9 December 2015

Development Management Committee

Thursday, 17 December 2015 at 6.30pm

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

Agenda prepared by Julie Pickles, Democratic and Member Services Officer – Telephone: (01925) 443212 E-mail: jpickles@warrington.gov.uk

A G E N D A

Part 1

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

Item

1. **Apologies for Absence**

To record any apologies received.

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

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

Report of the Executive Director Economic Regeneration, Growth and Environment

4. **Planning Appeal Decisions for period between 4 November and 7 December 2015**

Report of the Executive Director Economic Regeneration, Growth and Environment

4.4 Land at Culcheth Farm Barns, Withington Avenue, Culcheth, Warrington, WA3 4AN

4.2 7 Statham Avenue, Lymm, Warrington, WA13 9NJ

**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

**Thursday 17th December 2015**

**Start 18:30**

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<td>2015/25530</td>
<td>Collier Tip, Moss Side Lane, Rixton-With-Glazebrook, Warrington, WA3 6EF</td>
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<td>Variation of Conditions (Major) - Application for variation of Condition 5 (time limit relating to mineral extraction for export for brickmaking) and Condition 6 (time limit relating to mineral extraction, capping and site engineering) attached to planning approval 2009/15597</td>
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<td>Variation of Conditions - Application for Variation of conditions 3, 5, 7, 8, 49, 50, 51, 53, 54, 58, 65, 68 and 69 of planning permission 2008/13199 in order to agree a modification to the approved landform, extension of the timescale for landfilling and restoration operations, increase in the amount of waste landfilled, revised drainage infrastructure and the provision of additional surface water management capacity, retention of site tracks and alterations to landscaping and phasing</td>
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<td>2015/26262</td>
<td>Land at Harrison Square, Boulting Avenue, Warrington, WA5 0HQ</td>
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<td>Full Planning (Major) - Proposed development comprising of twenty four affordable houses and two new retail units</td>
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4  134  2015/26641  Suite 11, Newspaper House, Tannery Lane, Penketh, Warrington, WA5 2UD
Full Planning - Proposed change of use from Office (B1) to Private Hire Taxi Booking Office (Sui Generis)

5  142  2015/26843  Land Adjacent to, 127, Twiss Green Lane, Culcheth And Glazebury, Warrington, WA3 4HX
Full Planning - Proposed construction of a detached dwelling
1. Reason for Referral and Context

1.1 This application has been brought before Members, so that due consideration can be given to this major development proposal. The application is referred to committee due to objections from Councillor Brinksman, Rixton with Glazebrook Parish Council and a resident.

2 Executive Summary

2.1 Consent is sought to vary condition no.’s 5 and 6 on planning application ref: 2009/15597, allowing for clay extraction and restoration until March 2024 at Moat Lane and solely extraction at the Brickworks until 2024. Works at Omrod Farm are linked. Operations would commence within 15 years of works at Moat Lane finishing with restoration 18 years and 6 months from the cessation at Moat Lane.

2.2 Officers have reviewed the remaining planning conditions against the six tests outlined in paragraph 206 of the NPPF to increase their precision, robustness and relevance to development proposed. A number have been amalgamated.

2.3 This application is **recommended for approval subject to conditions**
and an update to the existing Section 106 agreement.

2.4 Regard has been given to objections from Councillor Brinksman, the Parish Council and a resident. The report addresses the objections.

2.5 Clay extraction is an appropriate form of development as it is a mineral which can only be worked where it is found. Restoration by landfilling is inappropriate development, however previous consents have established this to be acceptable and no changes are proposed to the finished landform. Very Special Circumstances have been advanced in favour of the development to outweigh the harm created by definition due to the schemes inappropriateness. Officers conclude very special circumstances exist due to the inability to achieve an acceptable landform in time and due to the clay reserve’s remaining.

2.6 Officers do not consider there will be adverse impacts on residential amenity, but conditions are recommended to lessen any issues arising. Conditions are also recommended to ensure highway safety and prevention of mud on the highway. An ecological management plan will deliver biodiversity enhancements through the retention and enhancement of habitats suitable for Great Crested Newts.

3. The Application Proposal

3.1 This application is a Section 73 planning application which seeks to vary condition no.’s 5 and 6 on planning application ref: 2009/15597. A copy of the existing planning conditions is in Appendix B. Members are being asked to issue a fresh planning consent for the site, based on a revised wording for both conditions. The proposed changes would alter the timeframes permitting each named site to operate within or commence.

3.2 In summary the changes are:

- Extend time for clay extraction at Moat Lane from 26th March 2015 to 26th March 2024
- Extend time for clay extraction at Brickworks from 26th March 2015 to 26th March 2024 – this is viewed as a reserve by the applicant in the event a supply at Moat Lane fails.
- Extend time period for clay extraction for capping and site engineering as well as the importation of waste materials from 26th March 2022 to 26th March 2024

3.3 Officers have also reviewed the remaining planning conditions against the six tests outlined in paragraph 206 of the NPPF. This is to:

- Increase precision
- Update legislative changes
- Amalgamate common conditions
- Increase robustness
• Clearer requirements
• Ensure enforceability

3.4 Appendix A of this report contains a revised set of planning conditions, including the proposed variations to conditions 5 and 6. Members should note they are numbers 4 and 5 in Appendix A.

3.5 Photographs of the site and its surrounds can be found in Appendix D.

4. Site Description and Surroundings

4.1 The application site benefits from historic consents for clay extraction followed by waste importation to form a suitable restored site. The site (labelled as A in Appendix C) is linked to the operators other sites (labelled B – E, Appendix C) Consent exists for clay extraction and restoration through the importation of waste.

4.2 Clay extracted from each site is taken to the brickworks. (site C) Planning conditions 5 and 6 link sites A, B, C and D in terms of the operational time periods and sequencing. No clay has been extracted from sites C or D to date. Clay extraction at site D (Omrod Farm) can only commence once sites A and B have finished extracting clay. Previous consents have established a 15 year window for clay extraction to commence at site D once sites A and B have finished.

4.3 Access to site would be achieved by way of a bridge over the railway line, avoiding vehicular traffic using Dam Lane. This is controlled by a previous Section 106 agreement.

4.4 Vehicles moving between sites A and C use Moat Lane and private access routes through site ‘B’ rather than using Moss Side Lane.

4.5 Moat Lane extends along the sites eastern boundary, offering vehicular access. A landscaped embankment lines along the site boundary screening views in. Moat Lane connects with the A57. (Manchester Road) To the north is Moss Side Lane which connects the applicants other sites, namely the brickworks, the Combined Site and Land North of Moss Side Lane. Along Moss Side Lane there are numerous residential properties.

4.6 The M6 motorway is to the east. The M62 motorway to the north along with the Warrington to Manchester railway line. The land is designated as green belt. To the north is Omrod Farm which is referred to in condition no. 5. Omrod Farm like the applicants other sites historically have been granted consent to extract clay followed by landfilling to achieve a suitably restored landform. Prior to commencing works at Omrod Farm the applicant needs to agree and implement a new bridge spanning the railway to provide vehicular access away from residential properties in the area.
4.7 On the opposite side of Moat Lane is Rixton Clay Pits. This is designated as a Site of Specific Scientific Interest (SSSI), Local Nature Reserve (LNR) and Special Area of Conservation. (SAC) In the wider area there is Risley Moss (SSSI, LNR & SAC); Rixton Miss Local Wildlife Site; Rixton Clay Pits Local Wildlife Site (LWS) and Woolston Moss LWS.

4.8 To the north of Woodend Lane is Moss Side Farm fisheries which comprises of a number of lakes actively used by anglers. Vehicular access to the site is obtained from Moat Lane, however vehicles associated with the operation utilise haulage roads to avoid passing (as much as possible) residential properties. These are private roads within the control of the applicant.

5 Planning History

5.1 Permission was granted on appeal for the extraction of clay. The appeal was granted in January 1949. Ref: 11/4/2159.

5.2 Application ref: 97/36771 was approved by Cheshire County Council in March 1998. This application was made under the Environment Act 1995 as part of the review of mineral planning consents (many of which had no working conditions attached) and to establish a set of modern planning conditions under which the sites could operate. This consent allowed four separate sites to be brought together on the basis they were ‘satellite sites’ for the company’s brickworks and thereby one umbrella application. The permission relates to lands west of Moat Lane, north of Moss Side Lane, adjoining the brickworks and at Omrod Farm.

5.3 Permission was granted subject to conditions and a Section 106 agreement for variations to conditions 4, 5, 6, 7, 13, 16, 29, 30, 32, 33, 34, 44, 45, 53, 58, and 73 and the deletion of condition 8 of permission 97/36771. The application proposed modifications to conditions relevant to the west of Moat Lane site only. However, an amendment to the end date for clay extraction and waste disposal west of Moat Lane affected the start and completion dates for operations on the remaining sites included in permission 97/36771 (see conditions 5 and 6 on attached schedule). Ref: 2009/15597.

5.4 As part of the Section 106 agreement for ref: 2009/15597 the applicant relinquished an area of the site to the south and east previously granted consent. This agreement guaranteed the reduction of the void on the application and prevents it from being recovered in the future. No changes are proposed to this agreement save for amendments to the relevant dates and decision notice if the application is approved.

6 Policy Framework
6.1 The following policies and guidance are applicable to this application:

National Planning Policy Framework (NPPF)
- Achieving Sustainable Development;
- Chapter 4 – Promoting Sustainable Development
- Chapter 8 – Promoting Healthy Communities
- Chapter 9 – Protecting Green Belt Land
- Chapter 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 11 – Conserving and Enhancing the Natural Environment

National Planning Policy for Waste (NPPW)
National Policy Guidance (NPG)
Wildlife and Countryside Act 1981
The Conservation of Habitats and Species Regulations 2010
EIA Regulations 2011 (as amended)
Waste Management Plan for England

Warrington Local Plan Core Strategy
Policy CS1 – Overall Spatial Strategy – Delivering Sustainable Development
Policy CS2 – Overall Spatial Strategy – Quantity and Distribution of Development
Policy CS5 – Overall Spatial Strategy – Green Belt
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 MP8 – Waste
Policy MP9 – Minerals
Policy CC2 – Protecting the Countryside

7 Representations

7.1 Letters have been received from 1 person. An objection is raised on the following basis:

a) Amenity – noise, smell, litter and flash water issues
b) Drainage

7.2 Councillor Brinksman formally opposes all the recent applications for Colliers on the grounds they have knowingly over tipped and failed to comply with any conditions, and a site visit is also required.
Officer comment – no tipping has commenced at Moat Lane and will not until the clay has been extracted. It is only thereafter will tipping occur. The reference to over tipping relates to the Combined Site. The point regarding condition compliance is addressed in section 8 of this report.

8 Consultation Responses

Highways – raise no objection subject to the imposition of a number of planning conditions. The site access arrangements and vehicle routing will be unchanged.

Small/medium dump trucks with a capacity of between 2m$^3$ and 10m$^3$ would be used and occasional low loaders. Conditions 20, 21 and 22 of the previous 2009/15597 approval should be reworded to reflect these vehicle types. Up to 30 vehicle journeys each day, depending on the size of the dump trucks used. No change is needed to existing condition no. 21 limiting a maximum of 100 movements (50 in and 50 out) as there shouldn’t be an increase in traffic. It should be re-worded to account for the different vehicle types.

The applicant states the rate of extraction is generally spaced equally throughout the working day. Therefore there should not be a significant number of vehicles entering or leaving the site at any given time.

The applicant states that a wheel wash facility was installed near the site entrance in 2014 following discussions with the Council, a road sweeper operates on Moat Lane as required and regular inspections of the highway are undertaken. Whilst the wheel wash facility is welcomed, the transfer of any mud/material onto Moat Lane should not happen even infrequently. Jet wash facilities should therefore be permanently located at the site access to remove any excess material from all vehicles leaving the site. This is particularly useful during bad weather when the wheel wash facility is likely to be less effective. A revision to the relevant planning conditions 18(c), 23, 24 and 73 of 2009/15597 would be needed to secure this. It is suggested hard surfacing is considered at the site entrance to assist in the prevention of mud transfer onto the public highway.

Condition 25 and 39 of the previous 2009/15597 approval should be retained as at present and condition 23 should be removed. Conditions 20 and 26 of 2009/15597 should be retained and amended to remove the word ‘HGV’ as not all the site/commercial traffic would be HGVs.

Conditions 21 and 22 2009/15597 should be removed and replaced to limit vehicle numbers to no more than 100 no. 50 in 50 out) per day and the operator shall keep daily records of the size, type and number of vehicles entering and leaving the site each working day.
Environmental Protection – have considered the application and no objections to the proposal.

Environment Agency – We have no objection to the variation of condition application and no comments to make.

Rixton with Glazebrook Parish Council - Cannot make an informed decision on the information received but wish to register the Parish Council’s objection and concern given the history of the site

Subsequent Meetings - The Parish Council strongly object to the aforementioned applications relating to Colliers site the reason for this objection is the fact that they have not complied with conditions imposed on existing consents and therefore the Parish Council feel that no Planning Applications should be considered until conditions on existing consents have been complied with.

National Rail – no comments to make.

Greater Manchester Ecology Unit – raise no overall objections to the application on nature conservation grounds, and do not insist on updated surveys prior to the determination of the application, taking into account:

- That previous surveys have been conducted in the site and the wider area and that these surveys are relatively up-to-date
- That there is a reasonable understanding of great crested newt population sizes, trends and movements in the area
- That there is an existing protected species license in place that has permitted works so far and that this License takes into account the need to protect the local nature conservation status of GCN and that this is an application for an extension of time
- That a relatively comprehensive Ecological Management Plan (EMP) has been prepared that takes into account the presence of GCN and proposes mitigation and compensation measures for potential harm to GCN and that EMP is acceptable in principle
- That Natural England have raised no objections to the application

They do recommend further ongoing survey’s for GCN’s are undertaken and results made available, the results inform and amend the EMP which are agreed with the LPA if required before implementation. Any revisions made to the EMP are conditioned. A clear and up-to-date drawing is prepared to illustrate the locations and phasing of the proposed habitat enhancements, particularly in relation to GCN. Finally any existing water bodies are de-watered carefully to facilitate the scheme and with the protection of existing wildlife interests properly considered.

Consideration of the three tests required under the terms of the EU Habitats Regulations is needed. Regarding the third test I would consider that, providing the EMP is implemented properly, the local
nature conservation status of great crested newts is capable of being protected.

The existing protected species license will require amendment by Natural England, or a new license obtained, before any work can progress that may affect newts.

**National Grid** - National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified. It is a High Pressure Gas Pipeline. They advise that “*It is the responsibility of the applicant to contact National Grid prior to any works commencing on site.*” Access to the pipeline should not be restricted.

**Natural England** - The application site is in close proximity to Rixton Clay Pits Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). As the application is purely for an extension of time and there will be no other changes to the original planning permission, Natural England advises that the proposal is unlikely to have a significant effect on any designated sites.

Please note that the applicant may need to modify their GCN licence to take into account the extension of time.

**The Mersey Forest, HSE, NHS and Public right of way were also consulted, but no comments have been received.**

9. **Site Operations**

9.1 The site is broken into three phases. Each benefits from consent to landfill once clay extraction is complete. Phase 1 has been extracted for clay and is now filled by water bodies and naturally regenerated landscaping. Phase 1 has a known population of GCN’s. It is anticipated clay extraction will commence in late 2015 in Phase 2, whilst clay extraction is presently being undertaken in Phase 3 and is anticipated for completion in late 2015. Extracted clay is used for brickmaking.

9.2 The estimated clay reserves at the site are approximately 300,000 m$^3$. At the current production rates, the clay demand is around 17,000 m$^3$ per year. At full production the clay demand would increase to around 40,000 m$^3$ per year.

9.3 The extraction rate is intrinsically linked to the brick market. The maximum production capacity of the works with both kilns operational is 250,000 bricks per week. Presently, with a single kiln, production is 100,000. The applicant has confirmed the present market does not justify the re-introduction of the second kiln.

9.4 Clay is stored at the Brickworks. A clay reserve sufficient for 2 weeks brick production is kept. At present there is low level extraction to keep
brick production ticking over until the spring. The applicant submits this avoids congestion and road safety issues at Moat Lane.

9.5 The number of personnel employed at the Brickworks is presently 26 no. The business directly supports the activities of several contractors along with suppliers and services either locally or within the sub-region. The Brickworks is the last remaining local facility manufacturing products using the traditional coal fired Hoffman Kiln. It is said to provide an important product where the emphasis is on maintaining the character of many older local buildings that now require extensions. The applicant states that the product in effect cannot be replaced by modern brick making if used instead.

9.6 Once materials have been extracted, landfilling would take place with pre-treated materials from Nash Road in Trafford, creating a raised landform with a post settlement height of 35 metres AOD stepping down to 26 metres AOD adjacent to the sites boundaries. These levels were established by application ref: 2009/15597. This application does not seek to change this.

9.7 Operations are undertaken under the authority of the Environment Agency (EA) in line with the sites Environmental Permit. Many of the day to day operational issues relating to the site are covered by controls available to the agency rather through planning controls.

*Monitoring Report*

9.8 An enforcement case has alleged a breach of conditions. It hasn’t specifically identified which conditions are allegedly in breach. Nonetheless it is good practice to routinely monitor consents such as this. A monitoring visit and report has been completed by Urban Vision. A copy has been shared with the operators. It identified a number of actions and timescales for compliance, such as provision of perimeter fencing, copies of approved documents on site, seeding and maintenance of stored soils, vehicle sheeting and noise monitoring.

9.9 The monitoring report is ultimately a separate matter to this application, and the operator will need to comply with the conditions and satisfy planning enforcement colleagues, who have powers to ensure compliance with the planning conditions.

9.10 The operator has submitted details for fencing and safety signs. The applicant has confirmed both will be erected on site by 31st December 2015 and all other action points will be implemented by 30th November 2015.

9.11 Reference has been made that the planning application should not be considered until such a time when the operators comply with the existing planning conditions. Unfortunately whilst the sentiment is noted, Officers advise there is no basis to refuse to determine an application when there
are separate powers available to the authority to bring redress to any breaches in planning control.

10. Analysis

Highways

10.1 Policy MP1 strives to secure sustainable development, reduce the need for private car use, consider demand management measures in favour of public transport, pedestrians and cyclists and adhere to parking standards amongst other things. Policy QE6 also considers the effect and timing of traffic movement to, from and within the site and car parking including impacts on highway safety.

10.2 The applicant is not seeking to alter the existing operational access or routing of vehicles between the site and the brickworks. Furthermore no changes are proposed in respect of the ‘worst case’ number of vehicle movements (100 in total) controlled by planning condition.

10.3 WBC Highways have considered the proposals. There are no objections, subject to the re-wording or amalgamation of a number of planning conditions.

10.4 Vehicle journeys are linked to the additional time period sought. Clay related journeys are local. There are limitations, given the nature of the development and equipment required to transport the clay/waste materials, to promote sustainable modes of transport. The sites are closer to Trafford Park than any other site and vehicles use the A57. Journeys to and from the site are not substantial in number nor do they have highway impacts in terms of movements.

10.5 Officers recognise the applicant’s wheel wash installed in 2014 at the site entrance and a road sweeper used along Moat Lane. Nonetheless they do not appear to be addressing matters. Tracking out onto Moat Lane is noted despite the presence of the current wheel wash. Vehicles do traverse across unmade ground between the wheel wash and the highway, providing opportunity for debris to be picked up.

10.6 Thus, a jetted wheel wash should be used to remove any excess material at the site entrance. Furthermore hard surfacing the site entrance would also assist in preventing mud transfer onto Moat Lane.

10.7 The placement of the wheel wash and the ground condition between it and the highway are crucial in ensuring it is a worthwhile exercise in using it. Existing conditions are suggested for amalgamation, together with amendments to the wording, to enhance cleaning facilities and measures to prevent material on the highway in line with the highway officer’s response.
Residential Amenity

10.8 Policy QE6 of the Core Strategy seeks to preserve residential amenity. In determining applications, the Council will take into account levels of light pollution and impacts on the night sky, odours, fumes, dust, litter accumulation and refuse collection / storage. Consideration will also be given to the living conditions of existing neighbouring occupiers in relation to overlooking/loss of privacy, outlook, sunlight, daylight, overshadowing, noise and disturbance.

10.9 An objection to the proposals has specifically stated amenity issues, namely noise, smell and litter.

10.10 Environmental Protection colleagues have considered the applicants proposals and raised no objections to the extension of time applied for.

10.11 Planning conditions attached to the current consent are aimed at controlling the effects of noise, odours, materials deposited on the public highway. There have been no complaints made in respect of noise or odours from Moat Lane; however this is likely to be attributable to the extent of operations and current focus on extracting clay.

10.12 Officers have reviewed the planning conditions preserving residential amenity. Whilst wholesale changes are not proposed, their wording needs to be refreshed to replicate current legislation, best practice and provide clear requirements which are measurable. This has also presented an opportunity to amalgamate conditions or remove conditions which are governed by separate legislative bodies.

10.13 In summary therefore despite the objection, there is no evidence or record of adverse residential amenity being caused from site operations. Therefore subject to the revised conditions, the proposal accords with policy QE6.

National Grid

10.14 Advice has been given that a Major Accident Hazard and a UKT national transmissions pipeline are in the sites vicinity. They track east to west (outside of the operational area of the site) and north to south (in embankment) adjacent Moat Lane respectively.

10.15 National Grid advise that access to the Major Accident Hazard pipeline should not be restricted, particularly in the event of an emergency, there must be no obstructions with the easement strip. As Members will be aware the site is already operational and has been so for some time. Officers consider that given the pipelines locations and existing operations that the proposal will not materially affect the pipelines. Nonetheless this matter has been brought to the applicant’s attention and therefore it is for them to ensure their operations satisfy National Grids requirements.
Flooding

10.16 No changes are proposed in respect of the approved schemes to address surface waters. The site is not in a flood zone as identified by the EA. Previous consents have considered this matter and attached planning conditions to ensure compliance and redress of surface waters discharge from the landform. Therefore on this basis Officers consider the matter to be satisfactorily addressed.

Green Infrastructure & Ecology

10.17 Policy QE5 seeks to protect and where possible enhance sites of recognised nature and geological value. Proposals for development which may adversely affect the integrity or continuity of Protected Species will only be permitted if it can be shown that the development clearly outweighs the need to retain the species/habitat and mitigation measures can be provided. Proposals in or likely to affect Sites of Special Scientific Interest (SSSI) will be subject to special scrutiny.

10.18 The site has a known medium presence of GCN which has been evidenced by surveys of the site in recent years. This population is said to interact with a larger population at Rixton Clay Pits. As described in the ‘Site Description and Surroundings’ section of this report there are a number of designation ecological habitats nearby - the closest Rixton Clay Pits SSSI, LNR and SAC.

10.19 Surveys have shown there are 2 no. large lakes in the site and 10 no. ponds. The lakes have formed as a consequence of previous and ongoing clay extraction. Both lakes will not be retained. Surveys have concluded they score poorly for GCN habitats suitability, due to their size and presence of fish and wildfowl. Five of the ponds are situated in land yet to be extracted (phase 2). Two will be lost, but the remaining three will be retained and enhanced as part of the EMP. The other 5 no. are located outside of the land to be worked. Each will be retained and enhanced via the EMP. Overall 8 no. ponds will be enhanced and maintained on site suitable for GCN.

10.20 The Greater Manchester Ecology Unit (GMEU) and Natural England raise no objections to the development. Further surveys will be required in 2016 prior to any future European Protected Species Licence (EPSL) application to Natural England. The findings will sit alongside earlier surveys from 2008, 2009, 2010 and 2012. An Ecological Impact Assessment (EcIA) was undertaken in April 2010 and an Ecological Appraisal of the Combined Site was undertaken in October 2014. No further surveys are advised prior to the determination of this application, given the existing ecological knowledge of the site and surroundings together with a relatively comprehensive management plan.

10.21 In addition the applicant has confirmed no clay will be extracted from
phase 2, to allow for the site to be surveyed for GCN. Sufficient clay remains in phase 3 to facilitate the brickworks operation in the meantime. A condition is recommended to control this.

10.22 The European Protected Species via Regulations 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 and the Habitats Directive lay out three tests, which must be satisfied before planning permission is granted.

i) That the development is “in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment”;

The proposals relate to mineral extraction used for brick making. As set out earlier in this report, the extraction supports 26 no. jobs at the brickworks and there are wider consequential social and economic benefits from related industries.

Clay extraction at Moat Lane has finished now until Spring 2016. The applicant recognises this and has confirmed they will not be extracting mineral from Moat Lane until the GCN survey has been undertaken. Thus, the development is in abeyance, thereby preventing impacts on GCN.

ii) That there is “no satisfactory alternative”;

A proportionate and reasonable approach is warranted here, to ensure steps have been taken to minimise the impacts of a development on protected species.

The survey period for GCN has finished now until Spring 2016. The applicant recognises this and has confirmed they will not be extracting clay from phase 2 until the GCN survey has been undertaken which will also inform their license application. A condition preventing works in phase 2 is recommended. Thus, the development will not create further impacts on GCN. The EMP identifies GCN surveys and monitoring will occur every year for 4 years to inform future management and changes to the management plan if required.

The EMP aims to increase the overall nature conservation value of the habitats. The main objectives during clay extraction area to enhance aquatic habitats through implementation of management techniques, prevention of harm to protected species, management of tree/shrub to enhance opportunity for local wildlife and maintain, enhance or create wildlife linkages in the site and with Rixton Clay Pits SAC.

Given the above, although habitat will be lost through clay
extraction works this is considered to be poor habitat for GCN's and there will be adequate retained and enhanced habitat to support GCN adjacent to Rixton Clay Pits SAC.

iii) That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”.

**GMEU advise that, providing the EMP is implemented properly, the local nature conservation status of great crested newts is capable of being protected.**

10.23 Policy QE3 sets out the need to protect existing green infrastructure and its role, increasing its functionality where it helps to mitigate the causes of and addresses the impacts on climate change. Furthermore the policy seeks to improve the borough’s quality, including networks and corridors as habitats for biodiversity whilst increasing its attractiveness as a sport, leisure and recreation opportunity.

10.24 The site is currently operational and does benefit from an approved restoration scheme achieved via landfilling. This is controlled by condition. Once complete the site will be restored to a state whereby in character, appearance and functionality it will better reflect adjacent land uses. A 10 year EMP has been prepared. This will see the continuation of ecological involvement at the site which is important given its close relationship to Rixton Clay Pits SSSI, LNR and SAC. Therefore policies QE3 and QE5 are complied with.

**Green Belt**

*Is the development appropriate or inappropriate development?*

10.25 The Government attaches great importance to Green Belts (paragraph 79, NPPF) and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The National Planning Policy for Waste (NPPW) like the NPPF places a strong emphasis on the protection of green belts from development. LPCS policy CS5 follows the approach of national policy regarding development in the green belt.

10.26 Both policy documents confirm substantial weight is to be given to the green belt’s protection. The NPPF states ‘Very Special Circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 88, NPPF). The NPPW confers waste management facilities located in the Green Belt are inappropriate development and non-green belt sites should be first looked at.

10.27 Paragraphs 89 and 90 (NPPF) set out specific forms of development which are not inappropriate in green belt terms. Mineral extraction is an
appropriate form of development provided they preserve the openness of the green belt and do not conflict with the purposes of including land in the green belt.

**What are the proposals effect on the openness and purposes of the green belt?**

10.28 Paragraph 79 (NPPF) sets out the essential characteristics of Green Belts are their openness and their permanence. Openness means freedom from development and is only partially concerned with visibility. Paragraph 80 (NPPF) sets out the five purposes. LPCS Policy CS5 highlights four of these.

10.29 The proposal does not seek to amend the consented landforms, only extend the time period in which they would be formed. Operations have not and cannot commence at Omrod Farm until such a time as the other two sites have finished clay extraction. The proposal does not change this sequence of events.

10.30 Physically the impact on openness and purposes of the green belt are unchanged, save for the longer temporary period of time that would elapse until the various sites are restored to an appearance consistent with the sites surroundings.

10.31 There would be no effect on the permanence of the green belt, as the land would be returned to an appearance consistent with its surroundings. This view is consistent with the Inspectors approach for Arpley Landfill. There would also be some benefit in that waste materials will not be imported to either the North of Moss Side Lane or Brickworks sites post March 2016.

10.32 Officers consider the clay extraction component of the development is appropriate development in tune with NPPF paragraph 90.

**Overall view on appropriate or inappropriate development**

10.33 Notwithstanding the clay extraction being appropriate development, the same cannot be said for the landfilling arm of the development. Neither paragraphs 89 or 90 identify this as an appropriate form of development. Thus, it is inappropriate development. The applicant accepts this point. Appropriate weight needs to be given therefore to the protection of the green belt as a consequence of the presumption of the development being harmful by definition set out in the NPPF.

**Is the additional period of time reasonable?**

10.34 The applicant seeks a further 9 years for the Moat Lane site and Brickworks site to extract clay for brickmaking. (Condition 5) A further 15 years would then kick in for the Omrod Farm site – this time period is unchanged save for the dates being pushed back by 9 years as worst
case scenario. Omrod Farm can only be entered into inside 15 years after clay extraction ceases at Moat Lane. Prior to doing so, the applicant is required to agree and construct a bridge across the railway to ensure vehicular traffic would not affect resident’s amenity on Dam Lane. A previously agreed Section 106 agreement will deliver this.

10.35 The 9 years sought (from 2015) for the Moat Lane site is linked to the current extraction rate / brick production rate described in paragraphs 9.2 and 9.3. A worst case scenario would see extraction taking a further approx. 17 further years to complete. However a best case extraction rate of 40,000m³ sees the time period significantly reduce to 7.5 years.

10.36 The applicant is applying for a time period in excess of the best case scenario, but anticipating an upturn in the brick market and re-introduction of the second kiln. Annex 2 of the NPPF identifies brick clay as a mineral of local and national importance to meet society’s needs. It is considered prudent therefore to extend the permission to enable the mineral to be used. The PPG advises economic benefits stretch well beyond the site from which clay is extracted. In this case, it would be in the construction industry and related industries.

10.37 Land surrounding the brickworks has been historically consented for clay extraction. This has never taken place as it is viewed as a reserve for the brickworks in the event of over-riding problems at the applicants other sites affecting the supply of clay. No such problems have arisen. Without a further grant of consent, this area cannot be worked. However the key question is whether there are sound reasons not to grant consent.

10.38 Minerals can also only be extracted from locations where they are found. Paragraph 142 of the NPPF states “Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.”

10.39 Therefore in light of this, previous consents and location of the brickworks to the site, the reserve around the brickworks does have a limited merit. This level of weight is significantly reduced due to the unlikelihood the site would come forward due to the financial outlay required to extract clay in such relatively small volumes. But, it is appropriate in the terms of paragraph 142 to have consent in place to facilitate this. The time period is linked to the Moat Lane site. It is a proportionate and acceptable approach.

10.40 Land at Omrod Farm is linked by condition no. 5. No alterations are proposed to the time period (15 years) within which clay extraction would commence. However Members should note works at Omrod Farm would be pushed back to on or before 2039. Officers consider this is
acceptable given historic consents and current extraction rates.

10.41 The applicants proposed amendment to condition no. 6 seeks a further 2 years. Condition 6 permits mineral extraction for capping or site engineering purposes together with the importation of waste materials for each of the listed sites. Changes to condition 6 are only proposed for Moat Lane. If approved the extraction and fill operation would be completed by 26th March 2024.

10.42 No changes are proposed to the dates for North of Moss Side Lane and the Brickworks. Therefore extraction and fill activities at these sites cannot continue beyond 26th March 2016.

10.43 If the time periods applied for transpire to be too short, further applications would be required with appropriate justification. This would be a separate application and based on information at that time. It cannot therefore be accounted for when determining this application.

10.44 Officers consider the time periods applied for are acceptable and in accordance with policy MP9.

**Very Special Circumstances**

10.45 Policy dictates that inappropriate development is harmful by definition, harmful to the Green Belt and should not be approved except in very special circumstances. (VSC) The applicant submits there are VSC which weigh in favour of the proposal. In summary they are:

- Need for the facility
- Particular location needs
- Lack of “harm” of the development in terms of landscape or visual impact
- Sustainable waste management
- Inability to achieve an acceptable landform by 2022

*Need for the facility & Particular Location Needs* - The applicant rightly points out there is an existing consent for mineral operations and subsequent restoration by landfill. Furthermore they consider clay is supplied to the nearby brickworks with restoration materials comprising of pre-treated wastes from Trafford Park, acting as a secure end-disposal for the applicant. The management of commercial and industrial waste is lifted up the Waste Hierarchy in accordance with national policy.

Moat Lane provides a supply of clay used for brickmaking. It is a mineral which can only be utilised in the location where it is found. The brickworks will be unable to operate without a supply of clay and the correct type of clay. Thus, the process is intrinsically linked. The applicant has demonstrated the site can provide sufficient material to support the brickworks for between 7.5 and 17 years depending on the extraction rate, with emphasis placed towards a longer time period. A clay reserve would remain in place around the brickworks should a need
arise, allowing flexibility. Officers consider the applicant has demonstrated there is a need for the facilities and a proportionate time period linking clay extraction to brick production. This does amount to a VSC.

Weight attributable to the supply of material solely from Trafford Park is less than securing a safe and sympathetic restoration of the site which is paramount. Previous consents have established the sites restoration – No changes are proposed, it is not therefore a special circumstance.

_Lack of harm of the development in terms of landscape or visual impact_. The applicant asserts a VSC on the basis that there will be a limited adverse effect on landscape and visual amenity.

Officers consider this is not a VSC as it would be an expected qualification of any scheme in terms of meeting separate policy objectives. Given there are no proposed changes to the restoration, there will be no changes to the landscape except for the prolonged length of time taken to restore the site. Any visual change noted has already been considered to be acceptable.

_Inability to achieve an acceptable landform by 2022_. Mineral extraction for brick making via condition no. 5 has now run out. Thus, without a further grant of consent no further clay should be extracted at Moat Lane. There is a considerable amount of clay remaining in this site, offering building resources and economic benefits not constrained to the site or operator. It is a recognised mineral and supported by policy. The applicant hasn’t achieved full extraction. It is a significant factor weighing in favour of the scheme.

It is clear the site unless there is a surge in demand will not be restored by 2022. The site does need to be restored to have environmental and land use benefits. Hence an extension to 2024 does carry weight.

This is a VSC given the time period needed to extract clay prior to commencing landfilling and restoration of the site.

_Sustainable Waste Management_. Fill material from Trafford Park would be sorted there prior to its arrival in the borough. Policy (NPPW) identifies the objective to drive waste up the hierarchy, however does acknowledge some landfill capacity will still be required as not every material will be disposed of by ‘greener’ methods. Policy does also recognise adequate provision must be made for waste disposal.

For a variety of reasons alternative sites have/can be discounted, generally due to the distance to travel or lack of consented void space. Pilsworth in Greater Manchester could take the material, but it is further away than the site and parts of its voidspace, is preserved for existing contracts. By being closer the application site does offer sustainability benefits in terms of vehicle emissions.
Merseyside beyond 2017 will not have a consented landfill at all following the closure of Arpley and Lyme and Wood Pits in St Helens.

No changes are proposed to the source or amount of material to be imported at the site compared to previous approvals. Officers therefore do not consider this to be a VSC as it is not unique or new.

11. **Section 106 Obligation**

11.1 The applicant proposes to update the existing Section 106 agreement insofar as dates referring to planning applications and the list of planning conditions if Members approve the application.

11.2 Paragraph 204 of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010 cite that “Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

11.3 Officers consider the updated to be acceptable and meet the three tests.

12. **Planning Conditions**

12.1 Paragraph 203 (NPPF) advises local authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Paragraph 206 (NPPF) advises of the six tests planning conditions need to meet when being attached to decisions.

12.2 Insofar as conditions no. 5 and 6 Officers raise no issue with the suggested wording provided by the applicant as the merits are considered to comply with policy.

12.3 The remaining planning conditions have been reviewed in light of paragraph 206. Many are legacy conditions written prior to guidance coming into effect. Paragraph 3.3 outlines the rationale for this exercise.

Members are recommended to attach these if the application is approved.

13. **Conclusions**

13.1 Applications of this nature require a careful balancing exercise. It is evident the site still contains many years’ worth of clay to be used for brickmaking. The remaining time is linked to extraction rates and whether the second kiln at the brickworks is re-fired and brick production increases. Based on potential and current extraction rates, the time period applied for is reasonable and the development insofar as mineral
extraction is appropriate development in policy terms.

13.2 No change is proposed in terms of the importation of waste materials save for the time period for this to take place within. The extra two years matches the time period for clay extraction. Waste disposal will only occur after clay has been extracted; however it is important to restore sites in acceptable and timely manner. Thus, a time extension is considered to be acceptable based on the very special circumstances put forward.

13.3 Despite an objection on amenity grounds, Officers have concluded the proposals will not conflict with LPCS policies. Furthermore highway issues can be overcome by suitable planning conditions as per the Highway Officer’s comments. A condition is recommended to ensure no clay is extraction from phase 2 until a GCN survey is provided and condition discharged.

13.4 Planning conditions have been reviewed by Officers and the applicant. Members are recommended to attach the list found in Appendix A if the application is approved.

13.5 The applicant has following a recent monitoring report accepted the need for action in respect of numerous existing conditions. Compliance with planning conditions is a matter for the Council’s Planning Enforcement team and if approved, the applicant would need to comply with the list of conditions in Appendix A. Future monitoring visits at the applicants cost under Regulation 15 of the Fee Regulations can occur to monitor condition compliance. If breaches are found then the Council does have powers to redress matters via our enforcement team.

13.6 In balancing the above, Officers consider the harm created by the landfilling arm of the proposal by reason of its inappropriateness in the Green Belt and the other harm is clearly outweighed by the need for providing minerals for brick making and the inability to ensure an acceptable landform by 2022 so as to amount the very special circumstances necessary to justify the development.

**Recommendation**

Approve subject to Section 106 Agreement
Appendix A – Conditions & Reasons

1. The conditions listed below take effect on the date of this decision in respect of the West of Moat Lane, North of Moss Side Lane and Brickworks sites.

Reason: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

2. At least seven days prior written notice of the commencement of development for each different permitted area of land shall be given to the Local Planning Authority.

Reason: To ensure that the development is undertaken in accordance with the approved plans and phasing and to comply with Policies CS5, QE6 and QE7 of the Warrington Local Plan Core Strategy.

3. The development hereby approved shall only be carried out in accordance with the following documents:
   (a) Planning application forms and supporting statement dated 18 June 1997 and the planning application forms and supporting documents dated 1 December 2009.
   (b) Drawing No. GPP/CIW/WML/09/06 Proposed phasing, Noise Controls, Surface Water Management, Leachate and landfill gas control systems
   (c) Drawing No. GPP/CIW/WML/09/05 Post Settlement Contours
   (d) Drawing No. GPP/CIW/WML/09/10 Typical Section through Drainage Bund
   (e) Drawing No. GPP/CIW/WML/09/04 Pre Settlement Contours.
   (f) Drawing No. GPP/CIW/WML/09/08 Soil Storage
   (g) Drawing No. GPP/CIW/WML/09/07. Proposed Restoration
   (h) Drawing No. 12.975.00.014 Leachate and Landfill Gas Control Structures.
   (i) Topographic survey September 2015
   (j) Restoration and Aftercare Scheme dated August 2015

Reason: For the avoidance of doubt & to ensure that the development is undertaken in accordance with the approved plans and documents.

4. All mineral extraction for export for brick making shall cease no later than as specified below:

   West of Moat Lane  26 March 2024
   Around Brickworks  26 March 2024
   Omrod Farm 15 years from the date when clay extraction ceases at the Moss Hall Farm and west of Moat Lane sites.

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

5. All mineral extraction, for capping or site engineering, and importation of waste materials shall cease no later than as specified below:

   West of Moat Lane  26 March 2024
North of Moss Side Lane  26 March 2016
Around Brickworks  26 March 2016
Omrod Farm  18 years and six months from the date when clay extraction ceases at the Moss Hall Farm and West of Moat Lane sites.

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

6. The restoration of each individual site and phase, as shown in particular on drawing Nos. GPP/CIW/WML/09/06  (West of Moat Lane), 12-0974.00.006B (Ormrod Farm), 12-0975.01.0 12A (North of Moss Side Lane) and including the removal of all plant, machinery, buildings and structures (other than those erected in association with leachate of gas control), shall be fully completed within 1 year of the cessation of waste importation to that particular site or phase.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality and to comply with Policies QE6 and QE7 of the Warrington Local Plan Core Strategy and the Warrington SPD: Design and Construction.

7. The most southerly of the Omrod Farm sites shall be restored to those contours shown on drawing No.4, dated July 1978 and this requirement shall not be modified by any condition(s) contained elsewhere within this permission.

Reason: In the interests of retaining the site / areas openness, character, appearance and visual amenity and in order to protect the amenities of the occupiers of neighbouring properties and to comply with Policies CS5 and QE6 of the Warrington Local Plan Core Strategy.

8. Throughout the operational life of the site(s) a copy of this permission, including all documents hereby or subsequently approved and forming part of the revised permission, shall always be available at the site office for inspection during normal working hours.

Reason: To ensure that the development is carried out in accordance with the approved documents and for the avoidance of doubt.

9. Within twelve months of the date of this permission, a maintenance scheme(s) for all drainage channels and balancing pond(s) throughout the life of each site shall be submitted to and approved by the Local Planning Authority. In the case of Omrod Farm, the scheme shall be submitted to and approved by the Local Planning Authority prior to the commencement of development at Omrod Farm. The approved scheme(s) shall be implemented thereafter.

Reason: To prevent pollution of the water environment and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and the NPPF.

10. The Restoration and Aftercare scheme hereby approved dated [] 2015
shall be implemented in full for the West of Moat Lane site, as shown on drawing GPP/CW/ML/09/07. Schemes shall be submitted to and approved by the Local Planning Authority and closely accord with drawing refs: 12-0975.01.004A (North of Moss Side Lane), 12-0975.02.002C (Brickworks) and 12-0974.00.004C (Omrod Farm). The schemes shall include provision for:
- the location of the planting to be undertaken
- the species to be planted
- the size, types and number of each species to be planted
- the method of planting and the spacing between plants
- the timescale of the planting
- replacement of losses
- proposed seed mixes to be used
- means of rabbit/stockproofing.

The schemes shall be submitted to the Local Planning Authority within:

a) Two years of the date of this permission for the Brickworks and Moss Hall Farm;
b) Prior to the commencement of clay extraction in any part of the Omrod Farm sites.

The approved scheme(s) shall be implemented thereafter.

Reason: In the interests of retaining the site / areas openness, character, appearance and visual amenity and in order to protect the amenities of the occupiers of neighbouring properties and to comply with Policies CS5 and QE6 of the Warrington Local Plan Core Strategy.

11. Within twelve months of the date of commencement of development for each respective site, as submitted in accordance with condition No.3 above, a detailed land management plan for that site shall be submitted to and approved by the Local Planning Authority. The scheme shall include provision for:

(a) where the after-use is agriculture, a scheme of aftercare of the restored land for five years after the replacement of the topsoil to bring the land to a condition where it is fit for agricultural use, Such a scheme shall address the land management steps to be taken for:
   (i) preparing the land for cultivation which shall include sub-soiling, preparation of seed beds and the application of fertilisers;
   (ii) grass seeding of the site and establishment and maintenance of a satisfactory sward;
   (iii) the provision of a field water supply;
   (iv) provision for the submission of an annual report on works undertaken in the previous year and those works to be undertaken in the following year together with an annual inspection of the site and the carrying out of any necessary remedial measures, including the replacement of any planting failures, cultivating, fertilising, seeding, watering, drainage and other treatment of the land,
(b) where the after use is tree/shrub or aquatic planting a scheme of aftercare
of the restored land for a period of five years following planting. Such aftercare shall address the land management steps to be taken for;
(i) the establishment of the planting, including weed control and fertiliser inputs;
(ii) the thinning and/or pruning of planted stock

The approved scheme shall be implemented thereafter

Reason: In the interests of retaining the site / areas openness, character, appearance and visual amenity and in order to protect the amenities of the occupiers of neighbouring properties and to comply with Policies CS5 and QE6 of the Warrington Local Plan Core Strategy.

12. Prior to the extraction of any clay or deposit of any waste within a particular site a plan shall be submitted to and approved by the Local Planning Authority, showing the division of each phase of that site into alphabetically lettered sub-phases which shall be worked in accordance with the direction of working arrows shown on drawing Nos. 12-0975.01.012B (North of Moss Side Lane) and 12-0974.00.002C (Ormrod Farm). The approved scheme shall be implemented thereafter.

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

13. Prior to the extraction of any clay in phase 2 of the site as shown on Drawing Ref: LE11868-002 an ecological survey of the site shall be undertaken during the months of March, April or May to ascertain whether any amphibians, particularly Great Crested Newts (Triturus vulgaris) are present. Such a survey shall be undertaken by an ecological consultant. A copy of the survey results shall be submitted to and approved by the Local Planning Authority. Should Great Crested Newts be present then appropriate mitigation measures, in accordance with the provisions of the Wildlife and Countryside Act 1981, shall be undertaken and, if necessary amendments made to the Ecological Management Plan to ensure such amphibians are unable to enter the site during extraction and/or infilling operations.

Reason: In order to avoid adverse impacts on Great Crested Newts to comply with the Wildlife and Countryside Act 1981 (as amended]) and the NPPF.

14. Prior to the extraction of any clay or emplacement of any waste within a site the following works shall be undertaken at that particular site:

(a) the boundary of the site shall be fenced to prevent unauthorised access. Such fencing shall be maintained throughout the period of clay extraction and infilling at that particular site.
(b) Within 28 days of the date of this permission a scheme for the installation of a wheel wash and jet wash facilities at the site access of the Moat Lane site to ensure vehicles leave the site clean shall be submitted to the Local Planning Authority. The scheme shall include details of its ongoing management and trigger points in the event the scheme does not adequately clean vehicles. The approved wheel wash and jet wash facilities shall be
installed and operating within 28 days of receiving approval in writing from the
Local Planning Authority in accordance with the approved scheme. The wheel
wash and jet wash facilities shall thereafter be retained and used by all
vehicles carrying extracted clay, waste or restoration materials for the duration
of the development (including restoration) to ensure that no mud or other
material is deposited onto the public highway by vehicles. If the approved
scheme is not implemented within 28 days of the Local Planning Authority's
approval, the use of the site shall cease until such time as implementation of
an approved scheme begins.

(c) For the Brickworks and Omrod Farm a scheme for the provision of a wheel
wash and jet wash facilities shall be submitted to, approved and implemented
in accordance with the approved scheme prior to the first clay being extracted
at these sites. The facilities shall be retained for the duration of the
development including restoration to ensure that no mud or other material is
deposited onto the public highway by vehicles.

(d) the perimeter drainage mound, as shown on drawing Nos. 12-
0975.00.007E (West of Moat Lane), 12-0975.01.002C (North of Moss Side
Lane) and 12-0974.00.002C (Ormrod Farm) shall be constructed at the site
and seeded with a grass seed mix, the specification and sowing rate of which
has been previously agreed in writing for each site with the Local Planning
Authority. No clay extraction or waste disposal shall take place within 50
metres of the inner line of the perimeter drainage mound, except for the
construction of the perimeter drainage mound, until the perimeter drainage
mound is constructed to its full height and seeded with the agreed grass seed
mix.

Reason: To avoid the public highway being affected by the deposit of mud
and/or loose materials, which could create a potential hazard to road users
and to comply with Policy QE6 of the Warrington Local Plan Core Strategy
and Warrington SPD: Environmental Protection.

15. Within twelve months of the date of this permission the screening mound
along the eastern boundary of the brickworks site shall be constructed in full,
as shown on drawing No. 12-0975.02.002C, and shall be seeded with that
grass seed mix agreed in accordance with condition No. 11 above. This
mound shall be planted with a tree and shrub mix, previously agreed in writing
with the Local Planning Authority, during the first available planting season.

Reason: To safeguard the amenities of the occupiers of adjoining properties
and to comply with Policy QE6 of the Warrington Local Plan Core Strategy
and the Warrington SPD: Environmental Protection.

16. The access to the West of Moat Lane, as shown on drawing No.12-
0975.00.007E, and North of Moss Side Lane, as shown on drawing No. 12-
0975.01.002C, sites shall be formed and maintained in such a manner that
the only access to these sites for HGV traffic shall be via Moat Lane. The only
exception to this shall be in the case of vehicles transporting clay to the
Brickworks, and returning empty vehicles, which may also use the surfaced
private access road where the egress and ingress is immediately opposite the
Brickworks.
Reason: To avoid the public highway being adversely affected by the movement of vehicles and to ensure residential amenity and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and Warrington SPD: Environmental Protection.

17. On any day the maximum combined number of HGV movements to and from the West of Moat Lane and North of Moss Side Lane sites shall not exceed 100 (50 in and 50 out) and the maximum number of HGV movements to and from Ormrod Farm along Dam Lane shall not exceed 100 (50 in and 50 out).

Reason: In order to comply with Policy QE6 of the Warrington Local Plan Core Strategy and to preserve neighbouring residential occupiers privacy and amenity

18. Daily records shall be kept of the size, type and number of vehicles carrying either extracted mineral, waste or restoration materials which enter and leave each site every working day. These records shall be available at the site office for inspection by the Local Planning Authority as requested during normal working hours. A copy of these records shall be forwarded to the Local Planning Authority every three months during the operational life of the site.

Reason: To enable the Local Planning Authority to monitor lorry movements to and from the site in the interests of highway safety and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and to preserve residential occupiers amenity.

19. Within 3 months of the date of this decision, a scheme detailing the facilities and/or methods to prevent deleterious material (including litter, dust and mud) being carried onto the public highway shall be submitted for the approval of the Local Planning Authority. The scheme shall include provision for revision (including trigger points) in the event of the scheme being ineffective, remedial measures to be put in place to clear the public highway of such material and a timetable for implementation. The approved scheme, including any subsequent approved amendments, shall be implemented throughout the lifetime of the development.

Reason: To avoid the public highway being affected by the deposit of dust, litter and or mud, which could create a potential hazard to road users and the amenities of neighbouring occupiers and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and Warrington SPD: Environmental Protection.

20. All vehicles entering and leaving each different site involved in the transport of minerals or importation of waste or restoration materials to/from that site shall be securely sheeted in such a manner that no material may at any time be spilled onto the public highway.
Reason: To avoid the public highway being affected by the deposit of materials, which could create a potential hazard to road users and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and Warrington SPD: Environmental Protection

21. Operations authorised by this permission, including Heavy Goods Vehicles entering or leaving any site, shall be restricted to the following periods:

07.30 - 18.00 Monday to Friday
07.30 - 12.30 Saturday

The maintenance of plant and machinery may in addition take place between the following hours:

18.00 - 19.00 Monday to Friday
12.30 - 18.00 Saturday

...together with such subdued lighting as is required for this purpose. The emergency pumping of surface water from the workings may be carried out at any time. No operations may take place outside these permitted hours, or on Sundays, bank or public holidays.

Reason: In the interests of amenity and to comply with Policy QE6 of the Warrington Local Plan Core Strategy, Warrington SPD: Environmental Protection and Warrington SPD: Design and Construction.

22. An annual report shall be prepared and submitted to the Local Planning Authority by 1st April each year. The report shall show the progression of working and restoration of each site and shall include on a 1:2500 map base the AOD levels and/or contours of each different site.

Reason: To enable the Local Planning Authority to monitor the developments progression and restoration in the interests of the site / areas openness, character, appearance and visual amenity and to comply with Policies CS5, QE6 and QE7 of the Warrington Local Plan Core Strategy.

23. The extraction of clay shall be confined to those areas shown on drawing Nos. GPP/CIW/WML/09/06 (West of Moat Lane), 12-0975.01.002C (North of Moss Side Lane), 12-0975.02.002C (Brickworks) and 12-0974.00.002C (Omrod Farm)

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

24. No clay extraction shall take place in a later numbered phase, as shown on drawing No. GPP/CIE/WML/09/06 (West of Moat Lane), 12-0975.01.003A (North of Moss Side Lane) and 12-0974.00.002C (Omrod Farm) until all of the clay in the prior numbered phase within the same land area has been fully extracted.
Reason: For the avoidance of doubt and to define the permission.

25. The depth of clay extraction within a site shall not be below an average of 14.50m AOD.

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

26. The emplacement of waste shall take place in the manner and phasing shown on drawing Nos. GPP/CIW/WML/09/06 (West of Moat Lane), 12-0975.01.002C (North of Moss Side Lane) and 12-0974.00.002C (Omrod Farm), commencing in phase 1(a) except at West of Moat Lane where emplacement shall commence in Phase 1.

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

27. Operations for the emplacement of waste on each site shall be arranged so that works are taking place in no more than 3 sub-phases at any one time. This shall involve one sub-phase being restored, one being tipped and one being prepared, except at West of Moat Lane where emplacement of waste shall take place only in one phase at any one time.

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

28. In accordance with those plans submitted under Conditions 10 - 15 above there shall be no tipping in each different site of:

Sub phase 1(d) until sub phase 1(a) is capped and sub-soiled
Sub phase 1(e) until sub phase 1(b) is capped and sub-soiled
Sub phase 1(f) until sub phase 1(c) is capped and sub-soiled
And so on.

Except at West of Moat Lane where tipping shall take place in accordance with the phasing shown on Drawing No. GPP/CIW/WML/09/06.

Reason: In order to comply with Policy QE6 of the Warrington Local Plan Core Strategy and to preserve neighbouring residential occupiers privacy and amenity.

29. No waste materials emplaced at any site shall be removed or exported from that site and there shall be no sorting or crushing of waste materials on any area save for the mixing of soils and soil forming materials to be used in the soil layer above the capped landform.

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

30. There shall be no storage of skips on each site as part of the permitted development, unless hereby approved by this permission or permitted by any other application.
31. No shrub or tree shall be felled or cleared during the period 1 March and 31 July inclusive.

Reason: In order to avoid adverse impacts on nesting birds and to comply with the Wildlife and Countryside Act 1981 (as amended) and the NPPF.

32. Within 3 months of the date of this decision, a scheme and programme of measures for the suppression of dust arising from clay extraction and site restoration works including landfilling shall be submitted to the Mineral Planning Authority for approval. The scheme shall include:

a) Measures to suppress dust caused by the extraction, movement and storage of materials and the deposit of waste within the site;

b) Dust suppression measures relating to the movement of vehicles to and from the site whilst travelling on public highways;

c) Provision for monitoring and review of the scheme.

Thereafter, the approved scheme shall be implemented in full and the measures complied with at all times throughout the lifetime of the development

Reason: To prevent loss of residential amenity due to dust arising from site operations in accordance with Policy QE6 of the Warrington Local Plan Core Strategy and the Warrington SPD: Environmental Protection.

33. The permitted development shall only be carried out in accordance with a scheme(s) which shall include provision for full details of a noise monitoring scheme covering the developers programme for monitoring noise at the noise sensitive properties listed in condition No.42 below, both during normal operations and construction operations. The scheme shall make provision for the construction of a permanent noise monitoring point (concrete slab or pillar) to be situated at the boundary of each different site opposite such properties. Noise limits at these locations shall be agreed with the Local Planning Authority such that the levels specified in condition No.41 would not be exceeded. The scheme shall be submitted to, and agreed in writing with, the Local Planning Authority no later than two months before the commencement of development at each different site and shall provide for noise monitoring, and the submission of results to the Local Planning Authority, every three months.

Reason: To prevent loss of residential amenity due to noise arising from site operations in accordance with Policy QE6 of the Warrington Local Plan Core Strategy and the Warrington SPD: Environmental Protection.

34. Noise levels during normal operations for clay extraction and waste disposal shall not exceed 54lneaq (1 hour) when measured at the boundary of each noise sensitive property:
<table>
<thead>
<tr>
<th>West of Moat Lane:</th>
<th>Woodend Farmhouse</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moss Side Farm</td>
<td></td>
</tr>
<tr>
<td>Oaktree Cottage</td>
<td></td>
</tr>
<tr>
<td>North of Moss Side Lane:</td>
<td>Moss Hall Farm</td>
</tr>
<tr>
<td></td>
<td>50-70 Moss Side Lane</td>
</tr>
<tr>
<td></td>
<td>Ash Tree Farm</td>
</tr>
<tr>
<td>Brickworks:</td>
<td>Caravan Park</td>
</tr>
<tr>
<td>Ormrod Farm:</td>
<td>Milverton Farm</td>
</tr>
<tr>
<td>Railway Cottages</td>
<td></td>
</tr>
</tbody>
</table>

Reason: To prevent loss of residential amenity due to noise arising from site operations in accordance with Policy QE6 of the Warrington Local Plan Core Strategy and the Warrington SPD: Environmental Protection.

35. The control structures regulating discharge from the balancing pond(s) as shown on drawing no. 12-097S.00.014 shall be provided for each site in advance of the waste emplacement occurring within that site.

Reason: To prevent pollution of the water environment and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and the NPPF.

36. The perimeter drainage system, including the respective pond(s) and control structures specified in Drawing Nos. GPP/CIW/WMK/09/06 (West of Moat Lane), 12-0975.01.002C (North of Moss Side Lane) and 12-0974.00.002C (Ormrod Farm) shall be constructed in advance of the waste emplacement commencing within that site.

Reason: To prevent pollution of the water environment and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and the NPPF.

37. The surface water from each site shall be discharged to the respective balancing pond(s) for that site as shown on Drawing Nos. GPP/CIW/WML/09/06 (West of Moat Lane) 12-0975.01.006C (North of Moss Side Lane) and 12-0974.00.002C (Ormrod Farm) prior to discharge into any watercourse.

Reason: To prevent pollution of the water environment and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and the NPPF.

38. All oil, petrol, diesel oil and lubricants stored on site shall be stored on an impervious base surrounded by an impermeable bund wall. The bunded area shall be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges shall be enclosed within its curtilage.

Reason: To prevent pollution of the water environment and to comply with
39. There shall be no open fires within the boundary of any site.

Reason: To prevent loss of residential amenity due to smoke and air quality arising from fires in accordance with Policy QE6 of the Warrington Local Plan Core Strategy and the Warrington SPD: Environmental Protection.

40. Within 3 months of the date of this decision the operator shall submit a scheme of mitigation measures to reduce odour nuisance from permitted extraction or waste emplacement from each site. The scheme shall include a provision for revision (including trigger points) and a timetable for implementation. The scheme shall be submitted to and approved by the Local Planning Authority and the development shall operate in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of adjoining properties from adverse odours and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and the Warrington SPD: Environmental Protection.

41. Any item of archaeological interest which is discovered during the course of soil stripping or excavation shall be reported to the Local Planning Authority within 24 hours of discovery and a scheme agreed within 5 working days to allow appropriate personnel acting on behalf of the Local Planning Authority, to inspect the find and, if necessary, remove it.

Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with Policy QE8 of the Warrington Local Plan Core Strategy and the NPPF.

42. Notwithstanding the provisions of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), planning permission shall be required under Part III of the Town and Country Planning Act 1990 (as amended) for the erection or re-siting of any building, fixed plant, machinery, structure or erection by the nature of fixed plant or machinery.

Reason: In the interests of retaining the site / areas openness, character, appearance and visual amenity and in order to protect the amenities of the occupiers of neighbouring properties and to comply with Policies CS5 and QE6 of the Warrington Local Plan Core Strategy.

43. All plant, buildings and machinery on each site, with the exception only of mobile plant, shall be coloured Holly Green, 14C39 as specified in BS 4800 and thereafter be maintained in that colour.

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

44. All soils and soil making materials shall only be stripped, handled, stored and replaced as appropriate to the phasing of each different land area as
shown on drawing Nos. GPP/CIW/WML/09/06 (West of Moat Lane), 12-0975.01.012B (North of Moss Side Lane), 12-0975.02.002C (Brickworks) and 12-0974.00.012A (Omrod Farm).

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality and to comply with Policy QE7 of the Warrington Local Plan Core Strategy and the Warrington SPD: Design and Construction.

45. All existing topsoil and subsoil on each different site shall be retained on site and used in restoration, No topsoil or subsoil shall be removed from any site.

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

46. No plant and vehicles shall cross any area of un-stripped topsoil or subsoil except for the purposes of soil stripping and all topsoil and subsoil shall be stripped from any areas to be excavated, used for the stationing of plant and buildings, subsoil, or overburden mounds and haul, roads prior to being traversed by heavy machinery. All topsoil shall be stripped from any area to be used for subsoil storage.

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

47. No movement of topsoil or subsoil shall occur except during the months of April to September inclusive or when soils are sufficiently dry to allow suitable separation of soil types and avoid smearing unless otherwise previously agreed in writing with the Local Planning Authority.

Reason: In order to comply with Policy QE6 of the Warrington Local Plan Core Strategy to preserve neighbouring residential occupiers privacy and amenity and for the avoidance of doubt and to define the permission.

48. All topsoil, subsoil and imported soils shall be stored in separate mounds of heights not exceeding 2 metres (topsoil) and 5 metres (subsoil) which shall be located in those positions shown on Drawing Nos. GPP/CIW/WML/09/08 (West of Moat Lane), 12-0975.01.012B (North of Moss Side Lane) and 12-0974.00.012A (Omrod Farm), or as otherwise previously agreed in writing with the Local Planning Authority, in order to avoid any loss or contamination of materials.

Reason: In order to comply with Policy QE6 of the Warrington Local Plan Core Strategy to preserve neighbouring residential occupiers privacy and amenity and for the avoidance of doubt and to define the permission.

49. Topsoil mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality and to comply with Policy QE7 of the
Warrington Local Plan Core Strategy and the Warrington SPD: Design and Construction.

50. All storage mounds that will remain in situ for more than three months shall be seeded with grass seed mix agreed in accordance with condition No.10 above and shall be maintained and kept free from excessive weed growth to prevent the build-up of a seedbank of agricultural weeds or their dispersal onto adjoining land.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality and to comply with Policy QE7 of the Warrington Local Plan Core Strategy and the Warrington SPD: Design and Construction.

51. The storage of clay on each different site shall not exceed 5 metres in height and shall only take place in locations previously agreed in writing with the Local Planning Authority.

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

52. Before any subsoils or topsoils or soil making materials are replaced or placed on any subphase the Local Planning Authority shall be invited to inspect the levels of the subphase in order to check their compliance with this permission.

Reason: To ensure that the development is carried out in accordance with the approved documents and for the avoidance of doubt.

53. In all areas of each different site, except for the woodland planting areas, the clay cap shall be overlain by a minimum of 750mm of subsoil and 250mm of topsoil. For areas of woodland planting across each different land area the clay cap shall be overlain by a minimum of 1500mm of soil or soil making material.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality and to comply with Policy QE7 of the Warrington Local Plan Core Strategy and the Warrington SPD: Design and Construction.

54. Following the replacement of subsoil and prior to the placement of topsoil the subsoil shall be ripped to provide loosening equivalent to a single pass at tine spacing 0.5m or closer and to the full depth of the subsoil and any rocks or debris greater than 200mm in any dimension removed.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and the Warrington SPD: Environmental Protection.

55. Following the replacement of topsoil it shall be rendered suitable for agricultural cultivation and ripped or loosened equivalent to a single tine
spacing of 0.5m or closer to the full depth of the topsoil and any rocks or debris greater than 100mm in any dimension removed.

Reason: In the interests of retaining the site / areas openness, character, appearance and visual amenity and in order to protect the amenities of the occupiers of neighbouring properties and to comply with Policies CS5, QE6 and QE7 of the Warrington Local Plan Core Strategy.

56. All soil replacement operations shall only be carried out when the full volume of soil is in a dry and friable condition.

Reason: In the interests of retaining the site / areas openness, character, appearance and visual amenity and in order to protect the amenities of the occupiers of neighbouring properties and to comply with Policies CS5, QE6 and QE7 of the Warrington Local Plan Core Strategy.

57. Seeding of the replaced soil on each sub phase shall take place in the first available planting season following the replacement of the soils.

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

58. The tree and shrub planting shown on Drawing Nos. GPP/CIW/WML/09/07 (West of Moat Lane), 12-0975.01.004A (North of Moss Side Lane), 12-0975.02.002C (Brickworks) and 12-0974.00.012A (Omrod Farm) shall take place in the first available planting season following the replacement of the soils in each sub phase except at West of Moat Lane where tree and shrub planting shall take place in the first available planting season following the replacement of the soils in each phase. Any trees or shrubs that die, uprooted, are removed, become damaged, diseased or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective within 10 years of the date of planting, another tree or shrub of the same species, size and maturity as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a satisfactory form of development / restoration and to enhance the visual amenities of the locality and to comply with Policy QE7 of the Warrington Local Plan Core Strategy and the Warrington SPD: Design and Construction.

59. Upon completion of the restoration of each site the access road to that area, and if appropriate to the Brickworks, shall be removed together with the wheel cleaning facilities.

Reason: For the avoidance of doubt & to secure the eventual satisfactory restoration of the site.

60. All plant, machinery, structures and buildings erected in association with leachate or gas control shall be removed when no longer required by any environmental permit.
Reason: For the avoidance of doubt & to secure the eventual satisfactory restoration of the site.

Informatives

1. This planning permission is granted in strict accordance with the approved plans. It should be noted however that:

   (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
   (b) You or your agent or any other person responsible for implementing this permission should inform Development Control immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

2. This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

   If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

   (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
   (b) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application. If any other type of condition is breached then you will be liable to a breach of condition notice.

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

4. 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.

5. 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.
Appendix B - Planning Conditions attached to 2009/15597

1) The development in respect of the West of Moat Lane, North of Moss Side Lane and Brickworks sites shall commence within five years of the date of this permission.

2) No extraction shall take place at the Omrod Farm site before clay extraction has ceased at the Moss Hall Farm and West of Moat Lane sites.

3) At least seven days prior written notice of the commencement of development for each different permitted area of land shall be given to the Mineral Planning Authority.

4) The development hereby approved shall only be carried out in accordance with the following documents, attached to this Notice of Permission, except where these may be modified by the conditions below:
   (b) Drawing No. GPP/CIW/WML/09/06 Proposed phasing, Noise Controls, Surface Water Management, Leachate and landfill gas control systems.
   (c) Drawing No. GPP/CIW/WML/09/05 Post Settlement Contours.
   (d) Drawing No. GPP/CIW/WML/09/10 Typical Section through Drainage Bund.
   (e) Drawing No. GPP/CIW/WML/09/04 Pre Settlement Contours.
   (f) Drawing No. GPP/CIW/WML/09/08 Soil Storage.
   (g) Drawing No. GPP/CIW/WML/09/07. Proposed Restoration.
   (h) Drawing No. 12.975.00.014 Leachate and Landfill Gas Control Structures.

5) All mineral extraction for export for brick making shall cease no later than as specified below:
   - West of Moat Lane: 26 March 2015
   - Around Brickworks: 26 March 2015
   - Omrod Farm: 15 years from the date when clay extraction ceases at the Moss Hall Farm and West of Moat Lane sites.

6) All mineral extraction, for capping or site engineering, and importation of waste materials shall cease no later than as specified below:
   - West of Moat Lane: 26 March 2022
   - North of Moss Side Lane: 26 March 2016
   - Around Brickworks: 26 March 2016
   - Omrod Farm: 18 years and six months from the date when clay extraction ceases at the Moss Hall Farm and West of Moat Lane sites.

7) The restoration of each individual site and phase, as shown in particular on drawing Nos. GPP/CIW/WML/09/06 (West of Moat Lane), 12-0974.00.006B (Ormodo Farm), 12-0975.01.0 12A (North of Moss Side Lane and including the removal of all plant, machinery, buildings and structures.}
(other than those erected in association with leachate of gas control), shall be fully completed within 1 year of the cessation of waste importation to that particular site or phase.

8) The most southerly of the Omrod Farm sites shall be restored to those contours shown on drawing No.4, dated July 1978 and this requirement shall not be modified by any condition(s) contained elsewhere within this permission.

9) Throughout the operational life of the site(s) a copy of this permission, including all documents hereby or subsequently approved and forming part of the revised permission, shall always be available at the site office for inspection during normal working hours.

10) Within twelve months of the date of this permission details of a grass seed mix, including sowing rate, to be used on perimeter site drainage mounds and soil storage mounds shall be submitted to, and agreed in writing with, the Mineral Planning Authority.

11) Within twelve months of the date of this permission, except in the case of Omrod Farm where is shall be submitted and agreed prior to the commencement of development, a maintenance scheme(s) for all drainage channels and balancing pond(s) throughout the life of each site shall be submitted to the Mineral Planning Authority and agreement obtained in writing.

12) Within 12 months of the date of this permission a detailed landscaping scheme shall be submitted for the West of Moat Lane site, as shown on drawing GPP/CIW/WML/09/07, to the Mineral Planning Authority and agreement obtained in writing. For all other sites except Omrod Farm, such a scheme shall be submitted to and agreed by the Mineral Planning Authority within two years of the date of this permission. For the Omrod Farm sites such a scheme shall be submitted and agreed prior to the commencement of clay extraction at Omrod Farm. Such a scheme(s) shall closely accord with drawing Nos. GPP/CIW/WML/09/07 (West of Moat Lane), 12-0975.01.004A (North of Moss Side Lane), 12-0975.02.002C (Brickworks) and 12-0974.00.004C (Omrod Farm), and shall include provision for:
- the location of the planting to be undertaken
- the species to be planted
- the size, types and number of each species to be planted
- the method of planting and the spacing between plants
- the timescale of the planting
- replacement of losses
- proposed seed mixes to be used
- means of rabbit/stockproofing.

13) Within twelve months of the date of commencement of development for each respective site, as submitted in accordance with condition No.3 above, a detailed land management plan for that site shall be submitted to the
Mineral Planning Authority and agreement obtained in writing, Such a scheme shall include provision for -
(a) where the after-use is agriculture, a scheme of aftercare of the restored land for five years after the replacement of the topsoil to bring the land to a condition where it is fit for agricultural use, Such a scheme shall address the land management steps to be taken for:
(i) preparing the land for cultivation which shall include sub-soiling, preparation of seed beds and the application of fertilisers;
(ii) grass seeding of the site and establishment and maintenance of a satisfactory sward;
(iii) the provision of a field water supply;
(iv) provision for the submission of an annual report on works undertaken in the previous year and those works to be undertaken in the following year together with an annual inspection of the site and the carrying out of any necessary remedial measures, including the replacement of any planting failures, cultivating, fertilising, seeding, watering, drainage and other treatment of the land,
(b) where the after use is tree/shrub or aquatic planting a scheme of aftercare of the restored land for a period of five years following planting, Such aftercare shall address the land management steps to be taken for;
(i) the establishment of the planting, including weed control and fertiliser inputs;
(ii) the thinning and/or pruning of planted stock

14) Prior to the importation of any waste material to the North of Moss Side Lane site details shall be submitted, and agreed, with the Mineral Planning Authority to demonstrate how the impermeable barrier will be constructed around the site perimeter while having minimal impact upon the amenity of local residents.

15) Prior to the extraction of any clay or deposit of any waste within a particular site a plan shall be submitted to the Mineral Planning Authority, and agreement obtained in writing, showing the division of each phase of that site into alphabetically lettered sub-phases which shall be worked in accordance with the direction of working arrows shown on drawing Nos. 12-0975.01.012B (North of Moss Side Lane) and 12-0974.00.002C (Ormrod Farm).

16) Following the agreement of the Mineral Planning Authority those schemes referred to in condition 11 to 16 above shall be implemented in full throughout the life of this planning permission.

17) Prior to the extraction of any clay or emplacement of any waste material from or within the West of Moat Lane site an ecological survey of the site shall be undertaken during the months of March, April or May to ascertain whether any amphibians, particularly Great Crested Newts (Triturus vulgaris) are present. Such a survey shall be undertaken by an ecological consultant approved by the Mineral Planning Authority who shall be forwarded a copy of the survey results. Should Great Crested Newts be present then appropriate mitigation measures, in accordance with the
provisions of the Wildlife and Countryside Act 1981, shall be undertaken and, if necessary, further measures taken to ensure such amphibians are unable to enter the site during extraction and/or infilling operations.

18) Prior to the extraction of any clay or emplacement of any waste within a site the following works shall be undertaken at that particular site:
(a) the boundary of the site shall be fenced to prevent unauthorised access. Such fencing shall be maintained throughout the period of clay extraction and infilling at that particular site.

(b) a water bowser shall be kept and maintained in full working order at that site and shall be used whenever necessary for the suppression of dust.

(c) wheel cleaning facilities, the design and location of which shall previously be agreed in writing with the Mineral Planning Authority; shall be provided at the site and maintained in accordance with manufacturers specifications throughout the period of clay extraction and/or waste disposal.

(d) the perimeter drainage mound, as shown on drawing Nos. 12-0975.00.007E (West of Moat Lane), 12-0975.01.002C (North of Moss Side Lane) and 12-0974.00.002C (Ormrod Farm) shall be constructed at the site and seeded with a grass seed mix, the specification and sowing rate of which has been previously agreed in writing for each site with the Mineral Planning Authority. No clay extraction or waste disposal shall take place within 50 metres of the inner line of the perimeter drainage mound, except for the construction of the perimeter drainage mound, until the perimeter drainage mound is constructed to its full height and seeded with the agreed grass seed mix.

19) Within twelve months of the date of this permission the screening mound along the eastern boundary of the brickworks site shall be constructed in full, as shown on drawing No. 12-0975.02.002C, and shall be seeded with that grass seed mix agreed in accordance with condition No. 11 above. This mound shall be planted with a tree and shrub mix, previously agreed in writing with the Mineral Planning Authority, during the first available planting season.

20) The access to the West of Moat Lane, as shown on drawing No.12-0975.00.007E, and North of Moss Side Lane, as shown on drawing No. 12-0975.01.002C, sites shall be formed and maintained in such a manner that the only access to these sites for HGV traffic shall be via Moat Lane. The only exception to this shall be in the case of vehicles transporting clay to the Brickworks, and returning empty vehicles, which may also use the surfaced private access road where the egress and ingress is immediately opposite the Brickworks.

21) On any day the maximum combined number of HGV movements to and from the West of Moat Lane and North of Moss Side Lane sites shall not exceed 100 (50 in and 50 out) and the maximum number of HGV movements to and from Ormrod Farm along Dam Lane shall not exceed
22) Daily records shall be kept of the number of heavy goods vehicles which enter and leave each site every working day. These records shall be available at the site office for inspection by the Mineral Planning Authority during normal working hours. A copy of these records shall be forwarded to the Mineral Planning Authority every three months during the operational life of the site.

23) The wheel cleaning facilities installed in accordance with condition No.19(c) above shall be used by all heavy goods vehicles leaving each site to ensure that no mud or other material is deposited onto the public highway by these vehicles.

24) Any deposit of material on nearby public highways which has resulted from operations at these sites shall be removed as necessary to the satisfaction of the Mineral Planning Authority.

25) All loads on vehicles leaving each different site and involved in the transport of minerals from that site shall be securely sheeted in such a manner that no material may at any time be spilled onto the public highway.

26) Operations authorised by this permission, including Heavy Goods Vehicles entering or leaving any site, shall be restricted to the following periods:
- 07.30 - 18.00 Monday to Friday
- 07.30 - 12.30 Saturday
The maintenance of plant and machinery may in addition take place between the following hours:
- 18.00 - 19.00 Monday to Friday
- 12.30 - 18.00 Saturday

together with such subdued lighting as is required for this purpose. The emergency pumping of surface water from the workings may be carried out at any time.
No operations may take place outside these permitted hours, or on Sundays, bank or public holidays without the prior written agreement of the Mineral Planning Authority.

27) An annual report shall be prepared and submitted to the Mineral Planning Authority before April each year. The report shall show the progression of working and restoration of each site and shall include on a 1:2500 map base the A0D levels and/or contours of each different site.

28) The extraction of clay shall be confined to those areas shown on drawing Nos. GPP/CIW/WML/09/06 (West of Moat Lane), 12-0975.01.002C (North of Moss Side Lane), 12-0975.02.002C (Brickworks) and 12-0974.00.002C (Omrod Farm).

29) No clay extraction shall take place in a later numbered phase, as shown on drawing No. GPP/CIE/WML/09/06 (West of Moat Lane), 12-0975.01.003A (North of Moss Side Lane) and 12-0974.00.002C (Omrod Farm) until all of
the clay in the prior numbered phase within the same land area has been fully extracted unless otherwise previously agreed in writing with the Mineral Planning Authority

30) The depth of clay extraction within a site shall not be below an average of 14.50m AOD

31) The emplacement of waste shall take place in the manner and phasing shown on drawing Nos. GPP/CIW/WML/09/06 (West of Moat Lane), 12-0975.01.002C (North of Moss Side Lane) and 12-0974.00.002C (Omrod Farm), commencing in phase 1(a) except at West of Moat Lane where emplacement shall commence in Phase 1.

32) Operations for the emplacement of waste on each site shall be arranged so that works are taking place in no more than 3 sub-phases at any one time. This shall involve one sub-phase being restored, one being tipped and one being prepared unless otherwise previously agreed in writing with the Mineral Planning Authority, except at West of Moat Lane where emplacement of waste shall take place only in one phase at any one time.

33) In accordance with those plans submitted under Condition 16 above there shall be no tipping in each different site of:
   - Sub phase 1(d) until sub phase 1(a) is capped and sub-soiled
   - Sub phase 1(e) until sub phase 1(b) is capped and sub-soiled
   - Sub phase 1(f) until sub phase 1(c) is capped and sub-soiled
   And so on.
   Except at West of Moat Lane where tipping shall take place in accordance with the phasing shown on Drawing No. GPP/CIW/WML/09/06.

34) No waste materials emplaced at any site shall be removed or exported from that site except as may previously be agreed in writing with the Mineral Planning Authority and there shall be no sorting or crushing of waste on any area.

35) There shall be no storage of skips on each site as part of the permitted development unless otherwise previously agreed in writing with the Mineral Planning Authority.

36) No shrub or tree shall be felled or cleared during the period 1 March and 31 July inclusive.

37) The best practicable means shall be used to suppress the occurrence of dust on each different land area.

38) The water bowser or other similar facility provided in accordance with condition No.l9(b) above shall be kept in full working order and monitored at all times. The bowser shall be used to water and dampen each different land area and access roads at such intervals as may be necessary to prevent the raising of dust.
39) The surfaced access roads to each site shall be cleaned by mechanical sweeper at such times as necessary to control dust.

40) The permitted development shall only be carried out in accordance with a scheme(s) which shall include provision for full details of a noise monitoring scheme covering the developers programme for monitoring noise at the noise sensitive properties listed in condition No.42 below, both during normal operations and construction operations. The scheme shall make provision for the construction of a permanent noise monitoring point (concrete slab or pillar) to be situated at the boundary of each different site opposite such properties. Noise limits at these locations shall be agreed with the Mineral Planning Authority such that the levels specified in condition No.41 would not be exceeded. The scheme shall be submitted to, and agreed in writing with, the Mineral Planning Authority no later than two months before the commencement of development at each different site and shall provide for noise monitoring, and the submission of results to the Mineral Planning Authority, every three months

41) Noise levels during normal operations for clay extraction and waste disposal shall not exceed 54laeq (1 hour) when measured 1 metre from the facade of the following noise sensitive properties:
   West of Moat Lane: Woodend Farmhouse
   Moss Side Farm
   Oaktree Cottage

   North of Moss Side Lane: Moss Hall Farm
   50-70 Moss Side Lane
   Ash Tree Farm

   Brickworks: Caravan Park

   Ormrod Farm: Milverton Farm
   Ormrod Farm
   Railway Cottages

42) The control structures regulating discharge from the balancing pond(s) as shown on drawing no. 12-097S.00.014 shall be provided for each site in advance of the waste emplacement occurring within that site.

43) The perimeter drainage system, including the respective pond(s) and control structures specified in Drawing Nos. GPP/CIW/WMK/09/06 (West of Moat Lane), 12-0975.01.002C (North of Moss Side Lane) and 12-0974.00.002C (Ormrod Farm) shall be constructed in advance of the waste emplacement occurring within that site.

44) The surface water from each site shall be discharged to the respective balancing pond(s) for that site as shown on Drawing Nos. GPP/CIW/WML/09/06 (West of Moat Lane) 12-0975.01.006C (North of Moss Side Lane) and 12-0974.00.002C (Ormrod Farm) prior to discharge into any watercourse.
45) All oil, petrol, diesel oil and lubricants stored on site shall be stored on an impervious base surrounded by an impermeable bund wall. The bunded area shall be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges shall be enclosed within its curtilage.

46) There shall be no open fires within the boundary of any site.

47) Measures shall be undertaken to ensure that the emission of odours due to permitted extraction or waste emplacement from each site is minimised at all times, If at any times odours from each area give raise to complaints from local residents measures to reduce the problem shall be agreed in writing with the Mineral Planning Authority and subsequently implemented.

48) Measures shall be undertaken at all times to ensure that the spread of windblown litter or waste is prevented and, in the event of litter or waste escaping from the operational cell, it shall be collected and returned to the cell at the earliest convenience.

49) Any item of archaeological interest which is discovered during the course of soil stripping or excavation shall be reported to the Mineral Planning Authority and a reasonable opportunity shall be afforded to appropriate personnel acting on behalf of the Mineral Planning Authority, to inspect the find and, if necessary, remove it.

50) Notwithstanding the provisions of Schedule 2 of the Town and Country Planning General Development Order 1995 (or any Order revoking or re-enacting that Order), planning permission shall be required under Part III of the Town and Country Planning Act 1990 for the erection or re-siting of any building, fixed plant, machinery, structure or erection of the nature of fixed plant or machinery

51) All plant, buildings and machinery on each site, with the exception only of mobile plant, shall be coloured Holly Green, 12B29 as specified in BS 4800 and thereafter be maintained in that colour

52) All soils and soil making materials shall only be stripped, handled, stored and replaced as appropriate to the phasing of each different land area as shown on drawing Nos. GPP/CW/WML/09/06 (West of Moat Lane), 12-0975.01.012B (North of Moss Side Lane), 12-0975.02.002C (Brickworks) and 12-0974.00.012A (Omrod Farm).

53) All existing topsoil and subsoil on each different site shall be retained on site and used in restoration, No topsoil or subsoil shall be removed from any site

54) No plant and vehicles shall cross any area of un-striped topsoil or subsoil except for the purposes of soil stripping and all topsoil and subsoil shall be stripped from any areas to be excavated, used for the stationing of plant
and buildings, subsoil, or overburden mounds and haul, roads prior to being traversed by heavy machinery. All topsoil shall be stripped from any area to be used for topsoil or subsoil storage.

55) No movement of topsoil or subsoil shall occur except during the months of April to September or when soils are sufficiently dry to allow suitable separation of soil types and avoid smearing unless otherwise previously agreed in writing with the Mineral Planning Authority.

56) At least 2 working days’ notice in writing shall be given to the Mineral Planning Authority prior to the commencement of topsoil or subsoil stripping on any part of each different land area.

57) All topsoil, subsoil and imported soils shall be stored in separate mounds which shall be located in those positions shown on Drawing Nos. GPP/CJW/WML/09/08 (West of Moat Lane), 12-0975.01.012B (North of Moss Side Lane) and 12-0974.00.012A (Omrod Farm), or as otherwise previously agreed in writing with the Mineral Planning Authority, in order to avoid any loss or contamination of materials.

58) Topsoil mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability.

59) No topsoil storage mound shall exceed 2 metres in height.

60) No subsoil storage mound shall exceed 5 metres in height.

61) All storage mounds that will remain in situ for more than three months shall be seeded with that grass seed mix agreed in accordance with condition No.11 above.

62) All soil storage mounds shall be maintained and kept free from excessive weed growth to prevent the build-up of a seedbank of agricultural weeds or their dispersal onto adjoining land.

63) The storage of clay on each different site shall not exceed 5 metres in height and shall only take place in locations previously agreed in writing with the Mineral Planning Authority.

64) Before any subsoils or topsoils or soil making materials are replaced or placed on any subphase the Mineral Planning Authority shall be invited to inspect the levels of the subphase in order to check their compliance with this permission.

65) In all areas of each different site, other than the woodland planting areas, the clay cap shall be overlain by a minimum of 750mm of subsoil and 250mm of topsoil.

66) In all areas of each different land area where woodland planting is proposed the clay cap shall be overlain by a minimum of 1500mm of soil or soil.
All soil making material shall satisfy the following criteria:

- **Bulk density**: <1.5 g/cm$^3$ to at least 50 cm depth
- **<1.7 g/cm$^3$ to 1 m depth**
- **Stoniness**: <40% by volume. Few stones greater than 100 mm in size
- **pH**: 4.0 - 8.0
- **Electrical conductivity**: <0.2 S m$^{-1}$ (1:1 soil: water suspension)
- **Iron pyrite content**: <0.05%
- **Heavy metal content**: Not excessively over ICRCL'(1987) threshold concentrations
- **Organic contaminants**: Not exceeding ICRCL (1987) action trigger concentrations

Following the replacement of subsoil and prior to the placement of topsoil, the subsoil shall be ripped to provide loosening equivalent to a single pass at tine spacing 0.5 m or closer and to the full depth of the subsoil and any rocks or debris greater than 200 mm in any dimension removed.

Following the replacement of topsoil it shall be rendered suitable for agricultural cultivation and ripped or loosened equivalent to a single tine spacing of 0.5 m or closer to the full depth of the topsoil and any rocks or debris greater than 100 mm in any dimension removed.

All soil replacement operations shall only be carried out when the full volume of soil is in a dry and friable condition.

Seeding of the replaced soil on each sub-phase shall take place in the first available planting season following the replacement of the soils.

The tree and shrub planting shown on Drawing Nos. GPP/CIW/WML/09/07 (West of Moat Lane), 12-0975.01.004A (North of Moss Side Lane), 12-0975.02.002C (Brickworks) and 12-0974.00.012A (Omrod Farm) shall take place in the first available planting season following the replacement of the soils in each sub-phase except at West of Moat Lane where tree and shrub planting shall take place in the first available planting season following the replacement of the soils in each phase. Any trees or shrubs that die, are removed or become damaged or diseased within 10 years of planting shall be replaced in the first available planting season with plants of a similar species and size.

Upon completion of the restoration of each site the access road to that area, and if appropriate to the Brickworks, shall be removed together with the wheel cleaning facilities.

All plant, machinery, structures and buildings erected in association with leachate or gas control shall be removed when no longer required by any waste management licence or equivalent thereof.
Appendix C – Contextual Plan of the Site
Appendix D – Photographs of the Site and Surroundings

Photograph 1: Site entrance and wheel wash

Photograph 2: View along Moat Lane towards site entrance and junction with Moss Side Lane
Photograph 3: View along Moat Lane to south

Photograph 4: View of extracted phase 1 of the site
Photograph 5: Brickworks

Photograph 6: Moss Side Lane in front of brickworks
ITEM 2

Application Number: 2015/25816

Location: Moss Side Farm, Moss Side Lane, Rixton-with-Glazebrook, Warrington, WA3 6EF

Ward: Rixton and Woolston

Development
Variation of Conditions - Application for Variation of conditions 3, 5, 7, 8, 49, 50, 51, 53, 54, 58, 65, 68 and 69 of planning permission 2008/13199 in order to agree a modification to the approved landform, extension of the timescale for landfilling and restoration operations, increase in the amount of waste landfilled, revised drainage infrastructure and the provision of additional surface water management capacity, retention of site tracks and alterations to landscaping and phasing.

Date Registered: 09-Jun-2015

Applicant: Mr Dave Wishart

8/13/16 Week Expiry Date: 07-Sep-2015

1. Reason for Referral and Context

1.1. This application has been brought before Members, so that due consideration can be given to this major development proposal. The application is also referred to committee due to objections being received from local residents and Rixton with Glazebrook Parish Council.

1.2. The applicant has lodged this application following discussions with the Council as a consequence of complaints made to the Council’s Planning Enforcement team alleging over tipping on the site. The site in question is labelled ‘E’ on the contextual plan in Appendix C.

1.3. The applicant accepts they have over tipped in parts of the site, however as part of their proposal seeking to retrospectively address the matter, they are proposing to reduce the amount of fill (as approved) in other sections of the site to ensure the totality of material
deposited material is unchanged. A revised landform is proposed to reduce previously consented levels in un-tipped areas of the site.

2. Executive Summary

2.1 Consent is sought to vary condition no.’s 3, 5, 7, 8, 49, 50, 51, 53, 54, 58, 65, 68 and 69 on planning application ref: 2008/15597. In summary the main modifications proposed are:

- Retrospective alteration to the approved landform with increase in post settlement landform height from 37 metres AOD to 39 metres AOD, with increased pre settlement levels from 42 metres AOD to 45 metres AOD;
- Reduction to landform of un-tipped parts of the site;
- No change to total amount of waste materials filled;
- Extension to the timescale for landfilling from 2017 to 2022 and restoration from 2018 to 2024;
- Revised drainage infrastructure – provision of perimeter drainage ditch;
- Provision of additional surface water management capacity;
- Alterations to restoration and aftercare scheme previously approved;
- Substitution of drawings

2.2 The application is submitted to retrospectively address over tipping on the northern and western flanks. This action is concerning to Officers, but concessions are proposed reducing the landform in un-tipped parts of the site to maintain the status quo of material deposited.

2.3 The Environment Agency (EA) advise re-distributing material is not their preferred choice. Re-distributing material would cause very odorous gases causing nuisance and complaint. Material would also need to be removed from site, reprocessed and re-deposited.

2.4 Officers have reviewed the remaining planning conditions against the six tests outlined in paragraph 206 of the NPPF to increase their precision, robustness and relevance to development proposed. A number have been amalgamated.

2.5 Regard has been given to objections from Councillor Brinksman, the Parish Council and residents. The report addresses the objections.

2.6 The proposal represents an inappropriate form of development by virtue of the landfilling arm of the development. Previous consents have established this to be acceptable form of restoration. Very Special Circumstances (VSC) have been advanced in favour of the development to outweigh the harm created by definition due to the schemes inappropriateness. Officers conclude VSC exist due to the inability to achieve an acceptable landform in time irrespective of over tipping and the need to restore the site beneficially.

2.7 Officers do not consider there will be adverse impacts on residential
amenity, but conditions are recommended to lessen any issues arising. Conditions are also recommended to ensure highway safety and prevention of mud on the highway. An ecological appraisal and restoration and aftercare care will deliver biodiversity enhancements via the formation of ecological habitats suitable for a variety of species.

2.8 Due to concerns arising from over tipping, Officers consider the site should be subject to rigorous ongoing monitoring. Up to 8 no. visits can take place in a 12 month period – the number needs to be agreed with the operator. This work is chargeable and the authority is then able to enforce via powers available to our enforcement team.

2.9 This application is therefore recommended for approval subject to conditions and an update to the existing Section 106 agreement.

3 The Application Proposal

3.1 This application is a Section 73 planning application which seeks to vary a number of planning conditions attached to application ref: 2008/13199. This application shall hereafter be referred to as the “2008 application”. Members are being asked to issue a fresh planning consent for the site, based on a number of changes to that permission.

3.2 The applicant wishes to vary condition numbers 3, 5, 7, 8, 49, 50, 51, 53, 54, 58, 65, 68 and 69. The existing wording of these conditions can be found in Appendix B along with each of the conditions appended to the 2008 decision notice. The proposed wording is contained in Appendix A.

3.3 In summary the modifications proposed are:

- Alteration to the approved landform including an increase in post settlement height of the landform from 37 metres AOD to 39 metres AOD, with increased pre settlement levels from 42 metres AOD to 45 metres AOD;
- Reduction to landform of un-tipped parts of the site;
- No change to total amount of waste materials filled;
- Extension to the timescale for landfilling from 2017 to 2022 and restoration from 2018 to 2024;
- Revised drainage infrastructure – provision of perimeter drainage ditch;
- Provision of additional surface water management capacity;
- Retention of site tracks;
- Alterations to restoration and aftercare scheme previously approved;
- Amendments to the phasing for landfilling and restoration.
- Substitution of drawings
- Deletion of duplicate conditions 29, 39 (same as 28 and 38) and 68.

3.4 No change is proposed to the total volume of material to be imported. The proposed landform, despite over tipping makes concessions in areas not yet tipped to maintain the status quo.
3.5 Existing conditions have been reviewed with the applicant in light of the six tests found in paragraph 206 (NPPF). This is to:

- Increase precision
- Update legislative changes
- Amalgamate common conditions
- Increase robustness
- Clearer requirements
- Ensure enforceability

3.6 Appendix A of this report contains an agreed revised set of planning conditions, including the applicants proposed variations. Members should note the sequencing has changed as a result of this work.

3.7 Photographs of the site and its surrounds can be found in Appendix D.

4 Site Description and Surroundings

4.1 The application site historically comprised of two adjoining sites used to extract clay together with subsequent tipping and restoration. The sites initially had different final profiles and gradients. However consent was granted in 1996 to combine this, hence the reference “Combined Site”. The totality of this site is labelled as ‘E’ in Appendix C.

4.2 Prior to landfilling clay was extracted from the Combined Site. This was used for brick making at site C. No clay is extracted from the Combined Site for brick making. Instead it is used for engineering and capping purposes on the Combined Site.

4.3 The operators also run 4 no. other sites in the locality – referenced A – D in Appendix C. These sites do not form part of this application’s consideration. Vehicles still use private access routes through site ‘B’ rather than using Moss Side Lane.

4.4 The site is to the north east of Warrington and to the east of the M6 motorway, but south of the M62 motorway. The land is designated as green belt. The Warrington to Manchester railway line extends along the sites northern boundary. Beyond this to the north is Omrod Farm (site D in Appendix C) and a number of other residential properties. Planning consent exists on site D for clay extraction and restoration by landfilling.

4.5 Residential properties are positioned around local highways. Properties closest to the site are on Moss Side Lane along the eastern boundary of the site and Moss Hall Farm which is along the north eastern boundary. Views of the site are obtainable from the local public right of way network and residential properties to the west on Prospect Lane, the south west, south and east due to the relatively open landscape.
4.6 Adjacent to the western side of the site is a local wildlife site extending across Rixton Moss to Martinscroft Moss. Risley Moss Nature Reserve is to the north west of the railway line. To the south of Prospect Lane are fisheries which comprises of a number of lakes actively used. The site comprises of waste disposal ground, capped areas of semi-improved grassland, and water management lagoons with scattered trees and scrubs covering approximately 35 hectares.

4.7 Vehicles associated with the operation activity utilise two haulage roads extending through site B. These are private roads within the control of the applicant.

5 Planning History

5.1 Permission was granted with conditions on 9th July 1981 to extract clay together with subsequent tipping and restoration to an agricultural use. Ref: 80/9982.

5.2 Consent granted with conditions for the erection of a storage and workshop building in connection with tipping operations. Ref: 82/13396.

5.3 Permission granted with conditions for a site office. Ref: 83/14232.

5.4 Permission was refused in June 1988 for the reclamation of 22.5 acres off Moss Side Lane, re-contouring and rephrasing of Moss Hall Farm and Fir Tree Farm, extraction of clay from 7 acres and incorporation into Fir Tree Farm Landfill Site. As part of this application it sought to combine the two sites into a single permission. The proposal involved a “Combined Site” with waste disposal over a 25 year period and creation of a single dome rising to 40 metres AOD. Ref: 88/21700. This was subsequently appealed in January 1989 and dismissed in 1990.

5.5 As part of this decision, the Inspector recognised the serious deficiencies that were inherent in the two existing permissions and in particular the lack of peripheral drainage and the inadequate slopes on parts of the site. All parties acknowledged that the sites must be treated as a single entity within one overall planning permission but the Inspector also reported that any additional capacity should be kept to the lowest level commensurate with ensuring the satisfactory completion of landfill operations. It is within this context that Colliers submitted application 95/34113 which was approved by CCC in 1996.

5.6 Permission refused for the extraction of clay deposition of waste in association with re-profiling drainage and restoration of existing permitted waste disposal sites. Ref: 95/33128.

5.7 Permission refused to vary planning conditions on application ref: 80/9982. Refs: 95/33132 & 95/33133.

5.8 Permission approved subject to conditions for the continued clay
extraction & emplacement of waste providing for boundary realignment, re-profiling, drainage & restoration of the site to agriculture and woodland. Materials were to be mainly imported from associated waste treatment plant at Trafford Park. Ref: 95/34113.

5.9 Permission refused in 2006 for the variation of conditions 3, 5, 7, 12, 49, 51, 54, 58, 59, 61, 62, 65 & 68 attached to permission 95/34113 to permit the modification of the approved landform & extension of the timescale for operations including additional surface water management capacity & tree planting. Ref: 2004/02875. This consent was refused on two grounds:

- The proposed development constitutes inappropriate development within the Green Belt as a result of the significant visual impacts which will arise from the re-profiling of the site above existing approved levels. The applicant has not proven that very special circumstances apply to warrant the granting of planning permission or that the significant visual impacts are outweighed by any other material planning considerations. The development is therefore considered to be contrary to PPG 2.

- The development is contrary to policies MWA2(2) and (4), MWA3 (8), MWA5 (1), MWA8, MWA10, GRN1, GRN3 (1) and (3) of the adopted WBC UDP.

The application was appealed, however this was later withdrawn.

5.10 Planning permission granted subject to a Section 106 agreement to continue clay extraction and the deposit of waste, to re-profile the approved land form with associated amendments to drainage and restoration proposals and the amendment of associated planning conditions attached to permission 95/34113. Ref: 2008/13199. This consented increased the void space to compensate the loss of an equivalent volume at Moat Lane. (Site A, Appendix A) This consent was issued in 2014 following the Section 106 agreement being signed. It is therefore the most recent consent for the site and to which the development should accord with. The landform via this consent is permitted to 42m AOD decreasing to 37m AOD once restored.

5.11 Approval granted with conditions to vary condition number 7 of planning application 95/134113 to allow a 12 month extension for landfill and restoration operations. This consent required all mineral extraction and importation of waste materials ceasing no later than 26th January 2010. Ref: 2008/14027.

5.12 Approval granted with conditions to vary condition number 7 of planning application 95/34113. Although the applicant sought to extend the life of the landfill site until 26th January 2011, the Council resolved that it was appropriate only to extend the sites life until 26th July 2010. Ref: 2010/15737.
6 Policy Framework

6.1 The following policies and guidance are applicable to this application:

**National Planning Policy Framework (NPPF)**
- Achieving Sustainable Development;
- Chapter 4 – Promoting Sustainable Development
- Chapter 7 – Requiring Good Design
- Chapter 8 – Promoting Healthy Communities
- Chapter 9 – Protecting Green Belt Land
- Chapter 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 11 – Conserving and Enhancing the Natural Environment
- Chapter 13 – Facilitating the Sustainable Use of Minerals

EU Waste Framework Directive (2008/98/EC) – articles 4, 13, 16, 28 and 34. Planning authorities have a role in implementing Articles 4 and 13. Articles 13, 16 and 34 are implemented in Part 6 of the Waste (England and Wales) Regulations 2011. Implementation of the remaining Articles relies on local planning authorities discharging specific statutory responsibilities under the planning system. Article 4 relates to the waste hierarchy and 28 waste management plans.

**National Planning Policy for Waste (NPPW)**

**National Policy Guidance (NPG)**

**Chief Planning Officer Letter – Green Belt protection and intentional unauthorised development (31st August 2015)**

**Warrington Local Plan Core Strategy**

Policy CS1 – Overall Spatial Strategy – Delivering Sustainable Development
Policy CS2 – Overall Spatial Strategy – Quantity and Distribution of Development
Policy CS5 – Overall Spatial Strategy – Green Belt
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 MP8 – Waste
Policy MP9 - Minerals
Policy CC2 – Protecting the Countryside

7 Representations

7.1 Letters raising objection have been received from 4 no. persons. Copies are available online. In summary the objections are as follows:
7.2 Councillor Brinksman formally opposes all the recent applications for Colliers on the following grounds:

- This company have knowingly over tipped and these variations they asked for are to facilitate their actions, this has happened previously.
- They want to increase the tipping life of the site for another five years, plus another two for restoration, this is unacceptable.
- Why are they applying for removal of conditions which they have never complied to.
- Before they ask us for release I wish for them to comply with all the conditions laid down in June 2009, the site can be re-profiled to the contours of that approval.
- The over tipping of the site has brought them a considerable amount of income, and appears that the overall volume has now been increased generating revenue.

Councillor Brinksman has asked for the matter to be dealt with by committee and a site visit in the event Officers recommend approval.

8 Consultation Responses

Highways – raise no objections to the proposals, subject to the attached conditions securing jet wash facilities, vehicle movement numbers and road sweepers.

The condition controlling vehicle numbers will remain applicable to heavy goods vehicles’ rather than ‘commercial vehicles’ at the applicant’s request. This is considered to be acceptable as commercial vehicles could include light vans which are not currently included the daily limit of vehicle movement numbers.

Acceptable details of vehicle routing, internal traffic routes and on-site parking have been provided.

Jet wash facilities will be required at the existing site access junction for use when the current wheel washes are ineffective at certain times, ie. due to poor weather conditions, etc. Road sweepers should not be required on a regular basis, but used as a fall back to ensure mud is not deposited on the adopted highway. This can be secured via an appropriate planning condition.
The exact volume of waste to be received at the site for the proposals is unknown but this is acceptable provided that there would be no net increase in the consented number of vehicles accessing and egressing the site. The applicant has confirmed that the original planning condition on the previous 2008/13199 consent to limit the number of heavy goods vehicle (HGV) movements to a maximum of 100 per day (ie. 50 into the site and 50 out of the site) would continue to apply. On this basis, there would be no increase over and above the current permitted levels of HGV traffic associated with the development.

**Environmental Protection** – raise no objections to the proposal subject to the revised conditions being implemented in full. A review of all of our records shows very few complaints have been raised against the entire operation of the site since our records commenced circa April 2009.

No complaints (Referring to no complaints raised to the Environmental Protection Team) have been received to date concerning operational noise, operating hours, operational duration or odour emitted from the site – however these may go straight to the Environment Agency as they are the ‘enforcing authority’ for the waste element of the site.

A complaint was raised about the disused landfill relating to drainage of leachate but this was resolved in 2012 and to the best of our knowledge has not recurred since this time.

An acoustic report has been submitted to demonstrate compliance with the acoustic condition on the original application. This concluded that none of the long term noise limits have been breached – all readings were at least 3dB below the target levels but many were in the region of 5-15dB below the limits which suggests levels are acceptable and well below guidance levels for this type of operation. The conditions and schemes indicate a regular review of noise which can confirm noise levels should complaints arise in the future from operations as the site further develops.

This acoustic survey, suggests that noise from the sites operation was not problematic on the day of the survey. When this is considered in light of the lack of noise complaints, this suggests that the noise situation may be a reasonable representation of the case for much of the time. This infers noise does not pose any unreasonable adverse impacts on residential amenity.

The original conditions for the scheme were numerous. The proposal to combine certain similar conditions is understood as a sensible approach to simplify the planning requirements for the site and to include additional elements which were not addressed within the original permission.

**Urban Vision** – The applicant has expanded on the original submission to clarify the principal element of need. It is clear that there is a clear move away for disposing of waste to landfill and this is particularly noticeable in the Greater Manchester area. This reflected in the Greater Manchester Waste
plan which was only adopted in 2012 and yet identified Whitehead as one of two (the other being Pilsworth North and South) existing non-hazardous waste landfills to take the capacity required over the plan period.

As the applicant has stated Whitehead has been mothballed for some time and has now been sold to a third party for restoration purposes and it is considered unlikely that this site will reopen to take in further non-hazardous wastes.

The applicant notes a number of landfill facilities have been closed or are likely to be closed in the immediate future. Arpley landfill, for example, has less than two years remaining following an unsuccessful appeal to extend the end date of the permission.

The quantities of waste produced by the Nash Road site are not in dispute and can be corroborated from the EA’s Waste Data Interrogator.

No new landfill sites have been granted planning permission within Greater Manchester or the wider region that could take on the shortfall left by the closure of Whitehead.

From visiting the Combined Site it is quite clear that there is a need for comprehensive restoration of the site and, with the closure of Whitehead and other regional facilities; agree with the conclusions of the report that with a continuing need for landfill of residual wastes the Combined Site is an appropriate location.

**Environment Agency –** no objection in principle to the proposed variation of conditions. The Agency has also responded to a number of queries raised by Officers (in bold):

1. **Could the over tipped material be re-distributed across the site from cells 1, 2 and part of 3 notwithstanding financial implications and would it have any environmental consequences. How long would this exercise take and would the EA need to issue a revised / fresh permit?**

Technically it is possible to remove the over tipped material and redeposit. However, there are a number of issues that will need to be addressed:
- It will require the removal of the cover material which is now grassed over. This could be removed and stored.
- The geotextile protection layer would require removal. This would effectively be destructive and the geotextile would require disposal.
- The landfill gas pipework and leachate pipework will need to be uncoupled. The landfill gas headworks and leachate headworks which allow the effective and safe removal of gases and leachate will need to be removed. It is likely that they will need to disposed of as it will not be capable of reuse.
- The flexible geomembrane will need to be removed and will need to be disposed of.
• The gas system will need to be switched off. Gas will no longer be flared and effectively destroyed.
• There will be significant levels of landfill gases released from the site. These gases will be very odorous. They will cause nuisance and complaint across a wide area dependent on weather conditions.
• The landfill gas wells and leachate wells and leachate monitoring wells used to control and monitor leachate may be lost and rendered unusable. These will require reinstatement by re-drilling.
• Leachate generation will increase as all rainwater falling on the area will be captured and require disposal. This will be impaired by the loss of leachate wells.
• The operator would have to issue construction proposals for approval, detailing the design and steps to be taken to carry out the works.

In conclusion the re-profiling of the site would not be our preferred option if an alternative agreement could be arranged.

2. It is inferred by the applicant that the site cannot be restored without the proposed levels and timescales, seemingly on the basis of the Environment Agency’s permit requirements. Has there been any a discussion or correspondence that you can provide copies of?

There are no permit conditions that relate to timescales. The issue that the site is over height has been discussed however there are no correspondences on this issue. The only wastes received at the site come from the Trafford Park facility. The rate is linked to the wastes received at Trafford Park. To increase the rate of disposal may require the company to deviate from its usual practice of pre-treating waste prior to disposal and allowing direct access from other companies. Either of these options will require increased vehicular movements. The inputs to the site are restricted by the planning permission to 50 vehicles coming in per day. Proposals for alternative levels could be agreed if required.

3. The applicants are seeking to amend the landform as approved and site - in part this appears to be linked to the over tipping which has occurred, however it is unclear why the remainder of the site ought to follow suit. Has there been any dialogue with the applicant on how the EA would like to see the landform shaped or its composition from a permitting perspective. Would an undulating landform akin to the lower approved levels not suffice or is there a reasoned explanation why the landform needs to be increased across the full site?

We do not have a view on the shape of the landform other than it should shed water off the cap and it should allow access for the continued need for managing and monitoring of landfill gas and leachate. Our understanding is the operator is seeking a no increase variation.

4. The applicant states that the requirements of the EA must take
precedence over planning policy. No supporting justification is provided to allow the Council to consider this stance and whether it can attract any weight when determining this application.

The permit controls the operation of the regulated facility. It implements the requirements and technical standards of the Landfill Directive and the IPPC Directive. As we understand the planning permission should control the development and use of the land and that there should be no duplication of controls.

5. **Drawings indicate a settlement of circa 6 metres. Is this correct in your experience of monitoring the site?**

   Settlement will be dependent on waste types, age since deposit and degree of compaction. Historic wastes did not have a significant degradable faction from the waste currently disposed of. The settlement will therefore vary across the site.

**Rixton with Glazebrook Parish Council** – object to the proposals on the basis that new applications should not be considered until the existing conditions on previous applications have been complied with.

**Flood Risk** – no objection in principle to the proposed changes in the surface water storage providing the recommendations of the report are adhered to.

**National Grid** - National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified. It is a major accident hazard pipeline.

**Tree and Woodland Officer** - I have no objection in principle to the submitted details.

**Greater Manchester Ecology Unit (GMEU)** - consider that the present proposals, which involve re-profiling the landfill and extension of time at the existing combined landfill site, will not have a substantive harmful impact on habitats and protected species within the site or within the surrounding area over-and-above the impact of the extant permission(s). There will be no significant increase in the landfill ‘footprint’ which has existing planning permission; the extension of time will not impact on local ecological receptors.

Although the Rixton Clay Pits SAC, which supports significant populations of great crested newts, a protected species, is nearby, there is an established, robust great crested newt mitigation strategy in place for avoiding harm to newts. This strategy will need to be updated, and if necessary changes made to the existing protected species License, to ensure that no long-term harm will be caused to the conservation status of great crested newts by the proposed changes.

**Natural England** – raise no objections to the proposals. They do draw the authorities attention to the close proximity of the application site to European
designated sites and the potential for it to affect its interest features. These sites are afforded protection under the Conservation of Habitats and Species Regulations 2010 (as amended). There are two sites close by:

- Manchester Mosses Special Area of Conservation (SAC) The Site is also notified at a national level as Risley Moss Site of Special Scientific Interest (SSSI)
- Rixton Clay Pits Special Area of Conservation (SAC) The site is also notified at a national level as Rixton Clay Pits Site of Special Scientific Interest (SSSI)

Natural England advise in terms of Regulations 61 and 62 of the Habitats Regulations that the proposal is not necessary for the management of the European site and that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment. Natural England refer the authority to the following justification:

“The submitted documents state that the off-site impacts of the changes to the drainage arrangements at the site will remain unchanged; the agreed maximum flow rate of surface water discharged to the Marsh Brook will continue to be limited to 45 litres per second, in total, from both ponds A and B.”

Great crested newt are a qualifying feature of Rixton Clay Pits SAC, please note that the applicant may need to modify their Great Crested Newt licence to take into account this application.

Network Rail – comment as follows:

(1) It appears from the site plan that the developer has encroached onto Network Rail land in a small section of the NW corner. The developer should remove this land from their proposal as it is in our ownership.

Officer comment: The developer has revised their application form and site location plan. Certificate B has been served on Network Rail. Land ownership disputes are not planning matters. The applicant has fulfilled their requirements insofar as the planning application to notify land affected land owners.

(2) The development sees a path from the site over the railway. Contact needs to be made with Network Rail to discuss.

Officer comment: This point relates to the previously agreed S106 which provides for a new railway bridge to service Omrod Farm. No changes are proposed to this obligation.

(3) Further points are made about ensuring the development does not affect the safety, operation or integrity of the operational railway, no physical encroachment onto Network Rail land or over-sailing of air space or
foundations onto Network Rail land or soil.

_This point raises civil issues. There is no evidence to suggest the operational railway is affected._

(4) Comment that surface water must be directed away from the railway, culverts or drains belonging to Network Rail, suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail’s property. Water discharged into the soil from the applicant’s drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment or de-stabilisation of land through water saturation.

Network Rail request a condition is attached seeking full drainage details for surface and foul waters. A further request is made for details of ground levels, earthworks and excavations to be carried out near the railway boundary.

**Officer comment:** _Both conditions are not necessary as drainage proposals have been submitted with the application and topographic surveys have been submitted showing the fill material and finished pre-settlement levels. The perimeter drainage ditch is in situ and does/will connect to balancing ponds, which are positioned away from the railway._

The Mersey Forest, Health, NHS and United Utilities were also consulted, but no comments have been received.

9. **Site Operations**

9.1 Clay has largely been extracted from the site. Some remains nonetheless for engineering and restoration purposes. The applicant states this is in the region of 30,000m³ – this will be used for phases 3 and 5. Clay will be imported from Moat Lane site for phases 6 – 8.

9.2 Waste disposal operations at the site have progressed and are at final levels (as proposed via this application) in cells 1 and 2 and are nearly complete in cell 3 – the remainder would be filled once materials are filled in adjacent cells up to suitable levels.

9.3 Pre-treated waste materials arrive by road from the applicant’s site at Trafford Park.

9.4 Leachate, which is liquid produced as rain water passes through deposited material and as waste decomposes, is collected at the base of each cell and pumped to an on-site leachate treatment facility. Once treated, and under a specific consent from the EA, effluent is discharged into the Marsh Brook.

9.5 Landfill gas arising from the decomposition of waste is extracted from
the landfill cells and is flared. An on-site landfill gas management compound is to be located at the base of the northern flank.

9.6 Restoration of the site has been established through the importation of waste materials. In order to ensure an environmental sound completion to the site, there is a need to import some level of materials into the site prior to capping and restoration which will include landscaping and the formation of balancing ponds. Leaving the site unrestored would not be acceptable.

Monitoring Report

9.7 A monitoring report was compiled during the summer. This assessed compliance against current planning conditions. A copy was shared with the operators. It identified a number of actions. The applicant has addressed each satisfactorily.

9.8 Reference has been made that this application should not be considered until the operators comply with the existing planning conditions.

9.9 The monitoring report highlighted a number of existing conditions which cannot be complied with due to the proposal to re-dress regrettable over tipping. There are also knock-on effects to the restoration, phasing, drainage and approved drawings. Detailed information has been provided in respect of all the changes outlined in paragraph 3.3.

9.10 Whilst Officers note the sentiment not to determine the application, it is our advice that there is no basis to refuse to determine an application which seeks to remedy identified issues. The application should be considered on its planning merits against policy.

10. Can the Over tipped Material be Re-distributed?

10.1 The applicants accept they have over tipped in cells 1, 2 and 3. The most recent topographic survey confirms this. The uppermost part of the landform would be higher than previously consented.

10.2 Legitimate questions are therefore whether the over tipped material can be re-deposited elsewhere in the site to a) bring the landform in line with approved levels and b) to shorten the remaining time period.

10.3 It is recognised, despite the regrettable over tipping of the site which, that the EA’s position is that re-distributing material would not be their preferred choice. They state regulatory issues may arise due to historic disposal of hazardous waste at the site which would need to be removed from site, reprocessed and re-deposited in order to meet the sites current non-hazardous permit. Significant levels of very odorous landfill gases would be released, causing nuisance and complaint across a wide area. Drilling would also be required to re-instate leachate and gas wells.
10.4 Having had regard to these factors, Officers consider that the environmental issues arising from the re-distribution of waste material are clear and are very likely to be harmful to residents in the area. There is also an unknown period of time this would take due to the need to acquire appropriate permissions, re-processing of deposited materials, delays arising from weather and the need to replace the cap protection system. Despite any benefits which may arise from a lower landform, there are positives in restoring the site without further undue environmental harm to residents.

11. Analysis

11.1 The proposals raise the following key issues:

- Are there any adverse environmental, highway, or biodiversity issues?
- Is the development appropriate or inappropriate development in the green belt
- What is the effect of the proposal on the openness and purposes of the green belt
- Is the proposed landform acceptable or unacceptable in its visual appearance
- Is the proposed time period acceptable and supported by a reasoned case
- Is the proposed restoration time period and amended scheme acceptable.
- Are very special circumstances needed to clearly outweigh the harm by definition to the green belt

**Are there any adverse environmental, highway, or biodiversity issues?**

**Environmental Amenity**

11.2 Policy QE6 seeks to preserve residential amenity. In determining applications, the Council will take into account levels of light pollution and impacts on the night sky, odours, fumes, dust, litter accumulation and refuse collection / storage. Consideration will be given to the living conditions of existing and future neighbouring residential occupiers in relation to overlooking/loss of privacy, outlook, sunlight, daylight, overshadowing, noise and disturbance.

11.3 Objections cite noise, odours and disturbance from vehicle movements. Environmental Protection Officers have reviewed the proposals and do not raise objection to the scheme. A review of complaint data has confirmed very few complaints since their records commenced in April 2009, with no complaints in terms of noise or odours. There was a complaint regarding leachate, however this was resolved in 2012 and to their knowledge not recurred since.

11.4 The acoustic report, although a snapshot is considered to demonstrate compliance with long term noise limits for the site - readings were at
least 3dB below the target levels but many were in the region of 5-15dB below the limits for this type of operation. The conditions and schemes indicate a regular review of noise should complaints arise in the future.

11.5 The survey and the lack of noise complaints indicates the continued operation does not pose any unreasonable adverse impacts on residential amenity.

11.6 Ongoing management of gas, leachate and ground and surface water monitoring would take place until such time as they are no longer required. Facilities to deal with leachates would remain on site.

Highways

11.7 Policy MP1 lays down the boroughs general transport principles which are to reduce the need for the private car and adherence to the locally determined car and cycle parking standards. Policy QE7 aims to create accessible environments that function well in relation to existing patterns of movement. Policy QE6 considers the effect and timing of traffic movement to and from the site including impacts on highway safety.

11.8 Vehicular movements have been historically limited at no more than 100 (50 in 50 out) per day. Vehicles using haulage roads rather than the public highway. No change is proposed in this regard. Daily records supplied by the applicant between August 2014 and August 2015 show a maximum of 26 vehicles entering the site – in total 52 no. trips. This is well below the 100 no. limit.

11.9 Thus, the scale of vehicle movements along Moat Lane and the haulage road is not significant and has been well within conditioned limits put in place to ensure highway safety. The route avoids a substantial element of direct conflict with residential properties. No objections are raised by highway officers. Suitable wheel washing facilities to ensure removal of debris from vehicles are necessary and road sweepers in the event this proves unsuccessful. Proposed condition no. 15 would enable a suitable scheme to be agreed and implemented.

11.10 The proposal complies with policies MP1, QE6 and QE7.

Biodiversity

11.11 Policy QE3 seeks to protect existing provision and the function it performs, improve sites value as a habitat for biodiversity as well as protect and improve access to it developing a continuous integrated ecological system. The NPPF seeks to contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity.

11.12 A restoration and aftercare report and an Ecological Appraisal have been prepared by the applicant. Proposals include the formation of a
mosaic of habitats across the landform through a variety of planting comprising of native woodland with glades, open scrub planting, wetland habitats, species rich grassland and hedgerows to form wildlife corridors. The proposals are aimed to encourage suitable habitats for birds, bats, insects, amphibians, reptiles, hares and adders.

11.13 Given the sites proximity to Risley Moss (SSSI and SAC) and Rixton Clay Pits (SSSI and SAC) the proposals are encouraging in terms of providing net gains in biodiversity. The site is also located in-between both designations. The Ecological Appraisal considers the proposals will not have a negative impact on habitats and protected species within the site or within the surrounding area...due mainly to there being no increase in the landfill footprint.

11.14 The Habitats Directive requires an appropriate assessment of whether a development will have a significant effect on a European site and is not directly connected with or necessary to the management of that site.

11.15 Natural England and GMEU advise that the proposal is unlikely to have a significant effect on the above designations as a consequence of the off-site impacts remaining unchanged and it is not necessary for the management of the European site. Great crested newt (GCN) are a qualifying feature of Rixton Clay Pits SAC, please note that the applicant may need to modify their GCN licence to take into account this application. This would be a process outside of this application.

11.16 Natural England also set out that the submitted documents state that the off-site impacts of the changes to the drainage arrangements at the site will remain unchanged; the agreed maximum flow rate of surface water discharged to the Marsh Brook will continue to be limited to 45litres per second, in total, from both ponds A and B. Therefore the site can be screened out from any requirement for further assessment.

11.17 The Ecological Appraisal concludes that: “The future restoration of the site will have a positive impact upon the sites ecology and indeed the overall biodiversity of the surrounding area, particularly for GCN which will aid the overall long term carrying capacity of Rixton Clay Pits SAC, SSSI & LNR.”

11.18 A 10 year GCN mitigation strategy is recommended for extension to continue facilitation of long term conservation value. It is appropriate to condition this to secure ecological enhancement and encourage future opportunities.

11.19 As part of the Restoration and Aftercare scheme, future maintenance and management would take place of the restored landform for at least 5 years or until it is established. Failed planting will be replaced, weed control applied and grass cut whilst an annual report prepared and submitted to the authority.
11.20 Officers consider the proposal in the terms of the NPPF, Habitats Directive, the Natural Environment and Rural Communities (NERC) Act as well as policies QE3 and QE5, will provide for and enhance biodiversity once the site is restored.

**Is the development appropriate or inappropriate development in the Green Belt?**

11.21 The National Planning Policy for Waste (October 2014) like the NPPF places a strong emphasis on the protection of green belts from development. The NPPW states that waste management facilities located in the Green Belt are inappropriate development.

11.22 The Government attaches great importance to Green Belts (paragraph 79, NPPF) and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in VSC. Substantial weight should be given to any harm to the Green Belt. ‘Very Special Circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 88, NPPF).

11.23 Policy CS5 follows the approach of national policy regarding development in the green belt.

11.24 The applicant accepts the proposal represents inappropriate development in the green belt by virtue of the waste disposal arm of the scheme, having already extracted clay from the site. Clay or mineral extraction is an appropriate form of development, however overall the proposals represent inappropriate development, which are harmful by definition. Appropriate weight needs to be given therefore to the protection of the green belt.

**What are the proposals effect on the openness and purposes of the green belt?**

11.25 Paragraph 79 (NPPF) sets out the essential characteristics of Green Belts are their openness and their permanence. Openness in terms of the green belt means freedom from development and is only partially concerned with visibility. This view has been expressed in numerous appeal decisions.

11.26 Sectional drawings show a comparison of the consented and proposed landforms. The proposal comprises of a mixture of an increase in the landform, alterations to the gradient of the landform and concessions to the landforms height. Openness will be depleted for the areas of over tipping.

11.27 This must be weighed against concessions made by the applicant resulting in a lower landform, thereby aiding openness. The effect of the change would be felt by residents on Moss Side Lane and Prospect
Lane, including users of the PROW and fisheries. Compared to the approved scheme, there would be a positive benefit in terms of openness for these areas.

11.28 Aside to openness, there would be no effect on the permanence of the green belt as the land will remain in the green belt and return to a state consistent with the green belt.

11.29 Paragraph 80 (NPPF) sets out the five purposes. The applicant considers the scheme not to conflict with any of the purposes in particularly due to the historic nature of operations.

11.30 Officers agree, save for assisting the countryside from encroachment. The applicant is correct in that the site in footprint will not change, thus no consequential encroachment into the wider green belt, however there is a three dimensional change – this represents a visual encroachment. This is solely applicable to the over tipped areas of the site

**Is the proposed landform acceptable or unacceptable in its visual appearance?**

11.31 A Landscape Visual Impact Assessment (LVIA) and photomontages of the consented and proposed landforms have been submitted.

11.32 They recognise the development during its construction will have a moderate/minor adverse impact, however nonetheless over the passage of time together with landscaping, especially once established this effect will change to moderate beneficial in visual terms. A neutral impact would be had on the landscape character and a minor beneficial impact on landscape resource.

11.33 There are due to the sites location, size and surroundings plenty of viewpoints with varying vistas due to screening, changes in levels and the residential properties. The PROW network does present several viewpoints – users are sensitive receptors like residents.

11.34 The LVIA concludes the proposal will not alter the overall landscape character of the area but will increase the quality of the landscape resource, primarily because of the improvement to the grassland, drainage, new habitats and additional woodland and permanent screening proposed. It also accepts there would be some loss of visual amenity for receptors including users of the PROW.

11.35 It is concluded that, overall, the development will have a neutral to minor beneficial effect on the landscape and visual impact for the local residents and users of the area.

11.36 Officers, having considered the evidence and observed the site from many of the viewpoints, consider the proposed new landform whilst higher in some parts will once landscaped not be a significant change
compared to the consented landform. Landscaping will be planted around the lower slopes, which would over time lessen the visual appearance of landform. The proposed landform view is considered to be of greater interest. It will also reduce massing away from residential receptors adjacent to the site.

11.37 Overall, Officers consider the proposals once restored will not have an unacceptable impact on the character/appearance of the landscape. It is acknowledged harm will persist until such a time. The applicants proposals include a phased restoration plan, showing progressive workings of each phase, starting with the over tipped cells (1, 2 and 3) before moving onto cells either not complete or yet to tipped in. This would be controlled by proposed condition no. 2. On this basis policies CC2, QE3 and QE7 are complied with.

Is the proposed time period acceptable and supported by a reasoned case?

11.38 The applicant is seeking an extension to the time period. Currently the landform would need to be completed by 26th July 2018 or before, with all mineral extraction/engineering and waste importation one year prior. A new time period until 31st December 2022 is sought for mineral extraction for capping/engineering and waste importation, with a two year period sought for restoration. (until 31st December 2024)

11.39 The applicant’s state that based on current input rates that it will be impossible for the site to be completed within this timeframe. Clearly materials going into the site have instead of being filled to consented levels been filled above the consented height. This is highly regrettable and was avoidable.

11.40 Nonetheless, irrespective of this regrettable action, the site would still not be restored by 2018. Inputs have been approx. 110,000m³ or less since 2009, with inputs as low as 60,045m³ in 2010, but rising/holding steady since then. The applicant anticipates approx. 108,828m³ fill this year.

11.41 The applicant considers in their revised needs assessment that following closure of Arpley and Lime and Woods Pit, that the site could attract an extra 10-20,000m³ per annum in addition to the regular supply of from Trafford Park - said to offer a secure means of disposal for the company.

11.42 As per Urban Visions response Officers do not consider a secure means of disposal to be a significant factor weighing in favour of the scheme. Ultimately this is an internal commercial arrangement, rather than a certain need to dispose of the material at the Combined Site.

11.43 Members will be aware a significant chunk of Arpley is used to take contracted municipal waste from Merseyside until such a time when it is
taken by rail to Teesside for disposal by EfW. The new EfW plant at Teesside is progressing as planned, so there is no anticipated delay to its opening or Arpley’s closing. Arpley does also take some other small quantities of waste types such as Commercial and Industrial. (C&I)

11.44 Lime and Wood Pit closes next year. Thus, beyond 2017 Merseyside will therefore have no active landfill sites. Whilst the operators do not have contracts in place for additional material, it is perhaps a little too far away to expect these to be in place. It is also reasonable to assume, that there will be a small quantity of materials not able to be disposed higher up the waste hierarchy. Whether they end up at the application site depends on the market and cost of disposal.

11.45 Waste material in Greater Manchester is deposited at Pilsworth. This is consented until 2028 and can take 600,000m$^3$ per annum. It has a total capacity of approximately 6,000,000m$^3$, although 2.4mt of this needs to be preserved for the Greater Manchester Waste PFI contract. A hazardous waste contract further reduces available capacity. Pilsworth is some 13 miles away from Nash Road by motorway - further away than the Combined Site, which is 10 miles from Nash Road via the A57.

11.46 Elsewhere in Greater Manchester, within the adopted Waste Plan there is a consented site at Whitehead. However, it has since been confirmed that the site has been transferred to Whitehead Land Restoration Ltd who specialise in the restoration of sites. Officer’s research is consistent with the applicant’s evidence in this regard.

11.47 Other sites in the region have been considered, namely Harwood Quarry (Bolton), Maw Green (Crewe), Gowy (Chester), Clifton Marsh (Preston), Whinney Hill (Accrington) and Clayton Hall (Whittle-le-woods). For a variety of reasons they have all been discounted by the applicants as being viable alternatives to disposal of material at the Combined Site. The reasons are in summary:

- Distance to travel;
- Lack of consented voidspace;
- Mothballed;
- Lack of sufficient permission.

11.48 These same sites were considered in the Arpley appeals and not considered to be reasonable prospects for the same variety of reasons, albeit the required voidspace to address Merseyside’s municipal waste was far greater. The situation at Whitehead has changed since this time.

11.49 As established in the Arpley appeals, there will always be some degree of need for landfill as not every material will be disposed of by ‘greener’ methods. Material from unknown destinations is a general aspiration supported by potential diversion away from the aforementioned sites after 2017. The annual additional amount is relatively small. Due to this factor, the weight to be attributed here is not substantial.
11.50 Returning to the Combined Site, the operator’s state there is 1,020,000m$^3$ of void space to be filled. In order to complete landfilling by July 2017 this would require on average 510,000m$^3$ of fill per annum. This is substantially, more than the operators current fill rate and given other sites remain operational in the short term; it is highly unlikely additional sources of material will become available.

11.51 Based on the current and anticipated fill rate, if landfilling was to cease in 2017 then 790,000m$^3$ voidspace would remain. The site does need to be engineered correctly as the EA point out.

11.52 The proposed extension adds a further five years on. To meet this date an average of 145,714m$^3$ of fill per annum is required. This is closer to the anticipated fill rates, but there is likely to be a shortfall over the coming two years, whilst material still goes to alternative landfills. The time period is more realistic, providing overtipping does not occur.

11.53 The argument put forwards in terms of engineering the site to an acceptable land form does attract significant weight. The site currently appears as an alien feature in the landscape. Long term restoration proposals, ecological enhancement and hydrological management are also considered to attract significant weight. Previous consents have granted a one year period for restoration works to be complete. The applicant seeks two years. It is understood the site will be progressively restored in a phased manner.

11.54 Factually, the proposal to extend the time period closely marries with the anticipated fill rates and evidence provided in the needs assessment. Therefore it has merit in this regard. The Council is in a difficult position, whereby the site does need to be completed correctly yet a longer time period is sought following a regrettable period of over tipping.

Are very special circumstances that clearly outweigh the harm by definition to the green belt?

11.55 As stated earlier in this report, the landfilling arm of the proposal represents inappropriate development for which substantial harm must be attributed by definition. Such proposals must only be approved if there are very special circumstances (VSC) which clearly outweigh the harm identified by definition.

11.56 In support of the proposal the applicant considers the following amount to VSC:

- Particular location requirements of some types of waste management facilities.
- Lack of “harm” of the development in terms of landscape or visual impact;
- Lack of “harm” of the development in terms of residential amenity;
• Enhanced biodiversity
• Sustainable waste management
• Need for the facility
• Inability to achieve an acceptable landform by 2017
• Enhancement of the public rights of way network

**Locational Need** - The landfill activity is taking place on an old clay extraction area and is as a means of restoration. The applicant submits this will create a wildlife benefit to the area. This does have some merit. Minerals can only be worked where they are found and consent has historically been granted for landfilling to occur once this has finished. This principle hasn’t changed.

Policy directs landfill developments outside built up areas. In Warrington this can only be sites within the green belt. Conflict does exist with policy objectives in this regard. However given historic permissions have established the proposed development, it is a material consideration in the proposals favour.

The locational need is not a VSC to the landflling arm of the proposal, but it is (was) in terms of the sites former use as a clay reserve.

**Lack of harm to landscape or visual impact and residential amenity** - The applicant contends there will not be a significant impact on the landscape or visual amenity and points to the conclusions of the LVIA. Furthermore the applicant considers they have demonstrated the proposals will not have a greater adverse impact arising from the operations compared to the 2014 grant of permission.

Whilst the applicant and LVIA may be correct, it is not a VSC that is different to other policy considerations previously analysed in this report. It would be an expectation of any development to reflect local distinctiveness, be of good design, appearance and assimilate into its surroundings. Similarly policy on a national and local level also requires developments to ensure residential amenity is not adversely affected. Although the applicants have demonstrated they comply with the relevant policies, it is a reasonable expectation of any development proposal. Officers do not consider a VSC to be proven.

**Enhanced biodiversity** – Officers earlier explored and recognised the biodiversity proposals and welcome them in terms of national and local objectives insofar as providing enhancements, which is particularly important given the proximity to designated sites nearby and mitigation for the additional height proposed. Nonetheless, it is a policy requirement and a reasonable expectation to ensure the site is suitably restored. The applicant is therefore only fulfilling this objective. It is not a VSC.

**Sustainable waste management** - The applicant submits the proposal supports their operations at Trafford Park as a secure means of disposal of residual waste from which no further value can be recovered. By providing an outlet for this material, it enables the Trafford Park site to run economically and enable capital investment to be raised to improve site operations. The
main variable cost under the control of the business is the cost of disposal. Officers consider this arrangement is however only beneficial to the operator.

It is said the Trafford Park site contributes to moving waste materials up the hierarchy, improving the quality of recyclates recovered from customers and avoiding the creation of a new landfill by making use of an existing facility.

There is some benefit in terms of extending the lifetime of an existing site over creating a new site; however there is a general trend of sites closing due to waste materials moving up the hierarchy. New sites are not being formed. As Members will be aware with Arpley insufficient municipal waste material was available to justify the length of permission sought in light of that material being sent to Teesside for energy recovery.

Officers do not consider these matters to amount to VSC, but note the site does nonetheless need to be restored.

Need - The applicant points to the proximity and security of the end-disposal voidspace, pre-treatment of wastes prior to their disposal, the implications on the waste management network of the increasing liability of the operator in terms of aftercare and pollution control, and the impact of the Landfill Directive on other landfill capacity.

Officers consider some weight is given to the sites proximity to the Trafford Park facility as the closest site, especially given the closure of Whitehead and other regional facilities. The continued need for landfill of residual wastes at the site as an appropriate facility has been demonstrated evidentially. There is a clear need for a comprehensive restoration of the site notwithstanding any over tipping.

Officers therefore consider VSC to be proven in this regard.

Inability to achieve an acceptable landform by 2017 - The operators assert the site does need to be completed in a stable, well drained state which does not pose a significant risk to the environment. They are correct in this regard. The EA require such matters via the permit.

Evidently, the site based on the approved void cannot be completed based on current / forecast inputs in 2017. This point has real merit, as evidenced earlier in this report whether it is the consented or proposed landform. Required inputs per annum until 2017 would exceed inputs arriving at Arpley. There is no realistic potential of this occurring. A revised landform is proposed, accounting for earlier over tipping. The 2014 permission cannot be realised, unless re-profiling occurs.

The EA have confirmed it would not be their preferred option for the over tipped material to be re-profiled, primarily due to odours resulting in nuisance and complaint as well as lost infrastructure, however they do also recognise it would take time. The first point is relevant in terms of residential amenity.
No details are available in terms of the time it would take to re-distribute material; however this would need to be agreed by the relevant legislative bodies. It would take time, which may delay further progress being made with the void.

Officers consider this point is finely balanced, as this application has come about due to the operators over tipping of the site. Even if they hadn’t, evidence suggests the operators would still be seeking a longer time period to fulfil the consented void space. This factor, together with the need to restore the site to deliver visual and biodiversity enhancements are considered to be a VSC.

Enhancement of the public right of way network - An enhancement was secured by Section 106 in the 2014 application in the form of additional block planting. No change is proposed to this, nor an enhancement over and above what has previously been secured. An updated Section 106 would maintain delivery of the planting.

The applicant submits a relaxed landform, a new pond and further planting along the southern flank will enhance the PROW. These points have merit, but are not considered to amount to a VSC as the applicant has relaxed the landform due to over tipping.

12. Section 106 Obligation

12.1 The applicant has confirmed the existing Section 106 agreement would be updated to reflect any approval granted in terms of the planning conditions and date of consent if Members approve the application.

12.2 Paragraph 204 of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010 cite that “Planning obligations should only be sought where they meet all of the following tests:

• necessary to make the development acceptable in planning terms;
• directly related to the development; and
• fairly and reasonably related in scale and kind to the development.

12.3 Officers consider this is acceptable and meet the three tests.

Planning Conditions

13.1 Paragraph 203 (NPPF) advises that local authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Paragraph 206 (NPPF) advises of the six tests for the application of planning conditions.

13.2 The merits of those conditions applied for have been explored above. Officers have reviewed the remaining planning conditions in light of paragraph 206. Paragraph 3.5 of this report sets out the rationale for this exercise. Members are recommended in the event of approving the
application to also approve the complete set of conditions.

Overall Planning Balance and Conclusions

14.1 The proposed landform has derived from over tipping, which is due to poor management of the site. This is squarely the operator's responsibility and concerns Officers. But the EA do not recommend the material is re-distributed and concessions have been made to reduce the landform closer to residential properties and PROW users.

14.2 The site would once restored be landscaped, creating enhanced biodiversity habitats – the restoration and aftercare report will deliver this. The site's character and appearance will be in the form of a dome. This will be ajar to the reasonably flat surroundings, however this form of restoration has been granted consent most recently in 2014. Officers concur with the assessments provided, which conclude, once restored the proposals will have a neutral to minor beneficial effect.

14.3 In policy terms the proposal is inappropriate development, which is by definition harmful and considerable weight should therefore be attached to this harm. VSC have been advanced and explored. Officers do not agree with all of the VSC submitted, but do accept the need and inability to conform to the current time period are. Some weight is attributable to the sites locational need solely due to the sites original purpose and the need to restore the site beneficially.

14.4 The Council is in a difficult position. Landfill sites are generally closing, but there is a need to ensure existing sites are restored and capacity exists in some form, as 'green' means of disposal are not always possible. The site accepts residual wastes – it cannot be treated any further and is to be disposed at landfill.

14.5 Objections have been received concerning odour, noise, traffic and general disamenity. Environmental Protection colleagues raise no objection. Planning conditions are recommended to control such matters from adversely affecting residents.

14.6 In summary, Officers consider the proposal accords with policies MP1, MP9, QE3, QE4, QE5, QE6, QE7 and CC2 of the Local Plan Core Strategy. Some conflict exists with policy MP8 insofar as achieving a continued reduction in waste materials imported into the borough, whilst some conflict exists with paragraphs 80, 88 and 89 of the NPPF and policies CS1, CS2 and CS5 in terms of harm to the green belt by reason of inappropriateness and encroachment into the countryside.

14.7 However the identified harms to the green belt are considered on balance to be outweighed by the very special circumstances put forward and the other considerations of this application.

14.8 Although it is the operator's responsibility for over tipping, aside to this it
is Officers view that the site should be subject of rigorous ongoing monitoring which is chargeable under Regulation 15 of the Fee Regulations 2012. Up to 8 no. visits can take place in a 12 month period. The Council has powers to monitor compliance under these regulations and enforce the terms of a permission if required via powers available to our enforcement team.

14.9 Accordingly Members are recommended to approve this application subject to conditions and to enable updates to be made to the Section 106 agreement.

**Recommendation**

Approve subject to Section 106 Agreement
Appendix A – Conditions and Reasons

1. The conditions listed below take effect on the date of this decision.

   R - To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

2. The development hereby approved shall only be carried out in accordance with the following documents:

   (1) Planning application form dated 21/08/2015
   (2) Compliance Noise Monitoring Survey dated August 2015
   (3) Photomontage Viewpoints 1b, 3 A-C; 4 A-C; 5 A-C; 6 A-C & 7A-C
   (4) Landscape Visual Impact Assessment dated 10/05/2015
   (5) Restoration and Aftercare Scheme dated May 2015
   (6) Odour Impact Assessment dated 25/08/2015
   (8) Groundwater Resources Report
   (9) Health Impact Report dated 06/05/2015
   (10) Need Report v4 C008-02/Need/GP dated 14/09/2015
   (11) Addendum to Whitehead Landfill site need dated 02/10/15
   (12) Planning Statement version 3 dated 31/07/2015
   (13) Gas Risk Assessment dated September 2014 & Acid deposition report dated November 2014
   (14) Second Response 150918
   (15) Vehicle Movements August 2014 – August 2015
   (16) Whitehead Acquisition Announcement dated 29/09/15
   (17) Whitehead Non-Technical Summary dated March 2015
   (18) EA Whitehead Transfer Notice
   (19) Restoration Soils dated 21/08/2015
   (20) Contour Volume Assessment dated June 2015

The approved plans are those numbered as follows:

   (a) planning application boundary Ref: GPP/CIW/R/15/02 Rev 02
   (b) landscape restoration Ref: Y300.001 Rev 2
   (c) post settlement contours Ref: 64817/Fig02/02
   (d) pre settlement contours Ref: 64817/Fig01/02
   (e) pre and post settlement cross-sections Refs: Y300.002 Rev 2 & Y300.003
   (f) typical drainage ditch cross section CW/1014/1/005 Rev 0
   (g) landfill phasing Ref: GPP/CIW/R/15/05 Rev 03
   (h) restoration phasing, including ponds Ref: GPP/CIW/R/15/04 Rev 4
   (i) clay extraction Ref: 632.106A
   (j) perimeter drainage Ref:GPP/CIW/R/15/06 Rev 02
   (k) topographic survey Ref: 64817/Fig07/01
   (l) environmental setting Ref: RX/ESID/02
   (m) brickworks voidspace Ref: GPP/CIW/R/15/07
   (n) pond basal levels 150909
3. From the commencement of landfilling until final restoration, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission shall always be available at the site office for inspection during normal working hours.

R – To ensure that the development is carried out in accordance with the approved documents and for the avoidance of doubt.

4. The development hereby approved shall only be carried out in accordance with a scheme or schemes which shall include provision for:

a) Full details of the design, appearance, construction and marginal aquatic planting of the three balancing ponds, 1, 2 and 3 including those for the control structures regulating discharge from the ponds. The scheme shall be submitted within 6 months of the date of this permission. The approved scheme shall be implemented in full prior to the final restoration of the site.

b) Full details of the design, appearance, landscaping and screening of any leachate treatment plant and associated buildings within the area of the compound which is shown on plan no. GPP/CIW/R/15/04 Rev 4. The scheme shall be submitted 6 months before the installation of the plant and buildings.

c) Full details of the design, appearance, landscaping and screening of any landfill gas flare stack units, the compound for which is shown on plan no. GPP/CIW/R/15/04 Rev 4. The scheme shall be submitted 6 months before the installation of the units.

d) Full details of a noise monitoring scheme covering the developers programme for monitoring noise at the noise sensitive properties listed in conditions No. 18 and 19 both during normal operations and construction operations. The scheme shall make provision for the construction of a permanent noise monitoring point (concrete slab or pillar) to be situated at the extremity of the north eastern boundary of the site. The scheme to be submitted within 2 months of the commencement of the development hereby approved and shall provide for noise monitoring every 3 months.

R - To ensure a satisfactory form of development and to enhance the visual amenities of the locality and to comply with Policy QE7 of the Warrington Local Plan Core Strategy and the Warrington SPD: Design and Construction.

5. All mineral extraction for capping or site engineering and importation of waste materials authorised by this permission shall cease no later than
31st December 2022.

R - To ensure the satisfactory restoration of the site and for the avoidance of doubt.

6. All restoration of the site shall be fully completed within 2 years from the cessation of the importation of waste materials.

R - To ensure the satisfactory restoration of the site in an appropriate timeframe and for the avoidance of doubt.

7. Before the continuation of waste disposal the following works shall be carried out, unless specified by alternative timeframes:-

(1) the boundary of the site shall be fenced to prevent unauthorised access and such fencing shall be maintained throughout the life of the site.
(2) the private access road to the site and to the brickworks shall be maintained with a hard and even surface, finish capable of being swept clean from its junction with Moss Side Lane to the wheel cleaning facilities.
(3) Within 28 days of the date of this permission a scheme for the installation of a wheel wash and jet wash facilities at the site access shall be submitted to and approved in writing by the Local Planning Authority. The approved wheel wash and jet wash facilities shall be installed and operating within 28 days of receiving approval in writing from the Local Planning Authority in accordance with the approved scheme. The wheel wash and jet wash facilities shall thereafter be retained and used by all vehicles carrying extracted clay, waste or restoration materials for the duration of the development (including restoration) to ensure that no mud or other material is deposited onto the public highway by vehicles. If the approved scheme is not implemented within 28 days of the Local Planning Authority's approval, the use of the site shall cease until such time as implementation of an approved scheme begins.
(4) all plant and machinery on site shall be regularly maintained throughout the lifetime of this consent, including restoration

R - To safeguard the amenities of the occupiers of adjoining properties and to comply with Policies QE6 and MP1 of the Warrington Local Plan Core Strategy and the Warrington SPD: Environmental Protection.

8. The screen mounds as shown on plans 632.101A-103A, 632.106A and described in the planning application documents shall be fully constructed, seeded with a grass mix and retained in accordance with these documents.

R - To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy QE6 of the Warrington Local Plan Core
Strategy and the Warrington SPD: Environmental Protection.

9. Before the infilling of phase 6 takes place the site offices and all buildings shall be fully demolished.

R - In the interests of retaining the site / areas openness, character, appearance and visual amenity and in order to protect the amenities of the occupiers of neighbouring properties and to comply with Policies CS5 and QE6 of the Warrington Local Plan Core Strategy.

10. Notwithstanding the provisions of Schedule 2 of 'The Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking or re-enacting that order), planning permission shall be required under Part III of the Town and Country Planning Act 1990 (as amended) for the erection or re-siting of any building, fixed plant or machinery or structure or erection in the nature of plant or machinery.

R - In the interests of retaining the site / areas openness, character, appearance and visual amenity and in order to protect the amenities of the occupiers of neighbouring properties and to comply with Policies CS5 and QE6 of the Warrington Local Plan Core Strategy.

11. Operations authorised by this permission, including commercial vehicles entering or leaving the site, shall be restricted to the following periods: -

0730 1800 Monday to Friday
0730 1230 Saturday
and shall not take place on Sundays or Bank or Public Holidays.
Maintenance of plant and machinery may in addition take place between the following hours: -
1800 to 1900 Monday to Friday
1230 to 1800 Saturday
together with such subdued lighting as is required for this purpose. The emergency pumping of surface water from the workings may take place at any time.
No operations outside these "permitted hours" shall take place without the prior written approval of the County Planning Authority.

R - In the interests of amenity and to comply with Policy QE6 of the Warrington Local Plan Core Strategy, Warrington SPD: Environmental Protection and Warrington SPD: Design and Construction.

12. On any day the maximum number of HGV movements to and from the site along Moat Lane shall not exceed 100 (ie 50 in and 50 out).

R - In order to comply with Policy QE6 of the Warrington Local Plan
Core Strategy and to preserve neighbouring residential occupiers privacy and amenity.

13. Daily records shall be kept by the operator (and made available for inspection by the Local Planning Authority) of the size, type and number of vehicles entering and leaving the site via the junction with Moss Side Lane and Moat Lane. A copy of these records shall be submitted to the Local Planning Authority every three (3) months during the operational life of the site.

R - To enable the Local Planning Authority to monitor lorry movements to and from the site in the interests of highway safety and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and to preserve residential occupiers amenity.

14. The only access to the site for waste disposal vehicles and those carrying clay for engineering purposes (and returning empty vehicles) shall be via the existing private access road at the junction of Moss Side Lane and Moat Lane.

R - To ensure that the development is carried out in in accordance with the approved documents and for the avoidance of doubt.

15. Within 3 months of the date of this decision, a scheme detailing the facilities and/or methods to prevent deleterious material (including litter, dust and mud) being carried onto the public highway shall be submitted for the approval of the Local Planning Authority. The scheme shall include provision for revision (including trigger points) in the event of the scheme being ineffective, remedial measures to be put in place to clear the public highway of such material and a timetable for implementation. The approved scheme, including any subsequent approved amendments, shall be implemented throughout the lifetime of the development.

R - To avoid the public highway being affected by the deposit of dust, litter and or mud, which could create a potential hazard to road users and the amenities of neighbouring occupiers and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and Warrington SPD: Environmental Protection.

16. All vehicles carrying waste and restoration materials entering and leaving the site shall be securely sheeted so that no material may at any time be spilled onto the public highway.

R - To avoid the public highway being affected by the deposit of materials, which could create a potential hazard to road users and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and Warrington SPD: Environmental Protection.
17. No waste material deposited at the site shall be removed or exported from the site and there shall be no sorting or treatment of waste on the site other than as may be required for its safe disposal or for restoration.

R - In order to comply with Policy QE6 of the Warrington Local Plan Core Strategy and to preserve neighbouring residential occupiers privacy and amenity.

18. Noise levels during normal operations for clay extraction and waste disposal shall not exceed:

a) 54 LAeq (1 hour) as measured one metre from the facade of the following noise sensitive properties:
   Barn End Cottage
   Barn End Farm
   Ash Tree Farm
   Moss Side Farm No 2
   Moss Hall Farm
b) 58 LAeq (1 hour) as measured free field at a fixed monitoring point situated at the north eastern boundary of the site in respect of the properties of Ivy Cottage, Bridge Farm, Lynmere, Rose Cottage.

R - To prevent loss of residential amenity due to noise arising from site operations in accordance with Policy QE6 of the Warrington Local Plan Core Strategy and the Warrington SPD: Environmental Protection.

19. Noise levels during soil stripping, clay capping, bund formation and soil replacement operations shall not exceed:

a) 70 LAeq (1 hour) as measured 1 metre from the facade of the properties listed in condition No 18. These operations shall not exceed 8 weeks in any twelve month period.
b) 74 LAeq (1 hour) as measured free field at the monitoring position and in respect of the properties indicated in condition No 18. These operations shall not exceed 8 weeks in any twelve month period.

R - To prevent loss of residential amenity due to noise arising from site operations in accordance with Policy QE6 of the Warrington Local Plan Core Strategy and the Warrington SPD: Environmental Protection.

20. All vehicles, plant and machinery shall be properly silenced and maintained in efficient order and in accordance with the manufacturer’s instructions.

R - To prevent loss of residential amenity due to noise arising from site operations in accordance with Policy QE6 of the Warrington Local Plan
21. Within 3 months of the date of this decision, a scheme and programme of measures for the suppression of dust arising from clay extraction and site restoration works including landfilling shall be submitted to the Local Planning Authority for approval. The scheme shall include:

   a) Measures to suppress dust caused by the extraction, movement and storage of materials and the deposit of waste within the site;
   b) Dust suppression measures relating to the movement of vehicles to and from the site whilst travelling on public highways;
   c) Provision for monitoring and review of the scheme.

Thereafter, the approved scheme shall be implemented in full and the measures complied with at all times throughout the lifetime of the development.

R - To prevent loss of residential amenity due to dust arising from site operations in accordance with Policy QE6 of the Warrington Local Plan Core Strategy and the Warrington SPD: Environmental Protection.

22. There shall be no open fires within the boundary of the site.

R – To prevent loss of residential amenity due to smoke and air quality arising from fires in accordance with Policy QE6 of the Warrington Local Plan Core Strategy and the Warrington SPD: Environmental Protection.

23. Within 3 months of the date of this decision the operator shall submit a scheme of mitigation measures to reduce odour nuisance from waste emplacement from each site. The scheme shall include a provision for revision (including trigger points) and a timetable for implementation. The scheme shall be submitted to and approved by the Local Planning Authority and the development shall operate in accordance with the approved scheme.

R – To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and the Warrington SPD: Environmental Protection.

24. There shall be no storage of skips on the site.

R – For the avoidance of doubt and to define the permission.

25. All plant, buildings and machinery on site except for mobile plant shall be coloured Holly Green (14C39 as specified in BS 4800 and thereafter be maintained in that colour)
26. All soils and soil making materials shall only be stripped, handled, stored and replaced in accordance with the approved restoration and aftercare scheme detailed in condition no. 2.

R – For the avoidance of doubt and to define the permission.

R – To ensure a satisfactory form of development and to enhance the visual amenities of the locality and to comply with Policy QE7 of the Warrington Local Plan Core Strategy and the Warrington SPD: Design and Construction.

27. All existing topsoil and subsoil on site shall be retained on site and used in restoration.

R – For the avoidance of doubt and to define the permission.

28. No plant or vehicles shall cross any area of unstripped topsoil or subsoil except for the purposes of soil stripping and all topsoil and subsoil shall be stripped from any areas to be excavated or used for stationing plant and buildings, subsoil or overburden mounds and haul roads prior to being traversed by heavy machinery. All topsoil shall be stripped from any area to be used for subsoil placement.

R – For the avoidance of doubt and to define the permission.

29. No movement of topsoil, or subsoil shall occur except during the months of April to September inclusive or when soils are sufficiently dry to allow suitable separation of soil types and avoid smearing.

R – In order to comply with Policy QE6 of the Warrington Local Plan Core Strategy to preserve neighbouring residential occupiers privacy and amenity and for the avoidance of doubt and to define the permission.

30. All topsoil, subsoil and imported soils shall be stored in separate mounds which shall be located in positions to be agreed in writing with the Local Planning Authority in advance to avoid any loss or contamination of materials (except as may be shown on plan 1/3000). No topsoil mounds shall exceed 2 metres in height and no subsoil mound 5 metres in height except in either case for existing mounds shown on plan 1/3000.

R – In order to comply with Policy QE6 of the Warrington Local Plan Core Strategy to preserve neighbouring residential occupiers privacy and amenity and for the avoidance of doubt and to define the permission.
31. All storage mounds that will remain in situ for more than 3 months, shall be seeded with a grass mix and kept free from excessive plant and weed growth (including noxious weeds) to prevent the build up of a seedbank of agricultural weeds or their dispersal onto adjoining land.

R – To ensure a satisfactory form of development and to enhance the visual amenities of the locality and to comply with Policy QE7 of the Warrington Local Plan Core Strategy and the Warrington SPD: Design and Construction.

32. The temporary storage of clay on site shall not exceed 5 metres in height.

R – For the avoidance of doubt and to define the permission.

33. Extraction of clay shall be confined to those areas shown on plan No 632.106A.

R - For the avoidance of doubt and to define the permission.

34. No clay extraction shall take place in Phase 5 until all clay in Phase 4 has been fully worked out.

R - For the avoidance of doubt and to define the permission.

35. Clay extraction shall not take place from below 16m AOD.

R - For the avoidance of doubt and to define the permission.

36. The disposal of waste shall take place in accordance with the phasing shown on plan no. GPP/CIW/R/15/05 rev 03.

R – For the avoidance of doubt and to define the permission.

37. Site operations shall be arranged so that works are taking place in no more than 3 phases at any one time. This shall normally involve one phase being restored, one being tipped and one being prepared.

R - For the avoidance of doubt and to define the permission.

38. The capping, sub-soiling and restoration of the site shall take place in accordance with the phasing shown on plan no. GPP/CIW/R/15/04 Rev 4.

R - For the avoidance of doubt and to define the permission.

39. Any items of archaeological or scientific interest discovered during the
course of site operations shall be reported to the Local Planning Authority within 24 hours of discovery and a scheme agreed within 5 working days to allow appropriate personnel acting on our behalf of the Local Planning Authority to inspect the find and if necessary remove it from the site.

R - In order to provide a reasonable opportunity to record the history of the site and to comply with Policy QE8 of the Warrington Local Plan Core Strategy and the NPPF

40. The perimeter drainage system shown on plan No GPP/CIW/R/15/06 Rev 02 shall be constructed to manage the run-off of surface water.

R - To prevent pollution of the water environment and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and the NPPF

41. All surface water from the site shall be discharged into the balancing ponds shown on plan GPP/CIW/R/15/06 prior to discharge into Marsh Brook and no water from the site shall be discharged directly to Marsh Brook or any other water course without first being directed to the balancing ponds. Oil, petrol, diesel oil and lubricates shall only be stored within an impervious bund or enclosure with a capacity of at least 110% of the largest tanks capacity.

R - To prevent pollution of the water environment and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and the NPPF

42. Within 6 months of tipping having ceased all plant, machinery, buildings and structures other than those approved and erected in association with leachate or gas control and retained tracks shall be permanently removed from the site.

R - In the interests of retaining the site / areas openness, character, appearance and visual amenity and in order to protect the amenities of the occupiers of neighbouring properties and to comply with Policies CS5, QE6 and QE7 of the Warrington Local Plan Core Strategy.

43. Before any sub-soils or top-soils or soil making materials are placed in any phase the Local Planning Authority shall be invited to inspect the levels of the phase to check their compliance with this planning permission.

R - To ensure that the development is carried out in accordance with the approved documents and for the avoidance of doubt.

44. In all areas of the site, except for the woodland planting areas the engineered cap shall be overlain by a minimum of 750mm of sub-soil and 250mm of top-soil. For areas of woodland planting across the clay
cap shall be overlain by a minimum of 1500mm of soil or soil making material.

R - To ensure a satisfactory form of development and to enhance the visual amenities of the locality and to comply with Policy QE7 of the Warrington Local Plan Core Strategy and the Warrington SPD: Design and Construction.

45. Upon the replacement of the subsoil and prior to the placement of the topsoil the subsoil shall be ripped to provide loosening equivalent to a single pass at a tine spacing of 0.5m or closer and to the full depth of the subsoil and any rocks or debris greater than 200mm in any dimension removed.

R - To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy QE6 of the Warrington Local Plan Core Strategy and the Warrington SPD: Environmental Protection.

46. After the placement of the top-soil it shall be rendered suitable for the after-use shown on the landscaping plan no. Y300.001 Rev 02 for each area of the site and ripped or loosened to provide loosening equivalent to a single pass at a tine spacing of 0.5m or closer to the full depth of the top-soil and any rocks or debris greater than 100mm in any dimension removed in areas of amenity grassland.

R - In the interests of retaining the site / areas openness, character, appearance and visual amenity and in order to protect the amenities of the occupiers of neighbouring properties and to comply with Policies CS5, QE6 and QE7 of the Warrington Local Plan Core Strategy.

47. All soil replacement operations shall only take place when the full volume of the soil is in a dry and friable condition.

R - For the avoidance of doubt and to define the permission.

48. Seeding of the replaced soils on each phase shall take place in the first available planting season following the replacement of the soils in accordance with the restoration and aftercare scheme dated May 2015.

R - In the interests of retaining the site / areas openness, character, appearance and visual amenity and in order to protect the amenities of the occupiers of neighbouring properties and to comply with Policies CS5, QE6 and QE7 of the Warrington Local Plan Core Strategy.

49. Upon completion of the restoration of the site the access road to the site and brickworks shall be removed along with the site infrastructure. In the event that the Omrod Farm development is to commence in accordance with planning permission 1/36771 (or as amended) a
detailed scheme shall be submitted to and approved in writing by the Local Planning Authority, describing the route, construction details and screen planting of the proposed access road into Omrod Farm as indicated on Drawing GPP/CIW/R/15/04 Rev 4. The scheme shall be submitted and approved by the Local Planning Authority prior to the commencement of any works at the Omrod Farm site.

R - In the interests of retaining the site / areas openness, character, appearance and visual amenity and in order to protect the amenities of the occupiers of neighbouring properties and to comply with Policies CS5, QE6 and QE7 of the Warrington Local Plan Core Strategy.

50. All plant, machinery, structures and buildings erected in association with leachate or gas control shall be removed when no longer required by the environmental permit.

R - In the interests of retaining the site / areas openness, character, appearance and visual amenity and in order to protect the amenities of the occupiers of neighbouring properties and to comply with Policies CS5, QE6 and QE7 of the Warrington Local Plan Core Strategy.

51. An annual report shall be prepared and submitted to the Local Planning Authority by 1st April each year showing the progression of working and restoration. This report should include on a map base the levels and/or contours of the site.

R - In the interests of retaining the site / areas openness, character, appearance and visual amenity and in order to protect the amenities of the occupiers of neighbouring properties and to comply with Policies CS5, QE6 and QE7 of the Warrington Local Plan Core Strategy.

**Informatives**

1. This planning permission is granted in strict accordance with the approved plans. It should be noted however that:

   (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
   (b) You or your agent or any other person responsible for implementing this permission should inform Development Control immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

2. This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who
will be fully responsible for their compliance throughout the development and beyond.

If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

(a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
(b) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application. If any other type of condition is breached then you will be liable to a breach of condition notice.

3. 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.

4. With effect from 1 April 2009, Government legislation introduced new national procedures for the discharge of conditions relating to planning permissions. Where planning permission is granted subject to conditions, it is the responsibility of the applicant, or any subsequent developer, to ensure that the terms of all conditions are met in full at the appropriate time. For each request to discharge one or more conditions, the relevant forms and fee should be submitted to Warrington Borough Council. Please see www.planningportal.gov.uk/uploads/appPDF/M0655Form027_england_en.pdf and www.planningportal.gov.uk/PpApplications/genpub/en/StandaloneFee Calculator to download forms and obtain fee information. It should be noted that any number of conditions, relating to the same planning application, can be discharged at one time and therefore will only incur the one applicable fee. If conditions are discharged individually, a fee will be payable for each request made.
Appendix B - Planning Conditions ref: 2008/13199

1) The development must be begun not later than the expiration of five years beginning with the date of this permission.

2) At least 7 days written notice of the date of commencement of development shall be given to the County Planning Authority.

3) The development hereby approved shall only be carried out in accordance with the following documents attached to this permission, except where these may be modified by the conditions below:-

   (1) Planning application documents and proposals
   (2) The justification of the proposals
   (3) The Environmental Statement and non-technical summary
   (4) The Appendices (i-vi)
   (5) The submitted plans
   (6) The planning application and supporting documents submitted for modifications to conditions dated March 2008

The approved plans are those numbered as follows:

(a) planning application boundary 632.006
(b) landscape restoration GPP/CIW/WML/07/08A & RIX2/E/07REVB
(c) post settlement contours GPP/CIW/WML/07/03
(d) pre settlement contours GPP/CIW/WML/07/04
(e) typical section – Pond C 632.012
(f) typical section – west 632.013
(g) typical section – south east 632.014
(h) phasing GPP/CIW/CS/07/05C
(i) lay extraction 632.106A
(j) perimeter drainage 632.107
(k) ponds A, B & C GPP/CIW/CS/07/09
(l) volumes of topsoil and subsoil 1/3000

4) From the commencement of the restoration to its completion, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission shall always be available at the site office for inspection during normal working hours.

5) The development hereby approved shall only be carried out in accordance with a scheme or schemes which shall include provision for:

   a) where the after-use is agricultural, a scheme of aftercare of the restored land for 5 years after the replacement of the topsoil to bring the land to a condition where it is fit for use for agriculture, such after-care shall address the land management steps to be taken for:

      i) preparing the land for cultivation which shall include sub-soiling, preparation of seed beds and the application of fertilisers;
ii) grass seeding of the site and the establishment and maintenance of a satisfactory sward;
iii) the provision of a field water supply;
iv) the installation of the agreed 100mm drainage layer;
v) the scheme shall provide for the annual inspections of the site and the carrying out of any remedial measures, including the replacement of any planting failures, cultivating, fertilising, seeding, watering, drainage and other treatment of the land. The scheme shall be submitted within 6 months of the date of this permission.

b) where the after-use is tree/shrub or aquatic planting a scheme of after-care of the restored land for a period of 5 years following planting, such after-care shall address the land management steps to be taken for:
i) the establishment of the planting including weed control and fertiliser inputs;
ii) The thinning and/or pruning of planted stock;
The scheme shall be submitted within 6 months of the date of this permission.

c) Additional details of the restoration tree shrub and grassland planting. The scheme shall provide full details of the grass mix and all tree shrub hedgerow planting to be carried out on site, and shall specify locations, plant species, numbers, sizes, spacings and method of planting and the timescales for planting. The scheme shall also specify the protection to be given against damage by rabbits and/or livestock through the provision of rabbit proof fencing to all planted areas and shall make provision for the replacement of any planting failures for a period of five years following initial planting. The scheme shall provide full details of all marginal, aquatic planting to be undertaken in association with the balancing ponds. The scheme shall be submitted within 6 months of the date of this permission.

d) Full details of the design, appearance and construction details of the three balancing ponds, A, B & C including those for the control structures regulating discharge from the ponds. The scheme shall be submitted within 6 months of the date of this permission.

e) Full details of a maintenance programme throughout the operational life of the site to ensure that all drainage channels and balancing ponds provide adequate flow and storage capacity for surface water at all times. The scheme shall be submitted within 6 months of the date of this permission.

f) Full details of the design, appearance, landscaping and screening of any leachate treatment plant and associated buildings within the area of the compound which is shown on plan no. GPP/CIW/CS/07/03. The scheme shall be submitted within 6 months of the date of this permission.

g) Full details of the design, appearance, landscaping and screening of any landfill gas flare stack units, the compound for which is shown on plan no. GPP/CIW/CS/07/03. The scheme shall be submitted within 6 months of the date of this permission.

h) Full details of a noise monitoring scheme covering the developers programme for monitoring noise at the noise sensitive properties listed in conditions No. 23, 24, 25 and 26 of permission 1/34113 both during normal operations and construction operations. The scheme shall make provision for the construction of a permanent noise monitoring point
(concrete slab or pillar) to be situated at the extremity of the north eastern boundary of the site. The scheme to be submitted within 2 months of the commencement of the development hereby approved and shall provide for noise monitoring every 3 months.

6) A Scheme or Schemes required by condition 5 shall be submitted for the approval of the County Planning Authority within the timescales indicated in condition No 5. No work on any of the items shall commence until written approval of the details is obtained from the County planning Authority and the work shall subsequently be carried out in full accordance with the approved details.

7) All mineral extraction for capping or site engineering and importation of waste materials authorised by this permission shall cease no later than 26 July 2017

8) All restoration of the site shall be fully completed within 1 year from the cessation of the importation of waste materials.

9) Before any waste disposal commences the following works shall be carried out:-
   a. the boundary of the licensed site shall be fenced to prevent unauthorised access and such fencing shall be maintained throughout the life of the site.
   b. the private access road to the site and to the brickworks shall be surfaced to a finish capable of being swept clean from the junction with Moss Side Lane to the point where the two access roads meet or to the wheel cleaning facilities.
   c. a water bowser or similar shall be kept on site in full working order at all times for the suppression of dust.
   d. wheel cleaning facilities shall be provided on site to allow for the washing of wheels of all lorries leaving the site. The details of the wheel cleaning facilities to be agreed with the County Planning Authority before construction.

10) Within 6 months of the date of this permission the screen mound Sl-S9 as shown on plans 632.101A-103A and described in the planning application documents shall be fully constructed and seeded with a grass mix. No clay extraction shall take place from Phase 2 or 3 until the screen mound is constructed and seeded with a grass mix.

11) Before any clay extraction takes places in Phase 4 the screening mounds shown on plan 632.106A shall be fully constructed and seeded with a grass mix.

12) Before the infilling of phase 6 takes place the site offices and all buildings shall be fully demolished.

13) Notwithstanding the provisions of Schedule 2 of the 'Town and Country Planning General Permitted Development Order 1990 or any order
revoking or re-enacting that order), planning permission shall be required under Part III of the Town and Country Planning Act 1990 for the erection or re-siting of any building, fixed plant or machinery or structure or erection in the nature of plant or machinery.

14) Operations authorised by this permission, including Heavy Goods Vehicles entering or leaving the site, shall be restricted to the following periods:

- **0730 1800 Monday to Friday**
- **0730 1230 Saturday**

and shall not take place on Sundays or Bank or Public Holidays.

Maintenance of plant and machinery may in addition take place between the following hours:

- **1800 to 1900 Monday to Friday**
- **1230 to 1800 Saturday**

Together with such subdued lighting as is required for this purpose. The emergency pumping of surface water from the workings may take place at any time. No operations outside these "permitted hours" shall take place without the prior written approval of the County Planning Authority.

15) On any day the maximum number of Heavy Goods Vehicle movements to and from the site along Moat Lane shall not exceed 100 (ie 50 in and 50 out)

16) Daily records shall be kept by the operator (and made available for inspection by the County Planning Authority) of the number of lorries entering and leaving the site via the junction with Moss Side Lane and Moat Lane. Written records of daily lorry movements shall be submitted to the County Planning Authority at three (3) monthly intervals.

17) The only access to the site for waste disposal vehicles and those carrying clay for engineering purposes shall be via the existing private access road at the junction of Moss Side Lane and Moat Lane.

18) All clay exported from the site for brickmaking (and returning empty lorries) shall only be via the private access track where the egress and ingress is immediately opposite the entrance to the brickworks site on Moss Side Lane.

19) All lorries leaving the site shall use the wheel facilities provided in accordance with condition 9(4).

20) Any deposit of mud or other debris carried onto the public highway resulting from the operation of the site shall be removed as necessary to the satisfaction of the County Planning Authority.

21) All loads on vehicles leaving the site and involved in the transport of clay from the site shall be securely sheeted in such a manner that: no material may at any time be spilled onto the public highway.
22) No waste material deposited at the site shall be removed or exported from the site except as may be agreed in writing with the County Planning Authority and there shall be no sorting or treatment of waste on the site other than as may be required for its safe disposal.

23) Noise levels during normal operations for clay extraction and waste disposal shall not exceed 54 LAeq (1 hour) as measured one metre from the facade of the following noise sensitive properties:
   Barn End
   Cottage Barn
   End Farm Ash
   Tree Farm
   Moss Side Farm No 2
   Moss Hall Farm

24) Noise levels during soil stripping, clay capping, bund formation and soil replacement operations shall not exceed 70 LAeq (1 hour) as measured 1 metre from the facade of the properties listed in condition No 23. These operations shall not exceed 8 weeks in any twelve month period.

25) Noise levels during normal operations for clay extraction and waste disposal shall not exceed 58 LAeq (1 hour) as measured free field at a fixed monitoring point situated at the north eastern boundary of the site in respect of the properties of Ivy Cottage, Bridge Farm, Lynmere, Rose Cottage.

26) Noise levels during soil stripping, clay capping bund formation and soil replacement operations shall not exceed 74 LAeq (1 hour) as measured free field at the monitoring position and in respect of the properties indicated in condition No 25. These operations shall not exceed 8 weeks in any twelve month period.

27) All vehicles, plant and machinery shall be properly silenced and maintained in efficient order and in accordance with the manufacturer’s instructions

28) The water bowser provided in accordance with Condition No 9 (3,) shall be kept in full working order and monitored at all times. The bowser shall be used to water and dampen the site and access roads at such intervals as may be necessary to suppress and prevent the raising of dust.

29) The water bowser provided in accordance with Condition No 9 (3,) shall be kept in full working order and monitored at all times. The bowser shall be used to water and dampen the site and access roads at such intervals as may be necessary to suppress and prevent the raising of dust

30) Mechanical sweeping of surfaced site access roads shall take place at such times as is necessary to control dust.

31) There shall be no open fires within the boundary of the site
32) Adequate measures shall be taken to ensure that the emission of odours from the site is minimised at all times. If at any time odours from the site give rise to complaints from local residents, measures to reduce the problem shall be agreed with the County Planning Authority, and subsequently implemented.

33) There shall be no storage of skips on the site other than as may be agreed in writing with the County Planning Authority.

34) All plant, buildings and machinery on site except for mobile plant shall be coloured Holly Green (12B29 as specified in BS 480,0,)

35) Adequate measures shall be taken at all times to ensure that the spread of windblown litter or waste is prevented and in the event of litter or waste escaping from the operational cell, it shall be collected and returned to the cell at the earliest opportunity.

36) All soils and soil making materials shall only be stripped, handled, stored and replaced in accordance with the planning application and plan No 1/3000 (November 1995) except as modified by any of the conditions attached to this permission.

37) All existing topsoil and subsoil on site shall be retained on site and used in restoration.

38) No plant or vehicles shall cross any area of unstripped topsoil or subsoil except for the purposes of soil stripping and all topsoil and subsoil shall be stripped from any areas to be excavated or used for stationing plant and buildings, subsoil or overburden mounds and haul roads prior to being traversed by heavy machinery. All topsoil shall be stripped from any area to be used for topsoil or subsoil.

39) No plant or vehicles shall cross any area of unstripped topsoil or subsoil except for the purposes of soil stripping and all topsoil and subsoil shall be stripped from any areas to be excavated or used for stationing plant and buildings, subsoil or overburden mounds and haul roads prior to being traversed by heavy machinery. All topsoil shall be stripped from any area to be used for topsoil or subsoil.

40) No movement of topsoil, or subsoil shall occur except during the months of April to September or when soils are sufficiently dry to allow suitable separation of soil types and avoid smearing unless otherwise agreed in writing with the County Planning Authority.

41) The applicant shall give at least 2 working days notice to the County Planning Authority prior to the commencement of topsoil or subsoil stripping on any part of the site.

42) All topsoil, subsoil and imported soils shall be stored in separate mounds which shall be located in positions to be agreed in writing with the County Planning Authority in advance to avoid any loss or contamination of materials (except as may be shown on plan 1/3000). No topsoil mounds
shall exceed 2 metres in height and no subsoil mound 5 metres in height
except in either case for existing mounds shown on plan 1/3000

43) All storage mounds that will remain in situ for more than 3 months, shall be
seeded with a grass mix and kept free from excessive plant and weed
growth to prevent the build up of a seedbank of agricultural weeds or their
dispersal onto adjoining land.

44) The temporary storage of clay on site shall not exceed 5 metres in height.

45) Extraction of clay shall be confined to those areas shown on plan No
632.106A

46) No clay extraction shall take place in Phase 5 until all clay in Phase 4 has
been fully worked out

47) Those areas shown on Plan No 632.106A as "First Call Brickmaking" shall
not be worked for the purpose of capping or site engineering and those
areas shown as "First call cap/engineering" shall not be worked for
brickmaking without the prior approval of the County Planning Authority.
Any variation shall only be agreed within the principle of the balance of the
use of clay as shown on Plan No 632.106A.

48) Clay extraction shall not take place from below 16m AOD

49) The disposal of waste shall take place in the manner and phasing shown
on plan no. GPP/CIW/CS/07/05C commencing in Phase 1a

50) Site operations shall be arranged so that works are taking place in no
more than 3 phases at any one time. This shall normally involve one
phase being restored, one being tipped and one being prepared.

51) The capping, sub-soiling and restoration of the site shall take place in
accordance with the phasing shown on plan no. GPP/CIW/CS/07/05C
commencing in 2011 with phases 1a, 1b and 1c

52) Any items of archaeological or scientific interest discovered during the
course of site operations shall be reported to the County Planning
Authority and a reasonable opportunity be afforded to appropriate
personnel acting on our behalf of the County Planning Authority to
inspect the find and if necessary remove it from the site.

53) The perimeter drainage system shown on plan No 632.101A-106A shall be
constructed in the phased manner shown.

54) All surface water from the site shall be discharged into the balancing
ponds shown on plan GPP/CIW/CS/07/09 prior to discharge into Marsh
Brook

55) No water from the site shall be discharged directly to Marsh Brook or any
other water course without first being directed to the balancing ponds
56) Oil, petrol, diesel oil and lubricates shall only be stored within an impervious bund or enclosure with a capacity of at least 110% of the largest tanks capacity.

57) From the commencement of development until restoration in accordance with the terms of condition 8, the following shall be carried out:-
   a) all plant and machinery on site shall be regularly maintained;
   b) the maintenance of surface haul roads to provide a hard and even surface over which licensed road vehicles operate:
   c) all the area within the permission including the amenity mounds shall be maintained and kept free of noxious weeds and necessary steps shall be taken to destroy any weeds occurring at an early stage of growth to prevent seeding.

58) Within 7 years of the date of this permission or within 6 months of tipping having ceased (whichever is the sooner) all plant, machinery, buildings and structures other than those approved and erected in association with leachate or gas control shall be removed from the site.

59) When the deposit of waste in each phase is completed the waste shall be covered with an engineered cap to the specification set out in the site Environmental Permit.

60) Before any sub-soils or top-soils or soil making materials are placed in any phase the Local Planning Authority shall be invited to inspect the levels of the phase to check their compliance with this planning permission.

61) In all areas of the site other than the woodland planting areas the engineered cap shall be overlain by a minimum of 750mm of sub-soil and 250mm of top-soil.

62) In all areas of the site where woodland planting is proposed the engineered cap shall be overlain by a minimum of 1500mm of sub-soil or soil making material.

63) All soil making material shall satisfy the following criteria:
   - Bulk density <1.5g cm\(^{-3}\) to at least 30cm depth
   - <1.7g cm\(^{-3}\) to 1m depth
   - Stoniness <40% by volume. Few stones greater than 100mm in size
   - pH 4.0 – 8.0
   - Electrical conductivity <0.2 S m\(^{-1}\) (1:1 soil; water suspension)
   - Iron pyrite content <0.05%
   - Heavy metal content Not excessively over ICRCL (1987) threshold trigger concentrations
   - Organic contaminants Not exceeding ICRCL (1987) action trigger concentrations

64) Upon the replacement of the subsoil and prior to the placement of the topsoil the subsoil shall be ripped to provide loosening equivalent to a single pass at a tine spacing of 0.5m or closer and to the full depth of the...
subsoil and any rocks or debris greater than 200mm in any dimension removed.

65) After the placement of the top-soil it shall be rendered suitable for the after-use shown on the landscaping plan no. GPP/CIW/CS/07/08A for each area of the site and ripped or loosened to provide loosening equivalent to a single pass at a tine spacing of 0.5m or closer to the full depth of the top-soil and any rocks or debris greater than 100mm in any dimension removed in areas of amenity grassland.

66) All soil replacement operations shall only take place when the full volume of the soil is in a dry and friable condition.

67) Seeding of the replaced soils on each phase shall take place in the first available planting season following the replacement of the soils in accordance with the scheme required by condition 5.

68) The tree and shrub planting shown on drawings GPP/CIW/CS/07/08A shall take place in the first available planting season following the replacement of the soils in each phase and any trees or shrubs that die, are removed or become damaged or diseased within 5 years of planting shall be replaced in the first available planting season with plants of an appropriate size and species. The proposed off site restoration and planting as shown on drawing RIX2/E/07REVB shall take place in the first available planting season or within 12 months from the date of the permission.

69) Upon completion of the restoration of the site the access road to the site and brickworks shall be removed along with the site infrastructure. In the event that the Omrod Farm development is to commence in accordance with planning permission 1/36771 (or as amended) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority, describing the route, construction details and screen planting of the proposed access road into Omrod Farm as indicated on Drawing GPP/CIW/CS/07/08A. The scheme shall be submitted and approved by the LPA prior to the commencement of any works at the Omrod Farm site.

70) All plant, machinery, structures and buildings erected in association with leachate or gas control shall be removed when no longer required by any waste management licence or agreement.

71) An annual report shall be prepared and submitted to the Local Planning Authority showing the progression of working and restoration. This report should include on a map base the levels and/or contours of the site.
Appendix C – Contextual Plan of the Site
Appendix D – Photographs of the Site and Surroundings

Photograph 1: View of the site from junction of Moss Side Lane & Prospect Lane

Photograph 2: View from Prospect Lane adj. Woodend Farm
Photograph 3: View from Prospect Lane northwards

Photograph 4: View of landform from Prospect Lane near to fisheries
Photograph 5: View of site from Holly Bush Lane

Photograph 6: View from near to junction of Holly Bush Lane and Woodend Lane
Photograph 7: Brickworks

Photograph 8: Moss Side Lane in front of brickworks
Photograph 9: View of site from PROW to east running between Dam Lane and Moss Side Lane

Photograph 10: View from PROW north of railway line and near Omrod Farm
DEVELOPMENT CONTROL COMMITTEE DATE 17-Dec-2015

ITEM 3

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>2015/26262</th>
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<tbody>
<tr>
<td>Location:</td>
<td>Land at Harrison Square, Boulting Avenue, Warrington, WA5 0HQ</td>
</tr>
<tr>
<td>Ward:</td>
<td>Bewsey and Whitecross</td>
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<tr>
<td>Development</td>
<td>Full Planning (Major) - Proposed development comprising of twenty four affordable houses and two new retail units</td>
</tr>
<tr>
<td>Date Registered:</td>
<td>09-Sep-2015</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Linda Letwenjuk</td>
</tr>
<tr>
<td>8/13/16 Week Expiry Date:</td>
<td>08-Dec-2015</td>
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Reason for Referral

The application site is within the ownership of Warrington Borough Council.

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 and Proposal

The application proposes a scheme of 24 new dwellings comprising of 18 houses and 6 bungalows, as well as 2 new retail units. All the dwellings are 2 bedroom units (4 persons). The existing commercial floorspace is 430sqm, and the proposed replacement floorspace 340sqm.

The site was previously occupied by a shopping parade running either side of Harrison Square. The southern side of the square was deemed unsafe and subsequently demolished in 2014, leaving only the northern side currently remaining. The buildings on this side are occupied by a convenience store (including a post office) and a pharmacy. Significant areas of the wider site are vacant and unsightly with uneven expanses of hardstanding. The site is located within a prominent position in the centre of the Dallam.
The site is accessed primarily from Longshaw Street which acts as the main road linking the Dallam and Bewsey areas. There is a roundabout within the site on Longshaw Street. Adjacent to the roundabout within the eastern part of the site is an area of open space formerly occupied by flats up until about 20 years ago when they were knocked down due to anti-social neighbourhood issues. It is now included in Warrington's 2012 open space audit.

Dallam County Primary School and Dallam Children’s Centre are situated on the opposite side of Boulting Avenue to the west of the site. There are bus routes which pass nearby and towards the south of the site, leading to Bewsey and the town centre.

The general character of the area is high density with a mixture of traditional two storey semi-detached housing, terraced blocks, and single storey bungalows.

The proposed housing scheme would be completed as a phased development to provide continuous operation of the existing convenience store and pharmacy uses during all stages of construction:

- Phase 1: Construct 8 new dwellings and the new retail buildings, including replacement customer parking on the eastern side of the site.
- Phase 2: Construct 8 new dwellings on the southern side of the site.
- Phase 3: Upon completion of Phase 1 the convenience store and pharmacy would be relocated into the new accommodation, allowing for the demolition of the buildings within the northern part of the site, and the construction of the final 8 new dwellings.

Relevant Planning History

Various applications relating to the individual buildings within the site, most of which have now been demolished. No application of relevance to the current proposal.

Planning Policy

National Planning Policy Framework (NPPF)

Warrington Core Strategy
Policy CS1 Overall Spatial Strategy-Delivering Sustainable Development
Policy CS 2 Overall Spatial Strategy-Quantity and Distribution of Development
Policy CS 3 Overall Spatial Strategy - Transport
Policy SN1 Distribution and Nature of New Housing
Policy SN2 Securing Mixed and Inclusive Neighbourhoods
Policy SN4 Hierarchy of Centres
Policy SN6 Sustaining the Local Economy and Services
Policy SN7 Enhancing Health and Well-being
Policy QE1 Decentralised Energy Networks and Low Carbon Development
Policy QE3 Green Infrastructure
Policy QE4 Flood Risk
Notification Responses

Neighbours
No comments received

Consultation Responses

Arboricultural Officer
No objections – conditions recommended requiring tree protection measures

Children’s Services
No comments received

Ecology
No objections – conditions recommended ensuring no works in bird breeding season and biodiversity enhancements included in the scheme

Environmental Health
No objections – conditions recommended relating to land quality and noise and construction activity

Flood Risk Team
No objections – submitted Flood Risk Assessment acceptable

Highways
No objections – conditions recommended relating to road construction and pedestrian improvements, cycle parking, traffic management measures, electric vehicle charging points, car park provision and retention, and a servicing management strategy

United Utilities
No comments received

Observations

Principle of Housing
Policy SN1 relates to housing development and states that support will be given to schemes which provide a solution to environmental or social problems associated with a site; or present an opportunity to widen the type, size and affordability of available housing, through reference to need evidenced by the Council, in sustainable locations which are well served by existing infrastructure; or support the delivery of or help create the density of population to support the operation of neighbourhood hubs and local shops and services. The proposal is consistent with all these objectives.
An application has successfully been made to the High Court to quash parts of the Core Strategy which relate to housing. It is acknowledged that paragraph 14 of the NPPF is applicable and in a situation where planning permission is refused for a housing scheme, the adverse impacts should significantly and demonstrably outweigh the benefits.

**Affordable Housing**
As the scheme proposes all affordable units in a mixture of house types the application complies with the requirements of policy SN2 of the Warrington Core Strategy in respect of the level and type of affordable housing provision.

**Local Shopping Centre**
The site is located in an existing local centre as defined in policy SN4 of the Core Strategy. Provision for retailing within the borough is based on the need to safeguard and enhance the vitality and viability of the retail hierarchy of centres. As the proposal makes provision for new buildings to accommodate the existing commercial uses on the site, the site would maintain its function within the retail hierarchy.

The scale of the retail units is also considered to be of an appropriate scale for a local centre. The retail element of the scheme is in accordance with policy SN5 of the Core Strategy.

**Design**
A key design objective for new housing development is to create a place with a locally inspired or otherwise distinctive character. Policy QE6 of the Warrington Core Strategy states that the Council would only support development which would not lead to an adverse impact on the environment and would not have an unacceptable impact on the surrounding area. Policy QE7 requires development to reinforce local distinctiveness and enhance the character, appearance and function of the street scene, local area and wider townscape.

The submission includes a Design and Access Statement intended to demonstrate how the proposal enhances the existing local character. The general character of the surrounding area is high density traditional two storey terraced and semi-detached houses with front gardens and a mixture of on and off street parking. There are also a small number of bungalows to the south of the site on Hawleys Lane. There are no specific dominant architectural features, but there are traditional elements such as bay windows, porches, covered entrances, pitched roofs, and to a lesser extent render and gables.

The proposed houses incorporate some of these traditional features. They have a stronger vertical emphasis with gabled rather than hipped roofs and are approximately 1m higher than the existing adjacent houses along Longshaw Street and Boulting Avenue. This is an acceptable arrangement, with the central roundabout feature on Longshaw Street in particular being a focal point of the streetscene lending itself to more prominent buildings, albeit only slightly. Similarly the houses would be satisfactorily accommodated
within the Boulting Avenue streetscene.

More generally the scale and density of development is consistent with the surrounding area and there is an acceptable mix of buildings with detached and semi-detached two storey houses, bungalows and retail units. The new road would maintain the permeability between Longshaw Street and Boulting Avenue and all the dwellings have a street scene frontage. Plots 11, 16, 17 and 22 are in corner positions and reasonably address two street frontages with vertical rendered window surrounds providing an active interface to the streetscene.

Where possible there is parking behind the building line, reducing the proliferation of frontage parking and allowing for front gardens. All the dwellings provide amenity space for personal use with scope for sheds, cycle storage, gardens, etc. The garden areas for the bungalows (plots 11 to 13 and 20 to 22) are small however. The supporting information submitted with the application suggests that this reflects resident’s desire for more manageable garden area. Notwithstanding this it is not considered to be a desirable element of the scheme, albeit of only limited negative weight in the current circumstances. Otherwise the garden areas throughout the site provide satisfactory private amenity space for future occupants. Satisfactory access for bins and recycling is achieved. Covered access to the front of the building is incorporated for plots 12 and 21 being centrally located dwellings in blocks of three. Low level timber fencing and gates would provide a clearly defined private secure space between the footpath and front of the houses. At the back, the gardens would be enclosed by closed board timber fencing to secure by design standards. Public spaces are overlooked with sufficient natural surveillance throughout the scheme.

There is unity in the treatment of elevations between the different house types, with the use of rendered feature window surrounds, red facing brick, timber entrance doors with obscure side glazing, and blue engineering skirting courses.

**Outlook and Daylight**
The proposed new buildings retain satisfactory separation distances to the existing dwellings bordering the site in excess of 21m. There would not be any significant loss of light or outlook to existing properties.

Within the site, the separation between the new buildings is also satisfactory, having regard to the mix of buildings proposed. Of note is the relationship between the south facing elevation of plot 11, and the north facing blank side elevation of plot 10, with these buildings being close. (This is replicated with plots 22 and 23). The internal arrangement of plot 11 is such however that its main elevations face in a northerly and easterly direction, thus retaining satisfactory light and outlook for future occupants. This relationship is thus acceptable (and also with regard to plots 22 and 23).
Highways

Retail Parking
To meet the Councils car parking standards for the retail uses 14 car parking spaces are required for unit one and 4 for unit 2. Therefore 18 car parking spaces are required for the retail uses overall, including 1 enlarged car parking space, 1 disabled space, 1 electric vehicle charging point, 2 cycle parking spaces and 2 motorcycle parking spaces.

The proposals include 10 car parking spaces for the retail uses including 1 disabled parking space, 1 enlarged parking space and a space that can be provided as an electric vehicle charging point. Of the 10 spaces provided, 5 are located to the rear of the site for staff and for service vehicles related to the pharmacy use, therefore there are 5 car parking spaces provided for shoppers. Whilst this falls short of the Councils car parking standards, it is noted within the submitted Transport Statement that the proposed retail units are already operating within the site constraints with a lower level of parking provision and therefore the proposals provide an improved situation in highways terms with a dedicated service yard to the rear of the site to service both units away from the public highway.

It must also be noted that in four on street parking bays have been created which despite not being directly outside the retail store could provide additional space for shoppers to park within the vicinity of the site.

In terms of cycle parking and motorcycle parking, 2 motorcycle parking spaces are proposed with lockable points to the store frontage and 2 cycle parking spaces are also provided at the store frontage for visitors to the site. Further to this an additional four covered cycle parking stands are proposed within the rear compound for the site which would provide eight cycle parking spaces for staff.

Whilst the proposals fall short of the Councils car parking standards for the retail use, it is considered on balance that the proposals are an improvement from the existing situation. A condition is recommended for the installation of bollards and appropriate Traffic Regulation Orders to restrict parking on the store frontages that could obstruct access and egress for pedestrians and vehicles in the vicinity of the site.

Retail Access
The submitted Transport Statement includes swept paths for a refuse vehicle and for a rigid vehicle which shows that access and egress and turning within the site can be acceptably undertaken within the carriageway extents without overrunning the footways.

The Transport Statement also states that the existing convenience store has 3 to 4 deliveries a day and the pharmacy 1 or 2 deliveries incoming per day and 3 or 4 outgoing deliveries per day to deliver medication. It is considered that the proposed arrangements are acceptable for this number and size of deliveries as this has been designed based on existing users that will be relocating as part of the redevelopment. A service management plan is
necessary to ensure that both units are working together to ensure that two
service vehicles do not arrive at the site simultaneously - if vehicles stop on
the roundabout or on the footway adjacent to the roundabout this would be to
the detriment of pedestrian and highway safety and would disrupt the free flow
of traffic on Longshaw Street.

The proposed layout provides acceptable footway extents and tactile paving.
The construction details, drainage and street lighting arrangements for the site
are the subject of a condition and are to be agreed.

Residential Parking
To meet the Councils car parking standards, the provision of 2 allocated
spaces and 0.2 unallocated spaces are required per dwellinghouse. Therefore
48 allocated and 4.8 unallocated car parking spaces are required for the
development.

The proposals include 48 allocated car parking spaces and two laybys have
been proposed off the new access road to provide 4 of the required 5
unallocated parking spaces. The laybys are located in close proximity of
Boulting Avenue and the school and will provide a dual purpose to support
pick up and drop off for the school in the daytime and during the hours of peak
residential usage in the evening and overnight will provide a facility for
residential visitors or overflow parking which would help keep footways in the
vicinity of the site clear of parked vehicles. With this in mind, it is felt that the
shortfall of one unallocated car parking space is acceptable.

Two cycle parking spaces per dwellinghouse are required to be provided
within a storage room, garage or by access to the rear garden to be
demonstrated. The proposals comply with the Councils standards by
providing rear garden access. The middle terraces on the new access road
have a ground level access to their rear gardens for cycle access and to
ensure that bins can be stored to the rear and not in front gardens.

Each dwelling with on plot parking is required to be provided with an external
electric vehicle charging point.

The applicant must ensure that adequate drainage facilities or permeable
surfacing is used on the area of hard standing to ensure that localised
flooding does not result from these proposals.

Highway Stopping Up
The stopping up of the public highway is required. The applicant is already
progressing this through the Department of Transport National Casework
team. Street lighting columns and a royal mail postbox will need to be
relocated as part of the proposals.

Open Space
The proposal involves the loss of a grassed area on the eastern side of
Longshaw Street. This is an attractive amenity feature acting as a visual break
in the streetscene. The land is designated as incidental open space in the
This land is not of significant value in terms of recreational value, as a community resource for formal or informal events, as a green link or a buffer zone between other uses, or in terms of its landscape and nature conservation value. Having regard to the scale of the development, there should in the first instance be consideration of provision for a Local Area of Play (LAP) for children on site.

The applicant has provided information to demonstrate that this would not be viable having regard to the nature of the scheme for social housing. Additionally there are newly installed and enhanced existing facilities and also new planned provision of equipped play in the Dallam area. There are three existing/planned equipped play areas within 400 metres of the site. Whilst these are strictly speaking outside of the accessibility standard distances specified in the OSA they are all still within a reasonable walking distance (the closest being less than 200 metres from the nearest part of the development site).

The importance of the grassed area that would be lost is therefore limited and having regard to the wider regenerative and aesthetic benefits the development would secure, should only be attributed very limited weight.

Trees
The site contains three trees which have the potential to be affected by the proposal. There is one tree to the north west corner and two off site trees which bound the open amenity space area to the east.

The on-site tree is a relatively small specimen of limited amenity value and its loss can be easily mitigated as a part of the landscape scheme.

There is a requirement for root protection areas for the two off site trees, in order to ensure their retention. Details of excavation depths and construction methods and materials to be used for the proposed parking bays within the root protection area of the lime tree on Longshaw Street are required due to the proximity of the parking spaces of plot 1. A condition is recommended accordingly.

Ecology
The application is accompanied by an Ecological Assessment (TEP Report, Ref: 5216.002, June 2015).

Bats
The bat surveys comprised of a daytime assessment of the buildings and trees on the site on 28th May 2015. The buildings were assessed has having only a low potential to support roosting bats. The trees were found to have a negligible potential to support roosting bats and were therefore not subject to the dusk emergence survey. A dusk emergence survey was undertaken on the buildings on 16th June 2015 in optimal weather conditions conducive to bat activity. No bats were found during the building inspections and no bats
were seen to emerge from the buildings during the dusk emergence surveys. Bat activity during the survey was also low. No further bat surveys are therefore considered necessary and work can commence with a low risk to roosting bats.

Notwithstanding the above, bats are mobile in their habits and can be found in the most unlikely places. If bats are found at any time during work then work should cease immediately and advice sought from a suitably qualified bat worker. An informative is recommended accordingly.

**Birds**
The trees on the site have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). It is recommended that works to trees should not be undertaken in the main bird breeding season (March to July inclusive). A condition is recommended.

**Biodiversity Enhancement**
The NPPF (s.11) identifies requirements for biodiversity enhancement in new development, and a condition is also recommended to secure such enhancements.

**Drainage**
The application includes a Flood Risk Assessment (Curtins Consulting Ltd, ref. Li1153 / FRA, 22nd October 2015). This concludes as follows:

- The site is located within Flood Zone 1 and classified as ‘More Vulnerable’ development, the sequential and exception test are not required to be undertaken, therefore the development is appropriate at this location.
- There is currently no flood risk identified on the Environment Agency and SFRA flood maps for this area for fluvial, tidal and reservoir flooding the site is therefore regarded to be at low risk from these types of flooding.
- The PFRA highlights that the site is not within an area susceptible for groundwater flooding. The site is therefore considered to be at low risk from groundwater flooding.
- There have been no recorded flooding events at the site. The site has not been subject to any historical flood events. The Environment Agency Surface Water flood map for the area indicates that the site is at very low risk of surface water flooding. Therefore risk of flooding to the site from surface water flooding is considered very low.
- Providing the principles set out within the report are followed and developed at detailed design stage, the site can be considered to have a low probability of suffering from any form of flooding and not increasing the probability of flood risk to other properties within the local catchment area.

The Flood Risk Assessment subsequently makes the following recommendations:
- The proposed external levels should fall away from the building so that low points are not created, encouraging surface water to fall away from the proposed buildings.
- A pathway for flood water should be created working with the existing site levels to allow free passage of any overland flows through the site, located to avoid buildings.
- The surface water from the proposed development is proposed to be collected by the use a piped system with attenuation prior to discharge into the existing adopted surface water sewer in Longshaw Street at an agreed restricted rate.
- A suitable maintenance strategy should be adopted to ensure the drainage network is cleaned regularly and the routine maintenance and cleansing regime should be documented.

The Council’s Flood Assets Section has no objections to the proposal and subject to conditions to for a sustainable drainage scheme and implementation of the recommendations of the FRA, the proposal is acceptable in respect of the drainage issues.

Land Quality
The application is accompanied by a Phase 1 Detailed Desk Top Study (Curtins Consulting, dated 19 March 2015, Ref: EB1584/AW/4413). The Preliminary Risk Assessment is satisfactory and is appropriate for a site of this nature and the proposed development works. Conditions are recommended for further investigation and remediation as necessary.

Landscaping
The Council's Tree Officer has identified suggested revisions to the submitted landscaping scheme (ref. D5031.002B Phase 1 & 2 Landscape Plans), and a condition is recommended to ensure that it is amended accordingly before implementation.

Noise
The retail element of the proposal is a sufficient distance away from the nearest residential properties so as to not cause any significant loss of amenity from the activity associated with the building, including from servicing and deliveries. The submission includes no specific details of opening and servicing hours, so a condition is required to address this.

Further conditions are recommended to ensure acoustic insulation of external plant and equipment, and ensure submission of a Construction Environmental Management Plan (CEMP), having regard to the proximity of existing dwellings and the high density nature of the locality.

Energy
The submitted Energy Statement and accompanying Preliminary SAP Assessment Form demonstrate that the residential development as a whole would achieve a reduction in carbon emissions beyond the Building Regulations requirements slightly in excess of 10%, which would primarily be
achieved through improved construction specifications (i.e. the fabric first approach).

The SAP Assessment Form demonstrates that the predicted dwelling emission rates (16.26 and 16.86 kgC02/m2/year) for the two dwelling types will be less than the target emission rate (18.10 and 19.07 kgC02/m2/year) required to comply with the current Building Regulations (Part L2A, 2013) by 10.84%.

This approach accords with the principles of the energy hierarchy by first targeting the conservation of energy to reduce the overall demand for fuel. Subject to a condition to ensure that the stated specifications are incorporated into the construction of the buildings the proposal is consistent with the Council's sustainable energy objectives.

Conclusion

The principle of residential development is acceptable and the scheme would make a valuable contribution to the availability of affordable housing within the borough. With suitable safeguards set out within the recommended conditions there would be no material adverse implications for the living conditions of existing residential property, and the removal of the existing unsightly buildings and structures would improve the local environment. Adequate provision is made for access, parking and servicing. The loss of the open grassed area is undesirable but mitigated by the availability of open space available nearby and more than offset by the improvements the scheme would bring. The proposal accords with the principles of the energy hierarchy and the incorporation of retail uses maintains the availability of local services. The design of the scheme has sufficient interest and variety within the context of traditional built form in the locality. It would enhance the character, appearance and function of the street scene, local area and wider townscape with the density and mix of development optimising the potential of what is a site in much need of regeneration.

Recommendation

Approve subject to conditions

Conditions & Reasons

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

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. Condition: The development shall be carried out in accordance with the following plans / documents:
Reason: For the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy QE6 of the Warrington Core Strategy.

3. Condition: Prior to the commencement of the development hereby approved, details of the external roofing and facing materials (including colour or render, paintwork and colourwash), shall be submitted to the Local Planning Authority for approval. The development shall be constructed in accordance with the approved details/samples.

Reason: In the interests of visual amenity. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.

4. Condition: Prior to the commencement of use, a revised landscaping scheme shall be submitted to and approved in writing with the Local Planning Authority. The approved scheme shall be carried out not later than in the first planting season or seeding seasons following the completion of the development. Any planting which within a period of 5 years of implementation of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality and mitigate the loss of existing landscaping. This is in accordance with the following policies of the Warrington Core
5. Condition: No development shall commence until temporary protective fencing has been erected to protect the adjacent off-site trees. The fencing shall be retained during the period of construction and shall be removed upon full completion of the works. Within the protected area, there shall be no excavation for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids without the prior agreement of the Local Planning Authority. Any pruning and crown lifting shall be kept to the very minimum in order to retain the original shape and form of the trees present. Any work within root protection areas and protective fencing to be erected shall be in accordance with BS 5837:2012.

Reason: To ensure adequate protection of trees on site in the interests of visual amenity. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.

6. Condition: Prior to the commencement of construction of plot 1, the required excavation depths and construction methods and materials to be used for the proposed parking bays of plot 1 within the root protection area of the adjacent lime tree, shall be submitted to and approved in writing with the Local Planning Authority.

Reason: To ensure adequate protection of the lime trees in the interests of visual amenity. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.

7. Condition: Prior to the occupation of each dwelling, the car parking spaces for that dwelling shall be laid out and surfaced in accordance with the approved site layout, and made available for use and retained as such thereafter.

Reason: In the interests of highway safety. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.

8. Condition: Prior to the commencement of development, a scheme for the provision of biodiversity enhancement shall be submitted to and approved in writing with the Local Planning Authority. This should include features such as bat bricks and/or tubes; bat boxes; bird boxes; native tree and shrub planting. The approved scheme shall be implemented in full prior to the final residential occupation of a dwelling on the site and retained thereafter.

Reason: In the interests of biodiversity. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place; Policy
QE5 Biodiversity and Geodiversity Value.

9. Condition: No development works hereby approved shall take place where there may be an impact on nesting birds during the bird-breeding season between 1st March and 31st August.

Reason: In the interests of birds. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place; Policy QE5 Biodiversity and Geodiversity Value. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

10. Condition: Any external plant associated with the retail units hereby approved shall be acoustically insulated in accordance with a scheme to be first submitted to and approved in writing with by the Local Planning Authority before its installation. The scheme shall ensure that the background noise level at the boundary of the site or the nearest noise sensitive dwelling does not increase. For the avoidance of doubt calculated noise levels at the measurement point should be 10dBA below the existing background level.

Reason: To prevent an increase in background noise level and protect the amenity of residential properties. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.

11. Condition: Prior to the commencement of use of the retail units hereby approved, details of the opening hours, refuse collection and servicing arrangements, shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be adhered to at all times unless alternative operational arrangements are first agreed in writing with the Local Planning Authority.

Reason: To prevent an increase in background noise level and protect the amenity of residential properties. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.

12. Condition: Prior to the commencement of any works on site, the applicant shall provide in writing a Construction Environmental Management Plan (CEMP) to the Local Planning Authority for written approval. The CEMP shall review all construction operations proposed on site and shall cover as a minimum the following areas of work on a phase by phase basis, identifying appropriate mitigation measures as necessary: Proposed locations of Site Compound Areas, Proposed Routing of deliveries to Site Compounds or deliveries direct to site, Proposed delivery hours to site, Proposed Construction Hours, Acoustic mitigation measures, Control of Dust and Air Quality on site and consideration for joining a Considerate Contractors Scheme. The CEMP shall consider in each case issues relating to noise (where not detailed in a separate condition), dust, odour, control of waste
materials and vibration (where not detailed in a separate condition). Once approved in writing, all identified measures within the CEMP shall be implemented in accordance with the requirements therein and shall be reviewed on a regular basis and in case of receipt of any justified complaint. Any changes to the identified CEMP mitigation measures from either the regular review process or following receipt of a complaint shall be forwarded to the Local Planning Authority within 24hrs of a change being agreed or implemented.

Reason: To protect residential amenity from adverse impacts on amenity through noise, dust, air quality and general disturbance over a prolonged build and demolition process, having regard to the proximity of dwellings to the application site. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.

13. Condition: The recommendation of the Flood Risk Assessment (Curtins Consulting Ltd, ref. Li1153 / FRA, 22nd October 2015), shall be implemented in full and retained thereafter, as follows:

- The proposed external levels should fall away from the building so that low points are not created, encouraging surface water to fall away from the proposed buildings.
- A pathway for flood water should be created working with the existing site levels to allow free passage of any overland flows through the site, located to avoid buildings.
- The surface water from the proposed development is proposed to be collected by the use a piped system with attenuation prior to discharge into the existing adopted surface water sewer in Longshaw Street at an agreed restricted rate.
- A suitable maintenance strategy should be adopted to ensure the drainage network is cleaned regularly and the routine maintenance and cleansing regime should be documented.

Reason: To ensure that the site is adequately drained. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.

14. Condition: Prior to commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure that the site is adequately drained. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.
Place.

15. Condition: No development (other than demolition and site clearance works) shall take place until the steps in Sections A and B below are undertaken:

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

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

Completing a PRA is the minimum requirement. DQRA should only be submitted if GQRA findings require it.

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY: If required (as determined by the findings of Section A above) a remediation and verification (validation) strategy shall be submitted in writing to and agreed with the LPA. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

The site shall not be taken into use until the investigations, remediation and verification are completed. The actions required in Sections A and B shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.

16. Condition: The development shall not be taken into use until the following requirements have been met and required information submitted to and approved by the Local Planning Authority (LPA):

A: REMEDIATION & VERIFICATION: Remediation and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report must be submitted to the LPA for approval.
B: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously-unidentified contamination encountered during development works must be reported immediately to the LPA and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation/verification measures proposed as necessary) and a revised remediation and verification strategy submitted in writing and agreed by the LPA.

C: LONG-TERM MONITORING & MAINTENANCE: If required in the agreed remediation or verification strategy, all monitoring and/or maintenance of remedial measures shall be carried out in accordance with the approved details.

The actions required to be carried out in Sections A to C above shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.

17. Condition: Prior to the commencement of development a scheme for the provision of the development hereby permitted to be delivered as Affordable Housing shall be submitted to the Local Planning Authority for their written approval. No dwelling hereby permitted shall be occupied until the affordable housing scheme has been approved by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing contained in Annex 2 of the National Planning Policy Framework (March 2012) or any future guidance that replaces it, unless otherwise approved in writing by the Local Planning Authority. The scheme shall include:

- confirmation of the housing tenure with the details of the locations / plots for any mix of tenure

- details of or the the arrangements for the transfer/management of the affordable housing to an affordable housing provider

- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing

- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced
Reason: To ensure that the proposal satisfactorily provides affordable housing in accordance with policy SN2 of the Warrington Core Strategy.

18. Condition: Prior to the commencement of development, a scheme detailing road construction, street furniture, drainage, and pedestrian improvements, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in accordance with the agreed details prior to the residential occupation of the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.

19. Condition: Prior to the occupation of the development, details of a scheme of bicycle and motorcycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the bicycle and motorcycle parking spaces have been laid out in accordance with the approved details, and made available for use and retained as such thereafter.

Reason: In the interests of highway safety. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.

20. Condition: Prior to the commencement of use of a retail unit hereby approved, a scheme of traffic management measures (Traffic Regulation Order) shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include but not be limited to bollards and waiting and loading restrictions on Longshaw Street. The traffic management measures shall be implemented prior to the commencement of use of a retail unit, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.

21. Condition: Prior to the commencement of residential use, an electric vehicle charging points scheme shall be submitted to and agreed in writing by the Local Planning Authority. The electric vehicle charging points shall be installed prior to the final residential occupation of the site in accordance with the approved details, and made available for use and retained as such thereafter.

Reason: In the interests of low carbon energy objectives. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place; Policy QE1 Decentralised Energy Networks and Low Carbon Development.
22. Condition: Prior to the commencement of use of the retail unit, the car parking area shall be hard surfaced and marked out in accordance with the approved site plan. The car park shall be made available at all times and shall be retained as such thereafter.

Reason: In the interests of highway safety. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.

23. Condition: Prior to the commencement of use of retail unit, a servicing management strategy shall be submitted to and approved in writing by the Local Planning Authority. The servicing management strategy shall be implemented in accordance with the approved details and adhered to at all times, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.

Informatives

1. The Local Planning Authority has worked positively and proactively with the applicant to ensure that the proposal is an appropriate form of development. The proposal was the subject of pre-application discussion and as a result the proposal accords with the development plan. The Local Planning Authority has therefore implemented the requirements in paragraphs 186-187 of the National Planning Policy Framework.

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

3. In many cases your proposal would also require consent under the Building Regulations 2010, for advice and guidance on the requirements of the Building Regulations, please contact our Building Control section on 01925 442554 or email building.control@warrington.gov.uk

4. 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.

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

6. The external lighting should be designed and installed by competent persons. The system should be designed according to best practice in respect of glare, light spill and efficiency. Advice can be obtained from: Institution of Lighting Professionals, Regent House, Regent Place, Rugby, CV21 2PN, https://www.theilp.org.uk/home/

7. Bats are mobile in their habits and can be found in the most unlikely places. If bats are found at any time during work then work should cease immediately and advice sought from a suitably qualified bat worker.

8. Prior to the commencement of works on the site the applicant is required to Stop Up the public highway Under Section 247 of the Town and Country Planning Act 1990. To action, the applicant should contact the DfT on nationalcasework@dft.gsi.gov.uk who will liaise with Chris Bluck of WBC Highways.
Appendix 2
DEVELOPMENT CONTROL COMMITTEE DATE 17-Dec-2015

ITEM 4

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>2015/26641</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Suite 11, Newspaper House, Tannery Lane, Penketh, Warrington, WA5 2UD</td>
</tr>
<tr>
<td>Ward:</td>
<td>Penketh and Cuerdley</td>
</tr>
<tr>
<td>Development</td>
<td>Full Planning - Proposed change of use from Office (B1) to Private Hire Taxi Booking Office (Sui Generis)</td>
</tr>
<tr>
<td>Date Registered:</td>
<td>08-Oct-2015</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Coogan</td>
</tr>
<tr>
<td>8/13/16 Week Expiry Date:</td>
<td>02-Dec-2015</td>
</tr>
</tbody>
</table>

Reason for Referral

Objection received from Cllr D Keane.

Human Rights

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

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

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

Site and Proposal

- The proposal seeks to change the use from existing B1 office to Sui Generis as a Private Hire Office
- The site has the following constraints as per the Local Plan Core Strategy Green Belt, Critical Drainage Area and 250m Pond Buffer
- The premise forms a unit within Newspaper House and sites in a predominantly residential area with residential properties to the north, agricultural buildings to the east and open land to the west and south
- Nearest residential properties are sited 22m away to the north
- No external alterations proposed
- Parking available to the front of the premise
- Some planting exists to the front boundary facing Tannery Lane
Relevant Planning History

- 79/8219 – Car park to adjoining offices (approved)
- 87/19822 – Erection of a workshop (refused)

Planning Policies

National Planning Policy Framework (NPPF)
Matters relating to sustainability

Local Plan Core Strategy (LPCS)
- Policy CS1 Overall Spatial Strategy – Delivering Sustainable Development
- Policy CS2 Overall Spatial Strategy – Quantity and Distribution of Development
- Policy CS5 Overall Spatial Strategy – Green Belt
- Policy SN6 Sustaining the Local Economy and Services
- Policy QE4 Flood Risk
- Policy QE5 Biodiversity and Geodiversity
- Policy QE6 Environment and Amenity Protection
- Policy QE7 Ensuring a High Quality Place
- Policy CC2 Protecting the Countryside

Supplementary Planning Documents (SPD)
- Environmental Protection SPD
- Car Parking SPD

Notification Responses

6 letters of objection received regarding the following:
- 24 hours business is inappropriate in this residential setting
- Traffic
- Noise
- Future extensions
- History of complaints / intentions of the applicant

Consultation Responses

Ward Councillors
Cllr Keane – Objection due to concern regarding residential amenity of local residents, particularly outside of daytime working hours and if there was a potential of a base/ visits from larger commercial type vehicles (minibus, coach etc) that would operate beyond local authority licensing and control. Also concerned about vehicles other than taxis which may be used in the course of the business.

Parish Council
No comments received.
WBC Environmental Health
No objection subject to conditions limiting working hours and preventing customers and taxi vehicles visiting the site

WBC Highways
No objection subject to the imposition of conditions regarding the following:
   1) Working hours limited to 9am-5pm by no more than one member of staff
   2) No customers or private hire vehicles to visit the site

Observations

Principle of proposal
The proposal seeks to change the use of an existing B1 unit within Newspaper House to a Sui Generis Use for a Taxi Booking Office. It is not sited within a defined centre or an existing employment area.

As the building will remain in commercial use is considered acceptable in principle and aligns with the presumption in favour of sustainable development as advocated by the NPPF.

Green Belt
Paragraph 90 of the NPPF advises that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The re-use of buildings can be an acceptable form of development provided that the buildings are of permanent and substantial construction.

   - Permanent and substantial construction

In this instance the building is a brick built structure with a slate roof and is therefore considered to be both permanent and substantial.

   - Impact on openness and conflict with the purposes of including land

The proposal would involve only the change of use of the building with no extensions - and would make use of the existing parking area. As a result the proposal will not impact on openness or conflict with the purposes of including land in the Green Belt.

Residential Amenity
The nearest residential property is sited 22m away to the north. Given the absence of external changes it is not considered that the change of use would cause harm to living conditions through loss of outlook, overshadowing, oppressive impact or privacy.

The applicant has made it clear in the supporting information that the purpose of the proposal is to provide an office base for one member of staff to receive taxi bookings over the phone and that it is not intended that customers or taxi vehicles would visit the site. The proposed hours of use are Monday-Friday
09:00-17:00. Whilst the line is 24 hours, after the working hours calls will be diverted to mobile and answered off site.

As a result subject to condition limiting working hours and preventing customers and taxi vehicles visiting the site, it is not considered that the use is not would result in any significant increase in general noise and disturbance over and above that of the existing office use.

Concerns have been raised through notification that a condition preventing taxi vehicles from visiting the site would not adequately prevent any other any vehicles visiting the site in connection with the use. However it is not considered reasonable to extend the condition to all vehicles in associated with the use as this would not pass the tests for a lawful condition as it would not be easily enforceable as it would be prohibitively difficult to distinguish between vehicles required for the other uses at the site. If vehicles were to visit the premises and were to operate as a taxi base, in this regard, then this would be in breach of the condition.
It is considered that there would be no significant impact on living conditions at neighbouring properties.

**Highways**
The site is currently occupied by offices which appear to be let to different businesses. There is an adjacent car park served by a vehicular access with dropped kerbs. Some on-street parking does occur adjacent to the site.

The applicant has stated that the office would only be occupied by one person answering the telephone between the hours of 9am and 5pm Monday to Friday, with the telephone diverting to a mobile phone outside these hours. The applicant has also confirmed that no customers would visit the site and no private hire vehicles would park at the site. This would be acceptable provided that planning conditions are secured to limit the use of the site to these operating hours and to ensure no customers or private hire vehicles would visit the site.

There are no specific parking standards for the proposed sui generis use, but provided that a planning condition is imposed to restrict the use of the office to no more than one person at any given time there should only be a maximum parking demand of one space. The parking for the development should therefore be able to be easily accommodated within the existing site car park or on-street.

Subject to the above conditions it is not considered that the proposal would not have a significant impact on the highway network.

**Flood Risk**
The proposal is for a change of use only – and so would not result in any increased flood risk.
Summary

The proposal is considered to be acceptable, subject to appropriate conditions, as it accords with Warrington Borough Council Local Plan Core Strategy Policies CS1, CS2, CS5, SN6, QE4, CC2, QE6, QE7 & QE5, Warrington Supplementary Planning Documents Environmental Protection & Car Parking and National Planning Policy Framework. This is by reason of the replacement of a one for one commercial use being acceptable with the additional presumption in favour of sustainable development advocated by the NPPF (para 11-22). The proposal is considered an appropriate form of development in the Green Belt with no impact on openness or conflict with the purpose of including land in the Green Belt. The development is also considered appropriate in terms of siting, and design, with no harmful impact upon the surrounding neighbours, the character of the street scene or existing off-street parking provision.

Recommendation

Approve – subject to conditions

Conditions

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

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development shall be carried out in accordance with the following documents:

(a) The planning application forms, email from Mr Robert Hunt dated 13th October 2015 and additional information received by Warrington Borough Council on 8th October 2015
(b) Submitted drawing No’s {Existing and proposed floor plan 15-6551_03 Rev O, Existing and proposed site plan 15-6551_02 Rev A} received on {8th October 2015}.

Reason: for the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy QE7 of the Warrington Core Strategy.

3. The working hours within the premises shall be confined to the period from [9am] to [5pm] Mondays to Fridays only by no more than one member of staff at any given time. No work shall take place the premises on Saturdays, Sundays, Bank or Public Holidays.

Reason: In order to protect the residential amenities of the occupiers of the
adjacent properties and to comply with Policy QE6 of the Warrington Core Strategy, Warrington SPD: Environmental Protection and Warrington SPD: Design and Construction.

4. The development hereby approved shall solely be used as a radio/phone controlled taxi base and shall not include a public waiting area. No taxis shall operate from the premises or park/wait outside the premise at any time in connection with the use hereby approved

Reason: The premise is sited within a predominantly residential area. If customers were to visit and taxi vehicles were to make pick up/drop off at the site this would result in noise and disturbance to neighbouring properties. The car park is also not large enough to accommodate the additional demand. As a result it is necessary to restrict the use solely to that as a taxi office base with no customers being picked up at the site and no taxi's parking or waiting outside the premise to protect the living conditions of the neighbouring properties and to prevent on street parking to accord with Policies CS1, QE6, QE7 of the Warrington Local Plan Core Strategy, Car Parking SPD and the NPPF.

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. In many cases your proposal will also require consent under the Building Regulations 2010, for advice and guidance on the requirements of the Building Regulations, please contact our Building Control section on 01925 442554 or email building.control@warrington.gov.uk
Appendix 1 – Photograph of the building
DEVELOPMENT CONTROL COMMITTEE DATE 17-Dec-2015

ITEM 5

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>2015/26843</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Land Adjacent To, 127, Twiss Green Lane, Culcheth and Glazebury, Warrington, WA3 4HX</td>
</tr>
<tr>
<td>Ward:</td>
<td>Culcheth, Glazebury and Croft</td>
</tr>
<tr>
<td>Development</td>
<td>Full Planning - Proposed construction of a detached dwelling</td>
</tr>
<tr>
<td>Date Registered:</td>
<td>03-Nov-2015</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Barton</td>
</tr>
<tr>
<td>8/13/16 Week Expiry Date:</td>
<td>28-Dec-2015</td>
</tr>
</tbody>
</table>

Reason for Referral to Committee

This application is referred to the Development Management Committee at the request of Councillor Chris Vobe and Councillor Matt Smith.

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 and Proposal

The application site is within the grounds of the former residential NHS facility ‘Fourways’. The site has been redeveloped as an apartment scheme and is now named ‘Barton Mews’. The site is thus the remaining undeveloped part of the former ‘Fourways’ development located on the corner of Stainforth Close and Twiss Green Lane.

A single detached dwelling is proposed with access from Twiss Green Lane. There are a number of trees within the application site some of which are covered by preservation order. Three previous applications having been withdrawn and refused planning permission due to concerns in respect of the loss of trees on the site.
Relevant Planning History

2012/20127 Change of use of former inpatient unit/halfway house to single dwelling with single storey side extension and various external alterations – Approved with conditions 30.07.12

2013/21666 Proposed conversion of the site for seven residential units – Withdrawn 05.06.13

2013/22047 full planning: Proposed conversion into 7 residential units - Approved 09.09.13

2014/23188 Full Planning: Proposed three storey side extension to incorporate substitution of house types from three, one bedroom apartments to three, two bedroom apartments and associated works – Approved 15.04.14

2014/23959 Full Planning: Proposed detached house including site boundary details – Withdrawn

2014/24909 Full Planning: Proposed detached house including site boundary details – Refused 11th March 2015

2015/26380 Full Planning: Proposed erection of a detached dwelling – Withdrawn

Planning Policy

National Planning Policy Framework (NPPF)

Core Strategy
Policy CS1 Overall Spatial Strategy
Policy SN1 Distribution and Nature of New Housing
Policy SN2 Securing Mixed and Inclusive Neighbourhoods
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

Notification

Councillors
Objection received from Councillors Chris Vobe and Matt Smith.

I note the objection to planning application 2015/26843 from my constituent Ms. Acharya. Please record local Councillors (Vobe and Smith) support for these objections. We request that this application be determined by committee if it is the intention of officers to recommend approval.
Culcheth Parish Council

Objection:

1. The proposal would result in damage to and potential loss of an area of mature protected trees of significant value which contribute to the visual amenity of Twiss Green Lane and Common Lane. The proposal fails to respect the landscape character of the site and would cause harm to the character and appearance of the street scene along Twiss Green Lane and Common Lane.

2. Trees are to be removed to accommodate this development but others would be in question because of their root areas and the possibility that once the house in in place future owners would want further tree removal.

3. This is overdevelopment as this previously undeveloped land is in the garden of a house converted to seven flats. Flats are out of keeping with the area but the existing trees and this present application site are a mitigating feature.

4. The house is forward of the Twiss Green Lane building line established by the Fourways flats/Barton Mews building and the houses in Stainthorpe Close. It would therefore be unacceptably prominent in the streetscene.

5. Parking. The Inadequate onsite parking for this house would lead to obstructive parking on Common Lane and the junction with Twiss Green Lane. This has been recognised as a difficult junction in the past given that it is the main exit point from the Newchurch Hospital Estate as well as Twiss Green Lane and roads off it. Although the off road parking area for the converted Fourways was increased there is still likely to be problems with parking outside the site.

6. Access. The access will add to problems for traffic at this junction.

7. Design and Access statement. There is no longer a bus service that goes along Hob Hey and Common Lane. Culcheth High School does not have a sixth form. We query whether the reduction in the first floor could be reinstated in the future.

Our concern is that the Fourways area will become urban in appearance and overdevelopment will cause long term parking problems.

Comment: See Observations Section

Neighbours
Three letters of objection received.

1. The land houses many mature trees some of which are protected, and if the application to build a house is given the go ahead, irreversible damage
will be done to the trees.

2. The vehicle entrance to the proposed building is very unacceptable, the junction of Twiss Green Lane and Common Lane is very dangerous, and if another access way for cars is approved this will be every bit more dangerous both for pedestrians and cars. What assessment has been made in respect of additional traffic and pollution, particularly in relation to likelihood of congestion and associated risks of accident or injury as a consequence of a new access to the proposed dwelling via Twiss Green lane and or parking on Twiss Green lane or Common Lane. My main concern is regarding the additional entrance and the risk this poses to pedestrians, as this lane is home to a primary school. Another entrance, further to the other development, that has already taken place on this stretch of Twiss Green Lane is completely unacceptable.

3. The impact of another house coming up in a very small piece of land will be very detrimental to Twiss Green Lane, existing houses and the surrounding area.

4. The open and green aspect of the entry into Twiss Green Lane will be destroyed; the road will become even more difficult and dangerous for cars and pedestrians alike. Has consideration been given to the cumulative impact on the surrounding environment by the development of this site at large? This includes not only the application for a detached dwelling with associated parking spaces but also that of the recently completed 'Barton Mews' formerly the Fourways which consist of 7 residential flats with 14 parking spaces.

5. One of my concerns in relation to the previous 2 applications remains and relates to loss of light resulting from the build. With 3 mature protected trees in our rear garden we already have restricted light this build will only exacerbate that.

6. The property appears aesthetically unbalanced; all other design elements remain as per 2015/26843 it is not unreasonable to expect that any future occupier of the property would seek to extend this side of the building by addition of an additional floor rebalancing the look however further limiting the light we presently enjoy. Will this be considered?

7. There are now 2 windows which overlook our property, I note the Architect has allowed for obscure glass however assuming that this limits the light that the occupiers might enjoy within the property what is the likelihood that the glass may be changed at some future date for clear glass thus compromising the privacy we current enjoy?

Comment: See Observations Section
Consultation Responses

Environmental Health
No objections – land quality conditions recommended

Highways
To be reported

United Utilities
To be reported

Tree and Woodland Officer
No objections - conditions recommended requiring approval of pile and beam foundation construction and the route of services through the site

Observations

Principle of Housing
The application site is located within the defined settlement boundary of Culcheth. Policy SN1 of the Core Strategy states that within all of the borough’s defined settlements, the Council will support proposals which “constitute small-scale, low impact infill development”. The proposal for a single dwelling is subsequently consistent with these parameters. The principle of development is therefore acceptable.

An application has successfully been made to the High Court to quash parts of the Core Strategy which relate to housing. It is acknowledged that paragraph 14 of the NPPF is applicable and in a situation where planning permission is refused for a housing scheme, the adverse impacts should significantly and demonstrably outweigh the benefits.

Residential Amenity
The proposed dwelling retains adequate separation to the buildings on the adjacent sites, and there would be no significant loss of daylight, privacy or outlook for existing or future occupiers:

- 21m from the proposed side elevation to 5 Stainforth Close
- 27.5m to 104 Common Lane
- 25m 103 Common Lane
- 26.5m Barton Mews

Design
A key design objective for new housing development is to create a place with a locally inspired or otherwise distinctive character. Policy QE6 of the Warrington Core Strategy states that the Council would only support development which would not lead to an adverse impact on the environment and would not have an unacceptable impact on the surrounding area. Policy QE7 requires development to reinforce local distinctiveness and enhance the character, appearance and function of the street scene, local area and wider townscape.
The submitted Design and Access Statement identifies the varied context with two-storey dwellings with red / brown brick walls and tiled roofs, a bungalow with red brick and clay tiled roofing, a white rendered bungalow with room in the roof, and the recently converted ‘Fourways’, a three and a half storey apartment building constructed of red multi facing brickwork under a pitched and tiled roof.

The proposed dwelling has its own distinctive character within this varied context. It incorporates glazed feature windows and has an attractive side elevation facing Twiss Green Lane, responding to its corner position within the streetscene. The first floor is incorporated within the roof space and the building has an attractive vertical emphasis to its fenestration. Materials include a slate roof and stone cills and heads. With the satisfactory retention of planting there is scope for the introduction of an attractive building within an established landscaped setting at a prominent location at the junction of Twiss Green Lane and Common Lane.

**Land Quality**
Having regard to the proposed sensitive end use, conditions are recommended to ensure appropriate investigation and remediation of contaminants as necessary.

**Highways**
To be updated

**Trees**
The proposal has the potential to affect mature protected trees both within and adjoining the site. This has been an ongoing constraint for the development of the site and the reason for refusal and withdrawal of the previous three applications.

The construction of a no dig driveway within the Root Protection Area’s (RPA’s) of the trees was previously acknowledged as being acceptable. Concerns were expressed however that there may be future pressure for removal of protected trees as the relationship of buildings to large trees can cause apprehension to occupiers or users of nearby buildings, resulting in pressure for removal of or otherwise un-necessary tree works to the protected trees.

The current application has revised the design of the dwelling to reduce the impact upon light and the amenity of future occupiers. The Council’s Tree and Woodland Officer has confirmed that this is sufficient to limit concerns over the pressure for future works to trees due to overshadowing.

A more detailed methodology of the pile and beam foundations must be submitted for approval, and this is a recommended condition. In addition the design and access statement makes mention of a separate system for foul water and surface water which are both to drain into the public sewerage system with Twiss Green Lane. As the road frontage with Twiss Green Lane
is entirely covered by RPA’s of protected trees the intended route of the drains and utility services must be submitted for approval. With these safeguards the proposal is now considered to be acceptable in respect of the implications for the retention and future well-being of the trees within and adjoining the application site.

**Recommendation**

Approve Subject to Conditions

**Conditions & Reasons**

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

   **Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. **Condition:** The development shall be carried out in accordance with the following plans and specifications:

   - Elevations & Floor Plan dwg no. 1531-PL-02 rev C
   - Site Plan dwg no. 1531-PL-03 rev C
   - Block / Location Plan dwg no. 1511-PL-04 rev A
   - Street Scene dwg no. 1531-PL-05 rev B

   **Reason:** For the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform to Policy QE6 of the Warrington Core Strategy.

3. **Condition:** Prior to first occupation of the dwelling, the on-site parking and turning facilities for the dwelling shall be laid out and made available for use in accordance with the approved site plan and retained thereafter.

   **Reason:** In the interests of highway safety. This is in accordance with the following policy of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection.

4. **Condition:** Prior to the first use of the proposed new vehicular access the visibility splays shown on the approved site plan layout shall be provided with nothing greater than 0.6m in height within them, and subsequently retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

   **Reason:** In the interests of highway safety. This is in accordance with the following policy of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection.
5. Condition: 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. This is in accordance with the following polices of the development plan: Policy REP8 Land Contamination: Policy QE6 Environment and Amenity Protection.

6. Condition: 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. This is in accordance with the following polices of the development plan: Policy REP8 Land Contamination: Policy QE6 Environment and Amenity Protection.

7. Condition: Prior to the commencement of development, details / samples of the materials to be used in the construction of the external surfaces of the building, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the new materials are consistent with the existing materials in the interests of visual amenity. This is in accordance with the following policy of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection.

8. Condition: Prior to the occupation of the dwelling hereby approved, a scheme of boundary treatment for the entire site shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be implemented in accordance with the agreed details prior to occupation of the dwelling, and retained as such thereafter unless alternative boundary treatment is first agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity having regard to the prominent position of the application site. This is in accordance with the following policy of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection.

9. Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification): (i) no
extensions shall be carried out to the dwelling(s) (ii) no garages or outbuildings shall be erected within the curtilage of the dwelling(s) (iii) no vehicle standing space or hard standing shall be provided within the curtilage of the dwelling(s) (iv) no gates, walls, fences or other structures shall be erected along any boundary to the curtilage of the dwelling(s) other than those expressly authorised by this permission, unless planning permission for such development has been granted by the Local Planning Authority.

Reason: In the interests of the retention of the trees within the site and the subsequent amenity of the area. This is in accordance with Policy QE6 of the Warrington Core Strategy.

10. Condition: Prior to the commencement of development, a detailed methodology of the pile and beam foundation construction of the dwelling shall be submitted to and approved in writing with the Local Planning Authority. This shall include details of the intended route of the drains and utility services within the site. Development shall proceed in accordance with the approved scheme.

Reason: In the interests of the protection and future wellbeing of the trees within the site. This is in accordance with the following policy of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection.

11. Condition: No development shall commence until temporary protective fencing has been erected to protect the trees shown to be retained on the approved drawings. The fencing shall be retained during the period of construction and shall be removed upon full completion of the works. Within the protected area, there shall be no excavation for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids without the prior agreement of the Local Planning Authority.

Reason: To ensure adequate protection of trees on site in the interests of visual amenity. This is in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place.

Informatives

1. Informative: The Local Planning Authority has worked positively and proactively with the applicant to ensure that the proposal is an acceptable form of development. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

2. Informative: The proposed access would require the formation of a new dropped crossing. To obtain the necessary permits to undertake the work the applicant would need to complete a ‘Dropped Crossing Application Form’. This is available online at http://www.warrington.gov.uk/downloads/download/370/dropped_kerbsThis
proposal may involve excavations adjacent to the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants’ responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the Highway Asset and Street Works Section. Please contact the Highway Asset and Street Works Section on 01925 442505 or via email highways@warrington.gov.uk to obtain these permits.

3. Informative: In many cases your proposal will also require consent under the Building Regulations 2010, for advice and guidance on the requirements of the Building Regulations, please contact our Building Control section on 01925 442554 or email building.control@warrington.gov.uk

4. Informative: The applicant is advised to contact the Contaminated Land Team to discuss the feasibility of using the Screening Assessment Form to reduce the level of involvement for the Contaminated Land Pre-commencement condition. Please contact Mr James Warren-King on 01925 442652 for further discussions on this measure.

5. Informative: 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.
Appendix 1
Appendix 2
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE 17th December 2015

Report of the: Executive Director Economic Regeneration, Growth & Environment
Report Author: Andrew McGlone
Contact Details: Email Address: amcglone@warrington.gov.uk Telephone: 01925 442845
Ward Members: All

TITLE OF REPORT: Appeal decisions for period between 4th November & 7th December 2015.

1. PURPOSE OF THE REPORT

1.1 To advise members of the planning appeal decisions at:
   • Culcheth Hall Barns - appeal dismissed
   • 7 Statham Avenue – appeal allowed

   Appeals at 22 Irwell Road, Land to the east of the GVC off Wellfield Street and 31 Walton Heath Road were also withdrawn by the applicants due to acceptable solutions being found to address initial areas of concern and to overcome reasons for refusal.

2. REPORT BODY

   Culcheth Hall Barns

2.1 Members will recall this application from June’s meeting. The application was recommended for approval by Officers, but refused by Members. The appeal has been dismissed.

2.2 Consent was sought for 4 no. detached dwellings using the existing vehicular access off Withington Avenue. The dwellings would occupy a section of land between the Culcheth Farm Barns development and the edge of settlement / green belt boundary. The site was nonetheless within the village settlement boundary. A public right of way extended along the eastern and northern boundaries of the site. Beyond which the land was open and rural in character.

2.3 It was the Council’s position the proposal would erode an established landscaped area between the existing built-up area, including Culcheth Farm Barns, and the countryside, which in this area is also Green Belt. The appellants considered it would round off of the development within the village envelope. The Inspector remarked of the distinct buffer of open space between any built form and the surrounding countryside around the north-eastern corner of the village envelope, which includes the nearby school playing field. Houses 1 and 2 in particular, would extend to points very close to the eastern boundary.
2.4 Despite promised additional planting and potential retention of existing landscaping, the Inspector felt houses 1 and 2 created significant doubt as to whether the boundary planting could be retained in any form during construction, and sufficient space would remain for new planting. On this basis, the houses would be prominent and dominant within views from the adjacent footpath and the countryside beyond.

2.5 The houses themselves would all be large detached dwellings. Houses 1, 2 and 3 would be relatively traditional in design, although they would have zinc roofs. They would not appear out of character on the basis of design and materials alone, although they would fail to respect the close-knit nature and the scale of the converted barns and the newer terraced houses within the existing complex.

2.6 House 4’s very different design and lower profile would have limited impact on the views of the existing dwellings. The modern design in itself would not be harmful to the character and appearance of its surroundings. However, it would remain a very large dwelling, sited in the most prominent visible position within and outside the site. It would extend the built-form well beyond the rear elevations of the existing houses and would not relate well to the existing nature of the Culcheth Farm Barns, which essentially remains one of a complex of converted and extended barns comprising relatively small dwellings within a tightly constrained area.

2.7 Concerns were raised by the Inspector in respect of the interface distances and thus privacy of residents and off-street parking. Neither were advanced however to reasons for refusal by the Inspector.

2.8 Despite our inability to demonstrate a 5 year housing supply, the Inspector considered the proposal would not reinforce the local distinctiveness of the area around Culcheth Farms Barns, nor would it enhance the character and appearance of that area. Furthermore, the proposed houses would not harmonise with the scale and proportions of adjacent, existing buildings. On this basis, it would not represent good design in the context of its immediate surroundings.

7 Statham Avenue

2.9 This appeal has been allowed. Consent has therefore been granted for a single storey garage and hobbies room. The main issues were character and appearance in terms of the street scene and the living conditions of neighbours. On both counts the Inspector considered the proposal complied with policy.

2.10 Statham Avenue contains a variety of individual residential properties, built at different times with different designs and layouts. No 7 is set well back from the street at the end of a drive that slopes down to the property. The garage, with hobby room, would be about 10.6m long with an eaves height of 2.6m and a ridged roof, 4.6m high, with hips at each end.

2.11 The garage would be longer than that previously approved. However, the increase in length would not significantly alter its appearance when seen from the street. Set well back, at a lower level and with a side wall facing the street, the building would not be incongruous or obtrusive. Furthermore, substantial vegetation between the site and the street would act to screen the garage from general view.

2.12 No 9 is a large detached house, has a raised patio at the rear with steps that lead down to a garden at a lower level. The garage would run along the length of the
garden, separated from it by a hedge/row of young trees that provides something of a screen. The Inspector felt that the difference in levels between the garage/hobbies room and no. 9, together with distance to nearest window and hedge would ensure the proposals would not unreasonably be intrusive to no. 9’s outlook.

3. CONFIDENTIAL OR EXEMPT
3.1 Not confidential or exempt.

4. FINANCIAL CONSIDERATIONS
4.1 None.

5. RISK ASSESSMENT
5.1 No risks identified.

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

7. CONSULTATION
7.1 Not required.

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

9. RECOMMENDATION
9.1 That members note the appeal decisions.

10. BACKGROUND PAPERS
10.1 None

Contacts for Background Papers:

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12. CLEARANCE DETAILS

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<tr>
<th>Name</th>
<th>Consulted</th>
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<tr>
<td>Andy Farrall</td>
<td>x</td>
<td>7/12/2015</td>
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Appeal Decision

Site visit made on 25 November 2015

by J D Westbrook BSc(Hons) MSc MRTPI

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

Decision date: 01 December 2015

Appeal Ref: APP/M0655/W/15/3132519

Land at Culcheth Farm Barns, Withington Avenue, Culcheth, WA3 4AN

- 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 August Blake Developments Ltd against the decision of Warrington Borough Council.
- The application Ref 2015/25654, dated 13 April 2015, was refused by notice dated 5 June 2015.
- The development proposed is the erection of 4 dwellings and associated development including the relocation of an existing bin store.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed dwellings on the character and appearance of the area around Culcheth Farm Barns.

Reasons

3. The appeal site is a grassed area of land to the east and north-east of Culcheth Farm Barns. The Culcheth Farm Barns development includes a series of small dwellings converted from former barns and facing round an internal courtyard. The dwellings have small rear gardens to the outside of the block. The development also includes a small number of terraced houses of more modern design, together with a detached garage building, to the north of the converted barns. The proposed development would involve the construction of four large detached houses between these existing dwellings and the defined boundary of the village of Culcheth. Beyond the site to the north and east is open farmland.

4. Houses one and two would be sited to the east of the existing converted barns. They would be aligned east to west and would effectively fill most of the width of the site between the driveway serving the existing modern houses and the eastern boundary of the site. They would have a pitched roof with gable end elevations and would be constructed out of brick, with zinc roofs.

5. House three would also be aligned east to west, and would be constructed of similar materials to houses one and two. It would be sited to the north-east of
the converted barns and would be approximately in line with the short terrace
of modern houses to the north of the converted barns. It would be set away
significantly further from the eastern boundary than houses one and two.

6. House four would be set behind house three in the north-east corner of the site
and would be of a different design, incorporating brickwork and timber cladding
to the walls with a flat sedum-covered roof. It would be one and a half storeys
high with a garage and some living accommodation included at sub-basement
level. It would be set at a slight angle to the other houses in the scheme,
apparently to allow for the existence of a sewer running diagonally through this
part of the site.

7. There are a number of trees around the edges of the site and a mature
hedgerow along the southern half of the eastern boundary. The hedgerow
becomes more open towards the northern end of the eastern boundary and
along the northern boundary of the site. There is a post and rail fence along
the northern and eastern boundaries and there is a footpath outside of the
boundaries between the site and the surrounding farmland.

8. The Council contends that the proposed development would result in the erosion
of an established landscaped area between the existing built-up area, including
Culcheth Farm Barns, and the countryside, which in this area is also Green Belt.
The appellants contend that the development would merely represent a
rounding off of the development within the village envelope. However, I note
that there is a distinct buffer of open space between any built form and the
surrounding countryside around the north-eastern corner of the village
envelope, which includes the nearby school playing field.

9. The proposed development, and in particular houses one and two, would extend
to points very close to the eastern boundary. The appellants contend that the
boundary planting would help to screen the development. However, the
submitted drawings indicate that the existing vegetation alongside the sites of
houses one and two would be retained where possible during construction and
that there would be new planting where applicable. Since these dwellings would
be sited in very close proximity to the boundary, I have significant doubts that
this part of the boundary planting could be retained in any form during
construction, and that there would be insufficient space for any new planting
sufficient to screen the gable ends of these houses. On this basis, the houses
would be prominent and dominant within views from the adjacent footpath and
the countryside beyond.

10. The houses themselves would all be large detached dwellings. Houses one, two
and three would be relatively traditional in design, although they would have
zinc roofs. They would not appear out of character on the basis of design and
materials alone, although they would fail to respect the close-knit nature and
the scale of the converted barns and the newer terraced houses within the
existing complex.

11. House four would be of a very different design and the appellants contend that,
by virtue of its lower profile, it would have limited impact on the views of the
existing dwellings. I accept that the design and height would limit the visual
impact of the house, and that a modern design would not, in itself, necessarily
be harmful to the character and appearance of its surroundings. However, it
would remain a very large dwelling, sited in the most prominent position within the site, in terms of visibility from outside of the complex. Furthermore, it would effectively extend the built-form area well beyond the rear elevations of the existing houses and would not relate well to the existing nature of the Culcheth Farm Barns development, which essentially remains one of a complex of converted and extended barns comprising relatively small dwellings within a tightly constrained area.

12. The appellants note, and the Council agrees that the dwellings would meet generally agreed minimum spacing standards of 21 metres between elevations with habitable room windows and 13 metres between habitable room windows and blank elevations. However, I note that in most cases these standards are only barely met at the minimum level, and that house three has a first-floor terrace that is only 5 metres from the boundary with house four, which would result in significant potential for overlooking into the side/rear garden of that property. Whilst the issue of spacing would not, in itself be reason to dismiss this appeal, it gives me concerns that the scale of the houses proposed would result in the houses having the appearance of being cramped within the overall shape and space of the appeal site.

13. Finally, The Council indicates that it accepts that the houses meet the required car parking standard. It would appear that, for the size of dwelling, a minimum of 3 parking spaces would be needed for each dwelling. House four would appear to meet this standard. The submitted drawings indicate that house three has space for three cars, although one of these would appear to occupy a turning area which would effectively prevent cars from manoeuvring such that they could enter and exit the property in forward gear. Similarly, houses one and two indicate only two cars per property and, given the restricted area between the two houses and the proposed landscaping of that area, I have concerns that no more cars could be accommodated without resulting in difficulties of turning and manoeuvring.

14. The driveway adjacent to the appeal site is relatively narrow and, at the time of my visit, appeared to be used for parking of residents’ vehicles. Houses one and two would extend virtually to the edge of the road, and I consider it important that cars parked at these two properties, in particular, should be able to enter and exit the parking area in a forward gear for reasons of limited visibility and room to manoeuvre. This matter is a further indication that elements of the proposed development at the narrow, southern end of the site would exhibit something of a cramped nature and appearance.

15. In conclusion on the main issue, I find that the proposed development would not reinforce the local distinctiveness of the area around Culcheth Farms Barns, nor would it enhance the character and appearance of that area. Furthermore, the proposed houses would not harmonise with the scale and proportions of adjacent, existing buildings. On this basis, it would not represent good design in the context of its immediate surroundings, and it would conflict with Policies CS1 and QE7 of the Council’s Adopted Local Plan Core Strategy, which require proposals to have regard to local distinctiveness and to enhance the character and appearance of local areas.
Other Matters

16. Concerns have been expressed regarding the possible effects of the proposal on the use of Withington Avenue and the private road leading from it to the appeal site. I note these concerns, which relate chiefly to increased car traffic and issues of servicing. I accept that the proposal would result in additional car usage of the roads leading to the site, with the potential for some increased conflict at pinch points along the route. However, the number of increased journeys would be relatively small, and I do not consider that the proposal would be significantly harmful to highway safety. Similarly, the proposal would presumably use existing waste collection and other services and it would not, therefore, impact harmfully on the provision of these services, which already use the roads. I note that the Council’s Highway Officer and Rights of Way Officer have raised no objections on this matter, and I have no reason to suppose that the proposal would, in itself, result in significant additional parking along Withington Avenue.

17. Concern has also been expressed about potential impact on biodiversity in the vicinity of the appeal site, and in particular adverse effects on a pond located to the south of the converted barns complex. Other than my concerns expressed earlier regarding potential loss of boundary planting, I have no evidence before me to suggest that the proposal would have any significant adverse effects on biodiversity in the vicinity, particularly given its distance and degree of separation from the nearby pond.

18. The appellants contend that the Council cannot currently demonstrate a five year supply of housing for the borough, and that the appeal site is in a sustainable location. I have some sympathy with these arguments. However, the proposal would result in only four new dwellings and, in this case, this does not outweigh the harm that would be caused to the distinctiveness, character and appearance of the Culcheth Farms Barns complex.

Conclusion

19. In conclusion, I find that the proposal would be harmful to the character and appearance of the area around Culcheth Farm Barns and that, taking all other considerations into account, there are no other matters that, on their own or cumulatively, outweigh this harm. I therefore dismiss this appeal.

J D Westbrook
INSPECTOR
Appeal Decision

Site visit made on 16 November 2015

by Jim Metcalf BSc DipTP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 Nov. 15

Appeal Ref: APP/M0655/D/15/3135308
7 Statham Avenue, Lymm, Warrington, Cheshire, WA13 9NJ

- 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 B Hall against the decision of Warrington Borough Council.
- The application Ref 2015/26523, dated ‘July 2015’, was refused by notice dated 10 September 2015.
- The development proposed is a single storey garage and hobbies room extension.

Decision

1. The appeal is allowed and planning permission is granted for a single storey garage and hobbies room extension at 7 Statham Avenue, Lymm, Warrington, Cheshire, WA13 9NJ in accordance with the terms of the application, Ref 2015/26523, dated July 2015, and the plans submitted with it, subject to the following conditions:
   1) The development hereby permitted shall begin not later than three years from the date of this decision.
   2) The materials to be used in the construction of the external surfaces of the garage hereby permitted shall match those of the bungalow, No 7 Statham Avenue.
   3) The development hereby permitted shall be carried out in accordance with the following approved plan: BH/2015/7/1.

Procedural Matters

2. The application form is dated only ‘July 2015’. The Council report that it was registered on the 22 July 2015.

3. The Council’s decision notice does not properly record reasons for refusing planning permission. The main issues I have identified below are based on my assessment having read the Planning Officer’s report on the application.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the street scene and on the living conditions of neighbours with regard to outlook.

www.planningportal.gov.uk/planninginspectorate
Reasons

5. Along Statham Avenue there is a variety of individual residential properties, built at different times with different designs and layouts. No 7 Statham Avenue, a detached bungalow, is set well back from the street at the end of a drive that slopes down to the property. At the side of the drive is a hard-standing area, adjoining No 9 Statham Avenue, which is used as a parking area. The hard-standing, extended, would be the site of the garage/hobby room and was laid as the base of a garage that was approved, but never built, as part of the development of the bungalow.

6. The garage, with hobby room, would be about 10.6m long with an eaves height of 2.6m and a ridged roof, 4.6m high, with hips at each end. The garage would be longer than that previously approved. However, the increase in length would not significantly alter its appearance when seen from the street. Set well back, at a lower level and with a side wall facing the street, the building would not be incongruous or obtrusive. Furthermore, there is substantial vegetation between the site and the street that would act to screen the garage from general view. For these reasons the garage would not detract significantly from the character and appearance of the street scene along Statham Avenue and thereby comply with Policies QE6 and QE7 of the Warrington Local Plan Core Strategy (CS).

7. Next door No 9 Statham Avenue, a large detached house, has a raised patio at the rear with steps that lead down to a garden at a lower level. The garage would run along the length of the garden, separated from it by a hedge/row of young trees that provides something of a screen.

8. The Council has adopted ‘House Extension Guidelines’ that explain that extensions should not cross the 45 degree line from the neighbour’s nearest habitable room window, to protect their outlook. However, No 9 Statham Avenue sits at a higher level than the site of the garage. This difference in level, combined with the distance from the nearest window and the screening hedge mean that the garage would not be unreasonably intrusive in the outlook of the residents. The garage would run along the length of the garden at No 9 Statham Avenue but, with the intervening hedge, and the relatively modest height to eaves level, any effect on the amenity of the garden would not be significant. For these reasons the garage would not unreasonably detract from the living conditions of neighbours with regard to outlook and would comply with CS Policies QE6 and QE7.

9. As suggested by the Council in upholding the appeal I have imposed three conditions. The first requires the materials used to build the garage match those of the existing bungalow. The other two are the standard ones that set a time limit on the commencement of development and specify the approved plans, for the avoidance of doubt and in the interest of proper planning.

Jim Metcalfe
INSPECTOR
**Item 1 - 2015/25530**

**Representations**

Two additional objections have been received since Officers prepared the report. The first is from a resident citing the prolonged period of increased traffic, noise, crows, seagulls and smells.

The second is from Councillor Brinksman who has commented on the Officer Report. These are detailed below in bold, with Officer comments underneath.

Hello Andrew, I have now got the report, and other information, on the report off Urban Vision July 2014. on page seven no 3 I there is an admission by them to have over tipped ,then they ask W.B.C. to alter the conditions that gives credence for their deliberate over tipping.

No overtipping has occurred at Moat Lane. This is explained in point 7.2. Reference to over tipping relates to the Combined Site. The Urban Visit report from July is for the Combined Site.

**Page 8 5 there has been no reports or annual inspections.**

You are correct. Monitoring took place in November 2015. Paragraphs 9.8 to 9.11 explain the recent monitoring visit.

**Page 10 conditions 7 and 8 were applicable at the time it came with the consent from 2009 2010.**

These conditions remain applicable, but would be tightened up as part of the suggested list of conditions put forward by Officers.

**Conditions 41,45,51,52,58,59,60,61,62,63,64,65,66,67,68,71. just say operator is aware, there is no detail.**

The operator made Urban Vision aware of their knowledge of these conditions and the requirements of the conditions. The operators have communicated that they will be complying with all action points (conditions) by the end of the year. It is the operator’s responsibility to adhere to the conditions and have informed the Council that they have appointed an experienced regulatory compliance manager and also prepared and implemented an environmental management system. Officers will visit the site in the New Year to assess the operator’s actions and if necessary consider whether enforcement action is expedient to pursue.

**Are all heights stated above finished road level, if not can you give them to me.**

The heights presented on the drawings are AOD – which is above ordnance datum. This is a universal measurement applicable to land levels across the country.
Topographic surveys show the levels on the embankment adjacent to Moat Lane as being approx. 21-21.5m high.

The application does not propose to change previously consented levels. The restored landform would be 35m AOD.

Mineral extraction to me seems to be for brick production, why don’t Cheshire Brick put in a separate application, which would go through as it would be genuine, by combining applications I seem like an attempt to get round what they really want which is more tipping space, and a bogus surrender of land South East of the brickworks.

Mineral extraction is for brick making. The site has been consented for clay extraction for brick making with restoration by landfill. No change is proposed here. The Council is being asked to extend the time periods. No additional void space is sought. The brickworks is unlikely to come forward for clay extraction for economic reasons. However planning policy is supportive of extending the time period as explained in points 10.37 to 10.39.

The very special circumstances would apply for extraction to make bricks but not for tipping. page 4 2.5.

The VSC put forward are to support the landfilling arm of the proposal which is inappropriate development. Clay extraction is an appropriate form of development. (paragraph 10.27) Officers have considered the VSC put forward and consider there is merit in them on this occasion. (paragraph 13.6)

Page 6 5.4 A myth.

It is unclear which part of this paragraph is a myth. Nonetheless the s106 agreement did relinquish land formerly consented for clay extraction and landfilling. This is to the south of the hatched area in site A on the drawing in Appendix C.

Page 11 9.6. What is the height above finished road level, I am not convinced that there will be a 9 metre shrinkage, I have not seen any evidence of this.

The 2008 application included a revised restoration plan. This was found to be acceptable by the Council. No change is proposed to this, nor has the applicant applied to change it. The post settlement levels grade away from Moat Lane rising up to 35m AOD. The pre-settlement levels are [] AOD.

Page 11 9.9/ 9.11 What measures are in place to get them to comply for in the past they have never complied, this in part due to our enforcement team not having the bottle to stop operations until the comply with conditions, history suggests they will again not take any notice as they have in the ten years I have been a councillor.
This is a key point. There is a twofold response. The first is a tightening up of the planning conditions as described in paragraphs 3.3, 12.1-12.3 and 13.5. These are contained in Appendix B. Secondly, as described in paragraph 13.5 the Council can monitor mineral and waste sites up to 8 times a year in agreement with the operators. The operators pay the Council for this visit. This will ensure the operator is adhering to planning conditions and inform (if necessary) enforcement action.

The operator has confirmed they are employing an experienced regulatory compliance manager and an environmental management system.

**Page 15 10.22 clearly states the extraction is for brickmaking.**

That is correct.

**Page 16 10.26 states VSC, extraction can be permitted ,but not tipping.**

**Page 17 10 33 landfill not appropriate,**

Paragraphs 10.25 - 10.33 set out the position in terms of appropriate and inappropriate development. Paragraph 10.45 considers the very special circumstances put forward to outweigh the identified harm by way of the developments inappropriateness.

**Page 18 10.36, output, the Guardian Jan 14 2014 states that brickmakers are straining to meet demand, the Telegraph 27 April 2015 also states a shortage of bricks.**

National policy is supported of mineral extraction for brickmaking. Paragraphs 10.36 and 10.38 in particularly set out national policy in this regard, but also wider consideration in paragraphs 10.34 to 10.44 is relevant to the Moat Lane site.

**Page 22 How can they update a 106 agreement when it takes them over five years to comply to an existing one**

The update would be for dates and any new decision notice. There would be no substantial changes to the s106. It is understood land ownership matters delayed the signing of the last version due to the related sites which form part of this application. This would not be the case this time.

**Page 22 13 .5 Again I have little faith on any of this for they have not done it in the past**

**Page 29 condition 22 I am not optimistic of this we have seen all this before.**

The operators accept they have not adhered to previous conditions. Condition 22 requires an annual report. An up-to-date topographic survey has been submitted showing the sites progress. Officers do not condone the operator’s actions in not complying with existing conditions. A twofold approach is followed to redress
matters. The first is tightening up of the planning conditions. The second is a rigorous monitoring regime.

**Page 39 condition 5 no problem, 6 against tipping.**

**Site Restoration**

The site once will be restored in a phased manner starting with phase 1. Suggested condition no. 26 controls this. Suggested condition no. 6 requires restoration of each phase to be fully complete within 1 year of waste emplacement finishing in that phase. Condition no. 58 ensures planting within the first available planting season thereafter.

**Suggested Condition no. 10**

To tidy this condition up the date of the restoration and aftercare scheme has been added. For completeness, the full text should now read:

The Restoration and Aftercare scheme hereby approved dated August 2015 shall be implemented in full for the West of Moat Lane site, as shown on drawing GPP/CIW/WML/09/07. Schemes shall be submitted to and approved by the Local Planning Authority and closely accord with drawing refs: 12-0975.01.004A (North of Moss Side Lane), 12-0975.02.002C (Brickworks) and 12-0974.00.004C (Omrod Farm). The schemes shall include provision for:

- the location of the planting to be undertaken
- the species to be planted
- the size, types and number of each species to be planted
- the method of planting and the spacing between plants
- the timescale of the planting
- replacement of losses
- proposed seed mixes to be used
- means of rabbit/stockproofing.

The schemes shall be submitted to the Local Planning Authority within:

a) Two years of the date of this permission for the Brickworks and Moss Hall Farm;
b) Prior to the commencement of clay extraction in any part of the Omrod Farm sites.

The approved scheme(s) shall be implemented thereafter.

Reason: In the interests of retaining the site / areas openness, character, appearance and visual amenity and in order to protect the amenities of the occupiers of neighbouring properties and to comply with Policies CS5 and QE6 of the Warrington Local Plan Core Strategy.
After-Use

Comment has been made concerning the sites after use. The site is required to be restored to an acceptable environmental standard through planning regulations and EA permitting. Suggested condition 13 requires a detailed land management plan for a use of either a) agricultural or b) tree/shrub or aquatic planting. It is an either or option for the site. The proposed restoration and aftercare scheme is for option b) which would offer ecological benefits given the proximity of the Rixton Clay Pits to the site.
Waste Inputs

Waste inputs arriving at the site are described in paragraph 11.40 of the report. The applicant has provided an update on inputs for 2015. Up until 30th November the site received 108,000m$^3$. Based on this and their experience of a busy December the total for the calendar year will approximately amount to 120,000m$^3$. This figure is slightly higher than that report by Officers in paragraph 11.40, but not significantly higher in comparison to the overall development.

Restoration and Landscaping

The operator has confirmed a phased restoration will take place, starting with phase 1 (adjacent to railway line). They expect to be granted a EA permit to manufacture soils at Trafford Park for restoration purposes. It is expected this would account for at least 50% of the soil needed for restoration. Any balance would be sourced from local sub soil excavation projects.

Two soil tipping areas have been established to enable soil import throughout the year. Distribution onto the landfill cap is weather dependant and we anticipate carrying out this operation from March to November each year.

**Officer comment** – suggested condition no. 29 controls the movement of topsoil and subsoil to April to September on the basis of soils being sufficient dry. Members can request this is amended to reflect the months discussed by the operator.

Future Compliance

The operators submit the following to ensure future compliance with any planning conditions:

(a) An experienced regulatory compliance manager has been appointed and an environmental management system has been implemented.
(b) Should permission be granted the operator carry out a detailed appraisal of the respective conditions and identify those where monitoring and time constraints apply. A Gantt chart shall then be prepared which will form the basis of the operator compliance strategy.
(c) Detailed training of the site management shall take place in January 2016 and be externally verified.
(d) Topographical surveys shall be carried out at 6 monthly intervals by an independent surveyor and submitted to the Council.
(e) A 6 monthly liaison meeting with Council
Officer comment – we note the operator’s intentions. Whilst the proposals are welcomed, given the history of non-compliance, Officers are of the view regular monitoring visits are also required in line with paragraph 14.8 of the report.

If Members wish for 6 monthly topographic surveys and progress reports then suggested condition no. 51 can be amended to:

“The operators shall prepare and submit 6 monthly reports to the Local Planning Authority by 1st April and 1st October each year showing the progression of working and restoration. The reports should include on a map base the levels and/or contours of the site.”

Liaison / After-use / Permissive pathways

The applicant has since the report was finalised, submitted four initiatives, they wish Members to consider in reaching their decision.

- Widening of community access (through permissible footpaths) to restored areas where practical, (subject to consultation with and acceptance by local residents).
- Opportunity for the local community to benefit from landfill tax revenues.
- Establishment of fishing facilities, which will be incorporated with bird watching facilitates which are currently being implemented by Colliers.
- Establishment of a liaison group for the mineral extraction and landfilling activities – representation and membership to be confirmed.

Officer comment – provision of permissive pathways, fishing facilities, bird watching facilities and a community liaison group can all be secured via a section 106 agreement. Although we do not have the precise details of these matters, Officers are of the view, they are positive additional measures that are necessary to make the development acceptable in planning terms. The measures can deliver community engagement and a beneficial after use of the site once restored, providing opportunity for outdoor recreation and promoting healthy communities in line with the NPPF.

Similar measures were agreed for Arpley Landfill. Members are therefore advised to attach positive weight to these in reaching their decision.

Officers acknowledge bullet point 2. Although it does attract some positive weight, Members are advised this is not significant due to the insufficient detail available to clearly attribute the benefit the local community would receive from landfill tax revenues and how this would be delivered.
Representations

A further representation has been received from an individual reported in paragraph 7.1. They reference damage to local trees on Moat Lane by vehicles using the site. Images show damage to a lower branch of the tree. The images do not indicate harm to be done to the tree itself.
A further representation has been received from Councillor Brinksman who has commented on the Officer Report. These are detailed below in bold, with Officer comments underneath.

Page 54 Again this application is to facilitate their wrongdoings and once again give them W.B Cs blessing by regularising

The application seeks to retrospectively address parts of the site. Untipped parts of the site would be lowered in the southern and eastern flanks as described in paragraphs 1.3, 2.2 and 3.4 to maintain total void filled at the site.

Planning consents can be given retrospectively and it is down to the decision maker whether to grant or refuse consent based on the schemes policy compliance.

Page 55 2.2 not convinced by their statement, they have never stuck to any agreements in the past even prior to me being a ward councillor

This point is valid. The operator accepts this. Officers recommend the site is pro-actively monitored as described in paragraph 14.8. and note the applicants points about how they will comply in the future.

2.3 the land can be reduced seeing that all the waste has been treated and it has occurred since 2010 there is not much likelihood of smells or material taken off site should this be the case it should not be there in the first place.

10 3 although not the preferred choice of EA it can be done. (material redistributed)

The EA consultation response is in Section 8. Section 10 of the report considers the EA’s response and re-distributing the over tipped material. The key paragraphs are 10.3 and 10.4. Officers do not recommend based on the EA’s response seeking re-distribution of the over tipped material.

2.6 Very special circumstances do not exist for them to breach height levels and conditions

Very special circumstances (VSC) are advanced and considered to outweigh the identified policy harm of the development. (paragraphs 2.6, 11.55 and 11.56) Not every of the applicant’s points are considered to be VSC.

Page 56, This has never been done if it had been done we would not be in this situation, we are in this due to them not signing a 106 agreement.

It is unclear what hasn’t precisely been done. It is understood land ownership matters delayed the signing of the last s106 due to the related sites which form part of this application. This would not be the case this time.

3.3. point one do not agree with settlement rates of 6 metres no supporting evidence, due to it being treated there will be very few voids ,unlike household
refuse that does not have the shrinkage they quote. is the height above finished road level.

Page 65 Point 5 Settlement what evidence is there of settlement from parts of the site that have been tipped on and present levels this information should be easy to come by.

The restored landform would increase in height from 24m to 39m. The operator states settlement of 10% would occur for material over 10 years old, 20% for material deposited between 2 and 10 years ago and 25% for material deposited in the last two years.

Settlement rates were established in the 2008 application – 5m decrease between pre and post settlement contours. This application notes a 6m settlement. A slightly higher figure derives from the greater volume of waste filled in the northern flank (highest point of landform) creating a larger number of air pockets which are filled in over time.

Although not a direct comparison (due to waste type) Arpley evidenced settlement of 10m.

A 2015 topographic survey has confirmed current capped levels are within those applied for.

Point 5 a site this size does not need a two year restoration period, if works would have gone on as planned progressive restoration would mean just a small bit to be restored, Arpley restoration will only take a year which is a much larger site by comparison.

The applicant proposes a phased restoration. Details of the commencement of this are under the ‘Restoration and Landscaping’ section of this update. Suggested condition 2 controls the phased restoration and aftercare of the site.

Page 58 5.1 I am not aware of any land being returned for agriculture, is there any evidence?

Paragraph 5.1 is a factual description of the consent granted in 1981. No land has been restored to date. The site would not return to an agricultural use. Amendments proposed to condition no. 5 would see the site restored in a landscaped manner with the formation of ecological habitats to reflect the ecological designation nearby.

Page 59 5.9 permission refused in 2006 point one inappropriate development.

That is correct. The VSC put forward in this case did not outweigh the harm caused by its inappropriate development.

Page 63 Greater Manchester needs should not affect us nor is the mothballing of Whitehead this does not bear any weight seeing the waste brought here is
from Greater Manchester. Paragraphs 11.41 to 11.47 is a red herring nothing to do with us it is a commercial decision.

The NPPF puts onus on authorities to consider and address strategic priorities such as waste management and the provision of minerals across boundaries in paragraphs 156 and 178. Sites across the region are analysed by Urban Vision on page 63 and by Officers in paragraphs 11.41 to 11.49. Officers advise Members to have regard to sites across the sub region in reaching their decision.

**Page 68 9.8 What is the answer to this?**

This is addressed in paragraph 9.10.

**Page 74 11.38.11.39 if the applicant had stuck to the conditions the site would be a lot nearer finished.**

The site would be closer to finishing, however irrespective based on waste inputs the site would not be complete by July 2017. Therefore the Council would be in any event be considering a time extension. To adhere to the July 2017 completion an annual input of 510,000m$^3$ would be needed. (paragraph 11.50) This scale of input exceeds that at Arpley.

**Page 76 11.52 to 11.54 Commercial considerations the applicant capitalising of voids.**

These paragraphs are Officers assessment based on the evidence available.

**Page 78 A commercial consideration**

It is unclear which part of the page is being referred to here.

**Page 79 Section 12 The applicant has never complied with 106 agreements and conditions**

This is a key point. There is a twofold response. The first is a tightening up of the planning conditions as described in paragraphs 3.5 and 13.2. The recommended list is in Appendix A. Secondly, as described in paragraph 14.8 the Council can monitor mineral and waste sites up to 8 times a year in agreement with the operators. The operators pay the Council for this visit. This will ensure the operator is adhering to planning conditions and inform (if necessary) enforcement action.

The operator has confirmed they are employing an experienced regulatory compliance manager and an environmental management system

**Page 80 14 .3 No weight should be added to this as it is inappropriate development.**

VSC advanced to outweigh the harm identified in the report through its inappropriateness.
Page 93 Informatives (a) this was never followed up by our officers despite numerous requests from myself. Not of this was applied by our officers although they had full knowledge of it.

This is an informative for the operator outlining it is their responsibility to comply with planning conditions. The application has derived from the over tipping being discussed by Officers with the operator.

As far as conditions go if permission is given all these go out the window

That is correct, but the requirements of the suggested conditions remain the same or are more stringent in terms of timescales and their requirements to redress issues. This is explained in paragraph 3.5 and 13.2 of the report.
ITEM 5 – LAND ADJACENT 127 TWISS GREEN LANE, CULCHETH

Highways Advice

1. Spacing between junctions acceptable – approximately 30m away from the junction with Common Lane and 14m from the access into Barton Mews.
2. Visibility satisfactory if existing site boundary wall reduced to 0.6m.
3. Driveway would be 3.5m width at its narrowest point, in the vicinity of the site access junction, and wider within the site. This is acceptable.
4. Gates set back approximately 6m from the carriageway enabling a car to wait clear of the carriageway while the gates are opened.
5. A separate 1.6m wide pedestrian access would be constructed to the dwelling from Common Lane.
6. Dwelling has 3 bedrooms and upstairs store room that is large enough to accommodate a bed and therefore the property is classed as having 4 bedrooms – this requires 3 allocated parking spaces plus an additional visitor parking space – 3 allocated spaces provided of adequate size (2.5m x 5m).
7. Adequate turning space provided.
8. Integral garage measures 3.5m x 6m internally which is of an acceptable size to accommodate a vehicle, whilst also allowing some use for storage, and complies with standards.
9. Further 0.6 of a parking space required for the use of a garage – this could be accommodated on the driveway while still maintaining the 3 driveway spaces already shown on the plan and the site turning area. The proposed parking provision for the development is therefore acceptable as it fully complies with the parking standards.
10. Driveway would be permeable to avoid surface water run-off.

In conclusion the proposal is acceptable in highway terms subject to conditions relating to approval of driveway materials; visibility splay; construction details of access; and car parking / turning areas to be laid out.