5 January 2016

Development Management Committee

Wednesday, 13 January 2016 at 6.30pm

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

Agenda prepared by Julie Pickles, Democratic and Member Services Officer – Telephone: (01925) 443212 E-mail: jpickles@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.
<table>
<thead>
<tr>
<th>Item</th>
<th>Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. <strong>Minutes</strong></td>
<td>1</td>
</tr>
<tr>
<td>To confirm the minutes of the meetings held on 16 and 17 December 2015 as a correct record.</td>
<td></td>
</tr>
<tr>
<td>4. <strong>Planning Applications (Main Plans List)</strong></td>
<td>Attached as a separate document</td>
</tr>
<tr>
<td>5. <strong>Planning Appeal Decisions for period between 8 December 2015 and 4 January 2016</strong></td>
<td>11</td>
</tr>
<tr>
<td>5.1 20 Cuerdon Drive</td>
<td></td>
</tr>
<tr>
<td>5.2 46 Ladywood Road</td>
<td></td>
</tr>
<tr>
<td>5.3 51 Chapel Lane</td>
<td></td>
</tr>
<tr>
<td>5.4 10 Manor Road</td>
<td></td>
</tr>
<tr>
<td>5.5 Land adjacent and behind 36 Common Lane</td>
<td></td>
</tr>
</tbody>
</table>
Part 2

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

Nil

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

16 December 2015

Present: Councillor T McCarthy (Chairman)
Councillors J Richards, B Barr, D Keane,
A Heaver, J Wheeler, L Morgan, P Carey,
L Murphy, F Rashid, S Woodyatt and S Wright.

DM84 Apologies for Absence

There were no apologies for absence received.

DM85 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cllr B Barr</td>
<td>DM 90</td>
<td>Cllr Barr was the Ward Member for area.</td>
<td>Stood down from the committee and spoke against the application, he took no part in the discussions or the vote</td>
</tr>
<tr>
<td>Cllr S Woodyatt</td>
<td>DM 90</td>
<td>Councillor Woodyatt was the Ward Member for area but had no involvement with the application.</td>
<td>Councillor Woodyatt remained in the meeting, took part in the discussions and the vote thereon.</td>
</tr>
<tr>
<td>Cllr J Wheeler</td>
<td>DM 92</td>
<td>Cllr Wheeler was the Ward Member for area.</td>
<td>Stood down from the committee and spoke for the application, she took no part in the discussions or the vote</td>
</tr>
</tbody>
</table>

DM86 Minutes

Resolved,

That the minutes of the meetings held on 18 November 2015 were agreed as a correct record and signed by the Chairman.

DM87 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.

DM88 2015/26645 - 63, Kildonan Road, Grappenhall, Warrington, WA4 2LJ - Proposed Two Storey Side Extension and Single Storey Rear Extension including demolition of existing Garage and replacement windows

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of refusal.

Members visited the site on 11 December 2015.

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

Resolved,

That application 2015/26645 be approved subject to the following conditions;-  
1. Standard time limit,  
2. Development in accordance with approved plans,  
3. Materials to match existing,  

DM89 2015/26652 – Cuerdon Cottage, Cuerdon Drive, Grappenhall, Warrington, WA4 3JU - Proposed conversion of partially constructed garage store to residential dwelling including a first floor extension

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of approval subject to conditions.

Members visited the site on 11 December 2015.

Members considered the information as set out in the update report.

Resolved,

That application 2015/26652 be deferred.

Reason,

Due to new issues raised in representations, to allow more time for further consideration.

DM90 2015/26200 – Land between Cedarfield Road and Farmers Arms, Lymm, Warrington - Proposed residential development of 7 new dwellings on vacant open land previously used as garden/ paddock area
Agenda Item 3

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of approval subject to conditions.

Members visited the site on 11 December 2015.

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

Members considered the information set out in the update report.

Resolved,

That application 2015/26200 be approved as per the officer recommendation and subject to conditions as set out in the officers update report.

DM91 2015/26572 – Sandycroft, Brook Lane, Warrington, WA3 6DT - Proposed Conversion of outbuilding to 2 Residential Units

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of approval subject to conditions.

Members visited the site on 11 December 2015.

Representations were heard in support of the Officer recommendation.

Members considered the information set out in the update report.

Resolved,

That application 2015/26572 be approved as per the officer recommendation, subject to conditions as set out in the officers update report, additionally an extra condition was placed on the application in relation to hardstanding, landscaping and boundary treatment.

DM92 2015/26771 – 1 Hinton Crescent, Appleton, Warrington, WA4 3DF - Retrospective application for retention of a boundary wall and fence and proposed alterations including re-siting of the brick pillars and alteration to a fence panel adjacent to the driveway

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of refusal.

Members visited the site on 11 December 2015.

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

Members considered the information set out in the update report.
Resolved,

That application 2015/26771 be deferred.

Reason,

To allow time for negotiation with applicant to reduce height of first five 1.8m high fence panels and brick pillars facing Dale Lane. If an acceptable reduced proposal is agreed with officers then the application will be determined under delegated powers.

DM93 2015/26905 – Tanyard Farm, Pepper Street, Lymm, Warrington, Cheshire, WA13 1SR - Application for the retention of a 20 metre high temporary mast accommodating 3no. multi-band antennas and 1 no. 300mm transmission dish including 1no. equipment cabin within a 2 metre high heras fence compound and ancillary development there to for a period of 6 months

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of approval subject to conditions.

Members visited the site on 11 December 2015.

Representations were heard against the Officer recommendation.

Members considered the information set out in the update report.

Resolved,

That application 2015/26905 be refused.

Reason,

On the grounds of, inappropriate development within the green belt, lack of very special circumstances, harm to visual amenity and residential amenity.

In addition, due to the retrospective nature of the application and the consent granted at Sow Brook Pumping station Members noted, that an enforcement notice could allow for a reasonable timescale for the removal of the mast from the site by end of April 2016.
DEVELOPMENT MANAGEMENT COMMITTEE

17 December 2015

Present: Councillor T McCarthy (Chairman)
Councillors J Richards, B Barr, D Keane,
A Heaver, J Wheeler, L Morgan, P Carey,
L Murphy, S Woodyatt and S Wright.

DM94 Apologies for Absence

Apologies for absence were received Councillor F Rashid.

DM95 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cllr T McCarthy</td>
<td>DM 97</td>
<td>Councillor McCarthy was the Ward Member for the area but had had no involvement with the application.</td>
<td>Councillor McCarthy remained in the meeting.</td>
</tr>
<tr>
<td>Cllr T McCarthy</td>
<td>DM 98</td>
<td>Councillor McCarthy was the Ward Member for the area but had had no involvement with the application.</td>
<td>Councillor McCarthy remained in the meeting.</td>
</tr>
<tr>
<td>Cllr S Woodyatt</td>
<td>DM 99</td>
<td>Cllr Woodyatt was a Board Member for Golden Gates Housing Trust.</td>
<td>Councillor Woodyatt remained in the meeting.</td>
</tr>
<tr>
<td>Cllr J Richards</td>
<td>DM 99</td>
<td>Cllr Richards was a Board Member for Golden Gates Housing Trust.</td>
<td>Councillor Richards stood down from the committee, but took no part in the discussion or the vote thereon.</td>
</tr>
<tr>
<td>Cllr B Barr</td>
<td>DM 99</td>
<td>Cllr Barr was a board member on Helena Housing Trust and had some in involvement in the application.</td>
<td>Councillor Barr stood down from the Committee and spoke in support of the application.</td>
</tr>
<tr>
<td>Cllr D Keane</td>
<td>DM 100</td>
<td>Councillor Keane was the Ward Member for the area and wished to represent his local residents.</td>
<td>Councillor Keane stood down from the Committee and spoke against the application.</td>
</tr>
<tr>
<td>Cllr A Heaver</td>
<td>DM 100</td>
<td>Councillor Heaver was the Parish Council Member for the area but had had no involvement with the</td>
<td>Councillor Heaver remained in the meeting (he left the meeting half way)</td>
</tr>
</tbody>
</table>
DM96  **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.

DM97  **2015/25530 - Collier Tip, Moss Side Lane, Rixton, Warrington, WA3 6EF** - Application for variation of Condition 5 (time limit relating to mineral extraction for export for brickmaking) and Condition 6 (time limit relating to mineral extraction, capping and site engineering) attached to planning approval 2009/15597

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of approval subject to conditions.

Members visited the site on 11 December 2015.

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

Members considered the additional information as set out in the update report.

Resolved,

That application 2015/25530 be approved as per the officer recommendation and appendix A of the report. Additional updated condition No. 10 and extra condition to ensure 8 monitoring visits per year. Update to section 106 to include new conditions and obligation for community liaison group including EA.

DM98  **2015/25816 – Moss Side Farm, Moss Side Lane, Rixton, Warrington, WA3 6EF** - Application for Variation of conditions 3, 5, 7, 8, 49, 50, 51, 53, 54, 58, 65, 68 and 69 of planning permission 2008/13199 in order to agree a modification to the approved landform, extension of the timescale for landfilling and restoration operations, increase in the amount of waste landfilled, revised drainage infrastructure and the provision of additional surface water management capacity, retention of site tracks and alterations to landscaping and phasing
The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of approval subject to conditions.

Members visited the site on 11 December 2015.

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

Members considered the information set out in the update report.

Resolved,

That application 2015/25816 be approved as per the officer recommendation and conditions in Appendix A of the report, updated condition no. 51 requiring 6 monthly topographic surveys submitted to the Council. Additional condition to ensure 8 monitoring visits per year. Update to section 106 to include new conditions and obligations for community liaison group including EA, permissive footpaths across the restored site, and establishment of fishing and bird watching facilities.

DM99 2015/26262 – Land at Harrison Square, Boulting Avenue, Warrington, WA5 0HQ - Proposed development comprising of twenty four affordable houses and two new retail units

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of approval subject to conditions.

Members visited the site on 11 December 2015.

Representations were heard in support the Officer recommendation.

Resolved,

That application 2015/26262 be approved as per the officer recommendation.

DM100 2015/26641 – Suite 11, Newspaper House, Tannery Lane, Penketh, Warrington, WA5 2UD - Proposed change of use from Office (B1) to Private Hire Taxi Booking Office (Sui Generis)

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of approval subject to conditions.

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

Resolved,
That application 2015/26641 be approved as per the officer recommendation but subject to additional conditions:

(1) to restrict planning permission to a personal consent for the applicant only,
(2) require approval of external equipment associated with the new use
(3) condition 4 also amended to refer to “no private licenced vehicles of any description, including taxis, minibuses and coaches”.

DM1012015/26843 – Land Adjacent to, 127, Twiss Green Lane, Culcheth And Glazebury, Warrington, WA3 4HX - Proposed construction of a detached dwelling

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of approval subject to conditions.

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

Members considered the information set out in the update report.

Resolved,

That application 2015/26843 be approved as per the officer recommendation, subject to an additional condition to ensure replacement planting of any trees to be removed within a landscaping scheme.

DM102Planning Appeal Decisions for period 4 November and 7 December 2015

Members were presented with a report of the Executive Director of Economic Regeneration, Growth and Environment that 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>APP/M0655/W/15/3132519</td>
<td>Land at Culcheth Farm Barms, Withington, Avenue, Culcheth, WA3 4AN</td>
<td>Refused</td>
<td>Dismissed</td>
</tr>
<tr>
<td>APP/M0655/D/15/3135308</td>
<td>7 Statham Avenue, Lymm, Warrington, WA13 9NJ</td>
<td>Refused</td>
<td>Allowed</td>
</tr>
</tbody>
</table>

Resolved,

That the report be noted.
Signed

Dated
**DEVELOPMENT MANAGEMENT COMMITTEE**

**Wednesday 13th January 2016**

**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>2015/25218</td>
<td>New World Ltd, New World House, Thelwall Lane, Warrington, WA4 1NL</td>
<td>Approve</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Proposed deed of variation to S106 agreement associated with 2005/06423 in relation to bus service contributions</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>9</td>
<td>2015/26770</td>
<td>194, MANCHESTER ROAD, WARRINGTON, WA1 3AP</td>
<td>Approve</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Variation of Condition - Proposed variation of conditions 3 (Extend Opening times between 08:00 - 21:00 week days and 09:00 - 13:00 Saturdays) and 5 (Allow up to two practitioners) from original planning application 2007/11094</td>
<td></td>
</tr>
</tbody>
</table>
DEVELOPMENT CONTROL COMMITTEE DATE 13-Jan-2016

ITEM 1

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>2015/25218</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>New World Ltd, New World House, Thelwall Lane, Warrington, WA4 1NL</td>
</tr>
<tr>
<td>Ward:</td>
<td>Latchford East</td>
</tr>
<tr>
<td>Development</td>
<td>Proposed deed of variation to S106 agreement associated with 2005/06423 in relation to bus service contributions</td>
</tr>
<tr>
<td>Date Registered:</td>
<td>10-Dec-2014</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Emery Planning Partnership Ltd</td>
</tr>
<tr>
<td>8/13/16 Week Expiry Date:</td>
<td>03-Feb-2015</td>
</tr>
</tbody>
</table>

Reason for referral

The proposal relates to a deed of variation associated with application 2005/06423 that was determined at planning committee and therefore it is considered appropriate in accordance with the constitution that the proposed deed of variation is also referred to committee.

Site

The site is a 13.8 hectare “brownfield” site, adjacent to the Manchester Ship Canal and Latchford Locks and immediately west of aluminium recycling works.

Residential development has been approved on the site and development has taken place with circa 75% of the dwellings now completed and occupied.

Proposal

Proposed deed of variation to S106 agreement associated with 2005/06423 in relation to bus service contributions.

At the time the request for the deed of variation was received 312 dwellings had been built and 303 were occupied.

The applicant (Morris Homes) has now submitted viability information that sets out that based on current market conditions the development stands at a negative residual value and is severely unviable. The company has progressed with the development in order to generate revenue from sales and
because of the negative cash flow impact.

The consent was granted subject to a s106 legal agreement that included the requirement for a bus service contribution. The obligation related to a financial contribution of £160k per year for 5 years (£800k in total) towards the Council's costs to providing additional bus services necessary as a result of the development.

The applicant has submitted a financial viability appraisal carried out by DTZ and a draft deed of variation to the s106 legal agreement and seeks to remove the requirement for the bus service contribution.

**Relevant planning history**

Application 2009/14707
Proposed amendments to parts of site previously approved in detail under 2007/11944 to comprise revisions to siting, design and external appearance of apartments, number of residential units reduced from 485 to 424 and landscaping
Approved subject to conditions 02.07.09

2007/11944
Reserved matters application for 485 dwellings; 2 business units (Use Class B1) 2096.1 sqm gross external floorspace and retail unit (Use Class A1) 273 sqm gross external floorspace and associated infrastructure, open space and landscaping. (Layout, Scale, Appearance & Landscaping)
Approved subject to conditions 02.04.08

2005/06423
Resubmission of previously approved outline planning application for mixed use development (including approximately 450 dwellings, B1 units, neighbourhood Centre, Public open space) incorporating an amended vehicular access position.
**Approved subject to s106 - 13.09.06**

2004/02824
Proposed outline application for mixed use development inc circa 450 dwellings B1 Units, Neighbourhood Centre, Public open space, existing Social Club with bowling green, Medical/Health & Leisure uses, other Community uses & with associated access roads
Approved subject to conditions and legal agreement July 2005

**Planning policies**

National Planning Policy Framework
Para 205
Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.
Planning Practice Guidance
Planning Obligations

Local Plan Core Strategy
CS1 Overall Spatial Strategy – Delivering Sustainable Development
SN1 Distribution and Nature of New Housing
MP1 General Transport Principles
MP3 – Active Travel
MP4 – Public Transport
MP7 Transport Assessments and Travel Plans

Supplementary Planning Documents
Planning Obligations SP2 - 2007

Notification responses
None received

Consultation responses

Highways –
The provision of a bus service for the Edgewater Park development has been discussed within WBC Highways. If funding from the developer was to be diverted from the S106 Agreement to public transport infrastructure, then WBC Highways would request a number of measures as specified that must be provided at the full expense of the developer (based on local area plan supplied by AECOM).

List of alternative transport measures are set out in Appendix 1 of this report.

Observations

The applicant has submitted a financial viability appraisal carried out by DTZ and this has been reviewed by Lambert Smith Hampton (LSH) on behalf of the Council. LSH have advised that they consider the development costs, abnormal costs and value assumptions are all acceptable. LSH have undertaken their own development appraisal to test the assumptions of DTZ and have found that based on current market conditions the abnormal costs associated with the site mean that in today’s market the scheme is not viable and it is therefore reasonable to remove the bus service contribution which even then will not make the scheme viable but would improve the position.

LSH advise that it would be reasonable to consider a claw back clause as part of the s106 deed of variation should market conditions improve.

In terms of removal of the future provision of the bus service, the applicant’s transport consultants have met with the Council with a view to providing a sustainable transport strategy for the development and have put forward the following points;
1. There is currently no evidence that an additional bus service is necessary as a result of the development of Edgewater Park.
2. In spite of an increase in the resident population arising from Edgewater Park, which is now 78% occupied, and other residential developments nearby, the frequency of the service has been reduced.
3. This suggests that an additional service is not necessary as stated in the section 106 agreements.
4. Indeed, it would have been expected that the demand for public transport services from the original permitted mixed use development would be higher, with employers fostering a culture of sustainable travel through workplace travel plans, than a purely residential scheme.
5. Consideration has been given therefore, to other measures to enhance sustainable access by encouraging wherever possible, modes such as cycling and walking especially for shorter journeys to and from Edgewater Park.

The applicant has agreed a package of bus stop and footway/ cycle way improvements with the Council’s Transportation & Environment service as an alternative to the original bus service contribution. These include provision of Real Time Passenger Information boards, DDA compliant bus stops and shelters and a series of new and improved footways / cycle ways across the site. In total these improvements equate to approximately £85,000.

NB The figure of £85,000 is based on approximate costings that are not based on any agreed/contract rates and exclude contingencies and items outside the Council’s control such as the provision of electric supplies to bus stops to provide real time passenger information.

The S106 agreement will therefore be worded to ensure the Council receives sufficient monies from the developer to deliver the agreed package of improvements.

**Recommendation**

To delegate authority to officers to enter into the proposed deed of variation submitted on behalf of the developer and include provision to deliver the package of bus stop / footpath / cycleway improvements as agreed between the applicant and the Council’s Transportation and Environment service in lieu of the original bus service contribution.
Appendix 1 – Alternative transport measures

The following footway/cycleway improvements would be required, which would be subject to a Road Safety Audit:

1. Open up the pedestrian link to Parkfield Avenue in order to provide a better link to Network Warrington’s 1 / 2 bus services and provide a better connection for cyclists into Warrington Town Centre via Farrell Street.
2. Carry out further pedestrian improvements to the footways external to the site e.g. along Parkfield Avenue connecting Edgewater Park and Nook Lane.
3. Review existing bus stop facilities and upgrade as necessary to ensure adequate and consistent provision across the area in line with current design standards.
4. Upgrade the stops to improve stop infrastructure and enhance passenger information and accessibility, especially for mobility impaired passengers.
5. The existing road within the site should be opened up to allow both cyclists and pedestrians to access the site from Parkfield Avenue. WBC Highways had always expected a pedestrian link to be provided between the site and Parkfield Avenue which should have already been done by the developer. This link could be adopted by WBC Highways.
6. A pedestrian/cycle link is needed between Rennie Drive on the site and Thelwall Lane which could be adopted.
7. A link is required between Hamilton Close on the site and the footpaths that form part of the public open space in the vicinity. The Council would be unlikely to adopt this link which would therefore need to be managed and maintained by the developer.
8. Option A of Aecom drawing no. 60316332-001 from Appendix 5 of their Sustainable Transport Strategy document is required. However, additional dropped kerbs with tactile paving are also needed at the junctions (both sides) of Parkfield Avenue/Nook Lane, Nook Lane/Reynolds Street and across Reynolds Street in the vicinity of the existing bus stops.
9. The zig-zag shaped part of the Public Right of Way just South of Woolston New Weir to the East of the site (South West of Junction 21 of the M6) needs to be resurfaced to improve access between the site and Martinscroft/Woolston.
10. Bus stop improvements as set out below in table A.
Additional Comments on Bus Stops
Shelters could be either enclosed or cantilever, depending on available footway space. Solar powered RTPI displays may be an option for all above locations that do not already have powered shelters, assuming daylight levels are not obscured by foliage. The option of powered displays will depend on electrical supply considerations. Locations where consultation may be needed for a shelter are considered potentially less controversial than those detailed ‘possible shelter with consultation’, which are locations that could accommodate a shelter but where one could be considered more obtrusive to residents.
DEVELOPMENT CONTROL COMMITTEE DATE 13-Jan-2016

ITEM 2

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>2015/26770</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>194, Manchester Road, Warrington, WA1 3AP</td>
</tr>
<tr>
<td>Ward:</td>
<td>Fairfield and Howley</td>
</tr>
<tr>
<td>Development</td>
<td>Variation of Condition - Proposed variation of conditions 3 (Extend Opening times between 08:00 - 21:00 week days and 09:00 - 13:00 Saturdays) and 5 (Allow upto two practitioners) from original planning application 2007/11094</td>
</tr>
<tr>
<td>Date Registered:</td>
<td>20-Oct-2015</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Ian Davies</td>
</tr>
<tr>
<td>8/13/16 Week Expiry Date:</td>
<td>14-Dec-2015</td>
</tr>
</tbody>
</table>

Reason for referral

Request from Councillor Higgins who objects to the proposed variation of conditions

Site

Mid terrace property fronting Manchester Road on the outskirts of the town centre. Warrington cemetery opposite the main road

The property has been converted from residential to a physiotherapy practice. The row of residential properties 182 – 210 Manchester Road is predominantly residential with commercial uses further north east along Manchester Road and the Esso petrol station to the south west adjacent to 182 Manchester Road.

On street parking is available in front of the property on either side of Manchester Road. Bus stops located opposite on southern side of Manchester Road.

Proposal

Planning permission was granted in 2007 for ‘Proposed change of use from residential to Physiotherapy practice (2007/11094)’ subject to the following conditions:
3. No customer shall be admitted to, or allowed to remain on, the premises outside the hours of 09:00 - 18:00 Monday, Wednesday, and Friday, 10:00 - 20:00 Tuesday and Thursday, 09:00 - 13:00 Saturdays, and not at all on Sundays, Bank or Public Holidays

Reason - To prevent an unacceptable level of on-street parking in the interests of residential amenity and highway safety and to accord with policies DCS1 and GRN2 of the adopted Warrington Unitary Development Plan

5. No more than one practitioner shall operate from the premises

Reason - To prevent an unacceptable level of on-street parking in the interests of residential amenity and highway safety and to accord with policies DCS1 and GRN2 of the adopted Warrington Unitary Development Plan

The applicant has been operating in breach of the above conditions and has now applied retrospectively to vary the conditions as follows;

PROPOSED CONDITIONS:
Condition 3 - “No customer shall be admitted to, or allowed to remain on the premises outside the hours of 08:00 – 21:00 Monday to Friday, 09:00 – 13:00 on Saturday, and not at all on Sundays, Bank Holidays or Public Holidays.”

Condition 5 - “No more than two practitioners shall be in operation from the premises at any one time.”

The application has been received following an enforcement complaint. The applicant has advised neighbours in a letter (copy submitted with the application) that for a number of years as the practice has become busier there have been two practitioners working at the same time simultaneously and sometimes from 8am to 9pm. In relation to concerns raised by neighbours regarding problems parking prior to submission of this application the applicant states the following;

The last thing we want to do is to not get on with our neighbours so from that moment on we have always ensured that all therapists working here park on the other side of the road. We put notices up in our waiting room asking clients to park on the other side of the road and most importantly we send texts every morning to every client for every appointment which reads as follows:

‘Physio confirmed for today at 7 pm at ID Physiotherapy, 194 Manchester Road, WA1 3AP…. Unfortunately council planning regulations do not allow clients to park on the clinic side of the road after 5 pm…therefore unless you are elderly or infirm it is essential that you park on the cemetery side of the road. We apologise for any inconvenience this may cause. Best Regards, ID Physiotherapy.’

The applicant considers that the above communication with clients improved
the situation however further parking problems have occurred when a new beauty salon opened up on Arnold Street and therefore lead to the enforcement complaint relating to the physiotherapy practice.

A parking survey has been submitted with the application and a planning statement.

**Relevant Planning History**

2007/11094
Proposed change of use from residential to Physiotherapy practice
Approved subject to conditions 07.08.07

**Planning Policies**

National Planning Policy Framework

Local Plan Core Strategy
QE6 – Environment and amenity protection
QE7 – Ensuring a high quality place

WBC Parking standards for new developments

**Notification Responses**

27 standard letters of objection have been received from residents of Arnold St and Manchester Road on the following grounds;
Parking problems already caused by the applicant will be more serious if longer opening hours and more staff are employed. The applicant should adhere to the original planning approval conditions for application 2007/11094.

4 further individual letters of objection have been received on the following grounds;
- Problems parking when visiting relatives – have to park on opposite side of the road
- Difficulties crossing Manchester Road, safety concerns, dangerous and risk of accidents
- More staff = more cars
- Traffic is continuous
- Objection to the extension of hours
- Limited parking
- Already parking pressures
- Parking will be affected for residents on Manchester Road and Arnold St
- Criticisms of applicant’s traffic survey – carried out on a day where the practice was not at full capacity
- Applicants report by TEP is not reliable
- Survey includes parking up to Helsby St but there are double yellow
lines in place
- Survey doesn’t mention rush hour traffic
- Nearly all residents have 2 vehicles and 4 residents have work vans
- Patients visiting the physio practice are parked on both sides of the road, even buses can’t stop at the bus stop
- Only a minority of clients would use the bus
- The applicant’s justification for extended hours relates to people attending the practice from a wide area – this is causing the parking problems
- Another new business has opened without consent – beauty clinic

2 letters of support from neighbours on Manchester Road
- Ample parking
- We have never had any issues with the parking since the practice opened
- At times you can park 10 double decker buses
- It gets busier when people return home from work but even then there is parking for everyone
- Living next door to the clinic is actually a lot quieter than living next to normal neighbours – no shouting, no loud music, no children crying or pets barking.

Consultation Responses

Councillor Higgins
Objects to the application. As Ward Member Councillor Higgins advises that he has received many complaints from neighbouring properties regarding the non-compliance with the imposed restrictions applied to the previous permission granted and supports the objections set out in letters from neighbours.

Mr Wright has flouted these conditions and ‘got away’ because there haven’t been the necessary resources to deal with it.

Environmental Protection
The existing 2007 permission extends activities to 20.00hrs on certain days. A check of complaints has been carried out and I have not found any complaints received regarding the existing operation since 2007 which is a positive indicator that issues are likely to occur.

This proposal to extend the use to 21.00hrs 5 days per week and to have two practitioners operating simultaneously is therefore not considered to pose any issues to residential amenity.

Highways
The site plan submitted by the applicant shows that there are 3 consultation rooms at the premises. There is no off-street parking. Parking currently occurs on both sides of the A57 Manchester Road in the vicinity of the site while still
being sufficiently wide to accommodate two-way traffic. In the last 3 years there have been 2 slight accidents on Manchester Road in the vicinity of the site. This is not considered to be a high accident rate due to the nature and location of the road. The applicant has stated that the practice has been operating with 2 practitioners for some time, and is not proposing to allow 3 practitioners to operate at the same time.

The Council’s recently adopted parking standards for a clinic/health centre (D1 use) require 1 parking space per 2 staff plus 4 per consulting room. The parking demand for the development is therefore a total of 9 spaces. The applicant appointed a consultant to undertake an hourly parking survey on both sides of Manchester Road, between Marsh Street and Helsby Street, for the full proposed operating hours of the premises on a week day (Tuesday) and a Saturday. As the applicant is already operating with 2 practitioners and consulting rooms, the parking for the development would already been present on-street and has therefore not been added to the survey results as the application is effectively retrospective.

The Saturday survey showed that the busiest times were at 11am and 1pm when the survey area was 80% occupied by parked vehicles. This is based on the traffic survey company’s assessment that there are 35 parking spaces available within the survey area. The Tuesday survey was busiest at 12 midday and 1pm which also had a parking occupancy of 80%. The average parking occupancy was 76% on the Saturday and 73% on the Tuesday during the hours surveyed.

WBC Highways visited the site on Thursday 26th November 2015 at 12 midday, the busiest time according to the survey. WBC Highways consider that it would be possible to park a few more cars than 35 on-street in the survey area, subject to the spacing between parked vehicles. This excludes areas where there are parking restrictions, bus stops, vehicular accesses and avoids places where passing traffic would have to encroach into central hatching to avoid parked vehicles. WBC Highways observed that there were 27 cars parked which equates to an occupancy level of 77%, based on the 35 space survey area.

Paragraph 2.13 of the parking standards states that “Local publicly available car parks or streets that will operate at 85-100% capacity, at times of peak parking demand (including the proposed development parking requirements), will be deemed to be “full” and unavailable to accommodate any additional demand.” The parking occupancy level of 77% observed by WBC Highways, and 80% maximum identified from the applicant’s survey, are below this 85% threshold. On this basis, there should be adequate on-street capacity to accommodate the parking demand from the development in accordance with the parking standards.

In view of the above, there is no highway objection to the proposal subject to the two amended planning conditions suggested by the applicant as described above.
Observations

The main considerations relating to the proposed variation of conditions are considered to be impact to residential amenity and parking requirements.

Residential amenity
The proposed hours of use would be until 9pm on weekdays and an additional, one or two hours in the morning on weekdays. No change to the approved hours on Saturdays and Sundays/ bank holidays to remain closed.

No objections/ concerns have been raised by Environmental Protection Officers.

It is considered that the comings and goings associated with one additional practitioner operating from the premises would not be significantly detrimental to the amenity of neighbouring properties in terms of associated noise and disturbance. Indeed a letter of support has been submitted from one immediate neighbour at 192.

As such it is considered that the proposed amendment to condition 5 is acceptable and accords with policy QE6 in terms of residential amenity.

Parking requirements
Highways officers advise that for the site’s location there is not a high accident record.

Based on the current parking standards set out in the adopted SPD there would be a requirement of 9 parking spaces for the practice (based on staff and consulting rooms). There is no parking provision within the site and therefore this would need to be accommodated on street.

Highways have considered the information provided in the applicant’s parking survey and advise that as the proposal is retrospective the parking survey submitted reflects the parking demand associated with the application.

The survey submitted advises that there are 35 parking spaces available on street in the survey area. The survey information shows that this was at 80% occupation during the busiest times (11am – 1pm) on Saturdays and Tuesday (12-1pm). There was shown to be an average parking occupancy of 76% on Saturday and 73% on Tuesday throughout the whole day. WBC Highways officer visited the site and saw 77% occupancy within the survey area on a Thursday.

Highways officers have had regard to paragraph 2.13 of the Council parking standards SPD which states that “Local publicly available car parks or streets that will operate at 85-100% capacity, at times of peak parking demand (including the proposed development parking requirements), will be deemed to be “full” and unavailable to accommodate any additional demand.”
The parking occupancy level of 77% observed by WBC Highways, and 80% maximum identified from the applicant’s survey, are below this 85% threshold. On this basis, there should be adequate on-street capacity to accommodate the parking demand from the development in accordance with the parking standards.

It is therefore considered that the application to vary the existing condition to allow a 2nd practitioner to operate from the practice is acceptable having regard to the Council’s current parking standards and guidance in terms of on street parking availability.

Policy QE6 of the Core Strategy advises that the Council will take into consideration the effect and timing of traffic movement to, from and within the site and car parking including impacts on highway safety.

It is recognised that there is a lot of objection to the application from residents raising concerns regarding parking problems, safety issues and inconvenience associated with parking problems. However these properties are situated in a location that relies on shared on street parking provision and as such there is an element of inconvenience that is likely to be experienced. It is not considered that the impact attributed to the one additional practitioner or the extended opening hours is significant enough to warrant refusal of the application.

In relation to safety concerns raised, Highway officers have looked at the accident records for this location and have advised that it is not considered to be high. It is not considered that the application would affect highway safety as a result of the additional clients associated with the proposal, and this is further supported by the fact that the application is retrospective.

**Recommendation**

Approve subject to Conditions

**Conditions & Reasons**

1. No customer shall be admitted to, or allowed to remain on the premises outside the hours of 08:00 – 21:00 Monday to Friday, 09:00 – 13:00 on Saturday, and not at all on Sundays, Bank Holidays or Public Holidays.

   Reason; In the interests of amenity having regard to policy QE6 of the core strategy.

2. No more than two practitioners shall be in operation from the premises at any one time

   Reason: Having regard to parking requirements and policy QE6 of the Core Strategy and Parking Standards SPD

3. No deliveries to the development hereby approved shall take place
outside the hours 09:00 and 18:00 Monday to Friday, and 09:00 to 13:00 on Saturdays, and not at all on Sundays, Bank or Public Holidays

Reason: In the interests of amenity having regard to policy QE6 of the Core Strategy.

4. The practice shall operate an appointment only system

Reason: In the interests of amenity and parking requirements having regard to policy QE6 of the core strategy.

**Informatives**

1. The proposal complies with the development plan and having regard to the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework (NPPF).
Appendix 1 – photos
TITLE OF REPORT: Appeal decisions for period between 8th December 2015 & 4th January 2016.

1. PURPOSE OF THE REPORT

1.1 To advise members of the planning appeal decisions at:

- 20 Cuerdon Drive - appeal dismissed
- 46 Ladywood Road – appeal allowed
- 51 Chapel Lane – appeal dismissed
- 10 Manor Road – appeal dismissed
- Land adj and behind 36 Common Lane – appeal allowed

2. REPORT BODY

Dismissed Appeals

20 Cuerdon Drive

2.1 Consent was sought for a first floor front and side extension together with a detached garage. The main issue was the proposals impact on the areas character and appearance. The Inspector noted the semi-detached property had previously been extended, however its original appearance was still evident despite the single storey side extension and porch roof. Within the street scene the Inspector noted some diversity but commented neighbouring dwellings are also semi-detached and of a similar character/appearance.

2.2 The proposal would introduce a pitched roof at first floor level with the gable end facing towards the highway. This would not reflect the form of the simple roof lines that exist along Cuerdon Drive nor that of the neighbouring semi-detached dwelling. The proposal would also see the loss of most of the porch roof that extends across the main front elevation. There would also be no set back incorporated into the design. For these reasons, the development proposed would dominate the appearance of No. 20 itself, disrupt the visual symmetry that exists between the appeal dwelling and its semi-detached neighbour and would not reflect the built form along Cuerdon Drive itself. The proposal would therefore be harmful to the character an appearance of the area.
2.3 Reference had been made by the appellant to similar extensions nearby. The Inspector treated this appeal on its own merits as they did not have details of those schemes before them.

2.4 Despite the additional living space, this benefit did not outweigh the harm identified in terms of the proposals design. The appeal failed as it was contrary to policy QE7 and SPG 2 as well as paragraph 64 of the NPPF.

51 Chapel Lane

2.5 Permission was sought for a garage extension to the side of the dwelling. If allowed this would be the properties third garage. The main issue was the proposals effect on the character and appearance of the dwelling and street scene.

2.6 The Inspector noted the detached nature of the dwelling and the existing garages either side of the dwelling. The Inspector felt that a third garage, despite it being consistent with the front building line and having a matching ridge height, that cumulatively the proposal would be overwhelming and equate to 15m of garage doors when viewed from Chapel Lane. The effect would be a dominant impact that would be harmful to the dwellings appearance.

2.7 Trees along the front boundary would not screen the extension to the extent it addressed the Inspectors concerns. The proposal was therefore contrary to policy QE7 and SPG 2 as well as design principles in the NPPF.

10 Manor Road

2.8 The appeal proposed a single storey front extension and replacement windows. It followed an earlier slightly larger proposal for a similar development. In both cases permission was refused due to the impact on the street scene and character and appearance. The proposal would represent the first extension of its kind in a street scene currently absent of any forward extensions.

2.9 The appeal property is located within a residential cul-de-sac containing properties arranged in semi-detached pairs, and which display a distinct uniformity in terms of architectural style. Many of the properties along Manor Road have been altered and extended to their side elevations. Despite this and the variety it introduces, the original architectural character of the street is still evident.

2.10 Of particular significance is the lack of extensions and alterations to the front elevations of the houses in this part of Manor Road which has led to a remarkable degree of consistency between the individual houses. There is also a similarity in the length of front gardens and driveways and the set-back distance of the front elevations of the dwellings to the edge of the footway. The spaces in front of the houses are relatively constant and set a regular pattern of built development and which creates a strong uniform layout to the street. This makes an important contribution to the character of the street.

2.11 The proposal would extend the dwelling towards the street frontage to such an extent that it would appear at odds with the uniform character of neighbouring properties and would be unduly prominent and obtrusive in the street scene contrary to policy QE7, design principles of the NPPF and SPG A.
2.12 This appeal followed a recent appeal at the same address which was dismissed, however the Inspector this time was being asked to consider a lesser scheme than the refused appeal.

2.13 The development proposed is a loft conversion including raising the ridge height by 0.7m. The proposals main impact was its effect on the character and appearance of the host dwelling and the street scene.

2.14 The appeal site is located in a residential area containing mostly two storey detached properties, but these are interspersed by bungalows. The dwellings appear to be of a similar age but there is a remarkable degree of inconsistency between the architectural styles of the individual houses, resulting in a variety in the roof types found in the vicinity. I noted that the appeal property is located on the bend of the road and sits in between two bungalows, thus making it more prominent in views along the street.

2.15 The Inspector considered the proposed increase in the height by only 0.7m, compared to the additional 1.15m of the previously dismissed scheme, would result in the roof continuing to be in scale and proportion with the house and would not result in the dwelling appearing top heavy. Although the proposed ridge height of the dwelling would be slightly higher than those generally found along Ladywood Road, given the significant variations in the design of roofs found along the street it would not appear as an incongruous feature.

2.16 Whilst I acknowledge there is a need for a consistent approach to decision making, the scheme that is now before me is materially different to that determined by the previous Inspector. Therefore, I conclude that the development would not have a harmful impact on the character and appearance of the host dwelling or the street scene.

2.17 Permission has been granted for two 3 no. bedroom detached dwellings with associated parking and landscaping. A number of conditions were attached to the decision.

2.18 The appeal site is currently vacant off Common Lane, close to the village centre of Culcheth. The site is in two sections - split by a small part culverted stream that runs from west to east. Between Common Lane and the stream is a small area of largely rough surfaced land used for car parking. Beyond the stream, the main body of the site is at a slightly lower level and is covered in undergrowth with some mature TPO trees. Further landscaping is around its boundaries. An electricity substation is between the site and Common Lane.

2.19 Despite our perspective, the Inspector considered the site was a small, isolated parcel of land surrounded by residential and commercial development. It has no public access. The small stream passing through the site is culverted at either end.
The site does not, therefore, form part of any effective wildlife or ecological corridor. The Inspector noted the large public park nearby, considering this provides a major green lung for Culcheth. Therefore developing the site will not be harmful to the Green Infrastructure of the Borough, particularly as there is room within the site for some replacement planting.

2.20 The development would result in the loss of two of the three TPO’s. Both are willows, which have recently been pruned and lopped. They do not appear in good condition although could have further useful life if maintained. But they are set back from Common Lane and are not a significant visual feature in the wider townscape. Replacement planting would occur, particularly around the sites entrance. Despite raising concern at the practicalities of the appellants planting scheme, the Inspector did feel there was room for sufficient planting to provide a visual screen in an otherwise unattractive street scene.

2.21 Neighbouring dwellings were considered to be a sufficient distance away and in accordance with a rule of thumb separation of 13 metres. One of our concerns was the overbearing impact the proposal would have on no. 14 Ellesmere Road, especially given the level differences. The Inspector accepted there would be some impact, but the impact will be limited by the gable relationship, ridge height and boundary planting together with separation distance.

2.22 The existence of the sub-station site meant the sites access could not meet highway safety requirements with regard to visibility splays to provide a guarantee of adequate sight lines. At the time of the determination of the planning application, the Council had only an unsigned agreement between the appellant and the owners of the sub-station regarding the appellant acquiring control over the necessary land to provide visibility splays. Since this time, the appellant has now provided a signed copy of the agreement and it would appear that the necessary visibility splays could be provided.

2.23 On this basis, the Inspector concluded the proposed development would not be harmful to highway safety, subject to an appropriate condition requiring the visibility splays to be created.

2.24 The appellant has provided a Flood Risk Assessment (FRA). The appeal site lies partly within a Flood Zone 3 and partly within a Flood Zone 1 and the proposed development, therefore, represents a “more vulnerable” land use. No objections were raised by the EA and ourselves on the issue of vulnerability to flooding subject to the mitigation measures being implemented, and this can be covered by way of a suitable condition.

2.25 A Sequential Test has been applied and recognised as being appropriate. The Exception Test therefore needs to be satisfied. The scheme provides two new dwellings, which although not a substantial number has wider benefit given the inability of the Council to demonstrate a 5 year housing supply and the sites sustainable location.

2.26 The Inspector in summary considered the proposal would enhance a rather unattractive area with new planting and landscaping that would be a benefit to the street scene, together with wider community benefits that outweigh the flood risk associated with the development.
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 Not required.

8. REASON FOR RECOMMENDATION
8.1 To inform Members of the outcome of the appeal decisions.

9. RECOMMENDATION
9.1 That members note the appeal decisions.

10. BACKGROUND PAPERS
10.1 None

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
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<tbody>
<tr>
<td>Andrew McGlone</td>
<td><a href="mailto:amcglone@warrington.gov.uk">amcglone@warrington.gov.uk</a></td>
<td>01925 442845</td>
</tr>
</tbody>
</table>

12. CLEARANCE DETAILS

<table>
<thead>
<tr>
<th>Name</th>
<th>Consulted</th>
<th>Date Consulted</th>
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<tbody>
<tr>
<td>Andy Farrall</td>
<td>x</td>
<td>4/1/2015</td>
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Appeal Decision

Site visit made on 15 December 2015

by Victoria Lucas-Gosnold MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 December 2015

Appeal Ref: APP/M0655/D/15/3132331
20 Cuerdon Drive, Thelwall, Warrington, Cheshire, WA4 3JU

- 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 C. Hanson against the decision of Warrington Borough Council.
- The application Ref 2015/25767, dated 24 April 2015, was refused by notice dated 5 June 2015.
- The development proposed is proposed first floor front and side extension and detached garage.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development proposed on the character appearance of the area.

Reasons

3. The appeal dwelling is a semi-detached property situated at the turning head of Cuerdon Drive. The appeal proposal would see the construction of a first floor extension to the front and side of the dwelling. A single storey detached garage is also proposed.

4. Whilst No. 20 may have been extended, the form of the dwelling as constructed is still apparent. There is a single storey side extension at the appeal dwelling with a porch roof that extends across the front of the dwelling over the front door and a ground floor bay window. The roof extends across the front of the neighbouring dwelling. This feature creates a pleasant visual symmetry between the pair and contributes positively to the streetscene as a result.

5. There is some diversity in the wider street scene. However the majority of dwellings along Cuerdon Drive are semi-detached and similar in form and proportion to No. 20 with some form of roof porch extending across their main front elevations.

6. The appeal proposal would see the introduction of a pitched roof at first floor level with the gable end facing towards the highway. This would not reflect the form of the simple roof lines that exist along Cuerdon Drive nor that of the neighbouring semi-detached dwelling. The proposal would also see the loss of
most of the porch roof that extends across the main front elevation. There would also be no set back incorporated into the design. For these reasons, the development proposed would dominate the appearance of No. 20 itself, disrupt the visual symmetry that exists between the appeal dwelling and its semi-detached neighbour and would not reflect the built form along Curedron Drive itself. The proposal would therefore be harmful to the character and appearance of the area.

7. I note the appellant’s comments regarding other extensions that have been permitted in the area. However, the specific details of those schemes are not before me. Additionally I have assessed this appeal proposal within the specific context of Cuerdon Drive and the neighbouring dwelling. Whilst other houses may have been extended along Curedron Drive, during the site visit I did not observe any extensions of a similar scale or form to the development proposed in proximity to No. 20 itself.

8. I acknowledge that the development proposed would create additional living space for the occupants of the dwelling, including enlarging a third bedroom and creating an en-suite and additional fourth bedroom. The proposed extension would also be constructed in materials to match those of the existing dwelling and this could be secured via a condition. However these matters do not outweigh the harm that I have identified.

9. Accordingly, I conclude that the development proposed would be harmful to the character and appearance of the area. The proposal would therefore conflict with policy QE7 of the Warrington Borough Council Local Plan Core Strategy (Adopted July 2014) which states, that the Council will look positively on proposals that are designed to, among other things, reinforce local distinctiveness and enhance the character, appearance and function of the street scene; harmonise with the scale and proportions of adjacent and / or existing buildings. The proposal would also conflict with the Council’s Supplementary Planning Document 2 ‘House Extension Guidelines’ which state, among other things, that to ensure that extensions harmonise visually with existing dwellings they should be subordinate in scale to the building, which is to be extended.

10. The proposal would also conflict with paragraph 64 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

‘Victoria Lucas-Gosnold’

INSPECTOR
Appeal Decision

Site visit made on 7 December 2015

by Richard Duggan  BSc (Hons) DipTP MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 December 2015

Appeal Ref: APP/M0655/D/15/3137311
46 Ladywood Road, Old Hall, Warrington WAS 9QR

- 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 & Mrs Anthony Thompson against the decision of Warrington Borough Council.
- The application Ref 2015/26470, dated 26 August 2015, was refused by notice dated 22 October 2015.
- The development proposed is described as ‘proposed loft conversion including raising roof height of existing dwellinghouse by 0.7m’.

Decision

1. The appeal is allowed and planning permission is granted for proposed loft conversion including raising roof height of existing dwellinghouse by 0.7m at 46 Ladywood Road, Old Hall, Warrington WAS 9QR in accordance with the terms of the application, Ref 2015/26470, dated 26 August 2015, 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 plans: Location Plan CNT/WR/E2876/46; Block Plan scale 1:500; MB15/216 Plan 1 of 3; MB15/216 Plan 2 of 3; MB15/216 Plan 3 of 3.

Procedural matter

2. Although the description of the development set out above does not refer to a proposed rear dormer, the submitted plans do show this as part of the proposals. The Council has raised no objection to this part of the development and I have no reason to disagree with this recommendation and I have dealt with the appeal on this basis.

Main Issue

3. I consider the main issue in this case to be the effect of the development on the character and appearance of the host dwelling and the street scene.

Reasons

4. The appeal site is located in a residential area containing mostly two storey detached properties, but these are interspersed by bungalows. The dwellings
appear to be of a similar age but there is a remarkable degree of inconsistency between the architectural styles of the individual houses, resulting in a variety in the roof types found in the vicinity. I noted that the appeal property is located on the bend of the road and sits in between two bungalows, thus making it more prominent in views along the street.

5. I agree with the previous Inspector that the existing roof is approximately one third of the existing height of the property which is in proportion for a two storey dwelling, and is similar to the majority of the other houses in the area. However, I consider that the proposed increase in the height by only 0.7m, compared to the additional 1.15m of the previously dismissed scheme, would result in the roof continuing to be in scale and proportion with the house and would not result in the dwelling appearing top heavy.

6. Although the proposed ridge height of the dwelling would be slightly higher than those generally found along Ladywood Road, given the significant variations in the design of roofs found along the street it would not appear as an incongruous feature.

7. Whilst I acknowledge there is a need for a consistent approach to decision making, the scheme that is now before me is materially different to that determined by the previous Inspector. Therefore, I conclude that the development would not have a harmful impact on the character and appearance of the host dwelling or the street scene, and would not conflict with Policy QE 7 of the Adopted Warrington Local Plan Core Strategy 2014, or the design principles set out within the National Planning Policy Framework.

Conclusion

8. For the reasons given above I conclude that the appeal should be allowed.

Richard Duggan

INSPECTOR
Appeal Decision

Site visit made on 7 December 2015

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

Decision date: 15 December 2015

Appeal Ref: APP/M0655/D/15/3137739
51 Chapel Lane, Burtonwood and Westbrook, Warrington WA5 4JT

- 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 Aiden Illidge against the decision of Warrington Borough Council.
- The application Ref 2015/26478, dated 28 August 2015, was refused by notice dated 22 October 2015.
- The development proposed is described as ‘garage extension on side of property’.

Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the appellant’s grounds of appeal refer to the intention to convert the existing garage on the western elevation of the appeal property into a games room with windows inserted in the front elevation. This is shown within the plans submitted with the grounds of appeal. However, these plans were not part of the planning application submitted to the Council, and any change would amount to a departure from the scheme the Council consulted upon and determined. Accordingly, I am unable to take these scheme amendments into account and I have considered the proposal as determined by the Council.

Main Issue

3. I consider the main issue in this case to be the effect of the development on the character and appearance of the host dwelling and on the street scene.

Reasons

4. The appeal property is located within a predominantly residential area containing dwellings of various size, scale and architectural style. It is a detached property and already has two garages situated on either side of the house. The proposal is to erect a third garage on the western side of the dwelling which would extend the house to the side of one of the existing garages and up to the common boundary with ‘The Vicarage’ to the west.

5. Policy QE7 of the Adopted Warrington Local Plan Core Strategy 2014 (LP), amongst other things, is aimed at ensuring that development proposals reinforce local distinctiveness and enhance the character, appearance and function of the street scene, local area and townscape. It also aims to make
developments harmonise with the scale, proportions and materials of adjacent and or existing buildings and to be visually attractive as a result of good architecture.

6. Although the proposed garage would be sited in line with the front elevation of the dwelling and would have the same ridge height as the adjacent garage, it would result in the property having three garages along its front elevation. In my view the cumulative impact of the three garages on the appeal property would be overwhelming as it would equate to approximately 15m of garage doors when viewed from Chapel Lane. Rather than being subservient additions to the property, taken together, the three garages would dominate the front elevation of the dwelling and would have a significant harmful impact on its appearance.

7. Although the garden of the appeal property contains large trees and some landscaping along the front and side boundaries, this would not screen the proposed extension to the extent that it would address my concerns regarding its harm to dwelling.

8. Therefore, I consider that the development would harm the character and appearance of the host dwelling and the street scene contrary to Policy QE7 of the LP, and the Council’s Supplementary Planning Guidance ‘House Extensions Guidelines’. It would also conflict with the design principles set out within the National Planning Policy Framework.

9. I have taken into account all other matters raised by the appellant, including the Permitted Development Rights for householders. However, this does not alter my conclusions on the main issue.

**Conclusion**

10. For the reasons given above I conclude that the appeal should be dismissed.

**Richard Duggan**

INSPECTOR
Appeal Decision

Site visit made on 7 December 2015

by Richard Duggan  BSc (Hons) DipTP MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 December 2015

Appeal Ref: APP/M0655/D/15/3137017
10 Manor Road, Lymm, Warrington WA13 0AY

- 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 Robert Askew against the decision of Warrington Borough Council.
- The application Ref 2015/25959, dated 2 June 2015, was refused by notice dated 29 July 2015.
- The development proposed is described as ‘proposed single storey front extension and replacement windows’.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the description of development set out above includes replacement windows, the Council has raised no objection to this part of the development. I have no reason to disagree with this recommendation and I have dealt with the appeal on this basis.

Main Issue

3. I consider the main issue in this case to be the effect of the development on the character and appearance of the street scene.

Reasons

4. The appeal property is located within a residential cul-de-sac containing properties that are arranged in semi-detached pairs, and which display a distinct uniformity in terms of architectural style. Many of the properties along Manor Road have been altered and extended to their side elevations. Although these works have altered the individual appearance of the properties and introduced some variety into the design of the dwellings, the original architectural character of the street is still evident.

5. Of particular significance is the lack of extensions and alterations to the front elevations of the houses in this part of Manor Road which has led to a remarkable degree of consistency between the individual houses. There is also a similarity in the length of front gardens and driveways and the set-back distance of the front elevations of the dwellings to the edge of the footway. The spaces in front of the houses are relatively constant and set a regular
pattern of built development and which creates a strong uniform layout to the street. This makes an important contribution to the character of the street.

6. The proposal would extend the dwelling towards the street frontage to such an extent that it would appear at odds with the uniform character of neighbouring properties and would be unduly prominent and obtrusive in the street scene. Although the garden of the appeal property contains a good level of landscaping along the front boundary, this would not screen the proposed extension to the extent that it would address my concerns regarding its harm to the character of the street scene.

7. I consider that the scale and location of the proposed extension on the front elevation of the appeal property would harm the character and appearance of the street scene contrary to Policy QE7 of Adopted Warrington Local Plan Core Strategy 2014, and the Council’s Supplementary Planning Guidance ‘Front Extensions / Porches’. It would also conflict with the design principles set out within the National Planning Policy Framework.

8. I appreciate that the extension would provide wheelchair access to a downstairs bathroom required by the appellant’s family. However, this does not carry sufficient weight to overcome the concerns already identified in respect of the appeal.

9. My attention has been drawn to local precedent and similar developments in the area. However, I do not have the full details of these schemes and so cannot be sure that they represent a direct comparison to the appeal proposal. In any event, each case has to be determined on its own particular circumstances, particularly where issues of character and appearance are involved.

10. I have taken into account all other matters raised by the appellant, including the Permitted Development Rights for householders and the fact that the Parish Council did not object to the proposal. However, this does not alter my conclusions on the main issue.

**Conclusion**

11. For the reasons given above I conclude that the appeal should be dismissed.

*Richard Duggan*

INSPECTOR
Appeal Decision

Site visit made on 25 November 2015

by J D Westbrook  BSc(Hons) MSc  MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 December 2015

Appeal Ref: APP/M0655/W/15/3128932
Land adjacent to and behind 36 Common Lane, Culcheth, Cheshire, WA3 4HA

- 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 Ian Nixon against the decision of Warrington Borough Council.
- The application Ref 2014/25011, dated 21 December 2014, was refused by notice dated 25 March 2015.
- The development proposed is the construction of 2 x two-storey, three-bedroom detached residential dwellings with associated private parking and landscaping.

Decision

1) The appeal is allowed and planning permission is granted for the construction of 2 x two-storey, three-bedroom detached residential dwellings with associated private parking and landscaping on land adjacent to and behind 36 Common Lane, Culcheth, Cheshire, WA3 4HA in accordance with the terms of the application, Ref 2014/25011, dated 21 December 2014, and the plans submitted with it, subject to the conditions in the schedule below.

Main Issues

2) The main issues in this case are the effects of the proposed development on:
   - The character and appearance of the area around the centre of the village of Culcheth,
   - The living conditions of the occupiers of nearby dwellings by way of light and outlook,
   - Highway safety along Common Lane, and
   - Compliance with national planning policy which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

3) The appeal site is a vacant plot of land situated on the north-east side of Common Lane, close to the village centre of Culcheth. The site is in two sections, being effectively split by a small stream that runs through it from west to east. Between Common Lane and the stream is a small area of largely
rough surfaced land used for car parking. Beyond the stream, the main body of the site is at a slightly lower level and is covered in undergrowth with some mature trees both within this area and around its boundaries. There are three large trees within the site that are covered by a Tree Preservation Order (TPO). One is an Ash tree, towards the eastern end of the site, and two are Willow trees near the centre of the site.

4) To the east of the site is a restaurant with a car park to the side, bordering the appeal site. To the north and west are residential properties and there is an electricity sub-station between the main body of the site and Common Lane. There is a large public park/open space in the centre of the village, less than 200 metres east of the appeal site.

Character and appearance

5) The Council contends that the vegetation on the site, including prominent protected trees, represents an important green lung within the built up area and is of visual amenity value in the townscape. It is also contended that removal of the trees would fail to protect the existing Green Infrastructure of the Borough and would not constitute low-impact development.

6) The appeal site is a small, isolated parcel of land surrounded by residential and commercial development. It has no public access. The small stream passing through the site is culverted at either end. The site does not, therefore, form part of any effective wildlife or ecological corridor. There is a large public park containing many trees in close proximity to the site, and this park effectively provides a major green lung for the village. I consider that development of the site would not be harmful to the Green Infrastructure of the Borough, particularly as there is room within the site for some replacement planting.

7) The proposed development would necessitate the removal of two of the three protected trees, namely the Willows in the centre of the site. The large Ash tree would not be removed as a result of the proposal. The Willow trees have recently been pruned and lopped for tree management purposes. They would not appear to be in good condition although they could have a useful further life given regular maintenance. However, the trees are sited well back from the road and, though they are visible from a narrow area around the appeal site, they are not a significant visual feature in the wider townscape.

8) The proposed development would include some replacement planting within the garden areas of the dwellings and, perhaps more significantly, around the entrance to the site, between the proposed access driveway and the sub-station. There is some reasonable doubt as to whether the planting scheme suggested by the appellant in the submitted plans could effectively be accommodated on this small plot adjacent to the highway. However, there would clearly be room for sufficient planting to provide screening for the development, and to provide visual interest to the otherwise somewhat unattractive streetscene at this point. The details of precise landscaping and planting schemes for the site can, in any case, be covered by condition, and I have attached a relevant condition in the Schedule at the end of this letter.

9) In conclusion on this issue, I consider that the proposed development, including the loss of the two protected Willows and other minor vegetation on the appeal site, would not be significantly harmful to the Green Infrastructure of the
Borough, or to the visual amenities of the general townscape within Culcheth. The low density of the scheme and the opportunity for replacement planting and landscaping would ensure that the essential character and appearance of the surrounding area would be maintained. The site is surrounded by residential and commercial properties and has the nature of an infill development. On this basis, the proposal would not conflict with Policies QE3, QE7 or SN1 of the Council’s Adopted Local Plan Core Strategy (CS), which require development to protect Green Infrastructure; to enhance the character, appearance and function of the streetscene and wider townscape; and, with regard to new housing development, to meet defined criteria, including small-scale low-impact infill development.

**Living conditions**

10) Concern has been expressed by the Council and local residents that the proposed dwellings would adversely affect residential amenities by way of an oppressive outlook and overshadowing. The main area of concern would appear to relate to the closest dwellings, namely No 14 Ellesmere Road and No 6 Lawton Close. It would appear that the Council has no definitive standards for acceptable distances between principal openings and flank elevations, although a rule of thumb of 13 metres is acknowledged as reasonable and I concur with that view. The proposed dwellings would meet this rule of thumb figure. With regard to separation distances, the distance to No 14 would appear to be in the region of 16 metres, which is well above the acceptable minimum, and also well above some of the separation distances currently existing between properties in and around Ellesmere Road.

11) The Council contends that one of the proposed dwellings would be only around 3 metres from the boundary with No 14 Ellesmere Road, and that this would result in an overbearing impact and overshadowing, particularly as the proposed dwelling would be raised nearly a metre above ground level to counter dangers of flooding. I accept that there would be some impact from the proposed dwelling, although existing ground level on the site would appear to be a little below that of the neighbouring houses on Ellesmere Road, and the existing trees would themselves have an effect on light for much of the year. The proposed house would present a gable end to part of the rear garden of No 14 and so its maximum height to ridge would have limited impact both visually and in terms of effect on light over the course of a day. Any visual impact could be ameliorated by use of boundary planting and, in any case, the impact would be negligible from rear windows in No 14, around 16 metres away, and from the main useable amenity space close to its rear elevation.

12) With regard to No 6, the proposed dwellings would be to the east of this property and any overshadowing caused by the dwellings would be restricted to early mornings, and it would, in any case, be further limited by virtue of distance and the likelihood of some boundary trees remaining or being replaced.

13) In conclusion on this issue, I find that the proposed development would be likely to result in no significant harm to the living conditions of the occupiers of nearby dwellings by way of light or outlook. It would, therefore, not conflict with Policies CS1 and QE6 of the CS, which require development to safeguard residential amenity and to respect the living conditions of existing neighbouring residential occupiers.
Highway safety

14) There is an existing crossover from Common Lane onto the site. However, there is an electricity sub-station to the west of the crossover with railings at the rear of the footpath. The existence of the sub-station site means that the access to the site could not meet highway safety requirements with regard to visibility splays to provide a guarantee of adequate sight lines. At the time of the determination of the planning application, the Council had only an unsigned agreement between the appellant and the owners of the sub-station regarding the appellant acquiring control over the necessary land to provide visibility splays. Since this time, the appellant has now provided a signed copy of the agreement and it would appear that the necessary visibility splays could be provided.

15) On this basis, I conclude that the proposed development would not be harmful to highway safety, subject to an appropriate condition requiring the visibility splays to be created. I have attached such a condition in the Schedule below. The proposal would not therefore conflict with Policies CS1 and QE6 of the CS which relate to issues of public safety and highway safety.

Flooding

16) The appellant has provided a Flood Risk Assessment (FRA). The appeal site lies partly within a Flood Zone 3 and partly within a Flood Zone 1 and the proposed development, therefore, represents a “more vulnerable” land use. The FRA acknowledges vulnerability to flooding and suggests mitigation measures. The Environment Agency and the Council have raised no objections to the proposal on the issue of vulnerability to flooding subject to the mitigation measures being implemented, and this can be covered by way of a suitable condition, which is attached in the Schedule below.

17) A Sequential Test has been applied and recognised as being appropriate. The Exception Test therefore needs to be satisfied. In this case, the proposal would result in two new dwellings. The Council cannot currently demonstrate a 5 year housing supply and although two dwellings is not a substantial number, it nevertheless represents a wider benefit, given the sustainability of the general location of the appeal site. I also consider that the ability to enhance the rather unattractive area around the entrance to the site and the sub-station with new planting and landscaping would be a benefit to the streetscene.

18) I have already dealt with the other reasons for refusal of this scheme under the previous issue headings and concluded that there are no significant concerns regarding harm on the issues of greenspace and visual amenities, residential amenities, or highway safety. On this basis, therefore, I conclude that the proposal would result in wider community benefits that outweigh the flood risk associated with the development. It would not conflict with Policies CS1 or QE4 of the CS, which relate to the delivery of sustainable development, including resilience to the effects of climate change, and issues relating to flood risk assessment and sequential and exception tests.
Conditions

19) I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached further conditions, based upon those suggested by the Council and/or by the appellant, as follows:

- A pre-commencement condition relating to drainage to enable the consideration of the drainage schemes in relation to the proposed layout of the dwellings on the site.
- A pre-commencement condition relating to flood risk mitigation to reduce risk of flooding and danger to future occupants, and to enable consideration of measures proposed before work on site begins.
- A condition relating to materials in the interests of protecting and enhancing the visual amenities of the area
- Pre-commencement conditions relating to landscaping and tree protection measures in the interests of protecting and enhancing the visual amenities of the area, and to enable consideration of landscaping proposals before work on site begins, in relation to the proposed layout of the dwellings.
- A condition relating to visibility splays in the interests of highway safety.

Conclusion

20) In conclusion, I find that the proposal would not be harmful to the character or appearance of the area, to the living conditions of the occupiers of nearby dwellings by way of light or outlook, or to highway safety. Moreover, I find that the proposal would result in wider sustainability benefits to the community that outweigh flood risks in the area. Accordingly, I allow this appeal with appropriate conditions.

Schedule of Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01107/01; TEM-CUL-001Rev C; TEM-CUL-002Rev A; TEM-CUL-003; TEM-CUL-010; 1906_03Rev A; 1936_04Rev A; 1936_05Rev C

3) Prior to the commencement of the development hereby permitted, details of a foul drainage scheme and a separate surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall include details of means of disposal and rates of discharge based upon sustainable drainage principles with evidence of an assessment of site conditions. No dwelling shall be occupied until the schemes have been completed in accordance with the approved details, and the schemes shall be maintained and managed in accordance with the approval details thereafter.
4) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: 45428FRp1r2, issued June 2014, including the following mitigation measures:

- Ground floor slab levels shall be set no lower than 26.53m AOD
- Provision is made for a safe access and egress route from the site at a minimum height of 25.93m AOD
- The use of flood resilient and flood resistant materials and technology shall be incorporated into the design of the development
- A flood evacuation plan shall be produced for use by future occupiers
- A compensatory flood storage scheme shall be provided

Details of schemes relating to the above measures shall be submitted to and approved in writing by the local Planning Authority prior to commencement of the development.

5) No construction of the dwellings hereby permitted shall progress beyond footings level until samples of all external roofing and facing materials have been provided for viewing on site and have subsequently been approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample materials.

6) Notwithstanding details provided of proposed landscaping on the submitted plans, no development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- boundary treatments, including fences and walls;
- hard surfacing for vehicle access, parking and circulation areas;
- planting plans with written specifications (including cultivation and other operations associated with plant establishment);
- schedules of plants/trees noting species, plant/tree supply sizes and proposed numbers/densities where appropriate

The landscaping works, other than the planting scheme, shall be carried out in accordance with the approved details before either of the dwellings hereby approved is first occupied.

All planting comprised in the approved details of landscaping shall be carried out in the first planting seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7) The details submitted in accordance with condition 6 above shall include a plan showing the position of every tree on the site and on land adjacent to the site that could influence or be affected by the development, indicating which trees are to be removed and which are to be retained. No site clearance,
preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: *Trees in relation to design, demolition and construction – Recommendations* shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

8) Before first occupation of the dwellings hereby permitted, visibility splays from the site access of 2.4m x 20m to the east and 2.4m x 42m to the west shall be provided. Thereafter, no structure or erection exceeding 1 metre in height shall be placed within the visibility splays referred to above.

*J D Westbrook*

INSPECTOR
Item 1  2015/25218 – New World Ltd

The applicant has now provided estimated costings in relation to the public transport improvement measures set out in the report. The costings are significantly higher than the estimate in the report of £85k and equate to closer to £200k.

It is also important to note that the applicant’s submission has highlighted changes to the scheme since 2004 when the original application was submitted. The light industrial units and neighbourhood centre has been removed. This is relevant in terms of the demand for the bus service.

The developer has carried out a sustainable transport strategy for the site as referred to in the report. The applicant concludes that the proposals to improve footpath and cycle connectivity to the local centre, to improve footways to nearby bus stops and upgrade local bus stop infrastructure would add to sustainable travel and provide greater benefits for the local community than subsidising, in the short terms, an unviable bus service – which would cease after the 5 year subsidy ends if not viable.

Item 2  2015/26770 – 194 Manchester Road

Additional comments received from neighbour that states that the current application to extend opening hours and increase to 2 practitioners is still not enough to fall in line with the trading circumstances of his current practice.

Objection letter states that as well as the 2 practitioners the owner also accesses the practice to work from the premises at the same time.

Officer comment – the proposed condition 5 would not prevent the owner being present at the practice providing only two therapists are practicing at the same time.

A copy of a decision notice dated 2.7.07 for refused application to extend opening hours of an A2 use in St Helen’s has been submitted as part of objection. It is noted that the refusal is on the grounds of harm to residential amenity in terms of noise and disturbance.

Officer comment -
This is a different site/ application and therefore it is not considered it is a material consideration in the determination of the current application at 194 Manchester Road.

Photographs and videos received from objector (4 of which have been circulated to Members of DMC directly). The photographs are said to be different from those that the Highways Officer has taken, which only show midday and not early evening.
The photographs are not dated however they are listed by the objector as showing the following matters:

1. 24th October 2015: 19:45 - Exceeding permitted hours
2. 20:00 - Exceeding permitted hours
3. 23rd July 2015: 22:00 - Exceeding permitted hours
4. N/A
5. 22:00 Physio leaving
6. September 22nd 2015: 3 Physios and 3 clients cars - Exceeding both conditions
7. 23rd September 2015: Exceeding both conditions
8. 3 physios working and clients: Exceeding both conditions
9. 8th October 2015 16:33 - 2 physios working and clients cars
10. 8th October 2015 17:55 - 3 physios working and the bus stop is blocked
11. N/A
12. 4th October 2015 18:45 - client with motorbike and 2 physios working - exceeding conditions
13. 30th October 2015 21:25 - physio client still there
14. Picture of CLC employees parking and 2 pictures of the physio owner parking his car discretely so as not be seen working at the same time as 2 other physios
15. 5th November 2015 10:05 - 3 physios working and clients
16. 5th November 2015 16:00 - illegal client parking
17. 5th November 2015 17:31 - full road of cars and vans
18. 5th November 2015 - Exceeding conditions
19. 12th November 2015 - 3 physios working with clients cars
20. 16th November 2015 - 3 physios working with clients cars
21. 23rd November 2015 17:30 - 3 Physios working - exceeding conditions
22. 30th November 2015 9:15 - 3 physios working with clients cars
23. 30th November 2015 10:20 - 3 physios working with clients cars
24. Proof the owner is using more than one car to hide the fact that he is working there at the same time as other physios - exceeding conditions
25. 2nd December 2015 8:00 - shows CLC employees loading and unloading vehicles taking spaces up and the office staff vehicles are there all day which shows when the residents have gone to work
26. 3rd December 2015 10:30 - shows one of the physios trying to park but cannot, also a client parking opposite facing the oncoming traffic
27. 3rd December 2015 10:30 - shows the physio parking on the double yellow lines and also the road full with no spaces
28. 3rd December 2015 - Shows the physio owner accessing his business through the residents gardens so as not to be seen working at the same time as 2 other physios as reported to Sandra Beckett.
29. 3rd December 2015 12:10 - 3 physios working and the road is full
30. 3rd December 2015 18:55 - 3 physios working and clients cars and the road is full
31. 5th December 2015 - New hours applied for are 9:00-13:00 on a Saturday but staff there from 8:00 with clients
32. 5th December 2015 - client leaving after 1 hours treatment from 8:00 - exceeding conditions
33. 7th December 2015 - physio owner parking at the rear and accessing his business through residents gardens so as not to be seen working at the same time as other physios after Sandra Beckett speaking to him
34. 8th December 2015 - physio owner parking on Willis Street and accessing business through residents gardens so as not to be seen working at the same time as other physios - exceeding conditions
25. 8th December 2015 10:48 - shows 2 physios working and mentions the owners car around the back in Willis street
26. 8th December 2015 11:00 - 36+ cars on the road, more than 73%
27. 8th December 2015 18:20 - 33+ cars and vans and not all the residents are home
28. 8th December 2015 22:15 - shows the difference from previous video when nearly all the clients have gone
29. 8th December 2015 7:55 - shows 18+cars when most residents have gone to work which shows when residents come home there is no parking

Highways Officer updated comments –

A parking survey was undertaken at 6:30pm on Thursday 7th January 2016.

31 cars were parked (including a few vans) within the survey area defined by the applicant. This is an increase of 4 vehicles compared to the previous survey I undertook during the weekday lunchtime that is discussed in the highway response of 26th November 2015.

31 parked cars equates to a parking occupancy of 89% (based on 35 spaces in the survey area defined by the traffic survey company).

In reality there are more spaces available than this on site as discussed in the 26/11/15 highway response. The JMP technical note submitted with the application stated that there are actually 44 parking spaces in the survey area which I would agree with having visited the site twice. This would give a parking occupancy of 70% for the evening survey (and 61% for the previous daytime survey) which is well below the 85% threshold in the parking standards.

There were numerous free spaces observed within the survey area.

There was no illegal parking within marked bus stop bays, on double yellow lines or across vehicular accesses.
## DEVELOPMENT MANAGEMENT COMMITTEE

### Wednesday 13th January 2016

**DECISIONS**

**Start 18:30**

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<td>2015/25218</td>
<td>New World Ltd, New World House, Thelwall Lane, Warrington, WA4 1NL</td>
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Proposed deed of variation to S106 agreement associated with 2005/06423 in relation to bus service contributions

Deferred to allow further information and discussion with the applicant regarding the following matters:

- Clarification on what the contribution would have sought to deliver in terms of bus services to the site (new service/diversion) and outcome of discussion with Network Warrington
- Detailed information regarding the alternative improvement measures as set out in the report and any additional improvement measures that could be proposed
- Clarification regarding change to the mix of uses within the site (loss of B1 and retail) and impact on service demand and the requirements of the residents of the site.
Variation of Condition - Proposed variation of conditions 3 (Extend Opening times between 08:00 - 21:00 week days and 09:00 - 13:00 Saturdays) and 5 (Allow up to two practitioners) from original planning application 2007/11094

Approved with conditions in accordance with recommendation