</td>
<td>Highways - Long Lane improvements are now complete. Final accounts are now being finalised.</td>
</tr>
<tr>
<td>2010/16581</td>
<td>Saxon Park East</td>
<td>£125,552.00</td>
<td>Highways - Right of way works have been completed. There are some remaining works to be completed prior to the accounts being finalised.</td>
</tr>
<tr>
<td>2006/09635</td>
<td>Woolston Grange Avenue, Birchwood</td>
<td>£800,000.00</td>
<td>Highways - Following the feedback from the local residents / ward cllrs and Longbarn Residents Association – highways are progressing with an order to 'stop up' the footbridge, with a view to removing the structure (August 2013). There will also be the completion of some additional footpath works which will be scheduled once the footbridge has been removed.</td>
</tr>
<tr>
<td>2007/11895</td>
<td>Grappenhall Motors Co, 194-196 Knutsford Road, Grappenhall, Warrington</td>
<td>£20,000.00</td>
<td>Highways - Pedestrian improvements/ resurfacing of the carriage way to East View have been completed. Invoices have been received accordingly.</td>
</tr>
<tr>
<td>2009/15034</td>
<td>Warrington Baths Site</td>
<td>£64,428.00</td>
<td>Highways: The monies have been used to implement crossing works in Legh Street. Awaiting final invoices.</td>
</tr>
<tr>
<td>2009/14880</td>
<td>Woolston Grange Avenue, Birchwood, Warrington, Cheshire (UU)</td>
<td>£60,000.00</td>
<td>Highways: Bus service provision to the site. The bus service has been commissioned. The funding will support the service until 2014.</td>
</tr>
</tbody>
</table>

Further detailed information regarding the progress of individual schemes and contributions received to date can be found in the appendices.
APPENDICIES

1. **Appendix 1** - Total Obligations Value and Status and Ward

2. **Appendix 2** - Highways review of outstanding section 106 monies.

3. **Appendix 3** - Public open space review of outstanding section 106 monies.

4. **Appendix 4** - Education review of outstanding section 106 monies.

5. **Appendix 5** - Primary care trust review of outstanding section 106 monies.

6. **Appendix 6** - Affordable housing review of outstanding section 106 monies.

7. **Appendix 7** - Environmental Improvements review of outstanding section 106 monies.
### Appendix 1 Total Obligations Value by Status and Ward (June 2013)

<table>
<thead>
<tr>
<th>Ward</th>
<th>Number of Agreements</th>
<th>Total Obligation Value</th>
<th>Not Started</th>
<th>Under Construction</th>
<th>Development under construction however, currently suspended</th>
<th>Scheme complete with outstanding obligations</th>
<th>Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appleton</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Bewsey and Whitecross</td>
<td>18</td>
<td>£2,569,096.00</td>
<td>£601,500.00</td>
<td>£589,428.00</td>
<td>£150,000.00</td>
<td>£1,228,168.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Birchwood</td>
<td>4</td>
<td>£239,117.00</td>
<td>£100,000.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£129,117.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Burtonwood and Winwick</td>
<td>3</td>
<td>£141,451.76</td>
<td>£101,576.76</td>
<td>£0.00</td>
<td>£39,875.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Culcheth, Glazebury and Croft</td>
<td>4</td>
<td>£403,563.00</td>
<td>£403,563.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Fairfield and Howley</td>
<td>7</td>
<td>£3,587,014.16</td>
<td>£199,059.16</td>
<td>£1,038,515.00</td>
<td>£390,440.00</td>
<td>£1,959,000.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Grappenhall and Thelwall</td>
<td>2</td>
<td>£46,674.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£46,674.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Great Sankey North</td>
<td>4</td>
<td>£2,116,467.34</td>
<td>£1,869,972.34</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£246,495.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Great Sankey South</td>
<td>2</td>
<td>£200,535.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£200,535.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Hatton, Stretton and Walton</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Latchford East</td>
<td>12</td>
<td>£1,290,931.00</td>
<td>£147,931.00</td>
<td>£251,000.00</td>
<td>£622,000.00</td>
<td>£270,000.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Latchford West</td>
<td>6</td>
<td>£1,357,907.00</td>
<td>£0.00</td>
<td>£1,263,347.00</td>
<td>£0.00</td>
<td>£94,560.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Lymm</td>
<td>8</td>
<td>£775,910.00</td>
<td>£155,000.00</td>
<td>£275,834.00</td>
<td>£0.00</td>
<td>£345,276.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Orford</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Penketh and Cuerdley</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Poplars and Hulme</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Poulton and Fearnhead</td>
<td>1</td>
<td>£1,485,645.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Rixton and Woolston</td>
<td>4</td>
<td>£973,144.80</td>
<td>£113,144.80</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£860,000.00</td>
<td>£0.00</td>
</tr>
</tbody>
</table>
Appendix 2 Current Status of Section 106 Monies – Highways

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010/16581</td>
<td>Saxon Park East Off Forrest Way, Warrington</td>
<td>£125,552.00</td>
<td>Right of way works have been completed. There are some remaining works to be completed prior to the accounts being finalised.</td>
</tr>
<tr>
<td>2005/06963</td>
<td>Land at Former Carrington Wire, Warrington</td>
<td>£700,000.00</td>
<td>A49 and Long Lane works are now complete. Awaiting final accounts</td>
</tr>
<tr>
<td>2007/11351</td>
<td>Land at 6, Birchwood Park</td>
<td>£32,500.41</td>
<td>Monies are to be utilised towards improvements to Birchwood Station. Awaiting further detail regarding timescales.</td>
</tr>
<tr>
<td>2006/09635</td>
<td>Woolston Grange</td>
<td>£800,000.00</td>
<td>All covenants in the agreement have been completed. Further consultation has been completed regarding additional crossings and the removal of the footpath bridge. This is likely to be implemented Summer 2013. The final improvements in the area will include the implementation of some additional footpath works. This will then complete all expenditure and infrastructure required to support the development.</td>
</tr>
<tr>
<td>2007/11895</td>
<td>Grappenhall Motors</td>
<td>£20,000.00</td>
<td>Pedestrian improvements / resurfacing works have been completed on the carriage way to East View.</td>
</tr>
<tr>
<td>2006/07553</td>
<td>Lakeside Drive</td>
<td>£267,000.00</td>
<td>Contribution for the wider strategic network. Initial expenditure has included lining works at Brian Bevan Island/ Church Street.</td>
</tr>
<tr>
<td>Reference</td>
<td>Location</td>
<td>Cost</td>
<td>Description</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------------------------</td>
<td>-------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>P/2003/1461</td>
<td>Vulcan</td>
<td>£60,000.00</td>
<td>A scheme to improve highways safety in Alder Root Lane including the installation of traffic controls in the vicinity of the railway over bridge within the Borough of Warrington. Design brief produced.</td>
</tr>
<tr>
<td>2009/15103</td>
<td>Ainscough Rd/ Dewhurst Rd</td>
<td>£21,576.00</td>
<td>Monies are to be utilised towards improvements to Birchwood Station. Awaiting further detail regarding timescales.</td>
</tr>
<tr>
<td>2009/15034</td>
<td>Warrington Baths Site</td>
<td>£64,428.00</td>
<td>Works complete – The monies have been utilised towards the costs of financing a pedestrian crossing on Legh Street. Awaiting final invoices.</td>
</tr>
<tr>
<td>2009/14880</td>
<td>Woolston Grange Avenue, Birchwood, Warrington, Cheshire (UU)</td>
<td>£60,000.00</td>
<td>The bus service has been commissioned. The funding will support the service for the next 3 years.</td>
</tr>
<tr>
<td>2011/17717</td>
<td>Red Cott Farm Lymm</td>
<td>£50,634.00</td>
<td>Local transport contribution – Towards identified measures and initiatives for the local transport network.</td>
</tr>
<tr>
<td>2011/17845</td>
<td>Birchwood Shopping Centre, Dewhurst Road, Birchwood</td>
<td>£75,000.00</td>
<td>Pedestrian Contribution (The Provision of 2 pedestrian crossings on Dewhurst Road, one to serve as a link between the Development and the station, and the other near to the junction with Benson Road). No progress - new contribution.</td>
</tr>
<tr>
<td>2011/18512</td>
<td>810, Europa Boulevard, Burtonwood and Westbrook, Warrington, WA5 7TY</td>
<td>£126,000.00</td>
<td>New Contribution towards footway and cycle improvements.</td>
</tr>
<tr>
<td>2012/20007</td>
<td>Bank Park Depot, Kendrick Street, Bewsey and Whitecross, Warrington, WA1 1UZ.</td>
<td>£50,000.00</td>
<td>New contribution towards highways improvements within a 1 kilometre radius of the site.</td>
</tr>
<tr>
<td>2010/17091</td>
<td>Eagle Ottawa</td>
<td>£35,000.00</td>
<td>New Contribution – Monies to be utilised towards the implementation of a TRO</td>
</tr>
<tr>
<td>2012/20721</td>
<td>Total Fitness</td>
<td>£5,000.00</td>
<td>New Contribution – Monies to be utilised towards providing improvements to the road network within a 2 mile radius.</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Amount</td>
<td>Note</td>
</tr>
<tr>
<td>-----------</td>
<td>-------------</td>
<td>--------</td>
<td>------</td>
</tr>
<tr>
<td>2009/15420</td>
<td>Land/building south side of Farrell Street</td>
<td>£238,500.00 (Received to date) (Total amount to be received is £318,000.00)</td>
<td>New Highways Contribution. The contribution is to be solely utilised towards highways improvements in the vicinity of the site.</td>
</tr>
</tbody>
</table>
### Appendix 3 Current Status of Section 106 monies - Public Open Space

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006/08021</td>
<td>Land to the rear of 25-29, Church Street, WARRINGTON</td>
<td>£10,000.00</td>
<td>The contribution is to be utilised in the development/improvement of play/sport/recreational facilities within a 5 kilometres radius of land within 7 years of the date of payment of the contribution. Monies have been used to provide athletic equipment at Victoria Park. Invoices have been received – awaiting final accounts.</td>
</tr>
<tr>
<td>2006/08548</td>
<td>Lingley Autos, Lingley Road, Great Sankey</td>
<td>£31,637.60</td>
<td>The contribution has been paid in instalments. The monies are to be utilised towards the provision/improvement of POS within a 5 mile radius of the site. POS have allocated the monies towards play area improvements at Fresh Water Close.</td>
</tr>
<tr>
<td>2011/19313</td>
<td>Bruche</td>
<td>£227,760.00</td>
<td>New contribution - Towards sports pitch provision</td>
</tr>
<tr>
<td>2011/19313</td>
<td>Bruche</td>
<td>£101,985.00</td>
<td>New contribution - Towards non pitch provision</td>
</tr>
<tr>
<td>2011/19313</td>
<td>Bruche</td>
<td>£55,900.00</td>
<td>New contribution – Towards play area provision</td>
</tr>
</tbody>
</table>
**Appendix 4 Current Outstanding Balance of Section 106 monies - Education**

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>A02/45601</td>
<td>Brittania Works</td>
<td>£175,000.00</td>
<td>Towards the costs of improving accommodation in schools in the area.</td>
</tr>
</tbody>
</table>

**Appendix 5 Current Outstanding Balance of Section 106 monies - Primary Care Trust**

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005/06963</td>
<td>Carrington Wire</td>
<td>£55,000.00</td>
<td>New Contribution - PCT notified</td>
</tr>
</tbody>
</table>

**Appendix 6 Current Outstanding Balance of Section 106 monies - Affordable Housing**

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>A02/45573</td>
<td>Land At Liverpool Road, Great Sankey</td>
<td>£175,000.00</td>
<td>Commuted sums towards the authorities affordable housing programme.</td>
</tr>
</tbody>
</table>
## Appendix 7 Current Outstanding Balance of Section 106 monies - Environmental Improvements

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007/09837</td>
<td>Land at John Street/Winwick Street, Warrington</td>
<td>£150,000.00</td>
<td>Detailed design work complete - implementation this financial year.</td>
</tr>
<tr>
<td>2004/04708</td>
<td>Cheshire Lines</td>
<td>£50,000.00</td>
<td>Detailed design work complete - implementation this financial year.</td>
</tr>
<tr>
<td>2005/06460</td>
<td>Former Christadelphian Hall, Museum Street</td>
<td>£12,350</td>
<td>New owner (Purchase complete) Contribution received – Towards environmental improvements in the vicinity of the site.</td>
</tr>
</tbody>
</table>

4. **CONFIDENTIAL OR EXEMPT**

4.1 Not applicable

5. **FINANCIAL CONSIDERATIONS**
5.1 Whilst the securing of commuted sums clearly has wider financial considerations the report is provided for information.

6. **RISK ASSESSMENT**

6.1 Not applicable

7. **EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT**

7.1 Not applicable

8. **CONSULTATION**

8.1 Not applicable

9. **REASON FOR RECOMMENDATION**

9.1 The report provides an update for members relating to the status of S106 Agreements.

10. **RECOMMENDATION**

10.1 That the contents of the report are noted

11. **BACKGROUND PAPERS**

   None
Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12. CLEARANCE DETAILS

<table>
<thead>
<tr>
<th>Name</th>
<th>Consulted</th>
<th>Date Consulted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appeal Decision

Site visit made on 23 August 2013

by G Deane BSc (Hons) DipTP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 August 2013

Appeal Ref: APP/M0655/D/13/2200940
10 Seymour Drive, Padgate, Warrington WA1 3TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr R Davies against the decision of Warrington Borough Council.
- The application Ref 2013/21724 was registered by the Council on 29 April 2013 and refused by notice dated 17 June 2013.
- The development proposed is a single storey side extension.

Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 10 Seymour Drive, Padgate, Warrington WA1 3TR in accordance with the terms of the application Ref 2013/21724, which was registered by the Council on 29 April 2013, subject to the following conditions:
   1) The development hereby permitted shall begin not later than three years from the date of this decision.
   2) The development hereby permitted shall be carried out in accordance with the following approved plan: Ref RD/01/13.
   3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

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

Reasons

4. The appeal property, 10 Seymour Drive, is a 2-storey semi-detached house with a single storey flat roof side addition and a detached garage. It occupies a prominent position facing the junction of Seymour Drive and Princess Avenue. Because of the orientation of the semi-detached pair to the adjacent junction, No 10 stands at an oblique angle to the neighbouring 2-storey residential terrace that fronts the southern side of Princess Avenue.

5. The appeal dwelling lies within an estate style residential area within which dwellings vary in type, size, age and orientation to the road. In addition, some of the houses close to the site have been externally altered and extended.
Consequently, there is some variety in the existing built form within the local street scene to which No 10 belongs.

6. The new addition would attach to the sidewall of No 10 and be just set back from the front and rear elevations of the host building. It would include a hipped roof that would angle away from the adjacent Princess Avenue terrace and be wider, longer and taller than the existing building to be replaced. Nevertheless, the new addition would be modest in scale and height and include a pattern of fenestration and external materials that would broadly match the existing dwelling. Taken together, these features would cause the appeal scheme to be a subservient addition and relate well to the host building.

7. Part of the proposed extension would project noticeably beyond of the front building line of the neighbouring Princess Avenue terrace. When seen from Seymour Drive, broadly in front of No 10, a front corner of the new building would stand forward of the return frontage of this adjacent terrace. The visual effect of this arrangement would be to interrupt the view along Princess Avenue from this particular vantage point.

8. According to the Officer’s report, the Council’s Supplementary Planning Guidance, *House Extensions Guidelines*, (SPG) advises that extensions of this type should not project beyond the front elevations of both properties on the adjacent roads. As such, the appeal scheme would conflict with this guidance.

9. Nevertheless, when viewed from Seymour Drive, closer to the front of the attached counterpart of No 10, the corner of the existing appeal dwelling already appears to project beyond the front elevation of the Princess Avenue terrace due to the angle of view. From that vantage point, the gentle rhythm of the existing built form along one side of Princess Avenue is already visually disrupted to a limited extent by the existing house. Similarly, in views from the opposite corner of the adjacent junction, across from the site, the breach of the terrace’s front build line caused by the proposal would be less evident than from immediately in front of No 10. Furthermore, there is some variety in the existing built form along Princess Avenue, on both sides, and the front build line of the terrace next to the site is not entirely consistent.

10. Taken together, I consider that the proposed development would not be conspicuous in the local street scene to which it would belong.

11. When viewed along Princess Avenue and Seymour Drive, the appeal scheme would reduce the gap between No 10 and the flank wall of the Princess Avenue terrace by introducing additional built form. However, sufficient space would be retained to preserve the visual break between these buildings notwithstanding the single storey detached garage, which partially fills the gap. By keeping the pair of semi-detached houses to which No 10 belongs and the adjacent terrace visually separate from each other, I consider that the character and appearance of the local area would be maintained.

12. I also observed some examples of nearby houses with side additions on corner plots that project beyond the front build lines of neighbouring properties on their return frontages, notably at the junction of Green Lane and Seymour Drive. While these examples were not as prominent in the local street scene as would be the case with the proposal, they nonetheless indicate that the new extension would not be an uncharacteristic addition to the local area.
13. For all of these reasons, I consider that the proposed development would not be an incongruous feature in the local street scene nor would it unduly disrupt the rhythm and building line of the adjacent dwellings along Princess Avenue. On that basis, a conflict with the detailed advice in the Council’s SPG in this particular case would be insufficient reason to withhold planning permission.

14. Overall, I conclude that the proposed development would be in keeping with the character and appearance of the local area. It would therefore comply with Policies DCS1 and HOU8 of the Warrington Unitary Development Plan. These policies aim to ensure that development achieves a high standard of design and safeguards the character and appearance of the street and the local area.

Conditions

15. I have attached a condition requiring that the development be carried out in accordance with the approved plan for the avoidance of doubt and in the interests of proper planning. I have also imposed a condition requiring that the external materials of the extension match the existing building, as proposed, to ensure the satisfactory appearance of the development.

Conclusion

16. For the reasons set out above and having regard to all other matters raised, including the absence of objections from others, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR
TITLE OF REPORT: Appeal decisions for period between 10th August and 28th August.

1. PURPOSE OF THE REPORT

1.1 To advise members of the results of the above planning appeals.

- 10 Seymour Drive, Padgate – appeal allowed.

2. REPORT BODY

2.1 The Inspector’s report and appeal decision is attached.

2.2 Members will note the appeal was allowed.

2.3 The Inspector considered the single storey side extension would represent a sub servient addition to the host dwelling, in terms of its scale and height. Furthermore the pattern of fenestration and use of materials would relate well to the dwelling. Overall the Inspector considered the development would respect the character and appearance of the local area, nor cause an incongruous feature. The Inspector took a different view to Officers in this regard, however the rationale behind the Council’s refusal was design led, which is often a subjective argument.

3. CONFIDENTIAL OR EXEMPT

3.1 Not confidential or exempt.

4. FINANCIAL CONSIDERATIONS

4.1 None.

5. RISK ASSESSMENT

5.1 No risks identified.
6. EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT
   6.1 Not required.

7. CONSULTATION
   7.1 No required.

8. REASON FOR RECOMMENDATION
   8.1 To inform Members of the results of appeals.

9. RECOMMENDATION
   9.1 That members note the appeal decision.

10. BACKGROUND PAPERS
    10.1 None

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrew McGlone</td>
<td><a href="mailto:amcglone@warrington.gov.uk">amcglone@warrington.gov.uk</a></td>
<td>01925442845</td>
</tr>
</tbody>
</table>