24 July 2013

Development Management Committee

Thursday, 1 August 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.
<table>
<thead>
<tr>
<th>Item</th>
<th>Page Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>1</td>
<td><strong>Minutes</strong> To confirm the minutes of the meeting held on 20 June 2013 as a correct record.</td>
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<tr>
<td>4.</td>
<td></td>
<td><strong>Planning Applications (Main Plans List)</strong> Report of the Executive Director of Environment and Regeneration. Attached as a separate document</td>
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<td>5.</td>
<td></td>
<td><strong>Results of Planning and Enforcement Appeals</strong></td>
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<tr>
<td>5.1</td>
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<td>Report of the Executive Director of Environment and Regeneration.</td>
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<tr>
<td>5.2</td>
<td></td>
<td>Land adjacent to Higher Lane, Lymm WA13 0RE</td>
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<td>5.3</td>
<td></td>
<td>64 London Road, Stockton Heath Warrington WA4 6HR</td>
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<tr>
<td>5.4</td>
<td></td>
<td>4 Beech Road, Stockton Heath, Warrington, WA4 6LT</td>
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<tr>
<td>5.5</td>
<td></td>
<td>16 Agden Park Lane, Lymm, Cheshire, WA13 0TS</td>
</tr>
</tbody>
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10. Planning Enforcement Update

Report of the Executive Director of Environment and Regeneration.

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.
Agenda Item 3

DEVELOPMENT MANAGEMENT COMMITTEE

20 JUNE 2013

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

DM11 Apologies for Absence

Apologies for absence had been received from Councillor B Barr.

DM12 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
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<tr>
<td>Councillor T McCarthy</td>
<td>DM</td>
<td>Councillor McCarthy represented the area as a Ward Councillor but had not taken part in any discussions in relation to this application</td>
<td>Cllr McCarthy remained in the meeting and took part in both the discussion and voted thereon</td>
</tr>
</tbody>
</table>

DM13 Minutes

Resolved,

That the minutes of the meeting held on 30 May 2013 were agreed as a correct record and signed by the Chair.

DM14 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.

DM15 2013/21175 – Land off Hillock Lane, Woolston – Proposed construction of new secondary school, with associated parking, landscaping, means of access, bin storage, plant, electricity substation and replacement sports facilities.

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

This application had been deferred from the previous meeting of the committee held on 30 May 2013 to enable a site visit to take place.
Representations were heard in support of and against the Officer recommendation.

A motion was put to the committee to approve the application. This motion was lost.

Resolved,

That application 2013/21175 be refused contrary to the officer recommendation, for the following reasons:-

Reason,

1. The proposed development would lead to an unacceptable loss of Urban Green space to the detriment of visual amenity and the character and appearance of the surrounding area. For these reasons the proposal does not accord with saved Policies GRN2 and GNR10 of the Warrington Unitary Development Plan, Policy QE3 of the emerging Local Plan Core Strategy and the National Planning Policy Framework.

2. The proposed development would be sited in an area where there are already a number of existing schools within very close proximity to the planning application site. Taking this into account, as well as the size and use of the proposed school, the proposed development would have a detrimental impact on the amenities enjoyed by the occupiers of surrounding residential properties in terms of comings and goings and disturbance from both vehicular and pedestrian activity/movements. For these reasons the proposed development would not accord with saved Policies DCS1 and GRN2 of the Warrington Unitary Development Plan, Policy QE6 of the emerging Local Plan Core Strategy and the National Planning Policy Framework.

DM16 Validation Checklists for Planning and Other Applications

A report of the Executive Director of Environment and Regeneration was submitted to Members, the purpose of the report was to provide information in relation to the production of a new checklist for planning and other applications.

It was reported that the Government had provided a mandatory list of information that must accompany all planning applications, this was known as the National List. The Government had stated that if Local Planning Authorities wished to introduce other requirements, i.e. an additional local list, they must prepare such a list in consultation with the local community e.g. planning agents, and statutory/non-statutory consultees.

The Government had additionally stated that “unless a local planning authority published a local list on its website, local requirements had no bearing on the
validity of applications made to them and only compliance with the mandatory national requirements determines whether or not an application is valid.”

On the 27th March 2012, the Government published the National Planning Policy Framework (NPPF). The NPPF had brought about changes to planning policy by removing all references to Planning Policy Guidance Notes (PPGs), and Planning Policy Statements (PPSs), and had also removed the requirement that all major planning applications must be subject to pre-application discussions.

The key message relating to the new validation checklist was that the adoption of such a document would ensure quality planning application submissions were received and, to provide certainty for applicants and officers alike when validating planning applications.

It was noted that currently the Council did not have an adopted validation checklist for planning and other applications. There was a validation checklist but this was several years old, it did not include individual checklists by application type. As it had not been the subject of public consultation the Council could only insist on the national list of planning application submission requirements.

Until the Council had adopted validation checklists it would only be able to insist on minimal documents to accompany planning applications including the planning application fee, design and access statements, site plans, elevation plans, fees and ownership certificates.

Resolved,

That approval be given to adopt the validation checklists for planning and other applications and, that delegated authority be given to the Executive Director of Environment and Regeneration to make minor changes to the validated checklists in the event of legislative change

**DM17 Pre-Planning Application Advice Protocol and Charges**

A report of the Executive Director of Environment and Regeneration was submitted to Members, the purpose of the report was to provide information in relation to pre-planning application advice protocols and charges.

It was reported that there was no statutory/legal requirement to provide pre-planning application advice it was nonetheless considered to be a service that if provided led to better planning application submissions, ensured that there was some certainty for applicants prior to submitting planning applications and in turn planning applications were determined more quickly.

The attached draft protocol and charges schedule had been considered and endorsed by the Planning Improvement Board. Initially it had been proposed to include charges for householder proposals. The Planning Improvement
Board considered that at this moment in time there should be no charge for householder proposals.

The vast majority of Local Planning Authorities now charged for pre-planning application advice. This would be the first time that the Council has adopted a pre-planning application advice protocol and charges. The charges were comparable with other Local Planning Authorities. It was proposed that the charges be reviewed annually.

It was noted that the protocol and charge schedule would be displayed on the Council’s web site and that the Contact Centre be informed about new procedures for pre-planning application advice. It was envisaged that a more formalised process for offering pre-application advice coupled with making the information available on the Council’s web site / Contact Centre would lead to some efficiencies in the Development Control Service.

Resolved,

That approval be given to adopt the pre-planning application advice protocol (including charges), that a copy of the pre-planning application advice protocol and charges be placed on the Councils website, that contact centre staff are made aware of the changes and, that the pre-application advice protocol and charges be reviewed annually

**DM18 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>
</tr>
</thead>
<tbody>
<tr>
<td>2012/20462</td>
<td>Land opposite Grammar School Road, Longbutt Lane, Lymm, Cheshire WA13 0BN</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
<tr>
<td>APP/M0655/A/13/2190194</td>
<td>Proposed detached bungalow</td>
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<tr>
<td>2012/20197 (Appeal A)</td>
<td>10 Maltmans Road, Lymm, Cheshire, WA13 0QP</td>
<td>Refuse</td>
<td>Allowed</td>
</tr>
<tr>
<td>APP/M0655/A/13/2190026</td>
<td>The redesign and re-submission of refused applications 2011/18843 and 2011/18844 to address the reasons for refusal and</td>
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## Agenda Item 3

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<tr>
<td>2012/20197</td>
<td>10 Maltmans Road, Lymm, Cheshire, WA13 0QP</td>
<td>The redesign and re-submission of refused applications 2011/18843 and 2011/18844 to address the reasons for refusal and neighbours concerns</td>
<td>Refuse Allowed</td>
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<tr>
<td>(Appeal B)</td>
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<tr>
<td>APP/M0655/E/13/219003</td>
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<td>2012/20197</td>
<td>10 Maltmans Road, Lymm, Cheshire, WA13 0QP</td>
<td>The redesign and re-submission of refused applications 2011/18843 and 2011/18844 to address the reasons for refusal and neighbours concerns</td>
<td>Costs Awarded</td>
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<td>(Appeal A)</td>
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<td>(Appeal B)</td>
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<td>APP/M0655/E/13/2190033</td>
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Resolved,

That the report be noted

**DMC19  Exclusion of the Public (Including the Press)**

Resolved,

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

**DMC20  ADS Recycling Limited, 63 Camsley Lane, Lymm**

The Executive Director of Environment and Regeneration submitted a report to update the Committee in relation to planning enforcement matters following the
Agenda Item 3

withdrawal of an enforcement notice at ADS Recycling Limited, 63 Camsley Lane, Lymm.

Resolved,

That no planning enforcement action be taken in respect of condition 10 and 21 of planning application permission 91/28097

Signed………………………

Dated ..…………………

Signed…………………………

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<tr>
<th>Item</th>
<th>Page</th>
<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>2012/20700</td>
<td>LAND AT CHESTER ROAD/POOL LANE, WARRINGTON, WA4 6EP</td>
<td>Appr sub sec 106</td>
</tr>
</tbody>
</table>

Proposed change of use of land and depot for car sales, use of buildings for car preparation, associated landscaping and alteration to access.
DEVELOPMENT CONTROL COMMITTEE DATE: 01-Aug-2013

ITEM 1

| Application Number: | 2012/20700 |
| Location:           | Land at Chester Road/Pool Lane, Warrington, WA4 6EP |
| Ward:               | HATTON, STRETTON AND WALTON |
| Development         | Proposed change of use of land and depot for car sales, use of buildings for car preparation, associated landscaping and alteration to access. |
| Date Registered:    | 04-Oct-2012 |
| Applicant:          | Mr Furness Rigby Ltd |
| 8/13/16 Week Expiry Date: | 28-Nov-2012 |

Reason for Referral to Committee

Councillor Paul Kennedy has requested that the application is determined by Committee. Members of PASC resolved to refer the application to DMC on 10th July 2013.

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

Members will recall that a very similar application was recently decided by the Committee and refused by Members due to concerns relating to highway safety. This application is the same proposal in so far as it relates to the use and nature of the proposed buildings, car parking and landscaping on site, etc, but also includes some additional information and amendments relating to highway safety and the concerns expressed by Members.

The revised proposal now offers the following highway mitigation measures in addition to those included as part of the previously refused application:

- Extension of the existing 30mph speed restrictions on the A56 Chester
Road in the vicinity of the site – drawing SCP/ 12125/D001 Rev J proposes introducing the 30 mph speed limit at a point 85m to the south west of where the existing 30mph speed limit commences; and

- Further planning control over the timing of car transporter deliveries to the site, with agreement to a planning condition which would prohibit car transporter deliveries to the site during the AM and PM peak hours of 0730 – 0930 and 1600 – 1800 hours.

This application relates to land north of the A56 Chester Road. The site covers an area of 0.28 hectare and is bounded by Pool Lane to the north east, Chester Road to the south east, a narrow lane that accesses residential properties to the south west and by a sewage works to the north west.

In the wider area beyond Pool Lane are residential properties including, on the main road frontage, 33 Chester Road, which is a Grade II Listed Building. On the opposite side of Chester Road there are two dwellings, the former Ship Inn that is now a restaurant and Springbrook Nurseries. Beyond the lane to the south west is Pear Tree Farm, another Grade II Listed building. This lane also provides access to the farm’s former outbuildings that are also covered by the listing and that are now in use as dwellings. Beyond the sewage works is the Manchester Ship Canal.

The site is a storage and distribution depot (B8) with an existing access onto the A56 Chester Road. The site itself is currently occupied by a single double height corrugated iron faced workshop building and is surrounded by extensive tree and bush planting to all boundaries particularly to Pool Lane where there is a deep belt of planting. The site is comparatively flat and features areas of hard standing, rough surfacing and cleared vegetation. There is a low concrete wall to the Chester Road frontage. A small watercourse runs close to and parallel to the north east (Pool Lane) boundary of the site.

The building, which is located centrally on the site, measures approximately 14m by 9m and has a height of just over 5m. Access to the site is currently from the lane between the site and Pear Tree Farm close to its junction with Chester Road.

The application as originally submitted proposed to change the use of the site from a depot to a car sales use and the use of the building for car preparation. In addition the existing access was to be widened by removing a section of highway wall 5.5m towards Chester Road.

Since the application was originally submitted the description of the proposed development has been augmented to include re-cladding and re-roofing of the building; the siting of two portable buildings; alterations to the elevations of the building through the installation of windows and replacement doors; and the erection of a 2m high close boarded wooden screen fence to the south west boundary.
Further the increase in the width of the proposed access has been increased in an easterly direction by to 7.3m from the proposal as it was originally submitted.

The layout of the site shows that only two trees would be removed at the entrance with all other trees remaining and being supplemented by additional hedge and tree planting. The two portable buildings would be located along the south west elevation of the existing building, in approximately the same position as the previously approved portable buildings on the site.

Ten customer and staff parking bays would be provided on the rear boundary with the sewage works and the area for vehicle display would be to the north east of the site such that there would be no display of cars on the boundary with the lane to the south west. There would be a car display area to the front boundary but this would be behind the line of existing trees. The main building would be used for car preparation and no bodywork repairs are proposed.

It is proposed to operate the use between the hours of 9am to 6pm Mondays to Fridays and 10am to 4pm on Saturdays, Sundays and public/bank holidays.

While the location of signage is indicated on the submitted plans any such signs would need to be subject to a separate application for advertisement consent.

The agent has stated that the applicant currently operates a car sales business on a site a very short distance away on the west side of Chester Road, opposite the Gainsborough Road junction and they have occupied and run this business for over 25 years. However, there is little or no on-site parking for visitors and the site is leased rather than owned. The purchase of the application site offers the opportunity for the applicant to invest in their business on their own site.

**Relevant Planning History**

2013/21266 - Proposed change of use of land and depot (B8) to use as car sales and building for car preparation; alterations to elevations and to access and associated landscaping; siting of two portable buildings to provide toilet and offices; construction of a new 2m high boundary screening fence to south west boundary and associated works – Refused 30th May 2013

2006/09335 - Siting of portable building – Approved 2006

99/39016 - Siting of modular building – Approved 1999

80/10811 – Change of use of the former highways depot to car repairs and spraying – Refused 1980

77/5379 - Renewal of permission for use as haulage and repairs depot – Refused 1977
Planning Policy

National Planning Policy Framework (NPPF)

Unitary Development Plan
Policy LUT1 Land Use / Transportation Strategy
Policy EMP1 Employment Development
Policy GRN2 Environmental Protection and Enhancement
Policy REP1 The Prudent Use of Resources
Policy DCS1 Development Control Strategy
Policy SOC1 Social Progress
Policy LUT2 Transport Priorities in Development Control
Policy LUT3 Walking
Policy LUT5 Cycling
Policy LUT20 Parking
Policy EMP6 Employment Development in Other Areas of the Borough
Policy GRN10 Protection and Enhancement of Urban Greenspace
Policy GRN13 Riverside and Canalside Development
Policy GRN22 Protection and Enhancement of Landscape Features
Policy REP4 Protection of the Flood Plain
Policy REP5 Surface Water Run-off and Sustainable Drainage Systems
Policy REP6 Surface Water Quality
Policy REP7 Ground Water Quality
Policy REP8 Land Contamination
Policy REP10 Noise
Policy REP13 Hazardous Uses / Installations
Policy DCS7 Provision and Enhancement of landscaping in New Development

Local Plan Core Strategy
Policy CS1 Overall Spatial Strategy – Delivering Sustainable Development
Policy SN6 Sustaining the Local Economy and Services
Policy QE4 Flood Risk
Policy QE5 Biodiversity and Geo-diversity
Policy QE6 Environment and Amenity Protection
Policy QE7 Ensuring a High Quality Place
Policy QE8 Historic Environment
Policy MP1 General Transport Principles
Policy MP3 Active Travel
Policy MP7 Transport Assessments and Travel Plans
Policy MP10 Infrastructure

Notification Responses

Councillors: Comments received from Councillor Paul Kennedy
I remain concerned about road safety on what is a complex section of road. Acknowledging that the recommendation might be one of approval, could consideration be given to making the section of road where the limit changes from 40mph to 30mph to the south side of the swing bridge, a 20mph zone in
order to slow down traffic even further and improve safety. I would be most grateful if the decision could be made by committee rather than by delegated authority.

**Neighbours: Letters of objection received from 9 neighbouring properties:**

1. The proposals conflict with the Inspectors decision on the appeal against the refusal of application A01/43806 relating to land at ‘The Acorns’, Chester Road in that the proposal would have a significant increase in the amount of traffic on the lane that serves the three residential properties. The Inspector considered that the increase in traffic generated by two additional dwellings would have a detrimental effect on the levels of privacy and quiet enjoyment experienced by the occupiers of ‘Walnut Tree Farm’.
2. The existing traffic situation would be made much worse making it dangerous for vehicles, cyclists and pedestrians. Car transporters entering and leaving the site will be particularly dangerous.
3. Vehicles turning into the site will cause damage to the retaining wall to the Grade II Listed Pear Tree Farm – degradation to setting of Listed Building.
4. Increased reliance on private car.
5. Increased crime.
7. Loss of amenity.
8. Loss of security.
9. Loss of green space.
10. The site has not operated as a depot for many years.
11. Wildlife will be harmed.
12. The operation will pollute adjacent watercourses.
13. The operation will be noisy.
14. The ‘Safety Audit’ is inaccurate, misleading and incomplete
15. There may be hazardous chemicals that pose a threat to public health and safety.
16. Investigation of ground gases has been inadequate.
17. The proposed improvements to the transport network will not cost effectively limit the significant adverse impacts of the development – achieving safety will rely on hundreds, probably thousands of individual drivers driving close together on a decline regulating their speed to comply with a 30mph speed limit – current driver behaviour is more reliable than modelling and current speed limit is routinely breached – factually wrong that ‘keep clear boxes’ respected – who will take precedence on private driveway – how prevent vehicles turning into private driveway – no mention of increased Canal traffic or implications of motorway incidents – traffic not less than previous uses.

Comment: By way of clarification letters of objection were received from 9 neighbouring properties in respect of the original plans/scheme. Since the application was amended and further publicity carried out to include a 30mph speed limit on part of Chester Road a further four letters of objection have been received reiterating objections to the original scheme and with concerns
relating specifically to highway related alterations.

Parish Council: Walton Parish Council objection
We ask that you refuse this Application. The previous uses for this land have allowed it to become an eyesore and there is now an opportunity to reverse that. Warrington Borough Council wish to make Warrington a place where people “Want to come and live” and this is a small facet in making the town more attractive. The area around includes the quaint Victorian bridge, the attractive crescent of houses and Stag Inn opposite, the old cottages and Ship Inn and the greenery by the War Memorial. Any new development should enhance the attractiveness of the area.

Should the Borough Council be intending to recommend approval, then we ask that they take account of the following:

1. There are mature trees (some fitted with bat boxes) on the site, many of which we believe should be retained. Please ensure that the benefits to the street scene and wildlife are taken into account by limiting felling.
2. The (unsightly) porta-cabins have been removed but it is intended that they be replaced by others. If they are, then we ask that they be permitted on a temporary basis, and be replaced but suitable attractive permanent structures within 5 years.
3. The application contains no notification of advertising hoardings. Any signage that is permitted should not be such that it will distract passing motorists. If travelling from the South, a momentary loss of concentration on the approach to the 5 junctions and bend could quickly turn to disaster for someone if another motorist make an un-anticipated manoeuvre. The applicant has stated their business does not rely on passing motorists “cold calling”. We think signage should be such that the premises can be identified, but not result in passing traffic taking instant decisions to enter the premises.
4. Entry and exit are far from ideal but could be improved by moving the entry to the middle of the concrete wall.
5. Exiting would be made safer by imposing a “no right turn” on visitors to the premises.

Consultation Responses

NB The scheme remains the same in respect of consultee interests with the exception of Highways issues – comments of various consultees are therefore reiterated from previous application.

Environment Agency
There is no objection in principle to the proposed development on the basis that there is no further encroachment on to the river corridor.

The site is shown as being within both flood zones 2 and 3, which is medium to high probability of river/tidal flooding. However the submitted FRA contains modelling data for the unnamed water course to the eastern boundary of the site. The results of this modelling show that the ground levels on site are greater than the 1 in 100 flood event and therefore acceptable.
The submitted details do not include any ecological reports regarding the site and in particular the watercourse on the eastern side. There are records of water vole in the general area. This is a fully protected species under the Wildlife and Countryside Act 1981 and it is an offence to intentionally or recklessly damage, destroy or obstruct access to any structure or place used by a water vole for shelter or protection; to intentionally or recklessly disturb water voles whilst occupying a structure or place used for that purpose; and to intentionally kill, injure or take water voles.

Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential it is protected.

Environment Protection
There is no objection subject to conditions and informatives being applied should consent be given.

Highways

No objections – full appraisal in Observation section below.

Observations

NB With the exception of highway related matters, the current application is the same as the previous application which was refused solely on highway safety grounds. Members subsequently considered the proposal acceptable in all other respects, namely, principle, design, setting of listed buildings, character, residential amenity, trees and ecology.

Principle

The NPPF identifies a series of core planning principles, of which “encouraging the effective use of land by reusing land that has been previously developed” is a key principle. As the proposed development site has been previously developed the proposed scheme would be in accordance with this core planning principle.

The site has previously been used as a depot by a variety of users and it is considered that the lawful use of the site falls within use class B8 of the Town and Country (Use Classes) Order 1987. The site cannot be considered as green space.

The inconsistency of the proposed development with a previous appeal decision has been referred to in several of the letters of objection. This appeal, in 2002, related to a completely different site to the rear of The Acorns (one of the pair of listed buildings to the rear of Pear Tree Farm that are accessed from the lane to the south west of the application site) and to the erection of a pair of dwellings.
In his decision letter dismissing the appeal the Inspector stated that there were two main issues in the appeal case:

1. Whether a grant of permission would be premature in terms of the green belt boundary;
2. The effect of the proposal on the setting of adjacent listed buildings.

Under a section of his decision letter titled ‘other matters’ the Inspector agrees with concerns raised by the occupiers of Walnut Tree Farm, the adjoining dwelling, that the additional traffic generated by the two dwellings would have a detrimental effect on the privacy and quiet enjoyment experienced by the occupiers of Walnut Tree Farm. In reaching this conclusion the Inspector took into account that the residents of Walnut Tree Farm experienced the effect of occasional pedestrian and vehicular traffic generated by The Acorns and that the proposal would result, at best, in a doubling of that traffic. It was this doubling of traffic that was considered to constitute a detrimental effect.

This situation is in no way comparable to the application where traffic would not pass any of the three dwellings served by the existing lane and where the established and lawful use of the site allows the possibility of greater levels of traffic to enter and leave the appeal site without the need for permission.

It is considered that the principle of the proposed development is acceptable and in accordance with both development plan policy and the NPPF.

Design

NPPF paragraph 56 states, “The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Paragraph 63 states that, “great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.” Paragraph 64 however states that, “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of and area and the way it functions.”

The proposal results in the re-cladding of the existing building on the site resulting in an improvement in its appearance. With regard to the portable buildings these would both be sited adjacent to the existing building. They would be set back from the main road frontage and are screened by significant existing tree planting. Portable buildings have been approved on the site twice before and given that the proposed use is a business it will be in the interests of the operator that the buildings are maintained in good appearance and are not allowed to become unsightly.

It is therefore considered that the proposed design is acceptable.
Setting of Listed Buildings

NPPF requires that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. It also points out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. It points out that significance can be harmed or lost through development within its setting.

The re-cladding of the main building would improve its appearance and the siting of the portable buildings to the immediate south west of this building would be similar to the location of the previously approved portable buildings on the site. In fact one of the previously approved portable buildings was located closer to the lane to the south west than is now proposed.

Pear Tree Farm stands on elevated ground and is separated from the application site by the lane that serves as access to further properties to the rear of Pear Tree Farm. Outside of the application boundary is a line of tall evergreens and the application proposes the erection of a 2m high close boarded wooden fence on the site boundary. There would be no display of cars on the south west boundary of the site and the majority of cars would be displayed on the side of the site furthest from Pear Tree Farm.

The two listed dwellings to the rear of Pear Tree Farm are better screened and there would be no car sales in the vicinity of the boundaries of the site closest to these listed dwellings. As such it is considered that there would be little effect on the setting of these two listed buildings and that their significance as heritage assets would not be harmed.

No. 33 Chester Road is also listed but is separated from the site by Pool Lane and a thick belt of tree and shrub planting. As such it is considered that there would be little effect on the setting of this listed building and that its significance as a heritage asset would not be harmed.

It is therefore considered that the effect of the proposed development on the setting of listed buildings is acceptable in accordance with development plan policy and the NPPF.

Character

While there is significant tree and shrub planting the increasingly neglected and unsightly building on the site does detract from the character of the area.

In this context the improvements to the building and the general improvements that will be brought about through the use of the site are balanced against the open uses and paraphernalia associated with car sales. The site is well screened and the area that can be used for the display of vehicles is such that only a small proportion of the main road frontage could
be used for the display of more than a single line of vehicles. It is therefore considered that the proposed use would not have a detrimental effect on the character and appearance of the area.

Conditions are attached that limit the area that can be used for the display of cars to that shown on the submitted plans and that limit activities that can take place outside of the workshop building.

It is therefore considered that the effect of the proposed development on the character of the area is acceptable in accordance with development plan policy and the NPPF.

**Residential Amenity**

A 2m high close boarded wooden fence is to be erected along the boundary to the lane that also provides access to the three dwellings to the south west. This boundary is already well planted that partially screens the application site from these dwellings and additional tree and shrub planting is proposed.

The use is not one that generates significant levels of noise and a condition is attached that restricts operations taking place outside of the workshop building. No bodywork repairs are proposed to take place. The use is not one that generates high numbers of traffic movements. The re-cladding of the existing building would improve its appearance.

Turning to those that have not been covered it is not considered that the proposals result in any loss of privacy to neighbouring residents as there are no windows above ground floor level and the entrance to the site is clearly marked.

With regard to security the bringing back into use of the site is considered to have the potential to benefit the security of neighbours through the increased presence on the site as much as it may reduce it through increasing activity by bringing more people into the immediate vicinity.

Given this context, and as referred to above in discussing the previous appeal decision, it is not considered that the appeal proposals would have any significant effect on the amenity of neighbouring residents in accordance with development plan policy and the NPPF.

**Trees**

Only two trees are to be removed and their removal is necessary in order to ensure that car transporters can access and egress the site safely. None of the trees on the site are protected.

Additional tree planting will take place that adequately compensates for the loss of trees.
Ecology

The site is not considered to be green space and the proposals result in additional tree planting. There is no reason to believe that wildlife would be harmed to any material extent or that adjacent watercourses would be polluted or that contamination has not been adequately investigated. A condition is attached restricting operations that might be normally associated with car sales. Car sales uses are not a noisy activity.

A habitat survey of the site has been undertaken and it states there is no potential bat roosting habitat on site. The trees are not large enough to support cavities. The corrugated metal building is not considered suitable to support a bat roost. The tree belts along the boundaries of the site are potential foraging routes for bats. There is an old bat box on the site but it has no bottom to it and so is not suitable as a bat roost.

The Environment Agency response incorrectly states that no habitat survey was submitted with the application. It does address the issue of water voles and the watercourse on the site and concludes that there no evidence of water vole was noticed during the survey and the stream is not considered to be optimum water vole habitat.

Highways

Proposed Access Arrangements / Swept Path Analysis

In relation to the potential for the site to be served by 15.5m length car transporters, drawing number SCP/12125/D004 demonstrates that:

- A car transporter will be able to turn left into the site from the A56 Chester Road northbound carriageway, with this manoeuvre being able to be completed without requiring the car transporter to encroach into the adjacent northbound right turning lane for the A56 Walton New Road;

- The car transporter will be able to turn left out from the site onto the A56 Chester Road northbound carriageway, without requiring the car transporter to encroach over into the southbound lane containing oncoming traffic.

- The car transporter will be able to adequately turn right out onto the A56 Chester Road southbound carriageway, and to adequately turn right in from the same.

Drawing number SCP/12125/D004 also demonstrates that once within the site, a car transporter will be able to turn around, to allow it to exit onto the A56 Chester Road in a forward gear. The provision and retention of the required car transporter turning area within the site should be ensured by way of planning condition.
Given the above, it is now considered that the proposed access arrangements for accommodating car transporter deliveries to the site are acceptable.

**Proposed Staff and Customer Car Parking Provision**

As shown on drawing number SCP/12125/D001 Rev J, the proposed car sales facility would be served by 10 staff and customer car parking spaces. This should be sufficient to serve the proposed use. The provision and retention of the proposed staff and customer car parking spaces should also be ensured via planning condition.

**Required Traffic Regulation Orders**

As requested during consultations with the Council’s Traffic Management section, drawing number SCP/12125/D001 Rev J now proposes to implement a No Waiting At Any Time / No Loading Traffic Regulation Order along the site frontage on Chester Road. This would extend either side of the proposed site access.

Such parking and loading restrictions would ensure that any customer parking and / or vehicle deliveries on Chester Road would be prohibited. In addition, as noted above, adequate customer car parking and space to accommodate car transporter deliveries within the site has also been secured.

Furthermore, as shown on drawing number SCP/12125/D001 Rev J, it is also now proposed that Keep Clear markings will be provided at the site access onto Chester Road. Provision of Keep Clear markings in this location will ensure that all turning / swept path manoeuvres of a car transporter referred to above can also be made to and from the site during times of queuing traffic, for example in peak traffic periods, or when the nearby Manchester Ship Canal swing bridge is in use.

It should be noted that the required No Waiting At Any Time / No Loading Traffic Regulation Order will cost in the region of £4,000 (ex VAT) to propose and implement.

Additionally, as mentioned above, drawing SCP/12125/D001 Rev J proposes extending the existing 30 mph speed restrictions on Chester Road to a point 85m south west of where the existing 30mph speed limit commences. This measure is supported by the Council’s Traffic Management section, and should provide area wide highway safety benefits. The extension of the 30mph speed restrictions as outlined above should cost in the region of £5,000 (ex VAT) to propose and implement.

Whilst the Council’s Traffic Management section support a reduction in speed limit in the vicinity of the site from 40mph to 30mph in this instance, further reductions in the speed limit of the A56 Chester Road to 20mph could not be supported. Recent research by the Council’s Traffic Management section into
the implementation of 20mph zones across the borough concluded that 20 mph speed restrictions were not appropriate or effective in reducing traffic speeds on non residential strategic highway routes (such as the A56 Chester Road).

In respect of the required traffic regulation order on Chester Road (i.e. 30 mph speed restrictions on the A56 Chester Road to point 85 m west of the existing 30 mph speed limit commencement point and no waiting / no loading restrictions along the Chester Road frontage) it is recommended that the application is approved subject to the applicant first entering into a Section 106 agreement to fund the advertisement and implementation of the Traffic Regulation Orders.

Required S.278 Agreement

With reference to drawing number SCP/12125/D001 Rev J, a S.278 agreement between the Council and the applicant will be required in order to ensure the following elements of work within the highway can be progressed.

- Implementation of No Waiting / No Loading Traffic Regulation Order along the Chester Road frontage;
- Implementation of Keep Clear markings on Chester Road at the site access;
- Removal of redundant lane markings and re-provision of new lane markings on A56 Chester Road;
- Amended site access kerb radius and provision of tactile paving on either side;
- Relocation of BT and Virgin Media chambers within affected footway on Chester Road;
- New carriageway surfacing of site access (adopted highway section) as required.
- Provision of static bollard on the footway to the south of the site access to prevent potential vehicle over-run.
- Extension of 30mph speed restrictions on the A56 Chester Road to a point 85m west of the existing 30mph speed limit commencement point.

Stage 1 Road Safety Audit and Supplementary Safety Audit Report

Prior to the submission of previous application 2012/20700, the applicant commissioned the Council's Road Safety Auditor to undertake a Stage 1 Road Safety Audit in respect of the proposed access arrangements.

The Stage 1 RSA made various recommendations which have now been incorporated into the proposals, such as the provision of a bollard on the footway to prevent over-running by large vehicles and the provision of warning signage within the site to alert exiting drivers to the presence of cyclists on the A56 Chester Road (within a central cycle crossing area).
Further to the above, the Council’s Road Safety Auditor has reviewed the revised proposals, and has provided a supplementary Safety Audit Report. The points raised within the supplementary Safety Audit Report have now been satisfactorily addressed within drawing number SCP/12125/D001 Rev J.

In view of the above, no highways objections are raised.

**Conclusion**

The proposal would not cause harm to the setting of nearby listed buildings and subject to planning conditions (including works of highway improvement) and a Section 106 agreement (relating to traffic regulation orders on Chester Road) would not have an adverse impact on highway safety, residential amenity or the character/ appearance of the area. The application is therefore recommended for approval.

**Recommendation**

Approve subject to Section 106 Agreement

**Conditions**

1. The development must be begun not later than three years from the date of this permission.

2. Prior to first use of the site for car sales, the transporter turning area as shown on the approved drawings shall be hardsurfaced and made available. The car transporter turning area must remain free of obstructions and shall be used to accommodate the loading and unloading of vehicles via car transporter within the site at all times. No vehicle deliveries to the site shall take place on the adopted highway.

3. No development shall commence until a highway and access improvement scheme has been submitted to and approved in writing by the Local Planning Authority. The highway and access improvement scheme shall include details relating to the following:
   - Amended site access kerb radius and provision of tactile paving on either side;
   - Relocation of BT and virgin media chambers within the affected footway on Chester Road;
   - New carriageway surfacing of the site access (adopted highway section);
   - Provision of a static bollard on the footway to the south of the site access to prevent potential vehicle over-run.

   The approved details shall be fully implemented prior to first use/occupation of the development hereby approved.

4. Prior to first use of the site for car sales, the widened site access, keep clear markings on Chester Road and cyclist warning signage as shown
on the approved drawings shall be implemented and shall be retained thereafter.

5. Prior to first use of the site for car sales, the 10 customer and staff parking spaces shown on the approved site plan shall be provided and shall be retained thereafter for such purposes.

6. The development hereby approved shall be carried out entirely in accordance with the submitted plans and specifications
   2975 – 05 revision E - Proposed Site Plan
   2975 – 06 revision A - Proposed Plan Layout
   2975 – 07 revision A - Proposed Elevations
   2975 – 08 revision A - Proposed Portable Cabins
   2975 – 12 revision C - Proposed Site Entrance Safety Fence,
   2975 - Jackson Fencing - Close Board
   SCP/12125/D001 revision J – Proposed Site Access Improvement Works,
   SCP/12125/D004 Proposed Site access improvement works

7. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building/extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

8. Prior to the commencement of development and during the construction period, temporary protective metal fencing shall be erected 5m from the non main river. Details of the type of protective fencing to be used shall be submitted to and approved in writing by the Local Planning Authority.

9. No external lighting shall be installed unless and until a scheme for the provision of external lighting has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of the locations, design, luminance levels, light spillage and hours of use of, and columns for, all external lighting within the site and the approved scheme shall be implemented in full prior to the occupation of development.

10. The site shall be treated in accordance with a landscape scheme, which shall be submitted to and approved in writing by the Local Planning Authority before development is started. Such scheme shall include full details of trees and shrubs to be planted, walls, fences, boundary and surface treatment and shall be carried out within 18 months of the commencement of development. Any trees or shrubs dying within five years of planting shall be replaced with the same species within twelve months.

11. The display of vehicles for sale shall be restricted to the area shown on drawing 2975 05 revision E.

12. No body repairs or paint spraying shall take place and no mechanical repairs or servicing shall take place other than in the workshop building.
13. The use hereby approved shall only operate between the hours of 9am to 6pm Mondays to Fridays and 10am to 4pm on Saturdays, Sundays and Public/Bank Holidays.

14. No car transporter deliveries to the site shall occur between the hours of 0730 to 0930 hours and 1600 to 1800 hours unless otherwise agreed in writing with the Local Planning Authority.

Reasons

1. To comply with provisions of Section 91 of the Town & Country Planning Act 1990. (As amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In order to accord with Policy LUT1 and DCS1 of the Unitary Development Plan and Policy MP1 of the Local Plan Core Strategy.

3. In order to accord with Policy LUT1 and DCS1 of the Unitary Development Plan and Policy MP1 of the Local Plan Core Strategy.

4. In order to accord with Policy LUT1 and DCS1 of the Unitary Development Plan and Policy MP1 of the Local Plan Core Strategy.

5. In order to accord with Policy LUT1, DCS1 and LUT20 of the Unitary Development Plan and Policy MP1 of the Local Plan Core Strategy.

6. To ensure a satisfactory development and to avoid any ambiguity as to what constitutes this permission.

7. To ensure a satisfactory external appearance in the interests of visual amenity.

8. To protect the watercourse and prevent debris and construction material from encroaching into this important ecological habitat in accordance with policy GRN2 of the Warrington Unitary Development Plan.

9. To safeguard the amenity of neighbouring residents in accordance with policy DCS1 of the Warrington Unitary Development Plan.

10. To safeguard the amenity of the area in accordance with policy DCS1 of the Warrington Unitary Development Plan.

11. To allow a car transporter to exit the site in a forward gear in accordance with policies DCS1 and LUT2 of the Warrington Unitary Development Plan and in the interests of the setting of the listed Pear Tree Farm in accordance with policy DCS1 of the Warrington Unitary Development Plan and the NPPF.

12. In the interests of the character of the area and the amenity of neighbouring residents in accordance with policy DCS1 of the Warrington Unitary Development Plan.

13. In the interests of the character of the area and the amenity of neighbouring residents in accordance with policy DCS1 of the Warrington Unitary Development Plan.


Informatives

1. The responsibility to properly address contaminated land issues, including safe development, irrespective of any action taken by the Borough Council, lies with the owner/developer of the site. The applicant/developer is requested to contact the Council’s Environmental Protection Unit as soon as is practicable should contamination be encountered during development of the site. Historical map searches have identified a former potentially contaminative use of the site as a former United Utilities depot that may affect the development of the site. You need to ensure that your builder and the building control officer dealing with the developer are aware of this so that appropriate precautions can be taken to protect the developer, the public, the environment and the future occupants from contamination issues. For further discussions regarding the requirements of the Contaminated land Advisory, the applicant/developer is advised to contact the Environmental Protection Team on 01925 442581.

2. External lighting shall 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 the Institution of Lighting Professionals, Regent House, Regent Place, Rugby, CV21 2PN.

3. If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.

4. The decision to grant planning permission and impose any conditions has been taken expeditiously having regard to the relevant policies and proposals in the Development Plan, the Warrington Borough Council UDP set out below. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application and have implemented the requirement of paragraph 187 of the NPPF.

5. The proposal is considered to be acceptable as it accords with Warrington Borough Council Unitary Development Plan Policies.

6. In order to construct the proposed highways improvements shown on the approved drawings the applicant will be required to enter into a S.278 agreement with the Council. To action, the applicant should contact John Drake of the Council’s Public Realm (Highways) section on 10925 442668.
Appendix 1

Existing site layout

Proposed site layout
Proposed workshop elevations

Proposed plans and elevations for office and WC
For tactile paving and amended radii details, see drawing "Proposed site access improvement works plan SCP/12125/D001F".
Appendix 2

Aerial photograph of the site
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
DATE OF COMMITTEE 1st August 2013

Report of the: Executive Director of Environment and Regeneration
Report Author: Daniel Hartley, Development Control Manager
Contact Details: dhartley@warrington.gov.uk Telephone: 01925 442809

Ward Members: All

TITLE OF REPORT: Appeal decisions for Land adjacent to Higher Lane, Lymm (2012/20463), 64 London Road, Warrington (2012/21021), 4 Beech Road, Stockton Heath, Warrington (2013/21320) and 16 Agden Park Lane, Lymm, Warrington, WA13 OTS (2013/21247).

1. PURPOSE OF THE REPORT
1.1 To advise members of the results of the above planning appeals.
   • Land adjacent to Higher Lane, Lymm (2012/20463) – appeal allowed.
   • 64 London Road, Warrington (2012/21021) – appeal allowed.
   • 4 Beech Road, Stockton Heath, Warrington (2013/21320) – appeal dismissed.
   • 16 Agden Park Lane, Lymm, Warrington – appeal dismissed

2. REPORT BODY
2.1 The Inspector’s reports and appeal decisions are attached.

3. CONFIDENTIAL OR EXEMPT
3.1 Not confidential or exempt

4. FINANCIAL CONSIDERATIONS
4.1 No risks identified

5. RISK ASSESSMENT
5.1 No risks identified

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

7. CONSULTATION
7.1 No required

8. REASON FOR RECOMMENDATION
8.1 To inform Members of the results of appeals
9. RECOMMENDATION

9.1 That members note the appeal decision.

10. BACKGROUND PAPERS

None

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel Hartley</td>
<td><a href="mailto:dhartley@warrington.gov.uk">dhartley@warrington.gov.uk</a></td>
<td>01925 442809</td>
</tr>
</tbody>
</table>
Appeal Decision

Site visit made on 11 June 2013

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

Decision date: 24 June 2013

Appeal Ref: APP/M0655/A/13/2191643
Land adjacent to Higher Lane, Lymm WA13 0RE

- 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 M Wronko against the decision of Warrington Borough Council.
- The application Ref 2012/20436, dated 30 July 2012, was refused by notice dated 7 December 2012.
- The development proposed is the construction of stables with associated forecourt track, fencing, gates and new access with dropped kerb.

Decision

1. The appeal is allowed and planning permission is granted for the construction of stables with associated forecourt track, fencing, gates and new access with dropped kerb, on land adjacent to Higher Lane, Lymm WA13 0RE, in accordance with the terms of the application, Ref 2012/20436, dated 30 July 2012, subject to the following conditions:

   1. The development hereby permitted shall begin not later than three years from the date of this decision.
   2. The development hereby permitted shall be carried out in accordance with the approved plan referenced 6401/1 revision C, dated February 2012.
   3. All exterior woodwork shall be finished in dark brown or black wood-stained or preservative finish and maintained in such condition thereafter, unless the Local Planning Authority give their written approval to any alteration.
   4. The stables hereby approved shall be used for private recreational purposes only.
   5. Those parts of the visibility splays of x=2.4m and y=120m that can be achieved within the curtilage of the application site shall be provided at the junction of the access with Higher Lane. Nothing shall subsequently be erected or allowed to grow to a height in excess of 0.6m within these splays. They shall be implemented prior to the first use of the stables, and shall be retained thereafter.
   6. Before development commences, a scheme for the surfacing of the access track shall be submitted to the Local Planning Authority for their written
appeal. The agreed scheme shall be implemented prior to the first use of the stables.

7. No external lighting, electricity boxes, alarms or other external fixtures shall be fitted to the building or located within the site without the prior written approval of the Local Planning Authority.

8. Should the use of the site for stabling horses cease at any time, the building hereby approved shall be removed from the site within 3 months from that date and the land restored to its former condition.

9. The landscaping of the area around the stable block shall be carried out (in accordance with the details shown on drawing ref: 6401/1 Rev C) in the first planting and seeding seasons following the occupation of the stables or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

Procedural Matter

2. An application for costs against the Council has been made by the appellant. This is the subject of a separate decision.

Main Issues

3. The main issues in this case are whether the proposal constitutes inappropriate development in the Green Belt and its effect on the openness of the Green Belt and on the character and appearance of the area; and if I find that the scheme is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The scheme involves the construction of a stable block 14.4m by 3.6m and 3.4m high to the ridge of its pitched roof, to accommodate three stalls and a tack room. It would be sited in the far north-eastern corner of a 2.03ha open field, on the north side of Higher Lane (A56), and would be served by a new gravel track running along the eastern boundary of the site. It is proposed to enclose the stable block and its associated area of hardstanding with new deciduous planting, and the field would be sub-divided into three paddocks by 1.2m post and rail fencing. Similar fencing would be erected at the site entrance. At the time of my visit, the eastern boundary of the site had been demarcated by such a fence, separating the appeal land from a similar field. All the fencing described constitutes permitted development.

5. “Saved” policy GRN1 of the Unitary Development Plan states that, within the Green Belt, approval will not be given, except in very special circumstances, for the erection of new buildings unless they are for certain specified purposes. One of these is “essential facilities for outdoor sport and outdoor recreation….and other uses of land which preserve the openness of the Green
Belt and which do not conflict with the purposes of including land in it”. I note that paragraph 89 of the National Planning Policy Framework adopts a very similar wording, although the word “essential” is replaced by “appropriate”.

6. The use of the land for equestrian purposes is not in its own terms inappropriate in principle, and nor is the erection of a stable building, so long as it is genuinely required for the purpose and is no larger than is reasonably necessary. The Council assert inappropriateness because of the size of the stables and the provision of the access track; but the building does not seem to me to be excessively large in relation to the amount of land associated with it, and I note that the Council do not challenge the appellant’s evidence to the effect that it is in line with the British Horse Society’s standards. The track is a necessary consequence of the development. It follows from this assessment overall that very special circumstances do not need to be identified in this case.

7. The modest scale of the proposal and its location some 150m away from the A56 frontage lead me to conclude that it would have only a limited impact on the openness or the visual amenity of Green Belt, or the open countryside more generally (UDP policy GRN3). I come to this view while recognising that the field in its existing state is entirely devoid of structures (other than the new fence) and presents an almost pristine foreground to an attractive line of trees in the middle distance. The erection of a building of any scale will disturb this scene to some extent, as would the construction of a new vehicular access; however, the proposed planting (which can be secured by condition) will assist by providing some softening of the outlines of the building itself.

9. I have therefore decided that the appeal should be allowed. In that eventuality, the Council has asked for eight conditions to be imposed, in addition to the statutory one regarding the commencement of development. These principally concern the appropriate colour of the building; details of the visibility splays and surfacing of the track; and the implementation of the planting scheme. All these conditions appear to me reasonably necessary. The restriction of the use of the stables to personal, rather than commercial, use is justified given the proximity of the stabling to residential properties. I have also decided to agree to a condition which requires the removal of the stable block should the use cease, to avoid its becoming derelict and thus harmful to the landscape. I have edited the Council’s wording of some of the conditions, in the interests of clarity.

David Kaiserman

INSPECTOR
Appeal Decision

Site visit made on 12 June 2013

by David Kaiserman BA DipTP MRTP

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

Decision date: 17 June 2013

Appeal Ref: APP/M0655/H/12/2194703
64 London Road, Stockton Heath Warrington WA4 6HR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Mr K Hodgkinson against the decision of Warrington Borough Council.
- The application Ref 2012/21021, dated 9 August 2012, was refused by notice dated 14 February 2013.
- The advertisements proposed are one internally-illuminated fascia sign, one internally-illuminated hanging sign and one internally-illuminated other sign.

Decision

1. The appeal is allowed and consent for the display of the advertisements as applied for is granted. The consent is subject to the five standard conditions set out in the Regulations.

Main Issue

2. The main issue is the effect of the advertisements on the visual amenity of the locality, with particular regard to the fact that the site lies within the Stockton Heath Conservation Area.

Procedural Matter

3. The advertisements were all in place by the time of my visit. They consist of a panel above the shop entrance; a vertical panel to the left of the entrance; and a small projecting sign to the right of the doorway at fascia level. The appeal is therefore against the Council’s refusal to permit their retention.

Reasons

4. The signs all relate to a branch of the Subway sandwich shop. Although the address of the property is 64 London Road, this particular unit does not have a main road frontage, but is sited along West Avenue, somewhat detached from the principal commercial zone based around Victoria Square, in the centre of Stockton Heath. It is, however, easily visible from this point and from bus stops to the north along London road itself.

5. I accept that the signs, especially the one mounted above the shop entrance, are prominent in the street-scene. This is due mainly to the fact that their green and yellow corporate colouring contrasts with the reddish brickwork of the modern, two-storey building on which they are fixed. They also appear rather stark when
seen against the building’s bland elevational treatment (something which itself is uncharacteristic of the Victorian and Edwardian buildings which make an important contribution to the character of the conservation area).

6. That having been said, the location of the building in the side-street is such that any harm is limited, especially since views of it from the north are largely had in the context of the busy visual environment of the shopping centre as a whole. I accept that many of the commercial buildings nearby have signage whose designs are more muted, and that a high proportion of these appear to be non-illuminated; nevertheless, in my judgement, the appeal scheme’s effect is broadly neutral in terms of its impact on the character and appearance of the conservation area, and therefore I have decided to allow the appeal.

David Kaiserman

INSPECTOR
Appeal Decision

Site visit made on 3 June 2013

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

Decision date: 24 June 2013

Appeal Ref: APP/M0655/D/13/2197388
4 Beech Road, Stockton Heath, Warrington, WA4 6LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Miss Sally Thompson against the decision of Warrington Borough Council.
- The application Ref 2013/21320, dated 11 February 2013, was refused by notice dated 20 March 2013.
- The development proposed is the demolition of single storey rear extension, and the erection of 2 storey extension and part single storey rear extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 3 Beech Road, with particular reference to outlook.

Reasons

3. At present the 2-storey outrigger at the host property extends from the rear elevation by roughly 3m. The 2-storey element of the appeal proposal would increase this by approximately 3.8m. Although the Council have referred to a measurement of 4.8m, the scheme would nonetheless still result in a 2-storey projection of roughly 7m from the rear elevation of the terraced property.

4. By extending the rear outrigger in this manner, and taking into account the proximity of the adjoining terraced property, I consider that the size and scale of the 2-storey extension would result in an overbearing and dominating form of development for the occupiers of 3 Beech Road. Although the outrigger is already 2-storey, and is a common feature on the majority of properties in the area, by extending to approximately 7m at first floor level the imposing nature of the enlarged extension would be harmful to the outlook from no.3. Furthermore, it would also take 2-storey development beyond a 45-degree line from rear facing windows serving no.3, contrary to the Council’s current guidance on rear extensions set out in the ‘Supplementary Planning Guidance Note C – Rear Extensions’.

5. I appreciate the appellant’s comments regarding pre-application discussions with the Council, and that initial support was offered if the 2-storey element of the scheme was kept below 4m. However, the Council’s approach to those discussions and the process of determining the planning application is not a matter for me. Instead, I am obliged to consider the proposed development on
its specific merits, having due regard to the development plan and other relevant policy, and I have determined the appeal on this basis.

6. In reaching my conclusion against the main issue I have also taken into account the other extensions to rear outriggers throughout Beech Road. When visiting the appeal site and immediate surrounding area I saw the examples referred to me by the appellant. However, whilst they share some similarities with the proposal before me, no information has been provided on how they came to be there, or the relevant considerations taken into account at the time. Consequently, the weight I can attribute to the existence of other extensions in the area is limited, and they do not set a precedent for the proposal before me. Likewise, I appreciate that the existing occupiers of no.3 have not objected to the scheme. However, this alone does not provide a robust justification for allowing the extension given the harm I have identified.

7. I therefore conclude that the appeal proposal, by virtue of the size and scale of the 2-storey extension would result in demonstrable harm to the living conditions of the occupiers of 3 Beech Road, with particular reference to their outlook. Of the policies referred to by the Council I consider Warrington Unitary Development Plan Policy DCS1 most relevant, and in this regard the proposal conflicts with its requirement that development should preserve the amenities of near neighbours. This policy is broadly consistent with one of the Core Planning Principles of the National Planning Policy Framework, and by failing to protect the amenities of existing, and future occupiers of land and buildings, the proposal also conflicts with national guidance.

**Other Matters**

8. In relation to the single storey extension, the Council has not raised any concerns with this element of the scheme and I have no reason to disagree with this stance. However, the appellant has not indicated that they would wish to implement this aspect of the scheme in isolation of the 2-storey extension, or that they are severable from one another. As a result, I have therefore determined the appeal on this basis.

**Conclusion**

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

**Matthew Birkinshaw**

INSPECTOR
Appeal Decision
Site visit made on 2 July 2013

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

Decision date: 12 July 2013

Appeal Ref: APP/M0655/D/13/2198417
16 Agden Park Lane, Lymm, Cheshire, WA13 0TS

- 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 Steven Chappell against the decision of Warrington Borough Council.
- The application Ref 2013/21247, dated 25 January 2013, was refused by notice dated 5 April 2013.
- The development proposed is 2 storey side extension.

Decision
1. The appeal is dismissed.

Main Issues
2. The main issues are:
   - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
   - The effect of the proposal on the openness of the Green Belt;
   - If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

3. No. 16 Agden Park Lane (No. 16) is situated in a row of large detached houses that together form part of a small ribbon development in the Green Belt. There are areas of open land to the front and rear of the property. The proposal would see the erection of a two storey side extension.

4. Policies GRN1 of the Warrington Unitary Development Plan (Operative date 23 January 2006) (UDP) states, among other things, that the erection of new buildings within the Green Belt will be inappropriate unless the building is for the limited extension or alteration of an existing dwelling. This is subject to the requirement of policy HOU9 of the UDP that within the Green Belt extensions must be subordinate to the original building and must not substantially increase the residential accommodation.
5. Policies GRN1 and HOU9 of the UDP are consistent with paragraph 89 of the National Planning Policy Framework (the Framework) which states that the construction of new buildings in the Green Belt should be regarded as inappropriate development with specific exceptions that include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

6. I am advised that the existing building has only had limited additions since it was originally constructed, comprising a small kitchen extension and a garage conversion to provide additional habitable accommodation. The proposal, including the kitchen extension, would see an increase in both volume and floorspace of the original building by approximately 85%. This would clearly amount to a substantial increase in size over and above that of the original building.

7. I conclude therefore that the proposed development would result in disproportionate additions over and above the size of the original building and would thus be inappropriate development which by definition is harmful to the Green Belt.

**Openness**

8. Landscaping at the front of the property would screen much of the extension from public view. However, openness in terms of the Green Belt means freedom from development and is only partially concerned with visibility. The effect of the proposal would be to add to the volume of built development in Agden Park Lane thereby depleting the openness of the Green Belt. In accordance with the Framework the weight I give to harm to the Green Belt by reason of inappropriateness and loss of openness is substantial.

**Other considerations**

9. The Council considers the proposal would not be harmful to the character or appearance of the area or to the living conditions of neighbouring occupants at Nos. 16 and 18 in relation to privacy, outlook or daylight. On the basis of the information before me I have no reason to disagree. The proposal would also provide adequate outdoor amenity space for the occupants of No. 16. However, neither a lack of harm in these respects nor an absence of objections from neighbours and the Parish Council weighs positively in favour of the proposal.

10. The submitted Design and Access Statement states that the proposed extension is intended to provide additional accommodation to meet the requirements of the appellant. Whilst this is understandable, such private desires rarely outweigh the public interest which planning policy seeks to protect and the weight I give to it is therefore limited.

11. The appellant advises that the majority of dwellings along Agden Park Lane have been substantially extended beyond the size of their original construction. In particular, extensions at neighbouring properties, Nos. 14 and 18 have been drawn to my attention. In the case of No. 14, I have not been provided with the specific details of any scheme relating to the extension of that dwelling. Although No. 14 is larger than No. 16, it is not clear to me the extent to which any additions have increased the size above that of the original building. In the case of No. 18, both parties have referred to this dwelling having been recently extended. However, no planning details of that scheme are before me.
and I therefore have no way of knowing whether other considerations led to the grant of planning permission in that instance. In any event, paragraph 88 of the Framework makes clear that all development in the Green Belt is subject to stringent national planning policy tests, which I have applied. I have therefore determined this appeal on its own merits in light of the development plan and other material considerations.

Conclusion

12. By reason of the disproportionate additions to the original building the proposal is inappropriate development in the Green Belt. The proposal would also materially impact upon the openness of the area which would, by definition, be harmful to the Green Belt. Substantial weight should be given to any harm to the Green Belt according to the Framework (paragraph 88). On the other hand, I give limited weight to the consideration that the proposal would provide the appellant with additional living accommodation. The proposal would also have a neutral effect in terms of the character and appearance of the area and the living conditions of existing occupants. I conclude these matters do not clearly outweigh the totality of harm I have identified. Accordingly, very special circumstances necessary to justify the development do not exist and the proposal would conflict with policies GRN1 and HOU9 of the UDP and paragraphs 88 and 89 of the Framework.

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

*Victoria Lucas-Gosnold*

INSPECTOR
1. PURPOSE OF THE REPORT

1.1 At the Development Management Committee on 20th June 2013 it was agreed that a report would be prepared outlining those appeals where costs had been awarded against the Council (2013-14 period) and detailing the amount of money that the Council had paid out to appellants.

2. BACKGROUND

2.1 When making planning application decisions both members and officers should be mindful of Circular 03/2009 (Costs Wards in Appeals and Other Planning Proceedings). The costs awards regime seeks to increase the discipline of parties when taking action within the planning system, through financial consequences for those parties who have behaved unreasonably and have caused unnecessary or wasted expense in the process.

2.2 Where a costs award or “costs order” is made, the party awarded should first submit details of their costs to the other party, with a view to reaching agreement on the amount. If they are unable to agree, the party awarded costs can refer the matter to a Costs Officer of the Supreme Court Costs Office for a detailed assessment of the amount.

2.3 The Circular states “Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ 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. If they fail to do so, costs may be awarded against the authority”. In addition the Circular states “While planning authorities are expected to consider the views of local residents when determining a planning application, the extent of local opposition is not, in itself, a reasonable ground for resisting development. To carry significant weight, opposition should be founded on valid planning reasons which are supported by substantial evidence. Planning authorities should therefore make their own objective appraisal and
ensure that valid planning reasons are stated and substantial evidence provided”.

2.3 Awards of costs can be awarded against the Council in the following circumstances:

- Failure to substantiate reasons for refusal including a lack of evidence.
- Vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis.
- Ignoring relevant national policy – for example, the advice in PPG 8 on Telecommunications concerning health risks arising from a mobile phone base Station.
- Where a proposal is contrary to the development plan but the relevant policy has been superseded by national policy which advocates an entirely different approach.
- Acting contrary to, or not following, well-established case law.
- Persisting in objections to a scheme, or part of a scheme, which has already been granted planning permission or which the Secretary of State or an Inspector has previously indicated to be acceptable.
- Not determining like cases in a like manner – for example, imposing a spurious additional reason for refusal on a similar scheme to one previously considered by the planning authority where circumstances have not materially changed.
- Failing to grant a further planning permission for a scheme the subject of an extant or recently expired permission where there has been no material change in circumstances.
- Refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage.
- Imposing a condition that is not necessary, precise, enforceable, relevant to planning, relevant to the development permitted or reasonable and thereby does not comply with the advice in DOE Circular 11/95 on The Use of Conditions in Planning Permissions.
- Requiring the appellant to enter into or complete a planning obligation which does not accord with the tests in ODPM Circular 05/2005 on Planning Obligations.
- Not imposing conditions on a grant of planning permission where conditions could effectively have overcome the objection identified – for example, in relation to highway matters.

3. REPORT

3.1 For the 2013-14 period (to date) the following costs have been awarded:
<table>
<thead>
<tr>
<th>Address</th>
<th>Appeal Type</th>
<th>Development Description</th>
<th>Officer Rec.</th>
<th>Committee Decision</th>
<th>Costs Claim (Excluding VAT) (£)</th>
<th>Costs Settlement (Excluding VAT) (£)</th>
<th>LPA Barister Fees (£)</th>
<th>Year of Case</th>
<th>Date Settled</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADS Recycling, 63 Camsley Lane, Lymm</td>
<td>Enforcement</td>
<td>Breach of condition</td>
<td>(i) To approve lawful development certificates (ii) To refuse a subsequent planning application following advice from Environment Health</td>
<td>To serve an enforcement notice – subsequently withdrawn.</td>
<td>£56,473.35</td>
<td>£40,000</td>
<td>£2047.50</td>
<td>11-12</td>
<td>Jul-13</td>
</tr>
<tr>
<td>452 Warrington Road, Culcheth</td>
<td>Planning</td>
<td>Change of use from residential dwelling to use class D1.</td>
<td>Approve</td>
<td>Refuse</td>
<td>£6882.62</td>
<td>£4,600</td>
<td>n/a</td>
<td>12-13</td>
<td>Jul-13</td>
</tr>
<tr>
<td>10 Maltmans Road, Lymm</td>
<td>Planning</td>
<td>Two storey side extension/rear extensions and restoration works of existing house. Alterations to access gate, boundary treatment and detached garage.</td>
<td>Approve</td>
<td>Refuse</td>
<td>Not received yet</td>
<td>Not received yet</td>
<td>n/a</td>
<td>12-13</td>
<td></td>
</tr>
</tbody>
</table>
3.2 To date and for the 2013-14 period the total cost of appeals - where costs have been awarded against the Council (inclusive of Council barrister fees) - is £46,647.50 (excluding VAT).

4. CONFIDENTIAL OR EXEMPT
4.1 Not confidential or exempt

5. FINANCIAL CONSIDERATIONS
5.1 None

6. RISK ASSESSMENT
6.1 No risks identified.

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

8. CONSULTATION
8.1 See section 2.

9. REASON FOR RECOMMENDATION
9.1 To streamline the process for determining planning applications.

10. RECOMMENDATION
10.1 (i) That members note the report.
10.2 (ii) That members continue to be mindful of the potential for awards of costs when refusing planning permissions and/or imposing planning conditions taking into account the advice in Circular 03/2009 (Costs Wards in Appeals and Other Planning Proceedings).

11. BACKGROUND PAPERS
None

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel Hartley</td>
<td><a href="mailto:dhartley@warrington.gov.uk">dhartley@warrington.gov.uk</a></td>
<td>01925442809</td>
</tr>
</tbody>
</table>
TITLE OF REPORT: Planning application and appeal performance – Quarter 1 (April to June 2013)

1. PURPOSE OF THE REPORT

1.1 Purpose of the Report:

1.2 To provide members with a summary of planning application performance for the 2012-13 period relative to statutory planning application determination timescales.

2. BACKGROUND

2.1 The Government requires each Local Authority to provide information about the time taken to determine planning applications (8 and 13 week timescales) on a quarterly basis. The Council also monitors planning application performance. The Government does not require the Local Authority to provide quarterly updates in terms of appeal performance. However, appeal performance is monitored by the Council.

3. REPORT

3.1 The following table provides planning application performance for 2013-14 and a comparison against the cumulative 2012-13 performance.

<table>
<thead>
<tr>
<th></th>
<th>2012-13 (Cumulative)</th>
<th>April-June 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Majors (Local Target 70%)</td>
<td>57.70%</td>
<td>59.0%</td>
</tr>
<tr>
<td>Minors (Local Target 75%)</td>
<td>63.90%</td>
<td>80.0%</td>
</tr>
<tr>
<td>Others (Local Target 80%)</td>
<td>76.50%</td>
<td>92.4%</td>
</tr>
</tbody>
</table>
3.2 The following table provides planning appeal performance for 2013-14 and a comparison against the cumulative 2012-13 performance. The Local target for appeal performance is no more than 25% of appeals allowed. Last years performance was 25%. Current performance is 55.5%. This is an area that needs to improve. There have been no major appeal decisions this quarter. The Local Planning Authority is still awaiting a major planning application appeal decision for Land off Mill Lane (Part of Peel Hall Farm)

<table>
<thead>
<tr>
<th></th>
<th>2012-13 (Cumulative)</th>
<th>April-June 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed</td>
<td>1</td>
<td>5 (55.5%)</td>
</tr>
<tr>
<td>Dissmissed</td>
<td>4</td>
<td>4 (45.5%)</td>
</tr>
</tbody>
</table>

Each of the five applications allowed at appeal, were refused by the Development Management Committee following a recommendation to approve with conditions by Officers.

In nine months time the Government’s target will be to assess major appeal performance as a measure of the quality of decision making. After the nine month period they will then look back two years and if more than 20% of majors are allowed on appeal the Local Planning Authority would be placed in special measures. In summary making major planning application decisions in time is important but it is also important that refusals can be substantiated and that there is a real prospect of success for majors on appeal.

3.3 Planning performance is improving. Major planning application performance for the the last quarter of the 2012-13 period was 36.6%, it is now almost 60%. Major planning application performance is, however, now improving and currently there are no risks. Applicants/agents will be required to ensure that Section 106 agreement heads of terms accompany major planning applications and that such agreements are signed before the statutory 13 week determination period expires. The Local Planning Authority now operates a formalised pre-application advice service. Applicants/agents will be encouraged to use the pre-application advice service, particularly for major applications, and this will afford them the opportunity to address Section 106 agreement issues in advance of the submission of planning applications.

4. **CONFIDENTIAL OR EXEMPT**

4.1 Not confidential or exempt

5. **FINANCIAL CONSIDERATIONS**

5.1 Currently no adverse financial considerations. However, if major planning application performance reaches a level that is consistently low (ie an average of 30% of major planning application decisions made within 13 weeks) then the Local Planning Authority could then be placed in “Special Measures”. This would mean
that applicants could opt to apply direct to the Planning Inspectorate rather than to Warrington Borough Council. As of 12th July 2013 six Councils (Horsham, Daventry, Fylde, Cherwell, Barnet, Enfield) are under threat of special measures as major planning application performance is under 30%. Such Councils will need to improve cumulative performance by October 2013 to avoid “Special Measures” classification.

6. RISK ASSESSMENT
6.1 No risks identified.

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

8. CONSULTATION
8.1 None required

9. REASON FOR RECOMMENDATION
9.1 To ensure that members are kept informed in terms of planning application and appeal performance.

10. RECOMMENDATION
10.1 That members note the report.

11. BACKGROUND PAPERS
Improving planning performance Criteria for designation, Department for Communities and Local Government, June 2013

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
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<td>01925442809</td>
</tr>
</tbody>
</table>
Improving planning performance

Criteria for designation

London: The Stationery Office £6.25
Improving planning performance

Criteria for designation

Presented to Parliament pursuant to section 62B of the Town and Country Planning Act 1990; draft to lie for forty days, during which period either House of Parliament may resolve that the criteria for designation not be approved.

June 2013

Department for Communities and Local Government

London: The Stationery Office £6.25
# Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Criteria for designation</td>
<td>2</td>
</tr>
<tr>
<td>Criteria for de-designation</td>
<td>5</td>
</tr>
<tr>
<td>Annex A: Data sources and adjustments</td>
<td>7</td>
</tr>
</tbody>
</table>
Introduction

About this document

1. Section 62A of the Town and Country Planning Act 1990¹ ("the 1990 Act") allows certain applications to be made directly to the Secretary of State for Communities and Local Government ("the Secretary of State"), where the local planning authority for the area has been designated for this purpose.

2. Section 62B of the 1990 Act requires that the criteria for any such designation, or for revoking a designation, must be set out in a document published by the Secretary of State. This document sets out the criteria that the Secretary of State intends to use for this purpose.

3. The Government consulted on the criteria to be used for designation and for de-designation at the end of 2012². The response to that consultation, which has been published separately³, provides the background to the criteria set out in this document.

4. The criteria have effect from the day following the end of the statutory 40 day period during which Parliament may consider this document, provided neither House has resolved not to approve it⁴.

5. The criteria will be kept under review, with any changes brought forward through a revised document that will be published by the Secretary of State and laid before Parliament.

¹ Inserted by section 1 of the Growth and Infrastructure Act 2013.
³ Planning Performance and the Planning Guarantee: Government Response to Consultation (June 2013)
⁴ The calculation of the 40 day period is specified in Section 62B of the 1990 Act.
Criteria for designation

Overall approach

6. A local planning authority can be designated only if, by reference to the criteria in this document, “the Secretary of State considers that there are respects in which the authority are not adequately performing their function of determining applications”.

7. For this purpose the performance of local planning authorities will be assessed in two ways: on the basis of the speed with which applications for major development are dealt with; and the extent to which such decisions are overturned at appeal (as an indicator of the quality of the decisions made by local planning authorities).

8. The specific criteria to be employed in assessing performance in this way are set out below. As the criteria deal with two different aspects of performance, local planning authorities will be assessed against each aspect independently, and so could be designated on the basis of either aspect or both.

9. The performance of authorities in dealing with ‘district matter’ applications and ‘county matter’ applications will be assessed separately. This means that an authority with responsibility for both district and county matters could be designated on the basis of its handling of either category (or both); although the ability for applicants to apply directly to the Secretary of State would apply only to the category of applications (district, county or both) for which the authority had been designated.

10. Data showing the performance of local planning authorities against these measures will be published by the Department for Communities and Local Government (“the Department”) on a quarterly basis. The data will be adjusted prior to publication (and prior to decisions about designations being made) to account for any gaps in the data provided to the Department. The adjustments are detailed in Annex A to this document.

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5 Section 62B(1)(b) of the 1990 Act.
6 ‘Major development’ for this purpose is as defined in the notes for completing the Department’s PS1/PS2 and CPS1/CPS2 planning statistics returns.
8 For example if a unitary authority were to be designated solely on the basis of its speed in determining ‘county matter’ applications, the ability to apply directly to the Secretary of State would extend only to applications for major development involving ‘county matters’ in that area during the designation period.
11. The Secretary of State will decide whether any designations should be made once a year – with the intention being to make any initial designations in October 2013.

**Speed of decisions**

12. The *measure* to be used is the average percentage of decisions on applications for major development made:
   
   (a) within the statutory determination period\(^9\); or
   
   (b) within such extended period as has been agreed in writing between the applicant and the local planning authority\(^10\);

   as recorded in the data collected by the Department for Communities and Local Government.

13. The average percentage figure for the assessment period as a whole will be used.

14. The *assessment period* for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation\(^11\).

15. The *threshold* for designation is 30% or fewer of an authority’s decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant.

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\(^9\) The statutory period is 13 weeks, unless an application is subject to Environmental Impact Assessment, in which case a 16 week period applies. See Annex A for the methodology where an application is subject to Environmental Impact Assessment.

\(^10\) The extended period could be through a planning performance agreement or an agreed extension of time (provided this is in writing and sets out a timescale for the decision), where these are recorded in the statistics collected by the Department – see Annex A for details.

\(^11\) For example, for any initial designations in October 2013, a two year assessment period ending on 30 June 2013 would be used (data for the last quarter of this two year period become available in September 2013). The quarterly reporting schedule is set out in Annex A.
Quality of decisions

16. The **measure** to be used is the average percentage of decisions\(^{12}\) on applications for major development that have been overturned at appeal, once nine months have elapsed following the end of the assessment period; as recorded in the data collected by the Department for Communities and Local Government.

17. The average percentage figure for the assessment period as a whole will be used.

18. The nine months specified in the measure are to enable the majority of decisions on planning applications made during the assessment period to be followed through to subsequent appeals that may be lodged, and for the outcome of those appeals to be known.

19. The **assessment period** for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation, taking into account the nine months to be allowed for beyond the end of the assessment period\(^{13}\).

20. The **threshold** for designation is 20% or more of an authority’s decisions on applications for major development made during the assessment period being overturned at appeal.

21. There are limited **exemptions** from this measure: local planning authorities will not be liable for designation if they decided ten or fewer applications for major development during the assessment period as a whole.

\(^{12}\) See Annex A for list of decisions which are included / excluded.

\(^{13}\) For example, it is intended to make any initial designations in October 2013, for which a two year assessment period ending on 31 December 2012 would be used.
Criteria for de-designation

Overall approach

22. The Secretary of State will decide once each year whether any designations should be lifted, at around the same time as deciding whether any new designations are to be made.

23. In assessing whether a designation should be lifted, consideration will be given to:

(a) the potential capability of the designated local planning authority to deal effectively with applications for major development in future; and

(b) the effectiveness of the designated local planning authority in dealing with such applications during the period of its designation.

24. Soon after a designation is made the local planning authority will be expected to prepare an action plan addressing areas of weakness that it identifies as having contributed to its under-performance. In doing so the authority will be able to draw upon support from the Planning Advisory Service, which is funded by the Department for Communities and Local Government. The authority will need to agree the action plan with the Department. The Department will make a formal assessment of progress against the action plan no later than eleven months following the date on which the local planning authority was designated.

The criteria that will be taken into account

25. A designation will be revoked if the Secretary of State is satisfied that:

(a) the designated local planning authority has provided adequate evidence of sufficient improvement against areas of weakness identified in an initial assessment of its performance;

and provided that the designated local planning authority:

(b) would not, at the time that decisions about de-designation are made, remain eligible for designation on the basis of the criteria (including the relevant assessment periods) set out in this document;

(c) has completed, within the timescale specified, any administrative tasks required of the authority in association with applications made directly to the Secretary of State in the area, in at least 80% of cases during the designation period14;

14 “Designation period” means the period since the local planning authority was designated under section 62B of the 1990 Act. The administrative tasks will be those requirements set out in a development order made under the powers in section 76C(2) of the 1990 Act.
(d) has not, in the view of the Secretary of State, caused unreasonable delay in signing any section 106 agreements associated with applications submitted directly to him during the designation period.

(inserted by paragraph 5 of Schedule 1 to the Growth and Infrastructure Act 2013). The order will specify the timescale within which these tasks need to be completed.
Data sources and adjustments

Planning applications

26. Information on planning applications, including the numbers decided in each period, the use of planning performance agreements and agreed extensions of time, and the speed of determination, will be collected through the statistical returns supplied quarterly to the Department for Communities and Local Government.\[15\]

27. Data on the speed with which applications for major development are determined, reflecting the approach set out in this document, will be published by the Department in March, June, September and December each year, commencing with the publication of the April to June 2013 data which are due to be published in September 2013. This data will not take into account situations where a decision has been taken out of the local planning authority’s hands, either through an appeal being made against non-determination within the statutory period, or where the application has been called-in by the Secretary of State (or, in London, by the Mayor of London).\[16\]

28. The data reported by local planning authorities to the Department already record the extent to which planning applications are subject to bespoke timetables set through Planning Performance Agreements, and whether such applications are determined within the time specified in the agreement. Beginning with the data recorded for the first quarter of 2013-14, the Department will also collect information on post-application extension of time agreements (provided these are in writing and specify a timescale for the decision), and the extent to which applications subject to them have been determined within the period specified in the agreement.

---

\[15\] Through the PS1 and PS2 returns for district matter authorities, and the CPS1 and CPS2 returns for county matter authorities.

\[16\] It follows that the assessment of the speed of local planning authority decisions will not take into account decisions that have gone to appeal against non-determination, or which have been called-in (apart from applications called-in by the mayor of London prior to 1 April 2013, as data on applications which the Mayor has called-in will be collected from the first quarter of 2013-14).
Adjusting for missing data

29. The Department uses a system of imputing values to provide estimates for quarters for which data are missing for particular authorities. This is used to provide a complete set of data on which to calculate the associated statistics. The methodology for imputation has been considered and assessed by the UK Statistics Authority as following the Code of Practice for Official Statistics.

30. To calculate imputed values, local planning authorities are grouped geographically into ‘grossing groups’, so that any estimates can reflect the pattern of decisions in the same part of the country. To impute the total number of decisions in each category for non-responding authorities we use the proportion of decisions in the current quarter (for responding authorities in the appropriate grossing group), compared to the total for corresponding authorities in the previous quarter, and apply that to the number reported (or imputed) for each of the non-responding authorities in the previous quarter.

31. Once the total number of decisions has been imputed for a missing quarter, it is then proportioned across the remaining variables (such as the number granted, or number of decisions made in 13 weeks). Looking at the current quarter, the sum of each variable for the responding authorities in the grossing group is compared to the total number of decisions for the same authorities to form a factor. This factor is then applied to the total number of decisions that were imputed for each non-responding authority in the group to estimate the value for each variable.

Penalties for missing data

32. To encourage data reporting by local planning authorities, a penalty will be applied where more than two quarters of data are missing in any two year assessment period. The penalties will be applied once any missing values have been imputed, and will be reflected in the performance statistics published by the Department on which decisions about any designations are based.

33. The penalties to be applied will be as follows:
   - One or two missing quarters will be disregarded and no penalty applied (but the missing values will be imputed as described above).
   - If three or four quarters of data are missing, a ten percentage point reduction will be applied to the authority’s average figure for the speed of determining applications over the assessment period.

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17 Imputing is not carried out for ‘county matter’ data, as the relatively small number of county matter applications, and the degree of quarterly fluctuation in the pattern of county matter applications received, makes the process insufficiently robust from a statistical point of view.

18 In the case of ‘county matter’ authorities, the penalties will be applied without any prior imputation for missing values.
• If data for five or six quarters are missing, a fifteen percentage point reduction will be applied to the authority’s average figure for the speed of determining applications over the assessment period.

• If data for seven or eight quarters are missing, the authority will be designated automatically, notwithstanding the specific criteria set out elsewhere in this document.

Opportunities to correct or supply additional data

34. Local Planning authorities at risk of designation in the first year of applying this policy (i.e. in October 2013) will be given an opportunity to fill any gaps in the data reported to the Department before any designations are confirmed (in which case the statistics – including any imputed values and penalties that have already been applied – will be recalculated to reflect the additional data that have been supplied). The local planning authority will have 2 weeks to provide the missing data once the statistics up to and including the end of the assessment period are available.

35. Special arrangements will be made for applications subject to Environmental Impact Assessment, for which the statutory determination period is 16 weeks (rather than 13 weeks for applications for major development generally). Although local planning authorities are required to supply information on all applications, the 16 week period is not currently taken into account in the data collected by the Department.

36. The way that application data are supplied and recorded will be amended for returns from the first quarter of 2013-14 onwards, so that the extended determination period for applications subject to Environmental Impact Assessment is taken into account. In the meantime any authorities at risk of designation, on the basis of information that in part pre-dates the first quarter of 2013-14, will be given an opportunity to notify the Department of the number of applications for major development subject to Environmental Impact Assessment which were determined during the assessment period and how long they took to decide. A recalculation will then be made to account for this before any designations are confirmed.

Planning appeals

37. Information on the number and outcome of planning appeals involving major development is collected by the Planning Inspectorate. This will be combined with the data on planning applications collected by the Department to allow the proportion of decisions on applications for major development that are overturned on appeal to be calculated. This will be done on a quarterly basis and the results published by the Department, alongside the data on the speed of determining applications.
38. For the purpose of these calculations all appeals against a refusal of planning permission (or against planning conditions) during the assessment period will be taken into account, including those arising from a ‘deemed refusal’ where an application has not been determined within the statutory period. Where a ‘split decision’ is issued on an appeal (i.e. part of the appeal is dismissed and part allowed), the appeal will be treated as if the local planning authority’s decision has not been overturned. Similarly, appeals against conditions will not be treated as having gone against the local planning authority, bearing in mind that the authority will have approved the original application and it is only conditions that are being challenged.
TITLE OF REPORT: Agents Customer Satisfaction Survey – Assessment and Actions.

1. PURPOSE OF THE REPORT

1.1 To provide members with the results of an agents customer satisfaction survey relating to the submission of planning applications and obtaining pre-application advice from the Development Control service.

2. BACKGROUND

2.1 Agents that regularly use the Development Control service were asked to complete an on-line customer satisfaction survey in June 2013. Twenty eight agents were asked for their views and a total of seven agents responded (a response rate of 25%). This is a low response rate but the information provided is useful as part of the drive to continuously improve the Development Control service.

3. REPORT

3.1 The attached spreadsheet provides a summary of responses. It also includes comments/issues raised and actions taken/to be taken by the Development Control service to address the comments/issues raised.

3.2 The Development Control service has made a number of improvements over the last six months. Progress has been monitored and assessed by the Planning Improvement Board (against the Planning Improvement Plan) and WBC Audit. A new staffing structure is in place. Performance management systems and processes are also in place.

3.3 The results of the customer satisfaction provide a useful benchmark in which to measure user satisfaction going forward. A similar customer satisfaction survey will be issued in 12 months time. Development control is making a number of positive steps to improve the service it provides to its customers; this should be seen in the context of a historic period of time when staffing levels were low and processes and procedures needed to be reviewed. The Planning Advisory Service
will be asked to undertake a further “light touch” Peer Review of the Development Control/Planning service at the end of the year/beginning of next year in terms of improvements made and the future direction of travel.

3.4 In summary the following improvements/changes have been introduced in the last six months:

- Preparation of a Planning Improvement Plan and the establishment of a Planning Improvement Board – most of the Development Control actions have now been actioned.
- Development control service restructure including the selection and recruitment of new members of staff (there are now no agency staff in Development Control).
- Validation checklists prepared and adopted and placed on the web site.
- Pre application advice protocol and charges adopted and placed on the web site.
- Model planning conditions prepared and agreed.
- Development control procedures manual prepared and issued to all members of staff.
- Non material amendment policy prepared and placed on the web site.
- Training for both ward and parish councillors – 3 sessions for the 2013-14 period – using funds from a successful North West Employers bid.
- Weekly meetings and weekly performance monitoring reports for enforcement, pre application advice and planning applications.
- Improved quarterly return performance (ie 8/13 week statutory determination times) for 2013-14 compared to 2012-13.
- Weekly enforcement surgeries for Councillors
- Weekly list of enforcement cases received and “on hand” enforcement report emailed to all ward Councillors on a weekly basis.
- New enforcement team formed – Planning obligation and conditions monitoring officer post advertised.
- Committee report format improved including full planning conditions, drawings, photographs.
- Time extension letters issued for those applications nearing to the 8 / 13 week statutory timescales.
- Amended notification / validation letters.
- Amended press notices as a means of reducing costs.
- Communication of recent permitted development rights changes and display of forms and advice on the Council’s web site.
- Changes to the Council’s Constitution and scheme of officer delegation.
- Preparation of committee site visit protocol.
- Commencement of work to enable electronic display of photographs and drawings at committee meetings.
- Improvements to the “search for planning applications” part of the web site.
- Review of Development Control Charges.
- All staff to attend a “working with the customer” training session on 1st October 2013.
- Local Plan Core Strategy prepared and examination held.
• Performance reports for planning applications, section 106 agreements and enforcement reported to DMC every six months.
• Back log of planning applications (validation stage) cleared.
• Risk Assessment prepared for Planning (BC/DC/Policy) and issued.
• Local Government Association / PAS likely to undertake a further review of the Planning service at the end of the year.

4. CONFIDENTIAL OR EXEMPT
4.1 Not confidential or exempt.

5. FINANCIAL CONSIDERATIONS
5.1 None

6. RISK ASSESSMENT
6.1 No risks identified.

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

8. CONSULTATION
8.1 None

9. REASON FOR RECOMMENDATION
9.1 To inform members of the results and assessment of the agents customer satisfaction survey.

10. RECOMMENDATION
10.1 To note the report.

11. BACKGROUND PAPERS
None

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel Hartley</td>
<td><a href="mailto:dhartley@warrington.gov.uk">dhartley@warrington.gov.uk</a></td>
<td>01925442 809</td>
</tr>
<tr>
<td>Question</td>
<td>Percentage</td>
<td>Comments from Agents</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>PRE APPLICATION ADVICE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage that have made use of the Council's pre-application advice service prior to the submission of a planning application?</td>
<td>43%</td>
<td></td>
</tr>
<tr>
<td>Percentage neutral, satisfied or very satisfied with pre application advice service</td>
<td>66% (33% satisfied/very satisfied)</td>
<td>1. The service received depends very much on which planning officer you speak to. You have many good ones, but still one or two not so good on customer service. I generally try and speak to one of the planners who I consider to give good service. 2. Although the enquiry was acknowledged a response was never received. Furthermore no time frame or planning officer was allocated for the response which therfore made it difficult to follow up.</td>
</tr>
<tr>
<td>Comments on pre application advice service</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>VALIDATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage neutral, satisfied or very satisfied with time taken to validate the planning application</td>
<td>86% (43% satisfied/very satisfied)</td>
<td>1. Validation list should be simplified - to much information requested before application has a number difficult to speak to appropriate staff who understand what is required. 2. Timescales run up and down. Warrington used to be by far and away the quickest LPA around here, now they are probably one of the slowest</td>
</tr>
<tr>
<td>Comments on planning application validation</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CASE OFFICER ASSESSMENT</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage neutral, satisfied or very satisfied with the way that the planning application was dealt with by the planning case officer</td>
<td>72% (43% satisfied/very satisfied)</td>
<td>Percentage that felt that the case officer kept you up to date regarding the progress of an application</td>
</tr>
<tr>
<td>Comments on how to improve keeping you up to date</td>
<td>1. Application written correspondence sent to the wrong agent. 2. Lack of knowledge and indecisiveness is a real problem to work flow. 3. Most of the planning officers in Warrington are responsive and get back to you with any concerns (if they have them) one or two others are not. 4. The planning committee does not appear to be fully aware of their responsibilities when refusing an application that has been recommended for approval. Continually postponing applications for site visits is unacceptable because if a site visit is required it should be made prior to the committee date. Attitudes within the planning department have become very negative and inter departmental communication has become dysfunctional.</td>
<td>A robust system of performance management is in place - the trend for 2013-14 is an improving one. Most planning officers are qualified and members of the RTPI. All pre application advice and decisions are signed off by either a Principal Planning Officer or the Development Control Manager. Weekly meetings take place to discuss applications / pre application advice enquiries with decision making in mind - ie to ensure that planning applications are determined with statutory timescales and pre application advice responses are issued in good time. A training schedule (3 sessions for the 2013-14 period) has been arranged for all councillors. A committee site visit protocol has been prepared - this is likely to minimise the number of deferrals for site visits.</td>
</tr>
<tr>
<td>tracking applications</td>
<td></td>
<td>Percentage able to track the progress of a planning application by accessing the Council's web site</td>
</tr>
</tbody>
</table>
How might we improve the way you can track the progress of a planning application on the web site.

1. Unacceptable time delay from Planning Portal submission to details being available on Council's Web Site. 2. Access to the web-site is no problem, but the timeliness of the information going onto the website is very poor and unreliable. Sometimes information is on there within a day or two and at other times it is a week or two out of date. 3. It was not working. The mapping system could be a lot better look at Trafford BC's Improved internal procedures in place to speed up validation. Documents are scanned and placed on the web site within 24 hours of being received by the scanning provider. The LPA (in conjunction with the ICT department) is looking at the potential to provide information it holds in mapping form -- eg development plan, planning applications, constraints, TPO's.

<table>
<thead>
<tr>
<th>PLANNING COMMITTEES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage of applications determined by Planning Committee</td>
</tr>
<tr>
<td>Percentage satisfied with committee proceedings</td>
</tr>
</tbody>
</table>

Suggestions for improving committee proceedings

Councillors should be made aware of their responsibilities particularly when going against a recommendation. They should be reminded that the consequences of unreasonable behaviour are likely to incur costs. Councillors appear to be ill informed as to the progress of the new local plan and the recent change in national policy. Perhaps councillors can be requested to attend an information day / evening put on by the planning dept to better inform them of what does and does not constitute a reasonable objection.

A training programme is in place for 2013-14 and this includes a session relating to reasonable decision making and the costs circular. All councillors that sit on a planning committee receive planning induction training. A report is to be considered by DMC in August 2013 relating to awards of costs and this makes reference to the costs circular and what amounts to unreasonable behaviour from an appeals point of view.

<table>
<thead>
<tr>
<th>WEB SITE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage that consider that the information on the Council's web site on planning requirements and the planning process is enough to be able to understand what is needed at each stage</td>
</tr>
</tbody>
</table>

Information that would like to see and if it should be presented differently

1. In certain instances Planning Officers refer to 'local' guidance rather than the Planning Portal. 2. Clear guidance on the requirements for validation is required.

Council's web site to be changed in due course and a specific and clear link to the Planning Portal to be displayed. Core Strategy and SPD's displayed on the Council's web site. Validation checklists adopted and now displayed on the Council's web site.

<table>
<thead>
<tr>
<th>CHARGING FOR HOUSEHOLDER ADVICE</th>
</tr>
</thead>
</table>


| Percentage that consider that it would be reasonable to include charges for householder proposals | 29% | The adopted pre-application advice protocol and charges does not currently include any charging for householder enquiries. This may be reviewed in the six months time. |
| Comments on what would be a reasonable charge for householder advice | Between £30 and £45 |
| OTHER WEB SITE IMPROVEMENTS | 1. Better response - it would be useful if your communications with your clients was improved and respected. Access to design guides should be simplified. 2. get the application timeline on every application shown on the web-site, get the application information on the web-site up to date, get the planning officer's name correct on the web-site. 3. the search facility on the website is terrible. it could be made much better. 4. Cheshire East do a very good guidance document for anyone who would like to object which specifically states what can and what cannot be considered. Too many objections are unfounded due to very little (if any) guidance available on the council's web site. |
| Any other improvements that you would like to see introduced on the Council's web site | 1. A new DC team will be in place in August 2013 - the team will attend a customer focus training session. 2. The Planning Policy team will be reviewing all SPD's in the coming months. 3. The search facility has been improved and the number of planning application document categories increased to make it easier to both search for a planning application and search within an application. 4. A guide has been prepared and can be viewed on the web site under "search for an application" and then "guidance note". |
| OVERALL SATISFACTION | Percentage that overall were neutral, satisfied or very satisfied with the Development Control service | 71% (57% satisfied or very satisfied) | The survey results will be used as a benchmark and a further survey will be carried out in 12 months time. |
TITLE OF REPORT: PASC and DMC site visit protocol

1. PURPOSE OF THE REPORT

1.1 To consider a suggested protocol for planning committee site visits to ensure that (i) there is a clear and consistent approach laid out (ii) that site visits are better organised to enhance member decision making, (iii) the majority of site visits take place, where necessary, before committee meetings, (iv) the number of meetings that the public have to attend relating to one planning application is usually one and (v) as many decisions as possible are made within the statutory 8 and 13 weeks determination timescales.

2. BACKGROUND

2.1 Members of the Development Management Committee (DMC) discussed site visits and deferrals at the January 2013 DMC. There has also been some discussion about this matter at the Planning Improvement Board meeting that took place on 28th March 2013, DMC on 9th May 2013 and a DMC Sub-group meeting that took place on 27th June 2013. Following these discussions, and in particular the meeting that took place on 27th June 2013, a protocol is recommended below.

2.3 In the last 7 months some 31% of all planning applications appearing on the PASC and DMC agendas were deferred for a site visit. This has had some negative impact on planning application performance. Undoubtedly there were good reasons for deferring making decisions pending member/officer site visits but it is considered that a protocol may mean that in the future there is less need to do this. In turn this would mean that the public / applicants attended fewer meetings and that more decisions were made within the statutory 8 / 13 week timescales. The latter is particularly relevant given that applicants can appeal against non determination of planning applications if decisions are not made within 8 / 13 week timescales.

2.4 There are occasions when it is absolutely appropriate to defer consideration of a planning application pending a site visit by Councillors. This is particularly the case when members need to go onto a private site, accompanied by a planning officer,
to judge the impact of a proposal. However, it is better if site visits take place before committee meetings.

2.5 There have been a number of occasions where members of the public have spent time attending committee meetings to then find out that decisions will not be made as a site visit is planned. This has at times led to some frustration. Deferring for a site visit adds additional time and expense when considering a planning application; in terms of the preparation of further agenda reports and officer attendance at committees. It is considered that the proposed protocol not only makes good business sense but will also lead to an improved public experience when attending planning committee meetings.

3. **RECOMMENDED PROTOCOL FOR SITE VISITS**

- For those applications that are to be considered by PASC or DMC ward Councillors (in consultation with the relevant Parish Council) should request a committee site visit by no later 14 days before the PASC or DMC committee date (if members can notify officers earlier than this date it would help). Requests for site visits should be made by emailing Devcontrol@warrington.gov.uk referring to the planning application reference number and site address. *NB: Only ward Councillors can request a site visit before a committee meeting although ward councillors are encouraged to first consult the Parish Council.*

- Development Control to send a list of sites to be visited to Democratic and Member Services 10 days before the committee meeting.

- Democratic and Member Services to send a list of sites to be visited to all members of PASC/DMC on the Monday of the Friday site visit.

- Members to inform Democratic and Members Services of their intention to attend the site visit by no later than 12 noon on the Wednesday of the Friday meeting.

- Democratic and Members Services to inform Development Control of those members that will be on the site visit by 12 noon on the Thursday before the Friday meeting.

- Planning application sites to be visited by members on the Friday before the committee meeting.

- Members can still request a site visit at DMC / PASC as is currently the case.

- For those members that cannot make a site visit they should endeavour to visit the site themselves – in these instances telephone advice can be first sought from the planning case officer in terms of matters that they may wish to specifically look at.

4. **CONFIDENTIAL OR EXEMPT**

4.1 Not confidential or exempt
5. FINANCIAL CONSIDERATIONS
5.1 None

6. RISK ASSESSMENT
6.1 No risks identified.

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

8. CONSULTATION
8.1 The matter has been discussed with the Chair of Planning (28th June 2013) and at Planning Improvement Board meetings.

9. REASON FOR RECOMMENDATION
9.1 To streamline the process for determining planning applications and to improve the public experience when attending planning committee meetings.

10. RECOMMENDATION
10.1 That members adopt the protocol for the purposes of site visits.

11. BACKGROUND PAPERS
None

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
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<th>Telephone</th>
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<td>01925442 809</td>
</tr>
</tbody>
</table>
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE 1st August 2013

Report of the: Executive Director of Environment and Regeneration
Report Author: Daniel Hartley, Development Control Manager
Contact Details: Email Address: dhartley@warrington.gov.uk
Telephone: 01925 442809

Ward Members: All


1. PURPOSE OF THE REPORT
1.1 To provide members with a summary of planning enforcement performance for the first quarter of 2013.

2. BACKGROUND
2.1 To assess the performance of the planning enforcement section of the development control department.

3. REPORT
3.1 The attached report provides statistical data and commentary relating to the progression and resolution of planning enforcement casework during the first quarter of 2013 (1st April – 30th June). In conclusion, performance is slightly improved when compared to previous quarters.

4. CONFIDENTIAL OR EXEMPT
4.1 Not confidential or exempt.

5. FINANCIAL CONSIDERATIONS
5.1 None at present

6. RISK ASSESSMENT
6.1 No risks identified.
7. EQUALITY, DIVERSITY/EQUALITY IMPACT & HUMAN RIGHTS ASSESSMENT
7.1 Equality impact assessment not required. Human Rights considerations have been taken into account during the preparation of the report.

8. CONSULTATION
8.1 None

9. REASON FOR RECOMMENDATION
9.1 Planning enforcement performance for the reported period is satisfactory.

10. RECOMMENDATION
10.1 That the report is noted.

11. BACKGROUND PAPERS
None

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel Hartley</td>
<td><a href="mailto:dhartley@warrington.gov.uk">dhartley@warrington.gov.uk</a></td>
<td>01925442809</td>
</tr>
</tbody>
</table>

1. PURPOSE

1.1 To provide members with a summary of planning enforcement performance for the 1st April – 30th June 2013 period.

2. BACKGROUND

2.1 This report provides Members with an indication on the current performance of the Enforcement Team over the last quarter. Since the last report to Members, the Development Control Service has been substantially re-structured. A new Senior Enforcement Officer joined the Team on 15th July 2013 and an internal advert for a Compliance & Monitoring Officer has been published. If recruited, the complete Team will comprise of 6 members of staff (5.8 FTE posts).

2.2 Due to increased capacity in the team, the Principal Officer will now be able to take a more “hands on” approach to the management of the Team. The Principal is supported by the Senior Enforcement Officer and initial pieces of work are focussed on process improvement and ensuring compliance with best practice standards in enforcement.

2.3 We anticipate that the increased capacity in the team will generate overall performance improvements within the next 6 – 9 months, concentrating on legacy cases and contentious sites.

3. REPORT PLANNING ENFORCEMENT PERFORMANCE FOR Q1 OF 2013

Types of enforcement cases

3.1 The Team mainly deals with allegations of unauthorised building and engineering operations which are undertaken without first applying for planning permission. If on investigating an enquiry, a breach of planning control is identified then an enforcement case is created. Typically this happens in around half of the enquiries received and in the remaining instances, the developments are either permitted development or do not require planning permission at all.

3.2 The character of the enforcement cases which the team deals with has remained relatively consistent over a sustained period. The cases are characterised as follows (approx averages over the last 5 quarters):
Enforcement enquiries between Qtr 1 2012 and the end of Qtr 1 2013/14

3.3 New enquiries are logged and then allocated to Enforcement Officers to investigate. Our target is to carry out the initial investigation within four weeks of receipt and depending on the complexity of the case, aim to resolve it within thirteen weeks. As might be expected, the number of new enquiries received and the total number of cases tends to track each other.

3.4 There are currently 151 outstanding enforcement complaints to be resolved.

Enforcement enquiries received

3.5 Records show that a total of 351 enforcement enquiries were received in the year 2012-2013, with a further 81 received during the first quarter of 2013/14. On average, more than half of new enquiries are investigated within 28 days.

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Enquiries received</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/04/2012 – 30/06/2012</td>
<td>77</td>
</tr>
<tr>
<td>01/07/2012 – 30/09/2012</td>
<td>92</td>
</tr>
<tr>
<td>01/10/2012 – 31/12/2012</td>
<td>91</td>
</tr>
<tr>
<td>01/01/2013 – 31/03/2013</td>
<td>91</td>
</tr>
<tr>
<td>01/04/2013 – 30/06/2013</td>
<td>81</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>432</strong></td>
</tr>
</tbody>
</table>

Enforcement enquiries closed

3.6 During the same period, 370 enquiries were closed with a further 94 closed during the quarter of 2013/14. Details are shown on the chart and graph below.

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Cases closed</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/04/2012 – 30/06/2012</td>
<td>70</td>
</tr>
<tr>
<td>01/07/2012 – 30/09/2012</td>
<td>124</td>
</tr>
<tr>
<td>01/10/2012 – 31/12/2012</td>
<td>89</td>
</tr>
<tr>
<td>01/01/2013 – 31/03/2013</td>
<td>87</td>
</tr>
<tr>
<td>01/04/2013 – 30/06/2013</td>
<td>94</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>452</strong></td>
</tr>
</tbody>
</table>
Reasons for case closures

3.7 The reasons cases are closed varies significantly, in part because informal negotiation relies heavily on co-operation from the landowner/occupier and the complexity of the cases investigated varies widely. Inevitably the number of cases closed each quarter is also affected by staffing levels and any related absence within the team.

3.8 In instances where Officers determine that the development, albeit unauthorised, still complies with planning policies and there is insufficient harm to justify taking enforcement action, then a decision will be made to take no further action and the case will be closed.

3.9 If a negotiated resolution cannot be agreed and it is considered expedient to take formal enforcement action, this would normally result in an enforcement notice or other formal notice being issued. The notice will require the unauthorised building to be removed, use ceased otherwise addressed within a specified period time.

3.10 The reasons cases were closed this quarter are detailed below:

<table>
<thead>
<tr>
<th>Reason</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not expedient to take enforcement action</td>
<td>19</td>
</tr>
<tr>
<td>Breach resolved (negotiated solution)</td>
<td>8</td>
</tr>
<tr>
<td>Allegation was not in breach of planning control (i.e. the allegation is not development or it was permitted development)</td>
<td>23</td>
</tr>
<tr>
<td>Retrospective Planning permission approved</td>
<td>7</td>
</tr>
<tr>
<td>Planning permission approved (on appeal)</td>
<td>0</td>
</tr>
<tr>
<td>Certificate of Lawful use/development granted</td>
<td>0</td>
</tr>
<tr>
<td>Court action successful (prosecution etc)</td>
<td>0</td>
</tr>
<tr>
<td>Enforcement notice complied with</td>
<td>1</td>
</tr>
<tr>
<td>Other reason or reason not yet recorded for statistical analysis</td>
<td>36</td>
</tr>
</tbody>
</table>

Formal enforcement action taken

3.11 In addition issuing formal notices to tackle breaches of planning control, the council also has a range of formal enforcement powers available which include prosecution for criminal offences (e.g. listed building offences) and making applications for injunctions for the most serious of cases.

3.12 There are also varieties of formal notice which can be issued to abate the display of unauthorised advertisements. However, the powers are rarely used because it is judged more efficient to take action under the Council’s highway powers.

3.13 Breach of Condition Notices are served where condition attached to a planning permission have been breached. There is no right to appeal against the notice other than to apply for judicial review in the magistrate’s court.
3.14 Additionally, Planning Contravention Notices and Requisitions for Information are formal Notices served where the Council believes unauthorised development has taken place. They require the recipient to provide answers to the questions posed. The recipient of such a Notice is required to respond to the questions posed within 21 days, otherwise an offence has been committed.

3.15 During this quarter the following formal enforcement actions have been taken:

<table>
<thead>
<tr>
<th>Enforcement actions</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enforcement notices issued</td>
<td>1</td>
</tr>
<tr>
<td>Breach of condition notices issued</td>
<td>0</td>
</tr>
<tr>
<td>Planning Contravention Notices issued</td>
<td>0</td>
</tr>
<tr>
<td>S.215 (untidy land notice)</td>
<td>0</td>
</tr>
<tr>
<td>Requisitions for Information issued</td>
<td>0</td>
</tr>
<tr>
<td>Advertisement related notices issued</td>
<td>0</td>
</tr>
<tr>
<td>Stop notices issued</td>
<td>0</td>
</tr>
<tr>
<td>Prosecutions initiated</td>
<td>0</td>
</tr>
<tr>
<td>Injunctions applications made</td>
<td>0</td>
</tr>
<tr>
<td>Formal Cautions given</td>
<td>0</td>
</tr>
<tr>
<td>Other formal actions taken (specify)</td>
<td>0</td>
</tr>
</tbody>
</table>

**Enforcement notice appeals**

3.16 Once an enforcement notice is issued a period of at least 28 days must be allowed for the notice to come into effect. During the 28 period the recipient is entitled to lodge an appeal and this would hold the notice in abeyance until the outcome of the appeal is known. If an appeal was dismissed and the notice upheld the notice would come into effect when the appeal decision was issued. The period for compliance with the notice would start when the notice came into effect.

3.17 In total, 2 enforcement notice appeals have been received during this quarter.

**Compliance/Monitoring of planning permissions and conditions**

3.12 The Team proactively monitors sites by researching them independently and/or they are highlighted through liaison with other areas of the business (e.g. building control and highways departments).

3.13 The Team works co-operatively with other Council departments with the aim of preventing breaches of planning control and identifying unauthorised uses before residents’ amenities are negatively affected.

3.14 During the three months of this quarter, the Team has monitored 83 sites to ensure that planning conditions/requirements of Section 106 Agreements are complied with. This shows an increased performance and compares favourably to the total of 175 cases that were monitored during the previous 12 months.
3.15 There have also been 49 instances where we have been notified that an application for a premises Licence (or a variation of an existing licence) has been made. In response we have assessed each of them to determine whether planning permission is required/has been granted/or is not required in each particular case.

Analysis

3.18 The number of new enquiries received, investigated and resolved each quarter has remained relatively consistent, with a peak performance in the second quarter of 2012 when a higher than usual number of enquiries were resolved.

![Enquiries Received vs Enquiries Closed](chart.png)

3.19 Performance in the first quarter of 2013/14 has improved on that of the previous two quarters; more cases having been closed than were created. This is likely due to a slightly lower number of new allegations to be investigated and some extra resources from consultancy staff working on enforcement cases.

3.20 Indications are that additional resources through the appointment of the new Senior Planning Officer, once settled in to post, will see the Team’s positive performance continue over the next six months.

High Priority cases

3.21 In future the team will be working to identify the most serious of the planning breaches which are currently being investigated and progressed. These cases will be assessed in line with the enforcement policy and practice guidelines. Those given a higher priority to resolve will be those which create significant planning policy or landscape harm and/or high levels of public concern.

3.22 It is proposed that the Team will work alongside Senior Officers, Managers and members of the legal team to develop medium – long term strategies for resolving those cases. Consideration will be given to a range of formal powers at the Council’s disposal, financial and resource implications of potential solutions. Progress on this aspect of work will be reported at the end of next quarter.
Conclusions

3.23 The Enforcement Team's performance this quarter has been above average by comparison to preceding quarters.

3.24 Going forward, the team will be working to reduce the number of outstanding enforcement enquiries by investigating comparatively more enquiries and by closing more cases than when compared to previous quarters.

4 FINANCIAL CONSIDERATIONS
4.1 None at this stage unless the Local Planning Authority were to be placed into “Special Measures.”

5 RISK ASSESSMENT
5.1 No immediate risks identified.

6.0 RECOMMENDATION
6.1 That members note the report.