27 November 2013

Development Management Committee

Thursday, 5 December 2013 at 6.30pm

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

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

A G E N D A

Part 1

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

Item

1. **Apologies for Absence**

To record any apologies received.

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

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

To confirm the minutes of the meeting held on 14 November 2013 as a correct record.

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

Report of the Executive Director Economic Regeneration, Growth and Environment

Attached as a separate document

5. **Results of Planning Appeals**

Report of the Executive Director Economic Regeneration, Growth and Environment

5.1 17 Cawthorne Avenue, Grappenhall, Warrington, Cheshire, WA4 2LP

5.2 19 St Annes Avenue, Grappenhall, Warrington, Cheshire, WA4 2PL

5.3 Domino's Pizza, 525 Liverpool Road, Great Sankey, Warrington, WA5 3LX

**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
DEVELOPMENT MANAGEMENT COMMITTEE

14 NOVEMBER 2013

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

DM48 Apologies for Absence

Apologies for absence had been received from Councillors Barr and M McLaughlin.

DM49 Code of Conduct – Declarations of Interest

There were no declarations of interest received.

DM50 Minutes

Resolved,

That the minutes of the meeting held on 12 September 2013 were agreed as a correct record and signed by the Chair.

DM51 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.

DM52 2013/22407 Woolston Community High School, Holes Lane,
Warrington, WA14LS - Full Planning (Major) - Proposed
refurbishment of the existing single and two storey school building
including re-modelling of internal spaces and the erection of two
single storey blocks (B&G) with associated external landscaping
and fencing.

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

Resolved,

That application 2013/22407 be approved as recommended
Agenda Item 3

DM53 2013/22491 – Site at Former M & S Discount Store, ‘Six Acres’, 312 Warrington Road, Glazebury, Warrington, WA3 5LB – Full Planning (Major) – Proposed demolition of existing disused buildings (Retail, Petrol Filling, Station Canopy and Office Building) and construction of 14 detached 3, 4, & 5 bed roomsed houses and landscaping

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

This application had been site visited by Committee Members on Friday, 8 November 2013.

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

Resolved,

That planning application 2013/22491 be refused as recommended subject to an amended reason No. 3

Reason,

Refused as per report and associated plans but subject to an amendment to reason for refusal number 3 so that it reads as follows:-
The plans fail to provide an adequate turning head for service vehicles and accordingly the proposed road layout would not be adopted. Information has not been submitted relating to the future maintenance of the proposed road layout. Accordingly it is considered that the proposal would have a detrimental impact on highway safety. The proposal would therefore be in conflict with Policies DCS1, HOU3, LUT1 & LUT2 of the Warrington Unitary Development Plan, CS1, QE6, QE7, MP7 of the Emerging Local Plan Core Strategy and the National Planning Policy Framework.

DM54 Section 106 Quarter 2 Report 2013/14 (1 July - 30 September 2013)

The Executive Director of Economic Regeneration, Growth and Environment submitted the report to provide an update for the Members in relation to the status of planning obligations and S106 Agreements.

The report included details of active developments where S106 provision had been triggered and developments which were yet to commence.

Members were provided with highlights of the Annual Performance Report in relation to, Value of Agreements Signed, Notable Agreements Signed, Payments Received, Monitoring Receipts and Expenditure.

The report contained further information in relation to total obligations values by Ward and Service Area; and outstanding amounts owed by category.
Resolved,

That the report be noted

DM55 Constitution Determining Planning / Other Application

A report of the Executive Director of Economic Regeneration, Growth and Environment was submitted to the Committee to recommend a number of changes to the Council’s Constitution, it was noted that if the changes were agreed these would then be considered by the Constitutional Committee and forwarded to Council.

Following a Peer Review of the Planning Service in 2011 it was recognised that there was a need to improve the service and in particular planning application performance. Over the last 12 months planning application performance has improved significantly and this has followed some changes to the Council’s Constitution earlier this year.

In some areas (particularly minor planning applications) it was unlikely that performance would improve further without some additional changes to the Constitution.

A number of changes were considered at the Planning Improvement Board meeting on 17th October 2013, taking into account the need to further improve the planning application performance, ensure value for money and minimise the potential for procedural errors.

- Removal of the requirement for Ward Councillors or Parish / Town Councils to complete a prescribed form when referring applications to committee and no need to refer to development plan policies but still a requirement to give planning reasons.

- Ward and Parish/Town Councils to refer planning applications to committee within 21 days of being consulted.
Agenda Item 3

- That, only Ward Councillors refer applications for consideration at committee and not Parish / Town Councils.
- Removal of the objection trigger for referral of applications to the Planning Applications Sub Committee but continue to allow Ward Councillors to refer planning applications to committee.
- Consider one committee (instead of the current two) and every four weeks instead of three.
- All lawful development certificate applications and variation of condition applications to be considered at officer level.

The Planning Improvement Board agreed to the following (Piloted for 12 months):

- Removal of the requirement for Ward Councillors or Parish / Town Councils to complete a prescribed form when referring applications to committee and no need to refer to development plan policies but still a requirement to give planning reasons.
- Ward and Parish/Town Councils to refer planning applications to committee within 21 days of being consulted.
- All lawful development certificate applications and variation of condition applications to be considered at officer level.
- Removal of the objection triggers for referral of applications to the Planning Applications Sub Committee but continue to allow Ward Councillors to refer planning applications to committee.

The Planning Improvement Board considered that the number and frequency of planning committee meetings be reviewed mid-2014 as well as the potential for additional changes.

Resolved,

The Committee agreed to endorse the changes to the Constitution (piloted for 12 Months) as identified at Paragraph 3.2 of the report and as per appendix 1, as recommended by the Planning Improvement Board.

DM56 Results of Planning and Enforcement Appeals

A report of the Executive Director of Economic Regeneration, Growth and Environment set out the result of recent appeals along with the Inspector’s findings and the Executive Director’s subsequent comment:
<table>
<thead>
<tr>
<th>Application/ Appeal Reference</th>
<th>Location and Description</th>
<th>Committee/ Delegated Decision</th>
<th>Appeal Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013/21801 APP/M0655/ D/13/220360 3</td>
<td>21 Wilmot Avenue, Great Sankey, Warrington, WA5 3BJ – First floor side extension above existing garage</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
<tr>
<td>2013/21880 APP/M0655/ D/13/220230 9</td>
<td>22 Marlfield Road, Grappenhall, Warrington, WA4 2JT – Rear conservatory</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
<tr>
<td>2013/21774 APP/M0655/ D/13/220253 9</td>
<td>23 Rushmore Grove, Paddington, Warrington, WA1 3EX – 2 No. dormer windows to front of house</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
<tr>
<td>2013/21856 App/M0655/ D/13/220336 7</td>
<td>23 Wiltshire Close, Woolston Warrington, WA1 4DA – Demolition of existing garage and erection of new two storey side extension</td>
<td>Refuse</td>
<td>Allowed</td>
</tr>
<tr>
<td>2013/21152 APP/M0655/ D/13/220177 6</td>
<td>26 Pepper Street, Lymm, Warrington, WA4 4TE – Rear single storey extension</td>
<td>Refuse</td>
<td>Allowed</td>
</tr>
<tr>
<td>2013/21288 APP/M0655/ A/13/219918 1</td>
<td>Site between 45 Mill Lane and Bowling Green Farm, Mill Lane, Houghton Green, Warrington, WA2 0SX – 3 bedroomed, 2 storey detached house and detached garage</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
<tr>
<td>2012/20897 APP/M0655/ A/13/219809 7</td>
<td>67 Bridge Street, Warrington, WA1 2HJ – Change of use from A1 Use Class (retail) to A5 Use Class (hot food takeaway)</td>
<td>Refuse</td>
<td>Allowed</td>
</tr>
<tr>
<td>2012/20699 APP/M0655/ A/13/219627 7</td>
<td>246 Manchester Road, Warrington, WA1 3BE – Change of use from B1 office accommodation to a D1 use as a medical centre</td>
<td>Refuse</td>
<td>Allowed</td>
</tr>
<tr>
<td>2013/21789 APP/M0655/</td>
<td>348 London Road, Stretton, Warrington, WA4 5PW – Two storey extension to side and</td>
<td>Refuse</td>
<td>Allowed</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Decision 1</td>
<td>Decision 2</td>
</tr>
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</tr>
<tr>
<td>D/13/220167 1</td>
<td>new canopy to front</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012/20447 APP/M0665/ A/12/218837 6</td>
<td>Meadow Brook Cottage, Massey Brook Lane, Lymm, Warrington, WA13 0PH – Extensions to an existing agricultural workers dwelling, to include raising of the ridge and converting the bungalow with accommodation in the roof space to a full two storey dwelling with a 2 storey side extension and detached garage</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
<tr>
<td>2012/20946 APP/M0655/ A/13/219611 7</td>
<td>Land at Summit Close, Lower Stretton, Warrington, WA4 4NN – Erection of two semi-detached dwellings</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
<tr>
<td>2012/20699 APP/M0655/ A/13/219627 7</td>
<td>246 Manchester Road, Warrington, WA1 3BE – Change of use from B1 office accommodation to a D1 use as a medical centre</td>
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Resolved,

That the report be noted

Signed………………………

Dated ………………………
<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
</tr>
</thead>
</table>
| 1    | 2    | 2013 22541  | Former Bruche Police Training Centre off, Bruche Police Training Centre, Greenway, Warrington, WA1 3EG
Reserved Matters - Application for approval of all reserved matters for access, appearance, landscaping, layout and scale of proposed development, following demolition of existing buildings on Outline approval 2011/19313 (for residential development of up to 220 new dwellings with associated open space, landscaping and infrastructure). | Approve          |
DEVELOPMENT CONTROL COMMITTEE DATE: 05-Dec-2013

ITEM 1

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>2013/22541</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Former Bruche Police Training Centre off, Bruche Police Training Centre, Greenway, Warrington, WA1 3EG</td>
</tr>
<tr>
<td>Ward:</td>
<td>Poulton South</td>
</tr>
<tr>
<td>Development</td>
<td>Reserved Matters - Application for approval of all reserved matters for access, appearance, landscaping, layout and scale of proposed development, following demolition of existing buildings on Outline approval 2011/19313 (for residential development of up to 220 new dwellings with associated open space, landscaping and infrastructure).</td>
</tr>
<tr>
<td>Date Registered:</td>
<td>04-Oct-2013</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mrs Morris Homes North Ltd</td>
</tr>
<tr>
<td>8/13/16 Week Expiry Date:</td>
<td>02-Jan-2014</td>
</tr>
</tbody>
</table>

Reason for Referral to Committee

This application is major and is the subject of more than ten letters of objection.

Human Rights

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

Site and Proposal

Outline planning permission was granted for the residential development of the former Police Training Centre on the 23rd April 2012 for up to 220 new...
homes on an area of approximately 8.7ha. All matters were reserved for subsequent approval, i.e. access, appearance, landscaping, layout and scale.

The current application is for the outstanding reserved matters. The proposal is for 220 dwellings comprising of 8 five bed detached houses, 19 three bed detached/corner splay houses, 23 three bedroom mews properties, 43 two bedroom mews properties and 127 four bedroom detached houses. None of the properties would exceed 9 metres in height (to the ridge) as per outline planning condition No. 15. The proposal includes areas of open space to be controlled and maintained by a management company in accordance with condition 13 of the outline planning permission. It is envisaged that any areas of communal car parking / highway that would not be adopted by the Council would also be maintained by a management company.

Two vehicle accesses to the site are proposed, an access from Greenway which inks with Manchester Road to the south, and also to Bruche Avenue on the western boundary of the site. Road improvements works are proposed for Manchester Road involving lane revision, bus stop relocation and the introduction of a right turn filter lane. Works to Bruche Avenue consist of an upgraded roundabout at the junction with Treetops Close.

The former Police Training Centre is situated in the Bruche area of Warrington to the north of the A57 Manchester Road and approximately 3 km east of the Town Centre. The site is bounded by established residential areas on all sides, Greenway and Royston Avenue to the south, Bruche Avenue to the west, Hazel Grove and Springfield Avenue to the north and Southdale Road to the east.

The context consists of traditional two storey semi detached properties arranged linearly and in cul de sacs. There is an office and more modern roof space development to the east of the south entrance from Greenway as well as bungalows along Southdale Road to the southern section of the eastern boundary.

The Police Training Centre contains numerous buildings of various sizes and ages, a swimming pool, disused running circuit, football field, large kitchen / dining area, two bars, training blocks and numerous residential blocks. All the buildings are served by a network of paved access roads, parking areas and hard standing, including a parade ground.

There are extensive lengths of approximately 2m high hedging around the periphery of the site. The current proposal indicates that this would be retained and maintained by a management company.

As well as the main site access off Greenway the site has a gated access to Bruche Avenue to the west (vehicular and pedestrian) as well as a gated passageway onto Southdale Road to the east (pedestrian). These are not currently in use.
The site is mainly flat, although there is a raised plateau area within the central part of the site with a number of mature trees, a pond and the parade ground. Site levels vary between approximately 9m and 11.50m AOD and slope gently southwards.

**Relevant Planning History**

2011/19313 Demolition of existing buildings and application for outline planning permission for residential development of up to 220 new dwellings with associated open space, landscaping and infrastructure (all matters reserved) – Approved Subject to S106 - 23rd April 2012

Prior to the outline application, only minor applications had been submitted for the site relating to extensions and alterations to buildings within the site.

The site was initially developed as a transit station for troops during the Second World War. During the 1950s it was redeveloped as a training facility for the Merseyside, Cheshire and Greater Manchester police forces.

The site was acquired by English Partnership (now the HCA) in 2007 following the closure of the Police Training Centre in May 2006. In accordance with the then Government Guide for the disposal of surplus property and the re-use of brownfield land to support the Government objectives, the site was placed on the register for surplus public sector land and identified for disposal on the open market.

**Planning Policies**

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 REP4 Protection of the Floodplain
Policy REP5 Surface Water Run-off and Sustainable Drainage Systems
Policy REP8 Land Contamination
Policy REP10 Noise
Policy GRN18 Key Biodiversity Habitats and Priority Species
Policy GRN21 Protection of Nature Conservation Resource
Policy LUT1 Land Use / Transportation Strategy
Policy LUT2 Transport Priorities in Development Control
Policy LUT20 Parking

Core Strategy (CS) Emerging Policy
Policy CS1 Overall Spatial Strategy – Delivering Sustainable Development  
Policy CS8 Strategic Location – Inner Warrington  
Policy SN1 Distribution and Nature of New Housing  
Policy SN2 Securing Mixed & Inclusive Neighbourhoods  
Policy QE1 Decentralised Energy Networks and Low Carbon Development  
Policy QE4 Flood Risk  
Policy QE6 Environment and Amenity Protection  
Policy QE7 Ensuring a High Quality Place  
Policy MP3 Active Travel  
Policy MP7 Transport Assessments and Travel Plans  
Policy MP10 Infrastructure

Notification Responses

Councillors - Letter of objection from Councillor Colin Froggatt
Object to chain link fence retention – this now overgrown by conifer hedge and infested with bindweed – wooden fencing illustrated on plans – decent fencing more conducive than a chain link fence for this type of development.

Object to increased volume of traffic at peak periods – reducing Manchester Road to one lane at the Greenway junction would be hazardous and cause traffic jams.

Object to the length of time the development will take and ask that this be reduced to 3 years.

Comment: The applicant has indicated that the peripheral boundary treatment will be retained, with hedging maintained by a management company. The duration of construction works cannot be controlled or restricted to 3 years, particularly having regard to the scale of development proposed.

Neighbours

Letters of objection received from 21 neighbouring properties
The majority of comments received relate to highway matters:

1. Bruche Avenue should not be used for access.
2. Bruche Avenue should be access only if to be used.
3. Road network already congested.
4. Manchester Road junction dangerous.
5. Traffic lights at the end of Greenway needed.
6. Double yellow lines the length of Greenway needed.
7. Manchester Road should not change from a dual carriageway to a single carriageway as proposed as this dangerous – increased congestion with only one lane – when a bus stops road will be blocked.
8. Crossing of Manchester Road would be dangerous.
9. Poor sight lines from Greenway to Manchester Road.
10. Already difficulties exiting drive onto Manchester Road.
11. Original new town plans never intended to accommodate so much residential development without major road schemes, which never went ahead.
12. Southdale Road / Royston Avenue may be used as short cuts.
13. Various accidents over the years on this stretch of Manchester Road.
14. Proposed siting of relocated bus stop dangerous – should be moved outside Citroën garage – pavement in this area too narrow.
15. If central reservation raised would not be able to manoeuvre caravan onto drive.
16. Disturbance from construction traffic.

Comment: Highway related issues are addressed in Highways Observations section of the report.

Additionally concerns expressed in respect of the following:

1. Proposed houses too close to property – loss of outlook, privacy, daylight.
2. Who will be responsible for trees around site periphery - existing 3m+ fencing on boundary should be retained.
3. Concerns related to opening up of Southdale footpath – should have 2.4m wall for entire length with sensitive lighting.
4. Long distance to nearest secondary school.
5. Existing flooding problems would be worsened.

Comment: The proximity of the proposed houses to existing development is in accordance with the Council’s interface distance policy. A management company is to maintain landscaping. Proximity to schools is satisfactory and the principle of development is already established. Flooding and wildlife issues addressed in relevant section of the report. Treatment of footpath to Southdale Road is the subject of a recommended condition.

Consultation Responses

WBC Arboricultural Officer - No objections
Environment Agency - No comments received – to be reported at the meeting
Environmental Health - No objections
Highways - No objections
Nature Conservation Officer - No objections
Observations

**Principle of Housing**
The acceptability of the principle of the residential development of the site for up to 220 new dwellings has already been established with the outline planning approval. The site is within Inner Warrington and the proposal is consistent with the Council’s Housing Policy Framework and the broad objectives of the National Planning Policy Framework representing the use of previously developed land and regeneration of a vacant site in a location close to community facilities and infrastructure.

**Tenure**
A contribution for off-site affordable housing was agreed at the outline stage relating to 20% of the maximum number of houses proposed, i.e. 44 homes (20% of 220 homes) at £25,000 per unit resulting in £1,100,000 secured via section 106 agreement.

In addition to this a total of 30% of the proposed homes on the site would also be affordable housing. It is stated that the on site affordable housing has been re-distributed throughout the scheme so they are an integral part of the proposed development and the proposal will be ‘tenure blind’ in terms of design, quality, and location on the site, with phasing and access to services and amenities constructed to the same standards as private dwellings. The dwellings will be designed and constructed in accordance with the Homes & Communities Agency Design & Quality Standards.

Of the on-site provision, 25% is social rent, 25% is affordable rent and 50% is intermediate housing, with the affordable rent being no more than 80% of the prevailing market value.

The proposal thus makes a significant contribution to affordable housing in the borough.

**Residential Amenity**
The outline consent restricted the height of the proposed dwellings to 9m. The current submission has been amended to adhere to this.

The proposed dwellings would retain adequate separation distances in accordance with the minimum interface standards set out within policy HOU13, (i.e. 21m between main face elevations, and 13m between main face elevations and a side elevation).

The scheme has been amended in respect of units which present side elevations to existing houses in order to improve outlook for adjacent occupiers.
Design
The application includes a Design and Access Statement which provides a contextual analysis. This identifies that the site is primarily surrounded by postwar housing, which is a mixture of 2 storey semi-detached dwellings and detached bungalows. There is the occasional group of Victorian mews in the immediate area which can be found along Manchester Road and Mead Road which are more decorative with stone and brick details.

It is stated that the proposed house designs seek to reflect and enhance on these elements with a variety of character areas throughout the scheme, including:

- ‘The Core’ of the development which includes a large woodland with a feature pond, flanked by detached housing accessed via shared surface areas;
- The ‘Boulevard’ entrance feature from Greenway which includes an avenue that sweeps into the development;
- The ‘Mews Square’ and ‘Courtyard’ with more traditional flat fronted mews set within a formal landscaped setting with varying surface treatments;
- ‘The Parkland’ which is an informal area of open space that is overlooked on two sides by detached dwellings served off private drives, creating a more rural feel.

The design of the houses themselves thus has sufficient regard for the site context and provides for a pleasing degree of variety and interest throughout the site. They would also be accommodated within an attractive landscaped setting with areas of open spaces and water elements throughout the scheme. The Bruche Avenue entrance for has a balancing pond feature set amongst the retained mature trees with housing set back to form a landscape dominated setting, and similar areas within the site make use of natural features to enhance the character of the houses.

Bruche Park neighbours the site on the west boundary. There is currently no permeability through the site from the east side to the west side. The joining up of Bruche Avenue to the west, and Southdale Road to the east significantly improves permeability through the locality.

Energy
The application includes a Sustainability Statement (Energist UK, September 2013), which addresses the energy aspects of the development. It outlines the measures that are proposed to be implemented with a view to reducing the site wide carbon emissions and indicates that the dwellings will be constructed to a standard above Part L1A 2010 of the Building Regulations and Ene1 of the Code for Sustainable Homes (CfSH). Sample SAP calculations for each of the house types show an improvement of at least 10% over the Part L1A 2010 Target Emission Rate (TER) is achievable, with an estimated 12.41% reduction in the TER. This would be achieved through the use of high insulated building fabric, efficient heating systems and low energy lighting. Subject to a condition to ensure adherence to the specifications
within the Sustainability Statement the proposal makes adequate provision for energy/carbon saving measures.

**Education**

There are no capacity issues in the local area resulting from consultation.

**Public Open Space / Children’s Play / Sport & Recreation**

The outline planning application made provision for equipped children’s play (£55,900 contribution) and sport & recreation facilities (£329,745). The current proposed layout also incorporates several areas of amenity space with links to Bruche Park to the west.

The total level of contribution inclusive of off-site affordable housing is £1,485,645.

**Flooding**

The need to limit surface water run off from the site and manage the risk of flooding from overland flow of surface water was identified at the outline stage. There are foul, combined and surface water sewers in the vicinity of the site. The surface water from the existing site has historically drained to Padgate Brook and the foul water to the combined sewer crossing the site.

It is stated that agreement has been reached with United Utilities that foul water flows can discharge un-attenuated into the existing 1200mm diameter combined sewer crossing the site near to plots 131 – 134. Based on 220 dwellings, flows will amount to some 10.12 l/s. Attenuation upto the 1 in 30 year event is to be provided in oversized pipes with flow controls. Additional attenuation for storms upto the 1 in 100 year + 30% climate change level is catered for by three ponds on site.

Due to level issues associated with incorporating surface water attenuation, the northern portion of the site will not drain by gravity to Padgate Brook. To avoid the use of a surface water pumping station, United Utilities have agreed to allow a maximum of 18 litres/second into the 1200mm combined sewer crossing the site, with the remaining 72 litres/second discharging to a manhole in Bruche Avenue.

**Highways**

Proposed Access Arrangements

The site is currently served by two vehicular access points, with primary access being via an extension of Greenway, and a secondary access currently being via a priority junction with Bruche Avenue. An unused pedestrian access to the site also exists from Lambs Lane / Southdale Road.

The proposal seeks to retain access from Greenway and Bruche Avenue, with a scheme of highway improvements being proposed at the junction of Greenway and Manchester Road, and a new vehicular access being created
onto Bruche Avenue in the form of a mini roundabout junction with Bruche Avenue and Treetops Close.

**Expected Traffic Impact**
Assessment of the traffic impact at the outline stage was based on a detailed Transport Assessment which examined the likely impact of proposed development traffic on local network junctions. This was a robust Transport Assessment based on provision of 300 dwellings on the site and predicted the following individual junction activity:

- A57 Manchester Road / A50 King Edward Street / A50 Kingsway North junction predicted to operate within acceptable capacity limits in 2015 (opening year) and 2025 (future year);
- A57 Manchester Road / Bruche Avenue junction approaching its capacity limits with development in 2015 and 2025;
- A57 Manchester Road / Greenway junction predicted to operate with significant reserve capacity in both opening year 2015 and future year 2025;
- Bruche Avenue / Padgate Lane junction predicted to operate with significant reserve capacity in both opening year 2015 and future year 2025.

In view of the above, it was therefore concluded that in traffic generation terms, the proposed development can be accommodated on the local highway network, without significant detrimental effect, notwithstanding that the junction of the A57 Manchester Road and Bruche Avenue is expected to be approaching its capacity limits (particularly in the AM peak hour period).

**Existing Junction of Manchester Road and Greenway**
At the outline the Council’s Highways Department noted the following:

- The proposed change of use to residential use would be likely to result in an increase in pedestrian crossing activity at the junction of the A57 Manchester Road and Greenway. Pedestrian crossing facilities by the junction of Manchester Road and Greenway are substandard, with a pedestrian refuge of circa 1m width currently being available.

- The proposed change of use to residential use would be likely to lead to an increase in right turns into and out of Greenway. At present there is no right turn pocket on Manchester Road to safely facilitate an increase in such manoeuvres.

As a result of the above highways issues, condition 3 of outline planning approval requires that a scheme for the improvement of the Manchester Road / Greenway junction (to provide enhanced pedestrian crossing and right turn facilities) is to be submitted to and agreed with the Local Planning Authority, and implemented as agreed, prior to occupation of the development. This is included as part of the current submission (drawing number A082155 – P001 – included at Appendix 1).
Manchester Road Highway Improvement Scheme

The highway improvement scheme proposes to reduce the available carriageway width of Manchester Road from two lanes in each direction to one. The scheme would create a widened hatched central area within the carriageway, and relocate an existing bus bay / stop on the westbound carriageway of Manchester Road so that a right turn lane into Greenway for vehicles and improved pedestrian crossing refuges can be provided.

The proposed scheme would, in essence, simply extend the current single carriageway section of the A57 Manchester Road 250m eastwards from its existing termination at Bruche Avenue to Larkfield Avenue. This can be expected to result in the following highway safety benefits:

- The existing substandard 1m width pedestrian refuge areas on Manchester Road will be increased significantly to 3.5m. This will then allow pedestrians and cyclists sufficient space to wait in the central area of the carriageway whilst crossing Manchester Road. At present an average 1.8m length bicycle cannot be accommodated within the existing refuges without encroaching into live traffic. The accepted minimum design standard for pedestrian refuges is 2m width.

- The central carriageway area will provide a dedicated right turn lane into Greenway (measuring 3.5m width by 35m length). This will be sufficient to accommodate 5 to 6 vehicles, ensuring that right turners into Greenway do not block the westbound flow of traffic on Manchester Road.

- The reduction in available lanes from two to one in each direction will aid vehicle movements into and out of Greenway, with drivers exiting Greenway only having to assess potential gaps in traffic across two rather than four lanes.

In view of the above, the proposed scheme (drawing number A082155 – P001) will significantly aid pedestrian access to / from public transport and the proposed development and wider local area, whilst also assisting right turning vehicle movements into and out of Greenway from the A57 Manchester Road.

Consultations with the Council’s Urban Traffic Management and Control section have confirmed that the proposed scheme is not expected to have a negative impact on the link (traffic) capacity of Manchester Road in this location. This is presently determined by the extensive single carriageway length of the A57 Manchester Road to the west of the scheme, between Bruche Avenue and the town centre.

It should also be noted that provision of a signalised junction arrangement at this location has also been investigated by WBC Highways and the applicant. Whilst this would offer the opportunity to create controlled pedestrian crossings of Manchester Road and Greenway, it would introduce significant delays to traffic movements along the A57 Manchester Road, and would not be practical to implement due to the presence of a number of private drives.
that currently take access from within the area which would be required to accommodate the signal junction.

**Bruche Avenue Mini Roundabout**
It is proposed to create a new four arm mini roundabout on Bruche Avenue (forming a new junction with Treetops Close) in order to facilitate a revised vehicular access arrangement into the western periphery of the site (drawing number A082155-P002).

The existing narrow access into the site from Bruche Avenue (which is only sufficient to accommodate single file traffic flows) is proposed to remain, as this also provides access to a residential property on Bruche Avenue.

**Stage 1 Road Safety Audit**
In order to formally assess the road safety implications of the highway improvements proposed on Manchester Road and Bruche Avenue, a Stage 1 Road Safety Audit has been undertaken by the Council’s Road Safety Audit team.

In relation to the Manchester Road scheme, the Safety Audit has made recommendations relating to the need for drop crossings, tactile paving and kerbing which will need to be addressed at the detailed design (S.278) stage;

In respect of Bruche Avenue improvements, the Safety Audit has also made recommendations in respect of visibility, carriageway width and the need for upgraded street lighting, kerbing and carriageway resurfacing on all junction approaches.

The recommendations of the Council’s Road Safety Audit team have been generally accepted by the applicant within their designers response.

Additionally, in respect of the general carriageway condition of Bruche Avenue, it can also be noted that consultations with the Council’s Highways Maintenance team have confirmed that Bruche Avenue is due to be resurfaced in the financial year 2014 - 2015.

**Site Layout**

The proposed site plan (drawing ref M2279.01) provides a 5.5m width carriageway throughout the site with 2m width footways on either side. This level of provision is acceptable and accords with the Council’s design standards.

In terms of provision of adequate visibility levels at internal highway junctions and forward visibility splays along the length of internal highways, it is noted that generally these are provided to acceptable levels. However some minor amendments to the proposed site layout will be required in order to ensure visibility splays of 2.4m x 25m at internal site junctions, and forward visibility splays of 25m across all internal highways, as advised in the guidance
document, Manual for Streets. A condition is thus recommended requiring the demonstration, provision and retention of the above visibility splays.

It is proposed to create a physical barrier on the internal estate road which would prohibit access between Bruche Avenue and the majority of the site. The reasoning behind this is unclear, and it is considered more beneficial to remove this barrier to allow vehicular movements between the majority of the site and Bruche Avenue, increasing permeability for vehicles across the site and the wider network.

Proposed Servicing Arrangements
The submitted Transport Statement (drawings A082155-T001 to T011) demonstrate that a large 4 axle refuse vehicle can adequately turn on site at the proposed turning heads within the development. The proposed servicing arrangements are therefore acceptable.

Proposed Parking Provision
The application seeks to provide 443 parking spaces, plus 129 detached garage spaces and 54 integral garage spaces. This level of provision equates to an average provision of 2.84 spaces per dwelling, and is considered to be acceptable.

In addition as the majority of internal highways are proposed at 5.5m width, this will also allow a level of on street parking to be accommodated throughout the development, without hindering the free flow of traffic.

Pedestrian Connection to Lambs Lane / Southdale Road
The application does not include details of the existing Public Right of Way (number 6 Poulton with Fearnhead), which links the site to Lambs Lane / Southdale Road. At present this access is gated and the footpath is in a poor state of repair. A condition is recommended requiring the reconstruction of the Public Right of Way to ensure satisfactory pedestrian access.

At the time of writing this report a detailed public open space maintenance and management plan has not been submitted as part of the reserved matters application. It is considered appropriate to include a new pre-commencement condition that addresses future maintenance relating to both open space and non adoptable communal car parking / highway areas.

Trees
The proposed landscape structure plan (ref. dwg no.M2279.01) retains as far as practicably possible the majority of the larger tree stock with only minor loss of larger specimens of quality or interest within the site.

The current condition of the site is such that several locations of established tree stock would require minor thinning works to allow the remainder to reach their full potential and as such there is no objection to indicated removal works. The amount of replacement planting in mitigation is more than sufficient to retain adequate tree stock within this part of Bruche.
Environmental Impact
The outline planning permission addressed the environmental impact of the development in terms of noise, air quality, land quality and biodiversity, and was granted subject to several conditions which inter alia included:

- Approval of Demolition Methodology Statement
- Noise attenuation for certain properties
- Land contamination investigation and remediation
- Incorporation of features for use by roosting bats
- Repeat bat survey if development not commenced within one year
- Construction to Code for Sustainable Homes Level 3 minimum and Lifetime Home standard

Other conditions attached to the outline consent have been addressed as part of the current application:

- Submission of reserved matters (access, appearance, landscaping, layout and scale)
- Scheme for the improvement of the Manchester Road / Greenway junction
- Details of the proposed roundabout access onto Bruche Avenue
- Incorporation of energy demand minimisation measures
- Trees/shrubs/hedgerow protection
- Finished floor level details
- Surface water run-off management
- Overland surface water flow control
- Public Open Space Maintenance and Management Strategy
- Height limitation of 9 metres to ridge

Recommendation

Approve Subject to Conditions

Conditions

1. Notwithstanding condition No. 13 of outline planning permission No. 2011/19313 no development shall take place until a public open space maintenance and management strategy (to include any areas of communal parking / highway not to be adopted by the Council) has been submitted to the Local Planning Authority for approval. The approved strategy shall thereafter be fully implemented.

2. The development hereby approved shall be carried out in accordance with details/plans listed in the Plan Schedule dated 27th September 2013 as amended unless further revisions are otherwise agreed in writing with the Local Planning Authority.

3. Prior to the construction of each dwelling, details / samples of the materials to be used in the construction of its external surfaces shall be submitted to and approved in writing by the Local Planning Authority.
Development shall only be carried out in accordance with the approved details.

4. Surface water discharge flows from the site shall not exceed 90 l/s (including surface water flow to the public combined sewer within the northern area of the site upto 18 l/s, and the public surface water sewer located within Bruche Avenue at upto 72 l/s) in accordance with Drainage Appraisal Drawing No 03084/01/1 Rev A and 03084/01/2 Rev A.

5. The energy reduction measures consisting of highly insulated building fabric, efficient heating systems and low energy lighting, shall be implemented within the construction of the houses in accordance with the Sustainability Statement (Energist UK, dated September 2013) and the stipulated specification standard set out therein (page 5).

6. Prior to the residential occupation of each dwelling, parking provision shall be made available in accordance with the approved drawings and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

7. Prior to the commencement of development, full construction details of the proposed internal site access roads shall be submitted to and agreed in writing with the Local Planning Authority. The roads shall subsequently be fully constructed in accordance with the approved details prior to final residential occupation.

8. Prior to the commencement of residential occupation, the highway improvement scheme on Manchester Road (drawing number A082155-P001) and on Bruche Avenue (drawing number A082155-P002), or any revised approved scheme, shall be implemented in full to the written satisfaction of the Local Planning Authority.

9. Prior to the commencement of development, a scheme for the full reconstruction of Public Right of Way Number 6 (Poulton with Fearnhead) shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of boundary treatment and lighting. Such scheme as is agreed shall be implemented in full prior to final residential occupation.

10. Prior to the commencement of development, a plan detailing provision of visibility splays of 2.4m x 25m at all internal highway junctions and forward visibility splays of 25m across the internal highway network shall be submitted to and approved in writing with the Local Planning Authority. Such visibility splays as are agreed shall be provided in accordance with the agreed details, with nothing being erected or allowed to grow above a height of 0.6m within the splays thereafter, unless otherwise agreed in writing by the Local Planning Authority.

11. Prior to the commencement of development, a scheme for protecting from construction damage all trees/shrubs/ hedgerows shown to be retained on the approved plans shall be implemented and thereafter retained during the period of construction.
Reasons

1. In the interests of highway safety and amenity and to accord with Policies LUT2, DCS1 and HOU4 of the Warrington UDP and Policies QE7 and QE3 of the Local Plan Core Strategy.

2. To ensure a satisfactory development and to avoid any ambiguity as to what constitutes this permission.

3. In the interests of visual amenity and the living conditions of future residential property occupiers. This is in accordance with the following policies of the Warrington UDP: Policy DCS1 Development Control Strategy; Policy HOU3 Housing Development – Development Control; and the following policies of the Local Plan Core Strategy: Policy QE6 Environment and Amenity Protection and Policy QE7 Ensuring a High Quality Place.

4. To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site. This is in accordance with the following policies of the Warrington UDP: Policy REP4 Flood Protection; Policy REP5 Surface Water Management; and the following policies of the Local Plan Core Strategy: Policy QE6 Environment and Amenity Protection and Policy QE7 Ensuring a High Quality Place; Policy QE4 Flood Risk.

5. To ensure the adoption of suitable energy minimisation, conservation and low carbon energy measures. This is in accordance with the following policies of the Warrington UDP: Policy REP1 The Prudent Use of Resources; and the following policy of the Local Plan Core Strategy: Policy QE1 Decentralised Energy Networks and Low Carbon Development.

6. In the interests of highway safety. This is in accordance with the following policies of the Warrington UDP: Policy DCS1 Development Control Strategy; Policy HOU3 Housing Development – Development Control; Policy LUT20 Parking; and the following policies of the Local Plan Core Strategy: Policy QE6 Environment and Amenity Protection and Policy QE7 Ensuring a High Quality Place.

7. In the interests of highway safety. This is in accordance with the following policies of the Warrington UDP: Policy DCS1 Development Control Strategy; Policy HOU3 Housing Development – Development Control; Policy LUT20 Parking; and the following policies of the Local Plan Core Strategy: Policy QE6 Environment and Amenity Protection and Policy QE7 Ensuring a High Quality Place.

8. In the interests of highway safety. This is in accordance with the following policies of the Warrington UDP: Policy DCS1 Development Control Strategy; Policy HOU3 Housing Development – Development Control; Policy LUT20 Parking; and the following policies of the Local Plan Core Strategy: Policy QE6 Environment and Amenity Protection and Policy QE7 Ensuring a High Quality Place.

9. In the interests of highway safety. This is in accordance with the following policies of the Warrington UDP: Policy DCS1 Development Control Strategy; Policy HOU3 Housing Development – Development Control; Policy LUT20 Parking; and the following policies of the Local Plan Core Strategy: Policy QE6 Environment and Amenity Protection and Policy QE7 Ensuring a High Quality Place.
Plan Core Strategy: Policy QE6 Environment and Amenity Protection and Policy QE7 Ensuring a High Quality Place.

10. In the interests of highway safety. This is in accordance with the following policies of the Warrington UDP: Policy DCS1 Development Control Strategy; Policy HOU3 Housing Development – Development Control; Policy LUT20 Parking; and the following policies of the Local Plan Core Strategy: Policy QE6 Environment and Amenity Protection and Policy QE7 Ensuring a High Quality Place.

11. To ensure the retention of features which are important to the character and amenity of the surrounding area. This is in accordance with the following policies of the Warrington UDP: Policy DCS1 Development Control Strategy; Policy HOU3 Housing Development – Development Control; Policy GRN22 Protection of Landscape features; and the following policies of the Local Plan Core Strategy: Policy QE6 Environment and Amenity Protection and Policy QE7 Ensuring a High Quality Place.

**Informatives**

1. Where any species listed under Schedules 2 or 4 of the Conservation (Natural Habitats & c.) Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by Natural England in accordance with the aforementioned Regulations. Planning permission for development does not provide a defence against prosecution under the Directive. Should development not receive planning permission the applicant is reminded that the property is still a confirmed bat roost and that any works/modifications must still comply with the Habitats Directive.

2. With regard to the approved landscape scheme, it may be prudent to substitute or reduce the number of beech within the open space with small leaved lime (Tilia cordata). Beech can tend to be rather prone to wind throw or large limb loss in severe weather such as wind or drought whereas lime seems to withstand the many fluctuations in weather conditions better. Similarly, it may be worth considering the substitution of Prunus avium “plena” between plots 62-72 with Prunus padus “albertii”. Avium can be prone to surface roots in later years and it may lead to their premature removal just as they make an impact. Their retention on the designated open areas should not prove problematical. Some consideration should be given to substituting Sorbus aria “lutescens” with Sorbus intermedia between plots 154-157 for no other reason than that the crown on aria is particularly dense and intended residents may find the density of the crown impedes both view and light when seen from the plots.

3. In order to construct the proposed highway improvements on Bruche Avenue and Manchester Road, the applicant will need to enter into a S.278 agreement with the Council. To action, the applicant should
contact John Drake of the Council’s Public Realm (Highways) team on 01925 442668.

4. In order to construct the internal site access roads to a standard capable of future adoption by the Council, the applicant will need to enter into a S.38 agreement with the Council. To action, the applicant should contact Chris Bluck, the Council’s Highways Adoption Engineer on 01925 442688.

5. The Local Planning Authority has worked positively and proactively with the applicant to ensure that the proposal is an appropriate form of development with significant economic and regenerative benefits, and without any significant impact upon the road network, residential amenity, trees, flood risk or the environment from land quality issues. The proposal was the subject of pre-application discussion and as a result of on ongoing negotiation during determination the proposal accords with the development plan. The Local Planning Authority has therefore implemented the requirements in paragraphs 186-187 of the National Planning Policy Framework.

6. Works audible at the site boundary should 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.

7. If your proposal involves activities that could affect the operations/installations of the Statutory Undertakers you are advised to consult the relevant party BEFORE commencing work. The Local Planning Authority disclaims all responsibility in the event of any accident, mishap or damage should you fail to act on this advice.

8. This is a reserved matter consent. Unless otherwise discharged the conditions attached to the outline planning permission ref. 2011/19313 remain in force.
Footpath to Southdale Road to be Opened Up

Trees & Hedging Along Western Boundary Adjacent Southdale Road

South West Corner – Hedging to be Maintained

Southern Boundary Adjacent Westbridge Mews

Car Park South Eastern Corner Adjacent Birch Grove

Car Park Central / Western Area
TITLE OF REPORT: Appeal decisions for period between 9th November and 25th November.

1. PURPOSE OF THE REPORT

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

- 19 St Annes Avenue, Grappenhall – appeal allowed.
- Domino’s Pizza, 525 Liverpool Road, Great Sankey – appeal allowed.
- 17 Cawthorne Avenue, Grappenhall – appeal dismissed.

2. REPORT BODY

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

Allowed Appeals

2.2 Although the appeal at 19 St Annes Avenue was technically allowed the basis of this was decision was to update and re-word the condition attached to the original decision to allow compliance within 6 months of the date of the decision. Therefore in reality the Council has successfully defended its decision.

The appeal was made to challenge condition 1 on the Council’s decision notice which required a second car parking to be provided before first occupation. The appellants argued that the extra space was not required in light of personal circumstances (owning and using a single vehicle) and other properties only providing one off street space. However, the Inspector agreed with Officers in applying a condition requiring two off-street parking spaces in light of the dwellings position on a bend and additional on-street parking caused by the extension would increase the risk of accidents occurring.

2.3 The appeal at Domino’s Pizza on Liverpool Road sought a variation to conditions 4 and 5 attached to planning application ref: 2008/12948. Condition 4 relates to opening hours. Condition 5 relates to delivery times.
Although the appeal has technically been allowed, this is only insofar as an amended condition 5 which was absent in a finishing time for deliveries on Mondays to Fridays. The revised condition 5 tightens up this in limiting delivery times to 8am to 6pm, which will ensure the Council is able to enforce this condition should a need arise.

The Inspector accepted the Councils submissions in respect of extra noise/disturbance arising from increased custom from the public house or from people arriving on foot or by car to the site, causing loud voices or shouting, slamming of car doors and engine noise at a more sensitive time. They therefore dismissed the remaining aspects of the appeal. Usefully the Inspector distinguished that the planning and licensing regimes operate independently from each other. They concluded that despite the existence of a premises licence and other controls, the acceptability of the proposal falls on the planning merits.

The opening hours remain as 10am to 11pm throughout the week.

Dismissed Appeals

2.4 The Inspector dismissed the appeal at 17 Cawthorne Avenue for a two storey front extension. In their assessment, the Inspector considered the height, width and depth of the extension would make the front bay appear cramped and hemmed in, the extension would be prominent in the street-scene and it would unbalance the pair of dwellings to which it would be attached. This led them to conclude that the proposed extension would have a harmful effect upon the character and appearance of both the street-scene and the house itself. It would therefore be in conflict with Warrington Unitary Development Plan, 2006, Policies DCS1, DCS9 and HOU8 which collectively seek to ensure that development should provide a sympathetic relationship between old and new fabric; preserves the character and appearance of the street-scene and area; and respects the character of the original dwelling.

3. CONFIDENTIAL OR EXEMPT
3.1 Not confidential or exempt.

4. FINANCIAL CONSIDERATIONS
4.1 None.

5. RISK ASSESSMENT
5.1 No risks identified.

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

7. CONSULTATION
7.1 No required.
8. **REASON FOR RECOMMENDATION**
8.1 To inform Members of the results of appeals.

9. **RECOMMENDATION**
9.1 That members note the appeal decisions.

10. **BACKGROUND PAPERS**
10.1 None

**Contacts for Background Papers:**

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

Site visit made on 4 November 2013

by S Watson BA (Hons) MCD MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 November 2013

Appeal Ref: APP/M0655/D/13/2205611
17 Cawthorne Avenue, Grappenhall, Warrington, Cheshire, WA4 2LP

1. The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
2. The appeal is made by Mr Alan Austin against the decision of Warrington Borough Council.
3. The application Ref 2013/21997 was refused by notice dated 13 August 2013.
4. The development proposed is a porch at front, also extension to existing bathroom.

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed extension upon the character and appearance of both the street-scene and the house itself.

Preliminary

3. Work has already commenced on site and at my visit I saw that the ground floor part of the extension had already been substantially completed. Both the Council and the appellant agree that this part of the structure would constitute permitted development as it comprises a porch. Nevertheless, whether or not planning permission is required is not a matter for me to determine in the context of an appeal made under S78 of the above Act and my decision relates to the full 2-storey structure that is proposed.

Reasons

4. The 2-storey extension would project some 1.4m from the front elevation of the house. It would be extremely close to the existing bay and would project significantly beyond it. Whilst I acknowledge that there are a variety of single storey front extensions/porches in the vicinity there are no other similar 2-storey front extensions nearby in the street. In my assessment, the height, width and depth of the extension would make the front bay appear cramped and hemmed in, the extension would be prominent in the street-scene and it would unbalance the pair of dwellings to which it would be attached.

5. I note that the Council’s Supplementary Planning Guidance, Front Extensions / Porches (SPG) says that any extension to the front should have a minimum projection. However, for the reasons above, I consider that even the proposed 1.4m projection would be incongruous with the appearance of the building and street-scene.
6. In addition, the SPG indicates that extensions that would be forward of an established pattern or clear building line would be more likely to be considered to adversely affect the street scene. The building line is fairly well defined along the road which would exacerbate the effect of the extension.

7. I appreciate that the appellant has taken care to design the proposed extension with a roof substantially lower than the main ridge; that the roof would tie into the existing hip; and that the materials would harmonize with the existing. However these features would not overcome the harm that I have found.

8. The appellant has provided information about other 2-storey front extensions nearby. However, these are all on different streets and on houses of different designs to the appeal site. Therefore, they are not directly comparable to the current proposal.

9. I conclude that the proposed extension would have a harmful effect upon the character and appearance of both the street-scene and the house itself. It would therefore be in conflict with Warrington Unitary Development Plan, 2006, Policies DCS1, DCS9 and HOU8 which collectively seek to ensure that development should provide a sympathetic relationship between old and new fabric; preserves the character and appearance of the street-scene and area; and respects the character of the original dwelling.

10. I have considered all other matters raised but none outweigh the conclusions I have reached and the appeal is therefore dismissed.

Siobhan Watson

INSPECTOR
Appeal Decision

Site visit made on 28 October 2013

by Matthew Birkinshaw  BA(Hons) MSc MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government
Decision date: 13 November 2013

Appeal Ref: APP/M0655/A/13/2202678
19 St Annes Avenue, Grappenhall, Warrington, Cheshire, WA4 2PL

• The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
• The appeal is made by Mrs A Pridden against the decision of Warrington Borough Council.
• The application Ref 2013/21951, dated 5 June 2013, was approved on 17 July 2013 and planning permission was granted subject to condition.
• The development permitted is described as the 'retention of single storey side and rear extension'.
• The condition in dispute is No 1 which states that: "Prior to the first occupation of the extension a plan demonstrating the provision of 2 off road car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Such scheme as agreed shall be implemented on site prior to the first occupation of the extension".
• The reason given for the condition is: "To ensure that off-street car parking is maintained for the safe, efficient and convenient movement of all highway users and to comply with Policy QE6 of the Warrington Core Strategy, policies DCS1 and LUT20 of the Warrington Unitary Development Plan and Warrington SPD: House Extension Guidelines (2009)."

Decision

1. The appeal is allowed and the planning permission Ref 2013/21951 for a single storey side and rear extension at 19 St Annes Avenue, Grappenhall, Warrington, Cheshire, WA4 2PL granted on 17 July 2013 by Warrington Borough Council, is varied by deleting condition No.1 and substituting it for the following condition:
   1) Within 6 months of the date of this decision, 2 off-street car parking spaces shall have been provided on the site in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority and shall be retained at all times thereafter.

Procedural Matter

2. The original condition imposed on planning permission Ref 2013/21951 required the provision of 2 off-street car parking spaces prior to the first occupation of the extension. The application was submitted retrospectively and the appellant confirms that the extension has already been occupied. However, it is unclear whether or not it was occupied at the time planning permission was granted. As a result, the enforceability of the condition as currently worded is also uncertain.
3. As set out below, I consider that it is necessary for 2 off-street car parking spaces to be provided. Therefore, and in light of the uncertainty regarding occupation of the extension, I have allowed the appeal, but only insofar as it allows the condition to be amended, referring to the revised wording in my formal decision.

**Background and Main Issue**

4. The appeal relates to a single storey extension which wraps around the side and rear of the host property, which is a traditional semi-detached house located in a suburban area. The extension has occupied part of the driveway, leaving only enough room to park one vehicle. However, the appellant asserts that this is sufficient because she lives alone and only owns one car, that providing more hardstanding would create additional financial expense, that other properties in the area have not followed the same requirements, and that the extension is only marginally larger than one which could be erected under permitted development.

5. Taking this into account, and also the Council’s reason for the condition, the main issue is therefore:
   - Whether or not the condition is reasonable and necessary in the interests of highway safety.

**Reasons**

6. The appeal property is situated towards the southern end of St Annes Avenue where the road bends sharply to join Euclid Avenue to the east. Because of this sharp bend in the road, the visibility of vehicles approaching from both directions is limited.

7. Although there are no restrictions outside the appeal property at present, by reducing the amount of available off-street parking space the extension has resulted in the need for either additional occupants or visitors to park on St Annes Avenue. In such close proximity to the bend in the road, this is likely to cause conflict between converging vehicles and increase the risk of accidents occurring. As a result, I agree with the Council’s Highway’s Engineer that additional vehicles parked on the highway in this location would be detrimental to highway safety.

8. I appreciate that the appellant currently lives alone and only has one vehicle, and that extra off-street parking space could be provided should the property be sold in the future. However, the appellant’s circumstances could change, and the number of occupants and/or level of car ownership could increase. As a consequence, the appellant’s current situation and existing level of car ownership does not justify removing the condition, or provide exceptional circumstances which outweigh the harm to highway safety.

9. Comments regarding the loss of the landscaped garden at the front of the property and the environmental and aesthetic benefits that it brings about are also noted, as are concerns regarding the additional financial expense of extra hardstanding. However, no further details have been provided which demonstrate that all of the garden would need to be lost, or that the expense of creating an extra car parking space would be insurmountable. Based on the information before me, I am therefore not persuaded that these factors provide
a robust justification for removing the condition given the risk to highway safety that additional on-street parking is likely to cause.

10. The presence of other extensions in the surrounding area and their level of parking provision are also noted. However, I have not been provided with any information about the circumstances which led to them being there. Consequently, I have not given this any significant weight in reaching my decision. Similarly, I appreciate that a smaller extension would not require planning permission and thus not require any changes to parking provision, and that another Planning Officer was sympathetic to the appellant’s circumstances. However, I am obliged to consider the proposal on its specific merits, having due regard to the development plan and other relevant policy. As a result, the comments of another Planning Officer, or the ability to erect a different extension do not justify allowing the proposal before me given the harm that I have identified.

11. I therefore conclude that by reason of the proximity to the bend in St Annes Avenue, additional on-street car parking outside the appeal property would increase the risk of accidents occurring. As a result, the interests of highway safety necessitate a condition requiring the provision of sufficient space for 2 vehicles to park safely off the street. Of the policies referred to by the Council I consider Warrington Unitary Development Plan Policy DCS1 to be most relevant. In this regard, without providing sufficient off-street car parking space, the extension conflicts with one of its requirements that development proposals should integrate sufficiently with the highway network.

**Conclusion**

12. For the reasons given above, and having had regard to all other matters raised, the proposed removal of the condition would be unacceptable.

13. However, as the extension is already in place and occupied, a revised condition is required to ensure the provision of the necessary off-street car parking space within a reasonable timescale and its retention thereafter. In order to facilitate this change, the appeal is therefore allowed, but only insofar as it allows for the revised condition referred to in my formal decision.

**Matthew Birkinshaw**

INSPECTOR
Appeal Decision

Site visit made on 8 October 2013

by Farooq Rafiq BSc (Hons), MCD, MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 November 2013

Appeal Ref: APP/M0655/A/13/2201471

Domino's Pizza, 525 Liverpool Road, Great Sankey, Warrington, WA5 3LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Dominos Pizza against the decision of Warrington Borough Council.
- The application Ref 2013/21263 dated 2 February 2013 was refused by notice dated 7 May 2013.
- The application sought planning permission for a change of use to A5, erection of new shop front and ventilation ducting without complying with conditions attached to planning permission Ref 2008/12948 dated 2 July 2008.
- The conditions in dispute are Nos 4 and 5 which state that: 'No customer shall be admitted to, or allowed to remain on the premises outside the hours of 10.00 and 23.00 on Sundays to Thursdays, Public or Bank Holidays and 10.00 to 23.00 on Fridays and Saturdays' and 'No deliveries to, or collections from the development hereby approved shall take place outside the hours of 08.00 (Monday to Friday), 09.00 and 16.00 (Saturdays) and not at all on Sundays, Bank Holidays and public holidays'.
- The reasons given for the conditions are: 'In the interest of the amenity of nearby residences and to accord with policies DCS1, REP10 and HOU7 of the Unitary Development Plan' and 'In order to protect the amenity of adjoining residents in accordance with Policy DCS1 of Warrington Borough Councils' Unitary Development Plan'.

Decision

1. The appeal is allowed in part and planning permission is granted for a change of use to A5, erection of new shop front and ventilation ducting at Domino's Pizza, 525 Liverpool Road, Great Sankey, Warrington, WA5 3LX in accordance with the application Ref 2013/21263 dated 2 February 2013 without compliance with condition number 5 previously imposed on planning permission Ref 2008/12948 dated 2 July 2008 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:

    1) Deliveries to, or waste collections from the development hereby approved shall not take place outside the hours of 08.00-18.00 Mondays to Fridays, 09.00-16.00 on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

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Procedural Matters

2. The appellant is seeking to vary condition 4 to permit later closing until midnight Mondays to Thursdays and 01.00 on Fridays and Saturdays and to clarify the wording of condition 5 relating to the timing for deliveries to, and collections from the unit.

3. As I explain in the reasoning below, I only allow the appeal as far as it is necessary to clarify the wording of condition 5 relating to deliveries to and collections from the site. I am dismissing the appeal on the substantive matter relating to an extension in the opening hours of the business (condition 4) but given the changes to condition 5, the effect is to allow the appeal.

4. I have given consideration to the noise assessment report submitted by the appellant company with their 6 week statement but as the appeal is being dismissed, it was not necessary to consider seeking the views of third parties.

Main Issue

5. The main issue is whether the conditions in dispute are reasonable and necessary to protect the living conditions of nearby residents, with particular regard to noise and disturbance.

Reasons

6. The appeal site is a single storey corner unit located in a short parade containing two other food outlets. A large public house is located immediately to the east beyond which can be found a number of retail and commercial units fronting Lingley Road. The site is set back from Liverpool Road, a busy A road with a small forecourt providing parking facilities. At the rear is a large car park which is accessed from Lingley Road and a short access road alongside the appeal site. The surrounding area contains mainly residential properties with the nearest being located on Paul Close and Lingley Court.

7. The appellant company has sought to vary condition 4 to allow the premises to open between the hours of 10.00 to 24.00 on Mondays to Thursdays, 10.00 to 01.00 on Fridays and Saturdays and 10.00 to 23.00 on Sundays. It also seeks to clarify condition 5 which is said to be ambiguous because of typing errors and the omission of words. The variation would result in deliveries and collection of waste to take place between 08.00 to 18.00 Mondays to Fridays, 09.00 to 16.00 on Saturdays and not at all on Sundays, Bank Holidays and Public Holidays.

Condition 4

8. The appellant company states that a premises licence has been granted in March 2013 for the hours proposed by the appeal application and the Council has taken into account the potential impact of any noise and disturbance. It also states that conditions have been applied to the premises licence in relation to noise, and the Council as Licensing Authority have ongoing control over the activities at the site and the hours of the operation.

9. I acknowledge that there are areas of overlap between licensing and planning. The main area of overlap relates to the licensing objective of preventing public nuisance and the planning system’s purpose of protecting living conditions of residential occupiers.
10. Nevertheless, the two systems are distinct and decisions in one do not bind the decisions in the other. Whilst the granting of a premises licence is a material planning consideration and the appellant company states that the potential impact of any additional noise and disturbance was taken into account, I have not been made aware of the analysis the Council made in granting the licence. Nor have I been made aware if objections were received against the granting of a licence despite the lack of opposition from the Environmental Health Officer. Where there are no objections to a premises licence, the Council as licensing authority must accept what is proposed. Whilst no nuisance currently exists on the basis of the current hours of operation, it does not necessarily follow that the proposed usage will also not generate harm as this involves extended hours of operation into the early hours of the morning. I note that the licensing regime unlike the planning system does not consider potential harm and in this respect can only be re-active.

11. I appreciate that the Council as licensing authority can control activities at the site and even revoke the licence. It is also noted that the granting of planning permission does not override the exercise of other controls such as Part III of the Environmental Protection Act. However, the Council as planning authority point out, these powers are only used in cases of serious impacts. Details of the conditions applied to the premises licence have also been supplied but these are limited to activities within the site or in the direct control of staff members whereas planning takes a broader view and considers the wider environment. Furthermore, there is nothing before me to ensure that such restrictions would continue to apply and unlike the premises licence which is occupant specific, planning permission runs with the land. I have been referred to Circular 11/95 (The Use of Conditions in Planning Permission) which states that in general, conditions which duplicate the effect of other legislation should not be imposed. However, the effect of noise and disturbance on living conditions is a material planning consideration and as such the imposition of a condition is reasonable and necessary.

12. Despite the existence of a premises licence and other controls, the acceptability of the proposal falls on the planning merits. The appeal site is located on a busy road alongside other commercial premises and whilst background noise levels were high during my midday site visit, I do not share the appellant company's view that the high levels of activity continue into the night. The main road will contain less traffic during the extended hours being sought and the nearby food outlets are not trading after 2300. The noise climate is therefore likely to be much quieter.

13. A noise assessment report has been submitted with the appeal. This confirms that mechanical noise and other internal operations are not likely to impact adversely on nearby residents living conditions, a matter not disputed by the Council. However the noise assessment report cannot empirically deal with customers calling at the premises including their vehicle movements and may explain the lack of a survey based technical assessment by the Council's Environmental Health Officer. Although the noise assessment report by the appellant company assumes that additional pedestrian activity and vehicle movements would be small at the proposed hours and the effect of noise will be minimal in comparison to the existing noise climate, this cannot be substantiated. Further concerns have been raised about the noise assessment
report in that its survey was not conducted on Saturday which is widely held to be the busiest day of the week for such food outlets and the limited observation of delivery vehicle movements. Although some information has been provided on the frequency of deliveries to customers from the site, the number of trips to and from the premises could be higher were the extended hours to be permitted. I give limited weight to customer and driver movements from Dominos in Leicester and Sandhurst as I have no information about the comparability of those sites with the appeal site.

14. Whilst I accept that there will be a demand for food at differing times including for example those working shifts, it seems likely to me that the proposed opening hours would see an increase in custom from the nearby public house. Some of these people might be inebriated, and any loud voices or shouting around the appeal site would be a source of disturbance. Those arriving by car would be likely to park in the car park to the rear given the limited parking at the front. As such, noise from their engines and the slamming of doors would add to those from delivery vehicles and cause unacceptable disturbance to residents. Despite the use of notices requiring customers to minimise noise, the behaviour of customer is beyond the control of the business's management.

15. The appellant company has referred to a trial period in which a proper assessment of the proposed hours of operation can be assessed. Given the harm that would be caused to the living conditions of surrounding residents, I am not persuaded that a temporary permission would be an appropriate solution in this case.

16. On balance of the evidence before me, I consider the proposed extended hours of operation would be likely to increase activity around the appeal site which would fail to protect the living conditions of nearby residents with regards to noise and disturbance. The proposal therefore conflicts with policies DCS1, HOU7 and REP10 of the Warrington Unitary Development Plan (UDP) and policy QE6 of the Warrington Local Plan Core Strategy (CS) which look to preserve the amenities of neighbours. It also conflicts with the National Planning Policy's Framework's (Framework) core planning principle (paragraph 17) that planning should seek to ensure a good standard of amenity for occupants of all existing and future occupants of land and buildings. The granting of a premises licence does not outweigh these planning objections.

**Condition 5**

17. The Council imposed a condition restricting deliveries and collections which is clearly not precise as it omits reference to an end time, Mondays to Fridays. Furthermore, the appellant states that this same condition is ambiguous in that although it was intended to restrict deliveries of food products and collection of waste, it could be seen to restrict deliveries to customers. It could also be construed as restricting counter sales which are seen as collections.

18. Both the appellant and the Council agree that 08.00 to 18.00 timings, Mondays to Fridays are appropriate and would preserve the living conditions of surrounding residential occupiers and I shall therefore amend the condition to reflect this. The condition will also be amended to specifically refer to waste collections although I do not consider it necessary to refer to deliveries of
products as the condition is sufficiently clear in controlling deliveries to the site and would not prevent customer collections.

19. I therefore conclude that this condition is necessary, albeit in an amended form to reflect advice within Circular 11/95 to protect the living conditions of nearby residents with regards to noise and disturbance. There is no conflict with policies DCS1, HOU7 and REP10 of the UDP and policy QE6 of the CS or the Framework.

**Other Matters**

20. My attention has been drawn to a number of other appeal decisions, as well as the operation of other outlets by the appellant company including their respective opening hours. I have not been made aware of the full circumstances of those other cases and I note representations from the Council which consider some of the sites referenced not to be comparable with the appeal site. I have in any event, determined the appeal on its own merits.

21. The appellant company’s reference to the requirement for demonstrable, significant adverse impact to be shown would appear to relate to paragraph 14 of the Framework. This however refers specifically to situations where the development plan is absent, silent or relevant polices are out-of-date and I have not been provided with any evidence to show that this is the position in this case. In any event, the lack of a highway objection and the economic benefits as well as improved customer choice are not significant enough factors to outweigh the harm to living conditions and the proposal therefore does not represent sustainable development as set out in Framework.

22. I have taken account of all other matters raised in representations including those by surrounding residents and there is nothing which would lead me to a different conclusion.

**Conclusion**

23. Although I have concluded that condition 5 should be varied given its imprecise wording and on this basis, the appeal should be allowed, it does not result in the outcome sought by the appellant company. For the reasons given above, I conclude that it is necessary to continue to impose the restrictions on opening hours as set out in condition 4 as well as the relevant non-disputed conditions.

_F Rafiq_

INSPECTOR
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<th>Location</th>
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<td>Former Bruche Police Training Centre off, Bruche Police Training Centre, Greenway, Warrington, WA1 3EG</td>
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