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 24 April 2014 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. **Results of Planning Appeals**

Report of the Executive Director Economic Regeneration, Growth and Environment

5.1 Appeal Decision – 23 High Warren Close, Appleton, Warrington, WA4 5SB

Part 2

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

Nil

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

15 MAY 2014

Present: Councillor T McCarthy (Chair)
Councillor J Richards (Deputy Chair)
Councillors, C Jordan, M McLaughlin, L Murphy,
F Rashid, G Settle and S Woodyatt

DM104 Apologies for Absence

Apologies for absence had been received from Councillor B Barr.

DM105 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor F Rashid</td>
<td>DM108</td>
<td>Councillor Rashid as Ward representative had attended meetings with Miller Developments.</td>
<td>Councillor Rashid left the Committee for the agenda item; he did not take part in the discussion or the vote thereon.</td>
</tr>
</tbody>
</table>

DM106 Minutes

Resolved,

That the minutes of the meeting held on 24 April 2014 were agreed as a correct record and signed by the Chair.

DM107 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.

DM108 2014/23290 – Zone 7, Omega South, Land to south ofd M62, near Junction 8, Burtonwood, Warrington, Cheshire – Outline Application (Major) – The creation of up to 196,000 sq.m (2.1 million sq, ft) of B2 manufacturing and B8 logistics floor space(spl 30% B2 - 70% B8) with associated car parking, landscaping and infrastructure

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

That application 2014/23290 be approved as per the officer recommendation

DM109 2014/23333 – Land off Culcheth Hall Drive, Culcheth, Warrington, Cheshire WA3 4PX – Full Planning (Major) – Proposed construction of 11 dwellings including associated works

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

It was noted that this application had been withdrawn.

DM110 2014/23334 – Former Ship Inn and adjoining land, Chester Road, Walton, Warrington, WA4 6EN – Outline Planning (Major) – Outline application for the erection of eleven dwellings and conversion of the former Ship Inn and adjacent outbuildings to residential use (three dwellings) including landscaping, demolition of existing structures, modification access to Chester Road and associated work

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

A site visit had taken place on Friday, 9 May 2014 by the Members of committee.

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

Resolved,

That application 2014/23334 be approved as per the officer recommendation with conditions, the reason for these conditions were outlined in the update report, additionally an extra condition was attached to the application - no development shall take place until a construction management plan has been submitted to and approved by the Local Planning Authority. Construction shall be carried out in accordance with the approved construction management plan.

Reason,

The additional condition was in the interests of amenity and highway safety and to accord with Policies DCS1 and LUT2 of the Warrington UDP and Policy QE6 of the Warrington Local Plan Core Strategy.
**DM111 Results of Planning and Enforcement Appeals**

Members were presented with a report of the Executive Director of Economic Regeneration, Growth and Environment that set out the result of a recent appeal along with the Inspector’s findings and the Executive Director’s subsequent comment:

<table>
<thead>
<tr>
<th>Application Appeal Reference</th>
<th>Location and Description</th>
<th>Committee /Delegated Decision</th>
<th>Appeal Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>APP/M0655/A/14 /2212077</td>
<td>23 High Warren Close, Appleton, Warrington, WA4 5SB</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
</tbody>
</table>

In addition to the above, the report set out the quarter 4 appeal performance and the annual appeal performance data.

The reported quarter figures covered the period between January and March 2014. In total 11 appeal decisions were made, 4 were dismissed (36.36%) and 7 were allowed (63.63%). This was a reverse in the performance trend of quarters 2 and 3 which saw a higher number of appeals dismissed. Of the 4 appeals dismissed each was dealt with by written representation and of the 7 appeals allowed 2 were public inquiries, 1 was by hearing and 4 were by written representations.

The table below summarised the appeal procedure for cases during year 2013/2014.

<table>
<thead>
<tr>
<th></th>
<th>Householder Appeal</th>
<th>Written Representations</th>
<th>Hearing</th>
<th>Public Inquiry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dismissed</td>
<td>11</td>
<td>16</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Allowed</td>
<td>4</td>
<td>15</td>
<td>1</td>
<td>3</td>
</tr>
</tbody>
</table>

Resolved,

That the report be noted.

Signed………………………

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

24 APRIL 2014

Present:    Councillor T McCarthy (Chair)
            Councillor J Richards (Deputy Chair)
            Councillors, B Barr, M McLaughlin, L Murphy,
            G Settle and S Woodyatt

DM98 Apologies for Absence

Apologies for absence had been received from Councillor C Jordan and
Councillor F Rashid.

DM99 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor J Richards</td>
<td>DM102</td>
<td>Councillor Richards was a Ward representative but had not commented on the application or formed an opinion on the matter.</td>
<td>Councillor Richards remained in the meeting and took part in both the discussion and voted thereon.</td>
</tr>
</tbody>
</table>

DM100 Minutes

Resolved,

That the minutes of the meeting held on 3 April 2014 were agreed as a correct record and signed by the Chair.

DM101 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.

DM102 2013/22130 – Gas Utilisation Compound, Arpley Landfill Site, Forest Way, Sankey Bridges, Warrington, Cheshire WA4 6Y2 – Full Planning – Proposed construction of 3 No 23 metre high engine exhaust

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of approval subject to conditions.
A site visit had taken placed on Friday, 7 March 2014, additionally this application had been deferred from the meeting dated 13 March 2014 to enable the Committee to request further information.

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

Resolved,

That application 2013/22130 be approved as per the recommendation

**DM103 Pre-application Advice (Trees)**

The Executive Director of Economic Regeneration, Growth and Environment submitted the report to seek Members approval to start charging for pre-application advice to works to trees (tree preservation orders and trees in conservation areas).

Resolved,

To defer consideration of the matter pending the outcome of the service redesign consultation proposals and, to enable further discussions to take place at forthcoming Planning Improvement and Monitoring Board meetings.

Signed…………………………

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

**Thursday 15th May 2014**

**Start 18:30**

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>2014/23290</td>
<td>Zone 7, Omega South, Land to the south of M62, near Junction 8, Burtonwood, Warrington, Cheshire&lt;br&gt;Outline Application (Major) - The creation of up to 196,000 sq.m (2.1 million sq.ft) of B2 manufacturing and B8 logistics floorspace (split 30% B2/70% B8) with associated car parking, landscaping and infrastructure</td>
<td>Approve</td>
</tr>
<tr>
<td>2</td>
<td>33</td>
<td>2014/23333</td>
<td>Land off Culcheth Hall Drive, Culcheth, Cheshire, WA3 4PX&lt;br&gt;Full Planning (Major) - Proposed construction of 11 dwellings including associated works</td>
<td>Refuse</td>
</tr>
<tr>
<td>3</td>
<td>61</td>
<td>2014/23334</td>
<td>Former Ship Inn and adjoining land, Chester Road, Walton, Warrington, WA4 6EN&lt;br&gt;Outline Planning (Major) - Outline application for the erection of eleven dwellings and conversion of the former Ship Inn and adjacent outbuildings to residential use (three dwellings) including landscaping, demolition of existing structures, modified access from Chester Road and associated work.</td>
<td>Approve</td>
</tr>
</tbody>
</table>
DEVELOPMENT CONTROL COMMITTEE DATE: 15-May-2014

ITEM 1

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>2014/23290</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Zone 7, Omega South, Land to the south of M62, near Junction 8, Burtonwood, Warrington, Cheshire</td>
</tr>
<tr>
<td>Ward:</td>
<td>Whittle Hall, Westbrook</td>
</tr>
<tr>
<td>Development:</td>
<td>Outline Application (Major) - The creation of up to 196,000 sq.m (2.1 million sq.ft) of B2 manufacturing and B8 logistics floorspace (split 30% B2/70% B8) with associated car parking, landscaping and infrastructure.</td>
</tr>
<tr>
<td>Date Registered:</td>
<td>21-Feb-2014</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Omega Warrington Limited</td>
</tr>
<tr>
<td>8/13/16 Week Expiry Date:</td>
<td>22-May-2014</td>
</tr>
</tbody>
</table>

**Reason for Referral**

The strategic nature of the proposal.

**Human Rights**

The courts have held that in planning matters - as there are inherent measures to protect an individual’s interests - it is unlikely that a planning decision will result in such an impact that the harm caused is disproportionate to the goal to be achieved. This application should be considered in the light of the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing - and to this end the Committee must give full consideration to their comments. Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person’s home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the adopted Warrington UDP and the emerging Local Plan Core Strategy for Warrington, the Strategic Director for Economic Regeneration, Growth & Environment has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the wider public interest - and on the basis of the planning merits of the development proposal. He believes that any restriction on these
rights - posed either by the grant or refusal of the application - would be within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Site and Application

The boundary of the application site has been revised since submission to now comprise a 67 hectare portion of Omega South, known as “Zone 7” – south of the M62 motorway – which extends from the western boundary of Omega with St Helens, through the central portion adjacent to the Royal Mail building – with the new link road. The revision to the site boundary was necessary so as not to interfere with the zone of influence around a pond known to have a great crested newt (GCNs) population – a European protected species. A reduction in the application site area allows a recommendation to be made now – without the risk that proposals near the pond would harm the species. It is anticipated that the area of land taken out of this application will be the subject of future proposals to form the remainder of the Green Heart feature, once adequate proposals to safeguard the GCNs are finalised.

This outline application seeks approval for the description of development, landscaping and access as set out above. All detailed matters, other than access, are reserved for later approval. Illustrative plans are submitted to show one possible way in which it is feasible to accommodate the proposed floorspace and other features within the site, together with an indication of how a “Green Heart” feature would deliver high quality landscaping.

As the proposed building layout is indicative, no differentiation is made between potential Class B2 (general industry) and Class B8 (warehousing/logistics). However, the proposals allow for up to 30 per cent of the total floorspace within Zone 7 to be in Class B2. Should consent be granted, then this would be subject to a condition which stipulates a division of 30 per cent in B2 Use and 70 per cent in B8 Use.

Access

The application seeks detailed permission for the creation of an access road which would provide a link between junction 8 of the M62 and the junction of Orion Boulevard and Omega Boulevard to the south of Zone 7, near the north western corner of the existing Royal Mail base. The single, 10 metre wide distributor road would open up Zone 7 and provide an important alternative route to and from Junction 8 for HGV traffic and private cars alike. It is envisaged that this new link road, which would be “adopted” by the Council, would be delivered early in the development process and would help to realise noticeable benefits for the surrounding road network - as well as for the development itself. The new road would join up with the access road for the Bericote development (approved previously under 2013/21340 and 2013/22143) - and would run parallel with the motorway before dropping south/southwest to tie into the existing spur at the Omega Boulevard/Orion Boulevard roundabout. The development parcels would take access either
directly off this spine road, or via secondary estate roads, depending upon the
precise form of built development that emerges. Full details of the proposed
access arrangements and technical specification for the new road have been
submitted for approval as part of this application.

**Landscaping – the “Green Heart”**

Illustrative details of part of a “Green Heart” feature are also put forward – as
a central, naturalised focus for Omega South. Eventually comprising
approximately 18ha in area - with significant new areas of woodland and
wetland as part of the overall strategy for Omega - the Green Heart would
provide new habitat, amenity open space and drainage function on Omega
South. It would create a hub for footpath and cycleway links that radiate out
into the wider Masterplan area and beyond. The Green Heart would also act
as a key node in the substantial east/west corridor that will link established
Great Crested Newt habitats.

The use of swales is a significant feature of the landscape design - to deal
with surface water run-off from roads and areas of hardstanding. There are a
number of swales around the boundaries of the site and along the access
road and these form part of the overall drainage design. The swales have
been designed to ensure that they will not only contribute to wider landscape
design but will also contribute to potential habitat creation.

Public access is considered to be an important part Green Heart’s function -
however some control over access is also vital to establish zones that are
preserved primarily for wildlife and for amphibians in particular. Footpath
access proposals show how a series of footpaths and cycleways could pass
throughout the Green Heart. These routes would broadly follow landform. At
the summit of the principal mound a viewing area is proposed that will allow
views throughout the park and on into the wider Omega landscape beyond.
These views will be managed and maintained as “rides” and clearings.
Footpaths and cycleways would be set within margins, verges and often in
grassland - to ensure that concealment and places to loiter are restricted. The
detailed design of these routes will be in conjunction with the Local Police and
established principles of “Secure by Design”. Gradients will be compliant with
current guidance and significant falls and or level changes will be either
avoided, or managed.

Footpaths will be constructed to a minimum overall width of 3.0m to allow
shared use by pedestrians and cyclists, with the possibility of use by horse
riders too.

Lighting would be generally discouraged - from all bar the principal radial
routes – in order to balance ecological sensitivities with the need to provide
safe commuter access during the winter periods.
Relevant Planning History

The site is part of Omega South – which has been regarded as a regional investment site in successive Development Plans since the 1990s.

Members will be aware of construction activity on Omega North, following reserved matters approvals over the last couple of years. Construction is now also underway on part of Omega South, adjacent to this application site – following the grant of full planning permission for a major logistics base in 2013 (2013/21340 and 2013/22143).

Planning Policies

National Planning Policy Framework
Matters relating to economic growth, sustainability and nature conservation

Unitary Development Plan
DCS1 – DEVELOPMENT CONTROL STRATEGY
DSC2 – PLANNING OBLIGATIONS
GRN2 – ENVIRONMENTAL PROTECTION AND ENHANCEMENT
REP1 – THE PRUDENT USE OF RESOURCES
REP5 – SURFACE WATER RUN-OFF AND SUSTAINABLE DRAINAGE
REP8 – LAND CONTAMINATION
REP9 – AIR QUALITY
REP10 - NOISE
EMP1 – EMPLOYMENT DEVELOPMENT
EMP2 – OMEGA SOUTH
EMP3 – PROVISION OF LAND FOR EMPLOYMENT DEVELOPMENT
GRN18 – KEY BIODIVERSITY HABITATS AND PRIORITY SPECIES
GRN21 – PROTECTION OF THE NATURE CONSERVATION RESOURCE
GRN22 – PROTECTION AND ENHANCEMENT OF LANDSCAPE FEATURES
LUT1 – LAND USE/TRANSPORTATION STRATEGY
LUT3 - WALKING
LUT5 – CYCLING
LUT6 - MOTORCYCLING
LUT7 – PUBLIC TRANSPORT
LUT10 – TRAVEL PLANS
LUT12 – TRANSPORT IMPACT ASSESSMENTS
LUT20 – PARKING
HOU7 – THE RESIDENTIAL ENVIRONMENT

Emerging Warrington Local Plan Core Strategy
CS1 – DELIVERING SUSTAINABLE DEVELOPMENT
CS8 – OMEGA AND LINGLEY MERE
QE1 – DECENTRALISED ENERGY NETWORKS AND LOW CARBON DEVELOPMENT
QE3 – GREEN INFRASTRUCTURE
QE4 – FLOOD RISK
QE5 – BIODIVERSITY AND GEODIVERSITY
1. Proposed Access Arrangements

As shown on indicative layout plan (00)323 Rev D, to access the site, it is proposed to extend the new Omega link road southwards from Plot 7B to make a connection with Omega Boulevard. This will in effect create a new route to M62 Junction 8 from Lingley Green Avenue / Barrowhall Lane in addition to the existing route to Junction 8 from this area via Lingley Green Avenue, Whittle Avenue and Burtonwood Road.

Drawing number 0723/SD/S/153 Rev A confirms that the new link highway will be constructed to a standard offering a 10m wide carriageway, with a 2m verge and 2m footway on one side, and a 2m verge and 3.5m footway / cycleway on the other. This standard of provision will match that previously agreed for the link road to / from Junction 8.

As indicative layout plan (00)323 Rev D shows, a goods access and car park access for Plot 7A would form new priority junctions directly with the link road, whilst plots 7E, 7F and 7G would be served from a shared industrial access road. Plots 7D and 7C would be accessed via Orion Boulevard to the south of the application boundary.

2. Likely Traffic Generation

Based on provision of 58,529 sqm B2 (General Industrial) and 136,567 sqm (B8 Storage and Distribution) floorspace, the following trip totals can be expected in the AM and PM weekday peak hours:
Table 1: Likely Trip Generation Weekday AM Peak Hour (0800-0900)

As can be seen from Table 1, in the weekday AM peak hour, approximately 621 trips would be generated by the proposed development.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Arrivals</th>
<th>Departsures</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Trip rate</td>
<td>Trip Totals</td>
</tr>
<tr>
<td>B2</td>
<td>0.371</td>
<td>217</td>
</tr>
<tr>
<td>B8</td>
<td>0.159</td>
<td>217</td>
</tr>
</tbody>
</table>

Table 2: Likely Trip Generation Weekday PM Peak Hour (1700-1800)

As shown on Table 2, the proposed development is expected to generate approximately 537 trips in the weekday PM peak hour.

A relatively high percentage of all development traffic would be HGV’s (potentially up to 25% for B8 Storage and Distribution uses). The submitted Transport Assessment states that: “All HGV traffic to/from Zone 7 will be via the link road connecting to the M62 junction 8. No HGV traffic will be routed via Lingley Green Avenue to the south.”

3. Traffic Modelling

Modelling of the strategic impacts of the new link road and proposed development has been undertaken by JMP Consultants (on behalf of WBC Highways and the Highways Agency) using the Highways Agency’s approved VISSIM micro-simulation traffic model (covering Junction 7 to Junction 9 of the M62).

This modelling has also made reference to the traffic distribution assumptions contained within the Council’s Multi Modal Transport Model, and to the traffic generated by committed developments in the area to 2016 (expected year of opening) and 2019 (5 years post application registration).

The outputs of the above VISSIM model are contained within WSP’s Transport Technical Note (addendum Transport Assessment) dated 25th April 2014. The main conclusions of the modelling are as follows:
• The link road connection will attract significantly more traffic than the proposed development is expected to generate. In the AM peak hour, two way traffic flows (vehicles) on Lingley Green Avenue are expected to fall by 300, whilst in the PM peak hour traffic flows on Burtonwood Road are predicted to fall by 370.

• In terms of expected queuing and delay, with the proposed link road connection in place, queues are expected to significantly decrease on Burtonwood Road. However, queues on Omega Boulevard on the approach to its roundabout junction with Lingley Green Avenue / Barrowhall Lane are expected to increase significantly.

• As a result of the above, overall journey time savings on the local road network are anticipated.

• In respect of the operation of M62 Junction 8, traffic generated by the proposed development is expected to lead to significant increases in queuing on the westbound off slip and on Charon Way, in both AM and PM peak hour periods.

4. Proposed Traffic Mitigation Measures - MOVA

In addition to provision of the new link road, in view of the fact that significant increases in queuing and delay can be expected at Junction 8 as a result of the proposed development, the applicant proposes to fund the implementation of MOVA traffic signal control at the junction.

MOVA is a widely accepted method of optimising traffic capacity at congested junctions which works by varying green times according to the traffic conditions experienced at any particular time, and is more refined than traditional vehicle actuation systems. According to the Transport Research Laboratory, MOVA “is a more efficient form of control, able to deliver substantially reduced delays (an average of 13%) without the need for regular re-setting of signal timings” (Source: TRL, Traffic Advisory Leaflet 3/97).

The applicant has proposed to fully fund the cost of implementing MOVA at Junction 8, including the installation of new traffic signal controllers, inductive loops, and system configuration and validation.

In addition, the applicant has also agreed to install CCTV at Junction 8. This can be expected to be beneficial in allowing traffic conditions to be remotely monitored by the Council’s Urban Traffic Management Control (UTMC) unit.

The Council’s UTMC unit has confirmed that the cost of installing MOVA and CCTV at Junction 8 will be approximately £200,000. This should be secured via S.106 agreement.

5. Lingley Green Avenue / Omega Boulevard / Barrowhall Lane Junction

As noted previously, whilst the introduction of the new link road connection between M62 Junction 8 and Lingley Green Avenue is welcomed, this will lead to significant increases in queuing and delay on Omega Boulevard at its roundabout junction with Lingley Green Avenue / Barrowhall Lane. In terms
of the impact of this current Zone 7 proposal, the expected increase in queuing would not result in serious harm to the operation of this part of the highway network, and is considered acceptable.

As part of the Omega Masterplan, further work to design an appropriate junction improvement scheme at Lingley Green Avenue / Barrowhall Lane / Omega Boulevard will need to be taken forward by WBC Highways in association with the applicant.

6. Planned Junction Improvement Scheme at Charon Way / Burtonwood Road

Previous planning approval 2003 / 01449 granted outline consent for extensive B1 (office) development on Omega South. This permission was also subject to various highways contribution / improvement triggers. A number of these triggers relate to a series of improvements to increase the capacity of Junction 8 of the M62, to allow it to cope with the additional traffic to be generated by the Omega development. These improvements principally include widening of the slip road used by traffic coming from the direction of Manchester, local widening around the roundabout, widening of the Burtonwood Road approach and the diversion of Charon Way from its existing connection with Junction 8, so that it forms a new signalised junction with Burtonwood Road immediately to the south of Junction 8. This highly significant highways improvement scheme would help to relieve current and anticipated traffic pressures on Junction 8, by reducing the number of arms on the junction to help it to operate more efficiently.

As part of the Council’s Strategic Economic Plan / Local Growth Fund proposals, the Council has bid to secure some £8.3m of Government funding towards an overall scheme cost of £10.8million, which if successful would enable the delivery of the above scheme. Subject to the success of this bid, the junction improvement scheme would commence construction in 2016/17. The provision of the Omega link road in full prior to the occupation of any Zone 7 development as referred to in section 1 of these comments will be vital to allow the traffic disruption caused by these works to be minimised - as the link road will be able to act as an alternative route for traffic during these works.

7. Travel Plan Strategy

A Travel Plan Framework has been submitted in support of the proposed development. This proposes the following measures to be adopted as part of the Travel Plan for the site:

- Creation of a TP Co-ordinator role;
- Public transport, cycling and walking initiatives; and
- Creation of a car sharing scheme.

The Travel Plan Framework has been reviewed by the Council’s Travel Plan Officer who has confirmed this is acceptable. A full / detailed Travel Plan
should be ensured via planning condition.

8. Summary and Conclusions

In view of the above, no highways objections are raised in respect of the proposals subject to WBC Highways securing a financial contribution of £200,000 via S.106 agreement to allow MOVA to be implemented at Junction 8.

WBC Environmental Protection – No objection subject to conditions.

Public Health Warrington – Support the application:
- Proposals include the Green Heart feature; ecological and access strategies for the site which give a diversity of landscaping, cycling and pedestrian routes and recreation opportunities
- New link road would divert site traffic away from local residents, in particular HGV traffic – which would otherwise have increased air and noise pollution and risk of accidents
- The proposed installation of MOVA (real time traffic signal optimisation), and this new link road are welcomed
- Applicants propose to enter discussions with public transport operators regarding existing services and new services into the development, linking it to Warrington Town Centre
- Not yet possible to assess impact from traffic, noise and light pollution in the longer term. Health impacts from these could potentially worsen respiratory conditions, annoyance, and the risk of (motorway) accidents. However, applicants will work to minimise light pollution and will undertake noise modelling, and an assessment of the effects on air quality from traffic associated with the development
- Conditions could mitigate adverse impacts
- Increased employment and training opportunities would have a significant effect on health – and this should extend into the long term
- Support land remediation and possibility of use of part of Green Heart for allotments
- Slip road design may reduce risk of road traffic accidents

WBC Social Regeneration – Support use of condition to secure jobs and training.

WBC Flood Risk – No objection in principle.

WBC Tree Officer – No objection in principle.

WBC Natural Environment – The application site boundary has been revised, in order that further study and review of potential impact of that part of the development within 250m of a pond with a great crested newt (GCN) population can be undertaken. Given the exclusion of this part of the Masterplan site from the current application – there is no objection in terms of the impact on the GCN population in the pond near the south eastern edge of the Masterplan site. Initial concerns with regard to GCNs remain with regard
to the population of the “Lingley” pond on the south western edge of the site – at the edge of Plot 7F – have been addressed by additional information now provided by the applicant.

Conditions are recommended – at the end of this report – which address the potentially significant impact on the range of natural habitat and protected species on Omega South. In addition, it is likely that a sum of up to circa £300k will be available to help off-set the impacts, with compensatory provision off-site. This figure is acknowledged to be unlikely to cover the cost of purchase of suitable land – and that the figure would not fully mitigate for the on-site impacts. Full mitigation would not be provided for the loss of semi improved grassland, ponds and hedgerows.

In general terms, and subject to conditions - and the part off-setting of impact secured by S106 - there is no objection with regard to potential impact on the following – although it is obviously acknowledged that a development on the scale proposed would lead to a significant loss of on-site habitat – which will not be fully mitigated either on or off-site:
- Bats
- Brown hare
- Farmland birds and ground nesting birds
- Other birds of conservation concern
- Barn owls
- Water vole
- hedgehog
- Hedgerows, trees, broadleaved woodland, bluebells, grassland, orchids
- Ponds, ditches
- The eradication of Japanese knotweed

Funding of around £300k would be used for recreating habitat suitable for those species impacted by the development – primarily birds.

Highways Agency - No objection subject to conditions.

Environment Agency – No objection, subject to conditions.

United Utilities – No objection, subject to conditions.

Notification Responses
Ward Councillor(s) – Cllr K Gleave objects:-
- lack of proper meaningful consultation
- a lack of a proper traffic survey for the whole area and all site
- quality of jobs not that which were originally envisaged for site
- a lack of green open space to break up the harsh buildings to be constructed
- no thought for the increased pollution suffered by residents due to the particulates emitted from diesel engines
- this does not meet with the present UDP. The new LCS is currently not ratified and agreed by the inspector and government.
**Parish Council** – No response.

**Neighbours** – Six Emails of objections:
- Surrounding area is already heavily congested
- Area has already had distribution centres built – additional work and 1100 houses would cripple the area
- No traffic surveys or road infrastructure improvements
- The Royal Mail building has 800 traffic movements a day
- Where are additional facilities for water; power; doctors; schools etc to serve another 1100 houses, noise, dust, fumes etc
- Increase in HGV traffic; damage to roads
- Proposed link road will only alleviate a small proportion of extra traffic
- No overall survey to show pollutant levels from traffic
- More traffic through residential roads in Whittle Hall; increased risk to pedestrians including to children to and from school
- Not the high quality jobs originally envisaged – so do not offer opportunities for future generations; employment would be highly transitory as two of the occupiers of Omega North shows
- Egress from the site should be directly to the M62 and not onto any local roads

**Halton Borough Council** – Confirm no comments to submit. Trust the application will be determined in accordance with in accordance with your current development plan and national policy and guidance.

**St Helens Council** – Comment in support, in summary:
- enjoy strong cross-boundary links; the strength of these connections is formally recognised by both authorities being in the same “Mid-Mersey” Housing Market Area
- given scale of employment at Omega, St Helens recognises the wider economic benefits
- encouraged by potential job creation for St Helens’ residents and businesses, directly and indirectly
- St Helens is well renowned for its strength in manufacturing and logistics and much of its skilled workforce is already employed in these sectors
- Will help St Helens expand its strong employment base further
- Should consider the actions that St Helens would require from such developments occurring within its own Borough, as set out in the Local Economy SPD
- Any permission would set out how potential occupiers will take reasonable steps to utilise local recruitment services, provide apprenticeship opportunities for young adults and use local suppliers of goods and services during the construction phase and afterwards – both in Warrington and in St Helens
- Residents in Bold, Sytton, Newton-le-Willows and Earlestown should be able to access employment opportunities on this site through a range of sustainable transport means; this would bring a number of benefits, including widening the recruitment area and increasing the
attractiveness of potential employers, in addition to reducing congestion and lowering carbon emissions
- A Travel Plan which considers sustainable access from St Helens area should be required; this should ideally contain a package of measures, such as cycling infrastructure and delivering new public transport services that provide regular and genuine links to existing local bus routes and train stations; should seek an off-road cycle route that would link the site to the south of St Helens and reduce journey times and improve road safety. This would build on work already done jointly across the Mid-Mersey authorities on projects delivered through the Local Sustainable Transport Fund

Observations

Principle
The Omega South Masterplan establishes a framework for development across Omega South for the next 15-20 years, and identifies Zone 7 for manufacturing and logistics. This Masterplan has been approved by Executive Board.

The development of Omega South is now primarily guided by policies CS1 and CS8 of the emerging Local Plan Core Strategy for Warrington. The vision for both Omega and Lingley Mere is to continue to deliver land for a mix of B1; B2; B8 and ancillary uses which support employment development these primary uses. The Masterplan for the remainder of Omega South shows a mix of commercial and residential development – which would form a balance with the general industrial and warehousing/logistics proposal subject to this current application. Approximately 32 hectares of office, and research/development uses on land south of the M62 received outline planning permission in 2007 (2003/01449).

Overall, it is considered that the current proposal accords with the longstanding ambition to deliver land for employment uses at Omega, as part of a new, large-scale and high quality place for business – which also accords with the sustainability and pro-growth principles set out in NPPF.

If now granted in outline, reserved matters applications on Zone 7 will be assessed with the need to deliver the details required to accord with these principles.

Highways and Transport Matters
Advice has been sought from both the Highways Agency and WBC Highways. No objections have been raised subject to first making improvements to Junction 8 of the M62 and additional controls including the implementation of a Travel Plan. Consultees have taken into account traffic modelling data and predictions and subject to the requested controls it is not considered that the proposal would have a seriously harmful impact on the M62; junction 8 or the local highway network.
Nature Conservation Matters
Notwithstanding the provision of the “Green Heart” landscaping – which extends to approx 10 hectares, and will be added to as part of later applications to comprise around 18 hectares - it is acknowledged that the impact of developing Zone 7 in the way proposed would still result in the need to offset the loss of habitat (for example ground nesting bird habitat). It is also acknowledged that it is not possible to make further additional on site mitigation, without harming the economic viability of development on Omega South. A confidential financial appraisal has been submitted to the Council so that officers could examine viability issues.

Consequently, as with the grant of permission at the adjacent Bericote site (under 2013/21340 and 2013/22143) it is considered acceptable to require a financial contribution from the applicant via Section 106 – in order to contribute (as far as is possible from a viability point of view) to the necessary replacement provision of lost habitat off site.

Green Heart

This landscaping feature will deliver an attractive amenity facility whilst also ensuring that it acts has a central drainage function. It will be necessary to ensure that all areas of drainage, landscaping and in particular the “green heart” are properly maintained and managed in the future. The is will need to be controlled with reference to a Section 106 agreement; the applicant has agreed a section 106 heads of terms document – and to use a management company to this effect.

Section 106 agreement

The applicant has submitted a confidential financial appraisal. This shows that the scheme can absorb up to £500,000 in respect of financial contributions for ecology and highways works. This has been agreed with the applicant. It is likely that the required MOVA system would cost in the region of £200k – with the remaining £300k then being available for the off-setting of ecology/habitat impact. The S106 would also require a management company to maintain all drainage, open space and amenity areas.

Job Creation and Economic Growth

The proposal is a clear opportunity to deliver employment land and premises in accordance with the original vision for Omega.

Although the full operation of companies now based on Omega North has yet to be reached, it is already known – for example - that the lowest salaries start at circa £21.2k pa, plus overtime – which is in the region of £5,500 higher than the national minimum wage. It is also known that salaries for drivers – for example is in the region of £27k pa. On Omega North, a total of 1800-2000 is considered to be a reliable estimate of the jobs created so far. On this basis, a total of 3000-4000 jobs would be delivered - should the current Zone 7 application be approved and fully implemented in line with the indicative
plans. This is without doubt a very positive material consideration.

On Zone 7, whilst it is acknowledged that occupiers are not yet known – it is a fair assumption that - if the amount of ancillary office space now permitted on Omega North is replicated (i.e. circa 100,000 sq ft) – that there would be a substantial provision of “office-based” employment – and that the technology-driven nature of the modern day storage and distribution industry would be reflected in the delivery of skilled jobs – as well as those at entry level, or those needing basic qualifications and abilities.

Like Omega North, it is also considered that the approval of this application - and the take up of Zone 7 by large scale and well-known operators - would instil confidence in the business community – and act as a catalyst for the take-up of the B1 (Office), approved previously on Phase 2 (Zones 1 and 2). In this way, approval of Zone 7 would help to lever in further office and knowledge-based employment as originally intended.

A condition is recommended which will secure a scheme of job creation for each of the development plots, and there will be the opportunity also for the Council to influence the choice of locally based sources for the provision of goods and services to large scale operators most likely to be attracted to location on Zone 7. The proposal is, therefore, considered to be an unrivalled opportunity to secure and create employment in existing companies, in the wider economy.

Summary

It is acknowledged that the development of Zone 7 – as proposed – would lead to some negative impacts – such as increased traffic congestion and the loss of natural habitat, which would not be fully mitigated. However this is a site that has been designated as a “strategic” employment site and benefits from excellent motorway links. Some of negative impacts including the inability to fully mitigate loss of natural habitat will be capable of being addressed further as the remainder of the site is developed out and as “higher value” uses (eg residential development) enable additional Section 106 agreement contributions to be realised.

Notwithstanding the above there can be a high degree of confidence, however, that the new link road would noticeably alleviate pressure on the operation of junction 8, M62 – in particular in relieving the Burtonwood Road arm of the junction – by providing a diversionary route. The MOVA traffic control system would also assist in optimising the traffic signal operation at junction 8. Overall it is concluded that the opportunity should be taken to progress the long-standing vision at Omega by granting this outline permission to allow the continuing delivery of sought-after employment land.

Recommendation

Approve subject to conditions
**Conditions & Reasons**

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined by condition 3 below, whichever is the later.

   **Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990.

2. The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details - and in accordance with the revised red edge plan, namely Application 1 OPP ZONE 7 MAN/LOGISTICS + LANDSCAPE ECOLOGY PROVISION (90) 352 Rev E and any subsequently approved reserved matters.
   a) Details of the reserved matters set out below (the reserved matters) shall be submitted to the Local Planning Authority for approval within ten years from the day of this permission:
      i) layout;
      ii) scale;
      iii) appearance and ;
      iv) landscaping.
   b) The reserved matters shall be carried out as approved.
   c) Approval of all reserved matters for individual development plots shall be obtained from the Local Planning Authority in writing before development of the corresponding plot is commenced.

   **Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990 and to give the applicant added flexibility in attracting occupiers to deliver the proposed development.

3. This permission relates solely to the area outlined in red on the drawing entitled Application 1 OPP ZONE 7 MAN/LOGISTICS + LANDSCAPE ECOLOGY PROVISION, drawing number (90) 352 Rev E, and with the following drawings:
   - 0723/RP/S/150 - Access Road Proposed Contours (Sheet 1 of 2);
   - 0723/RP/S/151 - Access Road Proposed Contours (Sheet 2 of 2);
   - 0723/RP/S/152 - Access Road String Labels (Sheet 1 of 2);
   - 0723/RP/S/153 - Access, Road String Labels (Sheet 2 of 2);
   - 0723/RP/S/154 - Proposed Long Section (Sheet 1 of 2);
   - 0723/RP/S/155 - Proposed Long Section (Sheet 2 of 2);
   - 0723/RP/S/156 - Proposed Highway Cross Sections (Sheet 1 of 2);
   - 0723/RP/S/157 - Proposed Highway Cross Sections (Sheet 2 of 2);
   - 0723/D/S/150 - Access Road Surface Water Drainage Layout (Sheet 1 of 2);
   - 0723/D/S/151 - Access Road Surface Water Drainage Layout
Reason - To define this permission, and for the avoidance of doubt, as the application site boundary was revised following initial registration.

4. No development shall commence on individual plots until a local employment scheme for each corresponding plot has been submitted to the local planning authority for approval. The scheme shall outline the means of maximising the local impact from the development in terms of contracting and supply chain opportunities for local businesses and job opportunities for the local community/residents. The approved employment scheme shall be fully implemented.

Reason: In order to accord with Policy PV3 of the Warrington Core Strategy.

5. Notwithstanding any subsequent enactment or re-enactment, no more than 70% of the total internal floor-space created shall be used for B8 Storage and Distribution uses (as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)); and except where the circumstances specified in a) below have been satisfied, there shall be no change between different Use Classes specified in the Order without the prior written consent of the Local Planning Authority.

a) A minimum of 30% of the total internal floor-space created shall be used for B2 General Industrial Use Class (as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)) unless the relevant land has been advertised at a fair market rate for a period of not less than 6 months and an occupier operating a business within the B2 Use Class cannot be secured. In such circumstances and at least 21 days prior to any other use commencing, the Local Planning Authority must be notified in writing of the failure to secure a tenant for a B2 Use Class and provided details of the marketing undertaken. Only thereafter, and subject to the written approval of the Local Planning Authority, can the land be used for B8 Storage and Distribution uses.

b) No uses other than B2 or B8 within the Use Classes Order (as amended) are permitted without the prior written consent of the Local Planning Authority.

Reason - In order that the strategic vision for Omega South as set out
in policy CS8 of the Local Plan Core Strategy, as a base for a mix of uses which includes B2 (general industry), is realised.

6. No development shall commence on individual plots until an energy statement (including a series of proposals and timetable for implementation) for each corresponding plot has been submitted to the local planning authority for approval. This shall include the incorporation of renewable or low carbon energy technology to provide at least 10% of predicted energy demand. The development shall be built in accordance with the approved energy statement and timetable.

Reason - In the interests of sustainability having regard to the NPPF, Policy QE1 of the Warrington Core Strategy and the Warrington SPD: Design and Construction.

7. No later than six months following the commencement of development on any individual plot, a BREEAM Interim Design Stage Certificate for each corresponding plot shall be submitted to the local planning authority for approval. This shall demonstrate that the development will achieve a BREEAM Very Good rating using the BREEAM 2011 New Construction Commercial Methodology (as specified in the Planning Statement produced by RED Property Services Ltd dated November 2013). No later than six months following the completion of the development, a Final BREEAM Post-construction Stage Certificate shall be submitted to the local planning authority for approval. This shall demonstrate that the development has achieved a BREEAM Very Good rating.

Reason - In the interests of energy efficiency and to minimise carbon dioxide emissions so as to contribute to the delivery of sustainable development and help mitigate against climate change in accordance with Policy REP1 of the adopted Warrington UDP; Policies CS1 and QE1 of the emerging Local Plan Core Strategy and the National Planning Policy Framework.

8. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated Feb 2014, ref:11191042 Issue 1/WSP UK Ltd and the following mitigation measures detailed within the FRA:

1. Discharge of surface water from the development shall be restricted to the Mean Annual Peak Flow Rate (QBar) of 5.08 l/s/ha for each development plot.
2. Finished site levels and gradients on external areas will be designed to fall away from buildings.
3. The proposed development should allow a minimum of a 5m easement along the banks of the watercourses identified within the site boundary. Additionally a permanent access route to the watercourses should be maintained to allow maintenance work to take place.
4. Proposed development finished floor levels should be set a minimum of 150 mm above existing ground levels.
5. Attenuation storage will be provided within the site boundary to
retain the surface water run-off onsite for up to the 1 in 100 year storm event plus either a 20% allowance for climate change (for commercial and employment plots).

6. The surface water will discharge offsite into a combination of the existing United Utilities sewers located within and in the vicinity of the site as well as into the two watercourses that flow through the southern part of the site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure safe access and egress from and to the site, and to reduce the risk of flooding to the proposed development and future occupants in accordance with policies REP1; REP5; and REP6 of the adopted Warrington UDP and policies CS1; QE5 and QE6 of the emerging Local Plan Core Strategy for Warrington

9. The development of any individual plot shall not be commenced until such time as a surface water regulation scheme for that plot has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users in accordance with policies REP1; REP5; and REP6 of the adopted Warrington UDP and policies CS1; QE5 and QE6 of the emerging Local Plan Core Strategy for Warrington.

10. The development of any individual plot hereby permitted shall not be commenced until such time as a scheme for that plot to determine overland flood flow (exceedence) routing has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users in accordance with policies REP1; REP5; and REP6 of the adopted Warrington UDP.
11. Development works of any kind shall not begin until the following conditions have been satisfied and discharged by the LPA and written approval to commence development works has been issued by the LPA. All requirements to be completed in accordance with the following guidance references: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

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

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

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

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion in accordance with policies REP1 and REP8 of the adopted Warrington UDP and policies CS1 and QE6 of the emerging Local Plan Core Strategy for Warrington.

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

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

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

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

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion in accordance with policies REP1 and REP8 of the adopted Warrington UDP and policies CS1 and QE6 of the emerging Local Plan Core Strategy for Warrington.

13. An access strip width of ten metres – ie, five metres either side of the centre line of the public sewers (in accordance with the minimum distances specified in the current issue of Sewers for Adoption), shall be retained for sewer maintenance or replacement. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Reason: To protect sewer infrastructure in accordance with policies REP1 and DCS3 of the adopted Warrington UDP and with policies CS1 and QE6 of the emerging Local Plan Core Strategy for Warrington.

14. No development pursuant to this planning application shall be occupied unless and until the link road between Junction 8 of the M62 and Omega Boulevard is implemented and is operational to the satisfaction of the Local Planning Authority in consultation with the Secretary of State for Transport.

Reason – To prevent serious harm to the operation of the road network in accordance with policies LUT1, DCS1 of the adopted Warrington UDP and policy CS3 of the emerging Local Plan Core Strategy for Warrington.
15. No development pursuant to this planning application shall be occupied unless and until a detailed Travel Plan has been submitted and approved in writing by the Local Planning Authority in consultation with the Secretary of State for Transport. The Travel Plan shall be developed in accordance with the Framework Travel Plan document prepared by WSP dated 20th February 2014. The Travel Plan shall be implemented in accordance with approved details and shall not be varied other than through agreement in writing from the Local Planning Authority in consultation with the Secretary of State for Transport. Reason - To reduce dependance on access to and from the site by single occupancy private car in accordance with policies DCS1; LUT1 and LUT10 of the adopted Warrington UDP; with policies CS3 and MP7 of the emerging Local Plan Core Strategy for Warrington and with paragraph 26 of the NPPF.

16. Prior to the commencement of development, full construction details of the access road linking Junction 8 of the M62 with Omega Boulevard shall be submitted to and agreed by the local planning authority. The link road shall be constructed as per the agreed construction details unless otherwise agreed in writing by the local planning authority. Reason - To ensure adequate access in accordance with policies LUT1 of the adopted Warrington UDP and policies CS2 and CS3 of the emerging Local Plan Core Strategy for Warrington.

17. No development shall take place unless and until suitable mechanism has been entered into, to deliver the agreed measures in relation to ecological off-setting and for the installation of the MOVA traffic control system. The approved details shall thereafter be fully implemented and retained.

Reason – To provide the agreed mitigation for the impact of the development in accordance with policies LUT1; LUT12; EMP2; DCS1; DCS2; GRN2; GRN15; GRN16; GRN17; GRN18; GRN21; GRN22 of the adopted Warrington UDP and policies QE5; CS3; and CS7 of the emerging Local Plan Core Strategy for Warrington.

18. Any built form or building within 15 metres of the M62 Motorway on either plot 7a or 7g where an individual may work continuously for over a 1 hour period shall require an air quality assessment to be submitted to the LPA for approval prior to occupation of said built form or building. The assessment shall detail appropriate mitigation measures to ensure that the 1 hour nitrogen dioxide objective levels are not exceeded. Once approved, all agreed mitigation measures shall be implemented and maintained for the duration of the use of the building within the 15 metre range of the motorway.

Reason: To protect human health from poorer air quality in accordance with policies REP1; REP9 and GRN2 of the adopted Warrington UDP and with policy QE6 of the emerging Local Plan Core Strategy for Warrington and with the approved SPD Environmental Protection.

19. Prior to the erection or use of any external floodlights or external site
lighting on any individual plot, a scheme of lighting shall be submitted to the LPA detailing the level of illumination on site and minimising light spill from each individual plot. Once agreed with the Local Planning Authority, the scheme shall be implemented in full prior to the use of the lighting commencing and retained thereafter.

Reason: - In order to ensure a satisfactory appearance in the interest of visual amenity and to prevent a nuisance or adverse impacts on residential amenity in accordance with policies DCS1 and GRN2 of the adopted Warrington UDP and policies CS1 and QE6 of the emerging Warrington Local Plan Core Strategy and with the approved SPD Environmental Protection.

20. Prior to the commencement of any individual development plot, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. It shall include proposed construction hours as well as details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason - In order to ensure a satisfactory appearance in the interest of visual amenity and to prevent a nuisance or adverse impacts on residential amenity in accordance with policies DCS1; GRN2; REP1; REP10 and HOU7 of the adopted Warrington UDP and policies CS1 and QE6 of the emerging Warrington Local Plan Core Strategy and with the approved SPD Environmental Protection.

21. Prior to the commencement of occupancy of any individual B2 plot, a scheme assessing the likelihood of odour and fume emissions from the proposed B2 use shall be submitted to the Local Planning Authority for written approval. The scheme shall identify any external flues, extraction vents or air handling equipment and shall, where adverse odour or fume may be emitted, identify suitable mitigation measures to satisfactorily abate the adverse odour or fume. Once approved, all identified and agreed mitigation measures shall be implemented prior to the commencement of the use occuring and shall be maintained thereafter for the duration of the use.

Reason: - To protect the amenity of nearby sensitive uses from odour and fumes in accordance with policies DCS1; GRN2 and HOU7 of the adopted Warrington UDP and with policies CS1 and QE6 of the emerging Warrington Local Plan Core Strategy and with the approved SPD Environmental Protection.
22. Noise from fixed plant and equipment on any individual plot shall not exceed 35dB(LAeq, 15mins) at the boundary of any residential dwelling (including any residential dwellings proposed within the Omega development).

Reason: To protect residential amenity from the effects of noise in accordance with policies DCS1; GRN2; REP1; REP10 and HOU7 of the adopted Warrington UDP and with policies CS1 and QE6 of the emerging Warrington Local Plan Core Strategy and with the approved SPD Environmental Protection.

23. Noise from HGV movements and service yard noise on any individual plot shall not exceed the following noise criteria at the boundary of any noise sensitive receiver:
   Ambient noise level: 40dB LAeq, t or 10dB below the existing LAeq, t, whichever is greater.
   Maximum noise level: 55dB LAF, max.

Reason: To protect residential amenity from the effects of noise in accordance with policies DCS1; GRN2; REP1; REP10 and HOU7 of the adopted Warrington UDP and with policies CS1 and QE6 of the emerging Warrington Local Plan Core Strategy and with the approved SPD Environmental Protection.

24. Prior to any tree felling or surgery an inspection of each tree with bat roost potential should be carried out by a suitably qualified ecologist as per the recommendations of the Arnott Mann October 2013 Ecological Assessment. A report should be submitted to the local planning authority detailing this check and any recommendations or Natural England Licensing requirements and mitigation should bats be found.

Reason - In the interests of biodiversity in accordance with policy QE6 of the emerging Local Plan Core Strategy for Warrington.

25. Prior to the commencement of development on any individual plot detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats shall be submitted to the local planning authority. These should form a variety of schwegler type boxes including hibernation boxes as well as smaller boxes to be erected on trees and tube style boxes within all suitable buildings. A minimum of 50 boxes would be appropriate. Such proposals to be agreed in writing by the local planning authority. The proposals shall be retained thereafter in accordance with approved details.

Reason - In the interests of biodiversity in accordance with policy QE6 of the emerging Local Plan Core Strategy for Warrington.

26. If no development hereby approved is commenced within one year of the date of this consent a further bat survey of the site shall be carried out to update the information on the species and the impact of development and the report of survey together with an amended mitigation strategy as appropriate shall be submitted to and be
approved in writing by the local planning authority, and shall thereafter be implemented as agreed.

Reason: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern and in the interests of biodiversity in accordance with policy QE6 of the emerging Local Plan Core Strategy for Warrington.

27. No vegetation removal shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the local planning authority.

Reason - In the interests of biodiversity in accordance with policy QE6 of the emerging Local Plan Core Strategy for Warrington.

28. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including barn owl, house sparrow, song thrush and starling. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

Reason: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern and in the interests of biodiversity in accordance with policy QE6 of the emerging Local Plan Core Strategy for Warrington.

29. Prior to the commencement of development a full botanical survey of the site is required to ascertain the distribution of orchid species within the site including but not limited to bee orchid, marsh orchids and broad-leaved helleborine. This should then inform a full translocation and mitigation report to be submitted to and approved by the local planning authority. The report should include the outline information within 5.4.9-5.4.11 of the Arnott Mann Ecological Assessment.

Reason: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern and in the interests of biodiversity in accordance with policy QE6 of the emerging Local Plan Core Strategy for Warrington.

30. Prior to commencement of development on any individual plot, including any earth works or vegetation removal, a none native invasive species eradication plan for that plot should be submitted to and approved by the local planning authority detailing the treatment and eradication of Japanese knotweed and any other invasive none native species found to be on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason - In the interests of eradicating invasive species in accordance with policy QE6 of the emerging Local Plan Core Strategy for Warrington.

31. No development shall take place until an Ecological Protection Plan for Construction has been submitted to and approved in writing by the
Local Planning Authority. The plan shall include:

1. An appropriate scale plan showing ecological protection zones where construction activities are restricted and where protective measures will be installed or implemented.

2. Details of ecological features of importance such as mature trees, woodland, hedgerows, ponds and protected species including great crested newts.

3. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction. These to include measures relating to breeding birds, mammals and amphibians including great crested newts, the throughput of construction and other vehicular traffic, timing of operational activities; the erection of protective fencing at agreed distances from sensitive habitats and wildlife areas.

4. A timetable to show phasing of construction activities to avoid periods of the year when activities could be harmful, such as the bird nesting season and other wildlife breeding or hibernation seasons or times at which habitats may be most sensitive for example when setting seed.

5. Persons responsible for;
   (a) Compliance with legal consents relating to nature conservation;
   (b) Compliance with planning conditions relating to nature conservation;
   (c) Installation of physical protection measures during construction;
   (d) Implementation of sensitive working practices during construction.
   (e) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
   (f) Provision of training and information about the importance of ecological protection zones to all personnel on site.
   (g) Species monitoring

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features and species of nature conservation importance, in accordance with policy QE6 of the emerging Local Plan Core Strategy for Warrington.

32. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:

(i) Description and evaluation of the features to be managed;
(ii) Ecological trends and constraints on site that may influence management;
(iii) Aims and objectives of management;
(iv) Appropriate management options for achieving aims and objectives;
(v) Prescriptions for management actions;
(vi) Preparation of a work schedule (including a 5 yr project register, an annual work plan and the means by which the plan will be rolled forward annually);
(vii) Personnel responsible for implementation of the plan;
(viii) Monitoring and remedial / contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority.

Reason - In the interests of biodiversity in accordance with policy QE6 of the emerging Local Plan Core Strategy for Warrington.

**Informatives**

1. The local planning authority (LPA) engaged in pre-application discussion with the applicant, focussing on the main issues raised by these major proposals. In preference to refusing to register the application as valid, in the initial absence of completed Transport Assessment, Air Quality and Noise Assessment, the LPA chose instead to agree deadlines for the submission of such material. Pre-application discussion also prevented the need to attach excessively onerous conditions to this planning permission. It is considered, therefore, that the local planning authority has acted positively and proactively in the way set out in para 187 of the NPPF.

2. In respect of condition 17 the applicant has agreed a Section 106 agreement heads of terms document and so therefore the Council is likely to require such an agreement in order to satisfy condition 17.

3. **WORKING HOURS FOR CONSTRUCTION SITES**

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.
SUPPLEMENTARY PLANNING DOCUMENT ADVICE
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 regarding Contaminated Land on 01925 442557, Mr Richard Moore regarding Air Quality on 01925 442596 or Mr Steve Smith regarding Odour, Noise or Lighting on 01925 442589.

ELECTRIC CHARGING INFORMATIVE
The applicant for each individual plot is advised to consider the installation of electric vehicle charging points in the proposed car park. The provision of electric charging facilities is being promoted as a low emissions vehicular power source, thereby providing a positive contribution to reducing carbon emissions and improving the long term impact on local air quality from transportation.

MULTI OCCUPANCY CAR PARKING INFORMATIVE
The applicant for each individual plot is advised to consider including priority parking spaces for vehicles arriving with more than one occupant. Encouragement of car sharing by making it more convenient to park provides a means to reduce overall carbon emissions and improve local air quality and traffic congestion by reducing the number of vehicles accessing the site.

ECO STARS FLEET RECOGNITION SCHEME
Warrington Council strongly encourages the occupants of each plot, where relevant, to join the Warrington ECO Stars Fleet Recognition Scheme. The scheme's aim is to help tackle transport-related air pollution in the local area. The voluntary scheme, which is free of charge, helps businesses that operate fleets of commercial vehicles – whether vans, HGVs or buses – to improve efficiency, reduce fuel consumption and reduce emissions. Each member gets their fleet assessed by independent industry experts and receives a bespoke Roadmap outlining how they are currently doing and how they can make improvements. For more information, please contact Morag White on 07917 058953 or email: morag.white@ltr-ltd.com

AIR QUALITY ASSESSMENT INFORMATIVE
It is considered unlikely that any built form will be possible within 15 metres of the motorway edge however until reserved matters are submitted and final layouts are submitted, this cannot necessarily be ruled out. It is considered that potential buildings that may be affected
by this condition would include security cabins/access control cabins or similar outbuildings.

FOOD SAFETY/HEALTH AND SAFETY ADVICE AND GUIDANCE
The occupier of each individual plot 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.
Appendix 1 – Drawings
Original “Red Edge” in Masterplan Context

Illustrative Layout of Buildings
DEVELOPMENT CONTROL COMMITTEE DATE: 15-May-2014

ITEM 2

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>2014/23333</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Land off Culcheth Hall Drive, Culcheth, Cheshire, WA3 4PX</td>
</tr>
<tr>
<td>Ward:</td>
<td>Culcheth, Glazebury And Croft</td>
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<tr>
<td>Development</td>
<td>Full Planning (Major) - Proposed construction of 11 dwellings including associated works</td>
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<tr>
<td>Date Registered:</td>
<td>06-Mar-2014</td>
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<tr>
<td>Applicant:</td>
<td>Evoke Homes</td>
</tr>
<tr>
<td>8/13/16 Week Expiry Date:</td>
<td>04-Jun-2014</td>
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</table>

Reason for Referral to Committee

This application is referred to committee at the request of Councillor Vobe.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights has been taken into account in the preparation of this report, particularly the implications arising from Article 8 relating to the right to respect for private and family life, home and correspondence, and Article 1 of Protocol 1, concerned with the right of peaceful enjoyment of possessions and protection of property.

Site Location

The enquiry site is located within the settlement of Culcheth as defined by the existing Unitary Development Plan and emerging Local Plan Core Strategy Proposals Maps. The site relates to land surrounding both No.42 Culcheth Hall Drive and a building known as the tithe Barn (now demolished). The site is adjoined to the west by Culcheth Hall Drive, to the east by Withington Avenue and to the north and south by existing residential development. The area is predominantly residential comprising large detached dwellings. There is a high coverage of vegetation on the site particularly to the west and centre of the site, and a number of those trees are protected under two historic, and one new, tree preservation orders (refs. 66, 470 and 504). The eastern part of the site is more open with some vegetation sited along its boundaries. The site is classified as a greenfield site.

Proposal
This application proposes the redevelopment of the site for the construction of residential development. The proposal development comprises the construction of 7 detached two-storey 5-bedroom units and 4 semi-detached 3-bedroom units. A courtyard arrangement of 8 properties is proposed for the eastern part of the site, two dwellings are proposed as infill development along Culcheth hall Drive, and a dwelling is proposed as a replacement to the former Tithe Barn.

Access to the whole development would be via Culcheth Hall Drive and an un-adopted private drive is proposed through a gated entrance. Two off street parking spaces are proposed for each 3 bedroom dwelling while between 3 and 4 parking spaces are proposed for the 5-bedroom dwellings. The scheme includes a vehicular turning head within the site. The scheme proposes private amenity space, additional planting and ancillary developments. A wildlife zone is proposed to the centre of the site.

**Relevant Planning History**


**Planning Policy**

National Planning Policy Framework

Chapter 4 – Promoting sustainable transport
Chapter 6 – Delivering a wide choice of high quality homes
Chapter 7 – Requiring Good Design
Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
Chapter 11 – Conserving and enhancing the natural environment
Chapter 12 – Conserving and enhancing the historic environment

Warrington Unitary Development Plan

Policy DCS1 – Development Control Strategy
Policy LUT1 – Land Use / Transportation Strategy
Policy LUT2 – Transport Priorities in Development Control
Policy LUT20 – Parking
Policy HOU3 – Housing Development – Development Control
Policy HOU4 – Open Space Provision in New Housing Developments
Policy HOU13 – Privacy and Daylight in Housing Development
Policy HOU15 – Provision of Affordable Housing
Policy GRN4 – Inset Villages
Policy GRN21 – Protection of the Nature Conservation Resource
Policy GRN22 – Protection and Enhancement of Landscape Features

Warrington Local Plan Core Strategy
Policy CS1 – Overall Spatial Strategy – Delivering Sustainable Development
Policy CS2 – Overall Spatial Strategy – Quantity and Distribution of Development
Policy SN1 – Distribution and Nature of New Housing
Policy SN2 – Securing Mixed and Inclusive Neighbourhoods
Policy QE1 – Decentralised Energy Networks and Low Carbon Development
Policy QE3 – Green Infrastructure
Policy QE4 – Flood Risk
Policy QE5 – Biodiversity and Geodiversity
Policy QE6 – Environment and Amenity Protection
Policy QE7 – Ensuring a High Quality Place
Policy MP1 – General Transport Principles
Policy CC1 – Inset and Green Belt Settlements

Supplementary Planning Document

Design and Construction (2010)
Environmental Protection (2013)
Planning Obligations SPD (2007)
Open Space and Recreation Provision (2007)
Affordable Housing (2007)

Notification Responses

67 letters of objection received from nearby residents. The salient planning points being:
Highways:

- New access shouldn’t become a through road
- Additional traffic on Culcheth Hall Drive
- CHD already congested and used as a cut through
- Significant additional traffic from development
- Access should be from Withington Avenue
- Culcheth Hall Drive not designed for additional traffic proposed
- Only 3 properties should be accessed from CHD
- Access road too close to one of the properties in the site
- Highway danger from additional traffic
- CHD narrow road, cars struggle to pass - Road cannot be widened
- CHD and surrounding roads used by parents of pupils at nearby School
- Road used by school children – 200 children use alley
- Cars travel too fast along straight road
- Inadequate lighting, school children not visible
- Financial contributions to close path between CHD and Withington Avenue, or provide signage, improve lighting, provide speed bumps,
and manage overgrown bushes
- Delivery/Construction traffic issues
- Road damage already a problem
- Council could adopt this section of Withington Avenue and widen it with contribution from developer
- Development would exacerbate current issues along CHD resulting in Highway danger
- Withington Avenue more suitable to accommodate development
- Culcheth Hall Drive onto Warrington Road is on a dangerous corner
- Additional 40 cars would make situation unbearable
- Access not from Withington Avenue to avoid paying third party
- Already a gateway off Withington Avenue which has been used for 40 years
- Doubtful that adequate visibility splays could be provided
- Inadequate for large vehicles
- Withington Avenue serves less dwellings
- Access is completely illogical
- Would be an increase of 15% dwellings on Culcheth Hall Drive
- Existing problems with reversing out of driveways
- Potholes should be repaired and bushes should be trimmed
- Construction/parking management plan should be provided
- Visibility on CHD is compromised by rhododendron
- A property could shared existing driveway for 42
- Cramped parking and no turning circle
- Limited parking resulting in cars parking on CHD
- Properties on CHD have drives not a joint access
- Gated access will result in parking on CHD which is not wide enough

Amenity:
- Noise and dirt from construction and traffic
- Noise and disturbance from increased traffic
- Will result in car headlights shining into rooms
- Harm to living conditions of No.69 Withington Avenue from overlooking
- Less than 21m distance from lounge window of No.69.
- Noise and light pollution from driveway adjacent to 48 CHD
- Noise from gates
- Many windows in side elevation of No.48 CHD and patio area, will impact amenity
- Privacy and outlook from southern boundary of Culcheth Hall Farm would be invaded
- 30m development along boundary with No.48 and loss of light
- No.48 will overlook proposed 46
- Noise and light pollution on No.48 from road

Design:

- Scheme would be better designed without access road across site
- Large development out of proportion
- Proposals conflict with housing in Culcheth hall Drive
- House No.46 not in keeping – omission of 46 would preserve trees
- Design more suited to Centre Parcs
- Drastically reducing numbers and increasing plot size would improve design
- Far too many dwellings which are out of keeping
- Design has no bearing to properties on Culcheth Hall Drive
- No semi-detached properties on CHD so not sympathetic
- Proposed palisade fencing totally out of keeping
- Will open floodgates to allow people to redevelop plots with semi detached
- Development should be modified to accommodate TPO’s
- Plots sizes not in keeping
- Site should be split in two
- Overcrowded development
- Should be designed with same density and style of surroundings
- Properties to front are in keeping but others are not
- Wood cladding not feature of area
- Land to rear is a greenfield site
- Style of CHD was designed to be open and spacious
- Only 1-2 houses were intended for land at Withington Avenue
- Access gate and gated community not in keeping
- Proposals are overbearing
- Point of access is too close to an existing junction and has poor visibility due to trees
- Design of front dwellings look inappropriate
- Tithe barn dwelling should be moved from wooded area
- Design almost industrial
- Eyesore
- Proposals do not respect building line
- Verges easily damaged
- Plots 1-8 incompatible with Withington Avenue
- Inconsistent with streetscene and open aspect
- Too many properties for semi-rural area
- Plots inconsistent with front and rear building lines of Withington
Avenue properties

- No46 design to fill the gap and not taken TPO into consideration
- Change in appearance of site/affect landscape character
- Prominent dwellings on allotment site
- Doesn’t preserve character
- Should be low-impact development of appropriate scale (Policy)

Trees:

- Trees already cut down and more may be felled
- Trees covered by TPO, proposals would devastate this land
- Why have so many trees been cleared
- If trees warrant a TPO they should be retained
- Major trees have been felled
- Removal of mature trees will permanently alter character
- Trees falsely claimed to be dangerous
- Proposed replacement planting will not be able to grow
- Removal of trees results in loss of screening
- Most of trees not diseased just inconvenient to developer
- Most of trees now gone
- Proposals will result in future removal of TPOs

Ecology:

- Tree loss resulted in loss of habitat
- Natural habitat has already been destroyed, devastating effect on bats, owls, birds and small mammals
- More habitat should remain which is valuable for birds, bats and amphibians
- No matter of any good intentions relating to ecology
- “Wildlife zone” is wholly inadequate in comparison to existing
- Offense has been carried out and license should have been obtained

Other Matters:

- Object in principle
- Services in Culcheth overstretched
- Is the development subject to affordable housing provision
- Land previously used for horticulture
- Saddened by destruction of medieval barn
- Sewage in area is inadequate
- Pond to rear of No.48 at a level never seen due to tree felling
- A time limit for completion of development should be provided
• Historic features of the site may already have been damaged
• Particular attention needs to be paid to drainage, can it cope
• Precedent for further garden and infill development

2 letters of support have been received. The salient points being:

• The amenity of Culcheth is diminished by lack of adventure in its architecture
• New development lacks ambition and is fairly drab
• Refreshing to see contemporary design
• Sustainable infill development plot
• Will deliver good mix of needed high quality contemporary houses
• Due regard has been given to all issues
• Good to see infill and not edge of village greenfield development

Consultation Responses

Culcheth Parish Council – The development is too large, requires the felling of a significant amount of trees (including TPO’s) and, most significantly will cause traffic problems on Culcheth Hall Drive. The road is already narrow, has sections with no pavements and is being increasingly used by people as a collection and dropping off point for parents taking their children to the local High School. Access to the development would be via Culcheth Hall Drive rather than Withington Avenue, or a combination of both. This will result in a significant increase in traffic movements on Culcheth Hall drive and represents an increased, and unacceptable, level of risk to road users and pedestrians.

Councillor Vobe – Object to the proposals. Support the remarks made by my constituents on Culcheth Hall Drive – most especially those concerning the impact any development would have on traffic and road safety.

Cheshire Archaeology – No objection subject to a condition relating to a scheme of archaeological investigation.

Education – No education contribution required.

Environment Agency – Application falls outside scope of Environment Agency referrals – No comment.

Environmental Protection – No objection subject to Contaminated Land conditions.

Health and Safety Executive – DO not advice against the development.

Natural England – No objection on impact on statutory nature conservation sites. Impact on protected species should be determined applying Natural
Englands standing advice. Consideration be had to impact on priority habitats, biodiversity enhancement and landscape enhancement.

**WBC Highways** – Object for following reasons:

1. In order to construct an appropriate site access junction off Culcheth Hall Drive and achieve a suitable highway visibility splay, the protected trees could not be maintained as at present. The splay area required would impact on the protected trees.
2. The proposal appears to provide all dwellings from an unadopted private drive (as stated on the application form) which is contrary to the Council’s policy within the Warrington Design Guide of no more than 5 dwellings being served from a private drive. The applicant has not provided full details of future highway management and maintenance arrangements in perpetuity as part of this planning application which is unacceptable and contrary to earlier highway advice.
3. The carriageway would not be wide enough to accommodate two-way traffic on the bends and at the site access junction where the 2m junction radius on the north side is too small. Carriageways to serve this number of dwellings must be at least 4.8m wide and preferably 5.5m wide.
4. No footways have been provided and there are no service verges to accommodate statutory undertakers’ equipment. Any future maintenance works to such services would disrupt, or possibly prevent, vehicular access to the site.
5. The swept path analysis provided is unacceptable as it is for a 7.9m length refuse vehicle and as stated at the pre-application stage, Council refuse vehicles are large 4 axle vehicles measuring 11.347m length by 2.5m width. The left turn manoeuvre into and out of the site has not been shown and refuse vehicles could not turn around within the site. The Council’s Design Guide states that refuse vehicles must be able to access to within 25m of waste storage points, have a recommended maximum reverse distance of 12m and turning facilities are required at the end of cul-de-sacs and shared private drives. It would be contrary to highway safety for a refuse vehicle to reverse around a bend to a bin collection point, particularly where there would be inadequate visibility.
6. Planting and trees on the carriageway bends, at the site access junction and adjacent to parking spaces would obscure highway visibility to the detriment of highway safety. The highway layout could not be constructed without damaging the trees. The ‘no dig construction’ proposed for the highway by the applicant is wholly inappropriate and would not be capable of accommodating vehicular traffic without damaging the tree roots.
7. The low level lighting bollards proposed would be inadequate to properly light the highway. Lighting would need to be located within a footway or service strip.
8. The proposed gates across the carriageway set back approximately 10m from Culcheth Hall Drive would be unacceptable. Gates across the carriageway can only be considered on a shared private drive which is inappropriate for this development as identified in paragraph 2 above. The applicant has not demonstrated how pedestrians, refuse vehicles, emergency vehicles, deliveries and visitors to the site could gain access through these
gates. Parking on Culcheth Hall Drive in the vicinity of the site access would not be acceptable due to the detrimental impact on highway safety and movement.

9. Although Withington Avenue along the rear site frontage is unadopted it is a Public Right of Way. Pedestrian accesses from it to the site, particularly to plots 5 and 6, may encourage residents and visitors to park on Withington Avenue for convenience which could affect access to other premises in the vicinity of the site and the safety of pedestrians using it.

10. Plot 1 has no driveway parking for residents and their visitors. It would be unacceptable on highway safety grounds to have garages accessed directly off the highway as motorists exiting the garages would not have adequate visibility of pedestrians, cyclists and vehicles.

11. The access to the Tithebarn dwelling at the highway bend would be contrary to highway safety, particularly as highway visibility would be further restricted by the position of the building which is too close to the carriageway.

12. There is no provision for secure, covered cycle parking at some of the plots as the garage sizes are too small and below the Council's minimum dimensions to be counted as parking spaces. Vehicles could not manoeuvre in and out of some of the garage spaces.

In view of the cumulative effect of the issues identified above, which would have an adverse impact on highway safety within the site and on the adjacent highway, WBC Highways object to the proposal and it is recommended that the application is refused on highway grounds.

Natural Environment Officer – No objection to results of survey with regard to impact on protected species (bats and great crested newts). However, inappropriate landscape proposals have been proposed.

Housing – Contribution of £45,000 per unit required.

Observations

Principle of Development

The application site is located within the settlement boundary for Culcheth which is defined within the Unitary Development Plan and the emerging Core Strategy as an inset settlement. Policy SN1 of the emerging Local Plan Core Strategy relates to the distribution and nature of new housing and states that within the Boroughs defined settlements, such as Culcheth, support will be given to proposals which constitute small-scale, low-impact infill development. Policy CC1 identifies that new build development will be acceptable provided it complies with National Policy and Policy CS1 of the Core Strategy, which focusses on the delivery of sustainable development. Saved Policy GRN4 of the Unitary Development Plan states that within Culcheth housing development of an appropriate scale, character and design will be allowed.

Policy CS2 of the emerging Core Strategy identifies the re-use of previously developed land as a priority and sets a target of 80% of new homes to be delivered on such sites. The application site is land which is not classified as
previously developed and is a greenfield site in planning terms. The proposed
development would not contribute towards the previously developed land
target, however there is some lee-way with the Policy target to allow for the
development of greenfield sites where they are in sustainable locations.

Therefore, the principle of residential development in this location is
considered to be acceptable, provided that the development is of appropriate
scale and low impact.

**Affordable Housing**

Policy SN2 of the emerging LPCS states that for housing developments of this
scale (between 5 and 14 units) in this location should include a provision of
affordable housing, with a target of 20% provision sought. In accordance with
the policy the proposal should therefore provide 2.2 affordable housing units.
The presumption for affordable housing is to deliver affordable housing on-
site, however Policy SN2 allows for a contribution in lieu of on-site provision
where the type of housing proposed does not accord with priority needs or the
nature of site is deemed unsuitable for affordable housing.

Pre-application discussions were held between the applicants’ agent and the
WBC Planning Policy Manager, who confirmed in this instance that a
contribution in lieu of affordable housing would be acceptable. The advice
offered at that time was based on a scheme of 8 units where affordable
housing provision at 20% would have been 1.6 units (rounded up to 2 units),
and that an affordable housing contribution of £70,000 (£35,000 per unit)
would be appropriate. The figure of £35,000 was based on the minimum
subsidy registered providers suggest would be necessary to enable the
delivery of a unit off site, inclusive of land and development costs.

The application proposals offer the same affordable housing provision which
was accepted on the smaller scheme at pre-application stage i.e. £70,000.
However, the proposal is for a scheme of a greater number of units to that
which was the subject to the pre-application response and as identified above
2.2 affordable housing units should be provided, it is accepted common
practice for this figure to be rounded up and therefore a contribution for 3 units
would be sought. The Councils Housing Officer has stated that a figure of
£45,000 per unit would be required. In the light of this the financial
contribution in lieu of affordable housing offered would be unacceptable. In
the light of this the proposed development would fail to provide a satisfactory
provision of affordable housing contrary to emerging Local Plan Policy SN2.

**Design Considerations**

The application site is essentially split into two distinct area, the western area
which is largely vegetated and lies adjacent to No.42 Culcheth Hall Drive and
surrounds the former Tithe barn, and the more open land (which is
understood to be allotments or an orchard) to the north of No.69 Withington
Avenue.

Culcheth Hall Drive is characterised by detached dwellings of varying styles
and designs set within plots of varying sizes. The western section o f the
application site provides two infill plots, No.44 and 46 and these would be detached two-storey properties. While these two dwellings would be set forward of the existing properties to the north and south they would nonetheless continue the pattern and rhythm of development along Culcheth Hall Drive. This part of the site also includes a further dwelling which is set deeper within the site in the location of the now demolished Tithe Barn. A dwelling in this location would not be unacceptable, be out of character with the historic built form in the area or cause any undue harm to the character and appearance of the area.

In terms of the overall appearance of the dwellings and the design approach adopted, there is no specific concern with regard to the design approach for No44 and 46 or the Tithe Barn. The design of No.44 and 46 draw reference from some of the prevailing designs of the existing properties along Culcheth Hall Drive, without being overly pastiche. The nature of development along Culcheth Hall Drive provides scope for innovation while the NPPF states that such an approach should not be stifled. The proposed Tithe Barn has been design so it draws reference from the barn which previously stood on the site. The dwelling would be part two storey, part single storey with the two storey element defining the norther gable of the dwelling which would be in the historic location of the barn. Features within the brickwork draw reference from those previously seen in the barn and the innovative design approach is welcomed.

With regard to the eastern part of the site this land is sited to the north of dwellings along Withington Avenue, which are large detached two storey properties. The design approach for this part of the site is to provide a courtyard arrangement which in itself is not consistent with the prevailing pattern of development to the south. However there is no clear connectivity between No.69 Withington Avenue and Culcheth Hall Farm to the north. While the more conventional design approach for the site would be to follow the pattern of development along Withington Avenue, the proposal would create a “bookend” to Withington Avenue, with Culcheth Hall farm and converted barns remaining as a separate entity. As such there is no particular objection to the principle of a courtyard arrangement in this location.

Notwithstanding the above, in accordance with existing saved and emerging Development plan policies, the scale of the proposed development should remain appropriate to its context. The proposed courtyard arrangement would comprise the construction of 4 large two storey detached dwellings and two blocks of two-storey semi-detached properties. Due to the disproportionate number of units proposed and the overall widths and depths of the properties the footprint of the proposed courtyard would consume a large area of the eastern part of the overall site. In addition the proposals would have ridge heights of between 7.6m and 8.8m and in their totality the courtyard would be two storey resulting in a significant mass of built form. In addition, the proposal includes a high proportion of hardstanding for the associated car parking and manoeuvring areas. While when considered individually, the mass of each dwelling would not be too disimilar to some of the larger nearby dwelling. However, when the scale and mass of the proposals are considered
cumulatively the development would be significantly out of scale with the surrounding development. The proposals would represent an overdevelopment of the site and as such would cause harm to the character and appearance of the area.

While there is significant concern with regard to the scale of these units there is no significant concern raised with regard to their appearance which, again, proposes a more innovative design approach.

In terms of the proposed layout, as identified above, there is concern with regard to the amount of hardstanding proposed for the courtyard element of the scheme. The proposal does not provide a significant level of visitor parking and the availability of parking elsewhere within the scheme is limited. The proposal has the potential to lead to a proliferation of cars to be sited within the courtyard. Furthermore, the proximity of the proposed access road appears unduly close to the proposed Tithe Barn, in addition the proposed vehicular turning head and waste collection point are both sited within the TPO woodland. This is further evidence of the overdevelopment of the site which would result.

The impact of the proposed development on trees is considered later in the report. However, it is important to consider the impact that the proposed development would have on the character and appearance of the locality and streetscene. Culcheth Hall Drive at present, and historically, has been heavily vegetated in this location and the application site contributes significantly to the visual amenity and quality of the area. The scheme proposes the removal of a number of significant trees, particularly at the north western part of the site. The removal of these trees would undoubtedly result in significant harm to the character and appearance of the area which would be unacceptable. An emergency TPO has been served on a number of the remaining trees which are not covered by the existing orders and which remain on site. The applicant has noted their intention to retain these trees however no details have been submitted showing the trees to be retained and as such a decision has to be made on the scheme submitted.

**Residential Amenity**

The application site is located within a predominantly residential area and is adjoined to the north, south and west by residential properties. It is therefore necessary to consider the impact of the proposed development on the amenity of these properties.

Plots 6, 7 and 8 would be sited to the north of No.69 Withington Avenue. The proposed units would be sited 10m from the boundary with this property. Plot 8 would have first floor principal openings which would face towards the private amenity space of No.69, however the spacing of 10m is considered to be sufficient to ensure that any loss of amenity through overlooking would not be significant. There is a secondary lounge window within the side elevation of No.69 which faces towards ground floor principal openings of Plot 7 at a distance of 13m. The presence of boundary treatment and the fact that this is
a secondary opening would mean that there would be no significant loss of amenity through loss of privacy. Any first floor openings of Plot 6 which face towards No.69 would face towards the existing turning head and the more public areas of that properties curtilage and therefore the impact through overlooking would be minimal.

Plots 3 and 4 would be sited 8.68m from the boundary with Culcheth Hall Farm. These units would be two storey but also provide further bedrooms within the roofspace. Therefore there would be principal openings facing towards Culcheth Hall Farm at first and second floor levels. The proximity of the development to the boundary and the presence of principal openings to habitable rooms facing towards this property would result in overlooking on the private amenity space of the adjoining property. While it is noted that the private amenity space of this property is large it would nonetheless result in an erosion of amenity through overlooking to an unacceptable degree.

The proposed No.46 Culcheth Hall Drive would be sited adjacent to the boundary of No.48 Culcheth Hall Drive. The dwelling has been designed so that principal openings do not face towards this property and as such there would be no resultant overlooking or loss of privacy. Concern has been raised about the “green roof” being used as a terrace however the plans show that there is no access to this area which could also be conditioned if necessary. The design of the proposed dwelling is such that there is 30m of development along the boundary, at single and two storey, which at its closest would be 1m from the boundary. There is a significant amount of built form which is located close to this boundary which would be an unneighbourly form of development which would result in undue visual intrusion to an unacceptable degree to the detriment of the amenity of future occupants of that property.

The proposed access road would, in part, run immediately adjacent to the boundary with No.48. This road would serve the movements of 9 large properties. In addition the proposed turning head which would be used for refuse vehicles and HGVs would also be sited immediately adjacent to the boundary. The proposal would cause harm to the amenities of the adjoining property through noise and disturbance from vehicular movements.

Internally, the relationship between properties would be acceptable, there would be a satisfactory spacing distance between facing units in terms of principal to principal, and principal to flank elevations. There is therefore unlikely to be a significant degree of privacy or overlooking issues for the future occupants of the proposed dwellings.

Notwithstanding this, there are likely to be significant amenity issues for future occupants of the development resulting from overshadowing and lack of daylight due to the proximity of trees. The private amenity space of No.46, Tithe Barn and Plots 1 and 8 would be completely or to a large degree overshadowed by the canopy of retained and protected trees on the site. In addition, the majority of principal openings for No.46 Culcheth Hall Drive face directly towards T15 which would be at a distance of 7m from trunk, the radii
of the canopy of this tree is approximately 7m. T26 (not shown as retained), 27 and 28 and their canopys would be very close to the southern elevation of Tithe Barn which contained principal openings. The proximity of trees and their canopys to Plot 8 is also unduly close and would result in lack of daylight reaching principal openings in the south and west elevations of that property. All these trees are generally sited to the south and west of the dwellings which would exacerbate the level of light infiltrating the habitable rooms. There is would also be daylight issues to principal openings in plot 1 and 5 resulting from the retention of the Ash trees on the eastern boundary of the site, and to a lesser degree to Plot 1 from the trees to the west. The living conditions of future occupants of the proposed development would be unacceptable.

Highway Safety

The proposed development would be served through the creation of a new access from Culcheth Hall Drive, the new access road would wind through the site, through trees, before reaching the courtyard development to the eastern part of the site.

The new access would be sited between protected trees which are located at the site frontage to Culcheth Hall Drive. In order to construct an appropriate site access junction off Culcheth Hall Drive and achieve a suitable highway visibility splay, it is not clear whether all of the protected trees could not be maintained as at present. The splay area required is likely to impact upon the protected trees. Furthermore, the 2m junction radius on the north side is too small for the proposed access.

The proposed development would be served by an unadopted private drive, the proposed drive would serve the entire development and therefore a total of 11 dwellings. The Warrington Design Guide states that no more than 5 dwellings should be served from a private drive. The proposal would therefore be contrary to guidance. No details have been provided to show the future management and maintenance of the driveway in perpetuity which is unacceptable. The scheme also proposes gates across the highway which can only be considered for private drives. The proposed gates across the carriageway set back approximately 10m from Culcheth Hall Drive would be unacceptable. It has not been demonstrated how pedestrians, refuse vehicles, emergency vehicles, deliveries and visitors to the site could gain access through these gates.

In terms of the design of the access road, there is a requirement for the proposed access road to be suitably designed to serve the proposed development. The carriageway is not wide enough in places to accommodate two-way traffic movements, particularly on bends, the width of the carriageway should be at least 4.8m. Additionally, the scheme does not provide any footways or service verges to accommodate statutory undertakers infrastructure. Therefore, any future maintenance would disrupt/prevent vehicular access to the site. The forward visibility within the site is unacceptable and would be impeded by proposed buildings and planting, while visibility would also be impeded with planting around parking
areas and new planting at the site access. It has not been demonstrated that the proposed low level lighting is suitable to adequately light the highway. Plot 1 has no driveway parking for residents and their visitors. It would be unacceptable on highway safety grounds to have garages accessed directly off the highway as motorists exiting the garages would not have adequate visibility of pedestrians, cyclists and vehicles. The access to the Tithe barn dwelling at the highway bend would be contrary to highway safety, particularly as highway visibility would be further restricted by the position of the building which is too close to the carriageway.

The site is also unsuitable to serve the requirements of the Councils refuse vehicles. The scheme submitted only demonstrates the suitability of the site for a 7.9m refuse vehicle rather than for the Council’s large 4 axle vehicles measuring 11.347m in length. It has therefore not been demonstrated that the vehicles can enter and exit the site in a forward gear. The scheme also appears to have inadequate internal visibility. The layout is suitable for such vehicles, and the proposal in this regard could therefore give rise to highway safety issues.

There is also concern with regard to the nature of the construction of the proposed access road within the root protection areas of the retained trees.

With regard to parking, while the proposed development provides parking in accordance with existing car parking standards. However, the proposal is for large dwellings and there is little scope within the scheme for additional visitor parking which may therefore have a knock on effect on Culcheth Hall Drive and/or Withington Avenue. Furthermore, there is no provision for secure, covered cycle parking at some of the plots as the garage sizes are too small and below the Council’s minimum dimensions to be counted as parking spaces. Vehicles could not manoeuvre in and out of some of the garage spaces. Parking on Culcheth Hall Drive in the vicinity of the site access would not be acceptable due to the detrimental impact on highway safety and movement.

In addition to the above, a large number of concerns have been raised with regard to the use of Culcheth Hall Drive and its ability to absorb the increase in vehicular movements associated with the proposed development. Concern has been raised with particular regard to the width of the road, and the increased risk of conflict with pedestrians (including school children) and vehicles. While these concerns are noted, no specific objection has been raised by WBC Highways on these matters.

Comments have also been raised with regard to serving the whole development off Culcheth Hall Drive and that the use of Withington Avenue should be explored. It is acknowledged that part of the site would more logically be served from Withington Avenue, however the adopted public highway ceases at the turning head to the front of No.69 Withington Avenue and the road to the east of the application site, where access could be provided, is in private ownership and its use falls outside the control of the applicant or Warrington Borough Council.
Notwithstanding this, there is significant concern with regard to the layout of the scheme from a highway safety point of view which would be unacceptable. The proposal would be contrary to Policies DCS1, LUT1 and HOU3 of the UDP and emerging Policies CS1, QE6 and MP1 of the emerging LPCS.

Impact on Landscape Features

Existing saved UDP Policy GRN10 (Protection and Enhancement of Urban Greenspace) applies to all areas of green space within the built areas of the borough which are either visually or functionally open to the public and therefore have an amenity, aesthetic or practical value to the community. That Policy states that the unacceptable loss of green space will not be permitted. Consideration is given to, inter alia, its landscape and/or nature conservation and its value as a visual amenity or townscape feature in contributing to the character or appearance of the surrounding area. Saved Policy GRN22 (Protection and Enhancement of Landscape Features) states that development proposals should protect important landscape features and whenever possible incorporate these features into the layout and landscape of the development.

Emerging Policy QE3 relates to Green Infrastructure, and states that the assessment of applications will be focussed on protecting the existing provision and the function it performs, and improving the quality of existing provision. Policy QE7 seeks to secure high quality design where development proposals reinforce local distinctiveness and enhance character, appearance and function of the street scene, local area and wider townscape, and harmonise with its surroundings.

The enquiry site includes trees which are covered by Tree Preservation Orders 66 and 470. These trees relate to a number of trees along the Culcheth Hall Drive boundary and a group of trees within the centre of the site around the former Tithe Barn and an individual tree adjacent to the southern boundary (with 69 Withington Avenue). A number of the remaining trees on the site have been removed, however an emergency TPO (Ref: 504) has been served to ensure that the remaining prominent trees of importance are not removed. In the consideration of this application these trees are considered as having full protection.

The submitted layout does not show the retention of a number of the 10 additional protected trees within the new order, namely T2, T3, T4, T6, T7 and T10 of the order. The removal of these trees to facilitate the development would have a devastating and detrimental impact on the character and appearance of the surroundings when viewed from Culcheth Hall Drive and Withington Avenue, and their loss would be completely unacceptable. Notwithstanding this, the applicant has indicated their intention to retain the majority of these trees, however no / insufficient details have been provided.

There is concern with regard to the proximity of the development to T2 and T3
(TPO 504), should they be retained. These young, semi-mature, ash trees hold visual amenity value on the eastern edge of the site. These trees should grow to a maximum height of 20m and have a significant life expectancy of 200+ years. The space to allow these trees to grow would be severely infringed by their proximity to the development (4m from trunk) and the proposed boundary fencing.

As highlighted in the amenity section of this report, there is significant concern about the resultant overshadowing from trees and the resultant amenity enjoyed by future occupants. These would be particularly relevant to properties 44, 46, Tithe Barn, Plot 1 and Plot 8, and should T2 and T3 (TPO 504) be retained then the amenity issue would occur to Plot 5 and 6. In the light of the proximity of the development to these trees there would be undoubted pressure for works to be carried out to protected trees or ultimately their removal which would be unacceptable.

The position of T10 (TPO 504) which is sited over the garage and parking area for No.46 Culcheth Hall Drive and the development would affect the longevity of the tree. In addition there would be long term maintenance issues due to the proliferation of aphids and their emission of honeydew.

Due to the proposed route of the access road, this would not allow for the continued retention of T4 (TPO 504).

The proposed layout of the development does not allow for the retained trees to have adequate space or sufficient allowance for future growth without the need for excessive and unreasonable pruning which will affect their overall dynamics within the immediate environment.

T25 (as referenced within the submitted Arboricultural Report) is a large beech tree with major asymmetry and severe stem decay from previous failure. It is agreed that the removal of this prominent tree, for safety reasons, is acceptable. While the removal of some trees may be acceptable, the development as proposed, and the trees which are scheduled for removal would be unacceptable.

Impact on Biodiversity

To the north of the site within the Culcheth Hall Farm barns site there is a known great crested newt (GCN) breeding pond. A small population was discovered through the development there and the application site provides suitable terrestrial habitat for GCN and if they are present this habitat could be key.

As access was not permitted to carry out a full GCN survey on the pond the application site was the subject of a terrestrial search for GCN via the use of reptile mats being placed around the site. This is not a substitute for GCN surveys as specified by Natural England within their GCN survey guidelines and generally not acceptable however there was no other option in this case. The refugia survey took place from 25th September to 30th October until the
first frosts, it should be noted October is not the optimum time for searches as stated in Natural England’s guidance however the presence of other amphibians indicates conditions were suitable.

No GCN’s were found during the refugia survey however frog, toads and smooth newts were found indicating the habitat is suitable and used by amphibians. It's likely that if GCN were using the site they would have been found under the refugia however it should be stated that small GCN populations can prove difficult to locate depending on the surrounding habitat.

As no GCN’s have been confirmed at the site there is no requirement for a derogation license from Natural England with regards to the Habitat Regulations. Reasonable Avoidance Methods have been proposed which must be adhered to and should form part of a condition.

There are a number of trees present on site which were assessed as having bat roost potential. Following detailed inspection by a licensed bat worker trees T9 and T19 were assessed as having suitable features but were of low potential. However the beech (T25) is a category 1 (medium potential) tree. The cavity within the tree was not entirely visible and therefore some evidence of bat use such as droppings may have been out of view.

A bat survey carried out on the buildings on site noted low bat activity generally and whilst the trees themselves were not watched during the bat survey some indication of activity around the trees or on site would have been expected and this is noted within the report. The limited activity over the site means the presence of roosting bats within the cavity of T25 is unlikely. The assessment has been accepted by the Council's Natural Environment Officer. To enable the removal of the tree the report recommends a final check of the trees before felling and mitigation with regards to how the trees are felled and proposes compensation in the form of bat boxes for the loss of the potential tree roosts.

With regard to breeding birds the removal of vegetation during the breeding season can be secured by condition along with compensatory enhancement in the form of bird boxes.

The scheme proposes a significant reduction of the existing habitat which has been identified as being suitable for amphibians. The scheme proposes a “wildlife zone” within the central portion of the site. However, this appears to be of limited value with only additional shrubs and log piles being provided. There is no indication of the intended purpose of this area. Furthermore, the biodiversity enhancement measures contained within the submitted report indicates that a bog garden or pond should be provided within the scheme. The proposal does not include such features. The NPPF states that LPA’s should aim to conserve and enhance biodiversity through, inter alia, encouraging opportunities to incorporate biodiversity in and around the development. Emerging Policy QE5 states that development will only be permitted where it can be shown that the reasons for the development clearly outweigh the need to retain the habitats or species affected and that
mitigating measures can be provided which would reinstate the habitats or provide equally viable alternative refuge sites for the species affected. The proposed development would fail to conserve and enhance the habitat to an acceptable degree.

**Open Space**

Policy HOU4 of the UDP refers to open space provision in new housing developments and states that housing development which does not make adequate provision for the recreational needs of its future residents will not be permitted and that housing schemes incorporating family housing will be required to make provision for childrens play. On schemes that are less than 15 dwellings, a contribution towards off site provision would be appropriate. Emerging Policy QE3 states that the assessment of applications will be based on securing new provision of green infrastructure to cater for the anticipated increase in demand arising from development.

The application submission does not propose any such childrens play provision on site and the scheme does not include any measures to provide a contribution towards off site provision and there is no justification provided for the lack of provision. Therefore, the proposal would be contrary to Policy HOU4 of the UDP, emerging policy QE3 and the Open Space SPD. The scheme should be refused on this basis.

**Other Matters**

Concern has been raised with regard to the demolition of the “tithe barn” which previously stood the site and it is noted that the site historically forms part of the former grounds of Culcheth Hall. While the demolition of this heritage asset is regrettable, it is understood that the building was incomplete and structurally it was unsound and dangerous. The proposed dwelling which would be sited broadly in the location of the barn pays due regard to the historic past and seeks to replicate the north facing gable elevation of the barn.

The scheme has been considered by Cheshire Archaeology and no objection has been raised. However, they have suggested that a condition be attached to any permission to ensure that a programme of archaeological works be carried out on the remaining sub-structure of the barn.

With regard to drainage a suitable foul and surface water scheme can be secured by condition. No concerns have been raised by United Utilities or the Environment Agency.

Given the historic use of the site and the proposed sensitive end use contaminated land is a material consideration. The proposals have been considered by the Councils Environmental Protection Officers and they have concluded that any issues can be addressed through appropriate conditions.

The Councils Education department have confirmed that there would be no
requirement to provide a financial contribution towards primary or secondary education provision.

Heads of Terms have been produced with regard to a Legal Agreement. However, this only relates to affordable housing and, as outlined above, would not provide the necessary open space contribution or future management and maintenance of the private road and areas of open space.

Summary

The principle of residential development in this location is acceptable. However proposals should be low impact and of an appropriate scale. The concerns raised with regard to the impact on trees, design, impact on the character of the area, the amenity of neighbouring occupants and future residents, and failure to provide suitable ecological enhancement represents a high impact development. Furthermore, the scheme does not provide suitable provision for affordable housing or open space. There are no other material considerations that would sufficiently outweigh the harm that would be caused if planning permission were to be approved. In the light of the above it is therefore recommended that the application is recommended for refusal.

Recommendation

Refuse

Reasons

1. The scheme fails to deliver a satisfactory level of affordable housing. Consequently the proposal would fail to provide housing which meets the locally identified need for affordable housing. The proposal would be contrary to Policies CS1 and SN2 of the emerging Local Plan Core Strategy, the National Planning Policy Framework and the Affordable Housing SPD.

2. The scheme fails to make provision for childrens play area and facilities. Consequently, the proposal fails to make adequate provision for the recreational needs of its future residents. The proposal would be contrary to Policy HOU4 of the UDP, Policies CS1 and QE3 of the emerging Local Plan Core Strategy, the National Planning Policy Framework and the Open Space and Recreation Provision SPD.

3. The proposed development results in the significant loss of amphibian habitat. While the proposed development includes the provision of a wildlife area, this would be of little value and fails to provide a satisfactory level of ecological enhancement to compensate for the loss of habitat. The proposed development would therefore be contrary to Policies DCS1 and GRN21 of the UDP, Policies CS1 and QE5 of the emerging Local Plan Core Strategy and guidance contained within the National Planning Policy Framework.

4. The proposed development by virtue of the proximity of Plots 3 and 4 to the boundary with Culcheth Hall Farm would result in overlooking on
the private amenity space of that property. Plots 3 and 4 also include
principal openings within the roof slope which would exacerbate the
impact of overlooking. In addition, the extent of built form along the
boundary with No.48 Culcheth Hall Drive would represent an
unneighbourly form of development which would result in a significant
visual incursion that would affect the outlook from that property to the
detriment of residential amenity. Furthermore, the proximity of the
proposed access drive and vehicular turning area immediately adjacent
to the private amenity space of No. 48 Culcheth Hall Drive would cause
undue harm to the amenities of that property through noise and
disturbance. Consequently, the proposed development would result in
an adverse impact on the amenity of neighbouring properties. The
proposal would be contrary to Policies DCS1 and HOU3 of the UDP,
Policies CS1 and QE6 of the emerging Local Plan Core Strategy and
guidance contained within the National Planning Policy Framework.

5. The proposals, by virtue of the proximity and orientation of the
proposed dwellings to established, mature and protected trees, would
result in overshadowing on the private amenity space and result in an
unsatisfactory level of light to principal openings, particularly No.46,
Tithe Barn and Plot 8. The proposed development would provide an
substandard level of amenity for future occupants of the dwellings. The
proposal would be contrary to Policies DCS1 and HOU3 of the UDP,
Policies CS1 and QE6 of the emerging Local Plan Core Strategy and
guidance contained within the National Planning Policy Framework.

6. In highways terms, the proposed development provides a poor design
and layout which fails to satisfy adopted guidance and standards and
would also fail to provide safe access and egress for all vehicles.
Consequently, the proposal would result in a significant impact on
highway safety. the proposal would be contrary to Policies DCS1 and
LUT1 of the UDP, Policies CS1 and QE6 of the emerging Local Plan
Core Strategy, and guidance contained within the National Planning
Policy Framework.

7. The proposed development, by virtue of the overall mass of the
proposed courtyard development, along with its ancillary development,
would result in a scale of development which is out of context with its
surroundings. The proposal would consequently result in an
overdevelopment of the site which would be detrimental to the
classh and appearance of the area. The proposal would be contrary
to Policies DCS1, HOU3 and GRN4 of the UDP, Policies CS1, SN1,
QE7 and CC1 of the emerging Local Plan Core Strategy and guidance
contained within the National Planning Policy Framework.

8. The proposed development includes the removal of prominent and
significant vegetation which contributes positively to the visual amenity
of the area. The removal of the trees as proposed would cause
demonstrable harm to the townscape and character and appearance of
the area. The proposals would be contrary to Policies DCS1, GRN 10
and GRN22 of the UDP, Policies CS1, QE3 and QE7 of the emerging
Local Plan Core Strategy and guidance contained within the National
Planning Policy Framework.

9. The layout of the proposed development by virtue of the proximity of
protected trees to dwellings would result in development within the root protection area and cause significant amenity issues to future occupants of the development. Consequently the proposals would result in future unreasonable works to trees and potential felling. The proposals would therefore significantly affect the longevity, health and well-being of important and protected trees which would be to the detriment of the visual amenity of the area. The proposals would be contrary to Policies DCS1, GRN 10 and GRN22 of the UDP, Policies CS1, QE3 and QE7 of the emerging Local Plan Core Strategy and guidance contained within the National Planning Policy Framework.

Informatives

1. Planning Permission is hereby REFUSED for the above development in accordance with the application received by the Local Planning Authority on 3rd March 2014 together with the relevant plans (including amended plans). The Local Planning Authority seeks to work positively and proactively with the applicant. Pre application advice has previously been given but the applicant has not followed this advice fully. The concerns / issues raised could not be addressed through this application in order to deliver a sustainable scheme. While some form of residential development on the site may be acceptable, an acceptable scheme would be fundamentally different from the application submitted. The applicant has been made aware of the concerns that the Local Planning Authority has over the scheme. The Local Planning Authority has acted in accordance with the provisions of the National Planning Policy Framework.

2. The application is refused on the basis of the submitted forms, documents and the following plans:
   A179_P_01
   A179_P_002
   A179_P_20
   A179_P_21
   A179_P_22
   A179_P_24
   A179_P_25
   A179_P_26A
   A179_P_27
   A179_P_28A
   A179_P_29A
   A179_P_30
   A179_P_31
   A179_P_XX
   Tithe Barn
   01
   02
   173-01/ATR-01
   173-01/GA-01
Appendix 1 – Photograph of site

Location of proposed access from Culcheth Hall Drive

View across site from east
View of eastern part of site looking south

View from within site
View of site looking towards No.48 Culcheth Hall Drive

View from Culcheth Hall Drive
Appendix 2 – Proposed plans

Proposed site plan

Sections
Sections
**Application Number:** 2014/23334

**Location:** Former Ship Inn and adjoining land, Chester Road, Walton, Warrington, WA4 6EN

**Ward:** Hatton, Stretton And Walton

**Development**
Outline Planning (Major) - Outline application for the erection of eleven dwellings and conversion of the former Ship Inn and adjacent outbuildings to residential use (three dwellings) including landscaping, demolition of existing structures, modified access from Chester Road and associated works.

**Date Registered:** 03-Mar-2014

**Applicant:** De Vere Group

**8/13/16 Week Expiry Date:** 01-Jun-2014

**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.

**Reason for Referral to Committee**

Walton Parish Council has expressed a view which is contrary to the officer recommendation.

**Site and Proposal**
Outline planning application (with details of access applied for) for the erection of eleven dwellings and the conversion of the former Ship Inn and adjacent outbuildings to residential use [three dwellings], including landscaping,
demolition of existing structures. Illustrative plan submitted.
All matters are reserved for future approval except means of access.
Site includes the existing former Ship Inn public house, (a locally listed building) its car park and the land upon which the existing nursery occupies (to the rear).
Site area - 1.25 hectares.

The western boundary of the site forms the boundary with the Green Belt, (the site is entirely located within the built up part of the Borough).

**Relevant Planning History**

2006/09704 – Proposed 15 new detached houses and access road and including a 15 metre deep landscape buffer zone, a 5 metre brookside wildlife corridor and proposed extension of residential curtilage for existing residents. Refused – Housing oversupply with no wider economic and environmental regenerative benefits

2006/08110 – outline application for residential development. Withdrawn.

**Planning Policies**

*National Planning Policy Framework*
Housing para’s 47-55
Climate Change para’s 93-99

*Unitary Development Plan*
Policies;

DCS1 Development Control Strategy
HOU1 Housing Land
GRN2 Environmental Protection/ Enhancement
REP1 Prudent Use of Resources
LUT2 Transport Priorities in Development Control
LUT7 Public Transport
LUT12 – Transport Impact assessments
LUT20 Car Parking
HOU2 Housing Development – Restrictions
HOU3 Housing Development – Development Control
HOU4 Open Space provision in new housing developments
HOU6 Housing Density and Mix
HOU7 The Residential Environment
HOU13 Privacy and Daylight in Housing Development
HOU15 Provision of Affordable Housing
BH5 Locally important structures and buildings of Architectural or Historic interest
REP4 Protection of Flood Plain
DCS2 Planning Obligations
DCS3 Engineering Services
Local Plan Core Strategy

CS1 Delivering Sustainable Development
CS2 Quantity and Distribution of Development
SN1 Distribution and Nature of New Housing
SN2 Securing Mixed and Inclusive Neighbourhoods
QE1 Decentralised Networks and Low Carbon Development
QE6 Environment and Amenity Protection
QE7 Ensuring a High Quality Place
QE8 Historic Environment

Supplementary Planning Documents

Construction and Design
Environmental Protection
Affordable Housing
Planning Obligations

Notification Responses

Parish Council – oppose the development as they believe the egress from the site onto the A56 Chester Road is unsuitable and could be hazardous.

Objections received from residents. Grounds of objection are in summary as follows;
  - Loss of off road parking for adjacent resident.
  - Encroachment into the Green Belt
  - Dangerous access

Consultation Responses

HSE – does not advise on safety grounds, against the granting of planning permission in this case.

WBC Education – no contribution to education would be required.

United Utilities – no objections subject to conditions.

Flood Risk – Applicant’s intend to discharge the surface water to the watercourse running through the site that discharges to the Manchester Ship Canal via an attenuation tank or pond. A consent will be required from the Council regarding the connection / discharge to the watercourse. In addition, Peel Holdings will need to be informed, as the watercourse discharges to the canal.

Environment Agency – no objections to the proposed scheme subject to conditions regarding the submission of a scheme to incorporate flood resistant
and resilient construction techniques within the design of the buildings and that there should be no lowering of existing ground levels.

**WBC Highways - Detailed (full) planning permission is sought for proposed modified access arrangements from the A56 Chester Road, with scale, layout, appearance and landscaping associated with the proposals reserved for future determination.**

**Observations**

**Existing Access Arrangements**

At present, the site accommodates a restaurant (the former Ship Inn public house), landscape maintenance depot, garden centre and associated car parking. Vehicular access to the site is via an uncontrolled priority junction with the A56 Chester Road. The current access has less than ideal visibility to the right for vehicles exiting the site, due to the close presence of adjacent properties. Visibility to the left from the access accords with design standards.

The speed limit on the A56 Chester Road directly adjacent to the site is 30mph, changing to 40mph just to the west, where the A56 Chester Road becomes dual carriageway.

**Proposed Access Arrangements**

In respect of improvements to proposed access arrangements, as shown on drawing number TPMA1156_002 Rev F, in order to increase visibility to the right from the access, the applicant has proposed to extend the stop line forward from the access slightly into the carriageway of the A56 Chester Road. This will allow a visibility splay of 2.4m x 70m to the right to be achieved, which is in excess of the minimum visibility splay of 2.4m x 43m advised for a 30mph road in the guidance document Manual for Streets.

This element of the proposals has been subject to a Stage 1 Road Safety Audit undertaken by the Council’s Road Safety Auditor. The Stage 1 Road Safety Audit has confirmed that the above proposals to improve visibility to the right at the site access as shown on drawing number TPMA1156_002 Rev F are acceptable in highway safety terms.

In addition, the Stage 1 Road Safety Audit has requested that consideration is given to reducing the speed limit on the A56 Chester Road (to the south west of the site access) from 40mph to 30mph. Such a measure would reduce vehicle speeds in the vicinity of the site access and would be beneficial to highway safety generally in this location. This suggestion has been accepted by the applicant, who has agreed to fund this measure via a S.106 agreement.

The Stage 1 Road Safety Audit also considered minor changes to the existing central refuge island and right turn cycle lane on the A56 Chester Road in the vicinity of the site access. The audit has confirmed these changes are also
acceptable in highway safety terms.

The proposed highway changes shown on drawing TPMA1156_002 Rev F should therefore be secured via planning condition.

Drawing TPMA1156_002 Rev F also includes details of Keep Clear markings opposite the proposed site access. These are currently being implemented as part of approved proposals to develop the former United Utilities depot for car sales use.

**Proposed Internal Highway Layout**

Further to previous highways comments issued on the 31st March 2014, various amendments to the internal highway layout proposed have now been received. The proposed (indicative) site layout now includes provision of a 5.5m width carriageway with 2m wide footways on either side, and an adoptable turning head. The Council’s Highways Adoption Engineer has reviewed the proposals and has confirmed the proposed internal highway layout is now acceptable.

In terms of car parking provision, the revised site plan demonstrates that it would be feasible to accommodate at least 2 parking spaces per dwelling for the development. This is also acceptable and should be secured via planning condition.

In view of the above, no highways objections are raised in respect of the proposals, subject to the developer entering into a S.106 agreement with the Council, to make provision for payment of necessary Traffic Regulation Order amendments and associated works on Chester Road. Should planning permission be granted a number of conditions are also recommended.

**Ecology**

This application is supported by a Preliminary Ecological Appraisal, Bat survey and Building Inspection and a Baseline Badger Survey & Outline Mitigation Strategy all by Urban Green. The surveys were carried out during December 2013 and February 2014 by suitably qualified persons. There is no reason to disagree with the findings of the survey despite the time period they took place. No signs of bat use were found and it’s the surveyors opinion that bats are unlikely to be using the building and no further surveys are recommended.

As there are features that could in theory provide opportunity for bats it is advisable to add an informative with regards to works to the former ship inn/Jahan building.

*Badgers* – There is one sett within the site which was deemed inactive at the time of the survey and further holes immediately outside the site boundary and a main sett within the woodland. Badgers feeding signs were also found within the site. The Badger Survey and Mitigation Strategy recommended monitoring and possibly the need to license the closure of the setts within the
site but that there would be no overall harm to the badgers in the area through the proposed development.

The development will result in the loss of an outlier sett but this should not have a significant impact on the survival of badgers at this location. There should be no significant foraging habitat loss through the development either and only temporary disturbance to access during construction.

The Badger Survey and Mitigation strategy will need updating and the site will require monitoring. As the site currently stands the active setts will require licenses from Natural England for their closure and destruction as per page 12 para 5.2.5 of the mitigation strategy. The outlined information within the mitigation strategy is sufficient and an appropriate assessment of the site and that further survey work is required. This can be achieved through a suitable condition.

**Breeding Birds** - The site provides good breeding bird habitat primarily within the woodland zone although there are some limited opportunities within the site via the scattered trees and scrub. A condition is recommended to restrict shrub clearance.

**Habitat and Landscaping** - The proposed development of the site will focus on what is predominantly the current hard standing/area used for commercial purposes, the habitat loss should be minimal. There is an ecological corridor running through the site in the form of the brook corridor and the woodland area to the east provides good habitat and badger feeding signs were noted. Currently the biodiversity provisions for the site do not extend beyond the necessary badger mitigation. The woodland area and the stream have the potential to be easily improved with some sensitive habitat management. This should be proposed as part of the application and would be a welcome biodiversity contribution of this scheme and in line with Core Principle 118 of the NPPF “opportunities to incorporate biodiversity in and around developments should be encouraged”. The brook corridor should also be protected during construction from any run off from the site and construction activities. Both of these aspects can be covered by conditions.

An area of additional planting is proposed for the western part of the site, this is welcomed and a detailed landscaping scheme should be submitted. Any woodland creation should be of native, locally sourced stock with an appropriate maintenance and management plan for at least 5 years. This can be secured via suitable condition.

The invasive species Japanese Knotweed (*Fallopia japonica*) and Himalayan Balsam (*Impatiens glandulifera*) are present on site.
Affordable Housing

Regarding the Affordable Housing a commuted sum of £50,000 per unit based on 20% provision (14 units = 3 units) totalling £150,000 commuted sum from this site. This is in accordance with policy SN2 of the Core Strategy.

Public Health

No comments received.

WBC Planning Policy

Assessment of Relevant National and Local Policy
The site for the proposed development lies within the main urban area of Warrington. It is a complex of buildings/structures that form part of an existing restaurant and garden centre. The eastern half of the site is undeveloped and lies in Flood Zones 2 and 3. The application must therefore be assessed against policies relating to housing, as well as sustainability, climate change and energy efficiency issues.

Regard should now be had to the emerging LPCS, which is in the process of going through independent examination. A revised Post Submission LPCS (August 2013) has been produced that contains all of the modifications that have resulted from the examination process to date and the main modifications have been consulted on subsequent to the final hearing session closing in March 2014.

Consequently, the National Planning Policy Framework (NPPF) and policies of relevance within the emerging LPCS are considered to constitute the most appropriate framework against which to assess this proposal.

National Policy: Housing policy is contained in paragraphs 47 to 55 of the NPPF. The general thrust of which is to boost significantly the supply of housing provided that it is sustainable to do so.

Whilst, policy in respect of meeting the challenge of climate change through energy efficiency is contained in paragraphs 93 to 99. Paragraph 93 advises that securing radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure are central to the economic, social and environmental dimensions of sustainable development. Whilst, paragraph 96 advises that in determining planning applications, LPA’s should expect new development to comply with adopted Local Plan policies on local requirements for decentralised energy supply where it is feasible to do so and to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Local Policy – The emerging LPCS: Policy CS1 indicates that development proposals that are sustainable will be approved and that in order
to be sustainable, development must accord with national and local planning policy frameworks; have regard to (amongst other things); the planned provision made for housing growth; the need to make the best use of existing transport, utility, social and environmental infrastructure; the need to address the causes of and be resilient to the effects of climate change; and the delivery of high standards of design and construction that have regard to local distinctiveness and energy efficiency.

Policy CS2 outlines the broad spatial strategy and specifies, amongst other things; that the town of Warrington will continue to function as the primary settlement in the borough.

Policy SN1 sets out the Council’s approach to managing the distribution and nature of new housing. Whilst, the approach is inherently less restrictive than the existing UDP it nevertheless still seeks to prioritise development on previously developed land (PDL) in the inner areas of the town. However, the policy does also allow for residential development in the suburbs of the town and the outlying settlements.

Policy SN2 identifies that the Council will require all schemes of between 4 and 15 units, to make 20% of the total number of units available as affordable provision.

Whilst, Policy QE1 requires development proposals in all locations to seek to minimise carbon dioxide emissions and the impacts of climate change by adhering to the energy hierarchy (ie. reduce the need for energy consumption; use energy as efficiently as possible; use renewable and low carbon energy where possible; and only use fossil fuels or nuclear power as a last resort). Development proposals are required to demonstrate what efficiency measures and low-carbon technologies have been considered and the reductions that can be achieved. These will be measured against the current building regulations at the time that the application is submitted, with an expectation that the carbon reductions will exceed the requirements of the current regulations.

Assessment of Proposals
Housing Land Supply - Whilst, Policy SN1 seeks to prioritise development on PDL in the inner areas of the town it also allows new housing in the suburbs of the town if the proposals meet at least one of three criteria. The applicants PS (Section 5.2) provides a justification for the proposals in this regard and would appear to satisfy the requirements of policy SN1.

Affordable Housing - The proposal indicates that a level of affordable housing will be provided but no details are included with the application. Policy SN2 specifies that 20% of the total number of units should be affordable. The presumption is for affordable housing to be provided on the application site unless the type of housing does not accord with priority needs, or the nature of the site is deemed unsuitable for such housing, in which case a commuted sum in lieu of on-site provision will be required.

Sustainability, Climate Change and Energy efficiency - Sustainability issues are addressed in Section 4 of the PS. It is acknowledged that the site is
located within, albeit on the edge of, the existing urban area and in fairly close proximity to local services both on Ellesmere Road and in the District Centre of Stockton Heath.

The proposals do not adequately address energy efficiency matters and as a consequence cannot be regarded as satisfactorily addressing climate change matters.

The NPPF encourages energy efficient development and the use of renewable energy technologies. This is reflected in the emerging LPCS Policies as set out above which require development to demonstrate what carbon savings would be achieved beyond the current building regulation requirements.

A statement should be provided that;

• demonstrates that the site layout has taken account of LZC/energy efficiency issues,
• provides details of the annual energy demand for the development,
• explains what measures will be introduced into the design of the development in order to minimise its energy demand, maximise the efficiency of its use in accordance with the principles of the energy hierarchy,
• reviews the renewable and low carbon technology options for the development including their operational viability and estimated costs,
• provides a conclusion as to the most viable technology (or combination of technologies), if any that are appropriate to satisfy the policy requirements, and
• supports the proposals with calculations that show the percentage improvement over and above the requirements of the current Building Regulations in terms of carbon savings.

Whilst, ideally this should be provided as part of the planning application, if the scheme was acceptable in all other respects you may consider that these matters can be dealt with by way of condition.

Public Open Space
The 2012 OS Audit indicated that there had been no change in respect of POS provision in the neighbourhood (Walton), where the site is located since the Open Space Review of 2006. This showed a deficiency in the level of provision of all types of POS provision (equipped children’s play space/informal play space/formal play space).

Nevertheless, there are significant amounts of both formal (outdoor sports) and informal open space in the adjoining neighbourhood of Latchford West and in adjoining Green Belt locations at Walton Hall Park and Warrington Sports Club, which are in fairly close proximity to the application site and hence there would not appear to be any necessity for additional provision of these types of POS.

However, there does appear to be a deficiency in respect of Equipped
Children’s Play Space. Policy HOU4 indicates that off-site provision would generally be more appropriate for developments of less than 15 dwellings unless the layout is designed on ‘Home Zone, principles. Whilst, there are no LAPs or LEAPs within close proximity to the site, there is an existing NEAP at Walton Hall Park this is just within the 1000m catchment and a LAP/LEAP in in the adjoining neighbourhood (Causeway Park), which is just over 1000m from the application site. On this basis a financial contribution to upgrade existing equipped play sites in either the adjoining neighbourhood (Latchford West) or Walton Hall Park would be the most appropriate mechanism for satisfying the policy requirement.

This route would negate the need for any maintenance contribution, as it is now generally accepted that locating new provision within existing facilities would require minimal additional maintenance costs. Therefore the off-site contribution would be based on the figures contained on page 18 of the Open Space and Recreation Provision SPD (ie £714.48 per dwelling).

Archaeology
No objections

Environmental Protection
No objections subject to conditions and informatives relating to;
- Contaminated Land
- Noise Insulation
- Acoustic Installation
- Dust Control
- Working Hours for Construction.

Trees

The site contains a protected lime, this being T10 on the tree constraints plan. This is part of TPO 255(T2) titled the Ship Inn/Pear tree farm. The tree remains of high amenity value and its retention is welcome. The proposed layout also sees the retention of the greater part of the trees within the site and immediately adjacent on third party land.

T6 a sessile oak is worthy of retention and I would seek clarification whether it is to be left within the rear garden of one of the proposed dwellings.

The location of the southernmost plots in relation to G9 and W15 on third party land gives cause for concern that these may be shaded to a degree that will generate calls for remedial pruning to a greater degree than could be considered to be arboriculturally acceptable, especially in view of the fact that this belt is not yet considered to be fully mature.

W15 on the eastern section of the site is similarly not yet fully mature in parts and the application should ideally include what measures, if any are to be taken by way of a management plan to ensure the long term retention of the retained stock within the woodland in sound condition with the potential to develop. Such a plan would include provision for thinning works and supplementary understorey planting to increase the ecological and amenity
value of the existing woodland as a whole.

Similarly, the proposed woodland belt on the western side with the adjacent agricultural land should be native, include understorey species and have as long a defects liability as possible to ensure establishment in satisfactory condition with careful consideration given to placement of top canopy species to avoid massive shading as the site matures.

**National Grid Plant Protection**

No comments to date.

**Manchester Ship Canal – Peel Holdings.**

No comments received.

**Observations**

**Affordable Housing**

There would be social benefits arising out of the approval of the application. The applicant has agreed to pay the sum of £150,000 towards the off-site provision of affordable housing.

**Design and Layout**

The indicative layout indicates that the site is capable of accommodating:

- eleven new dwellings,
- the conversion of the former Ship Inn and adjacent outbuildings to three residential units,
- the provision of a 15 metre landscape strip on the western boundary of the site
- the retention of an area of green space incorporating a brook, on the eastern boundary of the site, and
- the retention of a number of a protected tree, the removal of one poor quality tree and the retention of the remaining trees.

The indicative layout provided indicates that the number of houses proposed could be accommodated without compromise to neighbours amenity/compliance with privacy and daylight standards, although detailed design at the reserved matters stage would need to comply with the Council's adopted standards.

**Landscaping**

The provision of a 15 metre wide landscape belt on the western boundary of the site, would reduce the visual impact of the development on the Green Belt/rural area beyond. It is proposed that any landscaping scheme which is submitted under reserved matters, comprises native species and includes understorey species.
The creation of a 12 metre wide exclusion zone on the southern boundary of the site would ensure that the protected trees on the adjacent third party land would be retained and allowed to mature.

It is also recommended that a management plan is produced which ensures the future maintenance and, the management of the woodland area on the eastern side of the site.

Environmental Protection

Issues relating to potential contamination of the site can be controlled by condition. Issues relating to noise, particularly from the adjacent Chester Road, can be controlled by the application of appropriate measures to be determined by the submission and approval of appropriate schemes of mitigation relating to the same.

Historic Asset

The existing locally listed building would remain in-situ. At this stage, no physically alterations to the building are proposed. It is considered that the development would not adversely affect the setting of the Locally Listed Building, subject to the retention of sufficient amenity space around the building and the construction of traditional, two storey housing at or close to existing ground levels.

Highways

The proposed scheme would, subject to appropriate traffic measures, result in an acceptable development of the site. The improvements to visibility at the site access, the reduction in the speed limit on Chester Road and minor changes to the road layout, would result in a scheme which is acceptable in terms of addressing highway and resident's concerns.

Section 106 agreement

It is considered that the proposals are acceptable in principle subject to;

- the signing of a Section 106 Agreement relating to the provision of a commuted sum of £150,000 for off site affordable housing provision.
- Funding the recommendations of the Stage 1 Road Safety Audit, via a Traffic Regulation Order, in respect of modifying speed limits and associated works.
- The provision of an off-site contribution for Open Space and Recreation Provision of £714.48 x 14 = £10,002.72.

A section 106 agreement is being prepared. The development accords with the relevant policies of the Warrington Unitary Development Plan and The Emerging Core Strategy.
Recommendation

Approve subject to Conditions

Conditions & Reasons

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined by condition 3 below, whichever is the later.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990

2. The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details and any subsequently approved reserved matters.

Drawing No's; Layout Plan NE40232 02 Rev D.
Site Access Arrangement TPMA1156 002 REV F
Illustrative Site Layout PS40232-002 Rev D
Tree Constraints Plan - 10542.T1, dated 20/12/13

Reason: For the avoidance of doubt and to define the permission.

3. a) Details of the reserved matters set out below (the reserved matters) shall be submitted to the Local Planning Authority for approval within three years from the day of this permission:

(i) layout;
(ii) scale;
(iii) appearance; and
(v) landscaping.

b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990.

4. Prior to the commencement of development, full construction details of the proposed site access and internal highway layout shall be submitted to and agreed in writing by the Local Planning Authority. The site access and internal highway layout shall be constructed as per the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety, in order to ensure that the final details of the highway scheme/works are acceptable before work commences on site and to accord with Policy
QE6 and of the Warrington Core Strategy and saved Policy LUT5 of the Warrington UDP.

5. Prior to first occupation of any dwelling on the site, visibility splays of 2.4m x 70m as shown on drawing number TPMA1156_002 Rev F shall be provided in each direction on the A56 Chester Road and shall be retained thereafter. Nothing shall be erected or allowed to grow above a height of 0.6m within the splays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate visibility at the site and to comply with saved LUT2 of the Warrington UDP and Policy QE6 of the Warrington Core Strategy.

6. Prior to the commencement of development, a plan detailing provision of at least two car parking spaces per dwelling shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the parking spaces have been laid out and surfaced in accordance with the approved drawings, and made available for use and retained as such thereafter.

Reason: In order to ensure that there is adequate car parking provision clear of the public highway in the interests of the safety of users of the highway and in order to comply with Policy QE6 of the Warrington Core Strategy and saved appendix 5 / Policy LU20 of the Warrington UDP.

7. Prior to first occupation of the site, the proposed amendments to carriageway markings on the A56 Chester Road as shown on drawing TPMA1156_002 Rev F shall be implemented in full.

Reason: In the interests of highway and pedestrian safety and to accord with Policy QE6 and of the Warrington Core Strategy and saved Policy LUT5 of the Warrington UDP.

8. A public sewer crosses the site and United Utilities will not permit building over it. An access strip of 6 metres by 3 metres will be required either side of the center line of the sewer which is in accordance with the minimum distance specified in the current issue of Sewers for Adoption, for maintenance or replacement. A modification of the site layout or a diversion of the affected public sewer at the applicant's expense, may be necessary. Deep rooted shrubs should not be planted in the vicinity of the public sewer and overflow systems.

Reason: In order to comply with the NPPF and Policy QE6 of the Warrington Core Strategy.

9. No development shall commence on site until details of the existing and proposed ground levels (including finished floor levels of proposed buildings) have been submitted to, and approved in writing by, the local planning authority. The development shall be
implemented in accordance with the approved details.

Reason: To ensure no increase in fluvial flood risk and to accord with policy QE6 of the Warrington Core Strategy and the NPPF.

10. No development shall commence on site until a scheme to incorporate flood resistant and resilient construction techniques within any dwelling located within 10m of the brook flowing through the site has been submitted to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To mitigate any residual risk associated with the watercourse located through the site and to accord with policy QE6 of the Core strategy and the NPPF.

11. The development hereby permitted shall not be commenced until such time as; a surface water regulation scheme for the site, based on sustainable drainage principles generated, has been submitted to and approved in writing by the local planning authority.

Reason: To prevent the increased risk of flooding by ensuring the satisfactory storage / disposal of surface water from the site and to accord with policy QE6 of the Warrington Core Strategy and the NPPF.

12. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with policy QE4 of the Core Strategy and the NPPF.

13. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats. Such proposals to be agreed by Warrington Borough council. The proposals shall be permanently installed in accordance with approved details.

Reason: To protect species of conservation concern and in relation to Local Plan Policies GRN 18, 19 & 21 and the NPPF.

14. No development, including demolition/clearance of the site, shall
proceed until an agreed Badger Monitoring and Mitigation strategy has been submitted to and approved by Warrington Borough council. This should include, but not be limited to, details of all monitoring taken place and copies of any necessary Natural England Licenses applied for and Appendix B Method Statement for construction of the February 2014 Urban Green Badger Survey and Mitigation Strategy.

Reasons: In order to comply with Circular 06/05 and in order to comply with the NPPF and Policy QE5 of the Warrington Core Strategy. To protect badger setts from disturbance or destruction. To protect badgers from disturbance, trauma or death. To give due regard to The Badgers Act 1992.

15. No clearance of vegetation shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the local planning authority.

Reason: To ensure that birds are protected and their habitat enhanced, in accordance with Circular 06/05, the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, & c.) Regulations 2010 and in order to comply with the NPPF and Policy QE5 of the Warrington Core Strategy.

16. Prior to the commencement of development a detailed proposal for the incorporation of features into the scheme suitable for use by breeding birds should be submitted to Warrington Borough council. The proposals shall be permanently installed in accordance with approved details.

Reason: To protect species of conservation concern and in relation to Local Plan Policies GRN 18, 19 & 21 and the NPPF.

17. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:
(a) An appropriate scale plan showing Wildlife Protection Zones, where construction activities are restricted and where protective measures will be installed or implemented;
(b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
(c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season or badger breeding season);
(d) Persons responsible for:
   (i) Compliance with legal consents relating to nature conservation;
   (ii) Compliance with planning conditions relating to nature conservation;
   (iii) Installation of physical protection measures during construction;
   (iv) Implementation of sensitive working practices during construction;
   (v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
(vi) Provision of training and information about the importance of Wildlife Protection Zones to all construction personnel on site. All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority.

Reason: To protect features of recognised nature conservation importance.

18. A habitat management plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The plan shall include:
(a) Description and evaluation of the features to be managed;
(b) Ecological trends and constraints on site that may influence management;
(c) Aims and objectives of management;
(d) Appropriate management options for achieving aims and objectives;
(e) Prescriptions for management actions;
(f) Preparation of work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
(g) Personnel responsible for implementation of the plan;
(h) Monitoring and remedial/contingency measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and to accord with the NPPF.

19. Prior to commencement of development, including earth works, a non-native invasive species eradication plan should be submitted to and approved by Warrington Borough Council detailing the treatment and eradication of Japanese knotweed and Himalayan balsam on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: to comply with the Wildlife and Countryside Act 1981 (as amended) and Local Plan Policy GRN 26.

20. No development shall be commenced until an energy statement (including a series of proposals and timetable for implementation) has been submitted to the local planning authority for approval. This shall include the incorporation of renewable or low carbon energy technology to provide at least 10% of predicted energy demand. The development shall be built in accordance with the approved energy statement and timetable.

Reason: In the interests of sustainability having regard to the NPPF, Policy QE1 of the Warrington Core Strategy and the Warrington SPD: Design and Construction.
21. The development hereby permitted shall not be commenced until details of sustainability measures have been to the Local Planning Authority for approval. These details shall demonstrate how the development would be efficient in the use of energy, water and materials. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with the NPPF, Policy QE1 of the Warrington Core Strategy and the Warrington SPD: Design and Construction.

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

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

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

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

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion. In accordance with: Policy REP8 of the adopted Local Plan (23 January 2006); Policy QE6 of the Submitted Local Plan Core Strategy (September 2012); and Paragraph 121 of the National Planning Policy Framework (March 2012).
Disclaimer: Irrespective of any involvement by this LPA, the responsibility to address land quality issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site.

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

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

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

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

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

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion. In accordance with: Policy REP8 of the adopted Local Plan (23 January 2006); Policy QE6 of the Submitted Local Plan Core Strategy (September 2012); and Paragraph 121 of the National Planning Policy Framework (March 2012).

Disclaimer: Irrespective of any involvement by this LPA, the responsibility to address land quality issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site.
24. A scheme for insulating the residences from noise sources both within and outside the properties shall be submitted to and approved by the LPA before development commences. This scheme must achieve the internal noise levels set out below and include any transportation, industrial, commercial and entertainment noise.

The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals.

Internal Noise criteria for residential
Bedrooms night time (23:00 to 07:00) 30 dB LAeq
Noise not to exceed NR25 in any octave band
Individual noise events should not exceed 45dB LAMAX (BS 8233. 1999)
Living Rooms day time (07:00 to 23:00) 40 dB LAeq
Gardens and terraces (daytime) 55dB LAeq
Not in town centre or near main roads

Reason: - For the protection of residential amenity and to accord with Policy QE6 of the Warrington Core Strategy and the Warrington SPD: Environmental Protection.

25. Prior to the occupation of the properties located within the converted building (former Public House) hereby permitted, the applicant shall submit to the local planning authority, in writing, details of uprated acoustic insulation to protect adjacent properties from the proposed change of use. In particular, acoustic upgrades to the party walls to adjacent properties shall be detailed for areas where lounges are likely to be adjacent to bedrooms in separate occupation. Once approved in writing, all agreed soundproofing upgrades shall be implemented fully prior to the occupation of the properties. All approved measures shall be maintained and retained for the duration of this use.

Reason: To protect the amenity of adjacent residential properties from impacts of noise and to accord with Policy QE6 of the Warrington Core Strategy and the Warrington SPD: Environmental Protection.

26. No vehicles, equipment or materials may enter the site, and no construction work may commence on site until protective fencing has been erected around the trees to be retained on site. All existing trees shown on the plans hereby approved as being retained on site shall be protected by fencing in accordance with BS5837:1991 Trees In Relation To Construction, in accordance with a scheme and specification which shall have been submitted to and approved in writing by the local planning authority. Within the protected area(s) there shall not be carried out or permitted, during the construction period, any building or other operations, parking or passage of vehicles, or storage of building or other materials or any other object.

Reason: To ensure that the trees on the site are protected during construction works in the interests of local amenity, and in order to
comply with saved Policy GRN22 of the Warrington UDP, Policy QE6 of the Warrington Core Strategy and the Warrington SPD: Design and Construction.

27. This permission does not grant or imply consent for the felling of any trees on the site with the exception of T5 as specified on Urban Green's Tree Constraints Plan, drawing no. 10542.T1, dated 20/12/2013.

Reason: For the avoidance of doubt and in order to comply with Policy GRN22 of the Warrington UDP, Policy QE6 of the Warrington Core Strategy and the Warrington SPD: Design and Construction.

28. Unless otherwise agreed in writing by the Local Planning Authority a construction exclusion zone shall be provided within the site adjacent to the southern boundary for a distance of 12 metres from the edge of the woodland. Within this area no vehicles, significant changes in ground level, buildings, hardsurfacing equipment or materials is permitted.

Reason: To ensure that the continued health and vitality of the trees on the adjacent third party land as identified on drawing no. 10542.T1 is protected from pressure for pruning with greater frequency, from future occupiers of the residential development, thus denying the trees sufficient time to satisfactorily recover and maintain their positive contribution to the visual amenity of the area.

29. No dwelling constructed on the site shall exceed 9 metres in ridge height from ground level in accordance with the agents e-mail dated 20/3/2014.

Reason: To ensure the height of the buildings is consistent with the site context of predominantly two storey dwellings, and protect the privacy and outlook of existing residential properties bordering the site. This is in accordance with the following policies of the Warrington UDP: Policy DCS1 Development Control Strategy; Policy HOU3 Housing Development – Development Control and policies QE7 and QE8 of the Core Strategy.

30. No development shall take place unless and until suitable mechanism (including timescales for implementation) has been entered into, to deliver the agreed measures in relation to affordable housing, public open space provision, off site highway works (including a traffic regulation order) and future on site maintenance of any area of land that would not be adopted by the Council or assigned to future occupiers of residential properties. The development shall thereafter accord with approved details.

Reason: In order to accord with Policy SN2 of the Local Plan Core Strategy, saved Policies DCS1, HOU4 and LUT2 of the Warrington UDP and the National Planning Policy Framework
Informatives

1. The Local Planning Authority operates a pre-planning application advice service. All applicants are encouraged to engage with the Local Planning Authority at pre-planning application stage. As part of the determination of this planning application the Local Planning Authority has worked pro-actively and positively with the applicant ensuring that upon receipt all representations and consultation responses are available to view on the Council's web site. The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework.

2. The applicant is reminded that should bats be found during any works, all activities should cease until an assessment can be made regarding a European Protected Species License. Planning permission for a development does not provide a defence against prosecution under the Habitats Directive 2010. All bat species are protected under the Wildlife and countryside Act and through the Habitats Directive. If bats are found they should not be handled and a licensed bat worker should be contacted immediately.

3. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to introduce, plant or cause to grow wild any plant listed on Schedule 9 Part 2 of the Act. Japanese Knotweed and Himalayan balsam is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

4. Planning consent for a development does not provide a defence against prosecution under the Badger Act 1992. The protected status of species as defined by the Wildlife and Countryside Act 1981 (as amended) or any other relevant act remains unchanged regardless of the granting of a planning permission.

5. Consent will be required from Warrington Borough Council - Flood Risk Team, for the connection / discharge to the watercourse.

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

7. To implement amendments to carriageway markings on the A56 Chester Road, the applicant will be required to enter into a S.278
agreement with the Council. To action, the applicant should contact John Drake on 01925 442668.

8. A separate metered supply to each unit will be required at the applicant’s expense and all internal pipework must comply with current water supply water fitments regulations 1999.

9. The applicant is advised to consult, at an early stage, with John Lunt, Developer Engineer at United Utilities regarding possible works to the public sewer on the site.

10. For further advice concerning Contaminated Land and assessment requirements, Air Quality Management Areas or any Air Quality Assessments, Noise or Noise Assessments 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 Noise or Lighting on 01925 442589.

11. BS 4142, BS 8223:2014 and the World Health Guidelines all give values and design ranges for the measurement of noise. It is VERY UNLIKELY that anyone other than a qualified, experienced noise consultant will be able to carry out an assessment of the noise. Institute of Acoustics. www.ioa.org.uk A representative assessment will be required; this will take into account the information provided by the documents above, in addition any special circumstances must be mentioned in any report. e.g. tonal values, impact noise, number and loudness of individual events, weather conditions etc. Shortened measurement periods may be acceptable provided they are agreed in advance.

The noise assessment needs to cover the noisiest periods, taking into account the character of the area. It is also important to study the night time noise levels. Account should normally be taken of shift patterns in commerce and industry.

Specific information individual to the site must be recorded, in particular where there are isolated events that would not be represented in an equivalent [Leq] taken over a longer period. e.g. unpredictable impact noise.

Potentially high incident noise levels for short time periods may cause sleep disturbance.

Information required:
Daytime LAeq 07.00 to 23.00 at representative points around the site or at various facades
Night time LAeq [23.00 to 07.00] at representative points around the site or at various facades
LAMAX values for the night time period.

Upon obtaining the appropriate external noise level data for a particular site and taking into account the internal noise standards set out below
a suitable noise insulation scheme should be stated.

Glazing in residential property: In some cases standard thermal double glazing units will provide sufficient attenuation, other cases will need a thicker unit with specialist glass. If low frequency noise is an issue secondary units in conjunction with single or double glazed units may be required.

Ventilation: Both trickle and rapid ventilation will need to be considered, this may vary from standard trickle vents to fully mechanical powered ventilation. The ventilation must not compromise the attenuation provided by the glazing

12. 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.

13. The applicant is advised to consider implementing a range of dust suppression measures during the demolition and construction phase. Dusts from demolition and construction projects can easily become wind entrained and affect the amenity of sensitive properties around the periphery of the site. Advice on appropriate mitigation measures can be sought from Environmental Protection Officers who can be contacted on 01925 442589. Typical measures would include dampening down of dry or dusty wastes and limiting the storage of fine aggregates where they can become wind entrained.

14. In respect of condition 30 the applicant has agreed to enter into a Section 106 agreement - although there would be other mechanisms/options to deliver the objectives of the condition.
Appendix 1 – Drawings
Appendix 2 – Photographs of Site
TITLE OF REPORT: Appeal decisions for period between 25th March and 30th April.

1. PURPOSE OF THE REPORT

1.1 To advise members of the planning appeal outcome for sites at 23 High Warren Close.

1.2 To report quarter 4 appeal performance.


2. PLANNING APPEAL DECISIONS

Dismissed Appeal

2.1 Members will note that one new appeal decision has been made. A copy of this decision is attached.

2.2 Permission was sought to move the boundary fence to incorporate part of the landscape buffer into a residential garden. The applicant proposed landscaping to mitigate for the development.

2.3 The Inspector agreed that extending the fence line, despite being tapered at both ends, would appear incongruous and out of keeping as it would not respect the established straight fence line that marks this boundary. The re-positioned fence would also be close to the footpath which would create an out of character dominant feature compared to the remainder of the landscape buffer, resulting in an environment to the visual detriment of footpath users.

2.4 The Inspector also agreed in allowing this proposal it would set a precedent. This is a realistic and specific concern given the consistent nature of the boundary at present. Allowing this appeal would make it more difficult to resist further planning
applications for similar proposals, and they considered their cumulative effect would exacerbate the harm.

**Quarter 4 Appeal Performance**

2.5 The reported figures are for the period between January and March inclusive.

2.6 In total 11 no. appeal decisions were made, 4 no. dismissed (36.36%) and 7 no. allowed. (63.63%) This is a reverse in the performance trend of quarters 2 and 3 which saw a higher number of appeals dismissed.

2.7 Of the 4 no. appeals dismissed each was dealt with by written representations.

2.8 Of the 7 no. appeals allowed 2 no. were public inquiries, 1 no. was a hearing and 4 no. was by written representations.

![January - March (Q4) Performance](image)

**Annual Appeal Performance**

2.9 The reported figures are for the period between 1st April 2013 and 31st March 2014.

2.10 In total 51 no. appeals were determined following the refusal of planning permission or to vary a planning condition attached to an approval. 28 no. were dismissed (54.90%) with 23 no. allowed. (45.10%)

2.11 In comparison to 2012 – 2013 the last year has seen the number of appeals increase significantly from 20 no. to 51 no. – more than double. In the previous year the number of appeals dismissed was proportionately higher – 16 no. (76.20%) with 4 no. appeals allowed. (14.80%)

2.12 Therefore there has been a drop in the percentage of dismissed appeals. This could be attributed to the additional number of appeals, number of marginal cases and decisions being based solely on the National Planning Policy Framework
(NPPF) rather than a mixture of the PPG/PPS’s and the NPPF – greater emphasis on promoting development.

2.13 Focussing on the allowed appeals 8 no. relate to delegated Officer decisions and 15 no. following committee determination. It should be noted the last appeal to be allowed following a committee decision was Hillock Lane – heard by committee on 20th June 2013 so good progress has been made on this front whilst retaining the committee’s autonomy to make decisions.

2.13 Broadly there was a rise in number of appeals being dismissed from Q1 to Q3. Q4 represented a turn in the other direction with a greater number of appeals allowed. (8 no.)

2.14 The table below summarises the appeal procedure for cases during the last year.

<table>
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<th>Written Representations</th>
<th>Hearing</th>
<th>Public Inquiry</th>
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<td>16</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Allowed</td>
<td>4</td>
<td>15</td>
<td>1</td>
<td>3</td>
</tr>
</tbody>
</table>

2.15 Annual performance has not reached the 75% dismissed target.

3. CONFIDENTIAL OR EXEMPT
3.1 Not confidential or exempt.

4. FINANCIAL CONSIDERATIONS
4.1 None.

5. RISK ASSESSMENT
5.1 No risks identified.

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

7. CONSULTATION
7.1 Not required.

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

9. RECOMMENDATION
9.1 That members note the appeal decisions and performance.

10. BACKGROUND PAPERS

10.1 None

Contacts for Background Papers:

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


Appeal Decision

Site visit made on 24 March 2014

by Alison Partington  BA (Hons) MA MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 April 2014

Appeal Ref: APP/M0655/A/14/2212077
23 High Warren Close, Appleton, Warrington WA4 5SB

- 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 D Bradley against the decision of Warrington Borough Council.
- The application Ref 2013/22722, dated 4 November 2013, was refused by notice dated 17 December 2013.
- The development proposed is part retrospective change of use of the land to form part of an existing residential curtilage including repositioning of boundary fence.

Decision

1. The appeal is dismissed.

Procedural Matters

2. On 6 March 2014 planning guidance was published by the Department of Communities and Local Government. In making my decision I have taken into account the content of the guidance but in light of the facts in this case it does not alter my conclusions.

Main Issue

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

Reasons

4. The appeal site forms part of a natural landscape area that lies between a residential area and a golf course which is approximately 10 metres wide. A footpath runs through the area and due to the curving nature of its route, the width of the landscaping to either side of the path varies along its length. The area contains a variety of semi-mature trees and shrubs, the density and height of which differ along the length of the area. The natural appearance of this area contrasts greatly with the more manicured and formal character of the golf course beyond.

5. The western side of the landscaped area forms the boundary with the side and rear gardens of properties on High Warren Close and is marked by a long straight fence line which is set back from the footpath by at least a couple of metres. The proposed development would involve the repositioning of part of this fence line. Although it is proposed to taper both ends of the fence into the existing fences of the adjacent properties, the proposed position of the fence...
would appear incongruous and out of keeping as it would not respect the established straight fence line that marks this boundary.

6. Moreover the repositioned fence would be located close to the footpath. Although in the immediate area there are points on the footpath which are close to the boundary fence, most of these are only for a short stretch before the path moves away and the landscape area increases in size. However, the proposal would result in the fence being close to the footpath for a considerable distance. Despite the additional planting that is proposed as part of the scheme, the proposed location of the fence would make it a dominant feature which would be out of character with the rest of this stretch of the landscape buffer, and would have an adverse visual impact to the detriment of those using the footpath.

7. I observed on my site visit that to the north of No 17, where the path turns and provides access to High Warren Close, the fences are very close to the path. This results in this area having a very different character to that found in the vicinity of the appeal site, as the path is much more enclosed and less pleasant to walk along.

8. The landscaped area to the east of the path would be unaffected by the proposal and, as such, a screen would be retained between the residential area and the golf course. However, the landscaping to both sides of the path contributes visually to its appearance and to the purpose of the area as a natural transition from an urban environment to open land. As a consequence, the erosion of part of this landscape buffer, and its incorporation into the garden area of No 23, would harm the character and appearance of the area.

9. Whilst it has been highlighted that elsewhere in the locality the width of the buffer is not as substantial is it is here, there is no visual relationship between these areas and that adjacent to the appeal site. As a result these areas are not directly comparable with the appeal location and they do not justify the proposal to reduce the width of part of this particular stretch of the buffer.

10. It is proposed to plant some new trees and shrubs as part of the scheme and it is suggested that this would make the area more attractive both visually, and to wildlife. However, this planting could take place without the scheme going ahead. In addition, the limited width that would be left between the path and the fence would mean that the planting would be unable to provide a soft edge between the fence and the path as is the case now.

11. I have considered the argument that the current proposal would set a precedent for similar proposals by other properties that are adjacent to this landscape area. Whilst each application and appeal must be treated on its merits, I can appreciate the concern raised by the Council, the Parish Council and local residents that approval of this proposal could be used in support of other similar schemes along this part of the landscape buffer. I consider that this is not a generalised fear of precedent, but a realistic and specific concern given the consistent nature of the boundary at present. Allowing this appeal would make it more difficult to resist further planning applications for similar proposals, and I consider their cumulative effect would exacerbate the harm which I have described above.

12. Overall therefore, I consider that the proposed development would be detrimental to the character and appearance of the area. Accordingly, it would
conflict with Policies DCS1 and HOU8 of the Warrington Unitary Development Plan (adopted January 2006) which seek to ensure that new developments preserve or enhance the character and appearance of the surrounding areas.

13. For the reasons set out above, I conclude that the appeal should be dismissed.

*Alison Partington*

INSPECTOR