7 May 2014

Development Management Committee

Thursday, 15 May 2014 at 6.30pm

Conference Room, The Gateway, 89 Sankey Street, Warrington, WA1 1SR

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.
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<thead>
<tr>
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<tr>
<td>3.</td>
<td>Minutes</td>
</tr>
<tr>
<td></td>
<td>To confirm the minutes of the meeting held on 24 April 2014 as a correct record.</td>
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<tr>
<td>4.</td>
<td>Planning Applications (Main Plans List)</td>
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<tr>
<td></td>
<td>Report of the Executive Director Economic Regeneration, Growth and Environment</td>
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<td>5.</td>
<td>Pre-application Advice (Trees)</td>
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<tr>
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<td>Report of the Executive Director Economic Regeneration, Growth and Environment</td>
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**Part 2**

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

Nil

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

3 APRIL 2014

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

DM91 Apologies for Absence

Apologies for absence had been received from Councillor L Ladbury.

DM92 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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<tbody>
<tr>
<td>Councillor F Rashid</td>
<td>DM95</td>
<td>Councillor Rashid had publicly spoken out against this application.</td>
<td>Councillor Rashid left the Committee for the agenda item; he did not take part in the discussion or the vote thereon.</td>
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DM93 Minutes

Resolved,

That the minutes of the meeting held on 13 March 2014 were agreed as a correct record and signed by the Chair.

DM94 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.

DM95 2014/23062 – Part of Phase 15, Chapelford, Great Sankey, Warrington, WA5 3SR – Reserved matters application – Application for approval of reserved matters following outline approval

99/40635 – construction of 190 dwellings with associated landscape, access and parking (revised version of reserved matters approved under 2013/22223)

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of approval subject to conditions.
A site visit had taken place on Friday, 28 March 2014.

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

Resolved,

That application 2014/23062 be approved as recommended (to include 3 additional conditions related to noise attenuation in Block A and Block B apartments)

DM96 Results of Planning and Enforcement Appeals

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

<table>
<thead>
<tr>
<th>Application/App eal Reference</th>
<th>Location and Description</th>
<th>Committee /Delegated Decision</th>
<th>Appeal Decision</th>
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<tbody>
<tr>
<td>APP/M0655/A/13/2208109</td>
<td>Barondale Grange, Stockport Road, Thelwall, Warrington, WA4 2TB</td>
<td>Refuse</td>
<td>Dismiss</td>
</tr>
<tr>
<td>2012/19727</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>APP/M0655/D/13/2210505</td>
<td>Land between 2 and 4 Banks Crescent, Warrington, WA4 1XD</td>
<td>Refuse</td>
<td>Dismiss</td>
</tr>
<tr>
<td>2013/22409</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>APP/M0655/A/13/2200859</td>
<td>Land at Park Lane / Firs Lane, Appleton, Warrington</td>
<td>Refuse</td>
<td>Dismiss</td>
</tr>
<tr>
<td>2012/20889</td>
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</table>

Resolved,

That the report be noted.

DM97 Planning Changes from 6 April 2014


It was reported that the Government had introduced a number of changes to the Town and Country Planning (General Permitted Development) Order 1995 in May of 2013 this included permitted changes from offices to dwelling
Agenda Item 3

houses, agricultural buildings to shops/restaurants/cafes/hotels/business, office/hotels/residential institutions/leisure to a state funded school and six and eight metre single storey rear projections to dwelling houses (all subject to the submission of prior approval applications.

The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 (Statutory Instrument 2014 No. 564) proposed a number of further changes to come into force on 6 April 2014. A summary of changes are as follows:

- **Class CA** - Permitted change from A1 shop to A2 deposit taker (bank, building society, credit union, friendly society) – No need to submit a prior approval application.

- **Class IA** - Permitted change from A1 shop or A2 (financial and professional services) or mixed C3 dwelling/A1/A2 uses to a C3 dwelling house (maximum of 150 square metres and not if in conservation area or if a listed building) including reasonable building operations – 56 day Prior approval application needs to be submitted to examine contamination impacts, highways impacts, flood risk impacts, key shopping area designation impacts, adequate provision of A2/A1 impacts.

- **Class MA** – Permitted change from agricultural building (including its curtilage) to state funded school or registered nursery (maximum of 500 square metres for building and curtilage and not if a listed building) – 56 day Prior approval application needs to be submitted to examine contamination impacts, highways impacts, flood risk impacts, assessment as to whether the location/siting of the building would make it impracticable to use the building.

- **Class MB** – Permitted change from agricultural buildings and its curtilage to C3 dwelling house and including reasonable building operations (i.e. windows, doors, roofs, exterior walls, water drainage, gas, other services) necessary to convert the building (max of 450 square metres, no more than 3 dwellings) - 56 day Prior approval application needs to be submitted to examine contamination impacts, noise impacts, highways impacts, flood risk impacts, whether the location/siting of the building would make it impracticable to use the building.

- Amendment to Class K (within May 2013 order) to now allow change of use to state funded school and registered nursery from B1, C1, C2, C2A and D2.
• The Local Planning Authority can now refuse an application when it does not comply with permitted development criteria and/or if insufficient information has been submitted to assess prior approval assessment issues. In addition Local Planning Authorities can now attach “reasonably necessary” conditions.

• For the purposes of the above classes of development the definition of a dwelling house now includes flats.

Resolved,

That the report be noted

Signed………………………

Dated ..…………………...
**DEVELOPMENT MANAGEMENT COMMITTEE**

**Thursday 24th April 2014**

Start 18:30

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<tr>
<th>Item</th>
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<th>App Location/Description</th>
<th>Recommendation</th>
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<tr>
<td>1</td>
<td>2</td>
<td>2013/22130</td>
<td>Gas Utilisation Compound, Arpley Landfill Site, Forrest Way, Sankey Bridges, Warrington, Cheshire, WA4 6Y2</td>
<td>Approve</td>
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<tr>
<td></td>
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<td>Full Planning - Proposed construction of 3 No 23 metre high engine exhaust emission stacks (to include removal of existing 25 metre high engine exhaust emission stack)</td>
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ITEM 1

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>2013/22130</th>
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<tbody>
<tr>
<td>Location:</td>
<td>Gas Utilisation Compound, Arpley Landfill Site, Forrest Way, Sankey Bridges, Warrington, Cheshire, WA4 6Y2</td>
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<tr>
<td>Ward:</td>
<td>Bewsey and Whitecross</td>
</tr>
<tr>
<td>Development</td>
<td>Full Planning - Proposed construction of 3 No 23 metre high engine exhaust emission stacks (to include removal of existing 25 metre high engine exhaust emission stack)</td>
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<tr>
<td>Date Registered:</td>
<td>09-Jul-2013</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Miss Infinis Plc</td>
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<tr>
<td>8/13/16 Week Expiry Date:</td>
<td>02-Sep-2013</td>
</tr>
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Update – following the deferral of the application on 13th March 2014.

The application was deferred at the meeting on 13th March by Members in order that the applicant could explore all other options including:

i) The potential for making efficiencies to the existing Gas Utilisation Compound but with fewer stacks or a reduced height of stack(s) so that when a decision is made all options have been fully explored (with green belt impact in mind) including reasons why certain options have been discounted and;

(ii) To provide details about existing health and safety issues at the site and when and how health and safety issues will be resolved.

The applicant has provided a report in order to justify the current proposal which can be summarised as follows:

- **Health and Safety** – when an engine is switched off (for maintenance), the exhaust gases from adjacent engines must not flow back into it in order to protect the staff working on the individual engine. In order to prevent this happening, valves are fitted to the engines. However, the valves are put under considerable pressure from the hot gases which damage the seals and dry out lubricants which can cause moving parts
to seize. The existing Arpley approach (using valves) is considered to be unique across the industry. The way to avoid valves is to feed a single continuous flue (exhaust pipe) per engine into a common stack for several engines. This design eliminates health and safety risks and is the best practice design standard. It is widely used across power stations, hospitals and has been used by the operator on many other sites.

- **Three stacks is the optimal design** – each exhaust flue becomes very hot in operation. This temperature dictates that the flues must be arranged in a ring around the stack, as using central flue would lead to overheating. The diameter of each flue is dictated by the engine specification; for Arpley this means that each flue must be 0.36m. Thus the number of flues per stack determines the diameter of the stack as demonstrated in the following diagram:

For other sites which are managed by the operator (Infinis), usually 2-4 flues are placed within a single stack; if this was applied to the current application site then 5 stacks would be required. In order to reduce the visual impact the proposal includes 5-7 flues per stack which results in a total of three stacks; the diameter of each being less than the existing stack. If two stacks were proposed (or even a single stack) then the diameter of the stack would be too big to fit the existing compound. In addition, this option would not be feasible in terms of the existing linear nature of the engines. As the site is constrained by the existing road and river and a new application would be required to re-arrange the compound – and the health and safety issues are now urgent on site – the applicant considers that the current scheme is the only feasible option.

- **Stack Height** – the stacks must be high enough to disperse exhaust gases adequately. An Air Quality Assessment was submitted with the application and the details and consideration is set out later in this report. In short, following the applicant’s modelling exercise; the applicant considers that the stacks at 23 metres high are the lowest achievable for the purposes of adequate dispersion and in order to ensure that air quality was not impacted further by the proposal.

The comments received from Environmental Protection suggest that reducing the stack height further would likely lead to a more detrimental impact on air quality. However, this does not necessarily mean that the additional impact would be unacceptable for the residents at Saxon.
Park. Therefore, it appears that the applicant has proposed the stacks at 23m high in order to ensure that the impact on air quality is no worse than the current situation.

The Environment Agency have confirmed that they consider that the maximum long-term predicted environmental concentration of gases, as well as the short-term predicted environmental concentrations of NO2 at all designated sites would be below the relevant critical levels/load for the protection of vegetation and ecosystems based on a stack height of 23m.

- **Decommissioning** – renewable power generation will continue for many years at Arpley. However, when the Arpley landfill site closes to new waste, gas volumes will decrease over time and the operator will only operate as many engines as required to utilise the available gas volume. This potentially enables one or two stacks to be removed ahead of the closure of the plant, as the gas volume reduces.

In summary the applicant is proposing a three stack option utilising the existing and consented gas utilisation compound. This will deliver a more efficient energy generation solution relative to the existing situation. In other words the proposal will deliver more low carbon energy than would be the case if the current operation continued. The provision of a one stack solution would result in the need for a new gas compound which in itself would need a further planning permission and permit from the Environment Agency. These permissions and permits could take many months to obtain. Furthermore, a one stack solution would likely have a similar impact on green belt to the thinner three stack proposal as it would need to be extremely wide. It is acknowledged that the applicant could opt to repair the existing compound/stacks. Whilst that is clearly an option for the applicant in this instance it would not deliver as much low carbon energy as is proposed as part of this planning application. The proposal has benefits in that it would accord with NPPF objectives in terms of low carbon energy generation. Furthermore the impact on the openness would not be significant or indeed permanent. In the event that landfill ceases sooner than expected or the site gases at lesser rate than expected recommended planning condition 5 would ensure the removal of one or more stacks before 15th April 2034.

**Background**

Members should note that this application involves the provision of three emission stacks within a consented gas utilisation compound (electricity generating station) which falls within, and utilises the gases from, Arpley landfill site. However, this application should be judged on its merits and is totally separate from the landfill site.

**Human Rights**

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

Site Location and Proposal

The site comprises a gas utilisation compound (GUP) which generates electricity from gases arising from the Arpley landfill site. Landfill gas arising from the decomposition of waste is extracted from the landfill cells and piped to the GUP, where it is used in the production of electricity which is exported to the National Grid. The site lies on the southern bank of the River Mersey. The GUP compound includes a range of plant and equipment associated with electricity generation. This includes 18 engines enclosed in acoustically attenuated steel containers. The exhaust gases from these engines are dispersed via a 25m high chimney stack. There are a number of smaller stacks which are used to occasionally flare gases. The development was granted consent in June 1999 for a period of 35 years (Ref – 99/39454). Planning permission for the site therefore expires on 10th June 2034.

The nearest dwellings lie within a housing estate approximately 380m to the north of the site. Immediately to the west lies the River Mersey. To the south and south west lies a combination of open countryside and Arpley landfill.

The application involves the removal of the existing chimney stack (25m high) and the erection of three 23m high chimney stacks which would be positioned at roughly equal distance across the GUP site in order to exhaust the emissions arising from the existing engines. The existing planning permission (99/394454) involves up to eighteen engines, each with a capacity of 1MW. As seventeen of the engines are used, the site has a generating capacity of 17MW.

Relevant Planning History

93/30222- temporary installation of landfill gas control equipment – approved for a temporary period of two years.

99/39454 – proposed installation of equipment for the extraction and utilisation of landfill gas for power generation. Approved for a period of 35 years – subject to conditions. One of the conditions requires the cessation of the use and restoration details should the site cease generating electricity for 12 months.


2011/19244 – Proposed extension of operational life of Arpley landfill facility to 2025 including re-profiling, revised sequence of landfill phasing and restoration works, extension of operational life of existing leachate treatment facility and landfill gas utilisation plant and other ancillary developments
including offices, weighbridges, wheel washes, fencing etc. associated with the operations of the landfill – refused – now subject of an ongoing appeal.

2013/22598 - Environmental Impact Assessment Application (Major) - Proposed extension of operational life of Arpley Landfill Facility to October 2018; restoration by October 2019; revised sequence of landfill phasing and restoration works; revised landform; continued use of the existing leachate treatment facility and landfill gas utilisation plant and ancillary infrastructure including access roads, site compound, weighbridges, wheel washes, fences, surface water management, site offices and transfer pad associated with the operations of the landfill – refused by the Council in January 2014.

Planning Policy

The site lies within the Green Belt on the Warrington Unitary Development Plan.

National Planning Policy Framework
Includes, amongst other matters, a presumption in favour of sustainable development.

Warrington Unitary Development Plan
Policy DCS1 - Development Control Strategy
Policy HOU7 – The Residential Environment
Policy GRN22 - Protection and Enhancement of Landscape Features
Policy LUT15 – The Green Network
Policy REP10 – Noise

Revised Post Submission Local Plan Core Strategy (2013) – whilst the Warrington Local Plan Core Strategy has not yet been adopted, significant weight can be attributed to its contents as the current version has taken into account the comments made by the Inspector during the previous Examination. The following policies are applicable:

Policy CS1 – Overall Spatial Strategy – Delivering Sustainable Development
Policy QE1 - Decentralised Energy Networks and Low Carbon Development
Policy QE5 – Biodiversity and Geodiversity
Policy QE6 – Environment and Amenity Protection
Policy QE7 – Ensuring a High Quality Place

Supplementary Planning Document
Environmental Protection (2013)
Design and Construction (2010)

Notification Responses

The application and amended plans were advertised by way of site notice, press notice and neighbour letter. The application was also advertised as a Departure from the Development Plan (due to Green Belt status). A total of 67 objections have been received – mostly from the nearby residential area
(Saxon Park) which includes observations from residents on, but not limited to, Sunflower Drive, Snowberry Crescent, Honeysuckle Avenue, Lavender Gardens, Rostherne Close, Princess Street. Some objections were received from Liverpool Road. The objections can be summarised as follows:

- The visual and environmental impact of three rather than a single stack.

- The visual impact of three plumes of brown/yellow discharge on a continuous basis, currently a plume can be anything from 25-50m high depending on the weather before they visibly disperse. This is the more significant blight on our landscape and the three plumes compared to the single plume will have a threefold detrimental effect. This is visible from a number of properties.

- The failure in the application to mention the impact of these discharges on the area and its' air quality.

- The assessment fails to recognise the hundreds of residential properties and communities within that radius. It ignores one of its’ biggest industrial neighbours in United Utilities, and the College in Forrest Way. The Trans Pennine Way is mentioned but not in regard to the potential harmful impact increasing the amount of discharge may have on its' users. There is no mention of the Mersey sailing club.

- The claim that the stack is currently screened by the tree line is inaccurate as these trees are already mature and have grown very little in height over the seven years I have lived on Saxon Park.

- Application is for permission until 2034 which is a long time.

- The Arpley Landfill site has been refused planning permission and may be closed off.

- Whilst from a planning perspective the application may not increase capacity it clearly does from the current status quo output, raising it from 15 to 17MW capacity. This again will further impact discharges and air quality for those around the site and affected by it.

- There is no attempt in the application to improve the impact of the current or proposed stacks. We would want to see improve filtration and scrubbing of the discharge to remove the disgusting colour and improve its’ impact on air quality.

**Consultation Responses**

**WBC Environmental Protection**
I have considered the application and have no objections to the proposal. After reviewing the original air quality assessment, a recommendation was made that the application be withdrawn or refused. This was based on the
assessment methodology not being acceptable for the officer to be able to comment on. After discussions recommending the modeling criteria that should be used, a subsequent assessment was submitted on the 12 February 2014. This report has been accepted and a full review carried out. The report shows that there will be a negligible impact from the proposal on air quality at sensitive receptors. Therefore, there are no objections due to air quality impact from the proposal.

**National Grid**
No objection.

**Environment Agency**
No objection.

**Observations**

**Principle of development**

The site lies within the Green Belt. As the proposed development type is not specifically listed within paragraphs 89 and 90 of the NPPF, nor is it appropriate development on brownfield land (due to an increase in the impact on the openness of the Green Belt); it is considered to comprise a form of inappropriate development. Inappropriate development is harmful by definition and should not be approved unless the totality of the harm is clearly outweighed by very special circumstances.

As the application comprises a form of inappropriate development, a statement has been submitted which outlines the applicant’s consideration of ‘very special circumstances’ which can be summarised as follows:

- The existing exhaust stack has reached the end of its useful life and due to failing cladding and structural risks, urgently requires replacement.

- The existing exhaust is fed from a bank of 15 engines. Each of the engines require regular maintenance and when they are maintained, there is the risk that exhausts gases from the other engines may leak into the engine which is being worked on – causing potential health and safety hazards. The proposed three stack configuration eliminates these health and safety risks.

- The proposal would better enable the gradual reduction in the number of generators needed to manage the gas over a period of years. This will effectively involve the removal of one engine exhaust at a time, hence providing an associated reduction in the emissions to air (the current configuration where all engine emissions are mixed in a single stack does not allow this reduction in plant and air emissions impacts due to changes in gas volumes and exit velocities).
- If all the engines had to be turned off when maintenance was carried out, using 2013 as an example, this would have led to the loss of approximately 8 million kWh of renewable/low-carbon energy generation – a significant source of renewable/low-carbon would be wasted and the gas would have to be burnt through flaring.

- The NPPF specifically lends support to such schemes. Paragraph 93 states – **planning plays a key role in the delivery of renewable and low carbon energy and associated infrastructure.**

The principle of development on the site has already been established (99/39454) which allows the GUP to operate until 2034. The GUP has the capacity to generate 17MW of electricity by utilising 17 engines. Emissions are currently diverted to an existing 25m high stack. The proposed development would not lead any change to the number of engines or the generating capacity of the GUP.

It is noted that a number of concerns have been received regarding the relationship between the proposal and the uncertain situation regarding the landfill site. Two planning applications to extend the life of the landfill operations have been refused – one such application is now the subject of an appeal. However, when planning permission was granted for the GUP site it was on the assumption that the landfill operations would cease by 2013. Furthermore, as the landfill site has previously accepted municipal, commercial, industrial and some construction and demolition wastes, these different waste types break down and biodegrade at different times and therefore, if the landfill site is to be closed off in time then it would still be generating landfill gas for a considerable period of time. Hence the GUP site will be required even after the landfill site ceases to operate. In the event that the GUP site does cease to generate electricity – there is an existing condition attached to the 99/39454 consent which requires the decommissioning and removal of the GUP equipment. Should the extension of any landfill application be granted on appeal it would not change the operation of the GUP site. Members are therefore asked to be mindful that the situation in respect of the landfill site has no bearing on the determination of this application. In addition it is not considered that by approving this application it would prejudice any current or future appeal case.

The existing GUP comprises a form of low-carbon/renewable energy generation. The proposal therefore, appears to facilitate the operational improvement of the existing site which, in turn, would increase the potential of the site to maximise the generation of renewable/low-carbon energy from the landfill site. This is consistent with paragraph 93 of the NPPF and policy QE1 of the Core Strategy and offers very significant weight in support of the scheme. However, this should be weighed against the other material considerations set out in this report.
Visual Amenity

The existing site comprises an array of existing plant and paraphernalia associated with electricity generation. The site has a functional appearance and most notable is the existing 25m stack which is visible from the immediate locality, including intermittent views from the nearest residential area ‘Saxon Park’.

The proposal involves the removal of the existing 25m stack – to be replaced by three 23m stacks which would be positioned above the existing gas utilisation plant. The additional stacks are two metres shorter than the existing.

The area generally to the southwest of the site comprises the working Arpley landfill site. This is an undulating piece of land with bare slopes which are surrounding by mix of woodland, grassland and reclaimed workings. The application site is flanked on its western boundary by the River Mersey and to the east and south by relatively open countryside. To the north there is a bridge, beyond which lie a number of other industrial type uses and the Saxon Park housing estate. Whilst the landscape is not considered to be pristine – it nevertheless falls within a relatively open area of countryside. Views of the site from the south would generally be seen against the backdrop of urban Warrington. From the north views offered are more rural and open.

The most sensitive receptors are considered to comprise the residential properties within Saxon Park. From this point views of the site are intermittent as the existing houses often screen views of the site from within the residential estate. However, there are obtainable views of the site particularly from the edge of the estate which face the River Mersey. When viewed from this area the existing stack is visible ‘behind’ the existing road bridge (Forrest Way) and set against a backdrop of large electricity pylons. Therefore, the proposed stacks would not be a novel vertical feature within the landscape. It is considered that obtainable views of the three stacks would be tempered by existing elements within the landscape and their prominence significantly reduced by the distance involved (over some 400m from the site). In addition, they would be seen in context; being sited on an existing electricity generation site and contained within that site boundary. In addition the structures would be removed (secured by condition) when no longer required.

There is a green way (walking/cycling route) to the north which follows the route of Forrest Way in an east to west direction before heading south towards the site and then diverting in easterly direction across open fields. At its nearest point the route would be 80m from the site. However, the provision of two additional stacks would not significantly alter the character and appearance of the area given that there is already a stack in situ. Likewise, views from other paths within the vicinity would result in a similar, minimal impact.

In terms of openness, the proposed stacks are slim elements which would quickly recede with distance when viewed from the surrounding area. Due to
the distance from the most sensitive receptors, the slim nature of the masts would mean that they would not appear as significant elements in the landscape, nor significantly affect the openness of the Green Belt over and above the existing emissions stack.

Objectors have also raised the visibility of the existing smoke plume and the potential for additional plumes associated with additional stacks to further add to the visual impact. This was also observed by officers on a site visit as a discoloured brown plume extending almost vertically from the chimney stack. The applicant considers it likely that the visibility of the plume would be reduced as a result of the application due to the smaller diameters of the stacks. In addition, according to the applicant, other sites in the UK which are similar in configuration to the proposal hereby proposed do not result in the same discolouration as the existing GUP. Environmental Protection has assessed the submitted information and concurs with the applicant’s findings – it is likely that the visibility of the existing plume would be reduced – but it is not guaranteed. However, it appears unlikely that the plume would be increased due to the reasons above and because the three stacks would not lead to any additional generating capacity at the site.

**Residential Amenity**

The site lies approximately 400m to the south of the residential properties on Saxon Park. An Air Quality Assessment has been submitted and further information has been submitted following a number of concerns initially raised by Environmental Protection. These concerns were based on a lack of submitted information. They also considered that there had been no suitable assessment of the potential impact on nearby Air Quality Management Areas (AQMA’s) or Saxon Park.

The applicant’s revised report concludes that the proposed additional stacks would not lead to an increase in the annual emissions of Nitrogen Dioxides or Sulphur Dioxides, nor would it lead to an increase in PM10 or PM2.5. The assessment includes an analysis from Saxon Park and from receptors within the Sankey Green AQMA (along with a number of other local receptors). From all the receptors the report concludes that the additional impact on air quality arising from the proposal would be negligible. After rigorous assessment Environmental Protection is satisfied that the proposal would not lead to an increase in emissions at the nearest sensitive receptors and overall, it is not considered that the three proposed stacks would lead to a significant reduction in air quality over and above the existing GUP. The Environment Agency also raises no objections. The proposal is considered to comply with policy QE6 of the Core Strategy and the Supplementary Planning Document (Environmental Protection). The proposal adheres to the Council’s guidance in respect of air quality and it is not considered that there would be an increase in odour or noise.

Notwithstanding the above, the GUP site operates with the benefit of a permit which is issued by the Environment Agency. Members should assume that the site would be properly regulated by external bodies.
Other Matters

A number of objectors refer to concerns regarding traffic movements, HGV’s and other matters which relate to the Arpley landfill site. These are not relevant matters in the determination of this application.

Summary

The application comprises a form of inappropriate development in the Green Belt and therefore, a balancing exercise is required. Whilst the proposal would lead to an increase in the number of vertical elements in the landscape, it is not considered that there would be a significant visual impact due to the distance of sensitive receptors and the fact that there is already a slightly larger chimney stack in situ.

In addition, there would be a small reduction in the openness of the Green Belt but the overall impact would be reduced due to the slim nature of the stacks and their relationship with receptors. There would be very limited close-up views of the stacks.

Whilst the applicant considers it likely that the visibility of the plumes arising from the chimney stacks would be reduced; this can be given little weight in the determination process due to a lack of certainty. It seems likely however, that the visibility of the plumes would not be increased.

In terms of air quality impacts, these have been satisfactorily addressed. The proposal would lead to a negligible change to air quality as a result of the proposal and therefore, the proposal complies with policy QE6 and the Environmental Protection SPD in this respect.

The applicant has put forward a number of potential benefits which centre on an improvement to the operation of the GUP facility which would lead to a significant increase in the utilisation of the gases arising from Arpley landfill. According to the applicant’s calculations a significant proportion of renewable/low-carbon energy may not be generated should the current configuration of one stack remain. As the applicant is not proposing to increase the number of engines or the generating capacity of the site there is no reasonable or objective reason available to dispute that the three stack configuration would offer significant operational benefits over the existing GUP configuration. This is consistent with the guidance in the NPPF which emphasises the role that planning has to play in delivering low-carbon facilities.

The overall impact on the Green Belt is considered to be limited. Notwithstanding the harm by reason of inappropriateness, there is limited overall harm to the openness of the Green Belt arising from the proposal. The development would not lead to any additional encroachment as the stacks are proposed within the existing GUP footprint. The impact on the overall
landscape character is limited due to the fact that there is already a stack in situ. In this case therefore, there are considered to be very special circumstances associated with the essential operational need of the existing GUP to facilitate the generation of low-carbon energy and the contribution this would potentially make towards tackling climate change – these are considered to clearly outweigh the totality of the perceived harm. The proposal is considered to comprise a form of sustainable development which complies with policies DCS1, HOU7 and LUT15 of the UDP and policies CS1, QE1 and QE6 of the Core Strategy.

Recommendation

Approve subject to conditions.

Conditions

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

   Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

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

   (a) The planning application forms, design and access statement and additional information received by Warrington Borough Council on 11th July 2013.
   (b) Submitted drawing No’s 5234025, 5234026,52340245234023 and the Air Quality Assessment - Arpley Landfill Gas Utilisation Plant dated February 2014.

   Reason: for the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy QE6 of the Warrington Core Strategy.

3. Prior to the commencement of the development hereby approved, samples of the external facing materials (including colour or render, paintwork and colourwash) shall be submitted to the local planning authority for approval. The development shall be constructed in accordance with the approved details/samples.

   Reason: In order to comply with Policy QE6 of the Warrington Core Strategy and the Warrington SPD: Design and Construction

4. The development hereby approved relates solely to the provision of emissions stacks. The use of the site as a gas utilisation plan was approved under planning permission 99/39454 which includes a number of conditions relating to cessation of the use and the
restoration of the site.

Reason: For the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy QE6 of the Warrington Core Strategy.

5. The emissions stacks hereby permitted shall be dismantled and removed from the site no later than 15th April 2034, or in the event that any of the emissions stacks are no longer required in connection with electricity generation (whichever is sooner).

Reason: in the interests of the visual amenities of the Green Belt and in order to accord with policy CC2 of the Core Strategy.

Informatives

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

View from Forrest Way towards Arpley landfill site.

View from the edge of Saxon Park residential estate.
Close up of existing site.

Proposed emissions stacks
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 24th April 2014

Report of the: Executive Director – Economic Regeneration, Growth and Environment
Report Author: Daniel Hartley – Development Manager
Contact Details: Email Address: dhartley@warrington.gov.uk

Ward Members: All

TITLE OF REPORT: Pre-application advice (Trees)

1. PURPOSE OF THE REPORT

1.1 To seek members approval to start charging for pre-application advice for works to trees (Tree Preservation Orders and trees in conservation areas).

2. REPORT BODY

2.1 As is the case for other service areas in the Council the Development Management Service is required to make savings. A service re-design is currently the subject of consultation for the new Environment and Protection service. Forecasts have assumed that the Development Management Service will bring in additional fee income to cover the costs of providing non-statutory parts of the service.

2.2 DMC adopted a pre-application advice protocol and schedule of charges in May 2013. The charging schedule currently excludes charges for tree related pre-application advice proposals. There is no statutory requirement to provide pre-application advice but it is generally seen as good practise and tends to result in better tree applications and provides for a more certain outcome. The Development Management Service has been charging for pre-application advice since July 2013 and this has brought in approximately £20,000 in 8 months.

2.3 Whilst the introduction of a charge for tree proposals would represent a change to the free service currently operated, it would nonetheless formalise matters for enquirers and ensure some certainty of outcome. The advice currently provided does not always follow a site visit, may be verbal and at a basic level may simply be a signposting exercise.

2.4 The service currently provides approximately 50 pre-application advice responses relating to tree proposals. A charge of £65, to include a site visit and written advice, would bring in approximately £3575 per annum.

2.5 The Council’s Tree Officer has recently been offered voluntary redundancy and leaves the Council in April of this year. In the interim the Council is providing a Tree application service via Tameside Council (part of the Greater Manchester Ecology Unit). Final decisions will be made in May 2014 in respect of how the service is operated and following a staff consultation relating to the re-design of
services within the new Regulation and Protection Service. However, it is unlikely that in the future the Development Management Service will have the expertise in-house to provide tree related advice to customers/members of the public. Whilst there is no statutory requirement to offer pre-application advice relating to Tree application proposals it would be beneficial to have such a service in place. Such a service could be provided by the Greater Manchester Ecology Unit (or an equivalent/similar alternative organisation) but this would result in a cost. A charge for professional advice and administrative support time would ensure that the Council is able to provide such a service and cover costs.

2.6 Whilst it is recommended that charging is introduced for pre-application advice relating to tree proposals this does not mean that customers have to use this service. Customers can still submit TPO / works to trees applications without seeking advice from the Council. Customers can also continue to seek advice from Tree Surgeons / Arb Consultants in the private sector although it is likely that relative charges will be higher when customers opt to utilise the services of those in the private sector.

3. CONFIDENTIAL OR EXEMPT
3.1 Not confidential or exempt.

4. FINANCIAL CONSIDERATIONS
4.1 If charging is not introduced it is unlikely that the Development Management Service will be able to provide a pre-application advice service in respect of trees. Charging will be required, following the removal of the existing Arboricultural Officer post from the establishment, as advice will need to be sought from an outside body.

5. RISK ASSESSMENT
5.1 It is possible to stop offering a tree advice service and instead direct/sign post people to the Council’s web site - the Council does not have to offer a pre-application advice service. However, it is considered that this would not be the best relative option to take in terms of providing a good service to the public.

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

7. CONSULTATION
7.1 No other consultation undertaken to date.

8. REASON FOR RECOMMENDATION
8.1 To cover the costs associated with providing a tree pre-application advice service.
9. **RECOMMENDATION**

9.1 To amend the existing pre-application advice protocol and charges to include a charge of £65 for each tree proposal (£30 for re-submission proposals/follow up meetings) to be increased annually in line with inflation.

10. **BACKGROUND PAPERS**

10.1 None

**Contacts for Background Papers:**

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