17 December 2012

Development Management Committee

Thursday, 3 January 2013 at 6.30pm

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

Agenda prepared by Julie Pickles, Democratic 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.

3. **Minutes**

   To confirm the minutes of the meeting held on 6 December 2012 as a correct record.

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


**Part 2**

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

Nil

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

6 DECEMBER 2012

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

DM63 Apologies for Absence

An apology for absence was received from Councillor F Rashid.

DM64 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor Higgins</td>
<td>DM70</td>
<td>That the application site fell within the Ward he represented but he had not taken part in any discussions in relation to the application</td>
<td>Cllr Higgins remained in the meeting and took part in both the discussion and voted thereon</td>
</tr>
<tr>
<td>Councillor Murphy</td>
<td>DM69</td>
<td>Councillor Murphy was a Member of Stockton Heath Parish Council but had not taken part in any discussions in relation to the application</td>
<td>Cllr Murphy remained in the meeting and took part in both the discussion and voted thereon</td>
</tr>
<tr>
<td>Councillor Barr</td>
<td>DM67 &amp; 68</td>
<td>Councillor Barr was a Member of Lymm Parish Council but had not taken part in any discussions in relation to the application</td>
<td>Cllr Barr remained in the meeting and took part in both the discussion and voted thereon</td>
</tr>
</tbody>
</table>

DM65 Minutes

Resolved,

That the minutes of the meeting held on 22 November 2012 were agreed as a correct record and signed by the Chair.

DM66 Planning Applications

Resolved,

That Pursuant to the Town and Country Planning Act 1990 (As Amended) the applications for permission to develop land be considered and dealt with in the manner agreed;
The following applications be deferred to enable site visits to take place. It was noted that these applications would be brought before the next Development Management Committee scheduled to meet on Thursday, 3 January 2013:

2012/19959 – Three Elms, Station Road, Penketh, Warrington, WA5 2UG - Proposed construction of 30 bed dementia care unit with associated landscaping (re-submission of application 2011/18189)

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

2012/20626 – Land adjacent to Riversdale, Woolston, Warrington - Proposed construction of ten detached dwellings with garages, open space and access.

The site visits would take place on Friday, 14 December 2012.

**DM67 2012/19993 – Land to the north of Booths Lane, Lymm, Warrington**

**Proposed stables**

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

This application had been deferred from the previous meeting of the committee held on 22 November 2012 to enable a site visit to take place.

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

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

A motion was then put to the committee to refuse the application. This motion was agreed.

Resolved,

That application 2012/19993 be refused planning permission on the grounds of the developments inappropriate scale and over-development of the Green Belt.

**DM68 2012/20462 – Land opposite Grammar School Road, Longbutt Lane, Lymm, Warrington. WA13 0BN - Outline application for proposed detached bungalow with matters of appearance, landscaping and scale reserved for later approval**

The Executive Director of Environment and Regeneration submitted the above application with a recommendation of refusal.
This application had been deferred from the previous meeting of the committee held on 22 November 2012 to enable a site visit to take place.

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

Resolved,

That application 2012/20462 be refused on the following grounds of demonstrable harm to visual amenities of the Green Belt

DM69 2012/20135 – 58-60 Birchdale Road, Appleton, Warrington, WA4 5AW - Outline application with access details for demolition of two existing detached dwellings and erection of nine new build residential dwellings including new access road

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

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

Resolved,

That application 2012/20135 be refused on the grounds of loss of badger foraging grounds; inadequate highway drainage with associated risk to pedestrians and vehicles; flood risk, with lack of attenuation measures; and the development not being a low impact development.

DM70 2012/20397 – Land to the south of Farrell Street, Warrington, WA1 2WW - Proposed substitution of previously approved six apartment blocks and twenty seven dwellings with four smaller apartment blocks and sixty five dwellings, access and associated works

The Executive Director of Environment and Regeneration submitted the above application with a recommendation of approval subject to conditions including a Section 106 Agreement.

Resolved,

That application 2012/20397 be approved subject to conditions including a Section 106 Agreement.

DM71 2012/20856 – Omega Plot 1A, west side of Burtonwood Road, Warrington (either side of M62) - Application for approval of reserved matters following outline approval 2003/01449 - distribution centre (B8) and associated car parking, landscaping and site access
Agenda Item 3

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

Resolved,

That application 2012/20856 be approved subject to conditions.

Signed…………………………

Dated …………………………
<table>
<thead>
<tr>
<th>Decision date</th>
<th>Application number</th>
<th>Location</th>
<th>Development description</th>
<th>Decision type</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/10/2012</td>
<td>2012/20739</td>
<td>2, TEDDINGTON CLOSE, APPLETON, WARRINGTON, WA4 5QG</td>
<td>Proposed works to Oak (G2) tree.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>26/11/2012</td>
<td>2012/20954</td>
<td>27, SHEPPERTON CLOSE, APPLETON, WARRINGTON, WA4 5JZ</td>
<td>Proposed works to trees</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>03/12/2012</td>
<td>2012/20784</td>
<td>28, BARSHAW GARDENS, WARRINGTON, WA4 5FA</td>
<td>Proposed extension to first floor over garage and single storey extension to the rear.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>04/12/2012</td>
<td>2012/20817</td>
<td>4, SHEPPERTON CLOSE, APPLETON, WARRINGTON, WA4 5JZ</td>
<td>Proposed single storey side extension (Lawful Development Certificate)</td>
<td>Planning Permission Not Required</td>
</tr>
<tr>
<td>07/12/2012</td>
<td>2012/20696</td>
<td>LAUREL COTTAGE, PEPPER STREET, APPLETON, WARRINGTON, WA4 4SB</td>
<td>Application for listed building consent for demolition of existing garage and kennels and construction of a single storey rear extension to form ancillary accommodation</td>
<td>Withdrawn</td>
</tr>
</tbody>
</table>
## Bewsey and Whitecross

<table>
<thead>
<tr>
<th>Decision date</th>
<th>Application number</th>
<th>Location</th>
<th>Development description</th>
<th>Decision type</th>
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</thead>
<tbody>
<tr>
<td>27/11/2012</td>
<td>2012/20698</td>
<td>TESCO EXTRA, WINWICK ROAD, WARRINGTON, WA2 7NE</td>
<td>Application for consent to display 5x non-illuminated fascia sign, 1x internally illuminated fascia and 7x hanging signs</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>27/11/2012</td>
<td>2012/20753</td>
<td>42, BANK STREET, BEWSEY AND WHITECROSS, WARRINGTON, WA1 2AR</td>
<td>Application for consent to display 2 x non-illuminated fascia signs</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>27/11/2012</td>
<td>2012/20746</td>
<td>At the junction of Cromwell Avenue and Winwick Road, Warrington, WA2 8UD</td>
<td>Application for consent to display 1x internally illuminated three sided totem sign</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>04/12/2012</td>
<td>2012/20858</td>
<td>11, OLD MARKET PLACE, BEWSEY AND WHITECROSS, WARRINGTON, WA1 1QB</td>
<td>Application for consent to display internally illuminated fascia sign &amp; window vinyl graphics</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>10/12/2012</td>
<td>2012/20804</td>
<td>DALLAM DAY CENTRE, DALLAM LANE, BEWSEY AND WHITECROSS, WARRINGTON, WA2 7NG</td>
<td>Prior notification for demolition of a 2 storey brick built day centre</td>
<td>Approved</td>
</tr>
<tr>
<td>10/12/2012</td>
<td>2012/20755</td>
<td>United Utilities, Gatewarth Street, Warrington, WA5 1DS</td>
<td>Proposed removal of existing cabins and construction of ancillary office accommodation.</td>
<td>Approved with Conditions</td>
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<tr>
<td>Decision date</td>
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<tr>
<td>27/11/2012</td>
<td>2012/20736</td>
<td>410, BIRCHWOOD BOULEVARD, BIRCHWOOD, WARRINGTON, WA3 7WD</td>
<td>Proposed external alterations to the existing building and associated landscaping reconfiguration.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>30/11/2012</td>
<td>2012/20676</td>
<td>66A, WOODHOUSE CLOSE, BIRCHWOOD, WARRINGTON, WA3 6QP</td>
<td>Proposed two storey side and rear extension.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>30/11/2012</td>
<td>2012/20745</td>
<td>3, KELBURN COURT, BIRCHWOOD, WARRINGTON, WA3 6JA</td>
<td>Proposed installation of new heating/cooling condenser units to rear elevation.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>03/12/2012</td>
<td>2012/20785</td>
<td>14, GILDERDALE CLOSE, BIRCHWOOD, WARRINGTON, WA3 6TH</td>
<td>Proposed garage conversion and alteration from existing garage doors to windows (Lawful Development Certificate)</td>
<td>Planning Permission Not Required</td>
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### BURTONWOOD AND WINWICK

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<th>Decision date</th>
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<th>Decision type</th>
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<tr>
<td>23/11/2012</td>
<td>2012/20707</td>
<td>3, MERCER STREET, BURTONWOOD AND WESTBROOK, WARRINGTON, WA5 4JJ</td>
<td>Proposed single storey rear extension</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>10/12/2012</td>
<td>2012/20876</td>
<td>13, PENKFOR D LANE, BURTONWOOD AND WESTBROOK, WARRINGTON, WA5 4EE</td>
<td>Proposed first floor rear extension (Resubmission of 2011/19238)</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>Decision date</td>
<td>Application number</td>
<td>Location</td>
<td>Development description</td>
<td>Decision type</td>
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<tr>
<td>26/11/2012</td>
<td>2012/20689</td>
<td>5, WHALLEY AVENUE, CULCHETH AND GLAZEBURY, WARRINGTON, WA3 5NQ</td>
<td>Proposed side conservatory.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>30/11/2012</td>
<td>2012/20679</td>
<td>37, SWINHOE PLACE, CULCHETH AND GLAZEBURY, WARRINGTON, WA3 4NE</td>
<td>Proposed construction of first floor rear balcony and replacement window at ground floor.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>03/12/2012</td>
<td>2012/20723</td>
<td>5, BIRCHALL AVENUE, WARRINGTON, WA3 4DG</td>
<td>Proposed removal of existing conservatory and construction of a single storey side extension, front porch, garage conversion, replacement front bay window, new attached garage and rear dormers to create rooms in roofspace with juliette balcony</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>03/12/2012</td>
<td>2012/20799</td>
<td>55, Culcheth Hall Drive, Culcheth, Warrington, Cheshire, WA3 4PT</td>
<td>Proposed two storey side extension, single storey rear extension, front extension to create additional hallway space and new double garage and replacement of existing front dormer with three new front dormers</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>03/12/2012</td>
<td>2012/20706</td>
<td>49, WADESON WAY, CROFT, WARRINGTON, WA3 7JS</td>
<td>Retrospective 1.8m high wooden fence with concrete posts and bases to boundary.</td>
<td>Approved</td>
</tr>
<tr>
<td>04/12/2012</td>
<td>2012/20413</td>
<td>3, CHURCH LANE, WARRINGTON, WA3 5DL</td>
<td>Proposed single storey rear extension</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>04/12/2012</td>
<td>2012/20767</td>
<td>446, Warrington Road, Culcheth, Warrington, WA3 5QS</td>
<td>Application for consent to display internally illuminated ATM surround signage.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>07/12/2012</td>
<td>2012/20752</td>
<td>60, SANDFIELD CRESCENT, CULCHETH AND GLAZEBURY, WARRINGTON, WA3 5NF</td>
<td>Proposed single storey side and rear extension</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>10/12/2012</td>
<td>2012/20810</td>
<td>4, RADCLIFFE AVENUE, CULCHETH AND GLAZEBURY, WARRINGTON, WA3 4NL</td>
<td>Proposed amendment to approved scheme (ref Planning Application No 2012/19704) to infil front and rear recesses below roof.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>Decision date</td>
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<tr>
<td>26/11/2012</td>
<td>2012/20542</td>
<td>1, STONELEIGH GARDENS, GRAPPENHALL AND THELWALL, WARRINGTON, WA4 3LE</td>
<td>Proposed detached games room to rear garden</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>26/11/2012</td>
<td>2012/20724</td>
<td>GRAPPENHALL CLINIC, SPRINGFIELD AVENUE, GRAPPENHALL AND THELWALL, WARRINGTON, WA4 2NW</td>
<td>Proposed roof over existing internal courtyard, including removal of existing roof mounted tank room. Replacement of external wall panels.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>07/12/2012</td>
<td>2012/20773</td>
<td>HUNTERS LODGE, CARTRIDGE LANE, GRAPPENHALL AND THELWALL, WARRINGTON, WA4 4SH</td>
<td>Proposed detached double garage</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>Decision date</td>
<td>Application number</td>
<td>Location</td>
<td>Development description</td>
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<tr>
<td>03/12/2012</td>
<td>2012/20748</td>
<td>9, Mill Avenue, Great Sankey, Warrington, WA5 3HJ</td>
<td>Proposed single storey side extension</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>Decision date</td>
<td>Application number</td>
<td>Location</td>
<td>Development description</td>
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<td>07/12/2012</td>
<td>2012/20758</td>
<td>GREAT SANKEY PRIMARY SCHOOL, LIVERPOOL ROAD, GREAT SANKEY, WARRINGTON, WA5 1SB</td>
<td>Application for consent to display 1x non-illuminated fascia sign, 1x non-illuminated free standing sign and 2x non-illuminated flagpoles (4.6m high)</td>
<td>Approved with Conditions</td>
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<tr>
<td>Decision date</td>
<td>Application number</td>
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<tr>
<td>26/11/2012</td>
<td>2012/20711</td>
<td>WHITEGATE FARM, HATTON LANE, HATTON, WARRINGTON, WA4 4BZ</td>
<td>Proposed garage, stables and workshop buildings to replace existing outbuildings</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>03/12/2012</td>
<td>2012/20792</td>
<td>5, WORSLEY ROAD, WALTON, WARRINGTON, WA4 6EJ</td>
<td>Proposed garage and first floor side extension (Re-submission of 2012/19850)</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>06/12/2012</td>
<td>2012/20620</td>
<td>FIR TREE FARM, FIR TREE CLOSE, STRETTON, WARRINGTON, WA4 4NA</td>
<td>Listed building application for alterations to outbuilding/stable.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>10/12/2012</td>
<td>2012/20619</td>
<td>FIR TREE FARM, FIR TREE CLOSE, STRETTON, WARRINGTON, WA4 4NA</td>
<td>Proposed residential use of, and works to the existing field access track including new boundary fencing &amp; gates</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>10/12/2012</td>
<td>2012/20844</td>
<td>OAKLANDS, CHESTER ROAD, WARRINGTON, WA4 5LP</td>
<td>Proposed detached garage</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>Decision date</td>
<td>Application number</td>
<td>Location</td>
<td>Development description</td>
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<tr>
<td>26/11/2012</td>
<td>2012/20678</td>
<td>ST AUGUSTINES RC PRIMARY SCHOOL, HENSHALL AVENUE, WESTY, WARRINGTON, WA4 1PY</td>
<td>Proposed replacement of existing timber window units and associated infill panels with new uPVC window units and insulated infill panels.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>27/11/2012</td>
<td>2012/20290</td>
<td>Site Formerly known as The Manor Lock, Westy Lane, WARRINGTON, WA4 1QJ</td>
<td>Proposed amendments to previously approved application 2009/14932 to relocate the bin store, changes to the site boundary and landscaping.</td>
<td>Withdrawn</td>
</tr>
</tbody>
</table>
## Lymm

<table>
<thead>
<tr>
<th>Decision date</th>
<th>Application number</th>
<th>Location</th>
<th>Development description</th>
<th>Decision type</th>
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</thead>
<tbody>
<tr>
<td>28/09/2012</td>
<td>2012/20674</td>
<td>Lymm Central Area</td>
<td>Conservation area application for works to Laurel hedge and removal of Sycamore trees.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>26/11/2012</td>
<td>2012/20543</td>
<td>4, LYMMHAY LANE, LYM, WARRINGTON, WA13 9DJ</td>
<td>Proposed single storey rear and side extension, first floor loft conversion with dormer to rear elevation and conservatory to rear elevation</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>27/11/2012</td>
<td>2012/20018</td>
<td>LYM Rugby Football Club, Crouchley Lane, LYM, WARRINGTON, WA13 0AT</td>
<td>Proposed 20m Alifabs monopole (telecommunications mast) and associated works</td>
<td>Refused</td>
</tr>
<tr>
<td>30/11/2012</td>
<td>2012/20686</td>
<td>Reddish House, Reddish Lane, Lymm, Cheshire, WA13 9RY</td>
<td>Proposed single storey rear extension.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>03/12/2012</td>
<td>2012/20563</td>
<td>2, BOOThS HILL ROAD, LYM, WARRINGTON, WA13 0DL</td>
<td>Proposed change of use from bike shop (A1) to residential dwelling (C3) with new boundary wall</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>04/12/2012</td>
<td>2012/20744</td>
<td>22, PEPPER STREET, LYM, WARRINGTON, WA13 0JB</td>
<td>Application for approval of details reserved by conditions 5 (windows) &amp; 6 (guttering/rainwater goods) of 2011/18678</td>
<td>Refused</td>
</tr>
<tr>
<td>04/12/2012</td>
<td>2012/20754</td>
<td>22, PEPPER STREET, LYM, WARRINGTON, WA13 0JB</td>
<td>Application for a non-material amendment (addition of 4 no. velux style windows) to previously approved permission 2011/18678</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>10/12/2012</td>
<td>2012/20547</td>
<td>70, BURFORD LANE, LYM, WARRINGTON, WA13 0SJ</td>
<td>Proposed change of Use from B1 Office to one residential property with no external alterations</td>
<td>Approved with Conditions</td>
</tr>
<tr>
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<tr>
<td>30/11/2012</td>
<td>2012/20636</td>
<td>160, ALDER LANE, ORFORD, WARRINGTON, WA2 8AH</td>
<td>Proposed single storey rear extension.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
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<tr>
<td>03/12/2012</td>
<td>2012/20693</td>
<td>16, HILLSIDE GROVE, WARRINGTON, WA5 2DP</td>
<td>Proposed two storey side extension and single storey rear extension.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>Decision date</td>
<td>Application number</td>
<td>Location</td>
<td>Development description</td>
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<tr>
<td>10/12/2012</td>
<td>2012/20776</td>
<td>93, NEWHAVEN ROAD, POPLARS AND HULME, WARRINGTON, WA2 0NS</td>
<td>Proposed single storey extension to side and rear elevation.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>10/12/2012</td>
<td>2012/20803</td>
<td>12, Meteor Crescent, Warrington, WA2 0DU</td>
<td>Proposed single storey porch 2400mm wide x 1700mm, projection to front elevation of property</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>Decision date</td>
<td>Application number</td>
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<td>Development description</td>
<td>Decision type</td>
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<tr>
<td>23/11/2012</td>
<td>2012/20743</td>
<td>7, WASLEY CLOSE, POULTON-WITH-FEARNHEAD, WARRINGTON, WA2 0DH</td>
<td>Application for a lawful development certificate for a proposed single storey rear extension</td>
<td>Planning Permission Not Required</td>
</tr>
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</table>
## RIXTON AND WOOLSTON

<table>
<thead>
<tr>
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<th>Application number</th>
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<tbody>
<tr>
<td>30/11/2012</td>
<td>2012/20789</td>
<td>16, CHAPEL LANE, RIXTON-WITH-GLAZEBROOK, WARRINGTON, WA3 6HG</td>
<td>Proposed replacement and repositioning of the existing garage</td>
<td>Planning Permission Required</td>
</tr>
<tr>
<td>03/12/2012</td>
<td>2012/20702</td>
<td>68, Bank Street, Glazebrook, Warrington, WA3 5BZ</td>
<td>Proposed conversion of existing kitchen (disabled adaptations) into a combined bedroom and bathroom, and kitchen extension.</td>
<td>Approved with Conditions</td>
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### STOCKTON HEATH

<table>
<thead>
<tr>
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<th>Location</th>
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<tr>
<td>26/11/2012</td>
<td>2012/20466</td>
<td>64, LONDON ROAD, STOCKTON HEATH, WARRINGTON, WA4 6HR</td>
<td>Proposed installation of five condensers to rear</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>27/11/2012</td>
<td>2012/20485</td>
<td>The Chapel and The Cottage, Chapel Lane, Stockton Heath, Warrington</td>
<td>Proposed front extensions, new roof and change of use of the ground floor of the Cottage (No.26) to an office.</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>27/11/2012</td>
<td>2012/20722</td>
<td>61, WHITEFIELD ROAD, WARRINGTON, WA4 6NA</td>
<td>Proposed single storey side and rear extensions and roof space conversion with rear dormers</td>
<td>Approved with Conditions</td>
</tr>
<tr>
<td>28/11/2012</td>
<td>2012/20701</td>
<td>RED LION INN, 58, LONDON ROAD, STOCKTON HEATH, WARRINGTON, WA4 6HN</td>
<td>Application for listed building consent for External alterations (including redecoration of elevations) &amp; Internal structural alterations (increase lounge access width and removal of wall between snug and bar)</td>
<td>Approved with Conditions</td>
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<tr>
<td>10/12/2012</td>
<td>2012/20826</td>
<td>34, BRIAN AVENUE, STOCKTON HEATH, WARRINGTON, WA4 2BG</td>
<td>Proposed first floor side extension above existing garage</td>
<td>Approved with Conditions</td>
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<tr>
<td>Decision date</td>
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<td>Location</td>
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<tr>
<td>10/12/2012</td>
<td>2012/20786</td>
<td>Marks &amp; Spencer Plc, Gemini, Europa Boulevard, Westbrook, Warrington, WA5 7WG</td>
<td>Proposed temporary siting of 2 no. refrigerated storage containers (between 1st November and 31st January annually)</td>
<td>Approved with Conditions</td>
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</table>
### Whittle Hall

<table>
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<tr>
<th>Decision date</th>
<th>Application number</th>
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<th>Decision type</th>
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</thead>
<tbody>
<tr>
<td>02/11/2012</td>
<td>2012/20790</td>
<td>63, HUDSON CLOSE, BURTONWOOD AND WESTBROOK, WARRINGTON, WA5 9PY</td>
<td>Application for a non-material amendment following previously approved application 2012/19379 - replace glass roof atrium with traditional building materials. In keeping with existing roof, with the inclusion of 2 x Velux windows</td>
<td>Approved</td>
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<tr>
<td>04/12/2012</td>
<td>2012/20464</td>
<td>NEW DEVELOPMENT, SAINSBURYS, SANTA ROSA BOULEVARD, CHAPELFORD, WARRINGTON, CHESHIRE, WA5 3AG</td>
<td>Application for consent to display one internally illuminated fascia sign and one internally illuminated hanging sign.</td>
<td>Approved with Conditions</td>
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</table>
# DEVELOPMENT MANAGEMENT COMMITTEE

**Thursday 3rd January 2013**

**Start 18:30**

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
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</thead>
</table>
| 1    | 3    | 2012/19959  | THREE ELMS, STATION ROAD, PENKETH, WARRINGTON, WA5  
Proposed construction of 30 bed dementia care unit with associated landscaping (re-submission of application 2011/18189) | Refuse |
| 2    | 24   | 2012/20617  | 70, CLARENCE ROAD, GRAPPENHALL AND THELWALL, WARRINGTON, WA4 2PQ  
Proposed demolition of existing bungalow and erection of a pair of semi detached houses on site of 70 Clarence Road | Approve |
| 3    | 35   | 2012/20626  | LAND ADJACENT TO RIVERSDALE, WOOLSTON  
Proposed construction of ten detached dwellings with garages, open space and access | Approve sub sec 106 |
<table>
<thead>
<tr>
<th>Grid</th>
<th>Ref. No.</th>
<th>Date</th>
<th>Application</th>
<th>Location</th>
<th>Description</th>
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<tbody>
<tr>
<td>4</td>
<td>63</td>
<td>2012/20274</td>
<td>Retrospective change of use for stationing of two mobile homes and ten caravans for residential occupation by travellers with associated operational development (utility blocks, septic tank, extend hard standing)</td>
<td>GRAPPENHALL LODGE, CARTRIDGE LANE, GRAPPENHALL, WARRINGTON, WA4 4SH</td>
<td>Refuse</td>
</tr>
<tr>
<td>5</td>
<td>80</td>
<td>2012/20594</td>
<td>Proposed demolition of existing dwelling and construction of a two storey block of 8 no. apartments with associated works</td>
<td>2, FIELD LANE, APPLETON, WARRINGTON, WA4 5JR</td>
<td>Refuse</td>
</tr>
</tbody>
</table>
Application Number: 2012/19959

Location: THREE ELMS, STATION ROAD, PENKETH, WARRINGTON, WA5 2UG

Ward: PENKETH AND CUERDLEY

Development: Proposed construction of 30 bed dementia care unit with associated landscaping (re-submission of application 2011/18189)

Applicant: Abbotsford Care Limited

Recommendation: Refuse

Reasons: Inappropriate development in Green Belt

Reason for referral

• The application is being reported to Committee in the light of the number of representations received
• The application was deferred for a site visit at 6th December meeting of DMC
• Members visited the site on 14th December

Description

• Proposed erection of L-shaped 2-storey hipped roofed 30-bedroomed block to provide dementia care at existing care home, with associated parking provision/demarcation/rationalisation (28 on-site parking spaces shown).
• Existing 60-bed care home is predominantly 2-storey, with 2 access points off the frontage, & associated parking within site. Trees to frontage, the majority of which would be retained, & supplemented by additional landscaping within the site.
• The proposed extension would be built on land to the west of the existing care home, much of which is presently gravel surfaced & used for associated parking (although not formally laid out as such) & the siting of a container.

Location

• The care home is situated immediately south of the junction of Station Road & Tannery Lane, & thus lies just within the Green Belt, the boundary of which is defined by these 2 roads.
• To the north of the site (within the policy boundary of the urban area), the character is predominantly residential, whilst the surrounding area to the south/SW/SE is open / agricultural (Green Belt) land – albeit that there is a
dormer bungalow immediately adjoining the site, to the SW (accessed via a track off Tannery Lane, bounding the site’s western boundary).

Relevant History

- **74/1168** – Non-illuminated sign – deemed refusal 4.11.75
- **75/1531** – Bungalow (outline) – refused 26.6.75
- **84/16713** – Change of use from dwelling to public house – refused 2.1.85
- **85/17489** – Change of use from house & stable to elderly persons’ home – approved 7.8.85
- **86/18293** – Office extension to residential home – approved 4.4.86
- **86/21465** – 2-storey bedroom / bathroom extension to residential home – approved 5.4.89
- **88/22508** – Sheltered housing – refused 7.12.88 (Green Belt)
- **89/24850** – Extension to residential home – approved 21.2.90
- **99/24850** – 1- & 2-storey extension to nursing home – approved 4.5.00
- **A02/44884** – 2-storey extension to provide further accommodation in roofspace – approved 21.5.02
- **2003/01309** – Demolition of workshop & erection of kitchen / laundry / workshop for care home – approved 20.11.03
- **2005/05563** – Conservatory walkway (retrospective) – approved 19.5.05
- **2005/05745** – 2nd storey extension to bedroom block – refused (Green Belt)
- **2011/18189** – 30-bed dementia care unit – withdrawn 27.6.11

Main Issues and Constraints

- Principle
- Green Belt
- Residential amenity
- Residential amenity
- Highway safety / access / parking
- Trees

Key policy/guidance checklist

<table>
<thead>
<tr>
<th>GRN1</th>
<th>Green Belt</th>
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- Significant extension would impact on openness, thereby conflicting with policy, notwithstanding that the land is previously developed (brownfield).
- Therefore necessary to consider whether there are any relevant very special circumstances.
- Whilst acknowledging that Warrington has a need for additional dementia care provision (see Neighbourhood & Community Services comments below), this is not considered sufficient to override the strong presumption against approving inappropriate development within the
Green Belt – see below (Policy section comments & appraisal).
• Another argument made on behalf of applicant is that the unit would secure the long term viability of the care home, but, again, this is not considered to be amount to sufficient special circumstances to override Green Belt policy.

DCS1 DC strategy
• The proposed 2-storey block is of a similar scale/massing to existing buildings on the site, & of traditional design.

HOU13 Privacy & daylight in housing development
• 22m minimum interface distance between windows on rear elevation & those on facing elevation of dormer bungalow at rear, which exceeds 21m distance between 2-storey buildings advocated in policy.

GRN2, GRN22, DCS7 Environmental protection & enhancement / protection & enhancement of landscape features / landscaping
• Whilst no protected trees within site, mature trees along frontage boundary – the majority of these are shown as to be retained, & supplemented with additional landscaping/planting, with further landscaping along adj. rear & side boundaries.

LUT2, LUT20, LUT22 Transport priorities / parking / disabled access
• Site presently has 3 access points, 1 of which would be permanently closed, with parking rationalised within site – 28 spaces to be delineated (incl. 3 disabled) – Highways content with this level of provision (see below & Appendix 3).

Responses to consultation

Penketh PC:
(Appendix 1; Object on the grounds of highway safety, Green Belt, ecology, massing / overdevelopment & lack of adequate open space. Would wish for a Highways Impact Study to be carried out & that the application is heard before the Full Development Control Committee.

Comment:
• The need for a highways/traffic impact study is not triggered by this size of proposal – nor by its location. There is no objection from WBC Highways, subject to conditions.
• Green Belt objections are a valid concern – notwithstanding the justification submitted in support of the application, and the acknowledged need for additional dementia care in Warrington, it is considered that compelling exceptional circumstances does not exist in this case.
• Scale/massing of proposed building is broadly comparable with that of existing care home buildings on the site.
• Given that the land on which the unit would be built is presently largely untended & partly used for parking, it is not certain that it provides any particular function for the enjoyment of residents. Furthermore, planted areas would be retained at the sides & rear of the existing care home building & a further garden area adjoining the proposed unit is included as part of the landscaping proposals;
Ecological issues addressed in Natural Environment Officer’s comments (below) – capable of being addressed via appropriate conditions.

Planning Policy:
(Appendix 2) Having considered the submitted supporting information and the potential very special circumstances, it is accepted that there are a number of benefits that could potentially arise from this proposal. However, on balance, do not consider that these are of such significance, or significantly persuasive enough, to justify setting aside the normal presumption against inappropriate development or demonstrate very special circumstances to outweigh the harm caused to the Green Belt by reason of this inappropriateness.

For the reasons outlined above it is considered that the proposed development cannot be supported from a policy perspective within the policy context established by the NPPF, Policy GRN1 of the adopted Warrington UDP as well as the emerging Local Plan Core Strategy Policies CS2, CS4 and CC2.

Neighbourhood & Community Services:
(Appendix 3) General support as there is a shortfall in current and predicted provision for dementia residential care in Warrington - although this does not constitute a definite intention for WBC to commission services from Three Elms in the future.

Comment:
• Notwithstanding this expression of support, the need for additional dementia care in the Borough is not considered to be sufficient very special circumstances to justify approving a new substantial building within the Green Belt, in the context of the strong general presumption against approving additional built development.

Highways:
(Appendix 4) No highway objections, subject to conditions in respect of:
• A scheme for footway improvements to be submitted / approved in writing & implemented prior to occupation;
• Provision of the car and cycle parking spaces shown prior to occupation, & retention thereafter;
• Scheme for one way signage within the site to be submitted / agreed in writing, implemented prior to occupation, & retained thereafter;
• A scheme to be submitted / agreed to enable implementation of parking prohibitions at the junction of Station Road and Tannery Lane, prior to commencement.

Environmental Protection:
No objection subject to standard condition re. contamination investigation, & standard construction hours informative.
Natural Environment Officer:
(Appendix 5) Recommend conditions to require provision of facilities suitable for use by roosting bats & breeding birds. Also comment that landscaping proposals need to be reviewed, which can be dealt with via a suitable condition.

Arboriculturalist:
(Appendix 6) No significant impact on majority of trees; make suggestions in respect of amendments to planting.

United Utilities:
(Appendix 7) No objections, subject to conditions in respect of surface water drainage & drainage of site on a separate system; provide informatives.

Ward Members:
(Appendix 8)

Cllr L Dirir has objected in support of the Parish Council & local residents, on the grounds of detriment to Green Belt, loss of open space, massing, constrained site lack of identified need, loss of trees & the need for a traffic impact study.

Cllr D Keane has objected on the grounds of overdevelopment, impact on Green Belt, access/highway safety concerns & lack of adequate parking for staff, visitors & residents, requesting referral to DMC if recommended for approval.

Comment:
- Notwithstanding the justification submitted in support of the application & the acknowledgement from Neighbourhood & Community Services of dementia care need, it is considered that these factors do not amount to compelling circumstances to override green belt considerations.
- The need for a highways/traffic impact study is not triggered by this size of proposal – nor by its location. There is no objection from WBC Highways, subject to conditions.
- Scale/massing of proposed building is broadly comparable with that of existing care home buildings on the site;
- Majority of trees would be retained – although they are not subject to Tree Preservation Order – Arboriculturalist has not raised objections.

David Mowat MP (Appendix 9) has written in support of the objecting neighbours, expressing concerns in respect of inappropriate development in Green Belt, with insufficient special circumstances, as well as insufficient parking, overdevelopment & lack of remaining amenity space.

Responses to Notification:

93 objections received – main points:
- Green Belt
- Insufficient parking
- Distance from transport links/ station
- Density
Overlooking of adj. bungalow & private garden
Affect on protected species / ecology / bats
Exacerbation of existing noise issues, including ambulances & staff vehicles at unsocial hours
Not needed – 3 dementia clinics already in Penketh & care home approved on Liverpool Rd, & numerous dementia care facilities within a 10 mile radius
Impact on rural character of area
Affect on property values / saleability
Already previously extended
Loss of privacy
Loss of views
Boundary planting would not screen entire height of building

245 representations in support of proposals / raising no objections – main points:
Wish to see Three Elms residents receive the best care
Continuity of care for patients – wrong to have to move the existing residents elsewhere when extra care is needed
Increasing demand for dementia care – benefit to the town’s elderly / infirm
Proposals would secure professional care
30 long term job opportunities
No impact on Green Belt or open fields – land more suited to development than its current status as Green Belt
Entrance visibility would be improved
Easy access / parking
Secure / safe / soundproofed unit – secure professional care
Improvements to disused area of land
Design sympathetic to existing building, in keeping with area & will not affect wildlife
No resultant nuisance to the community
Never experienced excessive traffic or parking problems
Three Elms needs this extension to continue to offer the care it provides
Well screened

Comment:
Many of the representations received (both objecting & in support) appear to be standard letters to which a signature, address, & in some cases, additional comments, have been appended. Representations also include multiple letters from same households (both objectors & supporters)
Supporters include Three Elms residents, staff & relatives of residents
A number of representations in support received from households outside the area
Following acknowledgements sent out in respect of objections received, 2 of their recipients telephoned to advise that they did not, in fact, send objection letters, & have no objection to the proposals
Whilst the occupant of the property at the rear has submitted a photomontage to illustrate the detrimental impact of the proposal on his garden, this shows a 3-storey development, significantly different to this 2-storey proposal
Meets privacy & daylight criteria in relation to nearest property (the dormer bungalow at rear) – not considered that proposals would adversely affect the amenities which its occupants could reasonably be expected to enjoy
- Green Belt objections are a valid concern – notwithstanding the justification submitted in support of the application, it is considered that this is insufficient special circumstances to override the strong general presumption against approving additional built development in Green Belt.
- Highways content with level of parking proposed & satisfied highway issues can be adequately addressed by conditions
- Natural Environment Officer content that ecological issues capable of being addressed via appropriate conditions
- Environmental Protection has not identified noise as a potential issue
- Devaluation of property, affect on saleability & loss of views not valid refusal reasons

Applicant’s submission:

Submissions made on behalf of the applicant include the following points:
- There is an overwhelming and growing need for specialist dementia care.
- There are major benefits to patients through continuity and lifetime care in one location – elderly residents do not wish to have to relocate.
- The development will help provide 30 local jobs.
- The fact that the scheme is only viable where the new facility sits upon land within the existing grounds of an established care facility.
- As a brownfield and enclosed site on the edge of the built up area there will be limited / no material impact upon openness.
- Waste of resources not to use site – a stand-alone facility elsewhere likely to be unviable.
- Significant change in Green Belt policy since the time the application was submitted.
- The development represents very special circumstances if not appropriate development, there is an overwhelming case in favour of the application.
- An opportunity for £2m private investment in the care industry in Warrington, which there is no indication will take place elsewhere in the near future.
- The proposed development which fulfils WBC Services team’s criteria in respect of quality of care and integration with an existing facility – a situation understood to be unique in Warrington.
- Subsequent to the drafting of the initial report to Committee, the proposal has been identified as meeting Warrington’s own commissioning framework for dementia care, for which the principles of an agreement have been reached for the development to be operated as a fully commissioned facility, which is supported by the Council’s Head of Integrated Commissioning Neighbourhood and Community.
- The scheme’s benefits outweigh the disadvantages.

Comment:
- Letter provided from Minster Care Group confirming that it is happy to comply with WBC framework rates as to operate as a commissioned facility for dementia care, also pointing out that this is an existing care home facility which already has a commissioned agreement with WBC in relation to the residential care it currently provides. Minster’s letter adds that the home’s existing residents would take priority, so as to offer the peace of mind/security of a lifetime home.
- Copy of e-mail from WBC Head of Commissioning to agent provided, which notes that WBC’s current & proposed rates for EMI residential placements are acceptable for future placements by WBC.
Further e-mail provided from Minster Care Group confirms that current and future proposed rates are agreeable for the proposed EMI units.

Conclusions and reasons for recommendation/decision

- As noted above, the proposal represents inappropriate development in the Green Belt.
- Whilst acknowledging that the site is brownfield & that the potential impact on openness would be mitigated to some degree by the existing care home buildings, nevertheless, the proposed building would still be visually prominent & it would impact on openness from the NW approach to the site.
- Notwithstanding the justification submitted in support of the application or the general support expressed by Neighbourhood & Community Services in terms of the general need for dementia care in the Borough, as well as the arguments & figures put forward on behalf of the applicant in terms if the care home’s long term viability, it is considered that these factors do not amount to sufficient special circumstances to override the strong general presumption against approving additional built development on this particular site within the Green Belt, particularly in view of the fact that the premises have been significantly extended in the past (as evidenced by the planning history above).
- Other than the Green Belt issue, however, it is considered that the other site-specific technical issues are potentially capable of being addressed via appropriate planning conditions, as reflected in the consultation responses received from Highways, Environmental Protection, the Arboriculturalist & the Natural Environment Officer. In the absence of objections from these consultees, it would be inappropriate to refuse on the grounds of highway safety, tree loss or ecology.
- In terms of neighbour amenity issues, Members should consider whether the proposal would result in unacceptable overlooking or be overbearing in relation to other nearby properties. In this case, only 1 existing property directly abuts the site boundaries (the bungalow at the rear). As noted above, the minimum 21m interface distance advocated in UDP policy HOU13 is exceeded – see extract from plan below. Furthermore, there are no appreciable differences in levels. On this basis, it is concluded that, notwithstanding the concerns raised, the proposal would not adversely affect the amenities which could reasonably be expected to be enjoyed by that property’s occupants to a degree to justify refusal on this basis.
Appendix 1 – Parish Council comments:

<table>
<thead>
<tr>
<th>Key areas of concern</th>
<th>Parish Council Penketh PC</th>
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<tbody>
<tr>
<td><strong>Key policy ref.</strong></td>
<td><strong>DCS1, GRN1</strong></td>
</tr>
<tr>
<td><strong>Considered by</strong></td>
<td><strong>Letter from PC dated 16.5.12</strong></td>
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</table>

Application No. 2012/19959

- The area concerned has a history of visibility problems on a hazardous blind corner with a number of accidents recorded; further increase in traffic would make this an accident hotspot. This area is already congested due to school drop offs, buses and walkers. Further to this vehicles have a habit of coming out of Station Road and onto Tannery Lane without stopping at the junction. A wall of a neighbor has already been demolished. Major traffic concerns.

- The access route is to be reduced to one point which will impact severely on the area.

- This is Greenbelt land.

- There have been bats seen in the area along with newts and protected tree species.

- The Parish considers this to be massing and overdevelopment similar to a case that was refused in Lymm.

- The Parish believes that there would be a lack of adequate open space for residents to enjoy at Three Elms and there is no need to build any further units, as there are a large number of dementia care clinics within a nine mile radius with better transport links.

The Penketh Parish Council wish for a Highways Impact Study to be carried out at this very dangerous junction and wish the application to be heard before the Full Development Control Committee due to the severity of the objections and the volume of complaints from residents heard at May's Parish meeting.
### Context

- The site is located within the Green Belt as defined on the adopted Unitary Development Plan (UDP) Proposals Map and also as part of the emerging Local Plan Core Strategy.
- As a starting point it is necessary to assess whether or not the proposed erection of a new building on this site would constitute appropriate development in the Green Belt. The National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate in the Green Belt unless it falls into one of a number of prescribed exceptions.
- The applicant argues that the proposal is appropriate in that it accords with one such exception because it constitutes:
  - Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

### Green Belt – inappropriate development

- It is acknowledged that the site is previously developed and in continuing use. The proposal seeks to partially redevelop the site by way of introducing a new building within the curtilage. However, from a Policy perspective, it is considered that the introduction of a further building on this land, irrespective of its location within the curtilage of the existing care home or current levels of screening, would have a greater impact on the openness of the Green Belt than the existing building by virtue of a significant and permanent occupation of physical space within the site. As such it is considered that the proposal would not accord with any exception and therefore must be regarded as inappropriate development.
- It is also considered important to note that the original building on the site has cumulatively increased in size over the years with the addition of successive extensions, and the resultant amount of built form on the site is significantly greater than the original building. The current proposal would continue this process of cumulative growth on the site significantly. It is also noted that in 2005 the Council refused a planning application for a further extension. The extension was considered to be inappropriate development even though this was for an extension (as opposed to a new building) and the footprint of the existing building would not have increased.
- Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Whilst the applicant is not of the opinion that the proposal constitutes inappropriate development, the submitted Planning Statement acknowledges that the Council may view this differently and therefore includes supporting information intended to demonstrate very special circumstances.

### Green Belt – whether special circumstances apply

- Dementia care, or lack of it, is evidently a major issue across the UK as a whole, as outlined by the National Dementia Strategy. From a more localised perspective the Warrington Strategy for Mental Health and Well-being outlines that the prevalence of dementia is increasing throughout the borough and is set to double over the next 20 years. This is accepted and not disputed. However, this site is heavily constrained by its location in the Green Belt. It is therefore important to establish why the current proposal is required on this specific site as opposed to elsewhere within the local area particularly when noting that the majority of the existing sites catchment is not within the Green Belt.
- The submitted Planning Statement, together with a statement prepared by the operators of Three Elms, outlines a number of reasons for this. These are summarised as follows:
- Not financially viable to develop another site in Penketh or elsewhere. It is, however, viable to develop dementia care facilities close to existing facilities.
- Proposed unit is not large enough to operate as a stand-alone business. Smaller units experience vulnerability and financial insecurity.
- Sharing central facilities with the existing nursing home is more efficient and economically viable. Laundry, Kitchens, maintenance, and staff facilities shared.
- The existing land is owned and available.
- The standard of facilities at the existing care home will be significantly improved. There is an urgent need to improve facilities to meet modern standards and to improve the appearance of the grounds of the home.
- Proposed development will ensure the long term financial stability of Three Elms.
- A waste of resources not to use the existing site and its facilities as a basis for expansion rather than building a non viable standalone unit elsewhere.
- No specialist dementia unit currently on site meaning dementia patients are mixed with other elderly residents. For the more extreme cases this is highly unsuitable and ultimately these patients have to be relocated elsewhere. On-site unit would ensure that this was no longer the case.
- Relocation of existing residents who suffer from dementia to unfamiliar surroundings is disruptive, distressing, confusing and disorientating.
- Preference therefore to keep the residents in familiar surroundings in a purpose built unit.
- An alternative site would also be less convenient for vital visits from family and friends.
- Ensure that facilities at Three Elms provide a lifetime home rather than an interim facility.
- A purpose built dementia care unit will be able to offer the highest standards in care taking into account the specific needs and choices outlined in the National Dementia Strategy.

In addition to the above, the applicant has undertaken a site search process in the Penketh area to assess the availability of suitable sites for a standalone development. The Planning Statement outlines that no land is presently available for purchase. A single commercial property is available but is considered to be too small for the proposed development. Finally, a search was carried out for large houses capable of conversion (minimum five bedrooms). Four separate properties are available but none are considered of sufficient scale to be suitable for conversion or redevelopment as a specialist dementia care unit.

Further to this, the Planning Statement identifies that the development would lead to economic benefits through job creation (particularly for local people) and private sector investment, improved provision of dementia care, with an intention to forge strong links with all community based NHS (and other) service providers.

A large proportion of the above relate to the financial viability of the proposals and the future economic sustainability of the existing care home. Whilst these are accepted and not disputed, I do not consider that these amount to very special circumstances to allow development in the Green Belt. There is no guarantee for example that adding to the site will resolve ongoing viability issues. No financial information or business case is provided to substantiate this. To concede this argument in the absence of such risks a dangerous precedence whereby in the future further intensification of the site could be argued on similar grounds.

The applicant has sought to demonstrate that there is a lack of available
sites in the local area. Whilst this is welcomed, I am not convinced that all appropriate options have been explored. The Council for example have significant land holdings, including some within this area, but no evidence has been provided to show that they have been approached with regards to a partnership approach to delivery of the care provision. It is also stated that it is not financially viable to develop another site in Penketh or elsewhere. It is noted that other sites would entail an acquisition cost but again no business case is available to genuinely demonstrate the acquisition limits.

- Whilst it is honourable to seek to accommodate dementia patients in familiar surroundings, and it is stated that the majority of the new facility will be used by existing residents of Three Elms, there has been no specific evidence submitted to demonstrate that this indeed would be the case on this occasion. For example, the number of the existing residents who would be transferred to the new facility has not been provided and in any event such circumstances are evidently not extant as a similar future transfer rate could not be guaranteed. Experience also suggests that such facilities have greater than local catchments with local authority or health provider funding generally dictating these.

**Conclusion**

- In conclusion, having considered the submitted supporting information and the potential very special circumstances, it is accepted that there are a number of benefits that would arise from this proposal. However, on balance, I do not consider that these are of such significance, or significantly persuasive enough, to justify setting aside the normal presumption against inappropriate development or demonstrate very special circumstances to outweigh the harm caused to the Green Belt by virtue of inappropriateness.

- For the reasons outlined above it is considered that the proposed development cannot be supported from a policy perspective within the policy context established by the NPPF, Policy GRN1 of the adopted Warrington UDP as well as the emerging Local Plan Core Strategy Policies CS2, CS4 and CC2.

**Further comments in the light of Neighbourhood & Community Services observations**

- You will note that previous policy comments acknowledge and accept that there is a need for dementia care so this additional information doesn’t really change the overall conclusion in this regard from a policy perspective.

- From a policy perspective, whether the application constitutes special circumstances to outweigh harm to the Green Belt is dependent on a balance between numerous factors which have previously been set out in policy comments and meetings with the applicant. The need for dementia care is one such consideration. However, this alone is not considered to constitute a very special circumstance. This view is strengthened by recent case law on this for a 10 bed specialist dementia unit in the Green Belt in South Bucks (copy of which I provided you with yesterday). In this case the Inspector concluded that the requirement for additional accommodation for those with dementia is an ‘other consideration’, to be weighed in the balance. Having regard to what the Framework states, any such need cannot amount to ‘very special circumstances’. Whether or not there are very special circumstances can only be determined following the final balancing exercise.

**Further comments following Agent’s submission relating to staffing & viability issues**

- At the outset it is encouraging that the applicant is at last beginning to actually, and importantly transparently, substantiate their previous assertions. Weight and hence very special circumstances can evidently only be attached to those matters which have been proven as opposed to alleged so this is a positive and welcomed step forward.

- Having reviewed the additional information however, and whilst accepting that this does constitute contributing factors which weigh in favour of the proposal, I am not satisfied that it amounts to very special circumstances. It does not for example appear, in my view, to amount to a compelling
• I think it is important to stress that the policy perspective represents only one input into the decision making process and as such, importantly, whether very special circumstances are accepted or not is a decision for the case officer to make. This logically follows that in any event such circumstances must be weighed against any perceived 'actual' harm to the openness of the Green Belt which is a decision only the case officer, who has had the benefit of a site visit, can make.

• From a planning policy perspective I consider that the proposal does amount to inappropriate development within the Green Belt by way of reference to the NPPF. The proposal is therefore by definition harmful. I accept however that 'actual' harm may be limited owing to the site specific circumstances of the proposal given the proposed development is within the curtilage of the site and the location of the site on the edge of the urban area (against which the proposal would be predominantly viewed against). This could be a matter to which you opt to attach significant weight, and which case law supports can subject to the site specific circumstances be a legitimate approach.

• It is evident there is an increasing need to provide additional dementia care facilities but the extent to which this alone constitutes very special circumstances to justify development within the Green Belt has not in my opinion been substantiated on this occasion. Nevertheless it must be accepted that there is some logic in the facility being co-located with the existing care home which is a notion supported by the Council's social services department (and economic benefits based on the FA). If we were minded to attach weight to this however, and would not have approved the proposal for anything other than as a dementia care unit, consideration would need to be given to securing the use as such in perpetuity by way of a planning or legal condition/agreement.

• In conclusion I feel that there is nothing more which can legitimately be added from a policy perspective, the policy position has been set out and reaffirmed. In the spirit of the NPPF and the need for proactive planning which looks for solutions rather than problems however, I feel that those aspects of the proposal where weight could legitimately be attached to help counter harm by definition, have been identified. Evidently however, in reaching a decision, these matters would have to be weighed against all other matters of relevance which have come to light through other consultees, public consultation and your own assessment of the proposal.

Appendix 3 – Neighbourhood & Community Services comments

<table>
<thead>
<tr>
<th>Comments</th>
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<tbody>
<tr>
<td>• I would generally support this planning application on the basis that there is a shortfall in current and predicted provision for dementia residential care in Warrington however I do not have detailed information regarding predicted need only in the Penketh area. In my experience, placements to residential care establishments are not limited to residents only from that particular area. Our support however does not constitute a definite intention for WBC to commission services from Three Elms in the future as such services would be subject to competitive procurement processes or we would be paying our agreed framework rate. Residential provision for dementia care is of course only one part of a strategy. There will need to be services which keep people in their own homes as long as possible too whether that be their current home or extracare type provision etc. The latest POPPI estimates are that there are 2216 dementia sufferers in Warrington and this is due to increase to 2853 by 2020.</td>
</tr>
</tbody>
</table>
Appendix 4 – Highways comments

### Background
- The application proposes the construction of a 30 bed dementia unit with associated landscaping (re-submission of application 2011/18189).
- Highway comments issued on the 28th May 2012 requested that in response to residents concerns regarding potentially inadequate proposed parking provision, the applicant considers the provision of additional parking. 28 formally marked spaces are proposed as part of the application, however, it was noted that in this instance the Council’s adopted maximum standards would permit provision of 45 spaces.

### Applicant’s parking review
- In response to this matter the applicant has commissioned a parking survey (undertaken between the hours of 1000 – 1600 hours, Monday to Friday). This assesses the current level of parking demand at the facility, and projects whether anticipated parking demand arising from the development of the 30 bed dementia unit can be accommodated within the proposed 28 space car park. The information provided within the parking survey report can be summarised as:
  - **Existing Parking Demand**
    - There are currently 60 staff members at the facility
    - Maximum observed car park occupancy during the survey = 18 vehicles
    - Average observed car park occupancy = 8 - 11 vehicles
    - No off site parking in association with the facility currently observed.
  - **Projected Parking Demand**
    - There are likely to be 83 staff members at the facility
    - Maximum predicted car park occupancy = 27 vehicles
    - Average predicted car park occupancy = 11-16 vehicles
    - No off site parking anticipated as a result of the proposed development.
- The parking survey report therefore concludes that:
  - “Based on this assessment, the development is unlikely to have a parking related impact upon the surrounding residential streets due to the site being able to accommodate parking for predicted future staff and visitor numbers.”
- The above would therefore appear to demonstrate that additional parking over and above the 28 spaces proposed by the applicant is not required.

### Proposed Traffic Regulation Order
- Whilst the applicants parking survey report demonstrates that on street parking is not likely as a result of the proposals, this cannot be guaranteed, as fluctuations in parking demand may occur from time to time.
- In response to this issue, the applicant has offered to fund the progression of a No Waiting At Any Time (Double Yellow Line) Traffic Regulation Order at the junction of Station Road and Tannery Lane. The implementation of this TRO should be beneficial to local highway safety by ensuring that parking is prohibited in the vicinity of the junction.
- The funding of the above TRO should therefore be ensured via planning condition.

### Highways accident history
- The Council’s accident records for the junction of Station Road and Tannery Lane have also been reviewed.
- This review has confirmed that there have been no recorded Personal Injury Accidents in the vicinity of the site within the last 10 years.

### Rationalisation of access points
- At present the site is served by 3 unregulated vehicular access points, two on Station Road and one on Tannery Lane. All accesses are currently in the form of informal dropped crossings. No kerbing or tactile paving are currently in place at any of the vehicular access points.
- The application proposes to retain the southern most vehicular access point on Station Road and to use this for entering the site only, and also retain the existing vehicular access point on Tannery Lane for entrance and exit. The second existing access on Station Road is to be closed, and
will need reinstating as footway. Additionally, due to the likely intensification of use of the accesses, it will be necessary to install kerbing and tactile paving at both vehicular access points to be retained.

- Site observations have confirmed that the footway bordering the site is substandard in terms of its general height, kerbing and edging, and is in need of repair. Additionally it is noted that the footway terminates to the south of the existing vehicular access point on Station Road and no pedestrian crossing point in terms of a lowered footway crossing is currently in place.
- We would therefore request that should permission be granted, a scheme for the implementation of footway improvements in the vicinity of the site is implemented, based on the following elements:
  - Remove redundant vehicular crossing on Station Road and reinstate as continuous footway;
  - Renew footway along site frontage and install new kerbing and footway edging;
  - Install kerbing and tactile paving on either side of the Station Road and Tannery Lane vehicular access points; and
  - Install pedestrian crossing point (tactile paving) at termination of footway route to south of Station Road vehicular access and on opposite side of carriageway.

One way system

- The application also proposes to introduce a partial one way system within the site. Vehicles accessing the care home will enter from Station Road and exit via Tannery Lane. Vehicles accessing the proposed dementia unit will enter and exit from Tannery Lane.
- Whilst the proposed one way arrangements will help to reduce potential vehicular movements in the vicinity of the site, it should be noted that the proposed one way system would only be advisory and would not be enforceable. However, given that the existing vehicular access point onto Station Road is only wide enough to accommodate one car width, this, in conjunction with appropriate one way signage within the site should ensure that the one way system is adhered to.

Summary & conclusions

- In view of the above no highways objections are raised in respect of the proposals subject to attachment of the following planning conditions:
  - “Prior to the commencement of development, a scheme for the improvement of the footway in the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority. Such scheme as is agreed shall be implemented prior to the occupation of the development.”
  - “Prior to the occupation of the development, the car and cycle parking spaces shown on drawing number 09-001-110 Rev B shall be implemented, and shall be retained as such thereafter.”
  - “Prior to the occupation of the development, a scheme for the installation of one way signage within the site shall be submitted to and agreed in writing by the Local Planning Authority. Such scheme as is agreed shall be implemented prior to occupation of the site, and retained thereafter.”
  - “Prior to the commencement of the development hereby approved, a scheme/details shall be submitted to and agreed (in writing) with the Local Planning Authority to enable the Local Highway Authority to provide parking prohibitions at the junction of Station Road and Tannery Lane.”

Appendix 5 – Natural Environment Officer comments

| Legislative background | The Natural Environment and Rural Communities Act (NERC) 2006 places a duty on Local Authorities to have regard to the conservation of biodiversity in exercising their functions. In the context of planning applications, conserving Biodiversity includes restoring and enhancing |
species populations, as well as protecting them. When this duty is taken into consideration with the NPPF, as an authority Warrington Borough Council need to ensure that when granting any planning permission it would not conflict with these policies. The results of any surveys and landscape masterplans will be used to determine this when considering any planning permission.

- One of the key aspects of NPPF 11: Conserving & Enhancing the Natural Environment is that planning decisions should aim to conserve and enhance biodiversity and incorporate it into and around developments. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented adequately mitigated against, or compensated for, then planning permission should be refused.

- Public authorities have a Duty to have regard to the conservation of biodiversity in exercising their functions. This Duty was introduced by the Natural Environment and Rural Communities Act and came into force on 1 October 2006. Through the NPPF the Government has indicated that local authorities should take steps to further the conservation of habitats and species of principal importance through their planning function and promote the preservation, restoration and re-creation of ecological networks.

- The Conservation of Habitats and Species Regulations 2010 Implement the Habitats Directive. Schedule 2,40 (1) of the Regulations makes it an offence to deliberately capture, kill or disturb a member of a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. These Regulations require all local planning authorities in the exercise of their functions to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.

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**Context**

- This application is a resubmission of application 2011/18189 of which comments relating to ecology and landscaping were made. The same ecological survey has been submitted for this current application (Extended Phase 1 Habitat Survey (Pinnacle Environment Ltd, June 2011) with the addition of a bat survey of the trees by Ecology services Ltd carried out in June 2012. The Extended Phase 1 habitat survey is still acceptable and I have no cause to disagree with the findings of this report or the additional bat survey.

**Protected species**

- The submitted bat survey found one tree (T11) in the grounds to have suitable bat roosting potential with trees T1 & T20 having low potential. Tree T11 should not be impacted by the proposed works and is shown to be retained on plan CLA 09-001-110.

- It should be pointed out to the applicant that they must take on board the recommendations made in that bat report and that if any works are proposed to tree T11 in the future further surveys must be undertaken. (See page 5, 7.4 onwards).

- There are known bat roosts very close to this proposed development site. An acceptable contribution to biodiversity for this scheme (in line with the NPPF) would be the inclusion of bat boxes either on suitable trees within the grounds of the site or within the building itself. This can be in the form of Schwegler boxes on remaining suitable trees and also on the new building. Ecologist’s guidance should be sought regarding locating the boxes but I’d recommend the following condition.

  - Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats. The proposals shall be permanently installed in accordance with approved details.
Landscaping

- Comments made on the earlier application regarding landscaping do not appear to have been taken on board. There were:
  - I would support the comments made in the Extended Phase 1 Habitat Survey conclusion (p10 section 5.0) regarding the creation of an open rough grassland/wildflower mix area to the south of the proposed buildings.
  - Overall the landscaping proposals provide limited ecological value and the species proposed should be reviewed. The privet hedge along the front of the development is sparse, provides little benefit and looks neglected. Gapping up is proposed "where possible" however the development provides a good opportunity to replant in its entirety with a native species mix hedgerow. This should be a double staggered row comprising of at least 7 woody species. This would seek to form a visually more attractive frontage to the development more in keeping with the rural location and contribute to PPS9 as hedgerows are a BAP habitat.
  - These proposals can be included in a revised landscape plan to be submitted prior to commencement of development.

Breeding bird habitat

- The proposed development will see the loss of an area of scrub and trees which currently provides breeding bird habitat.
- Nesting Birds:
  - The applicant is reminded that under the Wildlife and Countryside Act 1981 (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present.
  - Bird boxes should be provided within the new development to compensate for this loss in line with PPS9. These should be incorporated into the new buildings and details provided prior to commencement of development. A range of boxes are available and within new builds such as this the most appropriate are the inset type where by they are used in place of standard bricks.
  - Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

Appendix 6 – Arboriculturalist comments:

Existing trees

- The proposed site of the extension does not significantly impact on the majority of the existing tree stock in itself. In some cases however, the condition of the trees within the site give cause for concern.
- The elms within G1 are either fully dead or dying and the sycamore within the group can only be considered to have a limited life span, being regenerative growth off an existing stump, the majority of which is hollow. Given their condition and that the track is shared with the adjacent property, although scheduled for retention, their removal would not be contested with replacement planting being a satisfactory solution. This would offer greater scope in the long term for the retention of tree stock along this elevation as the western elevation is quite visible along Tannery lane. Replacement stock would ideally be native as the setting is semi rural.
- There would be no objection to the removal of the ash T20 and
partial removal of G10, there being insufficient room for incremental growth of the ash if retained without requiring rather more pruning than could be considered acceptable. G10 is predominantly thorn and its loss is offset by existing replacement planting proposals.

- Ground levels in the area of both G1 and G10/T20 appear artificially higher than the proposed site of the extension, if retained the trees may be adversely affected by re-profiling of the site upon completion of the development.
- T4 sycamore is not of superior quality. The crown is sparse and the trunk is in very close proximity to the existing boundary wall. Better to retain a greater distance from T5 lime.
- G3 is predominantly holly, several dead elm and some juvenile elm and ash. Proposed works to the surfacing on the car park should not further adversely affect the group, provided that the stated Geoweb or similar system is used to avoid further compaction as per spec. on drawing no.P.140.10.03.
- Within G3 and G4/5 the juvenile elms cannot be considered to be long term, Dutch elm being prevalent within the site, evidence of further infestation being visible within G1.
- Removal of the ash T11 is a safety issue and will not be contested.

### Landscaping

- With regard to the proposed planting mix, may I suggest that the percentage Euonymus europaeus and Viburnum opulus are reduced. Roller moth is prevalent in the area affecting the euonymus and viburnum leaf beetle has defoliated viburnum within the Warrington area for some considerable time. Although not fatal, such pests detract from the amenity value of planting belts within Warrington, consequently their value is diminished.
- May I suggest Ribes sanguineum and Sambucus racemosa "plumosa aurea" as supplemental planting being semi ornamental but found within semi naturalistic belts.

### Appendix 7 – UU comments:

#### Conditions

- No objection to the proposal provided that the following conditions are met:
  - In accordance with Technical Guidance for National Planning Policy Framework (NPPF), surface water should not be allowed to discharge to foul/combined sewer as stated in the planning application. This prevents foul flooding and pollution of the environment. I therefore request a condition to be attached to the application requiring the developer to contact the Local Authority confirming how surface water will be managed.
  - This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

#### Informatives

- The applicant must discuss full details of the site drainage proposals with Neil O’Brien via planning.liason@uuplc.co.uk. A separate metered supply to each unit will be required at the applicant’s expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.
- Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.
- United Utilities offer a fully supported mapping service at a modest cost for our water mains and sewerage assets. This is a service, which is constantly updated by our Property the exact relationship between any
assets that may cross the site and any proposed development.

- Please note, due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction, please contact a Building Control Body to discuss the matter further.

Appendix 8 – Member comments:

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<tr>
<th>Member name</th>
<th>Cllr L Dirir</th>
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<tbody>
<tr>
<td>Ward represented</td>
<td>Penketh &amp; Cuerdley</td>
</tr>
<tr>
<td>Application Number</td>
<td>2012/199594</td>
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</table>

**Key areas of concern and reasons for referral**

- This is yet again a threat to the Green Belt in Penketh. Penketh is overdeveloped (5 times less open space per head than other areas.)
- This new build will have a massing effect on the site taking away open space and facilities for existing residents.
- No identified need for this provision to justify further development in the Greenbelt.
- There should be a traffic impact study - as it will lead to a huge increase in vehicles attending the site (visitors, medical and service vehicles)
- Loss of trees.
- The site is too constrained to accommodate what is in effect a doubling of the footprint.

**Key policy reference**

GRN1, DCS1

**Comments passed to case officer**

Date: 21.5.12

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<th>Member name</th>
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<tr>
<td>Ward represented</td>
<td>Penketh &amp; Cuerdley</td>
</tr>
<tr>
<td>Application Number</td>
<td>2012/199594</td>
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</table>

**Key areas of concern and reasons for referral**

- Overdevelopment of the Site.
- Impact on the Green Belt. There is a presumption against inappropriate development in the Green Belt.
- Access and highway safety
- Lack of adequate parking facilities for staff, residents and visitors.

*It is considered that these issues should be judged as part of a cumulative impact assessment.*

**Key policy reference**

GRN1, DCS1

**Comments passed to case officer**

Date: 17.5.12

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Appendix 9 – David Mowat MP comments:

**Context**

- I have received a number of representations about the proposed extension to the existing Three Elms Nursing Home to provide an additional 30 beds for dementia patients. The representations point out that the application site falls within the Green Belt and as such there should be no further development.
- I appreciate that the planning process is not that straight forward and each case has to be considered on its individual merits. However I am bemused as to how the proposal, the subject of application 2012/19959, can be in line with local and national policies.

**Green Belt – policy**

- I have looked at the Unitary Development Plan for Warrington and I see that the site is clearly within an area designated as part of the Green Belt. It is my understanding is that, in principal, new built development in the Green Belt is inappropriate unless it relates to the requirements of agriculture, forestry or outside recreation and/or sports activities.
<table>
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<th><strong>My interpretation of Government guidance is that in certain circumstances infilling within Green Belt villages, the redevelopment of major development sites within the Green Belt and the provision of new affordable homes, to meet an identified need, may also be considered appropriate. Additionally I understand that extensions to existing dwellings, if modest on scale may be appropriate.</strong></th>
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<tr>
<td><strong>Green Belt – special circumstances</strong></td>
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<td>Furthermore I accept that in some cases inappropriate development in the Green Belt may be allowed, where very special circumstances exist. In such cases it would be necessary for these special circumstances to outweigh the harm allowing a development would cause. The aforementioned case does not appear to fall within any of the categories of development that would be considered appropriate in the Green Belt and the special circumstances for allowing such a development look to be based upon a need for additional dementia care beds within Warrington.</td>
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<td>One of my constituents has advised me that there are plenty of spaces for dementia sufferers available within the locality of the application site and that there are a number of sites within the wider locality of the application site, which although benefitting from planning permission for care and nursing homes have not yet been built. While my constituent cites this as a lack of need, I recognise that the issues surrounding supply and demand for such facilities are far more complex.</td>
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<tr>
<td>However I am not convinced that, within Warrington, the level of demand is so great that there are not sufficient brownfield sites, or greenfield sites already identified for future development, available to meet current and projected needs within the Town without having to further erode the Green Belt.</td>
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<tr>
<td>Therefore, unless you can show me that there are exceptional circumstances that relate to this site, or that the level of need for dementia beds is so high that it cannot be met elsewhere, I can see no reason why the proposed extension to Three Elms, should be allowed.</td>
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<tr>
<td><strong>Site-specific concerns</strong></td>
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<tr>
<td>The proposed extension looks to be rather large relative to the size of the site within which it is set. Therefore I am concerned that it may be overdevelopment; particularly when taking into account the requirements for additional parking for staff and visitors, and the impact of this, together with the additional building, on the available private amenity space for existing and future residents of the home.</td>
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<tr>
<td>There are also issues relating to the potential impact of the development; in terms of additional traffic and associated noise and disturbance on the amenity of existing neighbours. Furthermore, the proposal does look to include a significant number of additional windows overlooking adjacent properties.</td>
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<tr>
<td><strong>Conclusions</strong></td>
</tr>
<tr>
<td>Notwithstanding these site-specific issues, my main concern is with the possibility of allowing development within the Green Belt that may not only be inappropriate in itself, but could set a precedent for allowing other developments within Warrington’s Green Belt.</td>
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<td>In the light of my concerns about the application and its wider implications, it would be appreciated if in addition to my comments being noted as part of the representations on this application, the issues I have raised with regard to Green Belt development in general could be addressed.</td>
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</table>
Application Number: 2012/20617

Location: 70, CLARENCE ROAD, GRAPPENHALL AND THELWALL, WARRINGTON, WA4 2PQ

Ward: GRAPPENHALL AND THELWALL

Development: Proposed demolition of existing bungalow and erection of a pair of semi detached houses on site of 70 Clarence Road

Applicant: Mr & Mrs Bland

Recommendation: Approve subject to Conditions

Conditions:
• Standard Time limit -full 3 years
• Plans Compliance
• GPDO Restriction
• Obscure glazing
• Materials to be submitted
• Controlling Working hours
• Dropped crossing to be provided
• Retention of car parking area

Reason for referral
• Request from Councillor Biggin
• The application was deferred for a site visit at 6th December meeting of DMC
• Members visited the site on 14th December

Description
• Proposed demolition of existing bungalow and erection of 2 semi-detached properties

Location
• Existing bungalow on Clarence Road (see plans)
• Area of mixed character and property types consisting of detached and semi-detached properties predominantly, 2 storey properties
• Property frontages have a mix of red brick and white render
• Properties are set back from the road with predominantly uniform build lines
• Rear boundary treatment consists of 1.8m fence spanning the rear garden area
• No significant variation in land levels noted
• Property has an existing detached garage
• Current driveway located towards No.68 Clarence Road
• New dwellings to be sited 1m to Nos.72&68 Clarence Road, 4.2m to the front boundary and 7.6m to the rear boundary

Relevant History

None

Main Issues and Constraints

• Principle – Housing Supply
• Residential amenity
• Design/character and appearance
• Highway safety
### Key policy/guidance checklist

*Warrington Borough Council Unitary Development Plan unless otherwise stated.*

<table>
<thead>
<tr>
<th><strong>Principle</strong></th>
<th><strong>Complies with the stated policies on the basis of the following:</strong></th>
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<tr>
<td>HOU1</td>
<td>In recent years the Council has operated a policy of housing restraint to ensure compliance with development plan target levels of provision – this required a demonstration of benefit(s) to ensure harm caused by adding to oversupply were sufficiently offset, e.g. affordable housing, removal non conforming use, etc.</td>
</tr>
<tr>
<td>HOU2</td>
<td>Over recent months the coalition government have introduced a plethora of changes to planning and economic policy (abolition RSS, NPPF, Planning for Growth) and this combined with emergence of a the Council’s Core Strategy has resulted in a changed emphasis with regard to the application of the Council’s housing policies – this redefined policy emphasis accepts the principle of development on the site - such proposals are therefore generally no longer required to be justified from a housing land supply perspective in accordance with UDP housing policy.</td>
</tr>
<tr>
<td>National Planning Policy Framework (NPPF)</td>
<td>Policies HOU1 and HOU2 still form part of the development plan and seek to withhold the release of sites unless demonstrated that delay would prejudice successful future redevelopment – this approach is not compliant with the NPPF - where policies are inconsistent NPPF takes precedence (para. 215) – in current circumstances this conflict is more than to a limited extent – the headline objective of the NPPF sets out a strong presumption in favour of sustainable development - the current proposal involves the redevelopment of an existing previously developed site in an accessible location close to local facilities and services – therefore is considered to be a presumption in favour of granting planning permission.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Amenity</strong></th>
<th><strong>Complies with the stated policies on the basis of the following:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>DCS1</td>
<td>No.65A Clarence Road:</td>
</tr>
<tr>
<td>HOU7</td>
<td>• To be sited 21m to nearest windows – compliance with 45-degree suggests no harm through loss of outlook or overshadowing – replacement from existing bungalow with a 2 storey dwelling will increase overbearing/oppressive impact however the 15.5m separation to the shared boundary would prevent undue harm – proposed separation distance to be achieved (21m) complies with council separation policy which requires a 21m separation be achieved between main face elevations therefore no harm through loss of privacy/daylight</td>
</tr>
<tr>
<td>HOU13</td>
<td>Nos.6 &amp; 8 Clarence Road:</td>
</tr>
<tr>
<td>Supplementary Planning Guidelines (SPG)</td>
<td>• To be sited 23.5m to nearest windows – compliance with 45-degree code suggests no harm through loss of outlook or overshadowing – replacement from existing bungalow with a 2 storey dwelling will increase</td>
</tr>
</tbody>
</table>
overbearing/oppressive impact however the 7.6m separation to the shared boundary would prevent undue harm – proposed separation distance to be achieved (23.5m) complies with council separation policy which requires a 21m separation be achieved between main face elevations therefore no harm through loss of privacy/daylight – rear roof lights are proposed however these are to be high level at 1.8m above the floor area and would therefore prevent overlooking

No.10 Clarence Road:
- To be sited 25.5m to nearest windows – compliance with the 45-degree code suggests no harm through loss of outlook or overshadowing, any overshadowing would be limited to the morning hours and a small section of rear garden area – replacement from existing bungalow with a 2 storey dwelling will increase overbearing/oppressive impact however the 8m separation to the shared boundary would prevent undue harm – proposed separation distance to be achieved (25.5m) complies with council separation policy which requires a 21m separation be achieved between main face elevations therefore no harm through loss of privacy/daylight – rear roof lights are proposed however these are to be high level at 1.8m above the floor area and would therefore prevent overlooking

Conflicts with the stated policies on the basis of the following:

No.65 Clarence Road:
- To be sited 20.75m to nearest windows and is therefore technically contrary to council separation policy which requires a 21m separation distance be provided between main face elevations – in instances where policy is conflicted permission should only be granted where material considerations exists and as such in this case overlooking to the front of properties already occurs in the existing layout and the proposed windows would be set 1.5m further back from the front of No.65 than windows of existing properties in the street scene therefore the proposal would not cause any further harm through loss of privacy

No.72 Clarence Road:
- To be sited 6.5m to side elevation windows serving toilet and kitchen at ground floor, landing and bathroom at 1st floor and room in the loft space at 2nd floor –
  - Material considerations
    - limited weight to protection of side elevation windows particularly where original primary elevations would have been conventional front and rear
    - Existing relationship presents 7.5m separation which is significantly below 13m advocated by HOU13. Proposal reduces separation by 1m and affects approx. 9-degrees in terms of 90-degree outlook from the affected window. Such a limited incursion is not considered to present undue harm to daylight/outlook
    - Affected window faces north-west towards the original
2-storey side elevation of the applicant’s property. Daylight is already compromised as a result of this relationship and any additional impact would be minimal.
- Privacy to be retained by conditions to ensure that the side windows shown at 2nd floor level are fitted obscure glazing and that no other side windows are added, ground floor windows do not serve habitable room therefore should prevent loss of privacy

No.68 Clarence Road:
- To be sited 2m to side elevation windows serving kitchen extension
  - limited weight to protection of side elevation windows particularly where original primary elevations would have been conventional front and rear. A kitchen is generally considered less sensitive than the main living areas
- Existing relationship presents 6.5m separation which is significantly below 13m advocated by HOU13. Proposal reduces separation by 4.5m and affects approx. 20-degrees in terms of 90-degree outlook from the affected window. Such an incursion could be considered harmful to daylight/outlook however the window serves a non habitable room and results from a later addition, therefore it is considered unreasonable to attach significant weight to its protection
- Affected window faces south-east towards the original 2-storey side elevation of the applicant’s property. Daylight is already compromised as a result of this relationship and any additional impact would be minimal in the latter part of the day.
- Privacy to be retained by conditions to ensure that the side windows shown at 2nd floor level are fitted obscure glazing and that no other side windows are added, ground floor windows do not serve habitable room therefore should prevent loss of privacy

<table>
<thead>
<tr>
<th>Character/Design</th>
<th>DC Strategy</th>
<th>Housing Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>DCS1</td>
<td>HOU3</td>
<td>Complies with the stated policies on the basis of the following;</td>
</tr>
</tbody>
</table>

Character /design

- The street scene is characterised by predominantly semi-detached properties with the odd detached property at intervals therefore the principle of a pair of semi detached houses in replace of the existing bungalow is not considered to cause harm to the character/appearance of the area
- The main body of the new dwellings would be sited 0.5m further back from the front and rear elevations than the existing bungalow and are to be set 1.75m back from the established build line in the street scene, therefore the new dwellings would not be overly prominent by virtue of siting
- The particular section in the street within which the property sits contains a mixture of roof forms with properties facing Chester Road being of pitched roof design and properties deeper into Clarence Road being of hipped roof design (see photograph below), as a result the property could lend itself to either roof type.
The proposed pitched roof is therefore not considered to be harmful

- Height of the proposed dwellings is 9m. It is not possible to obtain every roof height in the street scene however the proposed street scape plans suggest the height is the same of No.68 Claranee Road at 9m and 0.2m higher than No.72 Clarence Road being 8.8m high. As a result the proposed dwellings would not be overly prominent in the street scene
- Proposed materials of red brick, grey concrete roof tiles and a mixture of wooden and plastic windows is considered consistent with the area
- Property widths/frontages in the locality range between 4.5-10m (see plan below) therefore the proposed properties with a maximum width of 8.3m is considered consistent with other property frontages in the area

<table>
<thead>
<tr>
<th>Highways</th>
<th>Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>LUT20</td>
<td>Complies with the stated policies on the basis of the following;</td>
</tr>
<tr>
<td></td>
<td>- Front driveway provides 2 off-street parking spaces and proposed garage provides an additional space &amp; therefore complies with parking standards - which require 2 spaces be provided</td>
</tr>
</tbody>
</table>
Responses to consultation (see file for full details)

Cllr M Biggin
Request that the application be referred to Committee

Grappenhall and Thelwall Parish Council
No objection however the following concerns are raised:
  1) Overmassing
  2) Velux windows are not in keeping with street scene
  3) Loss of amenity to neighbouring properties
  4) Breach of 45-degree code
  5) Plans are inaccurate as do not show proposed velux windows

Appraisal
  1) Proposed height and widths are consistent with other properties in the street scene therefore not considered harmful through scale and proportions (see above amenity appraisal)
  2) Velux windows to the front have been removed from the front elevation, rear windows are proposed however would not be viewed from the front therefore no harm to character/appearance of the street scene
  3) No undue impact to neighbouring properties (see above officer appraisal)
  4) Assuming this relates to the side windows of Nos.68 & 72 Clarence Road, only limited weight is attached to protection of side windows (see above amenity appraisal)
  5) Velux windows have been removed from the front elevation however are proposed to the rear elevation

United Utilities
No objection however if possible the site should drained on a separate system, with only foul drainage connected to the foul sewer and the applicant is advised to contact a building control body at an early stage as not all sewers are shown on statutory records

Environmental Health
No objection subject to imposition of conditions regarding contaminated land and working hours for construction sites

Appraisal – No evidence to suggest the site is contaminated and this is also controlled by separate legislation. However it is considered necessary to control working hours given the proximity to neighbouring properties

Highways
No objections subject to the imposition of a condition requiring 2 off-street parking spaces to be provided and retained at all times and requirement for a new vehicular crossing to be installed prior to 1st use/occupation

Responses to Notification (see file for full details)

Neighbouring properties
9 letters of objection received to the original plans and 4 objections received regarding the amended plans regarding the following:
  1) Loss of view and natural light to side windows of No.72
  2) Loss of privacy from proposed side windows to Nos.72&68
3) **Loss of privacy to front and rear properties as a result of the proposed front and rear windows/velux. Proposal is also contrary to policy HOU13 as it would be sited just 5m from the boundary leaving just a 20m separation. The distance would also need to be increased as the proposal is a 3 storey property.**

4) **Disproportionate dwelling compared to plot size and other dwellings noted locally.**

5) **Amended plans show limited changes.**

6) **Increased demand for car parking would increase risk to highway safety and garage spaces are not large enough to accommodate average sized vehicles.**

7) **Appearance not in-keeping with the character of the area, which consists of hipped roofed, 2 storey properties, not pitched roof, 3 storey properties. No properties in the locality are sited as close to the boundary and do not have integral garages.**

8) **Loss of light to side and rear garden areas.**

9) **Plans are inaccurate as they do not indicate proposed velux windows.**

10) **Plans do not indicate the relationship of the proposal to neighbouring properties or annotate individual measurements, making it difficult to assess impact on individual properties.**

11) **Does not comply with terracing policy as the distance between new dwellings and side boundaries is less than 1m.**

12) **No storage space shown, therefore assume garage will be used for storage leading to additional off-street parking. Condition should be imposed preventing garage conversions.**

13) **Breach of 45-degree code to side windows of No.68 resulting in a loss of light and outlook and overbearing impact.**

14) **Width of the dwellings is annotated as 8.286m however is scaled off at 8.385.**

15) **Existing bungalow should be retained as there is a demand for bungalow properties and adds to the mix of property types in the locality. This would also set a precedent for loss of future bungalows.**

16) **Lack of access to the rear of the property for fireman/window cleaners.**

17) **Properties in the locality are off-set from each other preventing direct overlooking of living rooms.**

18) **Proposed plans do not show the presence of the existing trees to the rear boundary and application forms advises no trees exist on site.**

19) **Ordnance Survey plan does not show extensions to neighbouring properties and is therefore not an accurate reflection of the site in relation to its surroundings.**

20) **The total number of bedrooms suggests 10 people could occupy the properties which is a large increase in people numbers considering existing use as a bungalow.**

21) **Proposal would add to surplus supply of housing within the borough and not justification has been provided.**

22) **Loss of sky when viewed from properties ton the rear.**

23) **Increased noise disturbance through use for 2 dwellings rather than a bungalow.**
Appraisal

1) Only limited weight to be attached to the protection of side windows (see above amenity appraisal)
2) Condition can prevent additional side windows being added and ensure proposed windows are fitted with obscure glazing
3) Provides 23.5m separation to rear and 21m separation to front which complies with Council separation policy of 21m and an element of overlooking already occurs in existing layout from neighbouring windows at 1st floor level. The 21m requirement is appropriate in this instance as the property is 2 storey with rooms in the roof space however the velux windows are high level which would prevent overlooking.
4) Complies with typical property widths in the locality and 1m gaps to side boundaries are noted between property Nos.65, 65A & 67 Clarence Road directly opposite the proposal therefore not considered disproportionate dwelling size or plot width (see above character/design appraisal)
5) Any changes to the plans depending on the significance may require re-notification with neighbours
6) Unlikely that an additional property would result in a significant increase in traffic volume to and from the site. Proposed garage dimensions complies with adopted parking standards of 2.5m by 4.7m per space
7) 2 storey height, appearance and materials appropriate to the setting (see above character/design appraisal)
8) Light would already appear limited to side garden areas through existing relationship. Any light loss to rear garden areas would be limited to the area of garden immediately adjacent to the boundary fence and would not affect the main useable garden space
9) Front velux windows do not form part of the proposal
10) No requirement for individual measurements to be shown providing the plans are to scale
11) The internal measurement as shown on drawing 107/959/25 is inaccurate as it shows an internal dimension larger than the external measurement which would mean a breach of the Councils terracing policy. This was an error in the plans which have since been amended to confirm the measurement is 8.286m as annotated and therefore complies with terracing policy as a 1m gap would be retained to the side boundaries. This is also consistent with proposed site plan drawing 107/961/SP which shows a 1m gap.
12) No condition necessary as 3 off-street parking spaces are to be provided which is over required standards of 1.5 spaces per dwelling
13) No breach of 45-degree code as kitchen windows are not considered habitable therefore only limited weight attached to their protection. Unreasonable to expect full weight to be attached to the retention of light to a through room
14) Amended plans has been submitted which confirm property widths are between 8.2m-8.3m. Proposal has been assessed on the larger measurement
15) No policies which seek to retain bungalow properties. No precedent would be set as each case has to be judged on its own merits
16) This is consideration for the applicant and is not a consideration relevant to planning when determining a planning application
17) Overlooking of front and rear windows is inevitable in residential areas and this is the case in this particular street scene. The consideration is when this becomes harmful. In this instance the proposal provides required 21m separation which is required by separation policy to prevent harm through loss of privacy and is not therefore considered harmful through overlooking
18) Omission of trees/planting from the proposed site plan suggests they are to be removed
19) Council Ordnance Survey plan details neighbouring extensions and officer site visit confirms the current relationship on site
20) Increase in the number of occupants alone does not substantiate harm
21) Low key housing development on previously developed land considered appropriate (see above principle appraisal)
22) Compliance with the 45-degree code suggests no harm through loss of outlook
23) Not expected that an additional property would result in significant increase in noise disturbance

Conclusions and reasons for recommendation/decision

The proposal is considered to be acceptable, subject to appropriate conditions, as it accords with Warrington Borough Council Unitary Development Plan Policies DCS1, HOU1, HOU2, HOU3, HOU7, HOU13 & LUT20. This is by reason of the principle for small scale housing development on previously developed land being acceptable in this locality and with the additional presumption in favour of sustainable development advocated by the NPPF (para 11-22). The development is also considered appropriate in terms of siting, scale and design, with no perceived detrimental impact upon surrounding neighbours, the character of the street scene or existing off-street parking provision.

The proposal, whilst presenting a breach of the 45-degree code contained in the SPG, has been considered in context of the existing arrangement between the applicants’ property and Nos.72&68 Clarence Road. The original relationship presents a substantial breach of the 45-degree code below that advocated. It is a reasonable assumption, noting the original relationship, that the properties were not intended to contain main habitable room windows to the side elevation. Limited weight has therefore been afforded to protection of the side elevation windows. Therefore a relaxation of standards is acceptable given absence of undue harm to living conditions of neighbouring properties.
**Application Number:** 2012/20626  
**Location:** Land adjacent to Riversdale, Woolston  
**Ward:** RIXTON AND WOOLSTON  
**Development:** Proposed construction of ten detached dwellings with garages, open space and access.  
**Applicant:** David Wilson Homes (North West)  
**Recommendation:** Approve sub sec 106  

**Conditions:**  
- Standard Time limit - full 3 years  
- In accordance with amended plans  
- Energy statement to be submitted & low carbon initiatives incorporated  
- Tree protection measures to be approved and implemented  
- Drainage scheme to be submitted and approved  
- Landscape management plan to be submitted and approved  
- Materials in accordance with submitted details  
- Parking spaces to be made available  
- Land quality investigation and remediation  
- Archaeological investigation  
- Boundary treatment  
- Biodiversity features to be approved and provided including facilities for roosting bats and breeding birds  
- Scheme for eradication of Himalayan Balsam to be submitted and agreed  
- Landscaping scheme to be submitted and approved  
- Lighting plan to be submitted and approved  
- Construction working hours  
- Construction Environmental Management Plan to submitted and approved  
- No site clearance/ preparation to take place between 1st March and 31st August  
- Foundation details to be submitted and approved for garages on plot nos. 6, 7 & 8
Reasons for Referral

- Objections have been raised by Councillor Brinksman, Woolston Parish Council and a significant number of residents
- The application was deferred for a site visit at 6th December meeting of DMC
- Members visited the site on 14th December

Description

- The proposal is for 10 detached family houses with detached double & single garage space provision around an 'L' shaped cul-de-sac. Four different house types are proposed providing 8no. 2-storey 4-bedroom properties and 2no. 3-storey 5-bedroom properties.
- Access to the proposed development would be taken from Riversdale via an existing turning head.

Location

- The site is located approximately 5.5km to the East of Warrington Town Centre before the Premier Inn and junction 21 of the M6 motorway on the south side of Manchester Road and due north of the River Mersey.
- The site slopes downwards from North to South and is bounded by a small wooded area to the North, open space to the South (between the site and the
River Mersey - a distance of approximately 40 metres), and residential properties due East (on Riversdale) and West (on Battery Lane).

- The site contains some trees and is used for the keeping/ grazing of horses.
- Tree Preservation Order no. 346 covers 25 Lime trees and 2 Holy trees along the Eastern boundary of the site.
- The site is 0.42 hectares in size.

Relevant History

- A02/46363 - Full application for 10 no. dwelling houses with associated works - withdrawn 06.02.2012.

Main Issues and Constraints

- Principle of Housing
- Residential Amenity
- Design Principles
- Highways
- Trees
- Noise
- Land Quality
- Ecology
- Archaeology
- Infrastructure
Key policy/guidance checklist

National Planning Policy Framework (NPPF)

Unitary Development Plan (UDP)
• Policy DCS1 Development Control Strategy
• Policy DCS2 Planning Obligations
• Policy DCS3 Engineering Services
• Policy GRN22 Protection and Enhancement of Landscape Features
• Policy HOU1 Housing Land
• Policy HOU2 Housing Development – Restrictions
• Policy HOU3 Housing Development – Development Control
• Policy HOU4 Open Space
• Policy HOU6 Housing Density & Mix
• Policy HOU13 Privacy and Daylight
• Policy HOU15 Affordable Housing
• Policy REP5 Surface Water Run-off and Sustainable Drainage Systems
• Policy REP8 Land Contamination
• Policy REP10 Noise
• Policy GRN13: Riverside and Canalside Development
• Policy GRN18 Key Biodiversity Habitats and Priority Species
• Policy GRN20 Major Wildlife Corridors
• Policy GRN21 Protection of Nature Conservation Resource
• Policy LUT1 Land Use / Transportation Strategy
• Policy LUT2 Transport Priorities in Development Control
• Policy LUT3 Walking
• Policy LUT5 Cycling
• Policy LUT7 Public Transport
• Policy LUT12 Transport Impact Assessments
• Policy LUT20 Parking
• Policy SOC1 Social Progress

Core Strategy (CS) Emerging Policy
• Policy CC1 Inset and Green Belt Settlements
• Policy CS1 Overall Spatial Strategy – Delivering Sustainable Development
• Policy SN1 Distribution and Nature of New Housing
• Policy SN2 Securing Mixed & Inclusive Neighbourhoods

Appraisal

<table>
<thead>
<tr>
<th>UDP</th>
<th>PRINCIPLE OF HOUSING</th>
<th>The application site is within the defined settlement of the Town of Warrington. It is regarded as greenfield land where the application seeks to develop land which is open and has not been previously developed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOU1</td>
<td>Housing Land</td>
<td></td>
</tr>
<tr>
<td>HOU2</td>
<td>Housing</td>
<td></td>
</tr>
</tbody>
</table>

39
<table>
<thead>
<tr>
<th>HOU15</th>
<th>Development – Restrictions Affordable Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>CS</td>
<td>Overall Spatial Strategy – Delivering Sustainable Development</td>
</tr>
<tr>
<td>CS1</td>
<td>Distribution and Nature of New Housing</td>
</tr>
<tr>
<td>SN1</td>
<td>Securing Mixed &amp; Inclusive Neighbourhoods</td>
</tr>
</tbody>
</table>

The proposal is considered to be an infill development and small-scale in nature.

**Housing Restraint**

The proposal would not undermine the key objectives which underpin the Council's housing supply policies - owing predominantly to its scale the proposal would not compromise regeneration efforts.

Whilst policies HOU1 and HOU2 of the UDP seek to withhold the release of sites, unless demonstrated that delay would prejudice successful future redevelopment, this approach is not compliant with the NPPF. Where UDP policies are inconsistent, NPPF policies take precedence.

**Greenfield Status**

The site is considered to be previously undeveloped “greenfield” land – Core Strategy seeks to secure 80% of new housing is built on previously developed land - but does not seek to withhold the release of Greenfield land because it is forecast that the nature of supply within the Borough will ensure this 80% target is met. The release of this site would not therefore compromise the achievement of this 80% “Brownfield” land target.

UDP Policy HOU1 identifies that permission should not be given for development on Greenfield sites – this conflicts with the NPPF – CS seeks to intentionally move away from this position in order to help maximise opportunities for affordable housing and ensure a more flexible and responsive forward supply of land.

**Affordable Housing**

Policy SN2 of the CS identifies requirement for schemes of between 5 and 15 dwellings to make 20% of the total number of units available as 'affordable' provision. On this particular scheme, owing to the scale of development, agreement has been reached with the Council’s Housing Strategy service for a commuted sum of £80,000 (20% of the provision equates to 2 units at £40,000 each) in lieu of onsite provision. – section 106 recommended to secure this and ensure appropriate delivery.
<table>
<thead>
<tr>
<th><strong>DCS1</strong></th>
<th><strong>RESIDENTIAL AMENITY</strong></th>
<th>The principle of development is acceptable and adequate provision is made for affordable housing – to be secured via a section 106 agreement.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>HOU3</strong></td>
<td>Housing Development – Development Control</td>
<td>Outlook / Privacy / View / Daylight All the proposed dwellings retain adequate separation distances to existing dwellings. The majority are in excess of the minimum requirements set out within policy HOU13. The rear elevation of plot no.6 would be approximately 10m from the rear garden of no.56 Riversdale which would result in some impact but not to the extent of warranting refusal.</td>
</tr>
<tr>
<td><strong>HOU13</strong></td>
<td>Privacy and Daylight</td>
<td>The proposal would not have a materially harmful impact upon the living conditions of existing residents surrounding the site.</td>
</tr>
<tr>
<td><strong>DCS1</strong></td>
<td><strong>DESIGN PRINCIPLES</strong></td>
<td>Character The proposed design and layout are entirely in-keeping with the character, appearance and general layout of residential properties in the area.</td>
</tr>
<tr>
<td><strong>HOU3</strong></td>
<td>Housing Development – Development Control</td>
<td>Housing Mix &amp; Density The scheme is low density with a good mix of dwelling types and is in keeping with existing property types in the area.</td>
</tr>
<tr>
<td><strong>HOU4</strong></td>
<td>Open Space</td>
<td>Landscaping / Topology</td>
</tr>
<tr>
<td><strong>HOU6</strong></td>
<td>Housing Density &amp; Mix</td>
<td>The layout has been designed to integrate with the existing landscape and surrounding residential/ semi-rural setting.</td>
</tr>
<tr>
<td><strong>REP1</strong></td>
<td>The Prudent Use of Resources</td>
<td>Public Open Space</td>
</tr>
<tr>
<td><strong>SOC1</strong></td>
<td>Social Progress</td>
<td>Accessibility to the river side meets general open space access requirements. There is a need to ensure adequate provision of children’s play space &amp; equipment with all new residential development. Currently there is a significant shortage of equipped play provision. Given the scale of the development, however, this would be inappropriate on-site or as a new facility. An agreement has been reached to make a financial contribution of £714.48 per dwelling (i.e. a total of £7144.80) towards the improvement of an existing facility off-site.</td>
</tr>
</tbody>
</table>
**Renewables**

The application includes a sustainability section on research & development and innovation techniques promoted by David Wilson Homes but does not include a specific energy statement for the development - condition recommended to ensure full consideration as appropriate.

The proposal demonstrates satisfactory design principles – conditions recommended as necessary to ensure that principles implemented appropriately.

<table>
<thead>
<tr>
<th>DCS1</th>
<th>HIGHWAYS</th>
<th>Development Control Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>LUT1</td>
<td>Land Use / Transportation Strategy</td>
<td></td>
</tr>
<tr>
<td>LUT2</td>
<td>Transport Priorities in Development Control</td>
<td></td>
</tr>
<tr>
<td>LUT21</td>
<td>Parking</td>
<td></td>
</tr>
<tr>
<td>LUT3</td>
<td>Walking</td>
<td></td>
</tr>
</tbody>
</table>

**Highway Layout**

Amended plans have been received to address WBC's highways comments regarding access widths and the number of dwellings accessed from a private drive. **Subject to confirmation from Highways before Committee and standard highway conditions the proposed development would not have adverse impacts on traffic, highway or pedestrian safety.**

| GRN22 | TREES | Protection & Enhancement of Landscape Features |

Tree protection measures will be necessary during the course of construction to ensure no adverse impacts on trees the subject of TPO no. 346.

The garages proposed for plots 6-9 would need to be on beam & pile foundations to minimise root damage within the crown spread of preserved trees along the Eastern boundary.

The submitted scheme raises doubts that the protected tree stock would be allowed to attain maturity without potential issues with regard to light for plots 6 - 10. An existing sewer easement, however, prevents moving these properties further into the site.

Subject to inclusion of details of TPO no.346 in the future sales particulars and deeds of plots 6-10, the potential impacts of the development on
preserved trees is considered, on balance, to be acceptable. On this basis, future residents of plots 6-10 would be fully aware of the TPO status of trees along their rear boundaries.

**Requirement for adequate tree protection measures – condition recommended.**

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**FLOODING**

Environment Agency (EA) flood maps currently show the site as being adjacent to Flood Zone 2 where there is a medium probability of river flooding.

Site specific Flood Risk Assessment (FRA) submitted which states development would:

- be suitable in location proposed;
- be flood resistant & resilient;
- not place persons at risk from flooding;
- not increase flood risk elsewhere.

EA have confirmed no objection in principle subject to comments & appropriate conditions.

**No objection to proposal from Environment Agency subject to controls relating to ground levels, surface water, discharge rates, landscape management.**

---

**NOISE**

The Council's Environmental Protection team has no objection to the development subject to a condition on construction working hours, to alleviate construction impact concerns, and recommend implementation of a Construction Environmental Management Plan which the applicant has confirmed acceptance to as a condition.

**No adverse impacts subject to appropriate conditions.**

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**LAND QUALITY**

The Council's Environmental Protection team have no objection subject to a standard land contamination condition.

**Condition recommended ensuring necessary remediation undertaken if contamination is found.**

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**ECOLOGY**

Submitted Phase 1 Habitat Survey endorsed by Council's Natural Environment Officer. Any development should not compromise future of tree stock covered by TPO no.346 & revised layout recommended. The group of trees are a key feature in this site and within the local...
<table>
<thead>
<tr>
<th>GRN18</th>
<th>Key Biodiversity Habitats and Priority Species</th>
<th>landscape, local plan policy GRN13: Riverside and Canalside Development applies here and the safeguarding of these trees is relevant to this policy.</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRN19</td>
<td>Protected Species</td>
<td>Himalayan balsam present along the brook and within the site boundary and as such this will need treating – condition recommended.</td>
</tr>
<tr>
<td>GRN20</td>
<td>Major Wildlife Corridors</td>
<td>No vegetation clearance/site preparation to be carried out between 1st March &amp; 31st August to ensure breeding birds not disturbed.</td>
</tr>
<tr>
<td>GRN21</td>
<td>Protection of the Nature Conservation Resource</td>
<td>Lighting plan should be conditioned to ensure light spill does not affect biodiversity habitats.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Biodiversity enhancements should be conditioned to include incorporation of features for roosting bats &amp; birds in the development.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>With suitable safeguards there would, on balance, be no significant harm to habitat, protected and priority species and biodiversity interests.</td>
</tr>
<tr>
<td>BH12</td>
<td>ARCHAEOLOGY</td>
<td>Small part of site formerly occupied by building named as 'Buttery' or 'Battery' cottage likely to have been present in the earlier post-medieval period. Below-ground remains likely and as such a strip and record exercise recommended by the Cheshire Archaeology Planning Advisory Service.</td>
</tr>
<tr>
<td></td>
<td>Ancient Monuments &amp; Archaeological Sites</td>
<td>Condition recommended for programme of archaeological work.</td>
</tr>
<tr>
<td>DCS1</td>
<td>INFRA-STRUCTURE</td>
<td>Education Children &amp; Young People's Services have confirmed no contribution necessary towards school provision.</td>
</tr>
<tr>
<td>DCS3</td>
<td>Planning Obligations</td>
<td>Public Open Space / Children’s Play Requirement to address the functional public amenity aspects of the proposal - Council’s Supplementary Planning Document for Open Space and Recreation Provision establishes following:</td>
</tr>
<tr>
<td></td>
<td>Engineering Services</td>
<td>- Equipped play £7144.80 (based on 10 x £714.48 per dwelling) agreed with applicant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Public Open Space - site is adjacent to</td>
</tr>
</tbody>
</table>
formal provision so further contribution would not required
- Given monies would be used to enhance existing provision a maintenance contribution is not required.

Utilities
United Utilities have no objections to the proposal – request drainage strategy rigidly adhered to and no damage to rising main, which crosses site, during construction.

Adequate infrastructure in place to accommodate development with safeguard of a legal agreement relating to contribution to children’s play provision (£7144.80) and affordable housing (£80,000 see above).

Consultation Responses
(full comments, where applicable, attached as appendices).

Arboricultural Officer
Observations received including impacts on preserved trees the subject of TPO no.346 and conditions recommended.

Comment: See policy appraisal section above.

Archaeological Officer
No objection subject to condition.

Education
Confirmation received from Children & Young People’s Services that no contribution towards school provision necessary.

Environment Agency
No objection subject to comments and conditions.

Environmental Health
No objections subject to comments and conditions.

Highways
Comments received – see appendix below. Further response expected before Committee (further to the receipt of amended plans).

Natural Environment Officer
Observations received and conditions recommended.

Planning Policy
No objections in principle subject to financial contributions towards affordable housing and equipped play provision.
United Utilities
No objections subject to comments and condition.

Responses to Notification

Councillor Brinksman - OBJECTION on behalf of local residents:

1. The loss of an amenity of the last bit of rural open land in Woolston, for the rest of the open fields that were here many years ago have now been concreted over, with very little left from the past.

2. There are bats active in this part of Woolston, in particular at the western end of Riversdale where the plans are for.

3. If it goes ahead it will mean residents will have their lifestyle intruded on by noise, dust, vibration and heavy vehicle movements associated with a construction site.

4. If it goes ahead it will generate more traffic movements to what is already a congested junction at peak times.

5. There is also the question of need with all the vacant properties and newly built housing waiting for occupiers in what is a depressed market.

I wish the Committee to have a site visit, and for it to go to the full Committee.

Woolston Parish Council - OBJECTION:

1. Loss of green amenity space - the land is in an area forming the remains of rural open space in Woolston. Most of Woolston has been developed for housing or industrial units. Comment: see policy appraisal & agent response.

2. An environmental impact assessment should be carried out. Comment: see agent response below.

3. There are reported to be bats, badgers, foxes and other wildlife on the land. A full ecological assessment should be carefully assessed into the impact of the proposed development. Comments: see policy appraisal & response from Natural Environment Officer.

4. There is serious concern at the effect if the additional traffic that will be generated by this development on local roads and at the junction with Manchester Road. Comments: further Highways response expected before Committee.
5. The question of the need for this development given the number of vacant properties and newly built housing waiting for occupiers in what is a depressed market.

**Comment: see policy appraisal & response.**

6. The disruption to the lives of residents caused by construction traffic to and from the building site through dust, dirt, vibration, noise and site vehicles parked on the roads.

**Comment: see response from Environmental Health.**

7. The impact of the recent collapse of the public right of way along the River Mersey adjacent to the proposed development should be assessed, including the effect on the programming of the planned flood defence scheme by the Environment Agency.

**Comment: see agent response below.**

Agents responses to comments from the Parish Council:

2. In accordance with Schedule 2 of the EIA Regulations, the proposed development is 0.42 hectares and thereby falls below the EIA requirement threshold.

7. My client is aware of the collapse of the nearby riverbank and they have been informed that Warrington Borough Council and the landowner Peels Holdings Ltd are in negotiations with United Utilities and works will take place shortly to restore the collapsed riverbank.

The construction work on the development site would have no impact whatsoever on the stability of the river bank due to the distances involved.

**Neighbours**

**180 letters of OBJECTION received:**

150 pro-forma type letters have been received.

30 individual letters have been received.

- Very concerned that development will be detrimental to the area & community it serves:
  - Loss of green amenity space which should be compensated for in immediate vicinity; impacts on preserved trees and protected species; disturbing roosting bats/ destroying habitat without a licence a criminal offence;
  - Environmental grounds - important natural habitat will be torn apart;
  - Disruption/ danger from HGV’S, vehicles, noise, dust, dirt & vibration during construction;
  - Unadopted access to picnic area & allotments will be used by residents to gain access to their properties & for over-flow parking;
- Access to these amenities by vehicle (including emergency vehicles) compromised;
- Area a Zone 1 flood risk with defence scheme underway; why compound flood risk & associated problems; recent subsidence/ river bank collapse has made land even closer to the river; full safety survey required; will houses be insurable?
- Additional traffic will compound serious safety & accident risk (for vehicles, pedestrians and children) in an already hazardous area particularly at junction of Riversdale with Manchester Road; area already used for parking by commuters, being close to the motorway, and allotment holders;
- Further deterioration of unadopted roads in poor state of repair;
- Pedestrian & vehicle access to/from Battery Lane should be prohibited
- Little need when so many properties are on the market which is depressed;
- Loss of wildlife habitat, trees, paddock land, stabling/ horse riding facility depriving visual amenity & children of the interest/ responsibility in welfare of horses; loss of community spirit & awareness of nature & destination for disabled and mentally unwell people to visit;
- Overlooking/ loss of privacy; loss of day & sunlight;
- Cumulative impacts of developments along Manchester Road; noise from sewer easement pumping station would be exacerbated;
- Inadequate publicity – not all residents have been given the opportunity to comment;
- Replacement for lost trees; no on-site play provision; overdevelopment/ town cramming;
- Contravenes local plan; existing development saturated & congested.

**Comment: see policy appraisal section above.**

**Conclusions and reasons for recommendation/decision**

- It is necessary to assess the proposal against a wider policy context than just the UDP and specifically the NPPF and policies within the emerging Local Plan Core Strategy.
- The principle of development is acceptable and there are no justifiable grounds to withhold consent having regard to the previous UDP policies relating to housing restraint.
- Provision made for 20% affordable housing would be subject of a section 106 agreement.
- Adequate separation is retained to existing properties and there would be no material harm to outlook or privacy. Layout and design of houses is acceptable with buildings of satisfactory appearance and character.
- Parking, traffic generation and road specification awaiting confirmation from Highways – response expected before Committee.
- Majority of established tree stock is to be retained and any removals required for the development are minor in nature and mitigated by replacement planting. Impacts on preserved trees have been assessed and, on balance, are considered to be acceptable.
• Surface water, discharge rates, landscape management and land remediation can be satisfactorily addressed as necessary.
• Bats are present and lighting needs to be kept to minimum. Provision can be made for bats, birds, tree/hedge retention and Himalayan balsam removal & secured via condition.
• Any presence of archaeological features on site can be conditioned.
• Adequate infrastructure would be in place having regard to the scale of development proposed and the agreed financial contribution makes provision for equipped play.
• The proposal is in accordance with the National Planning Policy Framework and the relevant provisions of the Warrington Unitary Development Plan and the Emerging Core Strategy subject to the recommended conditions and a section 106 agreement to secure the financial contributions for equipped play provision (£7144.80) and affordable housing (£80,000).
Appendix – Consultees Full Comments

Arboricultural Officer

The eastern elevation contains a line of limes, the subject of an active preservation order, this being TPO 346 the limes being G1 consisting of 25 limes.

To the immediate north of the proposed access off Riversdale, the same order has two holly in line with the existing limes.

The limes are in a narrow strip outside the existing property fences on Riversdale and protected by a post and rail fence on the development site side. In effect the trees are in a fenced corridor. Given the trees' protected status it remains important that the trees receive adequate and continued protection during the course of the building works. As a minimum, the trees should receive "heras" or similar fencing at 8m from the main stems, erected prior to any works commencing. The fencing should remain for the duration of the works with no access for plant and vehicles, storage of materials or aggregates and no tank washings, fires or other activities that could damage root or shoot.

The inclusion of an arboricultural consultant inspecting the fencing and ensuring its retention both during and completion of the works would be prudent with any incursion for whatever reason overseen by the consultant.

The present layout will see the eastern property rear gardens dominated by the existing lime crowns. As the trees are not yet mature, this raises concerns that the limes will come under sustained pressure for remedial pruning on a frequency, greater than could be considered as beneficial to the long term health of the trees. The existing layout means that the majority of morning light will be lost to the proposed properties. Incremental growth will only increase the light loss.

If placed in their submitted locations. The garages for plots 6 and 8 should be on beam and pile foundations to minimise root damage within the crown spread of these particular trees.

The placements of plots 1 and 2 pose few problems tree wise as there is little or no tall tree cover within influencing distance. Plot three on the western boundary is close to a group of four sycamore, outside the existing fencing, and I would seek clarification of whether they are classed as being within the site prior to works commencing.

The centre of the site contains 4 sycamore that have suffered extensive biting action from horses within the paddock. As such they are not of sufficient quality to be considered for retention. Within the same area there are several thorns, although they mature, if removal is required this would not be contested.
To the northern end of the site, there are two ash, totally defoliated and presumed dead and several large elder and thorn. Removal if required would be acceptable.

The north western section has a single sycamore within the site adjacent to the fencing. It is not of superior quality, therefore if removed there would be no objection.

The northern section of the site has a small section of amenity woodland that should not be affected by the development. Provided that it is adequately fenced, it should pose no problem to the scheme with regard to light issues etc.

In summary, the scheme in its present form raises doubts that the protected tree stock will be allowed to attain maturity without potential issues with regard to light and proximity of the crowns to the eastern elevations.

Archaeological Officer

Much of the application area appears to always have been open ground but an examination of the historic mapping held in the Cheshire Historic Environment Record shows that a small part of the site (located at SJ 6573 8900) was formerly occupied by a building named variously as ‘Buttery’ or ‘Battery’ Cottage. The building is clearly depicted on the mid 19th-century Ordnance Survey 25” map of the area and I suspect that it is also shown on Yates’s map of Lancashire, which dates from 1786, although the scale of the map makes it difficult to state this definitively. As such, it is likely that the cottage forms an element of the dispersed pattern of settlement that characterised this area in the earlier post-medieval period and below-ground remains of the building are likely to survive.

I do not think, however, that the evidence is sufficient to sustain an objection to the development on archaeological grounds or to recommend further pre-determination work. Instead, I advise that if planning permission is granted, the site of the cottage should be subject to a rapid strip and record exercise which should extend over an area measuring c 30m (east-west) by 20m (north-south) and centred on the grid reference given above. A report will also need to be produced. The work outlined above may be secured by condition, a suggested wording for which is given below:

No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (Conserving and Enhancing the Historic Environment) of the new National Planning Policy Framework. The Cheshire Archaeology
Planning Advisory Service does not carry out archaeological fieldwork and the applicants will need to appoint an archaeological contractor to undertake the archaeological mitigation. I will be able to supply a specification for the work and a list of archaeological contractors on request.

Environment Agency

The Environment Agency has no objection in principle to the proposed development but wishes to make the following comments:-

The site is shown on the Environment Agency Flood Maps as being adjacent to Flood Zone 2, which is medium probability of river flooding. Any lowering of existing ground levels could increase the risk of river flooding to the proposed development. Therefore we request that the following planning condition is included on any approval.

Condition
The development hereby permitted shall not be commenced until such time as; a scheme to ensure no lowering of existing ground levels, has been submitted to and approved in writing by the local planning authority.

Reason
To ensure no increase in fluvial flood risk. The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Qbar) from the existing undeveloped greenfield site. If surface water is to discharge to mains sewer, the water company should be contacted for confirmation of the acceptable discharge rate. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. Therefore we request that the following planning condition is included on any approval.

Condition
The development hereby permitted shall not be commenced until such time as a scheme to limit the surface water run-off generated by the proposed development has been submitted to and approved in writing by the local planning authority.

Reason
To prevent the increased risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site. During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected. Therefore we request that the following planning condition is included on any approval.
Condition
The development hereby permitted shall not be commenced until such time as a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

Reason
To reduce the risk of flooding to the proposed development and future occupants.

Environmental Health

Construction Impact Concerns
A lot of objectors concerns have been raised about the impacts of construction traffic and disturbance along the Riversdale access route. I recognise these concerns however the construction process and associated disruption should be relatively short lived. Certainly restrictions on the permitted construction hours should be implemented – as the infill site is surrounded by residential properties then impacts from extended hours will be felt by several properties.

These impacts may contribute to a wider issue however. Vehicle access and off road storage will be a problem on this site due to the 'cul de sac' access to the site. Construction traffic might arrive before operational hours commence therefore blocking residential access, scheduling of deliveries may be necessary. Parking of contractors vehicles may also cause problems so on site parking will be necessary again to minimise impacts off site on the access roads.

I would suggest it may be worth considering the implementation of a Construction Environmental Management Plan (CEMP) and/or registration with the Considerate Contractors Scheme to address these potential issues.

If not, then I would recommend as an absolute minimum the imposition of restricted operating hours for the construction process – however as a condition rather than an informative.

Working Hours For Construction Sites - Condition:
Works audible at the site boundary will not exceed the following times unless with the written permission of the LPA or Environmental Health & Protection. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.

Contractors and sub contractors must have regard to BS 5228 and the Control of Pollution Act 1974.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days notice to
Environmental Health & Protection, Warrington Borough Council, New Town House, Buttermarket Street, Warrington, WA1 2HN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health & Protection.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and fines of up to £5000 plus £50 for each further breach and/or six months imprisonment.

Reason: - In the interests of residential amenity.

**Development On Land Affected By Contamination**

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

**A. Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

• human health,
• property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
• adjoining land,
• groundwaters and surface waters,
• ecological systems,
• archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).
This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’.

B. Submission of Remediation Scheme
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme
The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

E. Long Term Monitoring and Maintenance
A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed in advance, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.
This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’.

**Reason (common to all):** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy REP 8 of the adopted Local Plan 23 January 2006].

**Highways**

The application seeks approval for the proposed construction of ten detached dwellings with garages, open space and access.

Proposed planning layout site plan PL-01 has been reviewed and the following comments are offered:

The width of the proposed access onto Riversdale measures 4.3 - 4.5m. This should be amended to ensure the Council’s minimum width for adoptable highways is achieved, i.e. 4.8m.

The proposals seek to serve 4 dwellings from an adoptable highway, and 6 dwellings from a private drive. To accord with the Council’s policy as set out within the Warrington Design Guide for Residential and Industrial Estate Roads, the extent of the proposed adopted highway should be amended so that no more than 5 properties are served from a private drive.

The width of the proposed private drive itself varies between 4 – 4.5m. This should be amended so that a minimum width of 4.5m is ensured across the length of the private drive. This will then ensure that 2 vehicles can pass satisfactorily at all places along the length of the drive.

It is also noted that in addition to the above proposed planning layout site plan PL-01, proposed planning layout (Slab Levels) drawing number SL-01 would appear to propose 11 dwellings. This drawing should be amended to reflect the proposed planning layout drawing PL-01.

We would request that the above amendments are made and revised proposals are submitted before further highway comments are offered.

**Natural Environment Officer**

The Natural Environment and Rural Communities Act (NERC) 2006 places a duty on Local Authorities to have regard to the conservation of biodiversity in exercising their functions. In the context of planning applications, conserving Biodiversity includes restoring and enhancing species populations, as well as protecting them. When this duty is taken into consideration with the NPPF, as
an authority Warrington Borough Council need to ensure that when granting any planning permission it would not conflict with these policies. The results of any surveys and landscape masterplans will be used to determine this when considering any planning permission.

One of the key aspects of NPPF 11: Conserving & Enhancing the Natural Environment is that planning decisions should aim to conserve and enhance biodiversity and incorporate it into and around developments. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented adequately mitigated against, or compensated for, then planning permission should be refused.

Public authorities have a Duty to have regard to the conservation of biodiversity in exercising their functions. This Duty was introduced by the Natural Environment and Rural Communities Act and came into force on 1 October 2006. Through the NPPF the Government has indicated that local authorities should take steps to further the conservation of habitats and species of principal importance through their planning function and promote the preservation, restoration and re-creation of ecological networks.

The Conservation of Habitats and Species Regulations 2010 Implement the Habitats Directive. Schedule 2,40 (1) of the Regulations makes it an offence to deliberately capture, kill or disturb a member of a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. These Regulations require all local planning authorities in the exercise of their functions to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.

Supporting ecological surveys
This application is supported by a Phase 1 Habitat Survey (ERAP Ltd) which was carried out at the appropriate time of year and to Nationally Recognised standards by suitably qualified persons. I have no cause to disagree with the findings of the survey.

No protected species were found to be at this location and the development will have no impact on any designated sites. There is currently a variety of vegetation on the site which will provide habitat for invertebrates, birds and small mammals including bats. Through any proposed development I would expect to see these species catered for within any landscaping proposals.

The only area of concern regarding the survey is that the old brick stables do not appear to have been surveyed for their bat roost potential. From my site visit of 24/10/2012 the structure clearly has features suitable for use by crevice dwelling bats and the surrounding habitat is optimum. It was confirmed on 25/10 from the agent via John Lindsay that these buildings were included within the ‘red line plan’ for development in error and will be excluded on a revised plan. Therefore there is no further issue with regards to the buildings and this application. The applicant should note however that any
proposals for works to the buildings including demolition should be preceded by a bat survey to determine if the buildings are being used by bats, the European and UK Protected Species Legislation applies regardless of any planning permission being required to demolish/convert the buildings.

Trees and landscape
I would support the comments made by John Mckie regarding the proximity of the houses on the eastern side of the site to the line of established trees. The trees around the perimeter of the site are an important feature and any development should not seek to compromise the future of this tree stock. I’d welcome a revised layout which removes the perceived impact the trees could have to any new residents. It should be noted the council receives a large volume of complaints each week from residents who wish to improve light to their gardens and properties. Enabling a development which would result in a situation where this is likely to prevail would not be inline with best practice. The group of trees are a key feature in this site and within the local landscape, local plan policy GRN13: Riverside and Canalside Development applies here and the safeguarding of these trees is relevant to this policy.

None Native Invasive Species: Himalayan balsam
The above none native species is present on site and this is covered under the Wildlife and Countryside Act regarding its spread & cause to grow. Control measures should aim to prevent flowering, and are best carried out before June for maximum effectiveness. Cutting – cut at ground level using a strimmer before the flowering stage in June. Cutting earlier promotes greater seed production from plants that re-grow. I’d recommend the applicant draws up a plan of where the plant is now in order to begin targeted treatment next year. The seed bank within the site could remain viable for a couple of years and any movement of this soil/works in these areas could be constituted an offence if not dealt with carefully. 
https://secure.fera.defra.gov.uk/nonnativespecies/factsheet/factsheet.cfm?speciesId=1810

Breeding birds
As mentioned in the phase 1 habitat survey the site provides opportunities for breeding birds. Most species of bird are protected under the Wildlife and Countryside Act 1981 (as amended). To ensure that they are not disturbed I would suggest that the following condition was attached to any planning permission;

- No vegetation clearance/site prep shall be carried out on the site between 1st March and 31st August inclusive in any year, unless approved in writing by Warrington Borough Council.

Nesting Birds:
The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees and scrub are present on the application site...
and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present.

**Lighting**
The development will no doubt result in an increase in lighting within the site. Lighting has a negative impact to many nocturnal species and the woodland habitat to the north and the trees around the perimeter of the site should be kept dark. Key to this is security lighting on any of the properties. A lighting plan for the site should be conditioned to ensure light spill does not affect the habitats on site as per NPPF:

“125. By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

**Biodiversity enhancements**
If this application is to be approved I would suggest the following condition is also applied in order to achieve some small biodiversity gains:

- Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and birds. Such proposals to be agreed by Warrington Borough Council. The proposals shall be permanently installed in accordance with approved details.

**Planning Policy**

**The Development Plan:**

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

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

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

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

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

The provisions of paragraph 216 are particularly pertinent in Warrington given the Council published their emerging Local Plan Core Strategy for formal ‘publication’ consultation on 21st May 2012 and subsequently submitted to the Secretary of State on 19th September 2012. There have been no significant objections to the policy approach to housing within the plan in previous rounds of consultation and hence the Local Plan Core Strategy is considered to constitute a significant material consideration in the determination of planning applications from this point forward.

Assessment of the Proposal:

The application site is within the defined settlement of the Town of Warrington. By way of reference to the NPPF the site is regarded as greenfield land by virtue of the fact that it seeks to redevelop land which is open and has not been previously developed.

Policy SN1 of the Council’s emerging Local Plan Core Strategy identifies that the Council will support “small-scale, low impact, infill development” within all of the Borough’s defined settlements. Whilst the plan seeks to secure 80% of new housing on previously developed land, the resultant policy approach does not seek to withhold the release of green field land because the nature of supply within the Borough should ensure that this target is met.

The proposal is considered to be an infill development and small-scale in nature particularly within the context of the immediate residential area in which it sits and wider context of its location within the Town of Warrington. The extent to which it can be regarded as ‘low-impact’ is evidently dependent on more detailed matters and hence is a matter for the consideration of the development management officer. If impacts associated with the proposal are however concluded as being within acceptable limits, then the proposal is acceptable in principle from a planning policy perspective.

With regards to assessment against UDP Policies HOU1, HOU2 and the Managing the Housing Supply SPD, it is not considered that the proposal would undermine the key objectives which underpin these policies i.e. the proposal (owing predominately to its scale) is not considered to compromise regeneration efforts. Whilst these policies seek to withhold the release of sites unless it can be demonstrated that a delay in developing the site would prejudice its successful future redevelopment, this element of the policy is not considered to be compliant with the NPPF.
Policy SN2 of the Council’s emerging Local Plan Core Strategy identifies that the Council will require schemes of between 5 and 15 dwellings to make 20% of the total number of units available as ‘affordable’ provision – a requirement which would apply to this proposal. On this occasion agreement has been reached with the Council’s Housing Strategy service that owing to the scale of development a commuted sum in lieu of onsite provision would be acceptable. Subsequent discussions have agreed that a sum of £80,000 would be required to ensure compliance with the objectives of policy SN2 (i.e. 20% of the provision equates to 2 units at £40,000 each). It is acknowledged that the submitted Planning Assessment clarifies that the applicant is willing to provide the agreed sum towards affordable housing provision. Providing the amount of £80,000 is appropriately secured from any planning approval then there would be no objections to the proposal from an affordable housing perspective.

In terms of public open space, the site is located in close proximity to the riverside walk and links into existing open space well. However, there is currently a significant shortage of equipped play provision and there is a need to provide a contribution towards this key element of open space provision in order to comply with open space policies. UDP Policy HOU4 sets out that all housing schemes incorporating family housing will be required to make provision for children’s play, usually by direct on-site provision, unless a contribution to the provision or enhancement of off-site facilities capable of serving the development safely and conveniently would be more appropriate. On this occasion, owing to the scale of development, it is considered that a contribution towards off-site provision would be acceptable. Based on the formula set out in the Council’s Open Space and Recreation Provision SPD the off-site contribution in relation to children’s play is £714.48 per dwelling resulting in a total off-site contribution of £7,144.80p (£714.48 x 10) towards open space / equipped play provision. It is acknowledged that the submitted Planning Assessment clarifies that the applicant is willing to provide the agreed sum towards open space provision. Providing the amount of £7,144.80p is appropriately secured from any planning approval then there would be no objections to the proposal from an open space perspective.

Conclusions:

In conclusion, by way of reference to policies of relevance the proposal is considered to be acceptable in principle subject to £80,000 being secured as a commuted sum in lieu of on-site affordable housing provision and £7,144.80p secured as a contribution towards off-site equipped play provision.

United Utilities

I will have no objection to the proposal provided that the following conditions are met:

• The drainage strategy submitted is rigidly adhered to and all the necessary drainage agreements are formally entered in to with United Utilities before any
consent is granted.

The applicant must discuss full details of the site drainage proposals with John Lunt 01925 678305.

There is a 6 metre easement protecting a rising main which crosses the site, however after reviewing the development plan allowances have been made United Utilities have no objections to the proposed road over the easement as long as no damage occurs to the pipe whilst construction takes place. A water supply can be made available to the proposed development. A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

The applicant should be instructed to contact our Water Fittings Section at Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 2DS.

United Utilities offer a fully supported mapping service at a modest cost for our water mains and sewerage assets. This is a service, which is constantly updated by our Property Searches Team (Tel No: 0870 7510101). It is the applicant's responsibility to demonstrate the exact relationship between any assets that may cross the site and any proposed development.

Please note, due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction, please contact a Building Control Body to discuss the matter further.
Applicant: Mr Smith
Recommendation: Refuse
Conditions: Harm to the Greenbelt

Description

- Temporary permission was granted at the site - on appeal in 2008 - for 2 pitches, each with a static/mobile home and touring caravan (i.e., 2 mobile homes and 2 touring caravans)
- The consent granted on appeal expired on 9th October 2011 – the current development is unauthorised. The application site itself is the same as that considered at appeal, in terms of its extent, size and shape
- Compared to the appeal proposals, four additional pitches for four additional families are now proposed - the current application would therefore add a total of ten additional touring caravans to the development consented at appeal
- The application seeks consent for five pitches (for five families) – comprising two mobile homes, 8 touring caravans and a transit area for two touring caravans
- Permission is also sought for six utility block (shed) buildings to serve as toilets – all connected to the existing septic tank
- The caravans would all be sited around the edge of a shared yard; each plot would have room for the parking of at least one vehicle; further parking would be provided in the rear yard for works vehicles/trailers
- Existing hardstand would be extended by approx 4 metres, compared to that consented at appeal – so that it would be approx 45m wide
- As part of the previous appeal decision, conditions were attached by the Inspector including;
  - restriction to named occupiers;
- a 3 year time period – expiring 9th Oct 2011 – after which the site should be restored, hardstand removed etc
- a restriction of two pitches - with two caravans each – at any one time (one static and one touring caravan each)
- no commercial activity including no sale of vehicles; no storage of materials, waste materials, scrap metals, building materials, equipment or machinery
- no more than three commercial vehicles and one horse box

- The site is on mains water and mains electricity and continues to be largely enclosed by mature hedging, trees and pockets of woodland

Location

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

Relevant History


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

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

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

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

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

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

Key policy/guidance checklist
The NPPF especially paras 87
Planning Policy for Traveller Sites (PPTS)

Adopted Warrington UDP and emerging Core Strategy policies:-

<table>
<thead>
<tr>
<th>UDP - GRN1; DCS1 5; Core Strategy - CS4; SN3; CC2;</th>
<th>Principle/Green Belt</th>
</tr>
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<tbody>
<tr>
<td>In allowing the 2008 appeals, after public inquiry, the Inspector set out the main issues as follows;</td>
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<tr>
<td>1. the impact on openness of green belt;</td>
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<td>2. impact on the character and appearance of the area and on highway safety</td>
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<tr>
<td>3. the suitability of the site in relation to local services and the adequacy of on-site services</td>
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<tr>
<td>4. traveller status; the need for gypsy and traveller site in Warrington and the sub-region; the needs of the families for a settled base and their local connections to the area; the lack of an alternative site and the use of planning conditions to address concerns</td>
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<tr>
<td>5. the effects on the families with regard to their human rights under Article 8 of the European Convention on Human Rights</td>
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<tr>
<td>6. whether harm to green belt is outweighed by other considerations to provide the very special circumstances to justify the development</td>
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The Inspector concluded that:

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

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

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

4. an unmet need for gypsy accommodation exists and the lack of alternative sites is a factor in favour of the development. The appellants have an extensive history of travelling in the north west and their local connections are strong; education and health needs are strong. Appellants agree that their needs could be met by another site in another location – but no site has been found which is affordable and available. Use of conditions would not overcome fundamental objection to inappropriate development; harm to openness of green belt and encroachment into countryside
5. refusal would not result in a violation of the families’ rights under Article 8
6. a temporary consent should be given, on basis that harm to green belt is clearly outweighed by other considerations

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

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

Advice from WBC Planning Policy (Appendix 1 below) concludes that:
- there is no quantitative need for the accommodation
- there is inadequate information to show that the applicant has undertaken a search to identify alternative sites; in the absence of such detail, it cannot be accepted that the site at Grappenhall Lodge is the only one suitable, available and affordable to meet the families’ needs
- connections of links between the travellers and the Warrington area may well exist, but that these do not amount to very special circumstances
- a renewal of the consent permitted previously on appeal (ie for four caravans) on a temporary basis could potentially be supported – on the grounds of ensuring a pragmatic and consistent approach to assessing, through the Core Strategy process – but the provision of five pitches as set out in the application is not supported

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

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

With winter tree cover, there are clear glimpses and views of vehicles, caravans and the other structures currently on the site - through planting from each of the surrounding roads, and from along the access drive from Cartridge Lane. In sunshine, the visual impact of vehicles and caravans with white, reflective exteriors causes some additional prominence and visibility from the nearby roads – notwithstanding the set back of the site from Cartridge Lane itself.

Overall however, it is considered that the visual impact of the use of the site as proposed could be made acceptable by comprehensive landscaping – which could be required by condition - so that there would not be serious harm to the visual amenity of green belt. There would, however, be a reduction of green belt openness – as a matter of fact.
Overall, the degree of visual harm would not be seriously harmful – notwithstanding the greater extent of development and caravans now proposed – compared to the appeal scheme. Subject to a condition to require additional planting – as part of a comprehensive to ensure its long-term retention and management – it is considered that the visual amenity of green belt could be protected.

| GRN2; HOU7; REP10; | Impact on Living Conditions | Although impact on the living conditions of occupiers of residential property in the vicinity was not raised by the appeal inspector, it is considered that a larger and more intensively used/occupied site might have a more significant impact on amenity. Whilst it is material for Members to consider the additional impact of the larger scheme – in terms of for example – more traffic movements; noise and disturbances; domestic animals etc, it is considered that serious harm to existing occupiers would not result. The nearest part of the caravan yard would be over 130 metres from the nearest residential property. |
| LUT1; DCS1; | Highway Safety | Highway advice is clear that the proposal would result only in minor traffic increases on the lightly trafficked Cartridge Lane, and there is no objection on these ground. |
| DCS15; | Service Provision | The site is on mains water and mains electricity. Most journeys to and from the site are, realistically, are likely to be by private motor vehicles. However it is not far to Appleton Thorn and Grappenhall, nor Warrington Town Centre. In general terms, the site is located near existing settlements with access to local services, and is in accordance with policy DCS15 and with Circ 01/2006 in these terms. |

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

Responses to consultation (Full details on file)

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

Highways
No objection.

Education
No objection.
Environmental Protection
No objection, subject to condition.

Environment Agency
No objection in principle.

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

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

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

Responses to Notification (Full details on file)

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

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

**Conclusions and reasons for recommendation/decision**

Unlike proposals considered at appeal in 2008, the proposals is no longer “small scale” - and indeed would class as “major” development if the proposal were for conventional housing. Approval of the current proposals would facilitate the evolution of the site into a significant base for the applicants residences; their various businesses; their vehicles and animals.
Given the lack of quantitative need - as set out above – and the absence of a robust case showing how the applicants may have sought to secure an alternative site, it is concluded that the impact of the proposal in green belt would be harmful by way of inappropriateness – and that such harm is not outweighed by exceptional circumstances.

APPENDIX 1 – ADVICE FROM WBC PLANNING POLICY

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

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

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

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

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

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

**RELEVANT MATTERS IN DETERMINING THE APPLICATION:**
The application site is within the designated Green Belt, with the LPCS rolling forward this designation from the UDP largely unchanged.

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

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

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

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

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

Those matters deemed of relevance are considered in turn below.

With regards to detailed development management considerations, I would draw your attention to the criterion listed in LPCS Policy SN3, against which the proposal should be assessed.

**(a) Existing level of local provision and the need for sites:**

Paragraph 8 of the PPTS identifies that “Local planning authorities should set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople which addresses the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities”.
In response to this requirement Policy SN3 of the LPCS sets out that provision will be made, between 2007 and 2027 in Warrington, for a minimum “56 additional permanent pitches for Gypsies and Travellers”.

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

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

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

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

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

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

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

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

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

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

(c) other personal circumstances of the applicant

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

The applicant’s case appears to rest simply on the fact that there is a “clear need for more sites in Warrington”. This is not however accepted as amounting to very special circumstances, and is (based on the submission) considered a speculative approach as opposed to one which seeks to genuinely demonstrate that alternative sites are currently and importantly will continue to be limited.

The applicant asserts that some of the proposed families intending to live on the land currently reside on sub-standard sites elsewhere within the region and that there are no alternatives but again neither elaborate this point nor importantly substantiate this. No weight can therefore be attributed to these matters, and no additional very special circumstances appear to have been presented to which weight can be attached.

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

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

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

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

APPENDIX ONE:
Until a further Local Plan is adopted, which is anticipated to be December 2013, the Council are able to demonstrate a five year deliverable supply of sites for Gypsies and Travellers through relying on those within the borough which currently benefit from temporary planning permission and those which do not have planning consent but which are nevertheless deemed to be deliverable\(^1\), as evidenced by Tables 1 and 2.

\(^1\) “To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”

APPENDIX 2 – ADDITIONAL INFORMATION ON BEHALF OF THE APPLICANTS

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

Mr Legg attaches a 5 year land supply for Warrington. It is claimed there is no quantitative need for the proposed development. In summary it is the case for the Council that
- there is a need for 56 pitches
- there is an immediate unmet need for 14 pitches
- the Council accept that no new provision has been made since 2007
- the 5 year supply is equivalent to a need for 28 pitches (ie 14 deficit and 14 to be found for the period 2012-2017)
- The Council believe they can meet this deficit and need identified until 2017 by relying on three sites at Two Acre, Higher Walton
I have visited these three sites. I have also checked your website for up-to-date information. I comment as follows on the statement from your colleague Mr Legg:-

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

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

**Woodend Farm-1 plot**
This site also has temporary permission only, renewed August 2010 for 5 years until August 2015. Permission will expire within the 5 year supply period so this site can not count towards the 5 years supply of sites. It is occupied by a single family.
Consent was granted on appeal in September 2009 for 8 caravans ie just one per pitch. The site was intended for retired Travellers who no longer had need for a touring caravan. The site is vacant and does not appear to have been developed. It would appear that the appeal decision has now lapsed and can not be relied on unless it has been renewed (something I have been unable to check on your website). It is clear this site is not developed and not suitable for occupation.

For the above reasons I am troubled by the statement from Mr Legg. It is clear the Council does not have a deliverable land supply for 31 pitches as of 12 April 2012 and it is most misleading that this is being suggested. The need is in fact much greater than this as there are 15 more caravans on the site at Walton than is permitted plus the families on my client’s site. The Council’s analysis of the 5 year supply of land is not robust and does appear to be seriously flawed. It is clear the immediate need for 28 pitches is not addressed by current provision. Two sites with temporary consents will have to be renewed within the next 5 years. Both are in the same Green Belt. It would appear the third permission has not been implemented and may have lapsed. It must be concluded that there is a serious, pressing and immediate need for more sites which is much greater than appreciated.

The applicant is criticised for failing to carry out any search to identify alternative sites but as you will be aware there is no requirement on the families to establish that there is no suitable alternative provision. The judgement of Lord Justice Scott Baker and Sir Robin Auld between Sth Cambs DC, SOSCLG and A and J Brown September [2008]C1/2007/2282/QBACE concluded that

‘In seeking to determine the availability of alternative sites for residential Gypsy use, there is no requirement in planning policy or case law for an application to prove that no other sites are available or that particular needs could not be met from another site’.

And it was found that ‘such a level of proof would be practically impossible’. Whilst it is acknowledged that lack of a search can weigh against an Appellant just as evidence of a search and absence of any obvious alternatives weight in favour, the Inspector found that there was ‘no absolute requirement for an application to prove he has explored and exhausted all possible alternative options before planning permission can be granted, or for a local authority to identify an alternative site before being able to refuse planning permission for another and adequately justify their decision at appeal.’ The Inspector concluded that they are ‘just material considerations to be weighed in the overall balance’. They were not overall determinatives of the outcome. Case Law has clearly established that this is an unrealistic requirement.

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

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

I agree that local connections in themselves are not very special circumstances and that is not claimed. But they are a material consideration that weigh in favour especially when permission is sought for a site in the Green Belt.

Appeal decisions have shown that need is capable of providing the very special circumstances needed to outweigh definitional harm, especially when it is of the scale that exists in Warrington, when it is coupled with the failure of Council’s to address need, where there is no serious, up-to-date or robust evidence base to inform policy and, where policy has consistently failed to deliver any permanent new sites.

Other than definitional harm my client’s proposal would comply with the criteria in emerging policy SN3. I note that the other sites relied on by the Council to meet need are also in the same Green Belt and rely on the same material considerations to justify an exception to policy.
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Value</th>
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<tbody>
<tr>
<td>b</td>
<td>Annual average (a/20)</td>
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</tr>
<tr>
<td>c</td>
<td>Development Plan target to date (2007 – 2012) [5xb]</td>
<td>14</td>
</tr>
<tr>
<td>d</td>
<td>Net delivery to date (2007 – 2012)</td>
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</tr>
<tr>
<td>e</td>
<td>Deficit to carry forward [c - d]</td>
<td>14</td>
</tr>
<tr>
<td>f</td>
<td>Rolling 5 Year Requirement (2012 - 2017) [b x 5]</td>
<td>14</td>
</tr>
<tr>
<td>g</td>
<td>Rolling 5 Year Requirement (2012 – 2017) adjusted to reflect previous under provision [f+e]</td>
<td>28</td>
</tr>
<tr>
<td>h</td>
<td>Quantified deliverable provision (1st April 2012) [see Table 2]</td>
<td>31</td>
</tr>
<tr>
<td>i</td>
<td>5 Year Requirement Residual Balance [h-g]</td>
<td>+3</td>
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**Table 1 - Five Year Deliverable Land Supply Assessment for Gypsies and Travellers**

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

**Table 2 - Quantified Deliverable Land Supply for Gypsies and Travellers (1st April 2012)**
Application Number: 2012/20594

Location: 2, FIELD LANE, APPLETON, WARRINGTON, WA4 5JR

Ward: APPLETON.

Development: Proposed demolition of existing dwelling and construction of a two storey block of 8 no. apartments with associated works

Applicant: Mr Carroll

Recommendation: Refuse

Conditions: Failure to deliver any affordable housing

Reason for referral

The application is being reported to Committee in the light of the number of representations received.

Description

- Full planning application for erection of pitched / hipped roofed 2-storey block of 8 flats on the site of an existing single storey bungalow (2 Field Lane) & its domestic curtilage.
- An adjacent area of on-site parking for 12 cars is proposed, plus 4 parking spaces in front of the proposed block, with a new vehicular access.
- Apart from an adjustment to increase the width of the planted buffer between the parking area & the site boundary (amended following a request to the agent), the application is in all other respects identical to a previous application (2003/04416) which was refused by the Council in 2004 solely on the grounds of housing oversupply, & a subsequent appeal was dismissed on the same basis (see planning history below).

Location

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

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

Main Issues and Constraints

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

Key policy/guidance checklist

<table>
<thead>
<tr>
<th>HOU1, HOU2</th>
<th>Housing land / development</th>
<th>• Whilst acknowledging that the site is greenfield, approval of small scale, low impact housing developments is in line with current approach to HOU1/2, as reflected in Policy section’s comments.</th>
</tr>
</thead>
</table>
| HOU15      | Affordable housing        | • Whilst acknowledging that the relevant threshold to trigger affordable housing set out in HOU15 is 25 units or a 1ha site, appropriate to consider in the context of emerging Core Strategy policy SN2, which is a significant material consideration in determining the application (see Policy Section’s comments below).  
• However, application fails to deliver any affordable housing or contribution to affordable housing. |
| DCS1, HOU3, HOU13 | DC Strategy / housing development + layouts | • Proposals meet approved daylight & privacy standards – indeed previous appeal was dismissed solely on housing oversupply grounds.  
• Indeed, in noting objections previously raised by the neighbour to the west of the site on the basis of loss of privacy & outlook, the appeal inspector commented |
that “the Council raises no objections on any of these grounds and I have no reason to disagree”.

- In terms of the street scene & the visual appearance, whilst acknowledging that many of the nearby properties are single storey bungalows, there are already a pair of 2-storey blocks of flats, of similar massing to that proposed, adjoining/close to the site.

GRN22, DCS7 Protection of landscape features / landscaping

- None of the trees within the site are protected & the Arboriculturalist has concluded that none are worthy such protection (see comments below).
- Acceptable landscaping proposals included within the submission.

LUT1, LUT3 DC strategy / Land use/transportation strategy

- As acknowledged in the previous appeal decision letter, the site is in a comparatively sustainable location, (close to a wide range of facilities and a major bus route).".

LUT20 Parking

- Proposed 150% provision acceptable to Highways (see below), given sustainable location.

REP8 Land contamination

- Standard condition recommended by Environmental Protection.

Responses to consultation

Planning Policy: No objection in principle to proposal which aligns with the objectives of the emerging Core Strategy & would not compromise regeneration efforts (the underlying principle of UDP policies HOU1 and HOU2), but cannot support proposal in the absence of any affordable housing provision/contribution, as required by Core Strategy policy SN2.

(Full comments in Appendix 1)

Comment:

- Whilst Policy section suggests negotiating with applicant to secure a 20% affordable housing contribution (or provide financial appraisal to demonstrate that this is unviable), it is considered more appropriate to recommend refusal, in view of the fact that the application’s supporting submission acknowledges that affordable housing is a relevant consideration, but then goes on to dismiss it with regard to this proposal, arguing that emerging Core Strategy policy SN2 has only limited weight, & citing saved UDP policy HOU15 (which has a higher threshold in terms of dwelling numbers/site size to trigger a requirement for affordable housing provision/contribution). This argument is clearly at variance with the Policy section’s response.

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

(Full comments in Appendix 2)
Environmental Protection:
No objection subject to standard contamination conditions, & informatives re. construction working hours & external lighting.

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

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

Natural Environment Officer:
No comments, other than to endorse Arboriculturalist’s comments re. trees.

Appleton PC:
Object – main comments summarised as follows:
• Out of character with area
• Reduction of privacy
• Loss of light
• Inadequate parking
• Dangerous access
• Contrary to covenants on land restricting to single storey development
• Over intensification
• Contrary to Core Strategy provisions re. housing supply
• Draw attention to previous refusal & subsequent appeal decision
• Request site visit by Members

(Full comments in Appendix 5)

Comment:
• Accords with minimum interface distances in terms of light & privacy – previous application/appeal not refused on this basis.
• In noting objections previously raised by the neighbour to the west of the site on the basis of loss of privacy & outlook, the appeal Inspector commented that “the Council raises no objections on any of these grounds and I have no reason to disagree”.
• Inappropriate to refuse on access/parking grounds in absence of a Highways objection – previous application/appeal not refused on this basis.
• Covenants are not a relevant planning consideration.
• Other than the failure to address affordable housing considerations, the proposal is in line with current approach to housing oversupply issues – see also Policy comments above.
David Mowat MP:
Express concerns on behalf of local residents, summarised as follows:
• The area is characterised by bungalows & the proposal is out of keeping
• The proposal represents overdevelopment of the site
• The windows in the 2-storey building will lead to overlooking & loss of privacy
• The bulk & height of the 2-storey building will overshadow the properties to the rear
• The building extends across the site to the detriment of the open character of the street
• There is concern about the loss of trees & the habitat they support

Comment:
• The previous appeal was dismissed solely on the grounds of housing oversupply – with respect to the other issues raised by neighbours, the Inspector concluded that “the Council raises no objections on any of these grounds and I have no reason to disagree” – privacy & daylight standards met.
• Field Lane already has 2 blocks of 2-storey flats close to the site – difficult to argue that proposals would fundamentally or unacceptably affect the area’s character or set a precedent.
• Acceptable in terms of trees / ecology aspects (see above).

Responses to Notification:
(full details on file)
Objections received from the occupants of 30 nearby properties & the management company from the adj. flats (Ashley Court) – main points summarised as follows:
• Loss of privacy / overlooking of properties & gardens
• Overbearing / out of character with Field Lane / unsympathetic to existing architecture
• Increase in footprint / density – plot too small for building proposed
• Noise
• Detrimental to existing properties
• Loss of an architecturally designed, attractive bungalow which appears structurally sound & is most suitable for the elderly / infirm
• No regeneration benefit as present building is a pleasant house
• Loss of trees / shrubs
• Loss of value to properties
• Highway safety concerns / increase in traffic & congestion on inadequate / unsuitable road, near a bend
• Exacerbation of existing on-street parking problems, with potential delay / hindrance to emergency vehicles accessing properties to the south
• Inadequate on-site parking provision
• Additional garages from residents would be an eyesore
• Precedent for redevelopment of other large bungalow plots in vicinity
• Nothing has changed since previous appeal decision – same considerations apply / remain valid
• Contrary to Core Strategy policies in terms of housing oversupply
• No affordable housing provision
• Previous appeal decision notes that existing boundary hedging & tees provide a further degree of protection in terms of privacy / outlook – but these have since been removed
• Query capacity of existing foul & surface water drainage
• Query whether consultations carried out in respect of ecology, trees, contamination, affordable housing, flood risk & drainage
• Disruption / disturbance / traffic during construction period
• Applicant’s personal profit motive
• If applicant is not willing to honour covenant obligations, will he enforce any covenants imposed on proposed flats?
• Applicant gained existing access across land belonging to Ashley Court (adj. flats)
• Contrary to restrictive covenant limiting any development to single storey
• WBC should take into account the genuine concerns of a significant number of residents
• Endorse Parish Council’s objection
• “Believe comments (privacy/overlooking/noise/property value/character of area) are very similar to those which you accepted as genuine and relevant when this identical application was submitted and rejected some years ago”.

Comment:
• The previous appeal was dismissed solely on the grounds of housing oversupply – with respect to the other issues raised by neighbours, the Inspector concluded that “the Council raises no objections on any of these grounds and I have no reason to disagree” – privacy & daylight standards met.
• Whilst approval of small scale, low impact housing developments is in line with current policy approach in terms of oversupply, this proposal fails to deliver affordable housing or a contribution to off-site provision – the agent’s submission that this is unnecessary is not accepted (see Policy comments).
• Inappropriate to refuse on the grounds of highway safety in the absence of an objection from Highways – marginal overprovision of parking (see Highways comments).
• Field Lane already has 2 blocks of 2-storey flats close to the site – difficult to argue that proposals would fundamentally or unacceptably affect the area’s character or set a precedent.
• Loss of existing mid/late C20th bungalow not a reason to withhold planning permission (not Listed or locally listed).
• Covenants are not a relevant planning consideration.
• Reduction in property values is not a relevant planning consideration.
• Applicant’s motives are not a relevant planning consideration.
• Acceptable in terms of trees / ecology aspects.

Conclusions and reasons for recommendation/decision
• Whilst the site-specific issues & concerns raised by neighbours are not sufficient to justify withholding permission (as evidenced by the Inspector’s comments in the previous appeal decision), the application fails to deliver any affordable housing or a contribution to off-site provision, and, as such the application falls foul of the current policy approach.
### Appendix 1 – Planning Policy comments

#### Principle of proposal
- Please note that I have no objections to the principle of the above proposal. I concur that the proposal aligns with the objectives of the emerging Core Strategy and importantly would not compromise regeneration efforts which is the underlying principle of UDP Policies HOU1 and HOU2.

#### Affordable housing
- I do not accept however that nil weight should be afforded to emerging Core Strategy Policy SN2. This requires that 20% of the number of units on sites of between 5 and 14 dwellings are provided as affordable. Contrary to the view of the applicant there are no unresolved objections which relate to the policy’s headline percentage figures or the thresholds employed. By way of reference to paragraph 216 of the NPPF Policy SN2 is considered to constitute a significant material consideration in the determination of this proposal. In the absence of any affordable housing contribution which accords with the requirements of CS Policy SN2, the proposal can not be supported from a planning policy perspective.
  - The applicant should be advised to enter into discussions regarding providing 20% of the proposed provision as affordable. It is likely that it may be deemed acceptable to accept a commuted sum in lieu of onsite provision given the scale and nature of the proposal. Should the applicant consider that such a request would render the development unviable, this would need to be substantiated via the submission of a financial appraisal.

### Appendix 2 – Highways comments:

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

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

#### Proposed Parking Provision
- The proposed site plan (date stamped 4th September 2012), includes provision of 14 parking spaces (12 dedicated spaces for the apartments with 2 visitor spaces).
  - The Council’s adopted maximum parking standards for Houses and Flats with communal parking is 1.5 spaces per dwelling. Therefore on the basis of 8 apartments, 12 spaces would be the maximum provision in accordance with the Council’s adopted standards.
  - In this case, the provision of 14 spaces exceeds the Council’s adopted maximum parking standards. However as the 2 additional spaces are for visitor parking, this slight over provision can be accepted.
  - The planning application forms also confirm that no cycle parking is proposed as part of the application. A scheme of cycle parking should therefore be secured via planning condition, in order to ensure that cycling remains a potential alternative to the private car for future residents, in the interests of promoting sustainable transport to and from the site.
### Summary & conclusions

- In view of the above, no highways objections are raised in respect of the proposed development, subject to attachment of the following planning conditions:
  - "Prior to the commencement of development, a scheme for the construction of the new vehicular access onto Field Lane and removal of the existing disused vehicular access shall be submitted to and agreed with the Local Planning Authority. Such scheme as is agreed shall be implemented prior to first occupation of the development."
  - "Prior to the commencement of development, a scheme of cycle parking to serve the development shall be submitted to and agreed with the Local Planning Authority. Such scheme of cycle parking as is agreed shall be implemented prior to first occupation of the development and shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority."

### Appendix 3 – Parish Council Comments

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

**Key areas of concern**

- The proposed two storey block of 8 apartments is in an area primarily of bungalows both to the front, rear and adjacent situated on spacious plots so this high density/over development of the single bungalow plot will be out of character with the resultant damage to the street scene.
- The development will be oppressive, overbearing and reduce the privacy of nearby residents, especially to nos. 2 and 3 Windmill Close plus the property known as Hideaway, Windmill Lane. The availability of sunlight will be reduced to the surrounding bungalows but especially to the west and north (rear), the latter of which is on a lower elevation.
- There does not appear to be adequate car parking and concern is raised that residents/visitors, due to the location of the parking of 10 bays (no. 3 to 17) well away from the apartment block, will park on the road. The new access is close to a 90 degree bend in the road with its inherent dangers to other users – both motorists and pedestrians. The road is extremely busy due to the recent extensive ‘Hamptons’ developments further south on Field Lane and it is understood that the Principle Engineer, Transport, Planning and Development Control has been consulted on this proposed application.
- The application appears contrary to Covenants within the deed documentation of other properties in the area, which restricts any development to single storey. Also any agreement to this application could set a precedent for similar proposals.
- The Parish Council understood that available sites for residential development within Warrington centre would be considered first before looking at the outskirts of Warrington. The Parish Council strongly objects to the severe over intensification of use on this site and it appears contrary to CS1 of the emerging Core Strategy and the current Supplementary Planning Guidance entitled, Restricting the Housing Supply.
- Consideration should be given by Warrington Borough Council to a previous similar planning application made under ref 2004/04416 which was Refused by Warrington Borough Council with the subsequent appeal dismissed by The Planning Inspectorate on 6 July 2009.
- The Parish Council wishes to add its support to the objections being
raised by local residents to the proposal and recommends it be refused though if there is a mind to approve the application, the Parish Council requests a prior site visit by Members of the Development Management Committee or Planning Applications Sub Committee.

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