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

AGENDA

Part 1

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

Item

1. Apologies for Absence

To record any apologies received.

2. Code of Conduct - Declarations of Interest

Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

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

   To confirm the minutes of the meeting held on 13 March 2014 as a correct record.

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

   Report of the Executive Director Economic Regeneration, Growth and Environment

   Attached as a separate document

5. **Results of Planning Appeals**

   Report of the Executive Director Economic Regeneration, Growth and Environment

   5.1 Appeal Decision – Barondale Grange, Stockport Road, Thelwall

   5.2 Appeal Decision – Land between 2 and 4 Banks Crescent

   5.3 Appeal Decision – Land at Park Lane / Firs Lane, Appleton

6. **Planning Changes from 6 April 2014**

   Report of the Executive Director Economic Regeneration, Growth and Environment

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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

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

3 APRIL 2014

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

DM91 Apologies for Absence

Apologies for absence had been received from Councillor L Ladbury.

DM92 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
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<tbody>
<tr>
<td>Councillor F Rashid</td>
<td>DM95</td>
<td>Councillor Rashid had publicly spoken out against this application.</td>
<td>Councillor Rashid left the Committee for the agenda item; he did not take part in the discussion or the vote thereon.</td>
</tr>
</tbody>
</table>

DM93 Minutes

Resolved,

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

DM94 Planning Applications

Resolved,

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

DM95 2014/23062 – Part of Phase 15, Chapelford, Great Sankey, Warrington, WA5 3SR – Reserved matters application – Application for approval of reserved matters following outline approval 99/40635 – construction of 190 dwellings with associated landscape, access and parking (revised version of reserved matters approved under 2013/22223)

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

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

Resolved,

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

**DM96 Results of Planning and Enforcement Appeals**

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

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

Resolved,

That the report be noted.

**DM97 Planning Changes from 6 April 2014**


It was reported that the Government had introduced a number of changes to the Town and Country Planning (General Permitted Development) Order 1995 in May of 2013 this included permitted changes from offices to dwelling
houses, agricultural buildings to shops/restaurants/cafes/hotels/business, office/hotels/residential institutions/leisure to a state funded school and six and eight metre single storey rear projections to dwelling houses (all subject to the submission of prior approval applications.

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

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

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

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

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

- **Amendment to Class K** (within May 2013 order) to now allow change of use to state funded school and registered nursery from B1, C1, C2, C2A and D2.
Agenda Item 3

- The Local Planning Authority can now refuse an application when it does not comply with permitted development criteria and/or if insufficient information has been submitted to assess prior approval assessment issues. In addition Local Planning Authorities can now attach “reasonably necessary” conditions.

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

Resolved,

That the report be noted

Signed………………………

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

13 MARCH 2014

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

DM82 Apologies for Absence

Apologies for absence had been received from Councillor M McLaughlin.

DM83 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Councillor J Richards</td>
<td>DM86</td>
<td>Councillor Richards had spoke out against previous applications concerning the site, in addition, Councillor Richards had been asked by fellow local Councillors who could not attend to speak against the application on their behalf.</td>
<td>Councillor Richards left the Committee for the agenda item, he did not take part in the discussion or the vote thereon.</td>
</tr>
<tr>
<td>Councillor F Rashid</td>
<td>DM86</td>
<td>Councillor Rashid had received correspondence from Mr N Crompton but had not read the material received.</td>
<td>Councillor Rashid remained in the meeting and took part in both the discussion and voted thereon.</td>
</tr>
</tbody>
</table>

DM84 Minutes

Resolved,

That the minutes of the meeting held on 30 January 2014 were agreed as a correct record and signed by the Chair.

DM85 Planning Applications

Resolved,

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

DM86 2013/22130 – Gas Utilisation Compound, Arpley Landfill Site, Forest Way, Sankey Bridges, Warrington, Cheshire WA4 6Y2 – Full
Planning – Proposed construction of 3 No 23 metre high engine exhaust

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

A site visit had taken place on Friday, 7 March 2014.

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

Resolved,

That application 2013/22130 be deferred until the next meeting of the Committee for the following reasons

Reason,

To explore,

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

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

DM87 Results of Planning and Enforcement Appeals

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

<table>
<thead>
<tr>
<th>Application/App eal Reference</th>
<th>Location Description</th>
<th>and Delegated Decision</th>
<th>Committee</th>
<th>Appeal Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>APP/M0655/A/13 /2203059</td>
<td>Land off Hillock Lane, Woolston, Warrington, WA1 4PF</td>
<td>Refuse</td>
<td>Allow</td>
<td></td>
</tr>
<tr>
<td>APP/M0655/D/13 /2208211</td>
<td>108 Longbarn Lane, Woolston, Warrington, Cheshire WA1 4QR</td>
<td>Refuse</td>
<td>Dismiss, no costs awarded</td>
<td></td>
</tr>
<tr>
<td>APP/M0655/A/13 /2203962</td>
<td>Romas General Store, 156 Thelwall Lane,</td>
<td>Refuse</td>
<td>Dismiss</td>
<td></td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Decision</td>
<td></td>
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<td>--------------------</td>
<td>------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>APP/M0655/A/12</td>
<td>Land to the north of Hall Lane, Lower Stretton, Warrington, WA4 4NY</td>
<td>Refuse</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Allow</td>
<td></td>
<td></td>
</tr>
<tr>
<td>APP/M0655/C/13</td>
<td>Land at Prospect Farm, Prospect Lane, Rixton-with-Glazebrook, Warrington, WA3 6EH</td>
<td>Refuse</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Allow</td>
<td></td>
<td></td>
</tr>
<tr>
<td>APP/M0655/H/13</td>
<td>TJ Hughes PLC, 27 Sankey Street, Warrington, WA1 1XG</td>
<td>Refuse</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Allow</td>
<td></td>
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</tbody>
</table>

Resolved,

That the report be noted.

**DM88 Awards of costs against the Council – Planning Appeals**

The Committee considered the report of the Executive Director of Economic Regeneration, Growth and Environment that provided Members with an update in relation to a number of recent appeal cost which have been awarded against the Council. The report set out information which sought to reduce the risk of further awards of costs in the future in line with Circular 03/09.

It was reported that in a number of recent appeal decisions had been coupled with claims for award of costs against the Council, the planning inspectorate had granted a number and as a consequence applicants had and would be submitting their expenses to the Council seeking payment, copies of the decisions referred to were attached to the body of the report.

In summary, over the last twelve months the Councils legal team had been engaged to assist with outstanding claims to ensure applicants only receive expenses which have been reasonably incurred as a result of an appeal.

Resolved,

That the report be noted

**DM89 Planning Enforcement Policy**

The Committee considered the report of the Executive Director of Economic Regeneration, Growth and Environment that provided Members with an updated planning enforcement policy.

It was reported that the Council had last approved the planning enforcement policy in 2010, attached to the report was an amended version of the planning enforcement policy. It reflected changes brought in under the Localism Act 2011 and national planning policy (i.e. the National Planning Policy Framework 2012) and the following changes:
Agenda Item 3

- Included some targeted enforcement activity as an “urgent item” arising out of discussions at the Enforcement Board meetings.
- Included non-urgent and urgent enforcement cases but that some cases may be considered to be urgent given the cumulative impact of development and/or the strength of public feeling.
- An indication that the Council will not necessarily send out multiple reminders to persuade landowners to resolve matters before taking formal action.
- Gave landowners fourteen days to initially confirm intentions.
- Gave landowners twenty-eight days to resolve matters.

It was noted that there was a need to adopt a new enforcement policy so that it reflected national planning policy and legislation. It would also help make clear what the Council defined as urgent and non-urgent cases. Some cases may take longer than others to deal with and were also impacted by resources. Having priorities clearly laid out in the form of an updated policy document would enable the Council to tackle the most serious enforcement cases with the resources it had to hand. The Local Government Ombudsman will take the policy into account if / when complaints about the handling of planning enforcement cases are being considered by them.

Resolved,

That the Planning Enforcement Policy be approved and adopted

DM90 Pre-Application Advice – (Householder Proposals)

The Committee considered the report of the Executive Director of Economic Regeneration, Growth and Environment that sought Members approval to commence charging for pre-application advice for householder planning application proposals.

It was noted that Development Management Committee adopted a pre-application advice protocol and schedule of charges in May 2013. The charging schedule excluded charges for householder pre-application advice proposals. There was no statutory requirement to provide pre-application advice but it is generally seen as good practice and tended to result in better planning applications and provided for a more certain outcome. The Development Management Service had been charging for pre-application advice since July 2013 and this has brought in approximately £15,000 in 6 months.

The Council’s Medium Term Financial Plan (MTFP) assumed that the Development Service would generate an additional £15,000 per annum from householder advice, although it was recognised that householder proposals were not “commercial” in nature and accordingly it was not recommended that
a high charge be introduced. However, in order to continue to deliver this non statutory service it was necessary to start charging for householder advice and a charge of £45 per proposal was recommended.

For £45 the enquirer would receive a view in terms of (i) whether the proposal required planning permission and (ii) if so whether the proposal would be compliant with the Council’s policies. At the moment householders did not receive very detailed advice but instead received some information as part of a “duty officer” service or short emails sign posting enquirers to the web site or relevant policies.

It was reported that whilst the introduction of a charge for householder proposals would represent a change it would nonetheless formalise matters for enquirers and ensure some certainty of outcome. The proposed charge would normally be a small fraction of what a householder would have to pay in respect of a house extension. In some circumstances the payment of £45 may in fact minimise a lot of abortive work /costs; for example avoiding the cost of submitting a formal planning application proposal with detailed plans (usually prepared by an agent/architect) if a proposal is unacceptable in policy terms.

Resolved,

That the existing Pre-application Advice Protocol (including charges) be amended and approved (as attached at appendix 1 of the report) to include a charge of £45 for each householder proposal (£25 for re-submission proposals/follow up meetings) – all fees to be increased in line with inflation on an annual basis.

Signed………………………

Dated ………………………
<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>2014/23062</td>
<td>Part of Phase 15, Chapelford, Great Sankey, Warrington, WA5 3SR</td>
<td>Approve</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reserved matters application – Application for approval of reserved matters following outline approval 99/40635 - construction of 190 dwellings with associated landscape, access and parking (revised version of reserved matters approved previously under 2013/22223).</td>
<td></td>
</tr>
</tbody>
</table>
DEVELOPMENT CONTROL COMMITTEE DATE: 03-Apr-2014

ITEM 1

<table>
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<th>Application Number:</th>
<th>2014/23062</th>
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<tbody>
<tr>
<td>Location:</td>
<td>Part of Phase 15, Chapelford, Great Sankey, Warrington, WA5 3SR</td>
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<tr>
<td>Ward:</td>
<td>Whittle Hall</td>
</tr>
<tr>
<td>Development Reserved matters application – Application for approval of reserved matters following outline approval 99/40635 - construction of 190 dwellings with associated landscape, access and parking (revised version of reserved matters approved previously under 2013/22223).</td>
<td></td>
</tr>
<tr>
<td>Date Registered:</td>
<td>13-Feb-2014</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr David Wilson Homes</td>
</tr>
<tr>
<td>8/13/16 Week Expiry Date:</td>
<td>14-May-2014</td>
</tr>
</tbody>
</table>

Reason for referral to Committee

Councillor Rashid has requested that this application is reported to the Development Management Committee.

Human Rights

The courts have held that in planning matters - as there are inherent measures to protect an individual’s interests - it is unlikely that a planning decision will result in such an impact that the harm caused is disproportionate to the goal to be achieved. This application should be considered in the light of the provisions of the Human Rights Act 1998.

Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing - and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person’s home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the adopted Warrington UDP and the emerging Local Plan Core Strategy for Warrington, the Strategic
Director for Economic Regeneration, Growth & Environment has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the wider public interest - and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights - posed either by the grant or refusal of the application - would be within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Site and Proposal

Application for approval of all reserved matters on a wholly residential phase comprising 190 dwellings on a 5.7 ha site. This is a proposed revision to the final residential phase of Chapelford – where 156 units were approved in October 2013 - and would take the dwelling total on Chapelford as a whole to 2110.

The site is shown to be wholly residential in the approved (August 2010) version of the Masterplan for Chapelford. The proposed density (ie 41 dwellings per hectare) accords with the strategy for varying densities across Chapelford.

Twelve affordable dwellings are included as part of Phase 15 – eight for affordable rent and four with other forms of affordable tenure. Provision is being made on Chapelford as a whole – in accordance with the outline permission. The revisions now proposed are again intended to follow the design principles from the approved Design Guide and to reflect the approach used in Phases 13 and 14. A mix of 2, 3, 4 and five bedroom dwellings is proposed across the site – together with eight, one bed apartments. Forty eight, two bed apartments have been added as part of the proposed revisions.

The site has been stripped and levelled, and there is some stockpiles of topsoil, subsoil and demolition rubble/hardcore/materials. No vegetation has been retained – there were no protected trees on the site. There are some very small wet areas in the north west corner, adjacent to new surface water outfalls – which are due to become small surface water balancing ponds. A landscaping plan proposes new tree planting.

Phase 15 is to the immediate west of the proposed rail station and car park. Part of Whittle Avenue is to the immediate west. A railway line runs along the southern boundary of the site. Residential phases 13 and 14 are under construction to the north.

Links are provided at various points between the different elements of public open space and to the wider areas. A greenway runs along the southern boundary of the site, and connects into the wider greenway provision. This provides cycleway links to the surrounding infrastructure, including a new cycle/pedestrian route onto Whittle Avenue. Open space provision is primarily in the form of a Locally Equipped Area of Play (LEAP), and also by
way of and enhancement of the ditch and footway network.

Construction traffic will access this phase via the southern Whittle Hall roundabout.

The draft proposals were circulated to the Chapelford Residents Associations and ward members in January 2014.

Comparison with the scheme previously granted reserved matters consent on this phase (2013/22223).

The revised scheme proposes an additional 34 dwellings, which results from the introduction of apartment buildings near the south western corner near the railway line and proposed new rail station – and entails building forms and designs which have been built already elsewhere in Chapelford. The applicant sets out that the use of apartments widens the range of dwelling types on Chapelford and would help to provide additional natural surveillance over the proposed railway station, adjacent to the south eastern edge of the site – and that this would help prevent potential anti-social behaviour. The southern edge of the site has altered to accommodate the now known position of the easement of a water main. Other than the changes relating to the inclusion of the apartments and the altered position of the large house at the south western corner (with a redesigned turning head), the phase generally would remain as already approved – with some other proposed dwellings altering positions by around one metre or so, as a result of relatively minor house type “substitutions”.

Reasons for Proposed Revisions to Approved Layout

The applicant has set out the following:
- The apartment market has picked up, as demonstrated by the very successful phase 17
- There is a greater degree of certainty regarding the railway station
- Higher density adjacent to the station is appropriate and sustainable, giving close access to more people to the station
- Apartments overlooking the station offer greater natural surveillance and activity over the railway station which is good design practice

Relevant Planning History

Outline planning permission for Chapelford (99/40635), was granted in 2002. The site of this application is shown for residential use in the Masterplan agreed as part of 99/40635. The site was shown for residential use as part of the Masterplan which formed part of the Chapelford Urban Village Public Realm Design Guide in 2004 and in the 2006 revision to that Design Guide.

Revisions to the Masterplan attached to the revised Design Guide were agreed at the 26th August 2010 meeting of the Council’s Development Management Committee and continues to identify this phase as wholly residential. A further revision of the Masterplan – updated to reflect the
reserved matters approvals since mid-2010 – was approved for use in September 2011 (Drawing Master Base Plan NW-01-54 Rev G).

Village Centre proposals – including a principal retail food store with four smaller units, car parking and public realm works – were approved in April 2011 (2011/17876).

Reserved matters approval for a pub/restaurant were approved in August 2011 (2011/18548).

Reserved matters consent for 39 dwellings was approved in February 2012 (2011/19219) on Phase 13A.

Planning permission for a new primary school was granted in February 2012 (2011/19241).

Reserved matters consent for the construction of 74 dwellings and associated works was approved on 17th September 2012 (2012/20461).

Reserved matters consent for 17 dwellings was approved in June 2013 (2013/21762), on Phase 19.

Reserved matters consent for 156 dwellings was approved for Phase 15 – and so includes the current site - in October 2013 (2013/22223).

Planning Policies

National Planning Policy Framework
The presumption in favour of sustainable development and growth.

Unitary Development Plan
DCS8 – CHAPELFORD URBAN VILLAGE

Local Plan Core Strategy
WW1 - CHAPELFORD URBAN VILLAGE

Consultation Responses

WBC Planning Policy – No objection.

WBC Highways – No objection. In terms of parking for the apartments, parking spaces are shown serving 48 apartments. This equates to provision of 1.5 spaces per apartment.

As Cllr Rashid notes, this level of provision is in accordance with the Council’s adopted maximum parking standards which advise that for houses and flats with communal parking, a maximum of 1.5 spaces per dwelling should be provided.

In recognition of general concerns regarding a lack of parking in Chapelford, if
the applicant were to offer more parking for residents of the apartments, we would not object to this. However I would not consider we could insist on such additional provision being made by the applicant.

Should no additional parking be forthcoming, I would also note that the close proximity of the proposed development to the new Warrington West rail station, should help to lessen demand for car parking in this location also.

The latest site plan shows that a 3.5m wide footway / cycleway is to be provided - and is included within the red edge application boundary.

WBC Environmental Protection – Comments to be reported at the meeting.

WBC Tree Officer – No objection, subject to agreed amendments to planting details and species mix.

WBC Parks and Woodland – No objection. Details of LEAP design and play equipment should be agreed.

United Utilities – No objection subject to adequate site drainage.

Network Rail – No objection, following discussion with applicant.

Notification Responses

Ward Councillor(s) – Cllr F Rashid & Cllr W Hughes:-
We understand objection has been made by the Chapelford Residents Association and we fully support their objection for the reasons outlined below.

1- According to Chapelford Master Plan this phase is classed as low density and original plan for phase 15 did reflect this and approved end of last year.

2- We fail to understand the reason of this significant change. There were no apartments proposed in original application and now two apartment buildings are proposed with 24 apartments each totalling 48 apartments. This does not reflect the master plan and will not class as low density area.

3- There are already resident's complaints in progress with regards to the management company involving David Wilson Homes. Warrington South MP David Mowat is dealing with the complaint. We are concerned that resident's may have similar issues in the future.

4- There are already many apartments in Chapelford and in every meeting we had with DWH, we were assured there will be no apartment blocks in phase 15 hence the reason for approval of original application which had no such apartment buildings. We would encourage the committee and officers to see both plans which will clarify the difference.

5- The distance between apartment buildings and houses are too short which
will effect quality of life and living environment. This is an over development in a very corner and congested next to planned train station.

6- We are also concerned about the noise issue as these apartments are next to railway line and this will effect 48 apartments and people living in those apartments.

7- We also understand parking provision is as per national guidelines however we have currently lots of complaints and issues about parking in Chapelford and would not like to see residents suffering with any new development. We would like to see DWH offer more parking spaces in this phase.

**Great Sankey Parish Council – Object -**
Support Cllrs Rashid and Hughes in their objections.
- the plans significantly differ from the original plan for Phase 15 which was for a low density area.
- the alteration to include two apartment buildings with a total of 48 apartments does not fit in with the approved low density housing and the proposed apartment blocks will overlook and intrude on nearby housing.
- There are also concerns with regard to the management company for the apartments as there are already numerous complaints from current residents about this – the Council feels that these should be taken into account when considering this application.

**Chapelford Residents Association (CRA) –**
As stated in the application, regular meetings have taken place over the recent years and we have given feedback on applications and plans for Chapelford. DWH did show details of these plans for Phase 15 at a meeting mid 2013, which the Residents Association supported in principle. Since July 2013 DWH have failed to attend any further update meeting and yet again DWH have changed plans discussed at these meetings and changed dwelling types. We were informed at these meetings that DWH would not be building any further apartments due to issues that have arisen with property management companies and parking including one phase where 100% of residents signed a petition to remove Management Company, due to overcharging and false price charging. These plans have significant change with 2 blocks of apartments, which were not part of original approved phase. These apartments would overlook proposed houses at insufficient distance which will have a significant impact on the living environment, quality of life and increase congestion with over development in one corner. This change in housing to increase dwellings by over 20 is not required. The drawings and plans also have no details of the required 5m greenway and 3.5m cycleway adjacent to the railway track or the 3.5m footway/cycleway that should be incorporated within Phase 15. This was something DWH also failed to include when they changed a recent application next to Phase 15. I have attached the MasterPlan drawing showing these requirements.

**Neighbours** – A 49-name petition was submitted with the CRA objection, above – and sets out objection to the use of a particular management
company.

**Observations**

**Principle**

It is considered that the revised proposal is in general accordance with the revised Chapelford Urban Village Public Realm Design Guide; with the revised Masterplan (September 2011); with policy DCS8 of the adopted Warrington UDP and with policy WW1 of the emerging Local Plan Core Strategy. The proposal for a medium density layout on this phase is in accordance with the long-standing strategy for varying densities around Chapelford, and would be in keeping with the character of nearby phases – and with national guidance on the matter. Phase 15 has been identified on each version of the Masterplan since 2004.

**Design and Appearance**

The layout aims to minimise the visual prominence of parked vehicles – by siting provision behind the main build lines. Some frontage parking assists with creating an active streetscape.

Care has been taken to ensure built form generally faces outwards, to contribute to the new street scene. The central area of open space - framed by houses - is one of the main themes of this proposal – and has the potential to achieve a high quality setting. Dual aspect housing have been provided on all prominent corners – and this contributes to an active and articulated streetscene too. Walls – rather than fences – are provided where rear gardens abut roads – and this is considered to be a preferable treatment.

It is accepted that there is good scope to incorporate higher buildings – eg the apartment blocks now proposed - near to the interface with the proposed rail station. This would provide useful natural surveillance over the station area – and would be important to the long term success and viability of the station. The use of apartments in this location would also provide more homes close to the proposed station – compared to the approved layout.

**Density – Accordance with Masterplan**

The proposed density would increase from the 34 dwellings per hectare - approved as part of 2013/22223 – to 41 dwellings per hectare – due to the inclusion now of two apartment blocks. The density of Phase 15 now proposed would not be “high” (high density can be said to be around 50 dwellings per hectare and above), and would be in accordance with the long-standing Masterplan intentions to deliver a range of densities across Chapelford.
The current version of the Masterplan (2010) was produced to reflect various changes “on the ground” – eg in the vicinity of the primary school and other elements of the Village Centre – but didn’t change the long-standing intention to vary densities across Chapelford – generally moving from higher in the centre to lower near the edges. Nonetheless, the last time a density notation was shown on a map forming part of the Masterplan was in the 2006 version – and this showed Phase 15 to be low density.

Members should consider if the move from low to medium density on phase 15 would be seriously harmful – in terms of the overall design philosophy of Chapelford. Officer advice is that no such harm would occur. Phase 15 would remain dominated by relatively low density detached houses – with some short runs of mews/terraced houses – and would be typical of new suburban areas.

There is not considered to be any conflict with NPPF or with Development Plan policies - in relation to housing mix and density.

**Interface Distances**

The distance between the main face elevation of the southernmost apartment block with the main face elevations of the dwellings proposed to face them, would be approximately 20 metres. This relationship would be less than the minimum recommended interface distance set out in UDP policy HOU13.

However, Members should note that there are no minimum interface distances in the new Local Plan Core Strategy – and that future decisions should be made case by case – in the light of all considerations. In this case, it is fundamental to note that the apartments would face other – yet-to-be-built - dwellings on Phase 15. In other words, all new purchasers would be well aware of such relationships prior to occupation. This is far preferable to a situation where new buildings are built adjacent to established housing – and where the use of the HOU13 minima is more fully justified.

**Noise**

More dwellings – and consequently people – would be close to the proposed rail station, than would have been the case with the previous layout. Again, it is important to recognise that the presence of the planned station would obviously influence decisions to purchase or rent the new apartments – on the part of future occupiers. Only those wishing to live near the station, for convenience – but with its attendance potential for noise and disturbance – would do so. The proposals contain noise attenuation proposals, and these are considered adequate to prevent serious harm to living conditions – from the future use of the branch line. Advice from WBC Environmental Protection confirms that unacceptable impact on future living conditions from train noise would not result, in this context.

There may be some adverse impact on the future living conditions of occupiers of the apartments from vehicles and pedestrians visiting the
proposed station. This issue can be considered as part of the station layout design, and preferably without the use of unsightly acoustic fencing in prominent positions in the new street scene - which would be created along some parts of the eastern edge of Phase 15. Detailed comments from the Council’s Environmental Protection Team will be reported at the meeting.

Parking

As set out in WBC Highways advice above, parking at the level of an average 1.5 spaces per apartment is in accordance with the Council’s adopted maximum parking standards. It is not considered that the Council should insist on such additional provision being made by the applicant. In this context, it is acknowledged that the close proximity of the proposed development to the new Warrington West rail station should – hypothetically - lessen demand for car parking in this location also.

Landscaping & Open Space

There are no protected trees on this phase, nor any protected habitat. There are cycleway and other links from the site to the wider areas, and this is considered to be in the scheme’s favour – together with the provision of the large and well overlooked central LEAP. Overall, LEAP/POS provision has not changed from the approved scheme. Whilst the developer is not bound by the S299A Agreement – attached to the 99/40635 outline permission - regarding timescales for the implementation of the LEAP/POS, they are committed to implementation soon as possible in relation to the occupation of dwellings.

Full details of the LEAP (which still need to be approved by the Council under a planning condition) and POS will be agreed with all prospective occupiers – and is indicated on the approved drawings – and these are shown to prospective purchasers - and will be clearly marked on the sales drawings in the developer’s sales office too.

The Whittle Avenue embankment planting is WBC Highways-owned; landscaping within the application “red edge” was been approved previously as part of the 2013/22223) consent. The developer does not propose any planting on Council owned land.

Summary

The application is accepted as being in general accordance with the revised Chapelford Urban Village Public Realm Design Guide; with the revised Masterplan (September 2011); with policy DCS8 of the adopted Warrington UDP and with policy WW1 of the emerging Local Plan Core Strategy.

Recommendation

Approve subject to Conditions
1. The development to which this reserved matters approval relates shall be begun before 13th May 2017.

Reason: This consent deals with reserved matters pursuant to the outline planning permission granted on 13th May 2002. The 13th May 2017 is the later of the dates referred to in condition 3 of that outline permission.

2. This reserved matters consent shall not be implemented otherwise than in accordance with the following plans/drawings:-
- Location Plan (scale 1:1250); H5927:R/01 - Planning Layout Re-plan – Rev B (scale 1:500);
- H5927:01 – Existing Planning Layout (Scale 1:500); Planning Layout Approved; H5927:R/04 - Materials Layout (scale 1:500) – Rev #;
- H5927:R/12 - Boundary Treatment Plan (scale 1:500);
- H5927:R/06 Surfacing Plan Layout; H5927:R/11 - Finished Floor Levels (scale 1:500) – Dwg No 07556 01, Landscape Plan Phase 15, Chapelford, Rev H; 07556 02, Landscape Plan Phase 15, Chapelford, Rev H;
- SCP 14021 ATR01; House Type H404 ---5; House Type H411 ---5;
- House Type H436 --X5;
- House Type H452 ---5; House Type H454 11-5; House Type H469 -- X5; House Type H486 ---5;
- House Type H500 --X5; House Type H536--Y5; House Type ONYX;
- House Type P230; House Type P331NWL5; House Type P382-EB5;
- House Type P382-IB5; House Type S206 NWE5; House Type S206 NWI5; House Type S341 NWD5; House Type S341 NWE5; House Type SH27---5; SB8-4 Apartment PH15-BLKA; Apartment PH15-BLKB;
- Garage Type G101 - rev c; Garage Type G201 - rev c; Garage Type G203 - rev c; 1.8m High Brick Screen Wall – Dwg. Ref. EXT WKS 16v;
- 1.8m Close Board Fence. – Dwg. Ref: EXT WKS 07; 1.8m Privacy Gate Detail. – Dwg. Ref: EXT WKS 08; Ranch Style fence 1200 Railing, Rev A;

Reason: To define this reserved matters consent.

3. The detailed specification of the LEAP - including play equipment and timetable for implementation - shall be submitted for approval prior to the first occupation of any of the dwellings subject to this reserved matters consent. Such details as are agreed shall be implemented and retained as agreed.

Reason: To ensure the design and specification of the LEAP is of sufficiently high quality and safety standard in accordance with policy HOU4 of the adopted Warrington UDP and the Open Space and Recreation SPD (September 2007).
4. Prior to occupation of the development, a scheme of secure cycle parking to serve Block A and Block B apartment buildings (as shown on drawing number H5927:R/01 Rev B) shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme of cycle parking provision shall be provided, prior to occupation of the development, and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the delivery and retention of adequate cycle parking provision in accordance with policy LUT5 of the adopted Warrington UDP and policies CS3 and MP3 of the emerging Local Plan Core Strategy for Warrington.

5. The vehicle parking shown on drawing H5927:R/01 - Planning Layout Re-plan – Rev B shall be implemented and retained solely as parking thereafter.

Reason - To ensure an adequate layout and amount of vehicle parking, in particular relation to the provision for the apartments (ie plots 144 to 191), is retained as part of the finished development in accordance with with the Councils adopted maximum parking standards; with policy LUT20 of the adopted Warrington UDP and with policy MP1 of the adopted Local Plan Core Strategy for Warrington.

**Informatives**

1. The decision to grant reserved matters approval with conditions for revised proposals at this site has been taken having regard to the relevant policies and proposals in the Development Plan. The local planning authority have worked with the applicant in a positive and proactive manner – including at pre-application stage - based on seeking resolution of issues and impacts arising in relation to dealing with the proposal and have implemented the requirements in NPPF - in particular para 187.
Appendix 1 – Example of part of street scene

Approved part of layout – and proposed changes to that part
Proposed apartments
TITLE OF REPORT: Appeal decisions for period between 27th February and 24th March.

1. PURPOSE OF THE REPORT

1.1 To advise members of the planning appeal outcome for sites at Bank Crescent, Park Lane and Barondale Grange. All three appeals were dismissed.

2. REPORT BODY

Planning Appeal Decisions

Barondale Grange

2.1 Permission was sought to erect a single storey storage unit for the storage of hay and house 3 pairs of special breed Alpacas on agricultural land next to Barondale Grange.

2.2 The Council considered the proposal to be excessive for its intended purpose and the market demand for Alpaca fur to be low, thus making the business unviable. The proposal was also considered to be visually harmful to the Green Belt through loss of openness and that very special circumstances did not exist.

2.3 The Inspector considered the development was an appropriate agricultural activity as defined in Section 336 of the Town and Country Planning Act.

2.4 Although the Inspector did not explore the viability of the scheme, they did consider the developments impact on openness, character and appearance of the Green Belt. The Inspector deemed the loss of openness would be significant given the considerable scale, mass and height of the new building and attached substantial weight. The Inspector also considered the proposal would be a sizable structure with a rudimentary, utilitarian built form and a shallow pitched roof that would
accentuate its scale and bulk. It would be centrally placed within the site to be conveniently located for animal grazing. Nevertheless, in this isolated position, the new building would have an imposing presence that would unduly erode the openness of the site and materially detract from its intrinsic semi-rural character.

2.5 Reference was made to the established screening afforded by the boundary wall along Stockport Road and dense foliage of existing trees and other vegetation. Consequently, the Inspector deemed that the proposal would not be conspicuous from Stockport Road or the Pennine Way, which runs alongside the site. However, the most important attribute of the Green Belt is openness and this is not directly related to visibility.

2.6 Although the appeal has been dismissed an application has been re-submitted by the site owner for a new field shelter to house a maximum of 12 no. Alpacas. Ref: 2014/23327. Consultation is taking place on this application.

2 & 4 Banks Crescent

2.7 The Inspector agreed with the Council's reason for refusal which focussed on the developments impact on the living conditions of neighbouring and future occupiers and the developments incompatibility with the local area by way of its design. The Inspector considered the dwelling would create an oppressively dominant overbearing structure which would also create a cramped form of development that would be highly incongruous and fail to respect local distinctiveness.

2.8 The Inspector also agreed with our appeal submissions that the proposal failed to meet the provisions of paragraph 58 of the NPPF which requires developments to create attractive and comfortable places to live; respond to local character; and add to the overall quality of an area. This could be a useful policy to use moving forward with refusals based on design grounds.

Park Lane / Firs Lane

2.9 The applicant sought to change the use of two existing redundant buildings to form two detached dwellings. The Council refused consent because:

- Development would result in the urbanisation of a significant and prominent piece of Green Belt land, to the detriment of the character and openness of the Green Belt. The proposal would constitute inappropriate development and no very special circumstances exist that would outweigh the harm caused.
- Development would result in the provision of two isolated dwellings within the countryside and Green Belt. No special circumstances exist to justify the harm caused to the character, openness and appearance of the countryside.
- Insufficient information was provided to adequately demonstrate no undue harm would be caused to a European Protected Species.
2.10 Further information was provided by the applicant to overcome concerns regarding European Protected Species.

2.11 The Inspector was of the view each building have a domestic character and appearance, in terms of their overall form, materials, design and number of openings.

2.12 In the Inspectors opinion, the proposal would result in an encroachment of residential use and associated trappings into the countryside. The proposed curtilages of the dwellings would be relatively large and would be likely to contain domestic paraphernalia and ancillary domestic buildings. In my opinion, these would inevitably reduce the openness of the site, when compared to the curtilage of agricultural buildings. They conclude the proposal is inappropriate development.

2.13 Helpfully the Inspector considered the proposal would be at odds with its countryside setting, as each plot is relatively large and unacceptably intensify the domestic appearance of the site.

2.14 The appellants had drawn attention to the presence of nearby buildings as justification for allowing this appeal; however the Inspector did not deem these to create a precedent for inappropriate development in the Green Belt.

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 Not required.

8. REASON FOR RECOMMENDATION
8.1 To inform Members of the results of appeals and of performance statistics.

9. RECOMMENDATION
9.1 That members note the appeal decisions and performance.

10. BACKGROUND PAPERS
10.1 None

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
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<tbody>
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</tbody>
</table>
Appeal Decision

Site visit made on 13 February 2014

by Gary Deane BSc (Hons) DipTP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 March 2014

Appeal Ref: APP/M0655/A/13/2208109
Barondale Grange, Stockport Road, Thelwall, Warrington WA4 2TB

- 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 Brian Foden against the decision of Warrington Borough Council.
- The application Ref 2012/19727, dated 20 March 2012, was refused by notice dated 2 May 2013.
- The development proposed is the erection of a single storey storage unit to be used to store bails of hay and house 3 pairs of special breed Alpacas on agricultural land next to Barondale Grange.

Decision

1. The appeal is dismissed.

Procedural matter

2. On 6 March 2014, the Parliamentary Under Secretary of State for Planning confirmed in a Written Statement that a final version of a new suite of revised and condensed planning guidance had been published through an accessible web site. This is referred to as the National Planning Practice Guidance (the Guidance). I have assessed the proposal in the light of the Guidance.

Main issues

3. The site lies within the Green Belt and the countryside. I consider that the main issues are:

- whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;

- the effect of the proposal on the openness, character and appearance of the Green Belt; and

- if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
Reasons

Inappropriateness

4. The Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate save for a number of exceptions, which includes buildings for agriculture or forestry. Policy GRN1 of the Warrington Unitary Development Plan (UDP) is consistent with this policy.

5. The new building would be used for the breeding and keeping of Alpacas with the animals and their fur made available for sale. The main parties agree that this would constitute an agricultural activity. I have no reason to disagree with this finding. The appellant’s Agricultural Land Quality Appraisal also confirms that the ground conditions within the site would support grazing by Alpacas.

6. The Council also considers that the appeal building would be overly large for the modest scale of operation indicated in the description of development. It has also questioned whether the enterprise would be commercially viable. However, there is nothing in the policies before me to indicate that viability should be applied to the test of inappropriateness nor is there a need to look at matters such as the size of the building at this stage of the assessment. These are relevant matters, but to a broader consideration of the appeal scheme.

7. On that basis, I conclude that the proposed building would not be inappropriate development in the Green Belt for the purposes of national guidance and development plan policy. Consequently it does not conflict with LP Policy GRN1 and the Framework in this respect and so the question of very special circumstances to justify the new building does not arise.

Openness, character and appearance

8. An essential characteristic of Green Belts is their openness. Were the appeal scheme to proceed, this part of the Green Belt would, as a matter of fact, be less open than it is at present because additional built form would have been introduced. In this case, the loss of openness would be significant given the considerable scale, mass and height of the new building. The Framework states that any harm to the Green Belt should be given substantial weight, which I have done in this instance.

9. With its open grassed areas and well-established trees, some of which are protected, the site has a pleasant spacious feel and a leafy, semi-rural character. It offers a welcome respite from the busy main route of Stockport Road, which runs adjacent to the site. The proposal would be a sizable structure with a rudimentary, utilitarian built form and a shallow pitched roof that would accentuate its scale and bulk. It would be centrally placed within the site to be conveniently located for animal grazing. Nevertheless, in this isolated position, the new building would have an imposing presence that would unduly erode the openness of the site and materially detract from its intrinsic semi-rural character.

10. Only part of the new building would be glimpsed from most public vantage points due to the screening largely provided by the boundary wall along the site’s highway frontage and the dense foliage of existing trees and other vegetation. Consequently, the proposal would not be conspicuous from
Stockport Road or the Pennine Way, which runs alongside the site. However, the most important attribute of the Green Belt is openness and this is not directly related to visibility.

11. Therefore, I find material harm to the openness, character and appearance of the Green Belt, in conflict with UDP Policies DCS1, GRN2 and GRN3 and the Framework. These policies broadly aim to safeguard the Green Belt and the character and appearance of the local area. The Guidance reaffirms the protection of the Green Belt.

Other matters

12. The Council has queried the need to provide a building of this scale to support an enterprise that in its view is unlikely to be commercially viable. An independent assessment produced by Harvey Hughes Limited supports this opinion. That assessment provides a persuasive case that the building is too large for the intended purpose and that the enterprise would not show a positive financial return largely due to the low demand for and the price of animal fur.

13. The appellant has understandably questioned these conclusions given that Alpacas would also be available for sale and that more animals would be kept and bred as the business grows. I also agree that it would also be prudent to allow some flexibility in the use of space within the new building to cater for shearing and to provide a suitable enclosure for newborn and young animals. While the Council also considers that the site would not be sufficient in size to sustain a much larger number of Alpacas, I note that the appellant has another land holding at Padgate that would be available for animal grazing.

14. Nevertheless, even allowing for a greater number of animals to be bred and sold at this location, the sale of fur at a much higher price in a niche market, and for significant economies of scale in buying items such as hay in bulk, there is little, if any, detail before me to indicate that the enterprise, on its own, would be sufficient to achieve a net financial return in the longer term. On that basis, like the Council, I am unable to conclude that there is substantial and convincing evidence to indicate that a building of the size proposed is necessary in this instance. For these reasons, I conclude on this matter that the need for and the benefits to the enterprise of the proposal do not outweigh the substantial harm that I have identified in relation to the second main issue.

15. The Framework states that planning should support economic growth in rural areas with encouragement given to all types of business and enterprise. UDP Policy GRN3 also supports rural enterprise and farm diversification. However, a core principle of the Framework is to protect the Green Belts. It also states that new development should add to the overall character of the area. As the proposal would not do so, it is my opinion that the balance of national policies does not support the appeal scheme.

16. The proposal also includes a predominantly grass track that would serve the new building, which appears to be placed and curves across the site from the main entrance off Stockport Road. UDP Policy GRN1 and paragraph 90 of the Framework confirm that engineering operations of this type are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
17. To my mind, that would be the case here as the track has an informal, low key appearance. It has no discernable effect on the openness or character of the site nor, in and of itself, does it materially conflict with any of the purposes of including land within the Green Belt including safeguarding the countryside from encroachment. Nonetheless, it is inextricably linked with the new building in that it is intended to provide access to it. Therefore, I have not issued a split decision that grants planning permission solely for it.

18. I have also considered the effect of the Guidance, although in the light of the facts in this case, it does not alter my conclusions.

Conclusion

19. Overall, for the reasons given above and having regard to all other matters raised, including the absence of objections from others, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR
Appeal Decision

Site visit made on 25 February 2014

by Roger Catchpole  BSc (Hons) PhD Dip Hort MCIEEM
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 March 2014

Appeal Ref: APP/M0655/A/13/2210505
Land between 2 and 4 Banks Crescent, Warrington WA4 1XD

- 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 Robinson Rotaforme Ltd against the decision of Warrington Borough Council.
- The application Ref 2013/22409, dated 4 September 2013, was refused by notice dated 29 October 2013.
- The development proposed is the construction of 1 one and a half storey one bedroom property.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
   - the living conditions of neighbouring residents and future occupiers of the appeal property; and
   - the character and appearance of the local area.

Reasons

3. The site is situated in a residential area consisting of modest semi-detached properties with abutting, generally small, rear gardens. The separation between the rear elevations of these properties varies considerably because of the layout of the roads onto which they face, Richmond Avenue and Banks Crescent. This has resulted in the formation of an irregularly shaped ‘island’ formed by the adjoining gardens. The shape is such that the site is located in a tapered area where the properties are generally in closer proximity. The architectural style along Banks Crescent is consistent in terms of roof design and massing. The properties are laid out in a regular pattern, with consistent spacing, along uniform building lines which helps to create a distinctive local character. The site currently has two small single garages with sufficient parking in front of them for two cars.

Living conditions

4. Although the degree of separation from the site boundary varies, three sides of the proposed dwelling would lack any substantive separation even if the pedestrian access and porch on the western elevation is taken into account. In
particular, I observe that the windows of the habitable rooms of No 9 Richmond Avenue and No 2 Banks Crescent would be in close proximity to the northern and western elevations of the proposed dwelling. Whilst the retained boundary features would help to provide some screening, the massing of the proposed dwelling is such that it would nevertheless lead to the creation of an oppressively dominant, overbearing structure. Notwithstanding this harm, I am satisfied that the proximity of the proposed dwelling would not be detrimental to the privacy of these properties as any overlooking could be controlled by condition.

5. The Council has also raised concerns regarding a loss of sunlight because of the position of the proposed dwelling in relation to the surrounding properties. This has also been raised by a nearby resident. I do not, however, find this argument compelling because, during the summer months at least, direct sunlight is already limited to No 9 by a large, deciduous street tree and a tall ivy-clad fence. Whilst there would be greater potential for impact on the easterly facing habitable rooms of No 2, the steeper pitch of the roof on the northern elevation would mitigate the loss of morning sunlight to a certain extent. Consequently I do not find that any significant harm would arise from this aspect of the proposal.

6. The plans show a small front garden that incorporates a wheelie bin enclosure. The size is such that it would not provide usable outdoor space where future occupants could sit or relax. Although I have no evidence before me concerning adopted standards, I nevertheless find that this adds to the harm that I have already identified. The Appellant argues that public green space provision is available within walking distance at Victoria Park or Morris Brook, however, this would not compensate for the lack of immediately accessible, private green space.

7. As a result of the above, I conclude that significant harm would be caused to the living conditions of adjacent residents and future occupants of the proposed dwelling contrary to saved policies DCS1 and HOU3 of the Warrington Unitary Development Plan 2006 (UDP) that seek, among other things, to protect the living conditions of neighbours and ensure the quality of the local environment.

Character and appearance

8. Whilst I observe that the housing density of the surrounding area is moderately high, the gardens still extend around the properties to provide a regular rhythm of spacing within and between the plots on which they are situated. This layout also provides appropriately sized front and rear gardens that are in proportion with the associated properties. In contrast, the proposed dwelling would lack any such proportionality because of the highly restricted open space and its location in one corner of the plot. This divergence would be further reinforced by the lack of a main entrance facing onto the road, as well as the gable-ended roof design, neither of which are characteristic of the local area. As a consequence the proposal would lead to an extremely cramped, overdevelopment of the site would that would be highly incongruous, lack legibility and fail to respect local distinctiveness.

9. The Appellant argues that the proposal has responded to the scale of the site and that alternative options should be considered. However, whilst such options can be considered, this can only occur within the framework of established policy. Since I find that this proposal would cause significant harm
to the character and appearance of the local area I find the proposed solution unacceptable and conclude that it would be contrary to saved policies HOU3 and DCS1 of the UDP that seek, amongst other things, to ensure that proposals reinforce local distinctiveness and respect local character. The Council have argued that the proposal would also be contrary to policy QE7 of the Warrington Local Planning Framework Submission Local Plan Core Strategy September 2012. However, as an emerging policy that is yet to be adopted it has no statutory force and therefore carries little weight in the balance of this appeal.

Other Matters

10. The Council have also found the proposal inconsistent with paragraph 58 of the National Planning Policy Framework 2012 (the Framework). This emphasises, among other things, that development should create attractive and comfortable places to live; respond to local character; and add to the overall quality of an area. Whilst the Appellant argues that the design optimises the potential of the site to accommodate development, this is predicated on the assumption that the site is suitable. Given the harm that I have identified, such an assumption is clearly not tenable. Although the Appellant makes reference to paragraph 60 of the Framework, I see no justification for the introduction of a highly incongruous dwelling in an area that has maintained a good level of architectural cohesion. In my view, having had regard to the policies of the Framework as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh any benefits.

11. The Appellant has also argued that a smaller dwelling would add to the affordability and mix of housing in the local area. However, since I have no evidence before me concerning the composition and affordability of the local housing stock I give this little weight in the overall balance of this appeal.

Conclusion

12. For the above reasons, and having regard to all other matters raised, including the sustainable location, I conclude that the appeal should be dismissed.

Roger Catchpole

INSPECTOR
Appeal Decision

Site visit made on 12 February 2014

By Ian McHugh DipTP  MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 March 2014

Appeal Ref: APP/M0655/A/13/2200859
Land at Park Lane/Firs Lane, Appleton, Warrington, Cheshire

- 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 John Bryan against the decision of Warrington Borough Council.
- The application Ref 2012/20889, dated 7 November 2012, was refused by notice dated 16 April 2013.
- The development proposed is change of use of two existing redundant buildings to form two detached dwellings.

Decision

1. The appeal is dismissed.

Main Issues

2. The site is situated within the Green Belt and therefore the main issues are:
   - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and Development Plan Policy.
   - The effect of the proposal on the character and appearance of the area.
   - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Procedural Matters

3. One of the Council’s reasons for refusal was that insufficient information had been submitted to adequately demonstrate that the proposal would not cause any undue harm to a European Protected Species. However, during the appeal process, the appellant supplied the necessary information and the Council has subsequently withdrawn that reason for refusal.

4. In reaching my decision, I have taken into account the recently published Planning Practice Guidance. However, having regard to the facts of the case, the Guidance does not alter my conclusions.
Reasons

Inappropriate Development

5. The appeal site is situated in open countryside on the edge of Appleton. It contains a pair of large two-storey detached buildings that are constructed of red brick with grey roof tiles. The site is partially enclosed by trees and hedging. However, the site and the buildings are still visible from both Park Lane and Firs Lane. Accesses to the site are available from both Park Lane and Firs Lane. Whilst there are other dwellings nearby, the area has an open rural character.

6. As confirmed during my site visit by both parties, the two buildings were granted planning permission by the Council in 2005 (reference: 2005/05043). The development was described as the erection of two barns. Notwithstanding this description, in my opinion the buildings have a domestic character and appearance, in terms of their overall form, materials, design and number of openings.

7. The appellant states that the buildings have previously been used for agricultural purposes, although this is disputed by both the Council and third parties. Whilst I was unable to access the buildings during my site visit, I was informed by the appellant’s agent that they were not in use.

8. The Council contends that the proposal would constitute inappropriate development within the Green Belt, and would result in the urbanisation of the site, due to the proposed residential use and likely associated domestic paraphernalia. It also states that the proposal would be harmful to the character and appearance of the area. The Council further maintains that the very special circumstances, necessary to approve the development, have not been demonstrated.

9. In addition, the Council states that the proposal would adversely affect the rural economy, through the loss of rural buildings that could be used for employment purposes. I note that this is one of the criteria contained in Policy GRN6 of the adopted Warrington Unitary Development Plan (UDP), in assessing proposals for the re-use of buildings in the Green Belt. However, as the appellant points out, this requirement is at odds with the National Planning Policy Framework (the Framework), which states that that the re-use of buildings is not inappropriate provided they are of permanent and substantial construction (paragraph 90). The Framework makes no reference to specific uses. I agree with the appellant in this regard, and I therefore give greater weight to the provisions of the Framework. In addition, I have not been provided with any substantive evidence by the Council to show how the rural economy would be adversely affected through the loss of these buildings for employment purposes. Consequently, I am not persuaded that the Council’s argument in this regard weighs against the proposal.

10. The appellant argues that the proposal would not be inappropriate development within the Green Belt, as it complies fully with paragraph 90 of the Framework. He also contends that the paragraph is intended to include the reuse of the curtilages of buildings as these form part of the planning unit. The appellant states that if this was not the case it would lead to dwellings with no gardens or parking areas. My attention has also been drawn to the provisions of Class J of
the 2013 Town and Country Planning (General Permitted Development) Order, which permits the change of use of an office building and land within its curtilage to a dwelling. Whilst this provision is not directly relevant to the current appeal, the appellant argues that it does demonstrate that a change of use includes the curtilage around a building.

11. Notwithstanding the above, paragraph 90 of the Framework also states that the development should not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. One of these purposes (the third bullet point of paragraph 80 of the Framework) is to assist in safeguarding the countryside from encroachment. In my opinion, the proposal would result in an encroachment of residential use and associated trappings into the countryside. The proposed curtilages of the dwellings would be relatively large and would be likely to contain domestic paraphernalia and ancillary domestic buildings. In my opinion, these would inevitably reduce the openness of the site, when compared to the curtilage of agricultural buildings. I have also referred to this matter in further detail below.

12. For the above reasons, I conclude that the proposal would represent inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It would therefore conflict with the provisions of the Framework and with Policies GRN1 and GRN6 of the UDP. The Council has also referred to the policies of the emerging Warrington Local Plan Core Strategy (of which I consider CS2 and CS4 to be the most relevant this case). These refer to national planning policy and the purposes for including land within the Green Belt, as specified in the Framework, and therefore do not alter my conclusion on this issue.

Character and Appearance

13. The existing buildings have a domestic appearance, in terms of their overall design and detailing. I have given weight to this fact in my assessment of the proposal, including its effect on the character of the area. In my opinion, the buildings are not ideally designed or suited for agricultural purposes. Nevertheless, they were considered to be appropriate for agricultural use by both the Council and the appellant when planning permission was originally granted in 2006, and I have no evidence to suggest that they could not be used for this purpose. However, the proposed residential plots are relatively large parcels of land, and the use would unacceptably intensify the domestic appearance of the site. Overall, I consider that the proposal would be at odds with its countryside setting.

14. In addition, the creation and enclosure of domestic curtilages (despite the appellant’s assertion that the boundaries would be formed sensitively) and any associated works and paraphernalia, including domestic landscaping; garden structures; washing line(s); and play equipment etc, would represent a visual and physical encroachment of residential development into the countryside. For these reasons, I consider that the proposal would be unacceptably harmful to the character and appearance of the area.

15. I acknowledge that agricultural or other commercial uses could also result in the parking of vehicles and machinery, which would have an impact on the visual appearance of the site. However, in my opinion, such parking would not
be uncommon in countryside and Green Belt locations and, therefore, they would not be at odds with the rural surroundings.

16. I note that the appellant states that no additional curtilage buildings are required. I also acknowledge that development within the residential curtilages could be controlled by imposing a condition to remove permitted development rights. However, in my opinion, it would be unduly onerous and unreasonable to prevent the domestic accoutrements and ancillary structures that would normally be required in association with residential use (e.g. garaging), particularly in relation to larger family sized dwellings.

Other Considerations and Very Special Circumstances

17. In reaching my decision, I have taken into account that other buildings in the locality have been converted to dwellings. I have also noted the presence of other residential properties on Firs Lane and Park Lane. However, in my opinion, these dwellings do not create a precedent for development in the Green Belt that is inappropriate by definition. It is a fundamental requirement of planning that each case must be considered on its own merits.

18. The appellant has also drawn my attention to paragraph 55 of the Framework, which states (amongst other things) that isolated new homes should be avoided in the countryside unless there are special circumstances e.g. where the development would re-use redundant or disused buildings and would lead to an enhancement to the immediate setting. Whilst this must be balanced against other considerations, I am not persuaded that it outweighs the presumption against inappropriate development in the Green Belt. In addition, although the existing buildings are boarded up and the site has a somewhat untidy appearance, for the reasons given above, I do not agree that the proposal would enhance the site or its setting.

19. I also note that the Council states that is has an adequate supply of housing land, as required by paragraph 47 of the Framework. However, as housing land supply is not an issue between the parties, I have no need to consider this matter further.

20. The Council also points to the “isolated location” of the site; the distance from local services; the narrow road width; lack of footpath; and absence of street lighting, which in its view makes the site an unsustainable location. Whilst I accept that the site is relatively isolated, these concerns would also apply if the site was to be used for commercial purposes as advocated by the Council and therefore I do not find against the proposal for this reason.

21. I conclude that the benefits and other considerations of the proposal do not, either individually or cumulatively, amount to the very special circumstances necessary to clearly outweigh the harm caused by inappropriateness in the Green Belt and other harm identified.

Conclusion

22. For the above reasons, it is concluded that the appeal should be dismissed.

Ian McHugh       INSPECTOR
TITLE OF REPORT: Planning changes from 6th April 2014

1. PURPOSE OF THE REPORT


2. REPORT BODY

2.1 The Government introduced a number of changes to the Town and Country Planning (General Permitted Development) Order 1995 in May 2013 including permitted changes from offices to dwelling houses, agricultural buildings to shops/restaurants/cafes/hotels/business, office/hotels/residential institutions/leisure to a state funded school and six and eight metre single storey rear projections to dwelling houses (all subject to the submission of prior approval applications). Prior approval applications are not planning applications. In essence the principle is acceptable as long as certain conditions are met such as no flood risk, no contamination risk or no adverse access issues etc.

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

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

- Class IA - Permitted change from A1 shop or A2 (financial and professional services) or mixed C3 dwelling/A1/A2 uses to a C3 dwelling house (maximum of 150 square metres and not if in conservation area or if a listed building) including reasonable building operations – **56 day Prior approval application needs to be submitted to examine contamination impacts, highways impacts, flood risk impacts, key shopping area designation impacts, adequate provision of A2/A1 impacts.**
• Class MA – Permitted change from agricultural building (including its curtilage) to state funded school or registered nursery (maximum of 500 sq metres for building and curtilage and not if a listed building) – **56 day Prior approval application needs to be submitted to examine contamination impacts, highways impacts, flood risk impacts, assessment as to whether the location/siting of the building would make it impracticable to use the building.**

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

• Amendment to Class K (within May 2013 order) to now allow change of use to state funded school **and registered nursery** from B1, C1, C2, C2A and D2.

• The Local Planning Authority can now refuse an application when it does not comply with permitted development criteria and/or if insufficient information has been submitted to assess prior approval assessment issues. In addition Local Planning Authorities can now attach “reasonably necessary” conditions.

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

3. **CONFIDENTIAL OR EXEMPT**
3.1 Not confidential or exempt.

4. **FINANCIAL CONSIDERATIONS**
4.1 The changes relate, in the main, to the need to submit prior approval applications rather than change of use planning applications. Fees will be minimal for prior approval applications (£80) when compared to the former change of use fees (change of use fee £385). Fee income will reduce but the number of applications received by the Local Planning Authority will in essence remain similar to now.

5. **RISK ASSESSMENT**
5.1 Not applicable

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

7. CONSULTATION

7.1 Not required.

8. REASON FOR RECOMMENDATION
8.1 To ensure that members are aware of the April 6th 2014 changes.

9. RECOMMENDATION
9.1 That members note the report.

10. BACKGROUND PAPERS

10.1 None

Contacts for Background Papers:

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## DEVELOPMENT MANAGEMENT COMMITTEE

**Thursday 3rd April 2014**

### DECISIONS

<table>
<thead>
<tr>
<th>Item</th>
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| 1    | 2    | 2014/23062  | Part of Phase 15, Chapelford, Great Sankey, Warrington, WA5 3SR  
Reserved matters application – Application for approval of reserved matters following outline approval 99/40635 - construction of 190 dwellings with associated landscape, access and parking (revised version of reserved matters approved previously under 2013/22223).  
**APPROVED WITH THREE ADDITIONAL CONDITIONS RELATING TO NOISE ATTENUATION IN BLOCK A AND BLOCK B APARTMENTS**  
REPORTS ON APPEALS AND NATIONAL PLANNING REFORMS NOTED | Approve         |