16 January 2013

Development Management Committee

Thursday, 24 January 2013 at 6.30pm

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

Agenda prepared by Louise Murtagh, Democratic Services Officer – Telephone: (01925) 442111, Fax: (01925) 656278, E-mail: lmurtagh@warrington.gov.uk

A G E N D A

Part 1

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

Item

1. **Apologies for Absence**

   To record any apologies received.

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

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

To confirm the minutes of the meeting held on 3 January 2013 as a correct record.

4. **Planning Applications (Main Plans List)**


**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 JANUARY 2013

Present: Councillor T McCarthy (Chair)
Councillors, B Barr, G Friend, L Hoyle, L Murphy,
J Richards and G Settle

DM72 Apologies for Absence

An apology for absence was received from Councillors T Higgins and L Ladbury

DM73 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor McCarthy</td>
<td>DM 78</td>
<td>Councillor McCarthy was a Member of Woolston Parish Council but had not taken part in any discussions in relation to the application</td>
<td>Cllr McCarthy remained in the meeting and took part in the discussion</td>
</tr>
</tbody>
</table>

DM74 Minutes

Resolved,

That the minutes of the meeting held on 6 December 2012 were agreed as a correct record and signed by the Chair.

DM75 Planning Applications

Resolved,

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

The following applications be deferred to enable site visits to take place. It was noted that these applications would be brought before the next Development Management Committee scheduled to meet on Thursday, 24 January 2013:

2012/20274 - Grappenhall Lodge, Cartridge Lane, Grappenhall, Warrington, WA4 4SH - Retrospective change of use for stationing of two mobile homes and ten caravans for residential occupation by travellers with associated operational development (utility blocks, septic tank, extend hard standing)

2012/20594 - 2, Field Lane, Appleton, Warrington, WA4 5JR - Proposed demolition of existing dwelling and construction of a two storey block of 8 no. apartments with associated works
The site visits would take place on Friday, 18 January 2013.

**DM76 2012/19959 - Three Elms, Station Road, Penketh, Warrington, WA5 - Proposed construction of 30 bed dementia care unit with associated landscaping (re-submission of application 2011/18189)**

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

This application had been deferred from the previous meeting of the committee held on 6 December 2012 to enable a site visit to take place.

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

Resolved,

That consideration of application 2012/19959 be deferred to explore possibility of providing more on-site parking.

**DM77 2012/20617 – 70, Clarence Road, Grappenhall And Thelwall, Warrington, WA4 2PQ - Proposed demolition of existing bungalow and erection of a pair of semi detached houses on site of 70 Clarence Road**

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

This application had been deferred from the previous meeting of the committee held on 6 December 2012 to enable a site visit to take place.

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

Resolved,

That application 2012/20617 be refused on the grounds of loss of amenity and overmassing, including breach of 45 degree code.

**DM78 2012/20626 - Land Adjacent To Riversdale, Woolston - Proposed construction of ten detached dwellings with garages, open space and access**

The Executive Director of Environment and Regeneration submitted the above application with a recommendation of conditional approval and a Section 16 agreement.

This application had been deferred from the previous meeting of the committee held on 6 December 2012 to enable a site visit to take place.
Representations were heard in support of and against the Officer recommendation.

Resolved,

That application 2012/20626 be granted conditional approval. The Section 106 agreement also to include the funding of the making-up of highway at Martinscroft Green.

**DM79 2012/20274 – Grappenhall Lodge, Cartridge Lane, Grappenhall, Warrington, WA4 4SH** - Retrospective change of use for stationing of two mobile homes and ten caravans for residential occupation by travellers with associated operational development (utility blocks, septic tank, extend hard standing)

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

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

Resolved,

That consideration of application 2012/20274 be deferred to enable a site visit to take place.

Signed………………………

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

**Thursday 24th January 2013**

**Start 18:30**

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>2012/20721</td>
<td>TOTAL FITNESS, WINWICK ROAD, WARRINGTON, WA2 8HQ&lt;br&gt;Proposed change of use from leisure (use class D2) to retail non-food (use class A1).</td>
<td>Approve Sub Sec 106</td>
</tr>
<tr>
<td>2</td>
<td>10</td>
<td>2012/20274</td>
<td>GRAPPENHALL LODGE, CARTRIDGE LANE, GRAPPENHALL AND THELWALL, WARRINGTON, WA4 4SH&lt;br&gt;Retrospective change of use for stationing of two mobile homes and ten caravans for residential occupation by travellers with associated operational development (utility blocks, septic tank, extend hard standing).</td>
<td>Refuse</td>
</tr>
<tr>
<td>3</td>
<td>29</td>
<td>2012/20594</td>
<td>2, FIELD LANE, APPLETON, WARRINGTON, WA4 5JR&lt;br&gt;Proposed demolition of existing dwelling and construction of a two storey block of 8 no. apartments with associated works</td>
<td>Approve Sub Sec 106</td>
</tr>
</tbody>
</table>
Application Number: 2012/20721
Location: TOTAL FITNESS, WINWICK ROAD, WARRINGTON, WA2 8HQ
Ward: Bewsey and Whitecross
Development: Proposed change of use from leisure (use class D2) to retail non-food (use class A1).
Applicant: Mr Foden Estates Ltd
Recommendation: Approve subject to Conditions

Conditions:
- Standard Time limit -full 3 years
- Plans Compliance
- No subvision
- Scheme for traffic signage
- Car parking area to be laid out and retained
- Travel Plan
- Local employment agreement
- Restriction of goods to be sold

Reason for Referral
- The proposal is considered to be a Departure from the Development Plan
- The proposal was also deferred from committee of 2\(^{nd}\) January 2013 to allow the applicant to correctly serve notice on all parties with an interest in the land

Description
- The proposal involves the change of use from existing leisure (D2) to retail non-food (A1) and limited external changes to re-clad the existing building and install a service door to the northern elevation
- The application suggests the potential creation of 120 jobs (72 full time)
- Gross retail floor space 7614sqm, net floor area 6411sqm
- Proposed parking spaces totals 304 with the purpose of freeing up land to the eastern end of the car park to accommodate potential future development
- Existing access from Kerfoot Street and Winwick Road to be retained
Location

- The site is located off the A49 Winwick Road and comprises a building of 7614sqm which was formally uses by Total Fitness as a sports centre
- Commercial premises are located to the north, south and west of the site and residential properties located to the east (200m away)
- Site access is currently taken from Kerfoot Street with a secondary exit onto Winwick Road (site access from Winwick Road is no longer possible due to the re-location of traffic lights in connection with the Orford Park development)
- Existing parking spaces total 348 with 30 designated as disabled spaces
- UDP designation as an existing employment site within inner Warrington

Relevant History

80/10455 – Industrial estate (approved)
85/18034 – Erection of non food retail (refused)
85/18035 – Part retail/part industrial (refused)
88/21430 – Erection of warehouse and ancillary office (approved)
95/34051 – Leisure and A3 use (refused)
95/34026 – Demolition of existing buildings and proposed DIY, fitness health centre, facility/retail outlet and relocation of royal mail building (withdrawn)
99/39541 & 99/40610– Proposed erection of sports injury treatment, exercise and rehabilitation clinic with associated access, parking and landscaping (approved)

Main Issues and Constraints

Principle; Retail matters
Highways/Transport matters
Detailed matters; character/appearance
Other material considerations

Key policy/guidance checklist

National Planning Policy & Guidance:
National Planning Policy Framework (NPPF)

Supplementary Planning Guidance/Documents:
Design and Construction SPD
Adopted Warrington Unitary Development Plan (UPD) policies:

| TCD1; DCS1; EMP5; EMP8; LUT1; Principle; Retail Matters | The site is situated within the Northern Spine Regeneration Area, which is located along one of the main routes into Warrington. This area is identified as a focus for new economic development. The key regeneration documents relating to the proposals and the application site are:

- Warrington Unitary Development Plan (2006)
- Regeneration Framework for Warrington (2009)
- Local Development Framework Core Strategy Objectives and Options (2010).

It is acknowledged that there is clear potential for the development to have a positive impact on neighbouring wards - which currently suffer from high levels of deprivation. Whilst it is accepted that not all new work opportunities would be available to the immediate local community - the proposals would help to increase the level of employment in the local area.

The proposals are, however, in conflict with policies which aim to concentrate significant new retail floor space within town or other existing retail centres. By reason of the scale of retail development in this out-of-centre location, the proposal is considered to be a Departure from the Development Plan.

There is scope to resist this development through the application of UDP policies relating to retail development. Notwithstanding conflict with elements of adopted UDP and national planning policy and guidance - which require National Planning Policy and the UDP require thorough justification for new out-of-centre retail development (in order to protect the viability of the town and other centres). In this case it is considered that overriding weight should be attached to the following material factors:

- Job Creation – the National Planning Policy Framework attaches significant weight to economic growth and the creation of employment opportunities. The applicant has provided additional information to confirm that comparator stores of similar size as proposed here would be expected to create 120 jobs (72 FTE) which is considered significant, particularly if a local employment agreement can be secured.

- Re-use of a vacant building - an approval would prevent a potentially lengthy period of vacancy near to a main road corridor. Clearly a judgment has to be made as to the potential for other uses to occupy...
this building, rather than a retail occupier. It is considered on balance that an alternative use is unlikely to be found for the size of this building in the immediate future.

The range of products to be sold have been confirmed by the applicant:

- Electrical goods and appliances, wiring and light fittings and gas appliances
- Stationery and office supplies including arts and crafts
- DIY products, materials, tools and machinery for the repair, maintenance and improvement of the home and garden
- Housewares including storage, tableware and ceramics
- Camping and leisure goods excluding clothing and footwear
- Motor and cycle goods, including bicycles but excluding motor vehicles
- Furniture, carpets, bedding, soft furnishings, textiles, pictures and frames
- Pets and related accessories including pet food

These products could be, and in some cases, are available from a variety of existing town centre operators. There are a number of vacant retail units within the town centre but none of them have the floorspace on a single level to match the operational model of the applicant. The applicant has suggested consideration of a planning condition to limit use of the store to the sale of the products outlined above. However, the practical enforcement of such a condition is questionable, and it is recommended the proposal should be considered without such a condition in place.

Consideration should be given to whether the proposal would seriously limit or prejudice the ability of the Council to plan positively in order to underpin and secure investment in Warrington Town Centre, such as the Bridge Street area. In use terms the proposed development is clearly a town centre use, and should preferably be located in the town centre. However, it is a matter of fact that the applicant and the operational model can not currently be accommodated in the town centre. In addition in National and Local Policy terms the town centre would still be the prime focus for retail uses and for a wide range of other “town centre” uses, where they can be accommodated.

There are already a number of out-of-centre retail uses
along the A49 corridor and each and every future retail proposal will be considered on its individual merits.

| LUT1; LUT2; LUT10; LUT20; | Highways/ Transport matters | Plans show adequate access arrangements to and from Kerfoot Street – however a condition requiring new directional signage to be erected to prevent site access being taken from Winwick Road

Traffic Statement submitted with the proposal confirms that therefore would be no significant increase in traffic levels to and from the site over and above to existing use

Reduction in parking spaces from 346 to 306 (difference of 40 less spaces) is less than maximum parking standards of 346 spaces

| DCS1; GRN2; | Detailed matters; character/ appearance | Proposed external changes to re-clad the existing building and install a service door to the northern elevation would have a limited visual impact given the proximity of the building to the road and would not therefore cause harm to the character/appearance of the area

Responses to consultation (Full details on file)

Ward Members
No comments received

Planning Policy
The proposal is out-of-centre retail, contrary to the development plan and should be considered for refusal. (Full details on file).

Comment:
- The proposal is in conflict with the Development Plan hence the referral to Committee.

- The supporting information provided does not completely satisfy the policy tests. In pure use terms the proposal is contrary to National Policy and the Development Plan. However, it is important to consider where town centre uses, such as retail, are developed out-of-centre, whether they pose a significant threat to the vitality and viability of the town centre.

- In this case the need to support economic growth and job creation opportunities through the re-use of a substantial otherwise vacant building is considered a material consideration.

- Consideration should also be given to the fact that the applicant’s operational model can not currently be accommodated in the town centre.

Highways
No objection subject to imposition of the following conditions: (full comments on file) –
1) No subdivision of the retail unit
2) Prior to the commencement of development, a scheme of directional traffic signage to serve the development shall be agreed in writing with the Local Planning Authority
3) Prior to the commencement of use of the site for retail purposes, the car parking spaces shown on proposed site plan 106 Rev A shall be made available for the purposes of staff and customer parking
4) Prior to first occupation of the development, a Full Travel Plan (including an action plan detailing measures and targets) shall be submitted to the Local Planning Authority and agreed in writing

Environmental Protection
No objection, subject to informatives requiring the following:
  1) Applicant to consider providing electric charging points, thus reducing carbon emission
  2) Applicant advised to consider prioritising parking spaces to those arriving with more than one occupant to reduce the number of vehicles on site, thus reducing carbon emission

Responses to Notification (Full details on file)
1 letter received from DPP Consultancy on behalf of their client Derwent Holdings regarding the following:
  1) Derwent Holdings own part of the application site and should therefore have been served relevant notice from the applicant to allow full consideration of the proposal
  2) Condition should be imposed which prevents use of the premise for the sale of food given the location of the premise in an out of town location which would be contrary to National Planning Policy and would also be harmful to the highway network

Comment:
  1) The application was deferred by members of the planning committee of 2nd January 2013 to allow the applicant to correctly serve notice in all parties with an interest in the land. Correspondence with the applicant advises notice was served on 21st December 2012.
  2) Agree that a condition is required to prevent an unrestricted retail use in this out of town centre location to prevent harm to the vitality/viability of the town centre

The proposal has been considered against the Town and Country Planning (Consultation) (England) Direction 2009. Criteria within the Direction require certain development proposals based on their location, size and type to be referred to the National Planning Casework Unit (NPCU) if the Local Planning Authority is minded to grant planning permission. The application of the criteria in this particular case is open to interpretation and the (NCPU) rely on
the Local Planning Authority to reach their own conclusion on the need to refer the matter. In this case, and without prejudice to the consideration of future proposals, even if the proposal were referred to the (NCPU) they would not “call-in” the current proposal on the basis that any impacts are purely of local significance. Such an approach is borne out by the consistent approach taken previously by the (NPCU) for other retail-based proposals in this vicinity. It is concluded that referral to the NCPU is not necessary.

**Conclusions and reasons for recommendation/decision**

Notwithstanding conflict with elements of adopted UDP, emerging Core Strategy and national planning policy and guidance - which require thorough justification for new out-of-centre retail development (in order to protect the viability of the town and other centres) it is considered that overriding weight should be attached to the material factors of job creation and the prevention of the long term vacancy arising near a main road corridor. It is recommended that the application is approved subject to conditions.
Application Number: 2012/20274

Location: GRAPPENHALL LODGE, CARTRIDGE LANE, GRAPPENHALL AND THELWALL, WARRINGTON, WA4 4SH

Ward: GRAPPENHALL AND THELWALL

Development: Retrospective change of use for stationing of two mobile homes and ten caravans for residential occupation by travellers with associated operational development (utility blocks, septic tank, extend hard standing).

Applicant: Mr Smith

Recommendation: Refuse

Reasons: Harm to green belt not outweighed by exceptional circumstances

Reason for Referral

Over ten objections.

The application was deferred at 3rd January 2013 meeting of DMC for a site visit. The site visit took place on 18th January 2013.

Description

- Temporary permission was granted at the site - on appeal in 2008 - for 2 pitches, each with a static/mobile home and touring caravan (ie, 2 mobile homes and 2 touring caravans)
- The consent granted on appeal expired on 9th October 2011 – the current development is unauthorised. The application site itself is the same as that considered at appeal, in terms of its extent, size and shape
- Compared to the appeal proposals, four additional pitches for four additional families are now proposed - the current application would therefore add a total of ten additional touring caravans to the development consented at appeal
- The application seeks consent for five pitches (for five families) – comprising two mobile homes, 8 touring caravans and a transit area for two touring caravans
- Permission is also sought for six utility block (shed) buildings to serve as toilets – all connected to the existing septic tank
- The caravans would all be sited around the edge of a shared yard; each plot would have room for the parking of at least one vehicle;
further parking would be provided in the rear yard for works vehicles/trailers

- Existing hardstand would be extended by approx 4 metres, compared to that consented at appeal – so that it would be approx 45m wide
- As part of the previous appeal decision, conditions were attached by the Inspector including:
  - restriction to named occupiers;
  - a 3 year time period – expiring 9th Oct 2011 – after which the site should be restored, hardstand removed etc
  - a restriction of two pitches - with two caravans each – at any one time (one static and one touring caravan each)
  - no commercial activity including no sale of vehicles; no storage of materials, waste materials, scrap metals, building materials, equipment or machinery
  - no more than three commercial vehicles and one horse box
- The site is on mains water and mains electricity and continues to be largely enclosed by mature hedging, trees and pockets of woodland

Location

- The site is on elevated ground in green belt – and was formerly occupied by Grappenhall Lodge, a large two storey house – which was demolished in the mid-1970s
- The site remains largely enclosed by existing planting – as noted by the appeal Inspector – and is well set back from Cartridge Lane so that longer distance views are limited
- There are views of the site too from Broad Lane and from Grappenhall Lane

Relevant History


An appeal against an Enforcement Notice for the following was allowed in October 2008:-

“Change of use of land to use for residential purposes by siting of residential caravans and associated development. Specifically, the siting of 4 caravans, the importation of hardcore topped with road planings to create a hard surface, the construction of a utility building and out-buildings (sheds) and the construction of a cess pool.”

An appeal against the refusal of planning permission (2007/12024) for the following development was also allowed in October 2008:-

“Change of use to caravan site for traveller family with associated works (hardstanding, utility rooms, cess pool and fencing).”

Permission for the change of use of the land to a caravan site for traveller family with associated works (hardstanding, utility rooms, cess pool and
fencing) – a re-submission of 2007/12024 - was refused in June 2008 – but was not appealed.

Main Issues and Constraints

Principle/Green Belt
Visual Impact
Impact on Living Conditions
Highway Safety
Service Provision

Key policy/guidance checklist

The NPPF especially paras 87
Planning Policy for Traveller Sites (PPTS)

Adopted Warrington UDP and emerging Core Strategy policies:

<table>
<thead>
<tr>
<th>UDP - GRN1; DCS15; Core Strategy - CS4; SN3; CC2;</th>
<th>Principle/Green Belt</th>
</tr>
</thead>
<tbody>
<tr>
<td>In allowing the 2008 appeals, after public inquiry, the Inspector set out the main issues as follows;</td>
<td></td>
</tr>
<tr>
<td>1. the impact on openness of green belt;</td>
<td></td>
</tr>
<tr>
<td>2. impact on the character and appearance of the area and on highway safety</td>
<td></td>
</tr>
<tr>
<td>3. the suitability of the site in relation to local services and the adequacy of on-site services</td>
<td></td>
</tr>
<tr>
<td>4. traveller status; the need for gypsy and traveller site in Warrington and the sub-region; the needs of the families for a settled base and their local connections to the area; the lack of an alternative site and the use of planning conditions to address concerns</td>
<td></td>
</tr>
<tr>
<td>5. the effects on the families with regard to their human rights under Article 8 of the European Convention on Human Rights</td>
<td></td>
</tr>
<tr>
<td>6. whether harm to green belt is outweighed by other considerations to provide the very special circumstances to justify the development</td>
<td></td>
</tr>
</tbody>
</table>

The Inspector concluded that:

1. although the use and occupation of the site was inappropriate and reduces openness of green belt, such harm is limited as the development taken place on previously developed land, not an open field, and that the site is well contained by small woodland areas, dense hedgerows and low level vegetation

2. public views of the site are limited – even in winter the main visual impact would be confined to short distance views from Cartridge Lane – visual intrusion is reduced because the caravans are set well back from Cartridge Lane – hardstanding is visually
offensive. Highway visibility is adequate and access to the road network is good

3. site is near existing settlements with access to local services, and is a type of location identified as suitable by Circ 01/2006. On site service provision does not weigh against the proposal

4. an unmet need for gypsy accommodation exists and the lack of alternative sites is a factor in favour of the development. The appellants have an extensive history of travelling in the north west and their local connections are strong; education and health needs are strong. Appellants agree that their needs could be met by another site in another location – but no site has been found which is affordable and available. Use of conditions would not overcome fundamental objection to inappropriate development; harm to openness of green belt and encroachment into countryside

5. refusal would not result in a violation of the families’ rights under Article 8

6. a temporary consent should be given, on basis that harm to green belt is clearly outweighed by other considerations

It is considered that the current application represents significantly more development and intensity of use than that granted on appeal.

Para 14 of Planning Policy for Travellers Sites (PPTS) sets out that “Traveller sites (temporary or permanent) in the Green Belt are inappropriate development”. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Advice from WBC Planning Policy (Appendix 1 below) concludes that:

- there is no quantitative need for the accommodation
- there is inadequate information to show that the applicant has undertaken a search to identify alternative sites; in the absence of such detail, it can not be accepted that the site at Grappenhall Lodge is the only one suitable, available and affordable to meet the families’ needs
- connections of links between the travellers and the Warrington area may well exist, but that these do not amount to very special circumstances
- a renewal of the consent permitted previously on appeal (i.e. for four caravans) on a temporary basis could potentially be supported – on the grounds of ensuring a pragmatic and consistent approach to
assessing, through the Core Strategy process – but the provision of five pitches as set out in the application is not supported

| GRN2; GRN3; | Visual Impact | Prior to occupation of the site, residential use of the land had ceased when Grappenhall Lodge was demolished many years ago. Prior to that, the land was used to grow plants and vegetables and where horses were occasionally kept. The old cottage and outbuildings were used as stables and a polytunnel and three caravans were stationed on the land at the back of the buildings. The appeal inspector concluded that past use of the site was low-key and not out of place in green belt.

Compared to the development allowed on appeal, there would be greater scope for harm by reason of visual intrusion – as the site would be more intensively occupied – for example by vehicles and by additional caravans and utility blocks. As the Inspector noted previously however, extensive public views of the site are limited by strong planting - so that the site tends only to be visible from short distances along from Cartridge Lane.

With winter tree cover, there are clear glimpses and views of vehicles, caravans and the other structures currently on the site - through planting from each of the surrounding roads, and from along the access drive from Cartridge Lane. In sunshine, the visual impact of vehicles and caravans with white, reflective exteriors causes some additional prominence and visibility from the nearby roads – notwithstanding the set back of the site from Cartridge Lane itself. Overall however, it is considered that the visual impact of the use of the site as proposed could be made acceptable by comprehensive landscaping – which could be required by condition - so that there would not be serious harm to the visual amenity of green belt. There would, however, be a reduction of green belt openness – as a matter of fact.

Overall, the degree of visual harm would not be seriously harmful – notwithstanding the greater extent of development and caravans now proposed – compared to the appeal scheme. Subject to a condition to require additional planting – as part of a comprehensive to ensure its long-term retention and management – it is considered that the visual amenity of green belt could be protected.

| GRN2; HOU7; REP10; | Impact on Living Conditions | Although impact on the living conditions of occupiers of residential property in the vicinity was not raised by the appeal inspector, it is considered that a larger and more intensively used/occupied site might have a more |
significant impact on amenity. Whilst it is material for Members to consider the additional impact of the larger scheme – in terms of for example – more traffic movements; noise and disturbances; domestic animals etc, it is considered that serious harm to existing occupiers would not result. The nearest part of the caravan yard would be over 130 metres from the nearest residential property.

| LUT1; DCS1; | Highway Safety | Highway advice is clear that the proposal would result only in minor traffic increases on the lightly trafficked Cartridge Lane, and there is no objection on these ground. |
| DCS15; Service Provision | | The site is on mains water and mains electricity.

Most journeys to and from the site are, realistically, are likely to be by private motor vehicles. However it is not far to Appleton Thorn and Grappenhall, nor Warrington Town Centre. In general terms, the site is located near existing settlements with access to local services, and is in accordance with policy DCS15 and with Circ 01/2006 in these terms.

Comment:
- The applicant has responded in detail to the WBC Planning Policy response – and this set out in Appendix 2 below. Members should acquaint themselves with the detail of that applicant response, which – in summary – sets out:-
  - The Core Strategy demonstrates there is a quantitative need for additional permanent pitches for gypsies/travellers
  - There is a need for 56 pitches and an immediate unmet need for 14 pitches
  - The Council has made no new pitch provision since 2007
  - The Council believes it can meet need until 2017 by relying on three sites – Two Acre, Walton; Woodend Farm, Rixton and Brook House, Sandy Lane West – none of which can be relied upon

Responses to consultation (Full details on file)

Planning Policy
Proposals can not be supported (Appendix 1 below).

Highways
No objection.

Education
No objection.

Environmental Protection
No objection, subject to condition.

Environment Agency
No objection in principle.
Grappenhall and Thelwall Parish Council (full details on file):
Object –
- the existing permission expired in October 2011
- the site is being occupied by additional caravans with no permission
- wholly inappropriate in green belt

Appleton Parish Council (full details on file):
Object -
- involves land in green belt/countryside; proposal would be intrusive
- would damage the immediate local landscape character particularly by reason of the large area of hardstanding required; mobile homes, ten caravans, utility blocks and septic tanks
- increased traffic flow; lack of public transport
- contrary to Core Strategy policies CS4; SN3 and CC2
- a previous application was allowed at appeal – conditions were imposed to protect the openness of green belt and the attractiveness of the rural area. The proposal contravenes the reasons for these conditions
- conflict with NPPF, section 9

Ward Member (Cllr Finnegan)
Objects -
- the permission granted on appeal has expired
- lack of enforcement action encourage applicant to expand on this site
- site is green belt, development is inappropriate

Responses to Notification (Full details on file)

David Mowat MP
Objects –
- Council should not be hamstrung by previous appeal decision
- Current application is difficult and must be considered against today’s situation
- Maybe a case for extending temporary use if the Council does not have enough gypsy and traveller site
- Any such temporary permission should be an extension of time not for additional pitches
- No justification for the intensification of an inappropriate use – in green belt where there is a presumption against further development unless very special circumstances apply
- The needs of the families do not sufficiently outweigh the other issues – particularly green belt
- Impact on rural character and amenity of neighbours should also be considered
- An increase from 2 to 10 pitches would be significant of a site’s use in an urban location – which would most likely be refused on grounds of noise and disturbance; in the countryside increases in noise and disturbance can be more intense relative to background levels, so it is more important that residential amenity is protected
- Retrospective application may either be the applicants seeking to influence the application process or because they are confident that permission will be granted

**Neighbours** – 34 objections:
- Inappropriate in green belt
- Shows disregard for planning procedures; temporary consent has expired; development is unauthorised
- Previous loss of trees
- On of applicants moved from a bungalow in Northwich to a mobile home because he wanted to be a traveller
- Visual impact; loss of amenity; structures unsightly
- Anyone else in area has to fight tooth and nail for planning permission
- Over-development
- Increased traffic
- Applicants would ignore any conditions attached
- Previous breaches suggest further breaches would occur
- Excess septic tank capacity suggests greater future occupancy than proposed
- Site will continue to expand
- No play areas for children; no signage for fire hydrants; no separate vehicle/pedestrian access; insufficient emergency access; no soft landscaping to delineate pitches; no separate metering for services; no fire points or weatherproof structure for them; no exceptional or very special circumstances
- The direction of north is not shown on submitted plan
- Council should have found suitable sites by now
- Inadequate grazing for horses
- Adjacent land is not adequate to dispose of sewage from septic tank
- Use for trailers and toilet blocks not in keeping
- Would damage habitat of many wild animals
- Would interfere with peace and quiet
- Loose horses and dogs
- No shop or bus routes nearby; no doctors surgeries within local distance

**Conclusions and reasons for recommendation/decision**

Unlike proposals considered at appeal in 2008, the proposals is no longer “small scale” - and indeed would class as “major” development if the proposal were for conventional housing. Approval of the current proposals would facilitate the evolution of the site into a significant base for the applicants residences; their various businesses; their vehicles and animals.

Given the lack of quantitative need - as set out above – and the absence of a robust case showing how the applicants may have sought to secure an alternative site, it is concluded that the impact of the proposal in green belt would be harmful by way of inappropriateness – and that such harm is not outweighed by exceptional circumstances.
APPENDIX 1 – ADVICE FROM WBC PLANNING POLICY
THE DEVELOPMENT PLAN:

The National Planning Policy Framework (NPPF) came into effect on 27th March 2012 and introduced new transitional arrangements for development plans. Paragraph 215 of the NPPF is the most relevant in clarifying the status of existing policies within Warrington because Warrington’s policies, saved beyond 2009 from the Unitary Development Plan by the Secretary of State, do not automatically benefit from the provisions set out in paragraph 214 of the NPPF.

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework [the NPPF]. It further states that the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. I.e. the determining factor as to how much weight can be attributed to any of Warrington’s existing policies is therefore the degree of conformity between that policy and the NPPF.

The NPPF also identifies at paragraph 216 with regards to emerging Local Plans (Development Plans) that:

From the day of publication, decision-takers may also give weight relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The provisions of paragraph 216 are particularly pertinent in Warrington given the Council published their emerging Local Plan Core Strategy for formal ‘publication’ consultation on 21st May 2012, and subsequently submitted this plan to Government on the 19th September 2012. There have been no significant objections to the policy approaches of relevance to this application within the plan in previous rounds of consultation and hence the Local Plan Core Strategy is considered to constitute a significant material consideration in the determination of planning applications from this point forward. As such it is considered that policies within the emerging Local Plan Core Strategy
(LPCS), as opposed to those within the Unitary Development Plan (UDP), should primarily be those against which the proposal is determined.

**RELEVANT MATTERS IN DETERMINING THE APPLICATION:**

The application site is within the designated Green Belt, with the LPCS rolling forward this designation from the UDP largely unchanged.

National advice on planning for Travellers is set out within the Government’s ‘Planning Policy for Traveller Sites’ (PPTS) which was published alongside the NPPF. Paragraph 14 of PPTS explicitly states that “Traveller sites (temporary or permanent) in the Green Belt are inappropriate development”.

Paragraph 87 of the NPPF states: “As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

Neither the LPCS (Policies CS4 and SN3) nor UDP (Policies GRN1 and DCS15) depart from the national Green Belt, or Traveller, policy stance. As such it is evident that whether the principle of the proposal can be deemed acceptable or not is dependant upon the extent to which very special circumstances are deemed to outweigh harm by inappropriateness.

FPPTS requires that local planning authorities should consider the following additional issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

Those matters deemed of relevance are considered in turn below.

With regards to detailed development management considerations, I would draw your attention to the criterion listed in LPCS Policy SN3, against which the proposal should be assessed.
(a) Existing level of local provision and the need for sites:

Paragraph 8 of the PPTS identifies that “Local planning authorities should set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople which addresses the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities”.

In response to this requirement Policy SN3 of the LPCS sets out that provision will be made, between 2007 and 2027 in Warrington, for a minimum “56 additional permanent pitches for Gypsies and Travellers”.

Policy SN3 identifies that the required provision will be achieved through:

“the allocation of land for the permanent and transit accommodation needs of these communities through a further Local Plan. This allocation process will also seek to resolve the long-term future of those sites within the borough which currently only benefit from a temporary planning consent. With regards to these sites the allocation process will conclude for each whether full planning permission should be forthcoming on a permanent basis or instead whether further planning permissions will be withheld because alternative and more sustainable locations have been identified.”

The Council’s Local Development Scheme (April 2012) identifies that work was due to commence on a further Local Plan in August of 2012. Preliminary work on this plan has commenced on track by way of establishing a cross party steering group. An initial meeting of this group has taken place and terms of reference for the group have now been drawn up and agreed. Initial evidence gathering has also commenced to help identify the ‘issues’ which the plan will seek to address. Clearly the Council are committed to addressing the identified level of need through a plan lead approach with the emerging Core Strategy testament to this

In the interim, pending completion of a further local plan, which is anticipated to be December 2013, Policy SN3 states that

“Until the process of site allocations is complete, the Council will permit development proposals for Gypsy, Traveller and Travelling Showpeople accommodation provided that there is an identified need for the site and that the proposals accord with National Planning Policy.”

Evidently the extent to which the proposal can comply with national policy is limited given the site is within the green belt and the clear stance that national policy now takes on this matter. With regards to meeting ‘needs’ however, the
PPTS requires local planning authorities to “identify and update annually, a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their locally set targets”.

A five year land supply assessment for Warrington is appended to this response. This demonstrates that there is no quantitative need for the proposed development.

(b) The availability (or lack) of alternative accommodation for the applicants

It is not considered that the information submitted in support of the application adequately substantiates that there is a lack of alternative accommodation for the applicants. No evidence has been submitted to establish that those families proposing to reside on the land have undertaken a search to identify alternative sites. No details of any specific sites considered have been disclosed nor any details provided as to the site search process employed. In the absence of such details it can not be accepted that the site in question is the only one suitable, available and affordable to meet the families’ needs.

Whilst the applicant contends that “it is not the fault of the applicant that suitable alternative sites have not been found for those whom consent is sought”, and that instead identifying alternative sites “is a matter for the Council to prioritise”, this is simply too naïve an assertion. Clearly there is an onus on both parties to seek to identify alternative and non Green Belt sites, as can be substantiated through case law. It is not sufficient to simply rely on the conclusions of the Inspector with regards to the previous successful appeal. More than three years have elapsed since this date and there is an onus on the applicant to demonstrate that there has been no change in circumstances with regards to this matter.

(c) other personal circumstances of the applicant

The submitted information identifies that those proposing to reside at the site possess varying degrees of connections with the local Warrington area. The authenticity of these connections is not disputed, but local connections are not considered to amount to very special circumstances.

The applicant’s case appears to rest simply on the fact that there is a “clear need for more sites in Warrington”. This is not however accepted as amounting to very special circumstances, and is (based on the submission) considered a speculative approach as opposed to one which seeks to genuinely demonstrate that alternative sites are currently and importantly will continue to be limited.
The applicant asserts that some of the proposed families intending to live on the land currently reside on sub-standard sites elsewhere within the region and that there are no alternatives but again neither elaborate this point nor importantly substantiate this. No weight can therefore be attributed to these matters, and no additional very special circumstances appear to have been presented to which weight can be attached.

CONCLUSIONS:

The proposed development evidently constitutes, by way of reference to national and local policy, inappropriate development within the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

From a need perspective, and by way of reference to the Borough’s five year land supply of sites for Traveller accommodation, there is no quantitative need for the proposed development.

Insufficient information has been provided to backup the assertion that the site is essential to meet the accommodation needs of the identified families. The applicant alludes to a number of circumstances which may be capable of amounting to very special circumstances but does not substantiate any of these claims with evidence. In this regard the application and arguments are lacking in substance the consequence of which is that no weight can legitimately be attached to these matters as material considerations.

Whilst a renewal of the previous consent on the site could potentially be supported on a temporary basis on the grounds of ensuring a pragmatic and consistent approach to assessing, through the Local Plan process, sites of a temporary nature, the application as it stands for 5 pitches can not be supported from a planning policy perspective, on the grounds that it is contrary to Policies CS4 and SN3 of the Local Plan Core Strategy, as well as the NPPF and PPTS.

APPENDIX ONE:
Until a further Local Plan is adopted, which is anticipated to be December 2013, the Council are able to demonstrate a five year deliverable supply of sites for Gypsies and Travellers through relying on those within the borough which currently benefit from temporary planning permission and those which do not have planning consent but which are nevertheless deemed to be deliverable¹, as evidenced by Tables 1 and 2.
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Total pitches between 2007 and 2027</td>
<td>56</td>
</tr>
<tr>
<td>b</td>
<td>Annual average (a/20)</td>
<td>2.8</td>
</tr>
<tr>
<td>c</td>
<td>Development Plan target to date (2007 – 2012) [5xb]</td>
<td>14</td>
</tr>
<tr>
<td>d</td>
<td>Net delivery to date (2007 – 2012)</td>
<td>0</td>
</tr>
<tr>
<td>e</td>
<td>Deficit to carry forward [c - d]</td>
<td>14</td>
</tr>
<tr>
<td>f</td>
<td>Rolling 5 Year Requirement (2012 - 2017) [b x 5]</td>
<td>14</td>
</tr>
<tr>
<td>g</td>
<td>Rolling 5 Year Requirement (2012 – 2017) adjusted to reflect previous under provision [f+e]</td>
<td>28</td>
</tr>
<tr>
<td>h</td>
<td>Quantified deliverable provision (1st April 2012) [see Table 2]</td>
<td>31</td>
</tr>
<tr>
<td>i</td>
<td>5 Year Requirement Residual Balance [h-g]</td>
<td>+3</td>
</tr>
</tbody>
</table>

Table 1 - Five Year Deliverable Land Supply Assessment for Gypsies and Travellers

<table>
<thead>
<tr>
<th>Site</th>
<th>Number of pitches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two Acre, Caravan Park, Warrington Road, Higher Walton. (temporary)</td>
<td>22</td>
</tr>
<tr>
<td>Woodend Farm, Woodend Lane, Rixton. (temporary)</td>
<td>1</td>
</tr>
<tr>
<td>Brook House, Sandy Lane West, Warrington. (previous permanent consent)</td>
<td>8</td>
</tr>
<tr>
<td>TOTAL</td>
<td>31</td>
</tr>
</tbody>
</table>

Table 2 - Quantified Deliverable Land Supply for Gypsies and Travellers (1st April 2012)

“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires,
unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”

APPENDIX 2 – ADDITIONAL INFORMATION ON BEHALF OF THE APPLICANTS

Policy SN3 LPCS requires a minimum of 56 additional permanent pitches for Gypsy –Travellers. This is a more realistic figure than that shown in the 2007 GTAA which was seriously flawed for Warrington. However, it would appear to be based on an analysis of pitch provision in 2007- which is 5 years out of date. According to policy in 2007 there were just 20 pitches of which just 2 were permanent. A further Local Plan will be required to address site allocations. Little progress has been made. The process is pre issues and options stage. The Local Plan is scheduled for adoption in December 2013.

Mr Legg attaches a 5 year land supply for Warrington. It is claimed there is no quantitative need for the proposed development. In summary it is the case for the Council that
- there is a need for 56 pitches
- there is an immediate unmet need for 14 pitches
- the Council accept that no new provision has been made since 2007
- the 5 year supply is equivalent to a need for 28 pitches (ie 14 deficit and 14 to be found for the period 2012-2017)
- The Council believe they can meet this deficit and need identified until 2017 by relying on three sites at
  Two Acre, Higher Walton
  Woodend Farm, Rixton
  Brook House, Sandy Lane West

I have visited these three sites. I have also checked your website for up to date information. I comment as follows on the statement from your colleague Mr Legg:-

Two Acre, Warrington Road, Higher Walton-22 pitch
Two Acre was first granted temporary permission for 15 caravans in 1998 on appeal for a period of 4 years. In 1999/2000 permission was granted to increase the number of caravans by 7 to 22 caravans. Permission was then granted, again on appeal, to retain the site for 15 families and up to 22 caravans. Permission was then renewed in 2004 for a temporary period of 10 years for 22 caravans. An application submitted in 2005 to extend the site for extra parking and storage space and erect 11 very small amenity buildings (5.5m x 3m) was refused. The amenity buildings would have provided toilet/shower only and each block would have served each of the 22 caravans.

I visited the site this week. The site is not laid on in formal pitches. Other than a few static caravans, most occupants use this on a transit basis due to the absence of proper provision. Most families are living in small touring caravans. I
am not clear if all families are living in just one caravan. It is more usual for formal residential pitches to have two caravans per family. I saw one small utility block with what appeared to be 2 toilets/ 2 showers to serve most site occupants. There was what looked like a second utility block on part of the area occupied by to 2-3 large mobile homes at the site entrance. Site provisions are extremely basic and fail to meet best practice. I counted some 37 caravans ie 15 more than is permitted. Most are sited within 6m of each other and site licence requirements are clearly breached, if indeed the site has a valid site licence. A few caravans had small timber sheds which appeared to be used for cooking purposes. These sheds are sited between caravans. The site layout fails to comply with Government guidance for residential pitches. This is unacceptable on a site where plots are rented to other families on a commercial basis. The site should not be relied on to count towards residential pitches for the following reasons
   a) it has temporary consent only until 2014 which will expire before the site allocation Local Plan is adopted.
   b) There are few (if any) formal, defined pitches
   c) It is seriously and dangerously overcrowded and has no vacancies
   d) The current layout would not meet site licence requirements.
   e) In 2005 the Council refused permission to provide each occupied caravan with its own toilet facility. Currently the occupants of som 30 caravans are sharing toilet facilities in a single small utility building
   f) Permission is granted for 22 caravans. This does not necessarily equate to 22 pitches.

Woodend Farm-1 plot
This site also has temporary permission only, renewed August 2010 for 5 years until August 2015. Permission will expire within the 5 year supply period so this site can not count towards the 5 years supply of sites. It is occupied by a single family.

Brook House Sandy Lane West
Consent was granted on appeal in September 2009 for 8 caravans ie just one per pitch. The site was intended for retired Travellers who no longer had need for a touring caravan. The site is vacant and does not appear to have been developed. It would appear that the appeal decision has now lapsed and can not be relied on unless it has been renewed (something I have been unable to check on your website). It is clear this site is not developed and not suitable for occupation.

For the above reasons I am troubled by the statement from Mr Legg. It is clear the Council does not have a deliverable land supply for 31 pitches as of 12 April 2012 and it is most misleading that this is being suggested. The need is infact much greater than this as there are 15 more caravans on the site at Walton than is permitted plus the families on my client’s site The Council’s analysis of the 5 year supply of land is not robust and does appear to be seriously flawed. It is clear the immediate need for 28 pitches is not addressed by current provision. Two sites with temporary consents will have to be renewed within the next 5 years. Both are in the same Green Belt. It would appear the third permission has not been implemented and may have lapsed. It must be concluded that there is a serious, pressing and immediate need for more sites which is much greater than appreciated.
The applicant is criticised for failing to carry out any search to identify alternative sites but as you will be aware there is no requirement on the families to establish that there is no suitable alternative provision. The judgement of Lord Justice Scott Baker and Sir Robin Auld between Sth Cambs DC, SOSCLG and A and J Brown September [2008]C1/2007/2282/QBACE concluded that ‘In seeking to determine the availability of alternative sites for residential Gypsy use, there is no requirement in planning policy or case law for an application to prove that no other sites are available or that particular needs could not be met from another site’. And it was found that ‘such a level of proof would be practically impossible’. Whilst it is acknowledged that lack of a search can weigh against an Appellant just as evidence of a search and absence of any obvious alternatives weight in favour, the Inspector found that there was ‘no absolute requirement for an application to prove he has explored and exhausted all possible alternative options before planning permission can be granted, or for a local authority to identify an alternative site before being able to refuse planning permission for another and adequately justify their decision at appeal.’ The Inspector concluded that they are ‘just material considerations to be weighed in the overall balance’. They were not overall determinatives of the outcome. Case Law has clearly established that this is an unrealistic requirement.

It is not the case for the applicant that this is the only site that is suitable, available and affordable to meet their needs, but in the absence of any site allocation policy by the Council my client is unaware of any alternative that is deliverable and developable now. As established above my client is one of many who have no permanent site in this borough and no immediate prospect of a site being made available that is deliverable and developable. That is a very serious failing of policy for any Council given that it is nearly 7 years since Circular 1/2006 was published.

The previous appeal decision is a material consideration. The Inspector attached substantial weight to definitional harm. But she attached even greater weight to the needs of the family, the shortfall of sites and the expectation new sites may become available within about 3 years ie by October 2011. I do not accept that I am naive to criticise the Council for failing to address this need within 3 years. We are now told it will be December 2013 before the site allocation local plan is adopted. It could be a further 12 months before sites are granted permission, developed and available ie some 6 years after the last appeal and 3 years longer than the last Inspector was led to believe. Perhaps like the Inspector I was too trusting but I think the Council has to accept responsibility for failing to meet this need in less than 6 years. There are serious Equality issues here as land has been found to meet the needs of those seeking to live in bricks and mortar and it is simply inexcusable for any authority able to find land for 100’s of houses to be unable and unwilling to find land for Travellers.

I agree that local connections in themselves are not very special circumstances and that is not claimed. But they are a material consideration that weigh in favour especially when permission is sought for a site in the Green Belt.
Appeal decisions have shown that need is capable of providing the very special circumstances needed to outweigh definitional harm, especially when it is of the scale that exists in Warrington, when it is coupled with the failure of Council’s to address need, where there is no serious, up to date or robust evidence base to inform policy and, where policy has consistently failed to deliver any permanent new sites.

Other than definitional harm my client’s proposal would comply with the criteria in emerging policy SN3. I note that the other sites relied on by the Council to meet need are also in the same Green Belt and rely on the same material considerations to justify an exception to policy.
<table>
<thead>
<tr>
<th>Plans List</th>
<th>Item 3</th>
<th>24-Jan-2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Number: 2012/20594</td>
<td>2, FIELD LANE, APPLETON, WARRINGTON, WA4 5JR</td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td>Ward: APPLETON.</td>
<td></td>
</tr>
<tr>
<td>Development: Proposed demolition of existing dwelling and construction of a two storey block of 8 no. apartments with associated works</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant: Mr Carroll</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recommendation: Approve subject to Section 106 Agreement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conditions:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Standard Time limit -full 3 years</td>
<td>• Plans Compliance</td>
<td></td>
</tr>
<tr>
<td>• Contaminated land condition</td>
<td>• New vehicular access condition</td>
<td></td>
</tr>
<tr>
<td>• Cycle parking provision</td>
<td>• Obsolete glazing</td>
<td></td>
</tr>
<tr>
<td>• Planting scheme condition</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Reason for referral**

Number of representations received.

This application was deferred at 3rd January 2013 meeting of DMC for a site visit. Members visited the site on 18th January.

**Description**

- Full planning application for erection of pitched / hipped roofed 2-storey block of 8 flats on the site of an existing single storey bungalow (2 Field Lane) & its domestic curtilage.
- An adjacent area of on-site parking for 12 cars is proposed, plus 4 parking spaces in front of the proposed block, with a new vehicular access.
- Apart from an adjustment to increase the width of the planted buffer between the parking area & the site boundary (amended following a request to the agent), the application is in all other respects identical to a previous application (2003/04416) which was refused by the Council in 2004 solely on the grounds of housing oversupply, & a subsequent appeal was dismissed on the same basis (see planning history below).
Comment:
It has now been confirmed by the applicant that the provision of £45k to fund off-site affordable housing will be made via S106. The absence of such funding was previously the basis of a draft recommendation of refusal of permission – as set out in the Officer report to DMC on 3rd January 2013.

Location

- The application site is on the north side of Field Lane, within the policy boundary of the urban area.
- Field Lane is predominantly residential, the surrounding properties being predominantly bungalows, other than an existing 2-storey block of flats (Brockton Court) adjoining the site to the east, with a further similar block (Ashley Court) beyond it.
- Only the site of 2 Field Lane & the land immediately adjacent fully front onto Field Lane – between the road & the eastern half of the site lie 6 brick garages.

Relevant History

- #75/2504 – Erection of bungalow – approved 19.2.76
- *81/11305 – Bungalow & garage – refused 25.5.81; appeal allowed 28.9.81
- *86/19174 – Bungalow & garage – approved 8.10.86
- *87/19874 – Bungalow (reserved matters) – approved 20.5.87
- 2004/02775 – 2-storey block of 8 flats & demolish bungalow – withdrawn 8.7.04
- 2004/04416 – 2-storey block of 8 flats & demolish bungalow – refused 8.7.04 (housing oversupply); appeal dismissed 2.3.05 (housing oversupply)
  # Western part of site only (includes entire footprint of no.2)
  * Eastern part of site (presently larger part of no.2’s garden) plus adj. land to north (now bungalow named ‘Hideaway’ & its curtilage)

Main Issues and Constraints

- Principle of proposal
- Neighbour amenity
- Visual amenity / street scene
- Access / highways
- Trees

Key policy/guidance checklist

<table>
<thead>
<tr>
<th>HOU1, HOU2</th>
<th>Housing land / development</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The approval of small scale, low impact housing developments is in line with current approach to housing land supply – as set out in detail in the Planning Policy advice in Appendix 1</td>
</tr>
</tbody>
</table>
It has now been confirmed by the applicant that the provision of £45k to fund off-site affordable housing will be made via S106. The absence of such funding was previously the basis of a draft recommendation of refusal of permission – as set out in the Officer report to DMC on 3rd January 2013.

| HOU15  | Affordable housing | • Whilst acknowledging that the relevant threshold to trigger affordable housing set out in HOU15 is 25 units or a 1ha site, appropriate to consider in the context of emerging Core Strategy policy SN2, which is a significant material consideration in determining the application.
• It has now been confirmed by the applicant that the provision of £45k to fund off-site affordable housing will be made via S106 – and so complying with policy SN2 of the Core Strategy.

| DCS1, HOU3, HOU13 | DC Strategy / housing development + layouts | • Proposals meet approved daylight & privacy standards – indeed previous appeal was dismissed solely on housing oversupply grounds.
• Indeed, in noting objections previously raised by the neighbour to the west of the site on the basis of loss of privacy & outlook, the appeal Inspector commented that “the Council raises no objections on any of these grounds and I have no reason to disagree”.
• In terms of the street scene & the visual appearance, whilst acknowledging that many of the nearby properties are single storey bungalows, there are already a pair of 2-storey blocks of flats, of similar massing to that proposed, adjoining/close to the site.

| GRN22, DCS7 | Protection of landscape features / landscaping | • None of the trees within the site are protected & the Arboriculturalist has concluded that none are worthy such protection (see comments below).
• Acceptable landscaping proposals included within the submission.

| LUT1, LUT3 | DC strategy / Land use/transportation strategy | • As acknowledged in the previous appeal decision, the site is in a comparatively sustainable location, (close to a wide range of facilities and a
Responses to consultation

Planning Policy:
No objection in principle to proposal which aligns with the objectives of the emerging Core Strategy & would not compromise regeneration efforts (the underlying principle of UDP policies HOU1 and HOU2). Can support proposal on the basis of the provision of £45k via S106 to fund off-site affordable housing as required by Core Strategy policy SN2.

Comment:
- It has now been confirmed by the applicant that the provision of £45k to fund off-site affordable housing will be made via S106. The absence of such funding was previously the basis of a draft recommendation of refusal of permission – as set out in the Officer report to DMC on 3rd January 2013.

Highways:
No highways objections are raised in respect of the proposed development, subject to attachment conditions re. access construction & cycle parking provision.

(Full comments in Appendix 2)

Environmental Protection:
No objection subject to standard contamination conditions, & informatives re. construction working hours & external lighting.

Arboriculturalist:
No objection, should tree should removal be required for the purposes of the development.

The area has predominantly ornamentals and the only tree readily visible on the road frontage remains the Atlantic blue cedar. Although well recovered from previous pruning works, the tree is not an ideal species for what is considered to be a confined location for a coniferous species, requiring frequent pruning of the lower laterals to keep the fabric of the property clear of lower branches.

Natural Environment Officer:
No comments, other than to endorse Arboriculturalist’s comments re. trees.
**Appleton PC:**
Object – main comments summarised as follows:
- Out of character with area
- Reduction of privacy
- Loss of light
- Inadequate parking
- Dangerous access
- Contrary to covenants on land restricting to single storey development
- Over intensification
- Contrary to Core Strategy provisions re. housing supply
- Draw attention to previous refusal & subsequent appeal decision
- Request site visit by Members

(Full comments in Appendix 5)

**Comment:**
- **Accords with minimum interface distances in terms of light & privacy – previous application/appeal not refused on this basis.**
- **In noting objections previously raised by the neighbour to the west of the site on the basis of loss of privacy & outlook, the appeal Inspector commented that “the Council raises no objections on any of these grounds and I have no reason to disagree”**.
- **Inappropriate to refuse on access/parking grounds in absence of a Highways objection – previous application/appeal not refused on this basis.**
- **Covenants are not a relevant planning consideration.**
- **The proposal is considered to be fully in line with current approach to housing land supply – given that appropriate funding for off-site affordable housing is now to be made via S106.**

**David Mowat MP:**
Express concerns on behalf of local residents, summarised as follows:
- The area is characterised by bungalows & the proposal is out of keeping
- The proposal represents overdevelopment of the site
- The windows in the 2-storey building will lead to overlooking & loss of privacy
- The bulk & height of the 2-storey building will overshadow the properties to the rear
- The building extends across the site to the detriment of the open character of the street
- There is concern about the loss of trees & the habitat they support

**Comment:**
- **The previous appeal was dismissed solely on the grounds of housing oversupply – with respect to the other issues raised by neighbours, the Inspector concluded that “the Council raises no objections on any of these grounds and I have no reason to disagree” – privacy & daylight standards met.**
- **Field Lane already has 2 blocks of 2-storey flats close to the site – difficult to argue that proposals would fundamentally or unacceptably affect the area’s character or set a precedent.**
- **Acceptable in terms of trees / ecology aspects (see above).**
Responses to Notification:
(full details on file)
Objections received from the occupants of 30 nearby properties & the management company from the adj. flats (Ashley Court) – main points summarised as follows:

- Loss of privacy / overlooking of properties & gardens
- Overbearing / out of character with Field Lane / unsympathetic to existing architecture
- Increase in footprint / density – plot too small for building proposed
- Noise
- Detrimental to existing properties
- Loss of an architecturally designed, attractive bungalow which appears structurally sound & is most suitable for the elderly / infirm
- No regeneration benefit as present building is a pleasant house
- Loss of trees / shrubs
- Loss of value to properties
- Highway safety concerns / increase in traffic & congestion on inadequate / unsuitable road, near a bend
- Exacerbation of existing on-street parking problems, with potential delay / hindrance to emergency vehicles accessing properties to the south
- Inadequate on-site parking provision
- Additional garages for residents would be an eyesore
- Precedent for redevelopment of other large bungalow plots in vicinity
- Nothing has changed since previous appeal decision – same considerations apply / remain valid
- Contrary to Core Strategy policies in terms of housing oversupply
- No affordable housing provision
- Previous appeal decision notes that existing boundary hedging & trees provide a further degree of protection in terms of privacy / outlook – but these have since been removed
- Query capacity of existing foul & surface water drainage
- Query whether consultations carried out in respect of ecology, trees, contamination, affordable housing, flood risk & drainage
- Disruption / disturbance / traffic during construction period
- Applicant’s personal profit motive
- If applicant is not willing to honour covenant obligations, will he enforce any covenants imposed on proposed flats?
- Applicant gained existing access across land belonging to Ashley Court (adj. flats)
- Contrary to restrictive covenant limiting any development to single storey
- WBC should take into account the genuine concerns of a significant number of residents
- Endorse Parish Council’s objection
- “Believe comments (privacy/overlooking/noise/property value/character of area) are very similar to those which you accepted as genuine and relevant when this identical application was submitted and rejected some years ago”.

35
Comment:

- The previous appeal was dismissed solely on the grounds of housing oversupply – with respect to the other issues raised by neighbours, the Inspector concluded that “the Council raises no objections on any of these grounds and I have no reason to disagree” – privacy & daylight standards met.

- Whilst approval of small scale, low impact housing developments is in line with current policy approach in terms of oversupply. It has now been confirmed by the applicant that the provision of £45k to fund off-site affordable housing will be made via S106. The absence of such funding was previously the basis of a draft recommendation of refusal of permission – as set out in the Officer report to DMC on 3rd January 2013.

- Inappropriate to refuse on the grounds of highway safety in the absence of an objection from Highways – marginal overprovision of parking (see Highways comments).

- Field Lane already has 2 blocks of 2-storey flats close to the site – difficult to argue that proposals would fundamentally or unacceptably affect the area’s character or set a precedent.

- Loss of existing mid/late C20th bungalow not a reason to withhold planning permission (not Listed or locally listed).

- Covenants are not a relevant planning consideration.

- Reduction in property values is not a relevant planning consideration.

- Applicant’s motives are not a relevant planning consideration.

- Acceptable in terms of trees / ecology aspects.

Conclusions and reasons for recommendation/decision

- There are considered to be no “site-specific” issues which should prevent the grant of planning permission – particularly bearing in mind the conclusions of the Inspector at the previous appeal. It has been confirmed by the applicant that the provision of £45k to fund off-site affordable housing will be made via S106 – and so overall it is concluded that the proposal is now fully in line with the Core Strategy approach to housing provision.

Appendix 1 – Planning Policy comments

The Planning Policy advice below was given prior to the applicant’s agreement to fund off-site affordable housing via S106. In the light of this agreement, the proposal is now considered to be fully in line with the Core Strategy approach to housing provision.

<table>
<thead>
<tr>
<th>Principle of proposal</th>
<th>Please note that I have no objections to the principle of the above proposal. I concur that the proposal aligns with the objectives of the emerging Core Strategy and importantly would not compromise regeneration efforts which is the underlying principle of UDP Policies HOU1 and HOU2.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable housing</td>
<td>I do not accept however that nil weight should be afforded to emerging Core Strategy Policy SN2. This requires that 20% of the number of units on sites of between 5 and 14</td>
</tr>
</tbody>
</table>
dwellings are provided as affordable. Contrary to the view of the applicant there are no unresolved objections which relate to the policy’s headline percentage figures or the thresholds employed. By way of reference to paragraph 216 of the NPPF Policy SN2 is considered to constitute a significant material consideration in the determination of this proposal. In the absence of any affordable housing contribution which accords with the requirements of CS Policy SN2, the proposal can not be supported from a planning policy perspective.

- The applicant should be advised to enter into discussions regarding providing 20% of the proposed provision as affordable. It is likely that it may be deemed acceptable to accept a commuted sum in lieu of onsite provision given the scale and nature of the proposal. Should the applicant consider that such a request would render the development unviable, this would need to be substantiated via the submission of a financial appraisal.

Appendix 2 – Highways comments:

| Previous Planning Appeal | The application is essentially a resubmission of application 2004/04416 which was refused planning permission on appeal on the 6 July 2005 under PINS ref APP/M0655/A/05/1175490. It is noted that no objections were raised by WBC Highways in respect of the proposals at that time, and subsequently in the appeal decision, when referring to matters raised by residents such as the potential for increased traffic and on street parking, the Planning Inspector concluded that: “The Council raises no objections on any of these grounds and I have no reason to disagree”.

| Proposed Access Arrangements | It is proposed to create a new 4.7m wide vehicular access onto Field Lane to serve the development, and to close the existing drop crossing access to the site. The submission and agreement of construction details of the new access and removal of the existing drop crossing should therefore be ensured via planning condition.

| Proposed Parking Provision | The proposed site plan (date stamped 4th September 2012), includes provision of 14 parking spaces (12 dedicated spaces for the apartments with 2 visitor spaces). The Council’s adopted maximum parking standards for Houses and Flats with communal parking is 1.5 spaces per dwelling. Therefore on the basis of 8 apartments, 12 spaces would be the maximum provision in accordance with the Council’s adopted standards. In this case, the provision of 14 spaces exceeds the Council’s adopted maximum parking standards. However
as the 2 additional spaces are for visitor parking, this slight over provision can be accepted.

- The planning application forms also confirm that no cycle parking is proposed as part of the application. A scheme of cycle parking should therefore be secured via planning condition, in order to ensure that cycling remains a potential alternative to the private car for future residents, in the interests of promoting sustainable transport to and from the site.

<table>
<thead>
<tr>
<th>Summary &amp; conclusions</th>
</tr>
</thead>
<tbody>
<tr>
<td>• In view of the above, no highways objections are raised in respect of the proposed development, subject to attachment of the following planning conditions:</td>
</tr>
<tr>
<td>o “Prior to the commencement of development, a scheme for the construction of the new vehicular access onto Field Lane and removal of the existing disused vehicular access shall be submitted to and agreed with the Local Planning Authority. Such scheme as is agreed shall be implemented prior to first occupation of the development.”</td>
</tr>
<tr>
<td>o “Prior to the commencement of development, a scheme of cycle parking to serve the development shall be submitted to and agreed with the Local Planning Authority. Such scheme of cycle parking as is agreed shall be implemented prior to first occupation of the development and shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.”</td>
</tr>
</tbody>
</table>

**Appendix 3 – Parish Council Comments**

<table>
<thead>
<tr>
<th>Parish Council</th>
<th>Appleton PC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application no.</td>
<td>2012/20594</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Key areas of concern</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The proposed two storey block of 8 apartments is in an area primarily of bungalows both to the front, rear and adjacent situated on spacious plots so this high density/over development of the single bungalow plot will be out of character with the resultant damage to the street scene.</td>
</tr>
<tr>
<td>• The development will be oppressive, overbearing and reduce the privacy of nearby residents, especially to nos. 2 and 3 Windmill Close plus the property known as Hideaway, Windmill Lane. The availability of sunlight will be reduced to the surrounding bungalows but especially to the west and north (rear), the latter of which is on a lower elevation.</td>
</tr>
<tr>
<td>• There does not appear to be adequate car parking and concern is raised that residents/visitors, due to the location of the parking of 10 bays (no. 3 to 17) well away</td>
</tr>
</tbody>
</table>
The new access is close to a 90 degree bend in the road with its inherent dangers to other users – both motorists and pedestrians. The road is extremely busy due to the recent extensive ‘Hamptons’ developments further south on Field Lane and it is understood that the Principle Engineer, Transport, Planning and Development Control has been consulted on this proposed application.

- The application appears contrary to Covenants within the deed documentation of other properties in the area, which restricts any development to single storey. Also any agreement to this application could set a precedent for similar proposals.
- The Parish Council understood that available sites for residential development within Warrington centre would be considered first before looking at the outskirts of Warrington. The Parish Council strongly objects to the severe over intensification of use on this site and it appears contrary to CS1 of the emerging Core Strategy and the current Supplementary Planning Guidance entitled, Restricting the Housing Supply.
- Consideration should be given by Warrington Borough Council to a previous similar planning application made under ref 2004/04416 which was Refused by Warrington Borough Council with the subsequent appeal dismissed by The Planning Inspectorate on 6 July 2009.
- The Parish Council wishes to add its support to the objections being raised by local residents to the proposal and recommends it be refused though if there is a mind to approve the application, the Parish Council requests a prior site visit by Members of the Development Management Committee or Planning Applications Sub Committee.

<table>
<thead>
<tr>
<th>Key policy references</th>
<th>DCS1, HOU1, HOU2, HOU3, HOU13 &amp; LUT20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Considered by Parish Council on</td>
<td>Date: 18.9.12</td>
</tr>
</tbody>
</table>