To: Members of the Development Management Committee

Councillors: Chair – T McCarthy
Deputy Chair – J Richards
B Barr, J Davidson, G Friend, T Higgins,
L Hoyle, C Jordan, L Ladbury, L Murphy,
F Rashid and G Settle

10 April 2013

Development Management Committee

Thursday, 18 April 2013 at 6.30pm

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

Agenda prepared by Julie Pickles, Democratic and Member Services Officer –
Telephone: (01925) 443212, Fax: (01925) 656278,
E-mail: jpickles@warrington.gov.uk

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.
Item | Page Number
--- | ---
3. **Minutes** | 1
   To confirm the minutes of the meeting held on 28 March as a correct record.

4. **Planning Applications (Main Plans List)** | Attached as a separate document

5. **Results of Planning and Enforcement Appeals**
   Report of the Executive Director of Environment and Regeneration Services

**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

28 MARCH 2013

Present: Councillor T McCarthy (Chair)
Councillors B Barr, P Carey (substituted for J Richards), J Davidson, T Higgins, L Hoyle, L Murphy, F Rashid and S Roberts (substituted for G Friend).

DM112 Apologies for Absence

Apologies for absence had been received from Councillor J Richards, Councillor G Friend and Councillor G Settle.

DM113 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cllr J Davidson</td>
<td>DM118</td>
<td>Councillor Davidson represented the area as a Ward Member but had not taken part in any discussions in relation to this application</td>
<td>Cllr Davidson remained in the meeting and took part in both the discussion and voted thereon</td>
</tr>
<tr>
<td>Cllr F Rashid</td>
<td>DM118</td>
<td>Councillor Rashid represented the area as a Ward Member but had not taken part in any discussions in relation to this application</td>
<td>Cllr Rashid remained in the meeting and took part in both the discussion and voted thereon</td>
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DM114 Minutes

Resolved,

That the minutes of the meeting held on 7 March 2013 were agreed as a correct record and signed by the Chair.

DM115 Planning Applications

Resolved,

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

The following application be deferred to enable a site visit to take place.
It was noted that the following application would be brought before the Development Management Committee scheduled to meet on Thursday, 18 April 2013:

2012/20943 – Field off Tannery Lane, Penketh, Warrington – Proposed timber stable block, associated yard area and access track.

Site visit to take place on Friday 12 April 2013.

**DM116 2012/20943 – Field off Tannery Lane, Penketh, Warrington – Proposed timber stable block, associated yard area and access track**

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

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

Resolved,

That consideration of application 2012/20943 be deferred to enable a site visit to take place. This application would be brought before the Committee on 18 April 2013, with the site visit to take place on 12 April 2013

**DM117 2013/21119 – New World Site, Thelwall Lane, Latchford, Warrington, WA4 1NL – Proposed substitution of house types to plots 53-55 & 253-271**

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

Resolved,

That application 2013/21119 be approved as recommended subject to an additional condition in relation to public open space

**DM118 2013/21340 – Land to the South of the M62, West of Junction 8, Omega South, Warrington – Proposed distribution warehouse development with associated access, landscaping, estate roads, HGV and car parking, attenuation pond and other ancillary development**

The Executive Director of Environment and Regeneration submitted the above application with a recommendation of approval subject to a Section 106 agreement.

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

That application 2013/21340 be approved subject to Section 106 agreement and revised plans and conditions:-
1. Reduction in building height by 5 metres
2. Revised roof design and schedule of exterior materials
3. Deletion of suggested condition – replacement habitat and incorporation of suitable measures in S106 instead
4. Additional condition – protection of the greater crested newts
5. Modification of condition – highway agency requirements

DM119 Results of Planning and Enforcement Appeals

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

<table>
<thead>
<tr>
<th>Application/ Appeal Reference</th>
<th>Location and Description</th>
<th>Committee/ Delegated Decision</th>
<th>Appeal Decision</th>
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<tbody>
<tr>
<td>2012/20846</td>
<td>12 Acton Avenue, Appleton, Warrington, WA4 5PT</td>
<td>Refuse</td>
<td>Dismissed</td>
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<tr>
<td>APP/M0655/D/13/2190961</td>
<td>Proposed single storey extension to side</td>
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</table>

Resolved,

That the report be noted

Signed………………………

Dated ………………………
Appeal Decision

Site visit made on 19 February 2013

by Brendan Lyons  BArch MA MRTPI IHBC
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 March 2013

Appeal Ref: APP/M0655/A/12/2185654
452 Warrington Road, Culcheth, Warrington  WA3 5QX

• 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 Mrs Susan Underwood against the decision of Warrington Borough Council.
• The application Ref 2012/19858, dated 11 April 2012, was refused by notice dated 11 July 2012.
• The development proposed is described as change of use from residential dwelling to use for 2no. consultants’ rooms (Use Class D1).

Decision

1. The appeal is allowed and planning permission is granted for change of use from residential dwelling to use for 2no. consultants’ rooms (Use Class D1) at 452 Warrington Road, Culcheth, Warrington WA3 5QX, in accordance with the terms of the application Ref 2012/19858 dated 11 April 2012 and the plans submitted with it, subject to the 7 conditions set out in the schedule appended to this decision.

Application for costs

2. An application for costs was made by the appellant against the Council. That application is the subject of a separate Decision.

Main Issues

3. The main issue arising from the Council’s reason for refusal of the application is the effect on highway and pedestrian safety due to the risk of parking on Warrington Road.

4. Other issues raised by interested parties include the house’s suitability for the proposed use and the effect on neighbours’ living conditions.

Reasons

5. The appeal property is a small semi-detached house that stands next to a main road, close to the centre of the large village of Culcheth. Permission is now sought to change the use of the house to allow specialist consultants to use two rooms for counselling in cases of bereavement and other personal difficulties.

6. The appeal property forms one of a small group made up of three matching pairs of houses. Four of the other houses are said to remain in residential use, including that adjoining the appeal property, and one in office use. Adjoining
the group to the east is a single-storey bank building, which faces onto the main road junction that marks the centre of the village. To the west, set behind a low hedge, is the car park of the main village shopping centre. Next to the shopping centre, and behind the appeal property, stands the parish hall and adjoining day nursery. On the opposite side of Warrington Road are larger houses and flats, but there are two small blocks of business and service uses further to the west.

**Highway safety**

7. A previous planning application\(^1\), involving use of more rooms, was refused in October 2011 because the additional parking demand that would be created could not be accommodated on the site or in nearby public car parks, leading to the risk of parking on the main road front or on nearby local roads, to the detriment of the free flow of traffic and of highway safety. The potential use of six spaces in the car park of a nearby restaurant, which was discussed as part of that application, has been formalised in the current proposal by their inclusion in the application site. However, the Council remains concerned that the proposed use would result in hazardous parking on the main road.

8. This section of Warrington Road is clearly a busy local traffic artery. Although the road begins to widen on the approach to the main mini-roundabout junction, the carriageway remains relatively narrow in front of the appeal property. A further priority junction before the roundabout adds complexity to the road layout. A full parking restriction is in force for some distance on both sides of the road.

9. Parking outside the group of houses, even by encroaching partly on the narrow footway, would be potentially hazardous. The appellant confirms that the type of service to be offered requires an appointment of at least an hour’s duration, and is willing to accept a planning condition to reflect that. I consider it extremely unlikely that a client or counsellor would risk parking illegally on the road for that length of time. The situation would be very different from a customer of the adjacent bank risking a brief stay while withdrawing cash from an ATM, which is said to occur at present.

10. The risk of hazardous parking would be further reduced by the availability of public car parking in and around the village centre. The Council does not dispute that such parking exists within a very short walk of the appeal property, but claims that its use is generally restricted to customers of adjoining businesses or limited by length of stay. However, the evidence on the ground shows that the two Council-operated car parks, adjoining the main mini-roundabout and opposite the medical centre, allow a stay of up to 10 hours and have no stated restrictions on use, being available for any visit to the village. In addition, the car park of the Cherry Tree public house allows a stay of up to 2 hours for a modest refundable payment. The large car park of the shopping centre allows a stay of up to 4 hours for customers of the supermarket or of the many other shops and the café that make up the centre, which could easily be availed of by users of the adjacent appeal property.

11. The evidence suggests that there is ample suitable public parking, which could readily absorb the modest additional demand generated by the appeal proposal, obviating the need for hazardous on-street parking. Furthermore, it is

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\(^1\) Application Ref 2011/18600
not disputed that the village is well served by public transport, with bus stops close to the appeal site. The appeal property also has a side access and the potential for secure cycle parking to the rear.

12. The Council seeks the provision of dedicated off-street parking in accordance with saved Policy LUT20 of the Warrington Unitary Development Plan (‘the UDP’). But current national guidance set out in the National Planning Policy Framework (‘the Framework’) advises that if local parking standards are to be set, account should be taken, amongst other factors, of the accessibility of the development and its type, mix and use, and of the availability of public transport. Although the parking standards endorsed by Policy LUT20 are expressed as maxima, the policy’s requirement for all new developments to provide off-street car parking, irrespective of location or the specific nature of the proposed development, would not be consistent with the guidance of the Framework. The weight to be given to any conflict with the saved policy is reduced.

13. In this case, the high levels of access to communal parking and public transport, and the relatively low intensity of the proposed use, unlike some other forms of medical consulting within the D1 Use Class, all suggest that the required provision of dedicated off-street parking would not be justified. The provision of dedicated off-street spaces could also be seen as promoting the use of the private car, contrary to the guidance of the Framework in support of demand management.

14. Whilst the proposed parking spaces are identified in the application, the appellant’s preference is that permission should be granted without any requirement to provide them. The condition that has been proposed to secure the availability of the spaces would not meet the test of necessity set out by the Framework and by the guidance of Circular 11/95\(^2\), as well as imposing a rather onerous link between the future use and operation of the two separate buildings.

15. For the above reasons, even in the absence of reserved parking the proposed use would comply with the safe, sustainable and integrated pattern of development and movement sought by saved UDP Policy LUT1, which promotes the appropriate use of land in central areas and other locations well served by public transport. The policy’s objectives are broadly consistent with those of the Framework, which supports a pattern of development that facilitates the use of sustainable modes of transport.

16. The emerging Local Plan Core Strategy is at too early a stage in the adoption process for its policies to be afforded significant weight in this appeal.

*Other issues*

17. The concern raised about the suitability of the existing building for the proposed use relates to the loss of a small dwelling and to the location outside the village centre.

18. The proposal would result in a reduction in the number of small houses in the locality. However, the Council has not objected to the effect on the housing stock and no other clear evidence has been provided that there would be a harmful consequence in terms of meeting identified housing need.

\( ^2 \) DoE Circular 11/95: *The use of conditions in planning permissions*
19. The appeal site is not allocated by the development plan for a specific use. Any proposed change of use must be considered on its merits. Consulting rooms within Use Class D1 are not among the 'main town centre uses' identified by the Framework. Therefore, there is no strong policy preference for the use to be located within the village centre. Instead, the use can be seen as one of a range of small-scale complementary activities that would sit well at the edge of the centre, where it could contribute to beneficial linked trips. There would be no alterations to the building, and limited activity generated, so that the character of the immediate area would not be significantly altered. Control of the precise nature of the use can be secured by a condition.

20. The appeal property faces onto a main road, well used by pedestrians and vehicles. Strangers passing by would not be out of keeping with the area and their relatively discreet visits to the house should not result in any harmful interaction with residents of the adjoining house. Use and enjoyment of the adjoining back garden can be protected by a condition to ensure that all counselling activity would take place within the appeal building. Further protection from any potential adverse impacts on adjoining residents would be secured by the proposed limitation on hours of operation to a curtailed working day on Mondays to Fridays and to Saturday mornings only.

21. It was noted at the appeal site visit that only a party wall, and not a hallway as outlined in the appellant’s statement, would separate the main downstairs consulting room from the living room of the adjoining house. The upstairs consulting room would directly adjoin a bedroom. The appellant confirms that amplified music or sound would not be used, and proposes a condition to that effect. But despite the predicted generally quiet character of the sessions, there would be some risk that the protracted pattern of speech could become a source of disturbance if audible in the adjoining house. The nature of counselling for stressful situations must also introduce the risk of some expressions of distress which could be more intrusive. A condition to secure a scheme of additional sound insulation, as proposed by the appellant, would be justified. It would also address the neighbouring resident’s concern that use of her home would be constrained by awareness of noise potentially causing disturbance at the appeal property.

22. Subject to the above conditions, the proposal would be suitable for the proposed use and would not adversely affect neighbours’ living conditions. It would comply with the guidance of the Framework, among whose core principles is the protection of a good standard of amenity or all existing and future occupiers of land and buildings.

**Conditions**

23. In addition to the conditions needed for the reasons already outlined above, the standard commencement time condition is required. Of the other conditions proposed by the Council, those limiting both the number of counsellors and the number of consulting rooms to two can be combined, in order to define the nature and scale of the permitted use. As the proposed condition on the availability of car parking would not be necessary, neither is that proposed on signage. Of the conditions suggested by the appellant, that restricting counselling activity to one-to-one sessions would be reasonable, in order to define the nature and scale of the permitted use. As a result, a separate condition seeking to prevent group sessions would not be necessary and would
not be sufficiently precise or enforceable to meet the requirements of Circular 11/95 and of the Framework.

**Conclusion**

24. For the reasons set out above, and having taken careful account of all representations made, I conclude that the appeal should be allowed and planning permission granted subject to conditions.

*Brendan Lyons*

INSPECTOR

**Schedule of conditions**

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

2) The premises shall be used for consultants’ rooms for personal counselling and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

3) No more than two counsellors shall operate from the premises at any one time. Counselling shall involve no more than one client for each counsellor at any one time and shall take place only within the building, in the two rooms identified on the approved Proposed Floor Plans as Counselling Room 1 and Counselling Room 2.

4) All counselling shall be arranged by appointment only, with a minimum of one hour between appointments for any one counsellor.

5) No client shall be permitted to be on the premises outside the following times: 09.30-17.30 on Mondays–Fridays, 09.00-13.00 on Saturdays, and not at all on Sundays and bank holidays.

6) No amplified music or other sound shall be played in the premises.

7) The use hereby permitted shall not begin until a scheme of sound insulation of the party wall with the adjoining house, 454 Warrington Road, has been submitted to and approved in writing by the local planning authority and all works which form part of the scheme have been completed in accordance with the approved details.
Costs Decision

Site visit made on 19 February 2013

by Brendan Lyons  BArch MA MRTPi IHBC
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 March 2013

Costs application in relation to Appeal Ref: APP/M0655/A/12/2185654
452 Warrington Road, Culcheth, Warrington  WA3 5QX

• The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
• The application is made by Mrs Susan Underwood for a full award of costs against Warrington Borough Council.
• The appeal was against the refusal of planning permission for change of use from residential dwelling to use for 2No. consultants’ rooms (Use Class D1).

Decision

1. The application for an award of costs is allowed in the terms set out below.

Submissions by the parties

2. The appellant’s application for an award of costs was submitted by letter dated 11 January 2013. The Council’s response was received by e-mail dated 7 February 2013. The appellant’s final reply was provided by e-mail dated 14 February 2013.

Reasons

3. Circular 03/20091 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

4. The application that has given rise to this appeal was refused by the Council contrary to the recommendation of its officers. Paragraph B20 of the Circular advises that planning authorities are not bound to accept the recommendation of their officers, but that if professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects.

5. In this case, the sole reason for refusal of the application related to the risk to highway and pedestrian safety resulting from anticipated parking on the busy main road to the front of the property, where both sides of the road are covered by full waiting restrictions. Considerable evidence had been provided in support of the application to address the issue of parking, which had also been the reason for refusal of a previous application. It was explained that the nature of the proposal relied on visits of some duration, which would only take

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1 Circular 03/2009: Costs awards in appeals and other planning proceedings
place during daytime hours. While maintaining that adequate public parking was available to support the proposal, the applicants also proposed the dedicated use of six identified spaces in the car park of a nearby restaurant. Council officers accepted that this provision would meet expected standards.

6. It is not clear on what precise basis Council members concluded that the availability of off-street parking would be inadequate and that hazardous illegal parking would take place. The Council’s appeal submissions and costs response record that the decision was taken after a site visit, applying members’ local knowledge, but evidence has not been provided of what site visit evidence or local knowledge was critical to the decision. Submissions on the application by interested parties referred to existing parking abuse, but apparently related to visits to the nearby bank. It is not clear how the nature of the proposed use, with its requirement for stays of longer duration, was taken into account. No survey data of the extent of any inappropriate parking appears to have been considered, nor any accident records. It appears that a photograph provided by a resident, which has not been forwarded, may have been given weight, but this is not set out in the appeal submissions.

7. In the light of the above, I consider that the Council has not been able to show that the decision contrary to officer advice was taken on reasonable planning grounds and that it has not produced relevant evidence for the appeal to support the decision, contrary to the guidance of the Circular.

8. As pointed out by the appellant, it was particularly important in this case that the decision should be carefully weighed, as the application was submitted in an effort to address the concerns raised by the previous refusal, and after detailed pre-application discussion with the Council officers, all in accordance with the guidance of paragraph A3 of the Circular.

9. I conclude that unreasonable behaviour by the Council has been shown and that as a result the appellant incurred the unnecessary expense of the appeal. A full award of costs is justified.

**Costs Order**

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Warrington Borough Council shall pay to Mrs Susan Underwood the costs of the appeal proceedings described in the heading of this decision.

11. The applicant is now invited to submit to Warrington Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

**Brendan Lyons**

INSPECTOR
WARRINGTON BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE
18th April 2013

Report of the: Executive Director Environment and Regeneration
Report Author: Daniel Hartley - Development Control Manager
Contact Details: Email Address: dhartley@warrington.gov.uk
Telephone: 01925 442819
Ward Members: All Ward Members

1. **SUMMARY PAPER – REPORT ON:**

   This report outlines to Members the results of Planning and Enforcement appeals and consequent award of costs against the Council since last reported in February 2013.

   Only one such appeal has been concluded in this period – 452 Warrington Road, Culcheth (ref: APP/M0655/A/12/2185654) – the Planning Inspectorate decision papers are attached.

2. **Purpose of the Report:**

   To advise members of the results of appeals.

3. **Recommendations:**

   To note the reports.

4. **Reason for Recommendation:**

   To inform Members of the results of appeals.

5. **Confidential or Exempt:**

   The report is not confidential

6. **Financial Considerations:**

   The Council will be liable to pay the award of costs referred to.

7. **Risk Assessment:**

   Not required.
Agenda Item 5

8. **Equality Impact Assessment:**

   No equality impact assessment is considered to be required.

9. **Consultation:**

   Not required

10. **Clearance Details** *(Record of clearance of report):*

<table>
<thead>
<tr>
<th>Name</th>
<th>Consulted</th>
<th>Date Consulted</th>
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<tbody>
<tr>
<td>Relevant Executive Board Member</td>
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<td>SMB</td>
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<td>Relevant Executive Director</td>
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<td>Solicitor to the Council</td>
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<tr>
<td>Relevant Assistant Director</td>
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11. **Background Papers:**

    Planning application and appeal decisions attached

**Contacts for Background Papers:**

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
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<tbody>
<tr>
<td>Melissa Mountain</td>
<td><a href="mailto:mmountain@warrington.gov.uk">mmountain@warrington.gov.uk</a></td>
<td>01925 442819</td>
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## DEVELOPMENT MANAGEMENT COMMITTEE

Thursday 18th April 2013

Start 18:30

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
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<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>2012/20943</td>
<td>FIELD OFF TANNERY LANE, PENKETH, WARRINGTON</td>
<td>Approve</td>
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<td></td>
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<td></td>
<td>Proposed timber stable block, associated yard area and access track</td>
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### Plans List

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| **Application Number:** | 2012/20943 |
| **Location:** | FIELD OFF TANNERY LANE, PENKETH, WARRINGTON |
| **Ward:** | PENKETH AND CUERDLEY |
| **Development:** | Proposed timber stable block, associated yard area and access track |
| **Applicant:** | Mr R Towell |
| **8 Week Expiry Date:** | 17th January 2013 |
| **Recommendation:** | Approve subject to Conditions |

**Conditions:**
- Development to commence within 3 years
- In accordance with approved plans
- Materials to match those specified in application, i.e. timber boarding, corrugated sheet roof
- Private use only - no commercial use
- On site turning area to be made available and retained
- Westbound visibility splays of 2.4 metres x 42 metres to be provided and retained
- Recommendations of Ecological Assessment to be adhered to

**Reason for Referral**
- Objection from Penketh Parish Council and more than 10 objections have been received from the public
- This application was deferred from the 28th March DMC meeting to enable Members to visit the site

**Description**
- Proposal is for a stable block (4 stables and a tack room) with access track and yard area.
- The application is a resubmission of two previous applications, one withdrawn and one refused in 2012.
- The latter application was refused by Members in June 2012 for the following reason – ‘The proposed development would result in the intensification of a substandard access which has insufficient visibility and encroaches on a public right of way. The proposal would not subsequently integrate efficiently with the highway network and is therefore contrary to policy DCS1 of the Warrington UDP’.
• The location of the proposed stable is similar to the previous application. The main difference from the previous proposal is the revised access arrangements aimed at addressing the previous reason for refusal.
• The proposed building has an ‘L’ shaped footprint situated at the northern western corner of the field.
• Access would be via a stone access track from the north eastern corner of the field.
• The materials of construction of the stable are timber boarding and a corrugated sheet roof.
• Other parts of the field are in use as a small holding.

Location
• The site is situated within the Green Belt. Tannery Lane marks the boundary between the urban area to the north and the Green Belt to the south.
• To the opposite side of the road are residential properties facing across the field which has a slight southwards downward gradient.
• A residential care home is situated approximately 80m to the east.
• The site is within a designated Major Wildlife Corridor.

Relevant History
• Ref. 2012/19417 Proposed stable block with new access road, fencing and gates – Withdrawn 26th March 2012
• 2012/19820 Proposed stable block (resubmission of application 2012/19417) – Refused 14th June 2012

Main Issues and Constraints
• Green Belt
• Impact Upon Living Conditions
• Highways
• Ecology

Key policy/guidance checklist
• Policy DCS1 Development Control Strategy
• Policy LUT20 Parking
• Policy REP10 Noise
• Policy REP11 Odours
• Policy GRN1 Green Belts
• Policy GRN2 Environmental Protection and Enhancement
• Policy GRN3 Development Proposals in the Countryside
• Policy GRN18 Key Biodiversity Habitats and Priority Species
• Policy GRN20 Wildlife Corridors
• Policy GRN21 Protection of the Nature Conservation Resource
### Appraisal

| Green Belt | The proposal involves the construction of a new building within the Green Belt. NPPF (para. 89) identifies the types of development that can be appropriate within the Green belt, which includes the provision of appropriate facilities for outdoor sport and recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The site of the stable to the corner of the field is adjacent to a 2m hedge. It is modest in size relative to the nearby built form and considered commensurate with the concession identified within NPPF constituting an appropriate facility for outdoor recreation. It would not conflict with any of the purposes of including land within the Green Belt, i.e. lead to unrestricted sprawl, merging of neighbouring towns, encroachment, adversely effecting setting of an historic town, or discouraging recycling of derelict/urban land. Provision of four stables is not of a commercial scale and further planning permission would be required for additional stables or establishment of a commercial use. Similarly planning permission would be required to change the use of the building in the future to a house or other use, and the current design is for a functional stable of timber construction. It is not considered that the future use of the stable as a residential dwelling is a viable proposition due to the materials of construction. |
| Environment Protection and Enhancement | The proposed stable building would be visible from several of the houses (39, 41, 43 and 45 Roeburn Way) on the opposite side of Tannery Lane. It is generally accepted however that the planning system cannot protect a private right to a view. No weight is subsequently given to any perceived loss of view from the windows of these properties. Whereas an individual's view over neighbouring land of some distant object, building or scenery carries little significance, this is distinct from the more immediate dominance of a building. Where a development would interfere with the outlook from windows, to the extent that the building would appear unduly intrusive and oppressive, there is no doubt that this is an important and legitimate consideration. The key test in the current circumstances is whether the building would result in a significant reduction in the level of amenity that an adjoining property could 'reasonably' expect to enjoy. The proposed building would present a blank timber wall approximately 12m in length parallel with these properties at a distance of approximately 24m. At this distance it not considered that the proposal would harm the outlook from the adjacent properties to a material extent: |
| Development Proposals in the Countryside | IMPACT UPON LIVING CONDITIONS The proposed stable building would be visible from several of the houses (39, 41, 43 and 45 Roeburn Way) on the opposite side of Tannery Lane. It is generally accepted however that the planning system cannot protect a private right to a view. No weight is subsequently given to any perceived loss of view from the windows of these properties. Whereas an individual's view over neighbouring land of some distant object, building or scenery carries little significance, this is distinct from the more immediate dominance of a building. Where a development would interfere with the outlook from windows, to the extent that the building would appear unduly intrusive and oppressive, there is no doubt that this is an important and legitimate consideration. The key test in the current circumstances is whether the building would result in a significant reduction in the level of amenity that an adjoining property could 'reasonably' expect to enjoy. The proposed building would present a blank timber wall approximately 12m in length parallel with these properties at a distance of approximately 24m. At this distance it not considered that the proposal would harm the outlook from the adjacent properties to a material extent: |
| Development Control Strategy |  |
| Development Control Strategy |  |
this distance would theoretically be in accordance with the development plan – this would obviously impact upon outlook more so than the current proposal;
- the presence of hedging along the boundary would screen the building upto approximately 2m – predominantly only the roof would be visible hipped away from the boundary;
- the scale and height of the building at 2.9m to ridge would not be excessive or dominant;
- the gradient of the land would mitigate its impact with the field level lower than adjacent road level.

In summary, the combination of the above elements is considered sufficient to allow the building to be accommodated without causing a significant loss of outlook to the adjacent residential properties.

There are no objections to the proposal from the Environmental Health Department. The proposed position of the manure trailer should adequately protect residential amenity from issues relating to odour from manure storage and fly problems over summer months. The detail of the construction of the stables combined with the orientation of the stables to face away from residential properties would also minimise the likelihood of noise from the stabled horses impacting on residential amenity.

The access to the stable from the north east corner of the field would be constructed as a stone ‘twin track’ at wheel base widths thus minimising the amount of hard surface. The revised proposal also makes adequate provision for drainage with surface drains and a soakaway.

<table>
<thead>
<tr>
<th>LUT20</th>
<th>HIGHWAYS</th>
<th>Background</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td>Highway Officers raised objections to the previous application (ref. 2012/19820) as the proposed vehicle access to serve the stables relied upon the use of a Public Right of Way adjacent to the site.</td>
<td></td>
</tr>
</tbody>
</table>

The applicant has addressed this issue by proposing to utilise an existing vehicle access point from the site onto Tannery Lane, to the west of the Public Right of Way. This ensures that traffic movements now do not conflict with the right of way. This also allows for improved access arrangements and sightline visibility which accords with ‘The Manual for Streets’.

<table>
<thead>
<tr>
<th>LUT1</th>
<th>Development Control Strategy</th>
<th>Impact Upon Network</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td></td>
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</tbody>
</table>
As the proposed stables would be for private use, the activity associated with them would be of low intensity. The average number of vehicle movements would be in the region of one or two trips via car or small van per day by the applicant, and vet/farriers/dentist visits once every 7/8 weeks via car or small van, and use of a manure trailer every 6 weeks.

Other parts of the field are in use as a small holding which generates one or two trips via car/small van per day by the applicant. It is anticipated that the proposed stable use would be complimentary to the small holding operation and existing vehicle movements associated with the site are subsequently unlikely to increase to any material extent as a result of the stable use. The proposal would not have any materially greater impact on the local highway network than existing operations at the site.

Highway Safety
The Council’s accident records for the junction of Station Road and Tannery Lane have been reviewed. This review has confirmed that there have been no recorded personal injury accidents in the vicinity of the site within the last 10 years.

The revised application makes provision for the following:

- use of an existing 4m wide agricultural vehicle access;
- removal of the existing vehicle access gates to ensure that a vehicle and horsebox can enter the site and stand clear of the highway in one manoeuvre;
- formation of an 11m x 10m on site parking and turning area, sited in the north-east corner of the field, which would allow a vehicle and horsebox to manoeuvre on site and exit the site in a forward direction;
- construction of the stone ‘twin track’ access from the on site turning area, leading to the stables and yard area;
- formation of a concrete yard area, fronting the stables and tack room, also allowing on site provision for vehicle turning manoeuvres;
- achievable westbound visibility splays of 2.4m x 42m at the sites junction with Tannery Lane;
- excellent eastbound visibility with splays of 2.4m x 65m from the sites junction with Tannery Lane to the northern stretch of Station Road, and 2.4m x 80m to the eastern stretch of Station Road.

In summary the previous reason for refusal “…substandard access which has insufficient visibility and encroaches on a public right of way”, has now been satisfactorily addressed.
<table>
<thead>
<tr>
<th>Key</th>
<th>Biodiversity Habitats and Priority Species</th>
<th>Wildlife Corridors</th>
<th>Protection of the Nature Conservation Resource</th>
</tr>
</thead>
</table>

**ECOLOGY**

Owing to the site’s proximity to a known great crested newt breeding pond an assessment has been required with regards to the developments potential impact to European Protected Species. An Ecological Assessment Report, carried out by TEP August 2012, was submitted which was carried out at the appropriate time of year and to nationally recognised standards by suitably qualified persons and there is no cause to disagree with the findings of the survey.

The report highlights that the development site is within 180m of a pond with a low great crested newt population. Surveys during 2012 did not result in any great crested newts being found at the pond in question. The development site only provides limited terrestrial habitat for great crested newts, with these factors combined the potential risk to any animals being impacted is very low. The TEP report recommends that ‘Reasonable Avoidance Measures’ are carried out with regards to any construction/development. Subject to this approach being adhered to the proposal is acceptable from an ecological perspective.

**Responses to consultation**

**Environmental Health:**
No objections
Manure storage location and orientation of building satisfactory to address amenity considerations - full comments attached at appendix

**Highways:**
No objection
Revised details address previous highway issues - full comments attached at appendix

**Nature Conservation Officer:**
No objections
Comments reiterated from previous application - precautionary measures should be undertaken related to great crested newts – full comments attached at appendix

**Responses to Notification:**
Penketh Parish Council:
Objection:
The Parish Council wish to object to this Application on the following grounds:

- The area concerned has history of visibility problems on a hazardous blind corner with a number of accidents recorded; further increase in traffic would make this an accident hotspot. This area is already congested due to school drop offs, buses and walkers. Further to this vehicles have a habit of coming out of Station Road and onto Tannery Lane without stopping at the junction.
- There is no drainage or utilities on site.
• The area is an important part of Greenbelt land between the Borough’s of Halton and Warrington and needs to be protected.
• It is speculated that this application is to put a structure on the land, prior to the Localism Bill which will take a more lenient view for the barns to be turned into residential dwellings.
• As this land was recently bought at Auction it is speculated that this application is to put a structure on the land, prior to the Localism Bill which will take a more lenient view for the structure to be turned into residential dwellings.
• The Penketh Parish Council wish to advise that residents attended December’s meeting to express their objections to another application on Greenbelt land.

Comment: See policy appraisal above.

Neighbours: Letter of support and a petition of 102 signatures with supporting comments praising use of the site for keeping of animals, also statement from applicant:

We provide a safe home for vulnerable adults and as we are all aware, animals are great healers. We are trying to maintain the land as ecologically friendly, providing our family with fresh free range eggs and a plot to grow our own vegetables. Due to complaints made in regards of noise with cutting the grass, a more eco and neighbour friendly way of keeping the grass down has been used with our flock of sheep that will be lambing in April. We are friendly, and welcome the community to come and see our animals. I hope that you enjoy seeing and being involved as a community in our lambing.

Positive points in our application as follows:
• Off road highway turning and parking for one vehicle;
• Gate being removed in order to maximise highway safety;
• Stone access track with grass growing through the middle to give disability access;
• Four stables, L shaped with a dark corrugated roof, height reduced so that only the roof will be visible to the neighbouring community;
• The proposed stables are for own usage only.

Neighbours: Letters of objections from 130 properties (some individual letters with majority standard signed letters)

1. Green belt land and should be protected.
2. Would be a commercial use rather than personal use.
3. Will change to a house in the future.

Comment: See policy assessment above (GREEN BELT)

4. Loss of view.
5. Additional hard surface would give rise to flooding.
6. Use of field by disabled people irrelevant.
7. Environmental health issues with noise and smells.
Comment: See policy assessment above (IMPACT UPON LIVING CONDITIONS)

9. Revised plans have made access more dangerous.
10. No parking for visitors.
11. Turning area not big enough.
12. Conflict with users of the adjacent footpath.

Comment: See policy assessment above (HIGHWAYS)

13. No services connected to the site.
14. Errors on application forms.
15. Not enough grazing land for horses with sheep on the field.

Comment: Absence of services for a stable building of little weight in current circumstances – errors on the application forms are not considered to be of such significance as to justify withholding planning permission – amount of grazing land appears sufficient

Conclusions and reasons for recommendation/decision

The proposed stable building is considered to represent appropriate development in the Green Belt being of a relatively modest size without causing harm to openness or character or conflicting with the objectives of including land within the Green Belt. It is a sufficient distance away from residential properties, and would not have a material impact upon their outlook or general amenity. The submitted ecological assessment is accepted and it is agreed that there would be no adverse implications for great crested newts. The unacceptable access arrangements proposed within the previous applications have been revised with provision of a 4m wide vehicle access to the west of the Public Right of Way from the site onto Tannery Lane to serve the stable, as well as sufficient sightline visibility in both directions either side of the application sites junction with Tannery Lane. The proposal is thus now considered to be in accordance with the relevant provisions of the development plan.
Appendix One

Environment Health

I have considered the application and have no objection to the proposal as submitted.

The additional detail including the re-siting of the manure trailer should adequately protect residential amenity from issues relating to odour from manure storage and fly problems over summer months.

The detail of the construction of the stables combined with the orientation of the stables to face away from residential properties again should minimise the likelihood of noise from the stabled horses impacting on residential amenity.

Natural Environment Officer

Thank you for consulting me on the application for the above site, having reviewed the submitted information I have the following comments. The Natural Environment and Rural Communities Act (NERC) 2006 places a duty on Local Authorities to have regard to the conservation of biodiversity in exercising their functions. In the context of planning applications, conserving Biodiversity includes restoring and enhancing species populations, as well as protecting them. When this duty is taken into consideration with the NPPF, as an authority Warrington Borough Council need to ensure that when granting any planning permission it would not conflict with these policies. The results of any surveys and landscape master plans would be used to determine this when considering any planning permission.

One of the key aspects of NPPF 11: Conserving & Enhancing the Natural Environment is that planning decisions should aim to conserve and enhance biodiversity and incorporates it into and around developments. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented adequately mitigated against, or compensated for, then planning permission should be refused.

Public authorities have a Duty to have regard to the conservation of biodiversity in exercising their functions. This Duty was introduced by the Natural Environment and Rural Communities Act and came into force on 1 October 2006. Through the NPPF the Government has indicated that local authorities should take steps to further the conservation of habitats and species of principal importance through their planning function and promote the preservation, restoration and re-creation of ecological networks.

The Conservation of Habitats and Species Regulations 2010 Implement the Habitats Directive. Schedule 2,40 (1) of the Regulations makes it an offence to deliberately capture, kill or disturb a member of a European Protected Species or to damage or destroy the breeding site or resting place of such an
animal. These Regulations require all local planning authorities in the exercise of their functions to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.

Owing to the site's proximity to a known great crested newt breeding pond an assessment was required with regards to the developments potential impact to this European Protected Species. An Ecological Assessment Report, carried out by TEP August 2012, was submitted which was carried out at the appropriate time of year and to Nationally Recognised standards by suitably qualified persons. I have no cause to disagree with the findings of the survey.

The report highlights that the development site is within 180m of a pond with a low great crested newt population. Surveys during 2012 did not result in any great crested newts being found at the pond in question. The development site only provides limited terrestrial habitat for great crested newts, with these factors combined the potential risk to any animals being impacted is very low.

The TEP report (Section 6.0) recommends Reasonable Avoidance Measures are carried out with regards to any construction/development. I would agree that this is a suitable cautious approach and these recommendations should be attached as conditions to any permission minded to be granted.

Condition regarding EPS - Works should be timed to avoid periods when amphibians may be present within the site. Excavations and laying of concrete bases and shingle paths should be undertaken between November and February 2013 (inclusive) when amphibians are unlikely to be active and present within the site. Materials, such as bricks, and metal should not be stored directly on the ground but should be stored on pallets or off the ground to prevent amphibians seeking shelter within the materials.

Informative - The applicant is reminded that should great crested newts be found at any point, works should cease until an assessment can be made regarding a European Protected Species License. Planning permission for a development does not provide a defence against prosecution under the Habitats Directive 2010.

Highways

Background

The application seeks approval for the erection of a timber stable block, consisting of 4 individual stables and a tack store, sited within the north-west corner of an agricultural field, off Tannery Lane.

Previous Applications

Highway Officers raised objections to previous application 2012/19820 as the proposed vehicle access to serve the stables relied upon the use of a Public Right of Way adjacent to the site. Accordingly the previous application was refused on the following grounds:
“The proposed development would result in the intensification of a substandard access which has insufficient visibility and encroaches on a public right of way. The proposal would not subsequently integrate efficiently with the highway network and is therefore contrary to policy DCS1 of the Warrington UDP.”

The applicant has addressed this issue by proposing to utilise an existing vehicle access point from the site onto Tannery Lane, to the west of the Public Right of Way. This ensures that traffic movements now do not conflict with the right of way. This also allows for improved access arrangements and sightline visibility which accords with ‘The Manual for Streets’ standards as detailed under ‘Internal Access Arrangements’ below.

Supporting Information and Design and Access Statement

The application forms confirm that the proposed stables will purely be for private use and as such will therefore be a relatively low intensity use. Supporting statements within the application also clarify the average likely number of vehicle movements associated with the stable use, as one or two trips via car or small van per day by the applicant, vet/farrier/dentist visits once every 7/8 weeks via car or small van and use of a manure trailer every 6 weeks.

Additional information also confirms that the field is currently in use as a small holding which generates one or two trips via car/small van per day by the applicant. Should this proposal be approved, the proposed stable use will be complimentary to the small holding operation and therefore, existing vehicle movements associated with the site are unlikely to increase as a result of the stable use.

As such it is anticipated that the proposed stable use is therefore unlikely to have any materially greater impact on the local highway network than existing operations at the site.

Highways Accident History

The Council’s accident records for the junction of Station Road and Tannery Lane have also been reviewed. This review has confirmed that there have been no recorded personal injury accidents in the vicinity of the site within the last 10 years.

Internal Access Arrangements

The submitted site layout plan (Drawing No.1811112) demonstrates provision of the following:

- An existing 4m wide agricultural vehicle access will be utilised to serve the proposed stable use on Tannery Lane.
• Removal of the existing vehicle access gates to ensure that a vehicle and horsebox can enter the site and stand clear of the highway in one manoeuvre.

• Formation of an 11m x 10m on site parking and turning area, sited in the north-east corner of the field, which will allow a vehicle and horsebox to manoeuvre on site and exit the site in a forward direction.

• Construction of a circa 2.2m wide stone access track from the on site turning area, leading to the stables and yard area, proposed within the north-east corner of the site.

• Formation of a concrete yard area, fronting the stables and tack room, also allowing on site provision for vehicle turning manoeuvres.

The submitted sightline visibility plan (Drawing No.1841112) demonstrates provision of the following:

• Achievable westbound visibility splays of 2.4m x 42m from the application sites junction with Tannery Lane.

This accords with guidance contained within ‘The Manual for Streets’ for a 30mph highway.

It is noted that the existing site access on Tannery Lane benefits from excellent eastbound visibility, with splays of 2.4m x 65m from the application sites junction with Tannery Lane to the northern stretch of Station Road and 2.4m x 80m to the eastern stretch of Station Road. This has been confirmed using the Councils GIS Mapping System.

Summary
The previous reasons for refusal “…substandard access which has insufficient visibility and encroaches on a public right of way” have all now been satisfactorily addressed as follows:

• Use of an existing 4m wide vehicle access to the west of the Public Right of Way, from the site onto Tannery Lane to serve the stable use.

• The existing vehicle access on Tannery Lane, proposed to serve the stable use, benefits from sufficient sightline visibility in both directions either side of the application sites junction with Tannery Lane.

Therefore, as the applicant has confirmed that the proposed stables will purely be for private use and taking into account the above internal access arrangements, the proposals are acceptable from a highway perspective.

In view of the above, no highway objections are raised to the proposals, however, should approval be granted, we would request that the following conditions are applied:
• The proposed development will be constructed as per approved site plan (Drawing No.1811112) and shall not be varied without the written consent of the LPA.

• The proposed stables hereby approved shall remain for private recreational purposes only, and there shall be no commercial use without the prior express consent of the local planning authority.

• The on site turning area in the north east corner of the field will be made available for use to serve the stables in accordance with approved site plan (Drawing No.1811112) and retained as such thereafter unless otherwise agreed in writing with the LPA.

• Westbound visibility splays of 2.4 metres x 42 metres shall be provided at the application sites junction with Tannery Lane and nothing shall be subsequently erected or allowed to grow to a height in excess of 0.6 metres within them in accordance with sightline visibility plan (Drawing No.1841112). The visibility splays shall be implemented prior to first use and shall be retained thereafter.

Informative:
An extended dropped crossing will be required to facilitate the existing vehicle access and the applicant will therefore need to liaise with the Council’s Public Realm section on 01925 442505 prior to undertaking any works in the highway.