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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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.
## Item 1

**App number**: 2013/22329  
**App Location/Description**: Novelis UK Ltd, Latchford Locks, Thelwall Lane, Lock Villas, Warrington, WA4 1NN  
**Recommendation**: Approve

**Description**: Major (Small Scale Major) - Proposed installation of a new automotive scrap recycling facility as an additional line to the existing aluminium recycling processes that are undertaken at the Latchford Lock Works. (Provision of a new Barn Extension for the processing of Automotive Aluminium scrap, and the construction of a Dust Filter Unit).
DEVELOPMENT CONTROL COMMITTEE DATE: 30-Jan-2014

ITEM 1

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<td>RIXTON AND WOOLSTON, Latchford East</td>
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<td>Development</td>
<td>Major (Small Scale Major) - Proposed installation of a new automotive scrap recycling facility as an additional line to the existing aluminium recycling processes that are undertaken at the Latchford Lock Works. (Provision of a new Barn Extension for the processing of Automotive Aluminium scrap, and the construction of a Dust Filter Unit).</td>
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<td>Date Registered:</td>
<td>08-Nov-2013</td>
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<td>Applicant:</td>
<td>Novellis Latchford</td>
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<td>8/13/16 Week Expiry Date:</td>
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Reason for Referral to Committee

This is a major planning application with more than ten objections received and the officer recommendation is one of approval.

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 large aluminium recycling facility which has been in
operation for a period of at least 20 years. The site lies adjacent to the Manchester Ship Canal and is accessed off Thelwall Lane. A number of smaller industrial units and an adjacent housing estate are accessed from the same lane.

The site houses a number of large industrial sheds with extensive areas of hard standing which are used for occasional storage and the manoeuvring of vehicles. Immediately to the west are a number of modern houses – recently developed by Morris Homes (former New World Site) - which overlook the western portion of the site. Two dwellings are positioned on Thelwall Lane close to the site entrance. To the north and east the site opens out into grass and marsh land.

The site has been operating as an aluminium recycling facility on a 24 hour basis (subject to an amended condition restricting movements of HGV’s to and from the site between 7.00am and 10.00 pm Mondays to Fridays and 7.00 am until 7.00pm on Saturdays) primarily dealing with the recycling of aluminium cans, and more recently scrap source from the automotive industry. The existing processes on site include the shredding, de-coating, melting and casting of scrap metal (typically approximately 80% scrap and 20% aluminium); this has mainly centred on processing disused aluminium cans. According to the applicant, automotive scrap (which is the subject of this application) has been processed since 2005. However, there is currently no provision on site to bale automotive scrap metal. As it stands the site is not operating at full capacity. The applicant cites that the proposal would lift the capacity of the site from 180 000 tonnes per annum to 210 000 tonnes per annum. This would generate an additional 23 jobs which is in addition to the current 145 employees.

The application involves the extension of an existing ‘barn’ building which would measure 78m x 38m x 13.9m (height). It is intended to use the building on a 24 hour basis. The extended building would mirror the existing building in terms of appearance and dimensions. The extended building would be used to load and unload vehicles and to store scrap and products. It would also include a piece of baling equipment which would be used to bale and compact scrap metal prior to melting.

The proposed extended building lies to the rear of the site over 200m from the nearest dwellings. There are a number of other large buildings and industrial paraphernalia in between the application site and the existing dwellings. The application includes a canopy between the proposed building and an existing building in order to provide cover for vehicles arriving to deposit materials.

The application also includes an extension to the existing bag house (dust filter) which lies to the north of one of the main buildings. This is proposed to filter out dust from the melting and casting process. The extension would measure 5.6m x 9m x 15.5m (height).
Relevant Planning History

89/24558 – erection of new manufacturing plant with intention to convert aluminium can scrap into aluminium ingots for reuse – approved and implemented.
A01/42818 – variation of hours of traffic movement from aluminium can recycling – 0700 – 2200 hours (Monday to Friday) and 0700 – 1900 hours on Saturday - approved.
A01/44113 – proposed erection of aluminium recycling plant to process aluminium bearing dross and aluminium scrap – approved.
2004/42818 – variation of condition 1 of planning permission A01/42818 to allow vehicles between 1000 – 1600 Sundays and Bank Holidays – refused.
2005/05904 – proposed link building – approved.
2005/05982 – erection of 20m high chimney – approved.
2006/08293 – installation of silo, support structure and materials handling equipment – approved.
2011/18853 – extension of existing bag filter from 3 modules to 4 modules – approved.

Planning Policy

National Planning Policy Framework

Includes, amongst other matters, a presumption in favour of sustainable development.

Planning Policy Statement 10 (2011)

Planning for sustainable waste management.

Warrington Unitary Development Plan

Policy DCS1 - Development Control Strategy
Policy HOU7 – The Residential Environment
Policy GRN22 - Protection and Enhancement of Landscape Features
Policy EMP4 - Employment Areas
Policy REP8 - Land Contamination
Policy REP10 – Noise
Policy LUT2 – Transport Priorities in Development Control
Policy LUT20 - Parking

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:
Notification Responses

The application was advertised by way of neighbour letter and site notice. A petition has been received containing 45 signatures from a number of residents who reside on Steers Close, Hamilton Close and Fulton Close. The concerns are summarised as follows:

- The process is an additional line to the existing recycling process which will cause considerable disturbance and an increase in noise. Plant already operates on a 24 hour basis.

- Site already generates significant traffic above what is appropriate. Current residents already have to park half on the road and half on the pavement. Application would make traffic worse.

- The works would be out of character with the area.

- The application contradicts policy HOU7 of the UDP.

- The application would lead to an increase in air pollution.

Consultation Responses

WBC Environmental Protection - No objection – The additional material clarifies that the proposal is not for a completely new fan powered bag filter assembly but is instead for an additional bag filter to be attached to the existing bank of three existing bag filters. The new unit will not have any significant plant attached – certainly no large additional air handling fans, but will have some control gear associated with the control of the distribution of air to the individual bag filter units.

The addition of a single bag filter unit is likely to have an insignificant impact on the acoustic situation in the area – certainly I would expect less than a 1dB change following standard acoustic methodologies.

As such, I feel that I cannot have any objections to this additional bag filter as
detailed within this planning application.

No objection to the barn extension. No conditions required for the building envelope provided mitigation measures are incorporated into the structure as suggested by the plans and acoustic report

**WBC Highways** - Assessed the submission against the following criteria:

1) The adopted section of Thelwall Lane (which extends up to its junction with Powder Mill Road) typically measures between 7m and 9m width along its length. Beyond this, on the unadopted section leading to the site, Thelwall Lane typically measures in the region of 6m width.

2) Applicant calculates there are presently 310 daily two way HGV movements on Thelwall Lane. It is anticipated that the additional 29 two way HGV movements per day generated as a result of the proposals will represent an expected 9% increase in daily HGV movements along Thelwall Lane.

3) The submitted transport modelling indicates that in both weekday AM and PM peak hours, with development traffic, the junction is expected to operate within acceptable capacity limits, with the maximum degree of saturation at the junction expected to be 75.8% in the AM peak hour and 67.6% in the PM peak hour. The proposed development is therefore not expected to have a significant impact on traffic capacity.

4) The recorded accident history in relation to the site access route along Thelwall Lane is not considered to be significant enough to warrant objection to the expected increase in LGV and HGV traffic generated by the proposals.

Overall there are no objections from highways.

**United Utilities** - No comments received.

**WBC Ecologist** - No objection.

**Environment Agency** - No objection subject to an informative.

**Observations**

**Principle of development**

The site lies within an existing employment area in the Warrington Unitary Development Plan (UDP) where adopted policies support employment proposals, subject to the other criteria set out in this report.

The site has a long established industrial/manufacturing history which, according to the applicant, dates back to the 1940’s. More recently (1989) the site obtained planning permission for the erection of manufacturing plant with intention to convert aluminium scrap cans into aluminium ingots for re-usage. A further permission was granted in 2001 for a large furnace building (A01/44113 – proposed erection of aluminium recycling plant to process
aluminium-bearing drosses and aluminium scrap). The existing operations are considered to comprise waste recycling, with the processing element involving a largely industrial and manufacturing process. The proposal – to recycle automotive scrap and manufacture aluminium ingots – would not be markedly different from the historic and consented aluminium recycling and metal furnace processes.

In both instances the material would be shredded and crushed with the melting and casting elements taking place within the same previously consented buildings. The end product – metal and aluminium briquettes and ingots – would be similar in scale and involve a similar manufacturing process which would culminate in a useable end product. The additional activities would not change the method of operation on the site. Whilst concerns have been raised regarding the use associated with the application; the land use gazetteer identifies ‘Aluminium can waste sorting, crushing, pulverising, shredding, compacting or baling’ and ‘Aluminium or its alloy extraction or recovery place from scrap by heat (not at a scrap yard)’ as falling under the B2 use class. Therefore, it is considered in this case that both the proposed and existing activities fall somewhere in between the two descriptions above and are most closely related to B2 uses. As a result it is not considered that planning permission is required for the proposed activities (i.e. from a use point of view) as the proposed additional works are in the same use class as the permitted use. In addition, there are no conditions on the original consent (89/24588) or the more recent consent (A01/44113) which would prevent an increase in processing on the site. This is an important material consideration when assessing this application.

Given the above members are in essence being asked to consider what is being proposed from an operational (i.e. physical works) point of view and any associated impacts that may arise if planning permission were approved. In considering whether to grant planning permission officers have liaised with a number of consultees in order that the application is assessed in terms of impacts relating to traffic generation, noise, amenity and ecology.

The proposal - to extend the existing ‘barn’ building and extend the existing bag filter unit - would expand the scope of the existing business and facilitate the complete recycling and processing of automotive scrap, potentially leading to the creation of 23 jobs. This is in line with the provisions of the NPPF, policy EMP4 of the UDP and PV1 of the Core Strategy. The site lies in a sustainable location, being an existing well established aluminium recycling plant with established links to the road network. Therefore, the scheme would further offer to provide a sustainable waste management solution which is in line with the provisions of policy MP8 of the Core Strategy.

**Visual Amenity**

There are a number of large stacks, sheds, and storage apparatus all of which gives an overall impression of a large industrial site with a functional appearance. Views are mainly obtainable from Thelwall Lane and Thelwall New Road and intermittently from the Morris Homes development to the west.
The proposed extension is positioned to the rear of the site and would not be visible from any public vantage points. The proposed bag filter is also unlikely to be visible from the surrounding area other than from the open countryside to the east. However, any visibility of the proposal would be set against the existing built form and therefore, there is not considered to be an impact on the character and appearance of the area given the context. In this respect the application is considered to comply with policies DCS1 and EMP4 of the UPD and PV1 of the Core Strategy.

Residential Amenity

The proposed extension is sited over 200m from the nearest residential properties on Steers Close, Fulton Close and Hamilton Close. Two dwellings lie approximately 260m from the proposed building extension on Thelwall Lane. In addition there are a number of existing recycling buildings between the proposed building extension and the new housing development. It has been reported by a number of local residents that the existing operations have resulted in a number of recent public health complaints. The complaints are likely to derive from the fact that the incoming aluminium cans have contained residues – thus attracting flies. This is largely a matter for the Environment Agency to investigate as the recycling activities require a Permit from the Environment Agency. However, officers attending the site noted that the incoming scrap automotive metal was largely a clean waste source, unlikely to attract flies or vermin.

Residents have also reported noise complaints from the recycling activities. Again, these are separate matters for investigation by the relevant regulatory body.

The current application should be assessed on its own merits. To this end the submitted noise report and calculations show that the activities in the proposed barn would be below the existing background noise levels – partly due to acoustic cladding proposed on the building and partly due to the noise from the existing activities which already have the benefit of planning permission. Therefore, based on the submitted report and assessment by the Council’s Environmental Protection team, the proposal would not lead to an increase in the level of noise at the nearest sensitive receptors.

The movement of vehicles has the potential to result in disturbance, especially to those residents along Thelwall Lane. However, the submitted Transport Assessment indicates slight increase high baseline movements. In addition, there are restrictions on the 1989 planning permission which prevents HGV’s from accessing the site during the night time period. The small increase in the number of vehicles is unlikely to lead to additional disturbance. The Council’s Environmental Protection service and Highways service raises no objection to the proposal.

Whilst complaints have been received regarding the potential for air pollution; this element is controlled by the Environment Agency. Furthermore, the
additional automotive scrap would be used in existing melting and casting infrastructure which in itself would not give rise to additional air pollution concerns.

In terms of the proposed extended bag filter, which is 160m from the nearest properties, the additional plant would not result in any additional noise source as the existing motor unit (fan) has been operational since 1996 and serves the existing bag filter modules. With that in mind, there are no objections raised from the Council’s Environmental Protection service.

Objectors also raise concerns about the 24 hour operation of the existing site and proposed extension. However, there are currently no operating time controls over the use of the site and the additional extension is unlikely to give rise to additional noise and disturbance. Therefore, a condition limiting the use of the proposed extension is not warranted in this case.

Overall the proposal is located away from existing residential properties and this, combined with the mitigating effect of the proposed building, would reduce the level of noise emanating from the additional activities so as not to impact on residential amenity. When measured against policies REP10 and HOU7 of the UDP and QE6 of the Core Strategy the application is in compliance.

**Highway Safety**

Concerns have been raised regarding the existing access and traffic movements and the potential for the proposal to increase the movement of HGV’s. The site entrance does not lie on the adopted section of the highway as the adopted section runs from Thelwall Lane up to its junction with Powder Mill Road.

The application would lead to an increase in vehicular movements based on the existing capacity of the site (based on a processing capacity of 180,000 tonnes of material). The applicant cites the associated movements would be in the region of 29 HGV and 54 LGV additional two way movements per day. There are currently 310 daily two way HGV movements on Thelwall Lane as a result of the existing activities. Therefore, the proposal would lead to an anticipated increase in daily HGV movements of 9%.

In terms of the capacity of the existing highway network, the submitted Transport Assessment indicates that the additional number of vehicles would be within acceptable tolerances at the junction of Thelwall Lane and the A50 (Kingsway). The proposed development is not anticipated to have a significant impact on traffic flows during AM and PM peaks.

In addition, WBC Highways have undertaken a review of the latest available 3 year accident records for Thelwall Lane, between its junction with the A50 Kingsway and the site. This review indicates that, in the last 3 years, there have been 3 recorded personal injury accidents on Thelwall Lane, with two being classified as “slight” and one being classified as “serious”. A review of
the details available in respect of the above recorded accidents confirms that none of these 3 accidents involved HGV traffic or demonstrated any identifiable patterns or trends. As such, the recorded accident history in relation to the site access route along Thelwall Lane is not considered to be significant enough to warrant objection to the expected increase in LGV and HGV traffic generated by the proposals. Overall the application is considered to comply with LUT2 of the UDP and MP1 of the Core Strategy.

Ecology

The site lies to the south west of Woolston Eyes SSSI which is prized for its breeding bird assemblage of lowland open waters and for wintering wildfowl. It includes extensive areas of reed beds and is an important area of biodiversity in the Borough. The application involves works within the established facility and therefore, it is not anticipated that the works would give rise to adverse ecological impacts beyond the site boundary. The application is considered to comply with policy QE5 of the Core Strategy.

Summary

The application involves the erection of an extension to an existing building and the provision of an additional bag filter unit in order to facilitate a further aluminium waste recycling and manufacturing line. The use of the site has already been established (i.e. a B2 use) and the proposed extension would facilitate the creation of 23 additional jobs.

Therefore, the application clearly aligns with national and local policies which are in place to support economic growth. It also contributes to moving waste up the waste hierarchy. There is considerable weight in favour of the scheme and, as the application lies within an Employment Area on the UDP, it is acceptable in principle, complying with policy EMP4 of the UDP and policies MP8 and PV1 of the Core Strategy.

A number of concerns have been raised about the proposal, some of which can be levelled at the existing operations on site which are subject of separate legislative control and can be investigated separately by the Environment Agency / other controlling bodies.

It is a legitimate concern that the current application would exacerbate the existing issues on site. However, the submitted details have been objectively assessed and it is concluded that any noise arising from the additional baling equipment and associated activities would be well below background noise levels. In any event, the proposed extension would contain acoustic insulation. Similarly, additional vehicular movements would not lead to significant excessive noise and disturbance over and above the existing levels of noise generated by vehicles entering and leaving the site.

In terms of traffic impacts, the proposal would result in a small mark up on the existing HGV movements. Therefore, the level of disturbance when measured against the baseline would be minimal.
The application is considered to comply with principle policies EMP4 of the UDP and PV1 and MP8 of the Core Strategy. In addition, the impact on the amenity of the locality is considered to be acceptable and the application is considered to comply with policy HOU7 of the UDP and QE7 of the Core Strategy. The application is would facilitate an additional form of sustainable waste management and the proposed development and is therefore recommended for approval.

**Recommendation**

Approve subject to conditions

**Conditions / Reasons**

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 15th August 2013.
   (b) Submitted drawi...GPP0021, 123209-002 Rev B, GPP0011 Rev B and noise impact assessment dated 29th April 2013 submitted by Philip Dunbavin Acoustics Ltd.

   **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. There shall be no receipt of materials or dispatch of materials to/from the site outside the hours of 0700 - 2200 Monday to Friday and 0700 and 1900 Saturday. There shall be no receipt of materials or dispatch of materials to/from the site on Sunday or Bank Holidays.

   **Reason**: In order to protect the residential amenities of the occupiers of the adjacent properties and to comply with Policy QE6 of the Warrington Core Strategy, Warrington SPD: Environmental Protection and Warrington SPD: Design and Construction.

4. Before the development hereby approved is first brought into use the car parking area shall be hard surfaced and marked out as indicated on the approved plan (Ref - GPP 0021). The car park shall be made available at all times that the premises are in use for the parking of staff.
and visitors’ cars.

Reason: In order to ensure that there is adequate car parking provision clear of the public highway in the interests of the safety of users of the highway and in order to comply with Policy QE6 of the Warrington Core Strategy and saved appendix 5 / Policy LU20 of the Warrington UDP

Informatives

1. This development may require a variation to the environmental permit from the Environment Agency. The applicant is advised to contact Nick Harbridge on 01925 542802 to discuss the issues likely to be raised.

2. Historical mapping indicates a former potentially contaminative land use that may affect the (re)development of the site. The site was formerly used as a Tube Works and Electricity Sub-station. The applicant/Developer must ensure that the appointed Contractors and Building Control Officer are made aware of the above, so that adequate precautions can be taken to protect Construction Workers, future Site Users and the wider public from land contamination issues. Contamination encountered during works must be reported immediately to the LPA and works halted within the affected area.

Contact: Further information regarding the above advisory can be obtained from the Environmental Protection Team at the LPA (Tel: 01925 442581)

3. The proposed development site is known to be located within 250m of a potential ground gas generation source: Historic Landfill Site located 125m NE of the subject site. As such, new buildings and/or confined spaces at the site may potentially be affected by hazardous ground gases. The Applicant/Developer should ensure that the appointed Contractors and Building Control Officer are made aware of the above, so that adequate precautions can be taken to protect Construction Workers and future Site Users from possible ground gas issues associated with the site and vicinity.

Contact: Further information regarding the above advisory can be obtained from the Environmental Protection Team at the LPA (Tel: 01925 442581)
Appendix

Site of proposed extension

Site plans
TITLE OF REPORT: Appeal decisions for period between 12th December and 20th January.

1. PURPOSE OF THE REPORT

1.1 To advise members of the results of the above planning appeals.

- 5 Allen Street – appeal allowed.
- 16 Chapel Lane – appeal allowed.
  - Costs decision – no costs awarded.
- 108 Longbarn Lane – appeal dismissed.
- Former United Utilities Site, Chester Road – appeal allowed.
  - Costs Decision – costs awarded.
- Land at Stocks Lane/Warrington Road – appeal allowed.
  - Costs Decision – costs awarded.

2. REPORT BODY

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

Allowed Appeals

2.2 A change of use from residential to officers has been allowed at 5 Allen Street. The main issue was the effect of the appeal proposal on the safe and efficient operation of the highway network in the vicinity of the appeal site. Officers refused consent under delegated powers on the basis that the site did not provide adequate off street car parking for the number of staff and visitors entailed as part of the proposal. It was considered this would lead to overspill parking in adjacent streets to the detriment of the free flow of traffic and highway safety.

The Inspector noted the limited capability of on-street parking in front of the site and the potential for only 1 vehicle to park on the site to be regularly and conveniently available. Nevertheless they noted the parking standards in relation to this scheme could only seek a maximum of 3 spaces. They concluded that the appeal proposal would be within the maximum car parking standard required by UDP Policy LUT20 and that it would not harm the safe and efficient operation of the highway network in the vicinity of the appeal site. It would therefore comply with
UDP Policy DCS1, which among other things expects development proposals to integrate efficiently with the highway network. It would represent a safe pattern of development as anticipated by UDP Policy LUT1.

2.3 A certificate of lawful use was granted at 16 Chapel Lane, but an award of costs was refused. The applicant claimed to have used an area of land approx. 20 square metres as part of the domestic garden. It was our view that on the balance of probabilities the application failed to meet 3 relevant tests set out in the case of McAlpine v SSE [1995] 1 PLR 16 to identify the characteristics of a curtilage; (confined to a small area about a building; intimately associated with that building; regarded as one enclosure with the building)

The Inspector considered that, on the balance of probabilities, the appeal land was part of the curtilage of No. 16 by February 1993 and remained during the 10 year period to the date of the current appeal application for a certificate of lawful use. The appeal land was clearly part of the domestic garden before 1993 when Rawlinson family, then the De Sanctis family owned, lived in and used the entire property as their domestic residence. The growing of fruit and vegetables appears to have been no more than enthusiastic gardeners' use of their home and its garden. There was no evidence, other than the Council's interpretation of aerial photographs, to suggest that the appeal land had been part of a separate agricultural unit or had been used for agricultural purposes. At the time of the De Sanctis ownership of the whole property, I consider that it clearly passed the 3 McAlpine tests. The use of the appeal land for 15 years in one case and 20 years in the other, as part of the garden to No. 16 was further confirmed by 2 more sworn affidavits from a part time employee and a neighbour.

The sale of the house with that part of the garden closest to the side of the house left the appeal land in the hands of the De Sanctis brothers. But it continued to be predominantly used by the new owners, Mr and Mrs Lennie, as part of their domestic garden, with the full permission of the brothers. The continued domestic use meant it remained intimately associated with the house at No. 16, despite the change of ownership. The new fence between the 2 areas, with its deliberate gap to allow access through, did not separate function. That fence may have delineated the ownerships, but it left the appeal land within the same overall enclosed area as before. I do not regard the provision of a new access to the appeal land from the road by the brothers in 1999 as having any material effect on the status of the land. It continued to be used predominantly as part of the garden to No. 16.

Costs Decision

The appellants sought an award of costs against the Council. This was refused because the Council's statement properly considered the extent of the curtilage to the appeal property with a reasoned support of their opposing opinion. Therefore the Council had not acted unreasonably throughout the determination of the application or appeal.

2.3 The appeal at the Former United Utilities site on Chester Road has been allowed and costs have been awarded. The applicant has therefore obtained permission to use the land and depot for car sales and the building for car preparation, together with alterations to the access, landscaping, boundary
treatment and he siting of 2 portable buildings. Our reason for refusal focussed on 
the highway safety on Chester Road following the approval of an earlier application 
and signed planning obligation which included highway improvement measures. 
(Ref: 2012/20700)

Members will recall this was considered at DMC on 30th May 2013 and a second 
application which included additional highway measures was approved by DMC on 
1st August 2013.

The Inspector considered that the appellants had submitted evidence to 
demonstrate the difference in traffic generation between the fall-back B8 use and 
the proposed car sales use. The Inspector considered the difference would be 
negligible. They also considered a comparison between the actual use of the 
appeal site by the previous occupants (Groundwork Mersey Valley) and the actual 
use of the appellants' present car sales site nearby in Chester Road which 
indicated a net reduction - this includes the use of car transporters which are likely 
to visit the site. These are likely to be unduly frequent. The Inspector noted that 
there are no records of accidents at or adjacent to the site access. The Inspector 
noted the highway improvements proposed as part of the scheme (radii/keep clear 
markings/bollards to protect pedestrians) and accordingly considered the scheme 
complied with adopted policy.

The applicant therefore benefits from both permissions and can therefore choose 
which they implement on the site.

Costs Decision

Effectively the basis for the award of costs is as a result of the Council being 
unable to substantiate our reason for refusal. The Inspector agreed that the 
Council was entitled to refuse consent, however we needed to show why and 
produce evidence to show why. This is particularly key requirement, despite 
whether it is a delegated or committee decision. In this case the appellants were 
able to demonstrate that, at worst, the difference was negligible and, at best that 
traffic would be reduced. The Inspector considered that expressing concern at the 
use of car transporters entering/leaving the site was not sufficient enough. Thus 
the Inspector considered we have acted unreasonably because unnecessary 
expenses have been caused as a result of needing to make the appeal.

2.4 The appeal for the site at the junction of Stocks Lane/Warrington Road has 
been allowed and costs have been awarded.

The Council refused permission because the proposals did not in our view make 
aDEquate provision for off-street parking which would give rise to an increase in on 
street parking which would be of severe detriment to highway safety and the free 
flow of traffic along Stocks Lane and Warrington Road.

The Inspector had regard to the expectation in the National Planning Policy 
Framework (the Framework) that local parking standards should take account of 
matters including: the accessibility of, and the type, mix and use of development; 
the availability of and opportunities for public transport and local car ownership 
levels. Although the Council’s parking standards pre-date the guidance in the 
Framework, they take a broadly similar approach to the provision of off-street 
parking. As set out in the highways section of the officer committee report, the 
standards indicate a maximum provision of between 12 and 13 spaces. Therefore,
having regard to the type, mix and use of the development, the 11 car parking spaces proposed in the appeal scheme falls short of maximum requirement by a single residential space.

The Inspector took into account census data provided by the Council, which demonstrates that in the immediate area of the appeal site car ownership is relatively high. Notwithstanding this they considered the site offered advantages for walking and cycling as well as regular bus services. The Council contends that the lack of the third car parking space for residential use would entail the loss of a space for commercial users. It is concerned that the cumulative effect of this squeeze would result in vehicles associated with the appeal scheme parking on the highways and as a consequence obstructing the free flow of traffic. The appellant’s robust analysis has established to my satisfaction, and the Council has presented no realistic evidence to indicate otherwise, that that there would be a turnover in the use of the car parking on the site, even in periods of maximum demand there would be on average 3 spaces capacity. The Inspector did acknowledge an average can be exceeded, but on street parking which doesn’t currently prevent the free flow of traffic could accommodate overspill parking.

Therefore they concluded the appeal proposal would not unreasonably harm highway safety in the area, including along Stocks Lane or Warrington Road. Any issues relating to on street parking could be monitored and then managed by Traffic Regulation Orders.

Costs Decision

The Inspector remarked that the recommendation in the committee report was that planning permission be granted. In circumstances where officer’s professional advice is not followed the Circular states that an Authority is expected to produce relevant evidence on appeal to support the decision.

Although general our appeal submissions explained the local highway circumstances and the local context, it did not describe these as being unacceptable in terms of safety. Although these comments were of some assistance in clarifying the Council’s position, they were general in nature and did not amount to an objective analysis of the proposal’s impact.

In terms of analysis, reference was made to Appendix 5 of the saved Unitary Development Plan, stating that its maximum parking standard of 3 spaces should apply to the appeal proposal in regard to its residential element. The only factual evidence given in support of this contention was that the 2011 census demonstrated that there is a high level of car ownership in the area, which according to the Council “brings about an expectation” that persons in the area make good use of their vehicles. However, even if this is so, no direct relevance of it to the appeal proposal was made.

In making the appeal the appellant commissioned a highways statement. This demonstrated through robust evidence and analysis, that the Council’s contentions were unfounded, both in the application of its parking standards and in terms of meeting the test of severity in the Framework. The Council did not take any account of the turnover of use of the car parking spaces, which the appellant’s highway statement demonstrated would provide an adequate buffer for residential visitor parking.
2.4 **The Inspector dismissed the appeal at 108 Longbarn Lane** which sought consent for a two storey side and rear extension plus a front porch.

Permission was refused under delegated powers because the extension would cause an oppressive and dominant feature which would be overbearing on 110 Longbarn Lane. The scheme was also refused on design grounds - namely it failed it respect or harmonise with the original dwelling.

The Inspector commented that whilst, the proposed extension would not result in a material loss of daylight, it would, given the limited degree of separation and its depth and height, appear dominant and overbearing when viewed from the side of No. 110 making it a substantially less pleasant place to live in.

On design matters the Inspector also agreed with the Council's stance. They said adjoining 2-storey extensions tight to the common boundary would rob the area of this degree of separation and spaciousness altering the intrinsic character of the area. Whilst a 2-storey extension to the common boundary with a set back at first floor would result in some loss of spaciousness, the ability to see through the gap and a degree of separation would retain the essential character of the original design and layout. In this case, no reason has been advanced to suggest that maintaining a degree of separation would result in an impractical extension at first-floor. In these circumstances, I conclude the proposal would have an unacceptable effect on the character and appearance of the area.

3. **CONFIDENTIAL OR EXEMPT**

3.1 Not confidential or exempt.

4. **FINANCIAL CONSIDERATIONS**

4.1 None.

5. **RISK ASSESSMENT**

5.1 No risks identified.

6. **EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT**

6.1 Not required.

7. **CONSULTATION**

7.1 No required.

8. **REASON FOR RECOMMENDATION**

8.1 To inform Members of the results of appeals.
9. **RECOMMENDATION**

9.1 That members note the appeal decisions.

10. **BACKGROUND PAPERS**

10.1 None

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrew McGlone</td>
<td><a href="mailto:amcglone@warrington.gov.uk">amcglone@warrington.gov.uk</a></td>
<td>01925 442845</td>
</tr>
</tbody>
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12. **CLEARANCE DETAILS**

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<thead>
<tr>
<th>Name</th>
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<tr>
<td>Andy Farrall</td>
<td>x</td>
<td>20/1/2014</td>
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Appeal Decision

Site visit made on 5 December 2013

by S P Williamson MBA Dip TP MRPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 January 2014

Appeal Ref: APP/M0655/A/13/2203919
5 Allen Street, Warrington, Cheshire WA2 7JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Dr Alagu Rajkumar Shanmugam against the decision of Warrington Borough Council.
- The application Ref 2013/21704, dated 22 April 2013, was refused by notice dated 9 July 2013.
- The development proposed is change of use from residential to office use.

Decision

1. The appeal is allowed and planning permission is granted for change of use from residential to office use at 5 Allen Street, Warrington, Cheshire WA2 7JD in accordance with the terms of the application, Ref 2013/21704, dated 22 April 2013, subject to the following conditions:
   1) The development hereby permitted shall begin not later than three years from the date of this decision.
   2) The development hereby permitted shall be carried out in accordance with the “existing” and “proposed” drawings, with the drawing showing “car parking for two vehicles at property” and with plan reference CH277934.
   3) The use hereby permitted shall not be carried out outside the following times: Mondays to Fridays 08:00 – 18:00.

Main Issue

2. The main issue is the effect of the appeal proposal on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

3. The appeal property is an end of terrace two storey house set in a primarily residential area. Nearby roads are busy with traffic but Allen Street is a short and lightly trafficked cul-de-sac. On-street car parking is tightly controlled on Allen Street and in the wider area by the use of double yellow line waiting restrictions.

4. I have taken account of the intention that there would be no patient or public access to the appeal premises, and that all staff and visitors would be directed
to use dedicated parking spaces at the nearby Eric Moore Health Centre; however, neither of these provisions has been put forward in a manner (for example though a planning obligation) that could be used to restrict the future operation of the premises.

5. The application states that 2 full time and 8 part time employees would work at the office; however the appeal submission indicates that only 1 manager and 4 part time staff would be based at the premises. Whichever number is borne out in reality, the Council’s parking standards set a maximum of 3 spaces for an office of the size proposed. There is a 3 bay on-street parking area across from the front of the appeal site which is restricted to resident only parking or, for non-residents, to a 2 hour maximum stay. The appellant has suggested that one of these spaces could be regarded as a visitor space for the appeal premises. This public parking area would not be for the exclusive use of users of the appeal premises, therefore it would provide only a limited opportunity for staff or visitors to park for a short time.

6. The appeal plans show off-street parking space for 2 cars in the rear yard. I have had regard to the Council’s concern that at 2.6m wide the space closest to the building would be below the 3.3m normally required, and the fact that use of the innermost space would entail any car parked behind it being moved. I conclude that only one off-street parking space would be regularly and conveniently available to serve the appeal premises.

7. The Council’s concern is that overspill parking taking place in inconsiderate locations on adjacent streets would be to the detriment of the free flow of traffic and highway safety. This issue was also raised in a representation made on behalf of the occupier of No.3 Allen Street. It is likely that there would be a parking requirement that can not be met on site; however, I have had regard to the Council’s standard being a maximum, not a target, and the fact that the appeal proposal does not breach the standard.

8. The purpose of the waiting restrictions is to prevent inconsiderate and unsafe parking of vehicles and I have no reason to conclude that users of the appeal premises would routinely flout the restrictions. The fact is that these users must abide by the rules and find parking off-site that complies with them. I therefore consider that additional parking demand from the appeal premises would not unduly harm the safe and efficient operation of the highway network in the vicinity of the appeal site.

9. The Council has referred to Policy QE 6 of its 2012 Submission Local Plan Core Strategy; however there is no indication of the progress of this document on the path to final adoption. Whilst for this reason I can give it only limited weight, I note that its emphasis on highway safety is shared by the quoted policies in the 2006 Warrington Unitary Development Plan (the UDP).

10. I therefore conclude that the appeal proposal would be within the maximum car parking standard required by UDP Policy LUT20 and that it would not harm the safe and efficient operation of the highway network in the vicinity of the appeal site. It would therefore comply with UDP Policy DCS1, which among other things expects development proposals to integrate efficiently with the highway network. It would represent a safe pattern of development as anticipated by UDP Policy LUT1.
Conditions

11. The Council has suggested a condition to require the development to be carried out in accordance with the submitted details. Such a condition is necessary for the avoidance of doubt and in the interests of good planning. The application proposed opening hours of 08.00 to 18.00 Monday to Friday and these were taken into account in the Council’s consideration of the development, concluding that “The amenity of the residences can be preserved by imposing an appropriate condition requiring the opening hours are restricted to those proposed”. I consider that a condition along these lines is necessary to protect the living conditions of neighbouring occupiers.

Conclusion

12. For the reasons set out above I conclude that the appeal should be allowed.

S P Williamson

INSPECTOR
Appeal Decision

Site visit made on 9 December 2013

by S R G Baird  BA (Hons), MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 December 2013

Appeal Ref: APP/M0655/D/13/2208211
108 Longbarn Lane, Woolston, Warrington, Cheshire WA1 4QR
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs K Perks against the decision of Warrington Borough Council.
- The application Ref 2013/22387 was refused by notice dated 23 October 2013
- The development proposed is a 2-storey extension to the side and rear plus a front porch.

Preliminary Matter

1. Although the appellant indicates a willingness to amend the proposed scheme that is not a matter on which I can comment or advise on. I have to deal with the details of the scheme as submitted to and determined by the local planning authority (LPA). Whether acceptable amendments can be made to the submitted scheme is something that the LPA can advise on.

Decision

2. The appeal is dismissed.

Main Issues

3. The effect on neighbours’ living conditions with particular reference to outlook and loss of daylight and the effect on the character and appearance of the street scene.

Reasons

4. Longbarn Lane comprises mostly mature semi-detached houses, several of which have 2-storey side extensions, where the first-floor is inset from the boundary. This suggests that in principle a 2-storey side extension would be acceptable. The objectives of development plan policy1, as expressed through Policies DCS1, HOU8 and HOU13, is to ensure that extensions to dwellings do not have an unacceptable effect on neighbours or the appearance of the area. The LPA has published Supplementary Planning Guidance for house extensions. To mitigate the impact of a 2-storey side extension on the street scene, it should be designed and positioned to appear subordinate to the original dwelling and to avoid a “terracing effect” the first floor should be set back from the common boundary.

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1 Warrington Unitary Development Plan

www.planningportal.gov.uk/planninginspectorate
Living Conditions

5. The extension would extend up to the common boundary with No. 110, run the full depth of the house and project some 3m beyond the main rear elevation. No. 110 has been extended to the rear with a single-storey extension that has habitable room windows facing No. 108. Given that the position of Nos. 108 and 110 on their respective plots appears almost identical, the gap between the side windows of No. 110 and the proposed extension would be some 2.7m. Whilst, the proposed extension would not result in a material loss of daylight, it would, given the limited degree of separation and its depth and height, appear dominant and overbearing when viewed from the side of No. 110 making it a substantially less pleasant place to live in.

Character and Appearance

6. When originally designed and laid out, the gap between semi-detached properties allowed for views between the properties to the sky beyond. This contributes to a degree of spaciousness and the general character/appearance of the street scene. Adjoining 2-storey extensions tight to the common boundary would rob the area of this degree of separation and spaciousness altering the intrinsic character of the area. Whilst a 2-storey extension to the common boundary with a set back at first floor would result in some loss of spaciousness, the ability to see through the gap and a degree of separation would retain the essential character of the original design and layout. In this case, no reason has been advanced to suggest that maintaining a degree of separation would result in an impractical extension at first-floor. In these circumstances, I conclude the proposal would have an unacceptable effect on the character and appearance of the area.

Conclusion

7. Whilst I am conscious that my decision will come as a considerable disappointment to the appellant, the proposal, as submitted, would have an unacceptable effect on the neighbours’ living conditions and the character/appearance of the area contrary to the objectives of development plan policy. Accordingly, the appeal is dismissed.

George Baird

INSPECTOR
Appeal Decision
Site visit made on 19 November 2013

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

Date 13 December 2013

Appeal ref: APP/M0655/X/13/2198072
Land at 16 Chapel Lane, Rixton, Warrington WA3 6HG

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal by Warrington Borough Council to grant a certificate of lawful use or development, (LDC).
- The appeal was made by Mr and Mrs J Lennie.
- The application, No. 2013/214418, dated 29 March 2013, was refused by a notice dated 24 April 2013.
- The application was made under s.191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use of land for which a certificate of lawful use or development is sought is the existing use of land as a domestic curtilage.

Summary of decision: The appeal succeeds. An LDC is issued.

Procedural matter
1. The Appellants, Mr and Mrs Lennie, made an application for an award of costs against the Council. That is the subject of a separate decision.

Appeal site
2. The appeal site, an area of about 20m square, is used as part of the domestic garden to the Appellants’ home, No. 16 Chapel Lane, on the southern edge of the village of Rixton. There is no boundary or feature to separate it visually from the rest of the northern side garden to the house at No. 16.

The appeal assertion
3. The s.191(1)(a) application asserts that the appeal land has been used continuously for more than 10 years before the application was made as part of the domestic curtilage to No. 16 Chapel Lane.

Considerations
4. The Council appear to accept that the appeal land is lawfully used for residential purposes. They did not agree it was part of the lawful curtilage of the house. The distinction is significant because of the Town and Country Planning (General Permitted Development) Order concessions, which attach to a residential curtilage.
5. Nancy Rawlinson, in a sworn affidavit, said No. 16 Chapel Lane, including the appeal land, was owned by the Rawlinson family until the 1970s. She said the appeal land was considered to be part of its garden. It had a garage, a large shed, a small potting shed and areas for flowers, vegetables and fruit trees. No. 16 was sold on to Mr and Mrs De Sanctis.

6. David De Sanctis submitted a sworn affidavit in support of Mr and Mrs Lennie. He said he was born at No. 16. He and his brother spent a lot of time in the appeal land garden and its garage. There was also a shed, a polytunnel and a greenhouse on this part of the garden. David De Sanctis and his brother inherited No. 16, but sold it to the present owners, Mr and Mrs Lennie, in 1995. The brothers held on to the appeal land with the intention of continuing to grow fruit and vegetables on it. But that plan was not pursued. However, they kept some domestic items in the garage.

7. Mr and Mrs Lennie confirmed that they bought No. 16 in October 1995 from the De Sanctis brothers. Just before completion of the sale, the brothers had decided to hold on to the land the subject of the current appeal. A fence was put up along the boundary between this land and the rest of the garden to No. 16. But a gap was left in that fence to allow access and for Mr and Mrs Lennie to use what is now the present appeal land as part of their garden to No. 16.

8. Mr and Mrs Lennie said they had used and maintained the appeal land as part of their garden from their purchase onwards. David De Sanctis said he and his brother were afforded access to the land by Mr and Mrs Lennie through their garden, but ended up using the land very infrequently.

9. The brothers built a dedicated access from the road to the appeal land in 1999. But that was said not to have affected its continued use as part of the garden of No. 16. The De Sanctis brothers sold the appeal land to Mr and Mrs Lennie in 2012.

10. The Council said the appeal land failed to meet the 3 relevant tests set out in the case of McAlpine v SSE [1995] 1 PLR 16 to identify the characteristics of a curtilage; (confined to a small area about a building; intimately associated with that building; regarded as one enclosure with the building). They said the appeal land extended beyond the confined area of land around No. 16. The 1999 access suggested the land was separate from the confined garden around No. 16. The boundary fence had also shown a physical separation. The appeal land was not part of one enclosure forming part of the curtilage of No. 16. Until last year, it was owned by others who had, from 1999, their own access to the land. Aerial photographs showed the land overgrown and unkempt. It was suggested it had been used for agricultural purposes.

11. My view is that, on the balance of probabilities, the appeal land was part of the curtilage of No. 16 by February 1993 and remained such during the 10 year period to the date of the current appeal application for a certificate of lawful use. The appeal land was clearly part of the domestic garden to No. 16 some time before 1993 when Rawlinson family, then the De Sanctis family owned, lived in and used the entire property as their domestic residence. The growing of fruit and vegetables appears to have been no more than enthusiastic gardeners’ use of their home and its garden. There was no evidence, other than the Council’s interpretation of aerial photographs, to suggest that the appeal land had been part of a separate agricultural unit or had been used for...
agricultural purposes. At the time of the De Sanctis ownership of the whole property, I consider that it clearly passed the 3 McAlpine tests, (para. 10 above). Although the side garden to No. 16, including the appeal land, was fairly long, nothing would have suggested it was unusual or somehow likely to have been seen as an area of non-residential land attached to, or as land separate from the reasonable curtilage of the house. The use of the appeal land for 15 years in one case and 20 years in the other, as part of the garden to No. 16 was further confirmed by 2 more sworn affidavits from a part time employee and a neighbour.

12. The sale of the house with that part of the garden closest to the side of the house left the appeal land in the hands of the De Sanctis brothers. But it continued to be predominantly used by the new owners, Mr and Mrs Lennie, as part of their domestic garden, with the full permission of the brothers. The continued domestic use meant it remained intimately associated with the house at No. 16, despite the change of ownership. The new fence between the 2 areas, with its deliberate gap to allow access through, did not separate function. That fence may have delineated the ownership, but it left the appeal land within the same overall enclosed area as before. I do not regard the provision of a new access to the appeal land from the road by the brothers in 1999 as having any material effect on the status of the land. It continued to be used predominantly as part of the garden to No. 16.

13. My conclusion is that the appeal should succeed and that a certificate of lawful use of the land as part of the domestic curtilage of No. 16 Chapel Lane should be issued.

FORMAL DECISION

14. The refusal of Warrington Borough Council to issue a Certificate of Lawfulness as applied for was not well founded. I exercise the powers transferred to me by s.195(2)(a) of the 1990 Act as amended accordingly and issue a Certificate of Lawful Development as applied for. It is attached to this decision, as is the relevant plan.

John Whalley

INSPECTOR
Costs Decision

Site visit made on 19 November 2013

John Whalley

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

Date 13 December 2013

Costs application in relation to appeal ref: APP/M0655/X/13/2198072

16 Chapel Lane, Rixton, Warrington WA3 6HG

- The application was made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application was made by Mr and Mrs J Lennie.
- The site inspection was in connection with an appeal made by Mr and Mrs J Lennie against the refusal by Warrington Borough Council to issue a Certificate of Lawful Development.

Summary of decision: No award of costs is made.

Considerations

1. The costs application made on behalf of the Appellants, Mr and Mrs Lennie, was based on an assertion that the Council had failed to provide reasonable grounds for refusing the application for a lawful development certificate. They said there was no reasoned justification either in the decision notice or the officer’s report.

2. I do not agree that the Council failed to offer a reasoned case for refusing to issue a certificate favourable to the Appellants. The Appellants’ appeal succeeded. But costs do not follow the event. The case made for the Appellants, whilst cogent and comprehensive, was not so compelling or forceful that it was incapable of rebuttal, especially on the question of curtilage, rather than just domestic use. Although the Appellants’ evidence of a residential use and extent of their home’s curtilage was strong, the Council’s statement properly considered the extent of the curtilage to the appeal property with a reasoned support of their opposing opinion.

3. In my view, the Council had not acted unreasonably throughout the determination of the application or appeal. That the Appellants chose to pursue their intentions for the appeal land by applying for a certificate of lawful use rather than a planning application was for them to decide. But it was not shown how they were put to unnecessary expense by the Council’s actions in justifying their refusal to issue a certificate. Warrington Borough Council’s actions were consistent with the general principles and procedures set out in the Annex Part A of Circular 03/2009.

Conclusions

4. I have considered this application for costs in the light of CLG Circular 03/2009 and all the relevant circumstances. That advises that, irrespective of the outcome of the appeal, costs may be awarded against a party that has behaved
unreasonably and thereby caused another party to incur or waste expense unnecessarily.

5. Unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been shown. I therefore conclude that an award of costs against should not be made.

**Formal Decision**

6. No order as to costs is made.

John Whalley
INSPECTOR
Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 (as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995: ARTICLE 24

IT IS HEREBY CERTIFIED that on 29 March 2013 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, was lawful within the meaning of section 191(1) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The land has been used as part of the domestic curtilage of the dwelling for a period of 10 years or more.

John Whalley
INSPECTOR

Date: 13 December 2013
Reference: APP/M0655/X/13/2198072

First Schedule
Use of the land as part of the domestic curtilage of the dwelling.

Second Schedule
Land at No. 16 Chapel Lane, Rixton, Warrington WA3 6HG.

IMPORTANT NOTES OVERLEAF
NOTES

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

2. It certifies that the use described in the First Schedule of the land specified in the Second Schedule was lawful, on the certified date and, thus would not have been not liable to enforcement action, under section 172 of the 1990 Act, on that date.

3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.
Lawful Development Certificate Plan

Appeal reference APP/M0655/X/13/2198072

Land (shown shaded) at No. 16 Chapel Lane, Rixton, Warrington WA3 6HG
Appeal Decision

Site visit made on 5 December 2013

by S P Williamson MBA Dip TP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 January 2014

Appeal Ref: APP/M0655/A/13/2202301
Land at junction of Stocks Lane/Warrington Road, Penketh, Warrington.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Dominic Jude of Folde Properties Ltd against the decision of Warrington Borough Council.
- The application Ref 2013/21223, dated 28 January 2013, was refused by notice dated 10 May 2013.
- The development proposed is a new commercial building containing 3 x A1/A2 units with 2 apartments above.

Application for Costs

1. An application for costs was made by Mr Dominic Jude of Folde Properties Ltd against Warrington Borough Council and is the subject of a separate decision.

Procedural Matter

2. The description of the proposed development in the above heading was set out in the application form. The Council’s decision notice refers to the development as "New shop development consisting of 1 no. A1 (food retail)/A2 unit and 2 no. A1 (non-food retail)/A2 units with 2 apartments above, new vehicular access point and car parking facilities. (Resubmission of 2012/20875).

3. Although the appeal form states that the description of the development had not changed, a revised wording is given which correlates with that in the decision notice. I consider the reference to a resubmission to be informative rather than descriptive. In these circumstances I consider that the parties would not be disadvantaged if I base my decision on the description of the scheme as set out in paragraph 2 above.

4. A plan Ref. 95/12/BP was submitted with the appeal; however this contained details of only 10 car parking spaces, whereas the Council officer report and the appellant’s highway written statement refer to a plan that includes 11 spaces. A copy of a plan (also Ref. 95/12/BP) has now been provided showing 11 spaces, a different location for the cycle stands and a revised location for the bin store. The Council has confirmed that it is this version of the plan that was considered in making its decision and I shall therefore base my decision on it.
Decision

5. The appeal is allowed and planning permission is granted for a new shop development consisting of 1 no. A1 (food retail)/A2 unit and 2 no. A1 (non-food retail)/A2 units with 2 apartments above, new vehicular access point and car parking facilities at Land at junction of Stocks Lane/Warrington Road, Penketh, Warrington in accordance with the terms of the application, Ref 2013/21223, dated 28 January 2013, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision letter.

Main Issue

6. The main issue is the effect on highway safety in the area.

Reasons

7. The appeal site is a generally level and rectangular area of vacant land located within the built up area of Penketh. It lies to the north of and fronts on to Warrington Road adjacent to its junction with Stocks Lane. To the south, across from the appeal site and fronting on to Warrington Road is a row of commercial premises, with a short cul-de-sac (Station Road) to the side.

8. Each leg of the junction has a No Waiting at Any Time (double yellow line) restriction. This also operates for a considerable distance beyond the appeal site eastwards along Warrington Road. West of the Stocks Lane junction the street name becomes Farnworth Road and the restriction continues just beyond the frontage of the Crown and Cushion. I noted at my visit, at around 15.00 hours on a weekday afternoon that beyond the restriction the roadside was occupied by a line of parked vehicles.

9. On the south side of Warrington Road/Farnworth Road the restriction is significantly shorter, protecting only the corner into Station Road. Some vehicles were parked at the roadside in front of the Warrington Road commercial premises, but I noted that there was a turnover in the use of the spaces. There were no vehicles parked in Station Road or on Farnworth Road across from the Crown and Cushion.

10. The restriction continues along both sides of Stocks Lane from the Warrington Road/Farnworth Road junction, extending along approximately half of the appeal site frontage. Beyond this point there are no restrictions on waiting, but I saw no evidence of on street parking in close proximity to the appeal site, neither in contravention of the restriction or on the Lane beyond.

11. Turning to the adequacy of the proposed car parking provision, I have had regard to the expectation in the National Planning Policy Framework (the Framework) that local parking standards should take account of matters including: the accessibility of, and the type, mix and use of development; the availability of and opportunities for public transport and local car ownership levels. Although the Council’s parking standards pre-date the guidance in the Framework, they take a broadly similar approach to the provision of off-street parking. As set out in the highways section of the officer committee report, the standards indicate a maximum provision of between 12 and 13 spaces, with 9 being the maximum allowable provision for the retail units. Houses would require 2 spaces per dwelling, but flats with communal parking (as in
the appeal proposal) would require only a maximum of 1.5 spaces per dwelling. Therefore, having regard to the type, mix and use of the development, the 11 car parking spaces proposed in the appeal scheme, when judged against the standards, would fall short of maximum requirement by a single residential space.

12. I have taken account of the census data provided by the Council, which demonstrates that in the immediate area of the appeal site car ownership is relatively high. However, a significant part of the settlement lies to the north and east of the appeal site, within reasonable walking and cycling distance. There is a bus stop close to the site, with a regular service in the local area and space for up to four cycles would be provided on site. The appellant’s highway written statement concludes that the appeal site has good accessibility on foot, by cycle and public transport. I agree with that assessment; moreover, whilst households could make frequent use of their vehicles as suggested by the Council, given the accessible nature of the appeal site, this is not a sound basis for me to conclude that the appeal scheme proposal would attract or generate a disproportionate level of car-borne trips.

13. The Council contends that the lack of the third car parking space for residential use would entail the loss of a space for commercial users. It is concerned that the cumulative effect of this squeeze would result in vehicles associated with the appeal scheme parking on the highways and as a consequence obstructing the free flow of traffic. The appellant’s robust analysis has established to my satisfaction, and the Council has presented no realistic evidence to indicate otherwise, that that there would be a turnover in the use of the car parking on the site.

14. During the periods of maximum demand there would be on average 3 spaces spare capacity and I consider that this would reasonably provide for the overall parking needs of the proposal, including a third visitor space for the apartments. I accept that an average can be exceeded on occasions; however, on street parking is available nearby that currently does not affect the free flow of traffic and which could accommodate overspill parking. Nearby waiting restrictions would prevent parking from occurring in locations that would interrupt the free flow of traffic. If it proved necessary to extend the waiting restrictions or to introduce loading restrictions in order to deal with on street parking that harmed highway safety, the Council’s Traffic Management Section has advised that this could be done.

15. I therefore find that the appeal proposal would not unreasonably harm highway safety in the area, including along Stocks Lane or Warrington Road. Any issues relating to on street parking could be monitored and then managed by Traffic Regulation Orders. The Framework expects that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Notwithstanding the Council’s assertion that effects would be severe I am satisfied that this would not be the case and that the appeal proposal would comply with Policy DCS1 of the 2006 Warrington Unitary Development Plan which expects, among other things, that development proposals should integrate efficiently with the highway network.
Other Matters

16. In addition to the issues set out above, I have taken account of matters raised by Penketh Parish Council, the Vicar of St Paul’s Church and local residents. I have no details of a history of accidents at the Stocks Lane junction; however I am satisfied that an adequate visibility splay can be provided and maintained. There is no evidence that deliveries to the Crown and Cushion would be affected in any way that would harm highway safety. Any illegal parking would be a matter for the enforcing authorities.

17. As the grounds of the adjacent church are private land, it is unlikely that customers or residents using the appeal building would expect to park there.

18. The Borough Council has not raised concerns over harm to the character or appearance of the area including impact on views of the adjacent church or loss of an open space. It seems to me that considerable thought has gone into the design of the building and I have no reason to differ from the Council’s position on this matter.

19. The building would be sufficiently separated from neighbouring properties to ensure that there would not be an unreasonable effect on the privacy, outlook or daylighting of occupiers.

20. It will be necessary for the developer to satisfy the appropriate authorities that the construction phase can be carried out safely in accordance with the relevant legislation and without inappropriate disruption to neighbouring residents.

21. There is no evidence that this relatively small scale development would harm the viability of nearby shopping areas.

22. Matters including fire safety, ventilation and accessibility to the apartments would be dealt with under building regulations.

Conclusion

23. I therefore conclude that subject to appropriate conditions the appeal proposal would not unduly harm highway safety in the local area. I therefore allow the appeal.

Conditions

24. The Council has suggested a number of conditions, which I have considered against the advice in Circular 11/95. A condition setting a time limit for the commencement of development is necessary in the interests of proper planning; as is a condition requiring that the development is carried out in accordance with the approved plans

25. Conditions relating to the provision and retention of visibility splays within the site, the construction of the new access and footpath crossings, closing of existing access points and the provision and retention of car and cycle spaces are appropriate in the interests of highway safety. A condition preventing the amalgamation of units is also appropriate in the interests of highway safety. I do not consider it appropriate to require the submission of a scheme detailing
possible loading and waiting restrictions as the management of these matters is controlled directly by the Council under other legislation.

26. Conditions regarding the materials and landscaping are appropriate in the interests of character and appearance. Conditions restricting delivery times and regarding the installation of external lighting are necessary to protect the living conditions of nearby residents. A condition regarding the protection of the apartments from noise from the shops is necessary to protect living conditions for future occupiers.

27. A condition regarding the identification and remediation of any contaminated land is necessary in the interests of public health.

28. The Council has suggested that the premises should be closed between 18.00 hours and 07.00 hours the following morning, in order to protect the character of the area and living conditions of neighbouring residents. I accept that 07.00 hours is a reasonable opening time, but given the fact that some other nearby commercial premises are likely to remain open after 18.00 hours it would be unreasonable to expect the appeal shops to close at such an early hour. I will therefore impose a condition requiring closure at 22.00 hours which, in my opinion, will achieve the Council’s objectives.

SP Williamson

INSPECTOR
SCHEDULE OF CONDITIONS

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

2) Visibility splays of 2.4m by 42m shall be maintained from the junction of Stocks Lane eastwards across the site frontage at all times, with nothing being erected or allowed to grow above a height of 0.6m within the splays.

3) Prior to first occupation of the development hereby approved, visibility splays of 2m by 70m to the north and 2m by 24.4m to the south from the site access on Stocks Lane across the frontage of the site shall be provided. The visibility splays shall be maintained at all times with nothing being erected or allowed to grow above a height of 0.6m within the splays.

4) Prior to the commencement of development, a scheme for construction of the proposed access onto Stocks Lane, the removal of redundant access points surrounding the site, and the provision of pedestrian crossing points on Warrington Road shall be submitted to and approved in writing by the Local Planning Authority. Such scheme as is agreed shall be implemented prior to first occupation of the development hereby approved.

5) The 11 car parking spaces the delivery space and the cycle spaces shown on drawing number 95/12/BP shall be provided and made available prior to first use of the development hereby approved, and shall be retained thereafter.

6) The individual units hereby approved shall not be amalgamated into one single unit.

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

8) The landscaping to the northern boundary of the site shall be implemented no later than the first planting season following the completion of the development. Any planting which within a period of 5 years from the date of planting dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size, and species or quality.

9) The A1 and A2 units hereby approved shall not be open to customers outside the following times: 07.00 hours to 22.00 hours.

10) No collection of refuse or deliveries shall take place outside the hours of 07.00hrs and 22.00hrs on any day.

11) Prior to the installation of any external lighting, details of the location and the angling/cowling of light sources shall be submitted to and agreed in writing with the Local Planning Authority. Such scheme as is agreed shall be implemented prior to the lighting being used.

12) The development hereby approved shall be carried out entirely in accordance with drawings refs: 95/12/LP; 95/12/BP showing visibility splays and 11 car park spaces; 95/11/1 A Rev A; 95/11/2A Rev A and 95/11/3A Rev A.
13) No development shall commence until a scheme for the soundproofing of the building to protect the amenities of the residential occupiers has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development and shall be retained thereafter.

14) Development shall not commence until an investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site. The contents of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with Model Procedures for the Management of Land Contamination (CLR 11) and a written report of the findings must be produced. The written report shall be submitted to and approved in writing by the Local Planning Authority and shall include:

   i) a survey of the extent, scale and nature of contamination;

   ii) an assessment of the potential risks to human health, property or the environment;

   iii) an appraisal of remedial options and proposal for a preferred option.

The development shall then proceed in accordance with the measures approved. Work shall be carried out and completed in accordance with the approved method statement and remediation strategy referred to in iii) above and to a timescale to be submitted to and agreed in writing by the local planning authority. If during development contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has obtained written approval from the local planning authority for an addendum to the method statement. This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the method statement a report shall be submitted in writing to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Further monitoring proposals and reporting shall also be detailed in the report.
Costs Decision

Site visit made on 5 December 2013

by S P Williamson MBA Dip TP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 January 2014

Costs application in relation to Appeal Ref: APP/M0655/A/13/2202301
Land at junction of Stocks Lane/Warrington Road, Penketh, Warrington.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Dominic Jude of Folde Properties Ltd for a full award of costs against Warrington Borough Council.
- The appeal was made against the refusal of planning permission for a new commercial building containing 3 x A1/A2 units with 2 apartments above.

Decision

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

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. The recommendation in the committee report was that planning permission be granted. In circumstances where officer’s professional advice is not followed the Circular states that an Authority is expected to produce relevant evidence on appeal to support the decision.

4. In its decision notice the Council stated that the proposal does not make adequate provision for on-street parking and would give rise to an increase in off street parking which would be of severe detriment to highway safety and the free flow of traffic along Stocks Lane and Warrington Road. Although the reason is relevant to the proposed development and identifies the national and local planning policies relevant to it, the Council’s judgement on these issues must be supported by evidence. The adjective ‘severe’ is particularly relevant as the National Planning Policy Framework (which post dates the Council’s parking standards) expects that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5. The Council’s appeal statement repeated the conclusions of the Development Management Committee as set out in the refusal. It explained the local highway circumstances and the local context, but did not describe these as being unacceptable in terms of safety. It referred to the parking provision of a previous planning permission on the site that did not include residential
development. Although these comments were of some assistance in clarifying the Council’s position, they were general in nature and did not amount to an objective analysis of the proposal’s impact.

6. In terms of analysis, reference was made to Appendix 5 of the saved Unitary Development Plan, stating that its maximum parking standard of 3 spaces should apply to the appeal proposal in regard to its residential element. The only factual evidence given in support of this contention was that the 2011 census demonstrated that there is a high level of car ownership in the area, which according to the Council “brings about an expectation” that persons in the area make good use of their vehicles. However, even if this is so, no direct relevance of it to the appeal proposal was made.

7. In making the appeal the appellant commissioned a highways statement. This demonstrated through robust evidence and analysis, that the Council’s contentions were unfounded, both in the application of its parking standards and in terms of meeting the test of severity in the Framework.

8. The Council did not take any account of the turnover of use of the car parking spaces, which the appellant’s highway statement demonstrated would provide an adequate buffer for residential visitor parking.

9. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has been demonstrated and that a full award of costs is justified.

Costs Order

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

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

SP Williamson
INSPECTOR
Appeal Decision

Site visit made on 7 January 2014

by B.S.Rogers BA(Hons), DipTP, MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 January 2014

Appeal Ref: APP/M0655/A/13/2201474
Former United Utilities Depot, Land off Chester Road, Walton, Warrington, Cheshire, WA4 6EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Messrs D & A Furness against the decision of Warrington Borough Council.
- The application Ref: 2013/21266, dated 1 February 2013, was refused by notice dated 31 May 2013.
- The development proposed is the use of land and depot (B8) as car sales and building for car preparation; alterations to elevations and to access and associated landscaping; siting of 2 portable buildings to provide toilet and offices; construction of a new 2m high boundary screening fence to south west boundary and associated works.

Decision

1. The appeal is allowed and planning permission is granted for the use of land and depot (B8) as car sales and building for car preparation; alterations to elevations and to access and associated landscaping; siting of 2 portable buildings to provide toilet and offices; construction of a new 2m high boundary screening fence to south west boundary and associated works at Former United Utilities Depot, Land off Chester Road, Walton, Warrington, Cheshire, WA4 6EP in accordance with the terms of the application, Ref: 2013/21266, dated 1 February 2013, and the plans submitted with it, subject to the conditions set out in the schedule below.

Application for costs

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

Main Issue

3. I was informed that an earlier application for a similar proposal, but with a slightly different access had been approved by the Council (Ref: 2012/20700). This followed the signing of a planning obligation which included highway improvement measures. Therefore, the principle of the use and its impact on residential amenity, the character of the area and the setting of the nearby Listed Buildings are no longer at issue. Accordingly, the main issue is the impact of the proposal on highway safety in Chester Road.
**Reasons**

4. **Policy DCS1** of the Warrington UDP requires development to integrate efficiently with the highway network. The National Planning Policy Framework (NPPF) supports proposals which are sustainable, make efficient use of land, contribute to the economy and improve the environment. It seeks to ensure a safe and suitable access can be achieved for all people and goes on to advise that development should only be prevented or refused on transport grounds where the residual cumulative impacts of developments are severe.

5. The appeal site is a former United Utilities depot, used in connection with the sewage works to the rear and other premises in the area, and more recently by a landscape contracting business. The Council does not dispute that it could continue to be put to B8 use without the requirement for planning permission.

6. The appeal site fronts onto the very busy Chester Road (A5060) at a point where, on the approach from the SW to the urban area of Warrington, it changes from a dual carriageway with a 40 mph speed limit to a single carriageway with a 30 mph speed limit. When the bridge over the Manchester Ship Canal, some distance to the north, is closed, traffic can back up past the appeal site. The existing access to the site from Chester Road is via the junction of a narrow lane, which also serves Pear Tree Farm and other dwellings.

7. The appellants have submitted evidence to demonstrate the difference in traffic generation between the fall-back B8 use and the proposed car sales use. First, a comparison using the nationally based TRICS database indicates the difference would be negligible. Second, a comparison between the actual use of the appeal site by the previous occupants (Groundwork Mersey Valley) as stated in their 2006 planning application and the actual use of the appellants’ present car sales site nearby in Chester Road indicates that there would be a net reduction. As part of a car sales use, car transporters are likely to visit the site. However, given the size of the site and the scale of the appellants’ present business, it seems to me to be unlikely that trips by car transporters to and from the site would be unduly frequent. There would, of course, be no control over the type of vehicle associated with a B8 use and, indeed, a historic aerial photograph of the appeal site indicates the presence of a large tractor/trailer unit on site.

8. As part of the proposal, the appellants would widen the radius of the junction so that a car transporter could turn left into and out of the site without undue encroachment into adjoining traffic lanes. They would also install ‘Keep Clear’ markings to allow access to and egress from the site (and the lane) when traffic was backed up. A bollard to protect pedestrians would also be installed to the south of the junction. Within the site itself, a turning area for a car transporter would be kept clear and a parking area for customers would be marked out.

9. There is no record of accidents at, or adjacent to, the site access. A Road Safety Audit of the proposal was carried out by the Council which was satisfactory, subject to the implementation of the measures referred to above. It therefore appears to me that the proposal would not unduly diminish highway safety in Chester Road and would not conflict with UDP Policy DCS1. I have taken account of all other matters raised, including reference to an appeal in 2002 relating to land served by the lane to the SW of the appeal site, which
does not appear to be comparable to the present case. None of the other matters raised are sufficient to alter my conclusion that the appeal should succeed.

Conditions

10. The Council produced a draft list of conditions. Of those not alluded to above, I see no need for the suggested ‘no waiting at any time’ Traffic Regulation Order along the site frontage as there appears to be ample customer and staff parking and loading/unloading space proposed on site. A condition limiting car sales to the area shown is required as a complementary measure. In order to ensure the satisfactory appearance of the building and the site, conditions are needed to control facing materials, landscaping and lighting. Conditions limiting the hours and the use of the building are needed to protect the amenity of nearby residents. Measures to protect the adjacent watercourse area also needed during the construction period.

B.S. Rogers
Inspector

Schedule of Conditions

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2975/05E; 2975/06A; 2975/07A; 2975/08A; 2975/112/C; SCP/12125/D004; and SCP/12125/D001 Rev.H, except in respect of the proposed ‘no waiting at any time’ Traffic Regulation Order shown on plan No. SCP/12125/D001 Rev.H.

3) Prior to first use of the site for car sales, the transporter turning area as shown on dwg.no.SCP/12125/D004 shall be hard surfaced and made available for use. The car transporter turning area must remain free of obstructions and shall be used to accommodate the loading and unloading of vehicles via car transporter within the site at all times. No vehicle deliveries to the site shall take place on the adopted highway.

4) The display of vehicles for sale shall be restricted to the area shown on dwg.no.2975/05E.

5) Prior to the first use of the site for car sales, the proposed site access improvement works shown on dwg.no.SCP/12125/D001 Rev.H (except in respect of the proposed ‘no waiting at any time’ Traffic Regulation Order) shall be implemented in full.

6) Prior to the first use of the site for car sales, the 10 customer and staff parking spaces shown on dwg.no.SCP/12125/D001 Rev.H shall be laid out in full and retained thereafter for such purposes.

7) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
8) The site shall be treated in accordance with a landscape scheme, which shall be submitted to and approved in writing by the Local Planning Authority before development is started. Such scheme shall include full details of trees and shrubs to be planted, walls, fences, boundary and surface treatment and shall be carried out within 18 months of the commencement of development. Any trees or shrubs dying within 5 years of planting shall be replaced with the same species within 12 months.

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

10) Prior to the commencement of development and during the construction period, temporary protective metal fencing shall be erected and retained 5m from the adjacent watercourse until the construction period has finished. Details of the type of protective fencing to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the fencing being first erected on site.

11) No body repairs or paint spraying shall take place anywhere on site and no mechanical repairs or servicing shall take place other than in the workshop building.

12) The use hereby approved shall not operate outside the hours of 09.00 to 18.00 Mondays to Fridays and 10.00 to 16.00 on Saturdays, Sunday and Bank Holidays.
Costs Decision

Site visit made on 7 January 2014

by B.S.Rogers  BA(Hons), DipTP, MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 January 2014

Costs application in relation to Appeal Ref: APP/M0655/A/13/2201474
Former United Utilities Depot, Chester Road, Walton, Warrington,
Cheshire, WA4 6EP

• The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
• The application is made by Messrs D & A Furness for a full award of costs against Warrington Borough Council.
• The appeal was against the refusal of the Council to grant planning permission for the use of land and depot (B8) as car sales and building for car preparation; alterations to elevations and to access and associated landscaping; siting of 2 portable buildings to provide toilet and offices; construction of a new 2m high boundary screening fence to south west boundary and associated works.

Decision

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

Reasons

2. In brief, the appellants engaged in extensive pre-application discussions with highways and planning officers prior to the submission of the application. This was effectively a re-submission of an earlier application which the Council had resolved to approve, subject to a planning obligation (2012/20700). The application was recommended for approval but was refused by the Council on the single issue of highway safety. The Council has failed to substantiate its reason for refusal.

3. The Council’s response indicates that it took all relevant matters into account and was entitled to come to its decision on traffic grounds. The costs response indicated that the Council does not accept that there is a fall back B8 use. The Council has worked constructively with the appellants and has now approved the 2012 application.

4. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.

5. Even having regard to the National Planning Policy Framework’s presumption in favour of sustainable development, in my view the Council was entitled to refuse the application for the single reason of highway safety if it was able to demonstrate good reasons for so doing and produce evidence to show why the development should not be permitted. That applies equally where a decision has been taken against officer advice, as in this case. Furthermore, the fact
that there is local opposition does not absolve a planning authority from making its own objective appraisal and providing evidence to back it up.

6. Although the Council indicated in its costs response that it did not accept that the appellants’ fall back position was a B8 use, that was not its formal position in its appeal statement, to which I have had greatest regard. It states at para.1.3 that "The site is a storage and distribution depot (B8) ...." The appellant provided detailed and persuasive technical evidence comparing the likely traffic generation from the proposed use with that of the fall back B8 use. They were able to demonstrate that, at worst, the difference was negligible and, at best, that traffic would be reduced. In response the Council’s evidence was, in a nutshell, that this is a busy road (a matter never in dispute) and that there is a record of deliveries taking place at the appellants’ present car sales site during the morning rush hour on multiple occasions. No reference was made to the type of delivery vehicle used on those instances. The Council expressed general concern about the use of car transporters.

7. This falls way short of amounting to ‘evidence to show clearly why the development cannot be permitted’, as required by the Circular. The appellants’ evidence was effectively unchallenged. The fact that the Council has now approved the 2012 application does not absolve it from properly defending its decision on the planning application which is the subject of this appeal.

8. I conclude that the Council has acted unreasonably in failing to provide cogent evidence to substantiate its single reason for refusal, thereby causing the appellants the unnecessary expense of conducting this appeal.

Costs Order

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

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

B.S.Rogers

Inspector
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE 30th January 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
Telephone: 01925 442809

Ward Members: All

TITLE OF REPORT: Planning application performance for 2013-14 including Quarter 3 (October to December 2013) results

1. PURPOSE OF THE REPORT

1.1 Purpose of the Report:

1.2 To provide members with a summary of planning application performance for the 2013-14 period relative to statutory planning application determination timescales.

2. BACKGROUND

2.1 The Government requires each Local Authority to provide information about the time taken to determine planning applications (8 and 13 week timescales) on a quarterly basis. The Council also monitors planning application performance.

3. REPORT

3.1 The following table provides planning application performance for 2013-14 and a comparison against the cumulative 2012-13 performance. Planning application performance has now improved significantly. A follow up to the Peer Review (Planning) challenge took place in November 2013 with the Planning Advisory Service concluding “Performance in respect of the speed of determining planning applications is improved so far in 2013/14 compared with 2012/13 with regard to major, minor and other applications”.

Performance Table

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<th>Quarter</th>
<th>Total Applications</th>
<th>8 Week Applications</th>
<th>13 Week Applications</th>
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<td>Q3 2013-14</td>
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<td>100</td>
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Performance Against Target

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<th>Total Applications</th>
<th>8 Week Applications</th>
<th>13 Week Applications</th>
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<td>Q3 2013-14</td>
<td>700</td>
<td>600</td>
<td>100</td>
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Conclusion

The planning application performance has significantly improved compared to the previous year. Further measures are in place to ensure continued improvement.
3.2 The following table illustrates the performance for 2013-14 including quarter 3 performance.

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<th>April-June 2013</th>
<th>July-September 2013</th>
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<td>Others</td>
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3.3 The following table illustrates cumulative performance for 2012-13 and cumulative performance to date for 2013-14.

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<th>2012-13 (Cumulative)</th>
<th>2013-14 (Cumulative)</th>
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<td>Minors</td>
<td>63.90%</td>
<td>80.60%</td>
</tr>
<tr>
<td>Others</td>
<td>76.50%</td>
<td>93.40%</td>
</tr>
</tbody>
</table>

4. **CONFIDENTIAL OR EXEMPT**

4.1 Not confidential or exempt

5. **FINANCIAL CONSIDERATIONS**

5.1 Currently no adverse financial considerations. However, if major planning application performance reaches a level that is consistently low (ie an average of 30% of major planning application decisions made within 13 weeks) then the Local Planning Authority could then be placed in “Special Measures”. This would mean that applicants could opt to apply direct to the Planning Inspectorate rather than to Warrington Borough Council.

6. **RISK ASSESSMENT**

6.1 No risks identified.

7. **EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT**

7.1 Not required.

8. **CONSULTATION**

8.1 None required

9. **REASON FOR RECOMMENDATION**

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

10. **RECOMMENDATION**

10.1 That members note the report.
11. BACKGROUND PAPERS

11.1 Improving planning performance Criteria for designation, Department for Communities and Local Government, June 2013

Contacts for Background Papers:

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

12. CLEARANCE DETAILS

<table>
<thead>
<tr>
<th>Name</th>
<th>Consulted</th>
<th>Date Consulted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andy Farrall</td>
<td>x</td>
<td>8/1/14</td>
</tr>
</tbody>
</table>
1. PURPOSE OF THE REPORT

1.1 Purpose of the Report:

1.2 To provide members with a copy of the report from the Planning Advisory Service/Local Government Association following a “follow up” Peer Review challenge that took place in November 2013.

2. BACKGROUND

2.1 A Peer Review (Planning) challenge was instigated in 2011. In response to the findings a Planning Improvement Board was established in 2012 and has overseen a number of improvements and actions as outlined in a Planning Improvement Plan. A follow up to the Peer Review challenge took place in November 2013 and a copy of the findings/report is attached as appendix A.

3. REPORT

3.1 In respect of the Planning Improvement Plan actions in summary the Peer Review report states:

“The Improvement Board has overseen and ensured the successful implementation of a rigorous improvement plan for the planning service…….. Progress on implementing the actions set out in the improvement plan has been regularly reported to and signed off by the Board. The vast majority of actions have either been signed off or are on track to be signed off as at November 2013.”

“It is clear that the appointment of a new manager to manage the development management function has had a beneficial effect on staff commitment and performance within the service….. Performance in respect of the speed of determining planning applications is improved so far in
2013/14 compared with 2012/13 with regard to major, minor and other applications”.

3.2 In respect of planning application performance the Development Management Service has achieved the following improvement in relative terms:

<table>
<thead>
<tr>
<th></th>
<th>Majors</th>
<th>Minors</th>
<th>Others</th>
</tr>
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<tbody>
<tr>
<td>2012/13</td>
<td>57%</td>
<td>63%</td>
<td>76%</td>
</tr>
<tr>
<td>2013/14 (to date)</td>
<td>75%</td>
<td>81%</td>
<td>94%</td>
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3.3 The Peer Review report makes a number of suggestions in terms of ideas for further improvement to Planning services. These are summarised as follows:

- Combine the two existing planning committees into one.
- Facilities need to continue to be made to ensure the proper training of planning committee members in the appropriate matters to take into account in the determination of planning Move towards measuring quality of decisions and not just speed of decisions.
- Examine and report on appeal decisions (as well as awards of costs) to see if there are any trends.
- More could be done around complaints monitoring and review.
- Greater reliance on a system of street and neighbourhood wardens for the detection and discouragement of lower levels of environmental crime.
- Consider an improved relationship between development management and building control where the latter’s position within a competitive market can be improved by a close relationship with a successful and pro-active development management service.
- It will be essential to ensure that the recent improvement in the speed and efficiency of determining planning applications is maintained and enhanced through the ready availability of specialist consultee services in areas such as contaminated land advice, highways advice and drainage.
- There may be the need for some further analysis of the usefulness of the existing and proposed suite of planning policies to see whether they are fully addressing the issues which are weighed heavily by the Development Management Committee.
- Consider extending and developing the current pre-application advice protocol to include the use of Planning Performance Agreements (PPAs) and charging a suitable fee for householder pre-application advice.
- Consider preparing a Community Infrastructure Levy.

3.4 The Planning Improvement Board will consider the Peer Review report at the meeting to be held in late January 2014.

4.0 CONFIDENTIAL OR EXEMPT

4.1 Not confidential or exempt.
5. **FINANCIAL CONSIDERATIONS**

5.1 No adverse financial considerations.

6. **RISK ASSESSMENT**

6.1 No risks identified.

7. **EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT**

7.1 Not required.

8. **CONSULTATION**

8.1 None required

9. **REASON FOR RECOMMENDATION**

9.1 To ensure that members are kept informed in terms of improvements to planning services.

10. **RECOMMENDATION**

10.1 That members note the report.

11. **BACKGROUND PAPERS**

11.1 2011 Peer Review (Report Prepared by PAS/LGA)

Contacts for Background Papers:

<table>
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</table>
WARRINGTON BOROUGH COUNCIL
FOLLOW UP TO PLANNING PEER CHALLENGE

1. Background and Scope of Follow-up to Peer Challenge

1.1 This report sets out the findings of a follow-up review to a Planning Advisory Service planning peer challenge delivered by the Local Government Association from 1st to 3rd November 2011. This follow-up review was carried out by an officer peer on 13th November 2013.

1.2 Peer challenges and follow-ups are improvement oriented and are tailored to meet individual councils’ needs. They are designed to complement and add value to a council’s own performance and improvement focus.

1.3 The five guiding questions for the planning peer challenge focused on:

- Clarity and locally distinctive vision and leadership for the planning service
- Community leadership and engaging with the community
- Management arrangements for the service
- Partnership working both internally and externally
- Achieving outcomes

1.4 In the follow-up review, the council wanted the peer reviewer to give his views on (with a particular focus on the first two bullet points):

- whether the Council has achieved what it set out to do as a result of the November 2011 peer challenge
- how well the arrangements for the planning committee meetings are operating
- the extent of culture change within the planning service and associated levels of staff morale and motivation and whether a performance management ethos is in place
- loose ideas regarding the structure and shape of the planning service for the future in the light of a major service re-design involving the formation of a new Public Protection and Enforcement Service
- any specific ideas or recommendations around the council constitution, committee structure, and the planning policy, enforcement and building control functions.
1.5 The follow-up peer reviewer was John Allen, Assistant Director (Planning and Regulatory Services) at London Borough of Hackney.

2. Executive Summary and Recommendations

2.1 The Improvement Board has overseen and ensured the successful implementation of a rigorous improvement plan for the planning service.

2.2 The Council has ensured that a significant independent challenge of the progress made in implementing the improvement plan has been locked in to the work of the improvement board.

2.3 Due to matters largely outside the control of the planning service and the Council, progress on the adoption of the Core Strategy remains protracted.

2.4 The appointment of a new manager to manage the development management function has had a beneficial effect on staff commitment and performance within the service.

2.5 The speed of determining planning applications has reached a high level which needs to be maintained. Focus also needs to be placed on other performance measures and the outcomes of planning decisions, such as percentages of planning appeals allowed (compared to peers), outcomes of appeals where officers’ recommendations have been overturned and amounts of affordable housing and jobs consented.

2.6 There would be some benefit in the Council clarifying its position on how it is taking forward potential Community Infrastructure Levy proposals, given the limitations placed on the use of s106 funding for infrastructure post-April 2015.

2.7 Progress has been made in respect of the performance management process. More could be done particularly around complaints monitoring and review.

2.8 There is a good case for combining the two existing Planning Committees into one. A continuing and focussed programme of training for Planning Committee members should be developed.

2.9 Consideration needs to be given to how far existing and programmed planning policy documents meet the needs of the development management function. There may well be a need to consider in
particular policies around residential layout and design and acceptable developments in the green belt and on open land.

2.10 Consideration should be given to the development of the Council’s pre-application advice protocol so as to encourage the use of Planning Performance Agreements (PPAs) for the largest applications. The potential for charging for householder pre-application advice should be explored. PAS are shortly going to publish some a suite of documents on PPAs and other aspects of the pre-application process.

2.11 Ensure that the pro-active relationship between Development Management and Building Control to the benefit of customers and both services is maintained and strengthened.

2.12 The programme of constitutional changes that has been instigated via the Planning Improvement Board and the Development Management Committee needs to be monitored and kept under review to ensure that the Development Management service continues on its improvement path.

2.13 Full advantage needs to be taken of the newly integrated Public Protection and Enforcement Service to ensure that important links with those planning functions within Development Management and Planning Policy are strengthened rather than weakened and that development management performance, supported by high quality specialist consultees, is enhanced.

3. Detailed Findings

3.1 Has the Council achieved what it set out to do as a result of the November 2011 peer challenge?

3.1.1 As a result of the November 2011 peer challenge, the Council put in place a Planning Improvement Board chaired by Cllr David Keane, the planning portfolio holder. The Board comprised, in addition, the Planning Committee Chair, a representative from each of the Council’s minority parties, the Executive Director of Environment and Regeneration and other senior officers from within and outside the Environment and Regeneration Directorate together with support officers.

3.1.2 The Board set itself the following outcomes:

- Delivery of the planning service improvement plan
• Restored confidence and improved reputation of the planning service
• A service that is focused on ‘getting it right first time’
• A service that follows up contentious planning decisions to ensure that the approved plan is enforced
• A swift reactive enforcement service that assesses community impact when considering priority for enforcement services

3.1.3 The Board has met six-weekly from November 2012. The planning service improvement plan has been a regularly discussed at the Board. It is a comprehensive document covering decision-making, performance management, planning enforcement, communication with customers and councillors, service design and team development, planning policy, employee matters and planning application record keeping.

3.1.4 The actions set out in the improvement plan are carefully referred back to not only the planning peer challenge report of November 2011 but also to other relevant sources such as internal audit reports from June 2011 and June 2012 and an independent barrister-conducted investigation report from June 2012.

3.1.5 Progress on implementing the actions set out in the improvement plan has been regularly reported to and signed off by the Board. The vast majority of actions have either been signed off or are on track to be signed off as at November 2013. It is understood that significant challenge has been provided as part of the Board signing-off process by both an external executive director and the Council’s Chief Internal Auditor.

3.2 Arrangements for Planning Committee meetings

3.2.1 There are currently two committees at Warrington which have responsibilities for the determination of planning applications – the Development Management Committee and the Planning Applications sub-Committee. In general, the DM Committee deals with larger and more strategic planning applications. Proposals have been considered at the Planning Improvement Board for the merger of the two committees to form one Committee.

3.2.2 This proposal was considered further at the Development Management Committee meeting on 14/11/13 where the Committee heard that the Planning Improvement Board considered that the number and frequency of planning committee meetings
should be reviewed in the middle of 2014 along with the potential for additional changes.

3.2.3 There appears to be a good case for combining the two existing planning committees into one. This should enable rationalisation of pre-Committee processes around the production and sign-off of reports, reduce the burden on members and officers who currently frequently have to attend two evening committee meetings in one week and, subject to safeguards around public speaking rights and the continued implementation of appropriate notifications of meetings, should not result in any reduction of democratic and public scrutiny of the planning decision-making process. No doubt the mid-2014 review will need to explore all the benefits and disbenefits to reach a conclusion that the Council is happy with.

3.2.4 Whether or not the two planning committees are combined, facilities need to continue to be made to ensure the proper training of planning committee members in the appropriate matters to take into account in the determination of planning applications. This should be associated with a widening of the focus on planning performance management from the speed of determining planning applications to the quality of decisions made using measures now being promoted by Government such as the frequency of major refusals being overturned on appeal.

3.3 Culture Change, Staff Morale and Motivation and Performance Management

3.3.1 It is clear that the appointment of a new manager to manage the development management function has had a beneficial effect on staff commitment and performance within the service. Positive comments were made by both professional and support staff within the development management team and by colleagues from outside the team.

3.3.2 Performance in respect of the speed of determining planning applications is improved so far in 2013/14 compared with 2012/13 with regard to major, minor and other applications. Customer survey information from 2013 shows that the overall level of satisfaction with the development control service was 57% satisfied or very satisfied, rising to 71% of those offering a neutral view are included. Where satisfaction was lower such as around applicants being kept up to date with the progress on their applications by case officers, action is being taken to allow and encourage more communication.
3.3.3 Performance on planning appeals is more difficult to judge given the relatively small numbers. The Development Management Committee considered a report in November 2013 where 11 appeal decisions had resulted in 5 successful appeals against the Council's decision. Such an appeal success rate is relatively high and it is noted that attention was drawn in a report to the August DM Committee to the fact that all five appeals that were allowed in the first quarter of 2013-14 were refusals by the Development Management Committee against officers’ recommendations to approve. This is something that might merit further investigation as part of the mid-2014 review of committee functions and roles and should in any event, as indicated above, be an area of focus for future performance measurement.

3.3.4 PAS are currently running Leadership Academies which focus on robust decision making in line with policy and ensuring successful appeals. There are places available (no cost to the Council) for Chairs, Deputy Chairs of the Planning Committee, and Portfolio Holders. For more information and to book, see http://www.pas.gov.uk/web/pas-test-site/events-and-support2/-/journal_content/56/332612/4102028/ARTICLE.

3.3.5 No evidence has been provided of frequency of complaints about the service and this matter does not appear to figure in performance management criteria. It is recommended that more could be done around complaints monitoring and review.

3.4 Structure and Shape of Planning Service

3.4.1 It is understood that a major re-design of Council services is under way including the creation of a new Public Protection and Enforcement Service which will include the integration of planning enforcement and building control services with areas such as environmental health, trading standards and parking. It is beyond the remit of this review to comment on the merits or otherwise of this. It is well understood however that the current financial pressures on local government are leading many authorities along similar lines to look at increased efficiencies through the joined-up alignment of services with similar characteristics.

3.4.2 Among the benefits that may accrue could be an increasing focus on the use of the provisions of the Proceeds of Crime Act to discourage unauthorised, unneighbourly and anti-social activities and a greater reliance on a system of street and neighbourhood wardens for the detection and discouragement of lower levels of environmental crime. Care needs to be taken however to retain the
appropriate levels of technical and professional expertise in particular fields to allow full advantage to be taken of improved detection work so that cases can properly be built and won against those who are investigated and found to be in breach of the relevant laws and statutes.

3.4.3 Care also needs to be taken that linkages and relationships are successfully maintained between those services which are taken into the new Public Protection and Enforcement Service and those related services which remain outside. In the case of the planning and development management service one example would be the relationship between development management and building control where the latter’s position within a competitive market can be improved by a close relationship with a successful and pro-active development management service. Similarly there may be an area of planning policy around non-retail uses such as betting shops and fast food outlets where a pro-active enforcement policy can be assisted by a close relationship between planning policy functions and enforcement. In general it will be essential to ensure that the recent improvement in the speed and efficiency of determining planning applications is maintained and enhanced through the ready availability of specialist consultee services in areas such as contaminated land advice, highways advice and drainage advice.

3.4.4 A key relationship which it is understood is not to be affected by the creation of the Public Protection and Enforcement Service is that between Development Management and Planning Policy. There does appear to be a concern within the management of the Development Management function which is not fully shared by that of the Planning Policy function that existing and programmed planning policy documents do not fully meet the needs and pressures faced by the Development Management function.

3.4.5 It is clear that there has been a protracted process around the preparation and adoption of a Core Strategy which has largely been outside the control of the Council and may well have taken up a greater amount of resources than was originally envisaged. There may be the need for some further analysis of the usefulness of the existing and proposed suite of planning policies to see whether they are fully addressing the issues which are weighed heavily by the Development Management Committee on the occasions where it is minded to reject officers’ recommendations for approval of applications. A stronger suite of relevant policies might assist development management officers in their presentation of the relevant planning issues at Committee. In particular, the further
development of policies in relation to residential layout and design and acceptable developments in the green belt and open land would be desirable.

3.5 Specific Ideas and Recommendations

3.5.1 Relevant ideas and recommendations in connection with the committee structure, planning policy, building control and enforcement functions are all set out above. It is understood that various amendments to the constitution are already under way, having been discussed at the Planning Improvement Board and Development Management Committee. In addition to this, there are three other areas where specific suggestions can be made.

3.5.2 First, consideration should be given to extending and developing the current pre-application advice protocol dating from May 2013. Planning Performance Agreements (PPAs) where specific timetables, covering both the pre-application and the application process, are agreed between the planning authority and the applicant, together with an additional fee, where justified, are increasingly common nationally for the largest development proposals. They should be considered in appropriate cases in Warrington.

3.5.3 Second, it may also be worth exploring charging a suitable fee for householder pre-application advice. This could be a simple vetting fee, like a passport application checking service, to ensure that all the basic information is provided when an application is submitted or it could be a standard charge for an hour of a planning or design officers time prior to submission.

3.5.4 Third, although it has not been possible to obtain information on the Council’s attitude to taking forward a Community Infrastructure Levy, attention will need to be given to how far s106 agreements can be relied upon beyond April 2015 to deliver significant financial contributions to infrastructure, given the restrictions Government will be placing on the s106 process from then by limiting the number of agreements that can provide funding for a given piece of infrastructure.

3.5.5 Finally, officer and members should continue to utilise the services of PAS and the LGA to keep up to date with relevant planning support and improvement work available.

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