6 November 2013

Development Management Committee

Thursday, 14 November 2013 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, Fax: (01925) 656278,
E-mail: jpickles@warrington.gov.uk

AGENDA

Part 1

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

Item

1. Apologies for Absence

To record any apologies received.

2. Code of Conduct - Declarations of Interest
Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Members are reminded of their responsibility to declare
any disclosable pecuniary or non-pecuniary interest which
they have in any item of business on the agenda no later
than when the item is reached.
3. **Minutes**

To confirm the minutes of the meeting held on 12 September 2013 as a correct record.

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

Report of the Executive Director Economic Regeneration, Growth and Environment

Attached as a separate document

5. **Section 106 Quarter 2 Report 2013/14 (1st July 2013 – 30th September 2013)**

Report of the Executive Director Economic Regeneration, Growth and Environment

6. **Constitution – Determining Planning / Other Application**

Report of the Executive Director Economic Regeneration, Growth and Environment

7. **Results of Planning Appeals**

Report of the Executive Director Economic Regeneration, Growth and Environment

7.1 21 Wilmot Avenue
7.2 22 Marlfield Road
7.3 23 Rushmore Grove
7.4 23 Wiltshire Close
7.5 26 Pepper Street
7.6 45 Mill Lane
7.7 67 Bridge Street
7.8 246 Manchester Road
7.9 348 London Road
7.10 Meadow Brook Cottage
7.11 Summit Close
7.12 246 Manchester Road – Cost Decision
7.13 Meadow Brook Cottage – Cost Decision
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
DEVELOPMENT MANAGEMENT COMMITTEE

12 SEPTEMBER 2013

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

DM38 Apologies for Absence

Apologies for absence had been received from Councillors Barr, Murphy and
Wright.

DM39 Code of Conduct – Declarations of Interest

There were no declarations of interest received.

DM40 Minutes

Resolved,

That the minutes of the meeting held on 22 August 2013 were agreed as a
correct record and signed by the Chair.

DM41 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.

DM42 2012/20529 – Land off Marsden Avenue, Latchford, Warrington,
WA4 1UB - Construction of 104no. dwellings (comprising 58no.
semi-detached dwellings and 46no. terraced dwellings) including
new access road from Marsden Avenue, car parking, landscaping,
public amenity areas and sustainable urban drainage/ eco zone.

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

This application had been deferred from the previous meeting of the sub-
committee held on 22 August 2013 to enable further public consultation to take
place.
Representations were heard in support of and against the Officer recommendation.

Resolved,

That planning application 2012/20529 be approved as recommended

**DM43 Department for Communities and Local Government Consultation August 2013 – Greater Flexibilities for Change of Use**

The Executive Director of Environment and Regeneration submitted the report to the Committee to update Members in respect of the consultation document prior to formal comments being sent to the Department for Communities and Local Government.

It was reported that Members were already aware that a number of amendments to the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 had come into force in May 2013. The Government now wished to make further Order so that fewer planning applications were submitted. In summary the consultation document proposed the following:-

- To create a permitted development right to assist change of use and the associated physical works from an existing building used as a small shop or provider of professional/financial services (A1 and A2 uses) to residential use (C3) (Prior Approval Application Required);
- To create a permitted development right to enable retail use (A1) to change to a bank or a building society;
- To create a permitted development right to assist change of use and the associated physical works from existing buildings used for agricultural purposes to change to residential use (C3) (Prior Approval Application Required);
- To extend the permitted development rights for premises used as offices (B1), hotels (C1), residential (C2 and C2A), non-residential institutions (D1), and leisure and assembly (D2) to change use to a state funded school, to also be able to change to nurseries providing childcare (Prior Approval Application Required); and
- To create a permitted development right to allow a building used for agricultural purposes of up to 500m² to be used as a new state funded school or nursery providing childcare (Prior Approval Application Required).

Resolved,
Agenda Item 3

That the report be noted and, it was agreed that the consultation responses be returned to the Department of Communities and Local Government

DM44 Section 106 Quarter 1 Report 2013/14 (1 April – 30 June 2013)

The Executive Director of Environment and Regeneration submitted the report to provide an update for the Members in relation to the status of planning obligations and S106 Agreements.

The report included details of active developments where S106 provision had been triggered and developments which were yet to commence.

Members were provided with highlights of the Annual Performance Report in relation to, Value of Agreements Signed, Notable Agreements Signed, Payments Received, Monitoring Receipts and Expenditure.

The report contained further information in relation to total obligations values by Ward and Service Area; and outstanding amounts owed by category.

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

Resolved,

That the report be noted

DM45 Results of Planning and Enforcement Appeals

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

That the report be noted

**DMC46 Exclusion of the Public (Including the Press)**

Resolved,

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

**DMC47 Unit 7, Wharf Employment Area, Wharf Street, Howley, Warrington, WA1 2HT**

The Executive Director of Environment and Regeneration submitted a report to outline the options available to the committee in terms of whether it was expedient to pursue planning enforcement action.

Resolved,

The committee agreed to accept the option as detailed in the report at paragraph 3.6 – That it was not expedient to take enforcement action and, that the planning enforcement case be closed.
<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>2013/22407</td>
<td>WOOLSTON COMMUNITY HIGH SCHOOL, HOLES LANE, WARRINGTON, WA1 4LS</td>
<td>Approve</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Full Planning (Major) - Proposed refurbishment of the existing single and two storey school building including re-modelling of internal spaces and the erection of two single storey blocks (B&amp;G) with associated external landscaping and fencing.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>19</td>
<td>2013/22491</td>
<td>SITE AT FORMER M &amp; S DISCOUNT STORE, &quot;SIX ACRES&quot;, 312 WARRINGTON ROAD, GLAZEBURY, WARRINGTON, WA3 5LB</td>
<td>Refuse</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Full Planning (Major) - Proposed demolition of existing disused buildings (Retail, Petrol Filling Station Canopy and Office Building) and construction of 14 detached 3,4 &amp; 5 bedroomed houses and landscaping</td>
<td></td>
</tr>
</tbody>
</table>
ITEM 1

Application Number: 2013/22407

Location: WOOLSTON COMMUNITY HIGH SCHOOL, HOLES LANE, WARRINGTON, WA1 4LS

Ward: RIXTON AND WOOLSTON & POULTON SOUTH

Development: Full Planning (Major) - Proposed refurbishment of the existing single and two storey school building including re-modelling of internal spaces and the erection of two single storey blocks (B&G) with associated external landscaping and fencing.

Date Registered: 04-Sep-2013

Applicant: Mrs Smith, Warrington Borough Council

8/13/16 Week Expiry Date: 03-Dec-2013

Reason for Referral to Committee

This application is referred to committee in line with the approved constitution which requires all applications relating to Council owned land or with significant Council interest to be referred to committee.

Human Rights

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

Article 8 - The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1 - The right of peaceful enjoyment of possessions and protection of property.

Site and Proposal

The proposal is the 2nd phase of a scheme to accommodate Fox Wood & Green Lane Schools and a post 16 unit to form a new Special Educational Needs School. This entails the part demolition and re-development of the
existing part single/part 2-storey school and includes:

- Remodelling of internal spaces
- Erection of a new single storey block (shown as block G on the plans)
- Erection of a new single storey block (shown as block B on the plans)
- Associated landscaping and fencing
- Large detached former high school with various two storey and single storey buildings sited off Holes Lane
- Site is allocated as forming Playfields and Urban Green Space
- Land levels drop slightly to the brook to the west
- Boundary treatment consists of large trees/planting to the eastern boundary, 2m high fencing to the southern boundary and staggered trees/planting to the western boundary
- Nearest residential properties sited 36m to the north, 35m to the east, 47m to the south-east and 43m to the south
- Public car parking is currently taken to the front and side of the existing building

**Relevant Planning History**

Various applications for extensions to the school building, ramps and fencing between 1974 and 2010. None relevant to the current proposal

2013/21746 – Proposed refurbishment of an existing single storey block (A) with small extension to the existing courtyard corridor and re-modelling of the existing toilet block. Demolition of the adjoining two storey block (E) and construction of a new single storey block in its place, with slight increase in footprint (approved)

2013/22420 – Non material amendment to previous application 2013/21746 to allow for amendment to window frames (approved)

**Planning Policies**

**National Planning Policy Framework (NPPF)**
Para 11-16 Presumption if favour of Sustainable Development
Para 109-125 Conserving and Enhancing the Natural Environment

**Unitary Development Plan (UDP)**
Policy DCS1 Development Control Strategy
Policy DCS9 Alterations & Extensions
Policy HOU7 The Residential Environment
Policy LUT1 Land Use / Transportation Strategy
Policy LUT20 Parking
Policy GRN2 Environmental Protection and Enhancement
Policy GRN10 Protection and Enhancement of Urban Greenspace
Policy GRN11 Playing Fields
Policy GRN22 Protection and Enhancement of Landscape Features
Policy REP10 Noise
Local Plan Core Strategy (LPCS)
Policy CS1 Overall Spatial Strategy – Delivering Sustainable Development
Policy QE5 Biodiversity and Geodiversity
Policy QE6 Environment and Amenity Protection
Policy QE7 Ensuring a High Quality Place

Notification Responses

Ward Councillors:
No comments received

Parish Council:
No comments received

Neighbours:
No comments received

Consultation Responses

WBC Environmental Health
No objection however request condition regarding contaminated land and
informatives regarding working hours for construction sites and food/health
and safety guidance.

WBC Highways
No objection subject to conditions.
39 minibus/disabled bays and 67 regular parking bays for staff to be provided.
This level of provision is considered acceptable and should be secured by
condition.

Currently the school is served by two pedestrian points which are supported
by the provision of School Keep Clear (SKC) marking on the highway. Both
the SKC marking are faded. No signage to support highway markings exists.
The markings are also not supported by appropriate Traffic Regulation Orders
(TRO). Implementation of revised SKC marking with appropriate signage and
TRO should therefore be secured by condition.

No School Travel Plan is provided, this should also be secured by condition.

WBC Arboricultural Officer
No objection (verbal) subject to condition requiring tree protection measures

Sport England
No objections

WBC Nature Conservation Officer
No objection
Observations

Residential Amenity – built form
Properties to the north - the nearest residential properties are sited 36m away to the north (No.35 Holes Lane) – the nearest facing building is block B which seeks to replace the recently demolished part 2 storey/part single storey element with a single storey element – proposed extension would be set 4m further away from Holes Lane than the existing building – therefore no harm to living conditions given increased separation and reduced building height.

Properties to the east – the nearest residential properties are sited 35 away to the east (64 Holes Lane) – the nearest facing building is block B which seeks to replace the recently demolished part 2 storey/part single storey element with a single storey element – proposed extension would be set 0.5m further away from properties on Holes Lane, this is not considered to cause harm to living conditions as it would retain a significant separation distance and would see a reduced building height.

Properties to the south east – the nearest residential properties sited 77m to the south-east (No.24 Holes Lane) – the nearest facing building is block D which is to remain as existing except minor cosmetic alterations – to be sited 99m to proposed alterations to block B – therefore no harm to living conditions given the large separation and reduced building height.

Properties to the south- the nearest residential properties sited 43m to the south (No.12 Margaret Avenue) – remaining existing building block D would predominantly screen the proposed alterations to block B from view of properties to the south and would be sited 83m away – therefore no harm to living conditions given the large separation and reduced building height.

Residential Amenity – noise
Bearing in mind the existing is a high school, it is already expected that there would be an element of noise disturbance during opening hours. In effect the proposal seeks merely to bring the existing building back into use. Therefore it is not expected that the proposal would result in a significant increase in existing noise levels over and above that which existed from the previous school use.

Urban Greenspace/Playing Fields
The proposal seeks predominantly to demolish and re-build the existing school building in a similar location with a slight increase in footprint. The existing playfield would remain in situ. As a result the proposal would not result in a loss of Playing Fields or Urban Greenspace as the land being developed is that which accommodated the existing building.

Ecology
The majority of exists buildings have been demolished and the remaining buildings are not considered to have any merit from an ecology perspective.
Character/Design
Block B
The existing building which has recently been demolished was a 2-storey, flat roof building consisting of traditional red facing brick frontage, felt roof and large aluminium windows.

The proposed block seeks to erect a single storey building on a slightly reduced footprint with the north elevation set back from the road by 4m and the eastern boundary set back by 0.5m. The proposed materials are red facing brick with covered insulated render, felt roof and white UPVC windows.

As a result the new building is considered to be less visually dominant than the existing building given the slight reduction in footprint and the reduction from 2-storey to single storey. The proposed materials are similar to those existing, however with a modern twist which would remove the existing outdated appearance.

Therefore no harm to the character/appearance of the area.

Block G
The proposed block G would be sited in the existing void between the existing sports hall and block F and would not therefore be visible from the north, east or western elevations. It would be partly visible to the south, however it would be via filtered views against the existing boundary treatment and would be lower than the height of the existing sports hall. As a result it would not be visually dominant.

The proposed materials of red facing brick, felt roof and white UPVC windows would predominantly match those of the existing building.

Therefore no harm to the character/appearance of the area.

Fencing
Part existing 1m high palisade fencing to the northern boundary be replaced with 2m high paladin fencing and remaining front elevation to retain existing 1m high palisade fencing. Existing southern fencing to remain as existing.

Therefore no harm to the character/appearance of the area.

Landscape Features
No impact to trees to the south-eastern boundary given the significant separation distance between built from and crown spread (10.5m to the south-eastern car park).

The larger trees to the northern and eastern boundaries would be retained and should not be directly affected by the proposed buildings, however given the proximity to the car park/new internal road layout, it is considered necessary to attach a condition requiring tree protection measures to be provided and details of the hard surface area to ensure that the proposed works do not cause harm to the trees.
As a result subject to protection measures, it is not considered that the alterations would cause harm to the existing landscape features.

**Highways**
The proposal would provide 39 minibus/disabled bays and 67 regular parking bays for staff. This level of provision is considered acceptable and should be secured by condition.

The existing access points are to be retained. However both the School Keep Clear markings serving the two pedestrian points faded. No signage to support highway markings exists. The markings are also not supported by appropriate Traffic Regulation Orders (TRO). Implementation of revised SKC marking with appropriate signage and TRO should therefore be secured by condition.

No School Travel Plan is provided however this can be secured by condition.

As a result it not considered that the proposal would cause harm to highway safety or result in a significant demand for travel to and from the site over and above that which already exists from the current school use.

**Summary**
The proposal is considered to be acceptable, subject to appropriate conditions, as it accords with Warrington Borough Council Unitary Development Plan Policies DCS1, DCS9, HOU7, LUT1, LUT20, GRN2, GRN10, GRN11, GRN22 & REP10, Warrington Local Plan Core Strategy Policies CS1, QE5, QE6 & QE7 and the National Planning Policy Framework. This is by reason of appropriate design, with no perceived detrimental impact upon surrounding neighbours, the character of the street scene, landscape features, playing fields/urban green space or existing off-street parking.

Therefore, it is recommended that planning permission is approved subject to conditions.

**Recommendation**
Approve subject to conditions

**Conditions**

1. The development must be begun not later than three years from the date of this permission.
2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.
3. The development hereby granted shall be carried out strictly in accordance with the details and plans hereby approved and shall not be varied other than by prior agreement in writing by the Local Planning Authority. The approved plans are as follows:

- External works site plan coloured sketch Drg No.20 dated 3rd May 2013
- Foxwood (Block B) proposed LO plan Drg No.F01 dated 23rd May 2013
- Foxwood proposed sections Drg No.F00 dated 23rd May 2013
- Green lane proposed ground floor plan Drh No.G01 dated March 2013
- Foxwood (Block B) proposed elevations Drg No.F00 dated 23rd May 2013
- Green lane proposed elevations sheet 2 Drg No.G01 dated 20th May 2013
- Green Lane proposed first floor demolition plan Drg No.G12 dated July 2013
- Green lane proposed elevations sheet 1 Drg No.G00 dated 20th May 2013
- Foxwood proposed sections Drg No.F00 dated 23rd May 2013
- Green Lane proposed ground floor demolition plan Drg No.G11 dated July 2013
- Foxwood (Block B) proposed roof plan Drg No.F02 dated 23rd May 2013

4. Prior to occupation of the development, the car and minibus parking spaces shown on drawing number 1819 AS (SK) 20 shall be provided and made available, and shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

5. Prior to occupation of the development, a revised School Travel Plan shall be submitted to and agreed in writing with the Local Planning Authority. The approved School Travel Plan shall be fully implemented.

6. Prior to occupation of the development, a scheme/details shall be submitted to and agreed (in writing) with the Local Planning Authority to enable the Local Highway Authority to provide signage and frontage parking prohibitions on Holes Lane.

7. Contaminated Land - Precommencement

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

A: CHARACTERISATION: With specific consideration to human health, controlled waters and wider environmental factors, the following must be provided (as required) to fully characterise the site in terms of potential risk to sensitive receptors:
o Preliminary Risk Assessment (PRA or Desk Study)
o Intrusive Site Investigation
o Generic Quantitative Risk Assessment (GQRA)
o Detailed Quantitative Risk Assessment (DQRA)
o Remedial Options Appraisal

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

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

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

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

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

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

9. Any external plant shall be acoustically insulated to a scheme submitted to and approved by the LPA before the development commences. The scheme shall ensure that the background noise level at the boundary of the site or the nearest noise sensitive dwelling does not increase. For the avoidance of doubt calculated noise levels at the measurement point should be 10dBA below the existing background level.

10. Prior to the commencement of the development hereby approved a fencing scheme shall be submitted to the LPA for approval indicating how the trees located on site to the northern and eastern boundaries (as shown on External Works Site Plan Coloured Sketch dated 3rd May 2013) are to be protected with appropriate fencing during construction period. The agreed fencing shall be in place before development commences and thereafter retained during the construction period. There shall be no storage of materials or machinery, parking of vehicles, deposit of soil or rubble, lighting of fires, or disposal of liquids within the crown spread.

11. Prior to the commencement of the development hereby approved a scheme detailing the proposed replacement planting (as shown on External Works Site Plan Coloured Sketch dated 3rd May 2013) shall be submit to the LPA for approval. The scheme shall indicate the location, number & species. The approved landscaping scheme shall then be carried out within 6 months of the date of this decision, unless otherwise agreed in writing by the LPA; any trees or plants/grassed areas within a period of 5 years from the date of planting die, are removed or become seriously damages or diseased shall be replaced in the next planting season with others of similar size and species or quality, unless the LPA gives written consent to any variation.

Reasons

1. To comply with provisions of Section 91 of the Town & Country Planning Act 1990. (As amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. In order to ensure a satisfactory external appearance, having regard to policy DCS1, GRN1 of the Warrington Unitary Development Plan, policy CS1, QE7 of the Warrington Core Strategy & The National Planning Policy Framework
3. To ensure a satisfactory development and to avoid any ambiguity as to what constitutes this permission.
4. In the interest of pedestrian and vehicular safety in compliance with Warrington Unitary Development Plan Policies DCS1, LUT1, LUT20 and Emerging Local Plan Core Strategy Policy SC1
5. In the interest of pedestrian and vehicular safety in compliance with
Warrington Unitary Development Plan Policies DCS1, LUT1, LUT20 and Emerging Local Plan Core Strategy Policy SC1

6. In the interest of pedestrian and vehicular safety in compliance with Warrington Unitary Development Plan Policies DCS1, LUT1, LUT20 and Emerging Local Plan Core Strategy Policy SC1

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

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

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

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

9. To prevent an increase in background noise levels and protect the amenity of any residents in compliance with Warrington Unitary Development Plan Policies DCS1, HOU7, GRN2 and Emerging Local Plan Core Strategy Policy QE6

10. In order to ensure that any works associated with the rear extension do not damage/harm the protected trees on site in compliance with Warrington Development Plan Policies GRN22 and DCS1.

11. To enhance the character/appearance of the locality in compliance with Warrington Development Plan Policies GRN2 and DCS1.

Informatives

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

2. The Local Planning Authority has worked positively and proactively with the applicant to ensure that the proposal is an appropriate form of development with significant regenerative benefits and without any significant impact upon the road network, trees, biodiversity, character/appearance of the area or neighbouring properties. The proposal was the subject of pre-application discussion and as a result on-going negotiation during determination the proposal accords with the development plan. The Local Planning Authority has therefore implemented the requirements in paragraphs 186-187 of the National Planning Policy Framework.

3. In the interests of residential amenity, the applicant/agent/developer is
strongly advised to adopt the following recommended construction/demolition hours for all works on site.

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

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

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

4. The external lighting should be designed and installed by competent persons. The system should be designed according to best practice in respect of glare, light spill and efficiency. Advice can be obtained from:

Institution of Lighting Professionals
Regent House
Regent Place
Rugby
CV21 2PN
https://www.theilp.org.uk/home/

5. The applicant is advised to seek further advice and guidance on Food Safety/Health & Safety matters from the Commercial Environmental Health Team.
Advice and guidance is provided free of charge and may assist the applicant with the smooth operation of the business.
Please contact the following number for further advice: 01925 442645.

6. For further advice concerning Contaminated Land Assessments, Air Quality Assessments, Odour Assessments, Noise or Lighting requirements, please refer to the Environmental Protection Supplementary Planning Document for further detail (http://www.warrington.gov.uk/downloads/download/1212/spd_environmental_protection)
For further verbal advice please contact Mrs Angela Sykes for Contaminated Land on 01925 442557, Mr Richard Moore for Air Quality on 01925 442596 or Mr Steve Smith for Odour, Noise or Lighting on 01925 442589.
Appendix 1 – Drawings/Plans

Extent of phase one already approved (shown by hatched area)

Existing 1st floor plan
Existing ground floor plan

Proposed elevation block G
Proposed site plan

Proposed site plan with existing and proposed overlaid
Proposed elevation block B

Proposed site plan
Appendix 2 – Photographs of Site

Picture showing the Location of block G

Picture showing the location of block B
DEVELOPMENT CONTROL COMMITTEE DATE: 14-Nov-2013

ITEM 2

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>2013/22491</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>SITE AT FORMER M &amp; S DISCOUNT STORE, ‘SIX ACRES’, 312 WARRINGTON ROAD, GLAZEBURY, WARRINGTON, WA3 5LB</td>
</tr>
<tr>
<td>Ward:</td>
<td>CULCHETH, GLAZEBURY AND CROFT</td>
</tr>
<tr>
<td>Development</td>
<td>Full Planning (Major) - Proposed demolition of existing disused buildings (Retail, Petrol Filling Station Canopy and Office Building) and construction of 14 detached 3,4 &amp; 5 bedroomed houses and landscaping</td>
</tr>
<tr>
<td>Date Registered:</td>
<td>23-Sep-2013</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Kenryn Developments Limited</td>
</tr>
<tr>
<td>8/13/16 Week Expiry Date:</td>
<td>22-Dec-2013</td>
</tr>
</tbody>
</table>

**Reason for Referral to Committee**

The application has been referred to committee as the Parish Council has raised no objection to the proposal but officers have reached a contrary view in recommending refusal of planning permission.

**Human Rights**

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

Article 8 - The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1 - The right of peaceful enjoyment of possessions and protection of property.

**Site and Proposal**

The site measures 0.76 hectares and is partly in Green Belt. It includes a large building previously used for retailing purposes (M&S Discount Store) and other associated buildings (including a former filling station and office
building); the rear of the site is sited in the Green Belt and includes an open / hard surfaced area and some mounds of rubble up to 2 metres in height. Land levels through the site are predominantly flat.

Residential properties are sited to the north and south of the site with open land to the east and west.

Part of the site is within the defined village settlement boundary and part of it is within land outside the defined village settlement boundary and washed over by green belt. The plan below illustrates this.

The application is submitted in full and proposes the demolition of existing buildings and structures and the erection of 14 detached 3/4/5 bedroom homes with landscaping.

Vehicular access would be taken from Warrington Road mid-point between 308 and 324 Warrington Road. Houses would be positioned across the whole of the site and with landscaping proposed along boundaries. The houses would be served from one central road (5.5 metres wide) and would include gardens to the front and rear.

A 0.6 metre wall and rail is proposed along the site frontage with Warrington Road.

The applicant has indicated that they would offer £105,000 towards off site affordable housing and £10,002.72 towards open space and play provision.
**Applicant’s Case**

The applicant has submitted a planning supporting statement and in summary it states:

- The proposal allows for the removal of all previously developed land and for the site to be greened up
- The total area of buildings is 1501sq metres
- The total area for proposed dwellings is 1511 sq metres
- The new development will be dispersed across the site, reducing impact, and allows for the introduction of green space
- A woodland planting belt is proposed to the west of the site
- The proposal would remove an ugly building, remove areas of contamination, provide additional homes and provide a visual and ecological enhancement of the site
- The site is brownfield
- The proposal would amount to sustainable development
- The properties would be designed to meet Code for Sustainable Homes Level 3
- The land to the rear used to include service vehicles and parked cars and outside storage
- Considers that the proposal accords with the NPPF in so far that it would not have a greater impact on the openness of the green belt than the existing development and does not conflict with green belt purposes – therefore considers that the development is appropriate in green belt policy terms
- Offers a Section 106 payment for £105,000 towards off site affordable housing
- Offers a Section 106 payment of 10,002.72 towards open space and play provision enhancement

**Relevant Planning History**

74/0176 – Erection of an extension for agricultural and car maintenance (refused – impact on green belt and character/appearance)

74/0662 – Erection of an extension to workshop for agricultural repairs (refused – impact on green belt and character/appearance)

75/1371 – Erection of a workshop extension for vehicle and agricultural repairs and servicing (refused – impact on green belt and residential amenity)

80/11235 – Proposed caravan, camping and associated display and sales area in part existing showroom, forecourt and rear hard standing (refused – green belt and character/appearance)

85/17047 – Retrospective use of hard standing at the rear for car parking (approved)
94/31688 – Outline application for the erection of 12 houses (refused – impact on green belt and residential amenity)

A00/42464 – 12 apartments, 1 pair of semi-detached properties, 9 mews style dwellings and road and sewers (refused – green belt and character/appearance)

2004/04733 – Outline application for residential development (refused – green belt, housing land supply, absence of affordable housing)

**Planning Policies**

National Planning Policy Framework (NPPF)
Including Chapter 9 – Protecting Green Belt Land

Unitary Development Plan (UDP)
Policy DCS1 Development Control Strategy
Policy DCS2 Planning Obligations
Policy GRN22 Protection and Enhancement of Landscape Features
Policy HOU1 Housing Land
Policy HOU2 Housing Development – Restrictions
Policy HOU3 Housing Development – Development Control
Policy HOU6 Housing Density & Mix
Policy HOU13 Privacy and Daylight
Policy HOU15 Affordable Housing
Policy REP5 Surface Water Run-off and Sustainable Drainage Systems
Policy REP8 Land Contamination
Policy REP10 Noise
Policy GRN18 Key Biodiversity Habitats and Priority Species
Policy GRN21 Protection of Nature Conservation Resource
Policy LUT1 Land Use / Transportation Strategy
Policy LUT2 Transport Priorities in Development Control
Policy LUT20 Parking
Policy GRN1 Green Belt
Policy GRN2 Environmental Protection and Enhancement
Policy GRN3 Development Proposals in the Countryside

Emerging Local Plan Core Strategy
Policy CS1 Overall Spatial Strategy – Delivering Sustainable Development
Policy CS5 Overall Spatial Strategy – Green Belt
Policy SN1 Distribution and Nature of New Housing
Policy SN2 Securing Mixed & Inclusive Neighbourhoods
Policy QE4 Flood Risk
Policy QE6 Environment and Amenity Protection
Policy QE7 Ensuring a High Quality Place
Policy MP7 Transport Assessments and Travel Plans
Policy MP10 Infrastructure
Policy CC1 Inset and Green Belt Settlements
Policy CC2 Protecting the Countryside
Supplementary Planning Documents
Design and Construction
Planning Obligations
Managing the Housing Supply
Open Space and Recreation Provision

Notification Responses

Site and press notices posted and letters sent to occupiers of neighbouring properties. The following summarised comments have been received:

- Condition controlling working hours, delivery times and construction parking
- More detailed Bat Survey required
- Existing planting to Millbrook Close should remain unaltered
- Will create jobs
- Will enhance the character/appearance of the area
- Adequate separation
- Introduce mix of properties in the locality for families

Consultation Responses

Ward Councillor Chris Vobe
“You may consider this email to be an objection to the plans as laid out by the developer, due to the issues pertaining to the Green Belt which surround this application, and the type of housing which is being proposed.

This is not, to be clear, an objection to housing per se on the land in question. There is a clear desire by residents for an affordable homes development and were such an application made, it would be met with support.

I seek the council’s commitment to tabling this item at the most appropriate DMC meeting and to refusing the application submitted by “Kenryn Developments Limited”.

Culcheth and Glazebury Parish Council
“We have no objection to housing on this site. It would be an improvement on its present condition and protect it from inappropriate use in the future.

We do however, have some concerns about the details of the proposal and ask that the application is decided by the development control committee, preceded by a site visit.

Part of the site is in the Green Belt: we are pleased that there is no intention to change the Green Belt boundary. This is a brown field site both in the Green Belt and the inset village, a very particular case not to be used as a precedent for others.
Comments on the plan as presented:

- Parking provision needs improvement given that parking on Warrington Road would cause congestion and that there is no on site visitor parking or the potential for more parking within the curtilage of every house.
- There is no pavement beyond that near the entrance to the site, we would expect a pavement on one side of the estate road.
- The agricultural access has the potential to cause problems for future residents, can it be re-routed?
- The green belt boundary appears to go through one of the houses, does that matter?
- The extra planting is welcome, but particular consideration should be given to the boundary by houses 8 and 9.
- Permitted Development Rights should be removed from the whole site”

WBC Highways
Pre-application advice has not been sought from WBC Highways. No clear service verges or continuous pedestrian footways are shown. For adoption purposes there would be a need for an access width of 5.5 metres with 2 metre footways on either side. The transport Statement identifies that speeds of up to 46 mph have been recorded and therefore visibility splays of 2.4 m x 70 m should be provided rather than the proposed 2.4 m x 43 m.

In respect of refuse vehicles there is no turning head proposed and no swept path analysis provided to support the application. A formal turning head is required and a swept path analysis based on designing for a large 4 axle refuse vehicle measuring 2.5 m in width by 11.347 m in length.

WBC Environmental Protection
No objection subject to the imposition of condition regarding contaminated land and uprated acoustic glazing and informative regarding working hours and dust control measures

WBC Planning Policy
Comments to be reported at the meeting

WBC Nature Conservation Officer
No objection subject to conditions relating to the provision of bat and bird boxes and method statement regarding roof removal (to protect bats) and informatives relating to the protection of badgers, nesting birds and bats.

WBC Arboriculture Officer
The centre of the site appears devoid of any tree stock of appreciable size.

The proximity of large mature trees on the southern elevation gives cause for concern for increasingly reduced light levels at the rear of plots 4 and 5. Although the properties are sufficient distance from the trees to be constructed without damage to the existing root systems, the existing poplar and willow to be found in this location are vigorous by nature and this may
lead to requests for substantial remedial pruning on trees on third party land. If retained, these trees will require a sizeable exclusion zone in the order of at least 8m from the main stems.

As the trees are scheduled for retention, ideally, plots 4 and 5 should be moved further north away from the proximity of the trees. The only other tree is what appears to be a sycamore at the North West extremity of plot 8. This is sufficiently distant from the plots to be acceptable and should receive adequate fencing at approx. 6m from the main stem prior to any other works commencing.

The suggested landscape species remain acceptable but with minor adjustment to the woodland belt planting on the western boundary.

The beech should be substituted with oak and lime and the birch numbers reduced by 50% with consequential increase in hazel by 50%.

In relation to other native hardwoods, it is rather prone to wind throw and therefore not considered as the ideal primary top canopy species for the future in this location.

Observations

Land Use Principle Including Green Belt Impact
In principle officers support the re-development of part of the site for housing. However, officers consider that housing development should be confined to that area that includes existing buildings / structures and within the defined settlement boundary for the village.

Local policies allow housing infill within village settlement boundaries and the National Planning Policy Framework lends support to the re-development of brownfield sites for housing (paragraph 89) “which would not have a greater impact on the openness of the green belt and the purpose of including land within it than the existing development”.

In this case the land to the rear of the existing buildings is currently “open”. Whilst it has previously been used for the parking of cars / servicing this pattern of use cannot reasonably be compared to the erection of permanent buildings. Use of land to the rear of existing buildings for parking / servicing purposes has and would constitute a temporary and sporadic use of this part of the green belt and accordingly such an impact on green belt can never be considered permanent in green belt openness terms. Therefore the temporary nature of the parking of vehicles on the land is not considered to have such significant impact as a permanent building in visual terms.

For the above reasons, officers do not consider that the proposal would fully accord with paragraph 89 of the NPPF. The proposal includes permanent built development across the whole site, which is considered to have a far greater impact on openness compared to the existing building which is confined to just under half of the site. Accordingly it is considered that the
proposal would amount to inappropriate development in green belt impacting negatively on its openness. The erection of two storey houses on land previously used for the parking of cars/ servicing would have a greater visual and urbanising impact on this part of the green belt and accordingly would not safeguard the countryside from encroachment thereby conflicting with the purposes of the green belt.

Should this application be approved officers consider that it would, in time, put pressure on additional green belt land to be released for housing development or for the settlement boundary to be extended particularly in respect of a potential extension to or the merger of the Milbrook Close housing estate.

In concluding that the proposal amounts to inappropriate and therefore harmful development in green belt officers have considered paragraph 87 of the NPPF in terms whether any “very special circumstances” would outweigh the harm by reason of inappropriateness. Officers acknowledge that a financial contribution for affordable housing would be a positive material consideration as would bringing this site back into use and removing some unattractive buildings fronting Warrington Road. However, these are not sufficiently unique or “very special” to justify allowing harmful development in the green belt.

Highways and Car Parking
Adverse comments have been received from WBC Highways in respect of the proposed layout suggesting the following:

- In order to facilitate future adoption of the internal highway arrangement, an access width of 5.5m with 2m footways on neither side of the site access should be provided
- The Transport Statement notes that visibility splays of 2.4m x 43m can be achieved at the site entrance. However a speed survey in the statement advises that speeds of up to 46 mph have been recorded. Therefore visibility splays of 2.4m x 70m are required in accordance with Council standards
- No formal turning head for refuse vehicles is shown on the proposed layout and no swept path analysis is provided to ensure a large vehicle can turn on site to allow it to leave in a forwards direction. A formal turning head which complies with standards in the Warrington Design Guide, swept path analysis based on 4 large 4 axel refuse vehicles measuring 2.5m with by 11.347m length should be provided

As a result the proposal does not provide enough evidence to suggest that the proposal can be provided without causing harm to highway safety

Living Conditions

No.324 Warrington Road
The nearest proposed dwelling (plot 1) is to be sited 13.5m to the side elevation windows serving garage and kitchen at ground floor and bedroom window at 1st floor level
As a result given the scale/massing and siting to the boundary shared with No.324 Warrington Road the proposal would result in a separation distance between the proposed dwelling (plot 1) and No.324 Warrington Road to just 13.5m. This is contrary to council separation policy HOU13 which recommends a 21m separation be provided between main face elevations to prevent loss of privacy. Such a reduced separation distance would result in a loss of privacy to both the occupants of No.324 Warrington Road and the future occupants of the proposed dwelling. This would also result in the creation of a dominant feature with an overbearing impact and loss of outlook when viewed from the 1st floor side bedroom window of No.324 Warrington Road causing demonstrable harm to the living conditions of the occupants.

Whilst the affected bedroom window is sited on the side elevation of No.324, it is the only window which serves the 1st floor bedroom, therefore it is considered the primary window to this room therefore full weight should be given to its protection.

When dealing with house extensions, the Council operates the 45-degree code contained in the House Extension Guidelines Supplementary Planning Guidance Note, which seeks to protect living conditions of neighbouring properties from loss of outlook and overshadowing. Although not directly applicable in this instance as the proposal is for a new dwelling and not a house extension, it is worth noting that the proposed dwelling would breach the 45-degree code in relation to No.324 Warrington Road suggesting there would be harm through loss of outlook. Therefore it is considered relevant to use the 45-degree code as a guide and should be attached at least some weight.

No.308 Warrington Road
The nearest proposed dwelling (plot 13) is to be sited 5.5m to the side elevation serving ground floor kitchen window and no windows at 1st floor level – only limited weight can be attached to the protection of the kitchen window as this does not serve a habitable room – no overbearing, overshadowing or loss of outlook as plot No.13 would retain the rear build line to No.308 Warrington Road and plots 11&12 would be set 12.8m from the side/rear garden area – no loss of privacy between habitable room windows as the proposal would provide a 25m separation distance therefore complies with council separation policy – would result in an element of overlooking of the rear garden area, however this is inevitable in residential areas and the nearest proposed dwelling (plot No.12) would be sited 12.8m from the garden area, which is considered significant to prevent harm through overlooking of the garden area.

Character/Design
The locality consists of a mix of modern and more traditional property types containing both detached, semi-detached house types and terraced properties. The proposal seeks to add modern properties, which although are of standard house types, they are similar in style to other properties noted locally, therefore they would not harmfully jar with existing character. The scale and massing is consistent with other properties in the locality as is the...
proposed red brick frontages and tiled roof.

**Housing Mix & Density**
The proposal seeks to provide 14 detached 3/4/5 bedroom properties. Despite detached properties being the only house type, is not considered harmful to the mix of housing stock as this would provide additional housing stock for families which is considered to override this issue. The proposed density is also consistent with that of the surrounding area.

**Landscaping / Topology**
The site has little in the way of existing natural features to exploit. The majority of trees are located on the boundaries, which are predominantly to be retained. The proposal does also seek to create additional planting via the proposed landscaping scheme, which can be secured by planning condition

**Contaminated Land**
Site is potentially contaminated given historic use as a petrol filling station, this could be mitigated by planning condition requiring site investigation.

**Affordable Housing and Section 106 Agreement Matters**
The Section 106 contributions for affordable housing and open space are considered to be acceptable in planning policy terms. At this stage, however, the applicant has not progressed the preparation of a Section 106 agreement.

**Recommendation**
Refuse

**Reasons**

1. The proposal represents an inappropriate form of development in the Green Belt, which is by definition harmful. There are no very special circumstances to outweigh the harm that would be caused by the proposal. The proposal would include built development beyond the village settlement boundary and this would result in unacceptable encroachment into the countryside and thereby conflicting with the purposes of including land within green belt. The development would also have an adverse impact on openness in that the additional built form would be spread across the whole site (front to back), unlike the existing buildings which are confined to just under half of the site (front to middle). The applicants supporting statement seeks to justify the proposal stating that historically the rear of the site was used for car parking and the footprint of the new built form is only slightly larger than that proposed. However it is considered that parking/servicing which occurred to the rear of the site represented a temporary and intermittent impact on green belt when compared to the buildings currently proposed. Indeed this part of the site now has a sense of openness as it is not in use, whereas the existing buildings remain and therefore have a permanent and greater impact on openness. The proposal is therefore contrary to policies GRN1, GRN2, GRN3 of the

2. The proposal (in particular plot 1) given the scale/massing and siting to the boundary shared with No.324 Warrington Road would result in an inadequate separation distance between the proposed dwelling (plot 1) and No.324 Warrington Road at just 13.5m. This is contrary to council separation policy HOU13 which requires a 21m separation be provided between main face elevations to prevent loss of privacy. The reduced separation distance and introduction of rear main facing windows would result in a loss of privacy to both the occupants of No.324 Warrington Road and the future occupants of the proposed dwelling. This would also result in the creation of a dominant feature with an overbearing impact and loss of outlook when viewed from the 1st floor side bedroom window of No.324 Warrington Road causing demonstrable harm to the living conditions of the occupants. The proposal would therefore be in conflict with Warrington Unitary Development Plan Policies DCS1, HOU3, GRN2 & Policy QE6 of the Emerging Local Plan Core Strategy.

3. The proposed development does not provide adequate visibility splays at the site entrance. The submitted transport statement advises that visibility splays of 2.4m x 43m can be achieved at the site entrance. However speed surveys in the statement also advise that speeds of up to 46mph have been recoded, therefore splays of 2.4m x 70m are required to accord with Council standards. The plans also fail to show a formal turning head and no swept path analysis has been provided to ensure that large refuse vehicles can turn on site and leave in a forwards direction. It is therefore considered that the proposal would have a detrimental impact on highway safety. The proposal would therefore be in conflict with Policies DCS1, HOU3, LUT1 & LUT2 of the Warrington Unitary Development Plan, CS1, QE6 (point 10), QE7 (points 2&3), MP7 (points 1&2), of the Emerging Local Plan Core Strategy and Paragraph 32 of the National Planning Policy Statement.

Informatives

1. The proposal would not improve the environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the NPPF.
Appendix 1 – Drawings

Existing site plan
Proposed site plan
Sample house type plan
Appendix 2 – Photographs of Site

Photograph showing the existing site and buildings when viewed from the front

Photograph showing the existing buildings when viewed from the side
Photograph showing the rear of the site

Photograph showing the affected side elevation bedroom window of No.324 Warrington Road
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
DATE OF COMMITTEE 14th November 2013

Report of the: EXECUTIVE DIRECTOR ECONOMIC REGENERATION, GROWTH AND ENVIRONMENT
Report Author: Melanie Hughes
Contact Details: Email Address: Mhughes6@warrington.gov.uk
Telephone: 01925 442841
Ward Members: All

TITLE OF REPORT: Section 106 Quarter 2 Report 2013/14 (1st July 2013 – 30th September 2013)

1. PURPOSE OF THE REPORT

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

2. BACKGROUND

2.1 The attached report details progress of S106 Agreements for the 2nd quarter of 2013/14. The report includes details of active developments where S106 provisions have been triggered and developments which are yet to commence.

3. REPORT BODY

Section 106 Agreements

Quarter 2 Report

1. Highlights of Quarter 1 – 1st July 2013 – 30th September 2013

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

Table 1: Quarter 2(1st July 2013 – 30th September 2013)
2. Agreements

2.1 Three Section 106 Agreements were signed between the 1st July 2013 and the 30th September 2013. The agreements provide a potential total income of £200,076.76.

Notable Agreements Negotiated:

2.2 Financial Contributions - All of the agreements negotiated in the 2nd Quarter of this financial year (2013/14) involved financial contributions from developers. These included:

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Development Site</th>
<th>Date S.106 Signed</th>
<th>Development Details</th>
<th>Amount</th>
<th>S.106 Details</th>
<th>Triggers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/20808</td>
<td>THE HERMIT INN, GOLBORNE ROAD, WINWICK, WARRINGTON, WA2 8SN</td>
<td>22/07/13</td>
<td>Proposed residential development of 12 no. units.</td>
<td>£101,073.76</td>
<td>Affordable Housing contribution – Towards the provision of affordable housing in the borough. £90,000 Play Area contribution towards the provision and maintenance of children’s play area in the vicinity of the development site for the use of residents of the site and residents of the local area. £8,573.76 Traffic Contribution towards the costs of implementing a waiting order on the access roads to the site from their junction with A53 Golborne Road £2,500.00</td>
<td>50% - £45,000 prior to occupation and 50% (£45,000) upon the occupation of the 12th dwelling. Prior to commencement</td>
</tr>
<tr>
<td>2012/20700</td>
<td>Land at Chester Road/Pool Lane, Warrington, WA4 6EP</td>
<td>10/09/2013</td>
<td>Proposed change of use of land and depot for car sales, use of buildings for car preparation, associated landscaping and alteration to access.</td>
<td>£9,000</td>
<td>Traffic Contribution - towards the Council’s costs in obtaining Road Traffic Regulation Orders in respect of the speed limit on Chester Road and introduction on the site frontage on Chester Road a no waiting at any time and loading ban.</td>
<td>Prior to commencement</td>
</tr>
</tbody>
</table>


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

3.1 The total payments received during the 2nd Quarter 2013/14 were £290,573.76. Table 4 lists the payments received during this period:

<table>
<thead>
<tr>
<th>App No</th>
<th>Address</th>
<th>Money Received</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010/17552</td>
<td>G &amp; J Distillery, Loushers Lane</td>
<td>£50,000.00</td>
<td>Health Care Facilities – Towards the provision of health care facilities within 71/2 mile radius of the development.</td>
</tr>
<tr>
<td>2010/17552</td>
<td>G &amp; J Distillery, Loushers Lane</td>
<td>£150,000.00</td>
<td>Sport and Recreational Facilities – Towards the provision of sports and recreational facilities within a 2 ½ mile radius of the development.</td>
</tr>
<tr>
<td>2012/20808</td>
<td>The Hermit Inn, Golborne Road, Winwick, Warrington, WA2 8SN</td>
<td>£2,500.00</td>
<td>Traffic Contribution – Towards the costs of implementing a waiting order on the access roads to the site from their junction with A53 Golborne Road</td>
</tr>
<tr>
<td>2012/20808</td>
<td>The Hermit Inn, Golborne Road, Winwick, Warrington, WA2 8SN</td>
<td>£8,573.76</td>
<td>Play Area contribution - Towards the provision and maintenance of children’s play area in the vicinity of the development site for the use of residents of the site and residents of the local area.</td>
</tr>
<tr>
<td>2009/15420</td>
<td>Land/building South Side of Farrell Street</td>
<td>£79,500.00</td>
<td>Highways contribution - Towards the provision of improvements to the highway network in the vicinity of the site.</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>£290,573.76</strong></td>
<td></td>
</tr>
</tbody>
</table>

Table: 3 Quarter 2 2013/14 Receipts

Monitoring Receipts:

<table>
<thead>
<tr>
<th>App No</th>
<th>Address</th>
<th>Date</th>
<th>Amount Received</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009/15420</td>
<td>Land/building South Side of Farrell Street</td>
<td>11/08/13</td>
<td>£35.00</td>
<td>Monitoring</td>
</tr>
<tr>
<td>2012/20808</td>
<td>The Hermit Inn, Golborne Road, Winwick, Warrington, WA2 8SN</td>
<td>02/09/13</td>
<td>£1,050.00</td>
<td>Monitoring</td>
</tr>
<tr>
<td>2012/20700</td>
<td>Land at Chester Road/Pool Lane, Warrington, WA4 6EP</td>
<td>16/09/13</td>
<td>£350.00</td>
<td>Monitoring</td>
</tr>
</tbody>
</table>


Prepared By Melanie Hughes - Planning Obligations and Monitoring Officer.
Total | £1435.00

Table: 4 Monitoring Receipts

3.2 Notable payments received were:

- **2007/17552 / 2010/17552 - G & J Distillery, Loushers Lane, Warrington**

  *Sport and Recreational Facilities - £150,000.00* – Towards the provision of sports and recreational facilities within a 2 ½ mile radius of the development.

  *Healthcare facilities - £50,000* – Towards the provision of health care facilities within a 7½ mile radius of the development.

- **2009/15420 - Land/Building South Side of Farrell Street.**

  Highways Contribution - £79,500.00 - To apply the highways contribution solely towards the provision of improvements to the highways network in the vicinity of the site.

4.0 Expenditure:

4.1. Current schemes in the process of being implemented.

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/Location</th>
<th>Total Contribution Received</th>
<th>Description/ Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006/09635</td>
<td>Woolston Grange Avenue, Birchwood</td>
<td>£800,000.00</td>
<td><strong>Highways</strong> - Following the feedback from the local residents / ward cllrs and Longbarn Residents Association – highways are progressing with an order to 'stop up' the footbridge, with a view to removing the structure. There will also be the completion of some additional footpath works which will be scheduled once the footbridge has been removed.</td>
</tr>
<tr>
<td>2009/14880</td>
<td>Woolston Grange Avenue, Birchwood, Warrington, Cheshire (UU)</td>
<td>£60,000.00</td>
<td><strong>Highways</strong>: Bus service provision to the site. The bus service has been commissioned. The funding will support the service until 2014.</td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

6. **Appendix 6** - Affordable housing review of outstanding section 106 monies.
## Appendix 1 Total Obligations Value by Status and Ward (October 2013)

<table>
<thead>
<tr>
<th>Ward</th>
<th>Number of Agreements</th>
<th>Total Obligation Value</th>
<th>Not Started</th>
<th>Under Construction</th>
<th>Development under construction however, currently suspended</th>
<th>Scheme complete with outstanding obligations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appleton</td>
<td>1</td>
<td>£45,000.00</td>
<td>£45,000.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Bewsey and Whitecross</td>
<td>16</td>
<td>£2,369,096.00</td>
<td>£601,500.00</td>
<td>£525,000.00</td>
<td>£0.00</td>
<td>£1,242,596.00</td>
</tr>
<tr>
<td>Birchwood</td>
<td>4</td>
<td>£229,117.00</td>
<td>£100,000.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£129,117.00</td>
</tr>
<tr>
<td>Burtonwood and Winwick</td>
<td>3</td>
<td>£141,451.76</td>
<td>£500.00</td>
<td>£101,076.76</td>
<td>£0.00</td>
<td>£39,875.00</td>
</tr>
<tr>
<td>Culcheth, Glazebury and Croft</td>
<td>4</td>
<td>£403,563.00</td>
<td>£133,563.00</td>
<td>£270,000.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Fairfield and Howley</td>
<td>6</td>
<td>£3,484,955.00</td>
<td>£97,000.00</td>
<td>£1,038,515.00</td>
<td>£390,440.00</td>
<td>£1,959,000.00</td>
</tr>
<tr>
<td>Grappenhall and Thelwall</td>
<td>2</td>
<td>£46,674.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£46,674.00</td>
</tr>
<tr>
<td>Great Sankey North</td>
<td>4</td>
<td>£2,116,467.34</td>
<td>£1,869,972.34</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£246,495.00</td>
</tr>
<tr>
<td>Great Sankey South</td>
<td>1</td>
<td>£100,000.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£100,000.00</td>
</tr>
<tr>
<td>Hatton, Stretton and Walton</td>
<td>1</td>
<td>£9,000.00</td>
<td>£9,000.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Latchford East</td>
<td>10</td>
<td>£1,189,931.00</td>
<td>£237,931.00</td>
<td>£251,000.00</td>
<td>£500,000.00</td>
<td>£201,000.00</td>
</tr>
<tr>
<td>Latchford West</td>
<td>4</td>
<td>£1,317,907.00</td>
<td>£0.00</td>
<td>£1,263,347.00</td>
<td>£0.00</td>
<td>£54,560.00</td>
</tr>
<tr>
<td>Lymm</td>
<td>6</td>
<td>£610,410.00</td>
<td>£135,000.00</td>
<td>£70,634.00</td>
<td>£0.00</td>
<td>£404,776.00</td>
</tr>
<tr>
<td>Orford</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Penketh and Cuerdley</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Poplars and Hulme</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Poulton and Fearnhead</td>
<td>1</td>
<td>£1,485,645.00</td>
<td>£1,485,645.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Rixton and Woolston</td>
<td>4</td>
<td>£973,144.80</td>
<td>£11,000.00</td>
<td>£102,144.80</td>
<td>£0.00</td>
<td>£860,000.00</td>
</tr>
</tbody>
</table>
### Appendix 2 Current Status of Section 106 Monies – Highways

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010/16581</td>
<td>Saxon Park East Off Forrest Way, Warrington</td>
<td>£125,552.00</td>
<td>Right of way works have been completed. There are some remaining works to be completed prior to the accounts being finalised.</td>
</tr>
<tr>
<td>2005/06963</td>
<td>Land at Former Carrington Wire, Warrington</td>
<td>£700,000.00</td>
<td>A49 and Long Lane works are now complete. Awaiting final accounts</td>
</tr>
<tr>
<td>2007/11351</td>
<td>Land at 6, Birchwood Park</td>
<td>£32,500.41</td>
<td>Monies are to be utilised towards improvements to Birchwood Station. Awaiting further detail regarding timescales.</td>
</tr>
<tr>
<td>2006/09635</td>
<td>Woolston Grange</td>
<td>£800,000.00</td>
<td>All covenants in the agreement have been completed. Further consultation has been completed regarding additional crossings and the removal of the footpath bridge. The final improvements in the area will include the implementation of some additional footpath works. This will then complete all expenditure and infrastructure required to support the development.</td>
</tr>
<tr>
<td>2007/11895</td>
<td>Grappenhall Motors</td>
<td>£20,000.00</td>
<td>Pedestrian improvements / resurfacing works have been completed on the carriage way to East View. Invoices are currently in the process of being finalised.</td>
</tr>
<tr>
<td>2006/07553</td>
<td>Lakeside Drive</td>
<td>£267,000.00</td>
<td>Contribution for the wider strategic network. Initial expenditure has included lining works at Brian Bevan Island/ Church Street.</td>
</tr>
<tr>
<td>Project Number</td>
<td>Location</td>
<td>Funding</td>
<td>Description</td>
</tr>
<tr>
<td>----------------</td>
<td>---------</td>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>P/2003/1461</td>
<td>Vulcan</td>
<td>£60,000.00</td>
<td>A scheme to improve highways safety in Alder Root Lane including the installation of traffic controls in the vicinity of the railway over bridge within the Borough of Warrington. Design brief produced. On-going consultation with St Helens Borough Council regarding the scope of the works.</td>
</tr>
<tr>
<td>2009/15103</td>
<td>Ainscough Rd/ Dewhurst Rd</td>
<td>£21,576.00</td>
<td>Monies are to be utilised towards improvements to Birchwood Station. Awaiting further detail regarding timescales.</td>
</tr>
<tr>
<td>2009/15034</td>
<td>Warrington Baths Site</td>
<td>£64,428.00</td>
<td>Works complete – The monies have been utilised towards the costs of financing a pedestrian crossing on Legh Street. Awaiting final invoices.</td>
</tr>
<tr>
<td>2009/14880</td>
<td>Woolston Grange Avenue, Birchwood, Warrington, Cheshire (UU)</td>
<td>£60,000.00</td>
<td>The bus service has been commissioned. The funding will support the service until 2014.</td>
</tr>
<tr>
<td>2011/17717</td>
<td>Red Cott Farm Lymm</td>
<td>£50,634.00</td>
<td>Local transport contribution – Towards identified measures and initiatives for the local transport network.</td>
</tr>
<tr>
<td>2011/17845</td>
<td>Birchwood Shopping Centre, Dewhurst Road, Birchwood</td>
<td>£75,000.00</td>
<td>Pedestrian Contribution (The Provision of 2 pedestrian crossings on Dewhurst Road, one to serve as a link between the Development and the station, and the other near to the junction with Benson Road).</td>
</tr>
<tr>
<td>2011/18512</td>
<td>810, Europa Boulevard, Burtonwood and Westbrook, Warrington, WA5 7TY</td>
<td>£126,000.00</td>
<td>New Contribution towards footway and cycle improvements.</td>
</tr>
<tr>
<td>2012/20007</td>
<td>Bank Park Depot, Kendrick Street, Bewsey and Whitecross, Warrington, WA1 1UZ.</td>
<td>£50,000.00</td>
<td>New contribution towards highways improvements within a 1 kilometre radius of the site.</td>
</tr>
<tr>
<td>2010/17091</td>
<td>Eagle Ottawa</td>
<td>£35,000.00</td>
<td>New Contribution – Monies to be utilised towards the implementation of a TRO</td>
</tr>
<tr>
<td>Year</td>
<td>Description</td>
<td>Contribution</td>
<td>Notes</td>
</tr>
<tr>
<td>----------</td>
<td>------------------------------------------------------------------------------</td>
<td>--------------</td>
<td>------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2012/20721</td>
<td>Total Fitness</td>
<td>£5,000.00</td>
<td>New Contribution – Monies to be utilised towards providing improvements to the road network within a 2 mile radius</td>
</tr>
<tr>
<td>2009/15420</td>
<td>Land/building south side of Farrell Street</td>
<td>£238,500.00 (Received to date) <em>(Total amount to be received is £318,000.00)</em></td>
<td>New Highways Contribution. The contribution is to be solely utilised towards highways improvements in the vicinity of the site. Awaiting all monies prior to commencing works.</td>
</tr>
<tr>
<td>2012/20808</td>
<td>THE HERMIT INN, GOLBORNE ROAD, WINWICK, WARRINGTON, WA2 8SN</td>
<td>£2,500.00</td>
<td>New highways contribution. Towards the implementation of a TRO in the vicinity of the site.</td>
</tr>
</tbody>
</table>
## Appendix 3 Current Status of Section 106 monies - Public Open Space

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006/08021</td>
<td>Land to the rear of 25-29, Church Street, WARRINGTON</td>
<td>£10,000.00</td>
<td>The contribution is to be utilised in the development/improvement of play/sport/recreational facilities within a 5 kilometres radius of land within 7 years of the date of payment of the contribution. Monies have been used to provide athletic equipment at Victoria Park. Invoices have been received – awaiting final accounts.</td>
</tr>
<tr>
<td>2006/08548</td>
<td>Lingley Autos, Lingley Road, Great Sankey</td>
<td>£31,637.60</td>
<td>The contribution has been paid in instalments. The monies are to be utilised towards the provision/improvement of POS within a 5 mile radius of the site. POS have allocated the monies towards play area improvements at Fresh Water Close.</td>
</tr>
<tr>
<td>2011/19313</td>
<td>Bruche</td>
<td>227,760.00</td>
<td>Towards sports pitch provision</td>
</tr>
<tr>
<td>2011/19313</td>
<td>Bruche</td>
<td>£101,985.00</td>
<td>Towards non pitch provision</td>
</tr>
<tr>
<td>2011/19313</td>
<td>Bruche</td>
<td>£55,900.00</td>
<td>Towards play area provision</td>
</tr>
<tr>
<td>2010/17552 (2007/12085)</td>
<td>G &amp; J Distillery, Loushers Lane, Warrington</td>
<td>£150,000.00</td>
<td>New Contribution. Towards strategic green infrastructure in the borough. Monies have been allocated towards improvements in Victoria Park.</td>
</tr>
<tr>
<td>2012/20808</td>
<td>THE HERMIT INN, GOLBORNE ROAD, WINWICK, WARRINGTON, WA2 8SN</td>
<td>£8573.76</td>
<td>New Contribution. Towards the implementation/improvements of children's play areas in the vicinity of the site.</td>
</tr>
</tbody>
</table>
### Appendix 4 Current Outstanding Balance of Section 106 monies - Education

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

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

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005/06963</td>
<td>Carrington Wire</td>
<td>£55,000.00</td>
<td></td>
</tr>
<tr>
<td>2010/17552 (2007/12085)</td>
<td>G &amp; J Distillery, Loushers Lane</td>
<td>£50,000.00</td>
<td>New Contribution. Towards the costs of health care facilities within a 7 ½ mile radius of the site.</td>
</tr>
</tbody>
</table>
Appendix 6 Current Outstanding Balance of Section 106 monies - Affordable Housing

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>A02/45573</td>
<td>Land At Liverpool Road, Great Sankey</td>
<td>£175,000.00</td>
<td>Commuted sums towards the authorities affordable housing programme.</td>
</tr>
<tr>
<td>2006/08274</td>
<td>Land Adjacent to Manchester Ship Canal</td>
<td>£500,000.00</td>
<td>Commuted sums towards the authorities affordable housing programme.</td>
</tr>
<tr>
<td>2010/16847</td>
<td>Boothshill House, Lymm</td>
<td>£225,000.00</td>
<td>Commuted sums towards the authorities affordable housing programme.</td>
</tr>
<tr>
<td>2011/19313</td>
<td>Bruche</td>
<td>£1,100,000.00</td>
<td>New Contribution - Commuted sums towards the authorities affordable housing programme.</td>
</tr>
</tbody>
</table>

4. **CONFIDENTIAL OR EXEMPT**

4.1 Not applicable

5. **FINANCIAL CONSIDERATIONS**

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

6. **RISK ASSESSMENT**

6.1 Not applicable
7. EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT

7.1 Not applicable

8. CONSULTATION

8.1 Not applicable

9. REASON FOR RECOMMENDATION

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

10. RECOMMENDATION

10.1 That the contents of the report are noted

11. BACKGROUND PAPERS

None
Agenda Item 5


Prepared By Melanie Hughes - Planning Obligations and Monitoring Officer.
Agenda Item 5


Prepared By Melanie Hughes - Planning Obligations and Monitoring Officer.
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
14TH NOVEMBER 2013

TITLE OF REPORT: CONSTITUTION – DETERMINING PLANNING / OTHER APPLICATIONS

1. PURPOSE OF THE REPORT

1.1 At the Planning and Improvement Board meeting on 17th October 2013 a number of suggested changes to the Council’s Constitution were considered taking into account the need to further improve planning application performance, ensure value for money and minimise the potential for procedural errors. The purpose of this report is to recommend a number of changes to the Council’s Constitution. If these are agreed by DMC they will then need to be considered by the Constitutional Committee and thereafter Council.

2. BACKGROUND

2.1 Following a Peer Review of the Planning Service in 2011 it was recognised that there was a need to improve the service and in particular planning application performance. Over the last 12 months planning application performance has improved significantly and this has followed some changes to the Council’s Constitution earlier this year.

2.2 In some areas (particularly minor planning applications) it is unlikely that performance will improve further without some additional changes to the Constitution. A number of further changes were considered at the Planning Improvement Board meeting on 17th October 2013. This report recommends a number of changes in line with the views of the Planning Improvement Board.

3. REPORT

3.1 The following suggestions were considered by the Planning Improvement Board on 17th October 2013:
• Removal of the requirement for Ward Councillors or Parish / Town Councils to complete a prescribed form when referring applications to committee and no need to refer to development plan policies but still a requirement to give planning reasons.

• Ward and Parish/Town Councils to refer planning applications to committee within 21 days of being consulted.

• That only ward Councillors refer applications for consideration at committee and not Parish / Town Councils.

• Removal of the objection trigger for referral of applications to the Planning Applications Sub Committee but continue to allow Ward Councillors to refer planning applications to committee.

• Consider one committee (instead of the current two) and every four weeks instead of three.

• All lawful development certificate applications and variation of condition applications to be considered at officer level.

3.2 The Planning Improvement Board agreed to the following (Piloted for 12 months):

• Removal of the requirement for Ward Councillors or Parish / Town Councils to complete a prescribed form when referring applications to committee and no need to refer to development plan policies but still a requirement to give planning reasons.

• Ward and Parish/Town Councils to refer planning applications to committee within 21 days of being consulted.

• All lawful development certificate applications and variation of condition applications to be considered at officer level.

• Removal of the objection triggers for referral of applications to the Planning Applications Sub Committee but continue to allow Ward Councillors to refer planning applications to committee.

3.3 The Planning Improvement Board considered that the number and frequency of planning committee meetings is reviewed mid-2014 as well as the potential for additional changes. The proposed changes to the Council’s Constitution can be seen in red colour at appendix 1.

4. CONFIDENTIAL OR EXEMPT

4.1 Not confidential or exempt

5. FINANCIAL CONSIDERATIONS

5.1 None
6. RISK ASSESSMENT
6.1 No risks identified.

7. EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT
7.1 Not required.

8. CONSULTATION
8.1 The Planning Improvement Board considered a number of suggestions on 17th October 2013 and agreed to the recommended changes in this report.

9. REASON FOR RECOMMENDATION
9.1 The changes to the Constitution will assist in terms of further improvement relating to planning application performance.

10. RECOMMENDATION
10.1 To endorse the proposed changes to the Constitution (piloted for 12 months) identified at Paragraph 3.2 and as per appendix 1, as recommended by the Planning Improvement Board.

11. BACKGROUND PAPERS - None

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel Hartley</td>
<td><a href="mailto:dhartley@warrington.gov.uk">dhartley@warrington.gov.uk</a></td>
<td>01925442809</td>
</tr>
</tbody>
</table>
Appendix 1 – Proposed changes to Council’s Constitution following discussions at the Planning Improvement Board meeting 17.10.13

Development Management Committee
The following matters are reserved to the Development Management Committee.

All decisions with respect to planning matters (including the granting of planning permissions and decisions with respect to enforcement of planning matters), and tree preservation orders; in the following circumstances:

• Planning applications for development which are major* development and have given rise to material planning objections received from ten persons or more at the end of the statutory consultation period and the Executive Director for Environment and Regeneration is minded to recommend approval of planning permission.

* Defined by DCLG as development of 10 or more residential units or 1,000 sq.m or more of industrial, commercial or retail floor space. Where the number of units or floor space is not defined a site area of 1 hectare or more should be used. (Renewal or time extension or Section 73 (Variation of condition) applications are excluded from the definition for the purposes of referral unless considered appropriate by the Executive Director)

• Any application for development which is significantly contrary to the provisions of the Development Plan and is recommended for approval.

• Any application for development which as a consequence of the scale of development, for example relating to economic impact or impact on conservation areas or for any other reason the Executive Director of Environment and Regeneration-Economic Regeneration, Growth and Environment deems it to be appropriate or expedient for the matter to be referred to the Development Management Committee, regardless of the number of objections received.

• Any application for development which as a consequence of the scale of development, for example relating to economic impact or impact on conservation areas or for any other reason a majority vote of the Planning Application Sub Committee deems it to be appropriate or expedient for the matter to be referred to the Development Management Committee, regardless of the number of objections received.

• Approval of, or consultation upon, planning policy documents in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments thereto.

Planning Application Sub-Committee
The following matters are reserved to the Planning Application Sub-Committee, (a sub-committee of the Development Management Committee). All decisions with respect to planning matters (including the granting of planning permissions, and—}
decisions with respect to enforcement of planning matters) and tree preservation orders; in the following circumstances:-

i. Any application for development where a notice in writing (within 21 days of being notified by the Local Planning Authority) on the prescribed form has been given to the Strategic Director of Environment and Regeneration Services – of Economic Regeneration, Growth and Environment by a ward councillor for the relevant ward within which the application site is located, requiring the Committee to decide the application and identifying, to the satisfaction of the Strategic Director of Environment and Regeneration Services – of Economic Regeneration, Growth and Environment, relevant planning reasons for the referral and relevant Development Plan policies.

ii. Any application for development where a notice in writing (within 21 days of being notified by the Local Planning Authority) on the prescribed form has been given to the Strategic Director of Environment and Regeneration Services – of Economic Regeneration, Growth and Environment by a Town or Parish Council which has expressed a view contrary to the officer recommendation and identifying, to the satisfaction of the Strategic Director of Environment and Regeneration Services – of Economic Regeneration, Growth and Environment, a relevant planning reason(s) for referral and making reference to relevant Development Plan policies.

iii. Planning applications for development which are not major development and have given rise to material planning objections received from ten persons or more at the end of the statutory consultation period and the Executive Director for Environment and Regeneration is minded to recommend approval of planning permission.

iv. Any application for development in which the Council has a significant interest in the proposal or the application relates to Council owned land or is submitted by an employee or elected member of the Council.

v. Any application for development which as a consequence of the scale of objection or for any other reason the Director of Environment and Regeneration – of Economic Regeneration, Growth and Environment deems it to be appropriate or expedient for the matter to be referred to the Committee.

vi. Confirmation of a Tree Preservation Order where objection to the proposed order has been received and not been withdrawn.

vii. Determination of an enforcement matter where the Director of Environment and Regeneration considers it appropriate, particularly where there may be significant costs implications for the Council or where the action may have a significant personal or financial implication for those involved.

Note: For the avoidance of doubt the following applications are not reserved for the Development Management Committee or Planning Applications Sub Committee:

• Non material amendment applications
• Applications for the Discharge of Planning Conditions
• Prior approval applications
• Lawful Development Certificate Applications
• Section 73 (Variation of Condition) Applications
TITLE OF REPORT: Appeal decisions for period between 29th August and 8th November.

1. PURPOSE OF THE REPORT

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

- 26 Pepper Street, Appleton Thorn – appeal allowed.
- 348 London Road, Stretton – appeal allowed.
- 67 Bridge Street – appeal allowed.
- 23 Wiltshire Close, Woolston – appeal allowed.
- 246 Manchester Road – appeal allowed.
  - Costs Decision – refused.
- 22 Marlfield Road, Grappenhall – appeal dismissed.
- Meadow Brook Cottage, Lymm – appeal dismissed.
  - Costs Decision – refused.
- Land between 45 Mill Lane and Bowling Green Farm – appeal dismissed.
- 21 Wilmot Avenue, Great Sankey – appeal dismissed.
- Land at Summit Close, Lower Stretton – appeal dismissed.
- 23 Rushmore Grove, Paddington – appeal dismissed.

1.2 To advise members of the monies paid in relation to awards for costs.

- 2 Marton Close, Culcheth (ENF/07/01181) – Enforcement Notice Withdrawn - £1,140

1.3 To report the quarterly performance for July to September and annual performance thus far.
2. REPORT BODY

2.1 The Inspector's reports and appeal decisions are attached.

2.2 Members will note that in total 5 no. appeals have been allowed and 6 no. appeals have been dismissed during this period. Both applications for costs for been refused.

Allowed Appeals

2.3 At 26 Pepper Street the Inspector concluded the design and impact on nearby residential properties was acceptable. This application was refused at DMC on 9th May following Officers recommendation to approve.

2.4 The application at 348 London Road was refused by Officers on design grounds, in particularly the extensions insubordinate scale and effect on the properties character which would have a detrimental visual impact on the street scene. The Inspector did not agree with this view. The rationale behind the Council’s refusal was design led, which is often a subjective argument.

2.5 The A5 (Hot Food Takeaway) appeal at 67 Bridge Street has been allowed contrary to Officers decision. The Inspector considered the advantage of securing a positive use for the site, through the generation of some footfall and the presence of an active frontage outweighed the loss of an A1 (Retail) unit. It was recognised that an A5 use would not be the Council’s first choice for the site, but this at best remains an aspiration in the face of current realities.

2.6 The appeal at 23 Wiltshire Close has been allowed despite the scheme conflicting with the '45 degree code'. The Inspector considered the site specific circumstances outweighed the potentially overbearing effect of the proposal by virtue of the relative angle of properties, the degree of separation and extent of the set back from the road. Furthermore the Inspector considered the extensions design would not cause material harm to the character and appearance of the dwelling or street scene.

2.7 Consent has been granted to use 246 Manchester Road as a Medical Centre (Use Class D1) containing 3 no. consultation rooms. The Council refused permission due to insufficient on or off-street parking as well as pedestrian and vehicular safety arising from the additional trips generated by the medical centre use.

The Inspector placed considerable weight behind the availability and proximity of bus stops to the site identified by the appellant and our own Retail Centre Report which confirmed the area benefitted from good accessibility. Whilst the Inspector did agree with the Council that additional journeys would be generated, their own site visit and the appellants parking survey evidence led them to conclude the needs of the medical centre would be unlikely to result in hazardous parking in the area.

The costs application was refused as the applicant was unable to demonstrate that the Council had acted unreasonably.

Dismissed Appeals
2.8 22 Marfield Road was the first appeal against a refusal of prior approval using the new household extension permitted development rights. Officers refused consent for a 2.7 metre rear conservatory following an objection from a neighbour on amenity grounds, siting conflict with a sub-standard interface distance to no. 30 Middlehurst Road which would create an unacceptable level of impact on the neighbours living conditions. The Inspector agreed.

2.9 The appeal and an award of costs were both refused at Meadow Brook Cottage. This application was refused under delegated powers due to its unacceptable increase in floor space to the original dwelling. Due to this and previous enlargements, the extension failed to be considered 'limited' and thus was inappropriate development in the green belt. The Inspector agreed with this stance, and did not consider the applicants special circumstances outweighed the harm caused. The costs application was also refused as the applicant was unable to demonstrate that the Council had acted unreasonably.

2.10 The appeal against Officers refusal on Mill Lane was dismissed. The Inspector agreed with Officers that the development would have an adverse impact on the living conditions of the current or future occupiers of Bowling Green Farm, contrary to policies DCS1, HOU3 and GRN2 of the Saved UDP. The Inspector also considered the development would unduly enclose the garden. The Inspector attached little weight to emerging Core Strategy policies.

2.11 The Council refused permission to extend 21 Wilmot Avenue to the side above the garage because the roof design did not integrate into the character and appearance of the original dwelling or that of the street. The Inspector agreed with the Council's rationale to refuse consent due to the consistent use of hipped roofs which has maintained some visual cohesion in otherwise a divergent street scene.

2.12 Outline permission was sought for the construction of two semi-detached dwellings on land off Summit Close. The Inspector considered although the site fell within a small group of residential dwellings and the immediate areas historic past, it does not form part of the main village of Stretton which lies some 675 metres to the north because it is separated by the M56 motorway and open fields used for agriculture. In considering this, the Inspector agreed with the Council in that the development would represent inappropriate development in the green belt and fail to fulfil the objectives of the NPPF or Saved UDP Policy GRN1.

2.13 On 23 Rushmore Grove the Inspector agreed with the Officers view that the proposed dormer windows would introduce incongruous features to the dwelling detracting from its character. The Inspector also agreed that front dormer windows are uncharacteristic of the Rushmore Grove street-scene and would therefore be contrary to policies DCS1, DCS9 and HOU8 of the UDP.

Sums Paid Following An Award of Costs

2.14 Members will note monies have been paid to a sum of £1,140 in relation to a withdrawn enforcement notice appeal for 2 Marton Close in Culcheth.

Quarterly Appeal Performance

2.15 The reported figures are for the period between July and September.
In total 12 no. appeal decisions were made, 7 no. dismissed (58%) and 5 no. allowed (42%). This is a marginal improvement on the first quarter’s performance, which stood at 44.45% and 55.55% respectively, however outcomes are still not at the target of 25% appeals allowed.

To date our annual performance is 48.15% cases allowed and 51.85% cases dismissed. A greater number of dismissed appeals will be required to move closer to last year’s annual performance which was 23.8% cases allowed and 76.2% cases dismissed and the performance target.

To inform Members of the results of appeals.

That members note the appeal decisions.

None

None
Agenda Item 7
Appeal Decision

Site visit made on 17 September 2013

by Roger Catchpole  BSc (Hons) PhD MCIEEM

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

Decision date: 11 October 2013

Appeal Ref: APP/M0655/D/13/2203603
21 Wilmot Avenue, Great Sankey, Warrington WA5 3BJ

- 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 Mark Molloy against the decision of Warrington Borough Council.
- The application Ref 2013/21801, dated 15 May 2013, was refused by notice dated 9 July 2013.
- The development proposed is a first floor side extension above existing garage.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of 21 Wilmot Avenue and the street scene in which it is situated.

Reasons

3. The site is located on Wilmot Avenue which is characterised by moderately sized, semi-detached properties that have been subject to significant modification since they were originally constructed. These modifications include: two storey side extensions; single storey wrap-around extensions, incorporating a front porch and garage; and first floor side extensions above a garage, similar to the one being proposed. As a result, very little symmetry is present between pairs and a split-level terracing effect has led to a loss of distinct spatial separation between many of the properties. One consistent original design feature remains, however, in the form of hipped roofs. These have been used in all subsequent two storey extensions on Wilmot Avenue which has helped to maintain some visual cohesion in an otherwise divergent street scene.

4. The proposal would extend the first floor accommodation by about 1.6m from the side elevation across an existing, pitch-roof garage that is conjoined with No. 19. The ridge height would be about 0.15m lower than the existing ridge line and its roof would be gable-ended, unlike the original roof which is hipped. Warrington UDP Supplementary Planning Guidance B Side Extensions 2009 (SPG) states that roofs on extensions should match the pitch and shape of the original dwelling. Furthermore, Policy HOU8 of the Warrington Unitary Development Plan 2006 (UDP) states, amongst other things, that alterations will only be permitted provided the proposal harmonises with the existing
dwelling and preserves the essential character of the street scene. This theme is further reinforced by relevant Policies in DCS1 and DCS9 of the UDP that require development proposals to preserve or enhance the character and appearance of an area, complement the host building and preserve any existing features.

5. Given that hipped roofs are the one remaining unifying design feature on Wilmot Avenue and that the proposal would introduce an incongruous roof form, I find that it would not only lead to material harm to the character and appearance of the property itself but also the street scene of Wilmot Avenue. It is therefore contrary to Policies HOU8, DCS1 and DCS9 of the UDP and also fails to meet the necessary standards set out in the SPG.

6. The Appellant considers extensions to properties in the surrounding area, most notably at No. 4 Woodside Road and No. 45 Halton Road, to be similar to the one being proposed. Whilst I acknowledge some apparent similarities, I am not fully aware of the circumstances surrounding these permissions. However, it is clear from my site visit that these are isolated examples with the majority of extensions in the surrounding area conforming to a hipped-roof design. I also note a number of examples have been provided by the Council that pre-date current policies and guidance. As a result I give these examples little weight in the overall planning balance.

Other Matters

7. The Appellant argues that the extension would promote long-term residency that would help to maintain community spirit and that this would be consistent with Policy QE7 of the Warrington Local Planning Framework Local Plan Core Strategy Submission 2012. Since the issue is not whether or not an extension should be constructed but rather what it should look like, this is not pertinent to the appeal and I therefore give it little weight.

Conclusion

8. For the above reasons, and having regard to all other matters raised, including the stated support of the neighbouring residents, I conclude that the appeal should be dismissed.

Roger Catchpole
INSPECTOR
Appeal Decision

Site visit made on 6 September 2013

by Siobhan Watson BA (Hons) MCD MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 September 2013

Appeal Ref: APP/M0655/D/13/2202309
22 Marlfield Road, Grappenhall, Warington, Cheshire, WA4 2JT

- The appeal is made under section 78(1)(c) of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A4 of the Town & Country Planning General Permitted Development Order 1995 (as amended).
- The appeal is made by Mr Peter Summers against the decision of Warrington Borough Council.
- The application Ref 2013/21880, dated 30 May 2013, was refused by notice dated 25 June 2013.
- The development proposed is a rear conservatory.

Decision

1. The appeal is dismissed.

Procedural matter

2. The provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises - taking into account any representations received. My determination of this appeal has been made in the same manner.

3. I have shortened the description of the development from that described on the application form to make it more concise.

Reasons

4. There is disagreement between the parties about whether the conservatory would cross the 45 degree line taken from the window of the adjoining house, No 20 Marlfield Road. In my assessment, even if the 45 degree line is crossed, the breach is marginal. There is already a close boarded fence and some tall mature plants on the boundary of No 20 adjacent to where the conservatory would be sited. As the conservatory would be no more than some 3m high and would be a glazed structure allowing light to pass though, I do not consider that it would have an overshadowing or an overbearing effect upon No 20.

5. Nevertheless, the conservatory would be some 17 metres from principal windows to habitable rooms on 30 Middlehurst Road. The Council’s Supplementary Planning Guidance 2 House Extension Guidelines indicates that there should be no less than 21 metres between principal windows.
6. In my view, the proximity of the conservatory to this property would allow an unacceptable level of inter-looking between the two houses. I am conscious that the conservatory floor would be lower than that of the main house and that there is a rear boundary fence separating the two properties. Nevertheless, the fence is not tall enough to block sight lines from the proposed conservatory to the upstairs windows of 30 Middlehurst Road.

7. I note the appellant’s comments that the conservatory roof would block views of the upstairs windows but I do not accept that this would be the case as the outlook from the conservatory would be dependent upon the occupier’s position within it.

8. Whilst the appellant has offered to use planting to screen the property I have no planting scheme before me to consider. Furthermore, planting could take a long time to mature and become effective.

9. The appellant has pointed out that the conservatory at 24 Marlfield Road is taller and closer to rear properties than the appeal conservatory. However, I am unaware of the circumstances surrounding its construction. In any event, its existence does not justify other harmful development.

10. I therefore conclude that the proposed conservatory would be harmful to the living conditions of the occupiers of 30 Middlehurst Road and would be contrary to Warrington Unitary Development Plan saved policies DCS1, DCS9, and HOU8 which, collectively, seek to ensure that new development should preserve the residential amenity of near neighbours.

11. I have attached little weight to Warrington Borough Council Submission Local Plan Core Strategy QE6 as it is an emerging policy.

**Conclusion**

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

*Siohban Watson*

INSPECTOR
Appeal Decision

Site visit made on 17 September 2013

by Roger Catchpole  BSc (Hons) PhD MCIEEM
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 September 2013

Appeal Ref: APP/M0655/D/13/2202539
23 Rushmore Grove, Paddington, Warrington WA1 3EX

• 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 Carl Lee against the decision of Warrington Borough Council.
• The application Ref 2013/21774, dated 10 May 2013, was refused by notice dated 4 July 2013.
• The development proposed is 2 no. dormer windows to front of house.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and Rushmore Grove.

Reasons

3. The site is located in a residential area consisting of semi-detached bungalows with low boundary features that give rise to an open character. The orientation and design of the bungalows varies. The majority are of a low, n-shaped design with the front elevation of each pair formed from two projecting gable ends, with a set back section in between. A more limited number of rectangular semi-detached bungalows, with the gable ends situated on the side elevations, are also present. The host property is of the latter design. Although the front elevation is a similar height to the surrounding properties, the angle of the roof pitch is more acute giving rise to a significantly higher ridge line. The greater massing of the building consequently makes it a more prominent feature of the street scene in comparison to the surrounding bungalows. With the exception of the single dormer at No. 12, the front elevations of the properties on Rushmore Grove have an unaltered appearance and thus retain a consistent character.

4. The proposal would consist of two unequal sized, pitched roof dormers on the front roof plane of No. 23 that would occupy a significant proportion of the roof area. The Appellant has argued that the proposed dormers would only come into view upon reaching the dwelling, however, I note from my site visit that these would not only be visible from the bend of Rushmore Grove, when approaching the site from a south-easterly direction, but also from the junction with Birchdale Road, which is over 100m away. This is due to the significantly higher roof pitch of No. 23/25 and the location of the proposed dormers.
relative to the ridge line. Policy DCS1 of the Warrington Unitary Development Plan 2006 (UDP) requires proposals to either enhance or maintain the character of an area. This is further emphasised in policy HOU8 of the UDP. Given the visual prominence of the dormers and the cohesive character of Rushmore Grove, I find that the proposal would lead to material harm of the street scene through the introduction of an inconsistent feature. As a result the proposal would have a negative effect on the character and appearance of Rushmore Grove and thus be contrary to policy DCS1 and HOU8 of the UDP.

5. I note the Appellant’s argument concerning a desire to make the proposal ‘more appealing’ to the facing properties. However, I do not find this convincing given the lack of symmetry between the proposed dormers as well as the unbalancing effect that they would have on the building itself. Whilst some forms of development affecting the symmetry of properties may be permitted under the Town and Country Planning (General Permitted Development) Order 1995 (as amended), this does not apply to dormers. This is because under section B1(b) any alteration beyond the existing roof plane on the principal elevation that fronts a highway requires planning permission and is therefore not permitted development. Policy DCS9 of the UDP requires extensions to maintain a sympathetic relationship with existing features and compliment the scale of the host property. This is also further emphasised in policy HOU8 of the UDP. However, given the area of roof that would be lost and the incongruity that would result from the introduction of two large, differently sized dormers on one side of the building, I find that the proposal would cause material harm to the character and appearance of the property and would also, therefore, be contrary to policy DCS9 and HOU8 of the UDP.

Other Matters

6. I note the existence of single dormers on Aspen, Almond and Rushmore Groves from my site visit as well as the Appellant’s assertion that they are present at a number of other locations. Whilst I have sympathy with the Appellant’s views that a precedent has already been set, I am not fully aware of the circumstances of those permissions and whether or not the development predates extant policies and guidance. Notwithstanding this fact, I note that such modifications are infrequent and do not define the character of the surrounding area, much less that of Rushmore Grove. As a consequence, I give this little weight in the overall planning balance of this appeal.

Conclusion

7. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Roger Catchpole

INSPECTOR
Appeal Decision

Site visit made on 17 September 2013

by Roger Catchpole  BSc (Hons) PhD MCIEEM
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 October 2013

Appeal Ref: APP/M0655/D/13/2203367
23 Wiltshire Close, Woolston, Warrington WA1 4DA
• 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 Miss Lisa Nield against the decision of Warrington Borough Council.
• The application Ref 2013/21856, dated 21 May 2013, was refused by notice dated 25 July 2013.
• The development proposed is the demolition of existing garage and erection of new 2 storey side extension.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and erection of new 2 storey side extension at 23 Wiltshire Close, Woolston, Warrington WA1 4DA in accordance with the terms of the application, Ref 2013/21856, dated 21 May 2013, subject to the following conditions:
   1) The development hereby permitted shall begin not later than three years from the date of this decision.
   2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
   3) The development hereby permitted shall be carried out in accordance with the following approved plans: LISRIC-02-REV D.
   4) Before the first occupation of the extension hereby permitted the window on the first floor gable end facing No. 21 Wiltshire Close shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of the occupiers of No. 21 Wiltshire Close and the character and appearance of the host property and the wider street scene.

Reasons

3. The site is located in a residential area of modern construction characterised by a diverse range of detached properties. These vary considerably in size, design
and orientation with building lines limited to small clusters of properties. The eclectic design mix, with small aggregations of similar properties, gives rise to a series of distinct, highly localised characters. The host property is located at the end of a row of four small link detached properties, of similar design, that are set back from the road and arranged on the same building line. The eastern boundary of the site is adjacent to a public footpath that provides access to a large recreational area to the rear of the property. The boundary of No. 21 is situated on the other side of the footpath. This property is orientated at an acute angle to the host property with its gable end facing towards the recreational area to the rear. A turning head is located in front of Nos. 21 and 23, on a bend in the road, giving a greater degree of set back than would otherwise have been the case.

**Living Conditions**

4. The finely balanced point on which this issue turns is whether or not the proposed extension would be overbearing to the present and future occupants of No. 21. Although the proposed extension comes to within 6m of No. 21, the orientation of the house is such that it would only be visible towards the periphery of the main sightlines afforded to the habitable rooms that face onto Wiltshire Close. I note from my site visit that the main area of utilizable garden is located to the rear rather than the front or side of No. 21. Although there would be some effect, I do not deem this to be significant as the outlook from both the rear garden and habitable rooms at the front would be largely unaffected. I also note that the gap between the properties is significantly greater than nearby dwellings and that, even with the extension, a greater separation would still be maintained, thus avoiding any ‘cramping’ effect.

5. Whilst the proposal does not satisfy the 45 Degree Code of the Warrington Supplementary Planning Guidance 2 *House Extension Guidelines* 2003, the site specific circumstances are such that the potentially overbearing effect of the proposal is mitigated by the relative angle of the properties, the degree of separation and the extent of the set back from the road. Given these facts I do not find the failure to meet this standard outweighs the benefits of the proposal. Policy DCS1 of the *Warrington Unitary Development Plan* 2006 (UDP) requires proposals, among other things, to preserve the living conditions of neighbours. This is further elaborated in policy HOU8 of the UDP. Given the site specific circumstances outlined above, I do not find that material harm to the living conditions of No. 21 would result and therefore it would not be contrary to the relevant sections of policy DCS1 or HOU8 of the UDP. The Council have argued that the proposal is also contrary to policy QE6 of the Warrington Local Planning Framework Submission *Local Plan Core Strategy September 2012* (CS). However, as an emerging policy that is yet to be adopted it has no statutory force and currently carries little weight.

**Character and Appearance**

6. The Council have argued that the property is a corner plot and that an associated standard of the Warrington UDP Supplementary Planning Guidance B *Side Extensions* 2003 (SPG) applies. However, I note that the aim of this standard is to maintain clear views when travelling around corners. Given the orientation of the property and its location on the outer arc of the bend in the road it cannot, however, be reasonably considered a corner property. I also note that the Council have relied upon the SPG in one of the reasons for
refusal, namely that the extension would not be subordinate to the main
dwelling. However, the guidance simply states that extensions should be
stepped back, with a minimum break line of a single course of bricks, and have
a lower ridge line. I note from the evidence before me that the proposed
extension would be set back approximately 0.5m from part of the main
dwelling and that the ridge line would be approximately 0.15m lower.
Consequently I do not find any failure to meet the specified standards and I am
satisfied that the Appellant has incorporated sufficient demarcation features in
the design.

7. Policy HOU8 of the UDP, among other things, states that extensions will only be
permitted provided the proposal harmonises with the existing dwelling and
preserves the essential character of the street scene. This is further reinforced
by policy DCS1 of the UDP that seeks development proposals that preserve or
enhance the character and appearance of an area as well as policy DCS9 that
seeks to encourage extensions that complement the original dwelling in terms
of scale and massing. Although the property shares its design with the three
other properties on the same building line, it is also located within 30m of two
very similar extensions at Nos. 21 and 12. I note the Council’s comment
concerning the context of No. 12, however, the current gap between Nos. 21
and 23 is generous and would be more than able to accommodate the proposal
without giving rise to a cramped or overdeveloped appearance. Views of the
recreational area to the rear would be maintained and the gap would still be
more generous than the ones between neighbouring properties. Whilst the
proposed extension is greater than half the width of the property, the scale and
massing is not out of character with the local area owing to the presence of
similar two storey extensions and the significant variation in design.

8. Given the highly localised character, with facing properties that are of a
different design and the heterogeneity of the surrounding area, I consequently
find that the proposed extension would not cause material harm to the
character and appearance of the host property and street scene of Wiltshire
Close and that it would therefore not be contrary to the relevant sections of
policies HOU8, DCS1 or DCS9 of the UDP. As was the case for living
conditions, the Council have argued that the proposal is also contrary to policy
QE7 of the CS however the same interpretation applies.

Conclusion

9. For the above reasons, and having regard to all other matters raised, including
the Council’s previous refusal, I conclude that the appeal should be allowed.

Conditions

10. In addition to the standard time limit condition, I have specified the approved
plans for the avoidance of doubt and in the interests of proper planning. A
condition relating to materials has been imposed to ensure that the appearance
of the development is satisfactory. A further condition relating to obscure
glazing has been imposed to ensure that the privacy of the neighbouring
property is maintained.

Roger Catchpole

INSPECTOR
Appeal Decision

Site visit made on 6 September 2013

by S Watson BA (Hons) MCD MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 September 2013

Appeal Ref: APP/M0655/D/13/2201776
26 Pepper Street, Appleton Thorn, Warrington, Cheshire, WA4 4TE

- 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 Stuart Thornton against the decision of Warrington Borough Council.
- The application Ref 2013/21152 was refused by notice dated 9 May 2013.
- The development proposed is a rear single storey extension.

Decision

1. The appeal is allowed and planning permission is granted for a rear single storey extension at 26 Pepper Street, Appleton Thorn, Warrington, Cheshire, WA4 4TE in accordance with the terms of the application, Ref. 2013/21152, dated 14 January 2013, and the plans submitted with it.

Procedural Matter

2. The development has already been carried out and therefore I am considering this appeal retrospectively.

Main issues

3. The main issues are the effect of the extension upon: (i) the character and appearance of the area and upon the host building itself, and (ii) the living conditions of the occupiers of neighbouring properties in respect of outlook.

Reasons

Character and Appearance

4. The extension is of single storey construction and is about 3 metres tall to the top of the parapet wall with roof lights projecting above.

5. I noted on my site visit that the brick is a good match with that of the existing rear elevation and the external finish is neat and appears to be to a high standard of workmanship.

6. The extension enlarges the previous rear projection and extends across the full width of the house. Nevertheless, at the rear the brickwork is interrupted by wide patio doors and a window which, together, provide visual interest. The brickwork is uninterrupted on the side elevations but such a design would be expected adjacent to boundaries. In any case, the fencing and planting on the side boundaries serve to break up the appearance of the brickwork.
7. As the extension is single storey and substantially smaller than the main part of the house, it has a subordinate appearance to the host building and there is no impact upon the street-scene as it is at the rear.

8. I note the neighbours’ comments that the flat roof and shape of the extension is out of character with other extensions in the area. However, I have had regard to paragraph 60 of the National Planning Policy Framework which says that Planning policies and decisions should not attempt to impose architectural styles or particular tastes. Therefore, as the scale, massing and materials are acceptable, and as the extension is not visible in the street-scene, I find no harm arising from the flat roof and geometric emphasis.

9. I conclude that the extension has an acceptable effect upon the character and appearance of the area and upon the host building itself. Therefore, there is no conflict with Warrington Unitary Development Plan 2006 (UDP) saved Policies DCS1, DCS9, GRN2 and HOU8 which jointly seek to ensure that extensions should be sympathetic to, and respect the character of, the original building in terms of its scale, proportions and materials and they should protect visual amenity and preserve the character of the surrounding area.

Living Conditions

10. According to the Council there is a distance of around 14 metres between the rear of the extension and the conservatory of 15 Amberleigh Close. I consider this distance to be enough to ensure that there is no adverse impact on the outlook from the conservatory or the habitable room windows in the rear elevation beyond. Furthermore, there is a close boarded fence and some tall mature planting on the boundary between the two properties which provides some screening.

11. Also according to the Council, there is a distance of some 10 metres between the extension and the patio doors and window of the single storey extension to 5 Amberleigh Close. Just part of the side elevation of the extension is adjacent to the boundary with this property and as the extension is around only 3 metres high, I consider that this distance is sufficient. I was able to view the extension from inside No 5 at my visit and in my judgement the extension was not detrimental to the outlook from this property.

12. I am also mindful that there was a previous building in the place of the extension and whilst the eaves of the side elevation of the previous structure were lower than the top of the parapet wall of the appeal extension, the projection was the same as it is now. The difference in the impact between the 2 is therefore less than substantial in its effect on outlook.

13. I note the neighbour’s comments that the extension might breach the 45 degree code. However, the Council confirms that this has not been breached and I agree with the Council’s assessment. I also note comments that the plot has been overdeveloped, but for the reasons above I do not consider this to be the case.

14. I therefore conclude that the extension does not have a detrimental effect upon the living conditions of the occupiers of neighbouring properties. There is no conflict with UPD policies DCS1, DCS9, GRN2 and HOU8 which collectively seek to ensure that new development should preserve the residential and visual amenities of near neighbours.
15. I have attached little weight to Warrington Borough Council Submission Local Plan Core Strategy QE6 as it is an emerging policy.

Other Matters

16. I note third party representations that the submitted plans do not reflect what has been built. However, amended plans were submitted during the course of the application which address this matter and I am satisfied that the revised plans are correct.

Conclusion

17. For the above reasons, the appeal should be allowed.

_Siobhán Watson_

INSPECTOR
Appeal Decision

Site visit made on 6 September 2013

by S M Watson BA(Hons) MCD MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 October 2013

Appeal Ref: APP/M0655/A/13/2199181
Site between 45 Mill Lane and Bowling Green Farm, Mill Lane, Houghton Green, Warrington, Cheshire, WA2 0SX

- 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 P Hayes against the decision of Warrington Borough Council.
- The application Ref 2013/21288, dated 1 January 2013, was refused by notice dated 26 March 2013.
- The development proposed is a 3-bedroom, 2-storey detached house and detached garage.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development upon the living conditions of the occupiers of neighbouring dwellings in respect of outlook and light.

Reasons

3. The proposed 2-storey dwelling would project a significant distance beyond the rear elevation of 45 Mill Lane and would be sited about 1 metre from the side boundary between the two properties. I acknowledge the appellant’s argument that the proposed dwelling would not cross the 45 degree line when measured from the closest ground floor rear window of that neighbouring property. In this respect, I consider that the proposed house would not have a detrimental effect on outlook from within that dwelling nor the amount of light through its windows.

4. Nevertheless, the garden of No 45 is short and the proposed house would extend beyond its full depth. In these circumstances I consider that the proposed dwelling would unduly enclose the garden and create an overbearing feature when viewed from within that garden. I note the appellant’s comments that the house would increase privacy for this dwelling but there is already a boundary fence between the properties which provides adequate privacy.

5. In respect of Bowling Green Farm, the proposed dwelling and garage would be directly opposite its principal elevation which contains habitable room windows. It is my judgement the proposed buildings would be too close to these windows.
and this would result in a poor outlook for the occupiers of this house and it would also seriously reduce the amount of light into the habitable rooms. I appreciate that the appellant owns Bowling Green Farm but I have to consider the living conditions of both the existing and future occupiers of that dwelling.

6. I conclude that the proposal would have a significantly harmful effect upon the living conditions of the occupiers of the neighbouring dwellings and is therefore contrary to Warrington Unitary Development Plan 2006 (UDP) saved policies DCS1, HOU3, and GRN2 which collectively seek to ensure that new development should preserve the residential and visual amenities of near neighbours, including daylight and sunlight requirements. I do not consider that UDP policy HOU7 is directly related to this appeal as it relates to pollution.

7. I have attached little weight to Warrington Borough Council Submission Local Plan Core Strategy QE6 as it is an emerging policy.

8. The appellant has commented that the proposed dwelling would not look out of place in the street-scene. However, this does not outweigh the harm I have found to living conditions.

9. I have considered all other matters raised including the representations from neighbours but nothing outweighs the conclusions I have reached and, for the above reasons, the appeal should be dismissed.

Siobhan Watson

INSPECTOR
Appeal Decision

Site visit made on 19 September 2013

by David Kaiserman BA DipTP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 October 2013

Appeal Ref: APP/M0655/A/13/2198097
67 Bridge Street, Warrington WA1 2HJ

- 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 N Aziz against the decision of Warrington Borough Council.
- The application Ref 2012/20897, dated 8 November 2012, was refused by notice dated 12 March 2013.
- The development proposed is the change of use from A1 Use Class (retail) to A5 use Class (hot food takeaway).

Decision

1. The appeal is allowed and planning permission is granted for the change of use of 67 Bridge Street, Warrington WA1 2HJ from A1 Use Class (retail) to A5 Use Class (hot food takeaway) in accordance with the terms of the application, Ref 2012/20897, dated 8 November 2012, and the plans submitted with it, 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 strictly in accordance with the details shown on plan ref: NK.260.01, and shall not be varied other than with the prior agreement in writing of the Local Planning Authority.

   3) Before development commences, a scheme showing any proposed window display arrangements, including any advertisements and alterations to the fascia, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out as approved and retained for the lifetime of the use, unless any alterations are subsequently approved by the Local Planning Authority.

Main Issue

2. The main issue in this case is the effect of the proposed change of use on the vitality and viability of the relevant part of Warrington Town Centre.

Reasons

3. Bridge Street is an important thoroughfare running north-south through the southern part of the town centre. It retains some Victorian buildings of scale and character, probably reflecting its earlier role as the principal route into the
town from the south, across the River Mersey. My visit to the appeal site was early in the morning, and it is therefore possible that some of the shop units which appeared to be unoccupied had in fact not yet opened for business; nevertheless, it was clear to me overall that the contribution this part of Bridge Street now makes to the retail function of the town centre is not what it once was.

4. The section running north of Rylands Street ought to be the more favoured, since it adjoins the heart of the main shopping area, anchored by the new Golden Square development, and is close to the market, bus station and car-parks. Even here, however, it seemed to me that around half the shop units were vacant. Of the roughly 16 units (it is not clear on the ground how property is divided) between Rylands Street and Academy Way / Friars Gate, an area which includes the appeal site, I estimated that about a third were also vacant, with about the same proportion being in active (though very small-scale) retail use. The balance was made up of eating and drinking establishments of one kind or another, including one (or possibly two) night-clubs.

5. A qualitative analysis of the situation therefore clearly suggests that this part of Bridge Street presently serves no more than a secondary role in terms of Warrington Town Centre’s retail “offer”. However, it is designated within the Unitary Development Plan as being part of the Primary Shopping Area, where “saved” policy TCD8 seeks to resist changes from retail to non-retail uses. Applications for such changes are to be judged against three criteria, which may be summarised as the effect they would have on the attractiveness of the town centre as a shopping destination, one element being the need to prevent an over-concentration of non-retail uses. This policy approach is carried forward into policy PV4 of the emerging Core Strategy.

6. The reasoned explanation of policy TCD8 states that, in making these judgements, the Council will apply detailed guidelines, which includes seeking to prevent the proportion of non-retail units within “any particular street frontage” rising above 10-20%, and avoiding a situation where there would be more than two adjacent non-retail uses. The figures are to be interpreted flexibly in individual cases “where the qualitative criteria will be the determining consideration”.

7. In their response to the appeal, the Council offer three possible ways of looking at these guidelines, depending on precisely which frontages are included in the analysis. They conclude that, in the worst case, the proportion of units in non-retail use would rise to 64% if the appeal proposal were implemented, the most conservative assessment resulting in a figure of 41%. Each of these would, of course, greatly exceed the published guidelines in policy TCD8. In addition, the scheme would result in three adjacent non-retail uses. These calculations are not challenged by the appellant, and I have no reason of my own to doubt them.

8. However, the figures do not separate out active non-retail units from those which are simply vacant. In my opinion, the degree of vacancy in the immediate vicinity of the appeal site is such that anything which results in its reduction ought to be viewed positively. I recognise that an A5 use would not be the Council’s first choice for the site, but this at best remains an aspiration in the face of current realities. The appellant has provided evidence from a firm of
chartered surveyors to the effect that the premises have been marketed since September 2011: this lacks a certain amount of detail, but it is something which nonetheless should be given weight, and I note that the Council make no criticism of it. In acknowledging the likelihood of the unit’s remaining empty were planning permission to be refused, and then going so far as to suggest that this would be preferable to its being used as a takeaway, it seems to me that the Council would be acting contrary to the interests of their own policy.

9. I have concluded that the balance of advantage lies in securing a positive use for the site. This would at least ensure some footfall and the presence of an active frontage. I have therefore decided to allow the appeal.

10. In that eventuality, the Council ask for a condition requiring compliance with the details of the submitted plan: I have agreed to this, but have also imposed a condition requiring details of any changes to the design of the shop-front to be subject to the Council’s written approval.

David Kaiserman

INSPECTOR
Appeal Decision

Site visit made on 19 August 2013

by Matthew Birkinshaw  BA(Hons) MSc MRTPI

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

Decision date: 16 October 2013

Appeal Ref: APP/M0655/A/13/2196277

246 Manchester Road, Warrington, WA1 3BE

- 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 J and D Critchley against the decision of Warrington Borough Council.
- The application Ref 2012/20699, dated 25 September 2012, was refused by notice dated 30 January 2013.
- The development proposed is a change of use from B1 office accommodation to a D1 use as a medical centre.

Decision

1. The appeal is allowed and planning permission is granted for a change of use from B1 office accommodation to a D1 use as a medical centre at 246 Manchester Road, Warrington, WA1 3BE in accordance with the terms of the application Ref 2012/20699, dated 25 September 2012, 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: Ref 12-071(SU)450 Rev *, Ref 12-071(SU)100 Rev _, and Ref 12-071(PL)100 Rev A.

   3) No more than three consultation rooms shall be in use at any one time, and consultations shall be carried out only in the rooms shown on the approved plans.

   4) The development hereby approved shall not be occupied until signage for directing visitors and staff to surrounding car parks has been erected in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The signage shall thereafter be retained for the lifetime of the development hereby approved.

   5) No patients shall be permitted to be on the premises outside the following times: 08.00 – 19.00 Mondays to Fridays, 08.00 to 14.00 on Saturdays, and at no times on Sundays and Bank Holidays.

Application for costs

2. An application for costs was made by Mr J and D Critchley against Warrington Borough Council. This application is the subject of a separate Decision.
Procedural Matter

3. The proposed development was amended during the determination of the planning application, with the number of consultation rooms reduced from 5no. to 3no. I have therefore determined the appeal on this basis, taking into account the revised scheme for the change of use of the building to provide a medical centre with 3no. consultation rooms.

Main Issue

4. The main issue is whether or not space available for patient and staff parking in the vicinity of the appeal premises would be sufficient, having particular regard to the effect of additional on-street parking on highway safety.

Reasons

5. The appeal relates to a vacant 2-storey terraced property fronting directly onto Manchester Road close to its junction with Padgate Lane. The former office, which has been vacant for some time, is located within the designated Marsh House Lane Local Centre. At present, no dedicated off-street car parking space is provided.

6. Information provided by the appellant identifies several bus stops within close proximity to the appeal property which are served by approximately 13 buses per hour travelling to and from the wider surrounding area. An extract of the Council’s Warrington Retail Centre Report has also been provided which confirms that the Marsh House Lane Local Centre “benefits from good accessibility due to the main roads that pass through it, which also act as bus routes”. The proposed medical centre would therefore be easily accessible without relying on the use of a private car.

7. That being the case, I appreciate that some patients would still be likely to drive to the proposed medical centre and need somewhere to park. I also concur with the Council that a medical centre is likely to generate more vehicle movements, and subsequently a greater demand for car parking than the previous office did.

8. However, when visiting the site and the surrounding area on a weekday morning I saw that spaces were freely available on both sides of Manchester Road away from the junction with Padgate Lane and the neighbouring bus stop. Despite existing parking restrictions and the number of local resident’s cars in the area, spaces were also available along sections of Marsh Street and Fothergill Street. In addition, there was also capacity within the Marsh Street car park which is only a short walk away from the appeal property.

9. I note the Council’s concerns regarding the capacity of the Marsh Street car park to accommodate the level of demand likely to be generated by the proposed medical centre. However, the appellant’s parking survey also took into account Fothergill Street and Marsh Street. Furthermore, the total number of spaces available was recorded at 30 minute intervals throughout the day between 08.00 and 18.00, and was not just limited to three separate observations of the car park. This evidence clearly demonstrates that even during the busiest periods of the day a minimum of 17 spaces were available, which comfortably exceeds the 12 spaces regarded as necessary by the Council. Based on the information provided I therefore consider that there
would be sufficient capacity to meet the needs of the medical centre, and that it would be unlikely to result in hazardous parking in the surrounding area.

10. I also note the Council’s concerns that without any restrictions some patients, or those being dropped off / picked up, might seek to park immediately outside the appeal premises on Manchester Road. However, the site is located very close to the junction with Padgate Lane, which at the time of my site visit was very busy with queuing traffic. Combined with the availability of parking only a short walk away, I consider that it would be extremely unlikely that patients would risk parking, even for short periods of time, immediately outside the medical centre.

11. During my site visit I also saw that vehicles were already parked on the westbound side of Manchester Road without impeding either the free flow of traffic or use of the bus stop. No details have been provided to suggest that this has led to highway safety concerns in the past. As a consequence, even if some patients did choose to park on this side of the road, I am not persuaded that this would have a detrimental or unsafe impact on the flow of traffic or use of the bus stop.

12. The Council’s comments regarding the uncontrolled pedestrian movements of patients crossing Manchester Road in order to reach other medical centres, surgeries and pharmacies in the local centre are also noted. However, in this case there is a pedestrian crossing at the junction with Padgate Lane within very close proximity to the site. It is therefore unlikely that patients would choose to risk crossing directly in front of the building given the availability of a signalised, formal pedestrian crossing close by. I am therefore satisfied that the proposal before me would not prejudice pedestrian safety either, and the circumstances are materially different to the other practices in the area cited by the Council.

13. I therefore conclude that the space available for patient and staff parking in the vicinity of the appeal premises would be sufficient, and the limited amount of additional on-street car parking generated by the medical centre would not prejudice the safe or efficient operation of the highway network. As a result, there is no conflict with Warrington Unitary Development Plan (UDP) Policies DCS1 or LUT1 which require development to be accessible, integrate efficiently with the highway network and seek to encourage the use of public transport. For the same reasons there is also no conflict with the National Planning Policy Framework (‘the Framework’) which requires a safe and suitable access to be achieved for all people, and states that development should only be prevented on transport grounds where the cumulative impact would be severe. Both parties have also referred to emerging Warrington Local Plan Core Strategy Policy MP1 which requires development to reduce the need for private car use and adhere to locally determined car parking standards. However, by virtue of its accessible location, and the availability of car parking in the area, I find no conflict with the aims and objectives of this draft policy.

Other Matters

14. Although not listed as a reason for refusing planning permission, the Council has referred to Warrington UDP Policy LUT20 and its requirement that all developments should make provision for off-street car parking. However, the Council’s evidence also confirms that this is not wholly consistent with the Framework. As a consequence, I have also given the conflict with this policy
only limited weight, and it does not justify refusing planning permission which I
have found to be acceptable in terms of parking provision and highway safety.

15. I also note the Council’s reference to the possible use of a neighbouring public
house car park and that this has not been explored by the appellant. However,
as I have found that the space available for staff and patient car parking within
the vicinity of the site would be sufficient, there is no need to consider the use
of third party land or whether a Traffic Regulation Order would be necessary.

**Conclusion and Conditions**

16. For the reasons given above, and having regard to all other matters raised,
including comments regarding the planning history of the premises, I conclude
that the appeal should be allowed.

17. Aside from the standard time limit condition it is also necessary to list the
approved plans, for the avoidance of doubt and in the interests of proper
planning. In order to define the permission, and in the interests of available
on-street parking in the area and highway safety it is also necessary to limit
the number of consultation rooms which can be used. The interests of highway
safety also necessitate the need for the erection of signage directing patients to
car parks in the area. However, for clarity I have re-worded the Council’s
suggested condition. Finally, in the interests of the living conditions of
neighbouring residents it is also necessary to restrict the opening hours of the
proposed medical centre.

*Matthew Birkinshaw*

INSPECTOR
Appeal Decision

Site visit made on 6 September 2013

by S Watson BA (Hons) MCD MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 September 2013

Appeal Ref: APP/M0655/D/13/2201671
348 London Road, Stretton, Warrington, WA4 5PW

- 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 Hayes against the decision of Warrington Borough Council.
- The application Ref 2013/21789 was refused by notice dated 5 July 2013.
- The development proposed is a two storey extension to side and new canopy to front.

Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to side and new canopy to front at 348 London Road, Stretton, Warrington, WA4 5PW in accordance with the terms of the application, Ref. 2013/21789, dated 14 May 2013, and the plans submitted with it, 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; and Drawing No 56/13/3.

   3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main issue

2. The main issue is the effect of the proposed extension upon the character and appearance of the area and upon the appearance of the building itself.

Reasons

3. The section of London Road within which the appeal site is situated is characterised by a variety of dwelling types, although 1930s style semi-detached houses are dominant on the appeal side of the road. The appeal house is located within a row of 4 pairs of similar semi detached dwellings.

4. The 2-storey extension would have a continuation of the same ridge line as that of the existing main roof. In this respect, there would be no visual separation between the existing roof and the new roof of the extension.
5. Nevertheless, the first floor element of the extension would be set back about 0.4m from the main face of the existing front elevation and the eaves of the extension would be just under 1m lower than the existing eaves. Also, given that the extension would be fairly narrow, at some 1.8m in width, the extension would appear subordinate to the main dwelling. In addition, the main roof is set back substantially from the hipped roof of the projecting bay and it is this projecting hipped roof that is most dominant in the street scene.

6. Therefore, although the Council’s Supplementary Planning Guidelines (SPGs) House Extensions and B Side Extensions advise that an extension roof should be lower than the main roof, for the above reasons, I do not consider the extended roofline would unduly unbalance the pair of semi-detached dwellings.

7. I note the Council’s comments in respect of the visual effect of the lowered eaves at the front of the extension. However, this part of the extension would be set back from the main front elevation so it would not be dominant. I also consider that it would add visual interest to the overall design and would be balanced with the mono-pitched roofs over the store and canopy.

8. I have considered the Council’s argument that granting planning permission would set a precedent for other similar developments. However, given that I have concluded that the proposal would be acceptable, I can see no reason why it would lead to harmful development on other sites in the vicinity. In any event, each proposal must be considered against its own individual set of circumstances.

9. I conclude that the proposal would not have a harmful effect upon the character and appearance of the area nor upon the appearance of the building itself. Therefore find no conflict with saved policies DCS1, DCS9 and HOU8 of the Warrington Unitary Development Plan 2006 which jointly seek to ensure that extensions should be sympathetic to, and respect the character of, the original building in terms of its scale, proportions and materials and they should preserve the character of the street scene and surrounding area.

10. I note that Policy QE7 of the submitted Warrington Local Plan Core Strategy indicates that new development should be visually attractive. However, whilst I find no inconsistency with this policy, it is only an emerging policy and therefore I attach limited weight to it.

Other Matters

11. I have considered all other matters raised including the representations from the next door neighbours in respect of a loss of light though the windows at the side of their dwelling and potential overlooking of their rear garden. However, the living room and bedroom windows referred to are not the principal windows to the rooms and the landing is not a habitable room in which a substantial amount of time is likely to be spent. The adjacent garden would not be materially more overlooked than it already is from the existing rear windows of the appeal site and in any event, some degree of overlooking is common place and not unexpected over suburban gardens.

12. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord and such a condition shall be imposed. A condition concerning the development’s external materials is needed to protect the character and appearance of the area and shall be imposed.
Conclusion

13. For the above reasons, the appeal is allowed.

_Siobhan Watson_

INSPECTOR
Appeal Decision

Hearing held on 4 June 2013
Site visit made on 4 June 2013

by I Radcliffe  BSc(Hons) MCIEH DMS
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 September 2013

Appeal Ref: APP/M0655/A/12/2188376
Meadow Brook Cottage, Massey Brook Lane, Lymm WA13 0PH

- 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 Edward Mather against the decision of Warrington Borough Council.
- The application Ref 2012/20447, dated 6 August 2012, was refused by notice dated 24 October 2012.
- The development proposed is extensions to an existing agricultural worker’s dwelling. To include raising of the ridge and converting the bungalow with accommodation in the roof space to a full 2 storey dwelling with a 2 storey side extension and detached garage.

Decision

1. The appeal is dismissed.

Procedural matters

2. It was confirmed at the hearing that the application was amended after it had been made to delete the detached garage. As the Council determined the application on this basis I have also.

3. The North West Regional Spatial Strategy (RSS) was recently revoked. As a result, the development plan for the area consists of the Warrington Borough Unitary Development Plan (UDP). It is common ground between the parties that no policies of the RSS are relevant to this appeal. I agree with that assessment. As a consequence, the revocation of the RSS has not materially altered the planning policy context of the appeal.

4. A Local Plan Core Strategy (LPCS) has been prepared. However, it has yet to complete its examination in public and it was agreed at the hearing that its policies did not materially differ from those contained within the UDP. As a result, I shall not consider the LPCS further in relation to this appeal.

Application for costs

5. At the Hearing an application for costs was made by Edward Mather against Warrington Borough Council. This application is the subject of a separate Decision.

Main Issues

6. The main issues are;
• whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (‘the Framework’) and development plan policy;
• the effect of the proposal on the openness of the Green Belt and the character and appearance of the area;
• whether there is an agricultural need for an extended dwelling of the size proposed and whether such a dwelling would be affordable for an agricultural worker; and,
• if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Inappropriate development

7. Paragraph 89 of the Framework advises that the extension of a building, which does not result in disproportionate additions over and above the size of the original building, is not inappropriate development. Policies GRN1 and HOU9 of the UDP reiterate this approach to controlling development in the Green Belt. Having regard to the provisions of paragraph 215 of the Framework I therefore attach significant weight to them.

8. The 3 bedroom cottage was constructed following the granting of planning permission in 1979. It is a 1½ storey dwelling which as part of the original design utilises the usable space beneath the pitch of the roof as habitable space. The plan of the existing house shows a bedroom and study on the first floor with a kitchen / dining area, bathroom, lounge and 2 bedrooms on the ground floor. The cottage is unextended and has a floor space of 157sqm.

9. The 2 storey side extension would be located on the southern side of the house with a small boiler room demolished to make way for it. The house would also be extended in height to enable full use to be made of the space available on the first floor. Taken together it is common ground that this would increase the floorspace of the dwelling to 244sqm. This would be an increase of 54% over the existing floor space. The Council’s supplementary planning guidance 'Extensions in the Green Belt', to which I have had due regard, identifies that as a guideline an increase in floorspace of more than a third would generally be considered to be disproportionate.

10. I acknowledge that the proposed extensions would enlarge the footprint of the dwelling by only a third. However, as this statistic does not to take into account the increase in the size of the house as a result of its rise in height it fails to give a true impression of the additions and the final size of the dwelling. The proposed development would represent a significant increase in the volume of the building.

11. Taking all these matters into account, I therefore conclude that the proposal would be a disproportionate addition over and above the size of the original dwelling. As a result, it would be contrary to paragraph 89 of the Framework, policies GRN1 and HOU9 of the UDP and the supplementary planning guidance
‘Extensions in the Green Belt’. The proposal therefore also represents inappropriate development and such development would, by definition, be harmful to the Green Belt as described in paragraph 87 of the Framework.

Openness & character and appearance

Openness

12. Paragraph 79 of the Framework advises that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. It also advises that the essential characteristic of Green Belts is their openness and their permanence.

13. The width of the house, excluding the external boiler cupboard, would increase by approximately 40% to around 13.5m. In combination with an increase in height of the roof ridge of the house by approximately 37% to around 7m this would result in a substantial increase in the scale, bulk and site coverage of the property. The overall effect would be of a significantly larger, more intrusive dwelling. Screening is afforded by the trees along the boundary with the Lane and to the west of the house. As a result, outside the farm the extended house and the reduction in openness would not be clearly seen from public vantage points. Nevertheless, the fundamental aim of Green Belt policy is to keep land permanently open by not building upon it or strictly controlling the extent of new building. For this reason, this consideration has little effect on reducing the impact of the development on the openness of the Green Belt. The proposal would therefore also cause harm to openness.

14. Under permitted development rights large front and rear dormers could be added to the roof slope. It was also agreed that the appellant could add significant ground floor extensions to the sides and rear of the existing house. The footprint of these extensions could be greater than the appeal proposal to the extent that it would have a similar, if not greater, adverse impact on openness than the increase in the quantum of development represented by the appeal proposal. The Growth & Infrastructure Act paves the way for the relaxation of permitted development rights to allow even larger single storey rear extensions to be built.

15. The appellant referred to an appeal decision (ref APP/R2330/D/12/2168177) where the existence of a fallback position was a significant factor in allowing a single storey rear extension which constituted in appropriate development in the Green Belt. However, in this case the appellant is seeking to create a 5 bedroom house and if permitted development rights were exercised the vast majority of additional accommodation would be created at ground floor level. This would lead to an undesirable layout. For this reason, I consider that it is unlikely that permitted development rights would be exercised in this way if the appeal was dismissed. In the absence of any substantive evidence to the contrary, I therefore attach little weight to this fallback position.

Character and appearance

16. Owing to the large size of the appeal site there would be sufficient space around the extended house for it to be comfortably set within its plot. Retention of the gable ended roof of the house and the inclusion of subservient dormer windows would mean that the resulting house would have an attractive design. However, the cumulative effects of the proposed extensions would be
to increase the height and width of the house to create an overly large dwelling that would fail to be subordinate to the original building, or harmonise with its scale.

**Conclusion on the second main issue**

17. Taking all these matters into account, I therefore conclude that the proposal would unacceptably harm openness and the character and appearance of the area. As a consequence, it would be contrary to paragraph 79 of the Framework and policies HOU8, HOU9 and DCS1 of the UDP. These policies require a high standard of design for new development, including that the scale of an extension is in keeping with the house to be extended and subordinate to it. This additional harm to the Green Belt adds further weight against the proposal.

**Agricultural need for the proposed extended dwelling and its affordability for an agricultural worker**

18. In terms of agricultural need, it was an established principle of Annex A to Planning Policy Statement 7: ‘Sustainable Development in Rural Areas’ (PPS7) that it was the requirements of the enterprise rather than those of the owner or occupier that were relevant in determining the size of an agricultural dwelling. However, PPS7 has been replaced by the Framework which is silent on this matter. Furthermore, the Council has no adopted maximum floor space guidelines against which to assess proposals for houses or house extensions where occupancy is limited to agricultural workers. The Council did not remove permitted development rights allowing the extension of the house when it granted planning permission. As a result, it envisaged that some extension of the house would be acceptable in principle. For these reasons, in the absence of current national or local guidance in relation to agricultural need and the size of an agricultural workers dwelling, I conclude that the size of the extended house in relation to such considerations would be acceptable.

19. Turning to affordability, the house by virtue of an agricultural occupancy condition is valued at £160,000. The proposed extension would significantly increase the value of the house to £295,000. Whilst this would mean that the house is unlikely to be affordable for the majority of those employed or last employed in agriculture the dwelling should be viewed in context. Massey Brook Farm is a family run dairy farm operated by Mr Mather and his father. It is therefore reasonable to expect that the farm would have 2 family sized homes so that cover for running of the farm can be provided.

20. I recognise that there is the possibility in the future that should the farm cease to be operated by 2 resident workers the Cottage would be too expensive for many who could comply with the occupancy condition. Such a situation would mean that the house would be vulnerable to removal of the occupancy condition and would thereby become an isolated dwelling in the countryside. However, the cottage is located at the bottom of an embankment adjacent to the M6 motorway and a working dairy farm. As a consequence of the resulting background noise from the road and disturbance from farming activity it is not in a position that is readily suited to someone unless employed on the farm.

21. Taking all these matters into account, I therefore conclude that the increase in the value of the house and the absence of an agricultural need for the extension are not considerations that add further weight against the proposal.
The proposed development in this regard would not be contrary, as alleged by the Council, to the objectives of policies DCS1, GRN1 and HOU9 of the UDP.

Other considerations

22. As I have found the proposal would be harmful to the Green Belt it is necessary to consider the grounds put forward by the appellant, to determine whether there are any material considerations that would amount to very special circumstances that would outweigh this harm and the harm that I have identified to openness and the character and appearance of the area.

Sustainable development and a prosperous rural economy

23. A presumption in favour of sustainable development is at the heart of the Framework. The Framework also supports economic growth in rural areas in order to create jobs and prosperity. The existing house is not ideally laid out with the bathroom on the ground floor immediately next to the kitchen and the room identified as study on the first floor used for utility purposes. As a consequence, the dwelling does not meet modern expectations. The extension would create a better arranged dwelling. This would have social and economic benefits as it would result in a more pleasant living environment and create a large family house that would make a positive contribution to the housing stock of the area. However, many of these benefits could be achieved with a smaller extension which would be more in keeping with the scale of the original house. As a consequence, this is a consideration in favour of the appeal to which I attach only some weight.

Personal circumstances

24. The appellant is recently married and would like in the future to have a family. The proposed development would provide larger accommodation. Whilst I have given the appellant’s personal circumstances careful consideration, I am mindful of the advice contained in ‘The Planning System: General Principles’ (Office for the Deputy Prime Minister 2005), that personal circumstances will seldom outweigh more general planning considerations. Furthermore, as I have explained in the previous paragraph a materially larger house could be created with by an extension that is smaller than that proposed. As a consequence, this is a consideration in favour of the appeal to which I attach only some weight.

Overall Conclusions

25. I must now consider whether or not the harm by way of inappropriateness, and the other harm which I have identified, would be clearly outweighed by other considerations in support of the development such that very special circumstances, justifying the development, would arise.

26. The harm by reason of inappropriateness in relation to the appeal scheme is added to by the reduction in openness and the adverse effects of the proposal on the character and appearance of the area. Paragraph 88 of the Framework advises that substantial weight should be given to the harm by reason of inappropriateness and any other harm to the Green Belt. Clearly, therefore the degree of harm caused would be significant.
27. On the other side of the balance I have noted the fallback position in relation to the extensions which could be erected without the need for planning permission. For the reasons set out I have attached limited weight to this factor. I have noted that the Framework creates a presumption in favour of sustainable development and seeks to support economic growth in rural areas. I have found that the social and economic benefits relied upon could be achieved with a smaller extension. I have attached some weight to the personal circumstances of the appellant and his family requirements.

28. Overall, I conclude that the other considerations put forward by the appellant in support of development, taken either individually or cumulatively do not clearly outweigh the harm identified and the very special circumstances necessary to justify the development do not exist. As such the proposal would be contrary to the Framework and policies GRN1 and HOU9 of the UDP.

*Ian Radcliffe*

Inspector
APPEARANCES

FOR THE APPELLANT:

Mr Williams          Redwaters
Mr Mather            Appellant
Mrs Mather           Spouse of the appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Taylor            Warrington Borough Council
Senior Planning Officer

Mr Evans             Warrington Borough Council
Principal Planning Officer

DOCUMENTS SUBMITTED AT THE HEARING

1 Letter of notification detailing the time, date and location of the hearing together with a list of persons to whom it and the first notification letter was sent.
2 Appeal decision APP/L3245/D/10/2125348 submitted by the appellant.
3 Appeal decision APP/R2330/D/12/2168177 submitted by the appellant.
4 Appeal decision APP/B2355/A/12/2184388 submitted by the Council.
5 Supplementary Planning Guidance 2, House Extension Guidelines.
6 Supplementary Planning Guidance B, Side Extensions.
7 Policy HOU8 of the Warrington Unitary Development Plan.
Appeal Decision

Site visit made on 19 August 2013

by Matthew Birkinshaw  BA(Hons) MSc MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 October 2013

Appeal Ref: APP/M0655/A/13/2196117
Land at Summit Close, Lower Stretton, Warrington, Cheshire, WA4 4NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Vaughan Bates (Stretton Developments Ltd) against the decision of Warrington Borough Council.
- The application Ref 2012/20946, dated 17 November 2012, was refused by notice dated 27 February 2013.
- The development proposed is the erection of two semi-detached dwellings.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved. I have therefore dealt with the appeal on this basis, taking into account the access, layout, scale, landscaping and appearance of the scheme as indicative.

Main Issues

3. The main issues are:
   - Whether or not the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
   - The effect of the proposal on the openness of the Green Belt; and
   - If the proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development or Not

4. Policy GRN1 of the Warrington Unitary Development Plan (UDP) states that limited infilling of an appropriate scale and character is not inappropriate development within Green Belt villages. This is similar to the National Planning Policy Framework ("the Framework") which also states that limited infilling in villages is not inappropriate development in the Green Belt. UDP Policy GRN1
is therefore broadly consistent with the Framework, and despite the appellant’s assertions to the contrary, substantial weight is afforded to it.

5. The appeal relates to a parcel of land in between two residential properties. There is no disagreement between the main parties that the proposal would constitute infilling. However, conflicting evidence is presented as to whether or not the site is located within a village; a requirement of both local and national planning policy.

6. I appreciate that the Framework does not give a definition of a village. However, Warrington UDP Policy GRN5 lists villages in the Green Belt and this includes Stretton. The appeal site is approximately 675m outside the defined boundary of Stretton and therefore, for the purpose of development plan policy, cannot be considered to represent limited infilling in a village.

7. I also note the appellant’s arguments that unlike development plan policy, the Framework does not explicitly require infilling to occur within defined settlement boundaries. Nonetheless, when visiting the appeal site and immediate surrounding area I saw that Lower Stretton consists of a small group of primarily residential properties stretching in linear form along the A559 Northwich Road. Whilst the site and the historic buildings surrounding it may have once been a central point in the area’s agricultural past, it has since been separated from the main village of Stretton by the M56 motorway. Similarly, whilst reference is made to the butchers shop at Lane End Farm, this no longer exists today. Instead, the centre of the village and its main shops and services are some 675m away to the north, separated by a motorway and open fields.

8. As a result, despite its historic connections, I am not persuaded that the small linear assortment of houses, a public house, garage and farms which exist today constitute a village for the purpose of the Framework either. It is not disputed that Lower Stretton shares links with the village that has expanded and grown on the other side of the motorway, and also retains a wider geographic association with Stretton. However, the two are clearly separated and Lower Stretton is physically isolated by the motorway. Therefore, even taking into account the appellant’s wider definition, the appeal site does not form part of a village where the exception afforded to infilling applies.

9. I therefore conclude that for the purpose of both the Framework and development plan policy, the proposal does not constitute limited infilling within a village in the Green Belt. It therefore fails to meet any of the exceptions for new residential development and is inappropriate development, which, by definition is harmful to the Green Belt and should not be approved except in very special circumstances. Of the policies referred to by the Council I consider Warrington UDP Policy GRN1 most relevant, and in this regard the proposal conflicts with its aims and objectives which seek to control inappropriate development.

Openness

10. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. I note the appellant’s comments that given the scale of the proposal, and its location in between two existing dwellings the harm to the openness of the Green Belt would be limited. However, by redeveloping land outside of a village that is currently free from development,
the appeal proposal would reduce the openness of the Green Belt. Whilst the harm would be limited, it would therefore still be material.

Other Considerations

11. I have also taken into account that the proposal would not conflict with the overarching purposes of including land within the Green Belt, would not result in any significant harm to the wider open countryside, and would be consistent with the requirements of other development plan policies. The appellant’s comments regarding precedent are also noted, and I agree that any future planning applications elsewhere would have to be determined on their own merits.

Conclusions

12. The proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy. The Framework clearly states that inappropriate development is harmful to the Green Belt, and that substantial weight should be attached to that harm.

13. In this case the proposal would not prejudice the purposes of including land within the Green Belt, would not significantly harm the wider open countryside, and would be consistent with the criteria set out in other development plan policies. However, these other considerations do not clearly outweigh the harm that I have identified as a result of inappropriateness and the reduction in the openness of the Green Belt. As such, very special circumstances necessary to justify the granting of planning permission do not exist.

14. For this reason, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR
Costs Decision

Site visit made on 19 August 2013

by Matthew Birkinshaw  BA(Hons) MSc MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 October 2013

Costs application in relation to Appeal Ref: APP/M0655/A/13/2196277
246 Manchester Road, Warrington, WA1 3BE

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr J and D Critchley for a full award of costs against Warrington Borough Council.
- The appeal was against the refusal of planning permission for a change of use from B1 office accommodation to a D1 use as a medical centre.

Decision

1. The application for an award of costs is refused.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.

3. The application for costs was made with reference to paragraphs A3, A12, A22, A24, B15, B21 and B29; namely, that local planning authorities should not add to development costs through avoidable delays, that reasons for refusing planning permission should be substantiated by objective evidence, and that regard should be had to the development plan and also national policy, which may advocate a different approach.

4. Although I have found in favour of the applicant in my appeal decision, evidence provided by the Council’s Highways Officer identified why the proposed medical centre would generate more visitors than the vacant office. This also recognised that whilst the appeal premises were easily accessible by public transport, the nature of a medical centre meant that there was still an inherent need to provide off-street car parking for patients. Therefore, although local and national planning policy seeks to promote more sustainable transport modes, in this instance it was not unreasonable for the Council to consider whether or not sufficient parking was available.

5. Furthermore, information was also provided by the Highways Officer which suggested that the neighbouring Marsh Street car park was observed at nearly full capacity. This led to a reasoned justification as to why the Council considered that patients would be likely to park outside the proposed medical centre on Manchester Road. The Council’s reason for refusing permission was therefore substantiated, based on objective evidence and identified how and
why the proposal would potentially prejudice highway safety. Although the applicant’s evidence subsequently illustrated otherwise, leading to my findings that hazardous parking would not occur, it was not unreasonable to consider that the cumulative impacts of additional parking close to the Manchester Road / Padgate Lane junction would be severe.

6. I note the applicant’s comments that the Council’s evidence only gave little weight to local planning policy requiring all proposals to provide off-street car parking. However, in this instance the availability of car parking was directly related to highway safety. Reference was also made to relevant development plan policy which requires development proposals to integrate efficiently with the highway network.

7. The Council’s evidence also referred to the National Planning Policy Framework and identified that the proposal would bring a vacant building back into use whilst promoting more sustainable modes of transport. Despite concluding that the perceived risks to highway safety were so severe to warrant the refusal of planning permission, I am satisfied that the benefits of the scheme and other material considerations were taken into account.

8. I therefore conclude that unreasonable behaviour resulting in unnecessary expense in the appeal process, as described in Circular 03/2009, has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

Matthew Birkinshaw

INSPECTOR
Costs Decision

Hearing held on 4 June 2013
Site visit made on 4 June 2013

by I Radcliffe  BSc(Hons) MCIEH DMS
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 September 2013

Costs application in relation to Appeal Ref: APP/M0655/A/12/2188376
Meadow Brook Cottage, Massey Brook Lane, Lymm WA13 0PH

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Edward Mather for a full award of costs against Warrington Borough Council.
- The hearing was in connection with an appeal against the refusal of planning permission for extensions to an existing agricultural worker’s dwelling. To include raising of the ridge and converting the bungalow with accommodation in the roof space to a full 2 storey dwelling with a 2 storey side extension and detached garage.

Decision

1. The application for an award of costs is refused.

The submissions for Mr Mather

2. The Council has unreasonably prevented development which having regard to the development plan, the National Planning Policy Framework (the Framework), the fallback position and other material considerations should have been permitted (paragraph B15). It has also failed to show clearly why permission should not be granted (paragraph B16). The extension is aesthetically pleasing and compact. The Council’s main objection is that the extended dwelling would be beyond the reach of an agricultural worker. As the Framework seeks a prosperous rural economy there should not be an issue with creating a larger, more expensive agricultural dwelling. It is discriminatory to assess the extension on the basis of whether there is an agricultural need for a larger house. Mr Mather has to live on the farm. He has the right to extend his house to create a larger house.

The response by Warrington Borough Council

3. The Council has through its written submissions, which include an analysis of similar appeals, and through the discussion at the hearing shown clearly why the development cannot be permitted. In reaching their decision to refuse the fall back position was considered and weight was given to it. The Council stand by its assertion that there is no justification for the size of the extension on the basis of agricultural need. It is for the Inspector to decide whether he considers the guidance contained within Planning Policy Statement 7: 'Sustainable Development in Rural Areas’ (PPS7) is relevant. The affordability of agricultural dwellings is an important consideration.
Reasons

4. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

5. There are 2 claims which need to be assessed. Firstly, whether the Council prevented development which should clearly have been permitted having regard to the development plan, national planning policy statements and any other material considerations (paragraph B15). Secondly, whether the Council produced evidence to show clearly why the development could not be permitted (paragraph B16).

6. In relation to the first claim, whilst I found in favour of the appellant in relation to the second and third reason for refusal I found against the appellant in relation to the size of the proposed extensions and Green Belt policy. The other material considerations identified were insufficient to amount to the very special circumstances necessary to outweigh the harm that would be caused by reason of inappropriateness, the harm to openness and the harm to the character and appearance of the area. The Council therefore did not prevent or delay development which should clearly have been permitted. As such it did not act unreasonably.

7. Turning to the second claim, the Council’s reasons for refusal were complete, precise, specific and relevant to the application. In its officer report the Council explained its concern regarding the disproportionate size of the extension in relation to the existing house and agricultural need. It also explained why in its view the increase in value of the property as a result of the extension would make it difficult to retain the dwelling for agricultural workers in the future. This viewpoint was supported by a review of a variety of abstracts summarising other appeal decisions. The appeal statement expanded upon these concerns. As a result, although I disagreed with the Council in relation to agricultural need and the affordability of the extended dwelling, the Council produced evidence to show clearly why the development in its view should not be permitted. It therefore did not act unreasonably.

8. Accordingly, I conclude that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated. An award of costs is therefore not justified.

Ian Radcliffe
Inspector