28 May 2014

Development Management Committee

Thursday, 5 June 2014 at 6.30pm

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

Agenda prepared by Louise Murtagh, Democratic and Member Services Officer – Telephone: (01925) 442111 Fax: (01925) 656278
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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 15 May 2014 as a correct record.

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

Report of the Executive Director Economic Regeneration, Growth and Environment

5. **Planning Applications Sub-Committee and Development Management Committee**

Report of the Executive Director Economic Regeneration, Growth and Environment

6. **Results of Planning Appeals**

Report of the Executive Director Economic Regeneration, Growth and Environment

6.1 Appeal & Costs Decision– Hollydene, Windmill Lane, Appleton. WA4 5JN

6.2 Appeal Decision– Romas General Store, 156 Thelwall Lane. WA4 1LU

6.3 Appeal & Costs Decision– Heathfield House, Delenty Drive, Birchwood. WA3 6AP

6.4 Appeal Decision– Station House, Moss Side Lane, Rixton. WA3 6HH

**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.
DM104 Apologies for Absence

Apologies for absence had been received from Councillor B Barr.

DM105 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 F Rashid</td>
<td>DM108</td>
<td>Councillor Rashid as Ward representative had attended meetings with Miller Developments.</td>
<td>Councillor Rashid left the Committee for the agenda item; he did not take part in the discussion or the vote thereon.</td>
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</tbody>
</table>

DM106 Minutes

Resolved,

That the minutes of the meeting held on 24 April 2014 were agreed as a correct record and signed by the Chair.

DM107 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.

DM108 2014/23290 – Zone 7, Omega South, Land to south ofd M62, near Junction 8, Burtonwood, Warrington, Cheshire – Outline Application (Major) – The creation of up to 196,000 sq.m (2.1 million sq. ft) of B2 manufacturing and B8 logistics floor space(split 30% B2 - 70% B8) with associated car parking, landscaping and infrastructure

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

That application 2014/23290 be approved as per the officer recommendation

DM109 2014/23333 – Land off Culcheth Hall Drive, Culcheth, Warrington, Cheshire WA3 4PX – Full Planning (Major) – Proposed construction of 11 dwellings including associated works

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

It was noted that this application had been withdrawn.

DM110 2014/23334 – Former Ship Inn and adjoining land, Chester Road, Walton, Warrington, WA4 6EN – Outline Planning (Major) – Outline application for the erection of eleven dwellings and conversion of the former Ship Inn and adjacent outbuildings to residential use (three dwellings) including landscaping, demolition of existing structures, modification access to Chester Road and associated work

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

A site visit had taken place on Friday, 9 May 2014 by the Members of committee.

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

Resolved,

That application 2014/23334 be approved as per the officer recommendation with conditions, the reason for these conditions were outlined in the update report, additionally an extra condition was attached to the application - no development shall take place until a construction management plan has been submitted to and approved by the Local Planning Authority. Construction shall be carried out in accordance with the approved construction management plan.

Reason,

The additional condition was in the interests of amenity and highway safety and to accord with Policies DCS1 and LUT2 of the Warrington UDP and Policy QE6 of the Warrington Local Plan Core Strategy.
**Agenda Item 3**

**DM111 Results of Planning and Enforcement Appeals**

Members were presented with a report of the Executive Director of Economic Regeneration, Growth and Environment that set out the result of a recent appeal 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>APP/M0655/A/14/2212077</td>
<td>23 High Warren Close, Appleton, Warrington, WA4 5SB</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
</tbody>
</table>

In addition to the above, the report set out the quarter 4 appeal performance and the annual appeal performance data.

The reported quarter figures covered the period between January and March 2014. In total 11 appeal decisions were made, 4 were dismissed (36.36%) and 7 were allowed (63.63%). This was a reverse in the performance trend of quarters 2 and 3 which saw a higher number of appeals dismissed. Of the 4 appeals dismissed each was dealt with by written representation and of the 7 appeals allowed 2 were public inquiries, 1 was by hearing and 4 were by written representations.

The table below summarised the appeal procedure for cases during year 2013/2014.

<table>
<thead>
<tr>
<th></th>
<th>Householder Appeal</th>
<th>Written Representations</th>
<th>Hearing</th>
<th>Public Inquiry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dismissed</td>
<td>11</td>
<td>16</td>
<td>0</td>
<td>1</td>
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<tr>
<td>Allowed</td>
<td>4</td>
<td>15</td>
<td>1</td>
<td>3</td>
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</table>

Resolved,

That the report be noted.

Signed…………………………

Dated ……………………………
Appeal Decision

Site visit made on 17 April 2014

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 14 May 2014

Appeal Ref: APP/M0655/A/14/2213255

Romas General Store, 156 Thelwall Lane, Warrington WA4 1LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Sellathurai Jeevarajah against the decision of Warrington Borough Council.
- The application Ref 2013/22750, dated 7 November 2013, was refused by notice dated 6 January 2014.
- The development proposed is the erection of a side extension to increase residential accommodation to first floor and storage area to ground floor, with ground floor internal changes to increase the retail area.

Decision

1. The appeal is dismissed.

Procedural matter

2. On 6 March 2014, the Parliamentary Under Secretary of State for Planning confirmed in a Written Statement that a final version of a new suite of revised and condensed planning guidance had been published on line (the planning guidance). I have assessed the proposal in the light of this planning guidance.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal property and the local area.

Reasons

4. The appeal property is a 2-storey semi-detached building with sizable single storey flat roof side and rear additions. It occupies a prominent corner plot at the junction of Thelwall Lane and Pendlebury Street and lies within a predominantly residential area. From what I saw, most buildings in the vicinity of the site are typically 2-storey semi-detached and terraced buildings many of which retain their original hipped roof forms and their principal elevations remain largely unaltered.

5. The ground floor of the main building is in use as a shop, which connects with the existing side addition that contains a storage area and toilet. The flank wall of this side extension runs parallel with and close to the edge of the footway to Pendlebury Street. The existing living accommodation is currently split...
between most of the existing rear extension and the first floor of the main building.

6. The proposal is to extend the appeal building by introducing an additional floor above an enlarged ground floor side extension, creating two levels in all. This arrangement would enable the internal layout of the building to be reconfigured to create a larger retail unit with additional storage space at ground floor level. A usable service yard would remain with the new built form in place. It would also allow the living accommodation to be provided within a larger dwelling entirely at first floor level. The two wall-mounted condenser units attached to the upper sidewall of No 156 would be relocated to the sidewall of the new first floor extension.

7. The new development has been carefully designed to reflect the appellant’s desire to expand and improve the retail, storage and living space within the appeal property. In doing so, the proposal seeks to resolve the concerns raised by an Inspector in dismissing a recent appeal in relation to a larger extension to No 156. With a significantly lower ridge height compared to the host building and a noticeable set back from the existing side elevation, the proposal would be a subservient addition in scale, height and massing. Furthermore, the external materials and fenestration would match the host building and the eaves level would be consistent across the finished building.

8. Nevertheless, the side extension would be noticeably longer than the main building, the visual effect of which would be accentuated by the relatively long and low ridgeline to Pendlebury Street. As the new roof form would contrast with the simple hipped roof of the existing building, there would also be an awkward juxtaposition of rooflines. In combination, the side extension of the finished building would appear overly large and unusually squat because it would relate poorly to the proportions and shape of the main building. This would be evident in views of the appeal property from Pendlebury Street.

9. The new sidewall would be set back from the wall below and the edge of the footway to Pendlebury Street. Nonetheless, the return frontage of the 2-storey built form would project significantly forward of the established front building line of properties along the western side of Pendlebury Street. In views from Thelwell Lane broadly in front of the site, the proposal would visually disrupt the pattern and rhythm created by the general alignment of the upper side elevation of No 156 and the front elevations of the Pendlebury Street properties beyond. Similarly, in public views from along Pendlebury Street, the proposal would create an abrupt visual end stop to the Pendlebury Street properties. While the existing side extension projects further beyond the front building line of the Pendlebury Street properties, it has a less imposing presence and is less obtrusive in the local street scene than would be the case with the proposal given its modest height and flat roof form.

10. Reference is made to 4 Martin Avenue and the Council’s recent decision to grant planning permission for a 2-storey side extension to this property. Like the proposal, the approved extension to this building appears to extend beyond the front elevations of properties beyond its side frontage to Harding Avenue. However, few details have been provided of this scheme and its design,  

1 Ref APP/M0655/A/13/2203962 dated 23 January 2014
appearance and relationship to the host building materially differ to the proposal before me. It also does not form part of the same street scene as No 156. Consequently, I am unable to conclude that the two cases are directly comparable. In any event, each proposal should be considered on its own merits, which I have done in this instance.

11. Overall, I conclude that the proposed development would be out of keeping with the character and appearance of the host building and the local area. Accordingly, it conflicts with Policies DCS1, DCS9 and HOU8 of the Warrington Unitary Development Plan (UDP) and the Council’s Supplementary Planning Guidance, *House Extension Guidelines*. These policies and guidance broadly aim to ensure that new development preserves or enhances the character and appearance of the street and the area and harmonises with the proportions of the existing building.

12. The Council has also referred to Policy QE 7 of its Submission Local Plan Core Strategy (CS). However, as the CS is yet to be adopted its policies could change and so I attach limited weight to it. Like the previous Inspector, I, too, note that Policy QE 7 aims to make sure that development reinforces the character and appearance of the street scene and that it harmonises with the scale and proportions of existing and adjacent buildings. These objectives are generally consistent with the UDP policies to which the Council has referred.

*Other matters*

13. The National Planning Policy Framework (the Framework) supports existing businesses and the integration of residential and commercial uses in the same unit. It also states that established shops should be able to develop and modernise and be retained for the benefit of the community. These matters lend support to the appellant’s case. However, the Framework also advises that planning should always seek to secure high quality design and that development should add to the overall quality of an area. As the proposal would not do so, I consider that the balance of national guidance does not weigh in favour of the appeal.

14. I saw evidence of water penetration and damp within the existing storeroom and the cramped living conditions of the appellant’s family. I have some sympathy for the appellant in seeking to address these problems through the appeal scheme. I also acknowledge the benefits of the proposal in enabling the appellant to better serve the local community, for which considerable local support was expressed through a petition that accompanied the previous appeal. However, these matters, taken individually and collectively, do not outweigh the harm that I have identified.

15. I have also considered the effect of the planning guidance, although in the light of the facts in this case, it does not alter my findings.

16. Overall, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Gary Deane*

INSPECTOR
Appeal Decision
Site visit made on 8 April 2014

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

Decision date: 15 May 2014

Appeal Ref: APP/M0655/A/13/2209344
Heathfield House, Delenty Drive, Birchwood, Warrington, WA3 6AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Gary Kirkwood against the decision of Warrington Borough Council.
- The application Ref 2013/22163, dated 16 July 2013, was refused by notice dated 13 September 2013.
- The development proposed is a single storey extension to the rear of the building to replace outbuilding and provide additional nursery accommodation.

Application for Costs

1. An application for costs was made by Mr Gary Kirkwood against Warrington Borough Council and an application for costs was also made by Warrington Borough Council against Mr Gary Kirkwood. These are subject to separate decisions.

Decision

2. The appeal is allowed and planning permission is granted for a single storey extension to the rear of the building to replace outbuilding and provide additional nursery accommodation at Heathfield House, Delenty Drive, Birchwood, Warrington, WA3 6AP in accordance with the terms of the application, Ref 2013/22163, dated 16 July 2013, and the plans submitted with it, subject to the following conditions:-

   1) The development hereby permitted shall begin not later than three years from the date of this decision.
   2) The development hereby permitted shall be carried out in accordance with the following approved plans: 77/12/1; 77/12/BP; 77/12/2 (elevations); and 77/12/2 (Proposed Ground Floor Plan).
   3) There shall be no more than 44 children at the nursery at any one time.
   4) Childcare shall not take place other than between the hours of 08.00 – 18.00 Mondays – Fridays. The premises shall not be used on Saturdays or Sundays.
5) The use of the building as a nursery for 44 children shall not commence until 2 bicycle racks have been installed and car parking space has been laid out within the site in accordance with drawing No 77/12/BP. The parking area and bicycle racks shall be retained thereafter.

6) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Procedural Matter**

3. The appellant has submitted an amended car parking layout but as it is materially different to the refused plan I have not taken it into account in my decision.

**Main Issue**

4. The main issue is the effect of the development upon highway safety with particular reference to parking provision.

**Reasons**

5. The proposed development would increase the number of children by 6 which would result in 2 additional members of staff. The total number of staff would be 13 and the total number of children would be 44. For this increase one additional car parking space would be provided giving a total of 10 spaces. Nevertheless 6 of the spaces would be in a “tandem” arrangement which would mean that if all 6 cars were parked 3 of them would have to move to allow the other 3 out. The layout of the 10 spaces would not conform to the Warrington Design Guide Residential and Industrial Estate Roads (2008). I do not know the status of this guide but realistically, there would be 7 spaces that would have unrestricted use. The 3 “blocked-in” spaces would be used by nursery staff who arrive early in the morning and stay parked there for long periods and therefore the “blocked-in” nature of them would not affect the pick-up and drop off periods for parents.

6. S.38(6) of the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Policy LUT20 of the adopted Warrington Unitary Development Plan, 2006, (UDP) says that all new developments will be required to make provision for safe, secure and accessible off-street car and cycle parking in the interests of highway safety, in accordance with the Council's approved standards.

7. The Council's standards contained in Appendix 5 of the UDP would allow a maximum of 1 space per 2 staff and 1 space per 10 children which would equate to a maximum of some 11 spaces. Appendix 5 explains that developers will not be permitted to provide more spaces than the specified maxima or required to provide more spaces that they themselves wish, other than in exceptional circumstances, for example where there are significant implications
for road safety which cannot be resolved through the introduction or enforcement of on street parking controls. The proposal would not provide more than the maximum number of spaces permitted by these policies.

8. However, the Council says that their car parking standards are out of date as they were based on the now cancelled Planning Policy Guidance 13. Paragraph 14 of the National Planning Policy Framework (the Framework) says that where development plan policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, or specific policies in the Framework indicate development should be restricted.

9. In this respect, the Council rely on paragraph 39 of the Framework which says that, in setting local parking standards, local planning authorities should take into account, the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles. The Council says that the site is in an area inaccessible by public transport and therefore more parking is needed than indicated in their adopted standards.

10. The Council has produced draft parking standards to replace their adopted standards. The draft standards indicate that for a nursery there should be 1 space per full time member of staff. It also says that day care centres may require spaces to attendees (1 space per 4 attendees) and that drop-off spaces are to be determined on a case by case basis. As the policy is at its early stages I give it very little weight.

11. Nevertheless, the Council is of the opinion that the maximum car parking demand on a daily basis for 44 children would be between 10 and 16 spaces resulting in anywhere between 1 and 6 vehicles needing to be accommodated on the local highway network.

12. The appellant disputes the Council’s figures and says that the maximum car parking demand would be 11 vehicles. However, it is not in dispute that sometimes the car park would be full and the appellant’s evidence suggests that this would occur for a few minutes each day and that currently, the existing 9 space car park is only full for a maximum of 10 minutes each day. Therefore, it is likely that for short periods of the day, over-flow parking would occur on the highway.

13. The Council says that the overflow parking is likely to lead to an unacceptable increase in traffic and on street parking in the vicinity of the junction of Nelson Road and Delenty Drive. There are double yellow lines outside the nursery on Delenty Road on both sides and these extend for a short distance around the corner of Nelson Road and therefore it is illegal to park in the area that the Council says that the additional parking would occur. Any illegal parking is therefore a matter for enforcement.

14. Moreover, I noted on my visit that much of Nelson Road is not subject to parking control and therefore, I consider it unlikely that many parents would choose to risk parking illegally when there are no parking restrictions so close by. At my visit I noted little traffic on Nelson Road and based on the evidence before me, I am unconvinced that parking on this road would be problematic. I
note the photographs submitted by a neighbour of illegally parked cars but I do not know when these photographs were taken or the circumstances surrounding them and therefore they are not a determinative matter in my assessment of the case.

15. Paragraph 32 of the Framework says that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. Based on the current parking restrictions on the junction, and the quiet nature of Nelson Road, I am of the opinion that the additional car parking demand arising from the proposal would not have a significant let alone severe impact upon the highway network. Therefore, I conclude that the proposal would not harm highway safety. I find no conflict with UDP Policy LUT20, neither do I find any conflict with UDP Policy DCS1 which seeks to ensure that development integrates efficiently with the existing highway network.

Other Matters

16. Concern has been expressed by third parties in respect of the effect of an increase in children upon the living conditions of neighbours but given that such uses are common in residential areas and that the increase in numbers is fairly small I do not consider that harm would occur. Concern has also been expressed in relation to the demolition of the outbuilding. Heathfield house is around 200 years old, is a locally listed building, and is mentioned in a local history booklet. However the Council has no objection to the demolition its outbuilding. I am not aware of it having statutory protection, and I have no compelling evidence that the outbuilding should be retained.

Conditions

17. I have considered the conditions suggested by the Council against the advice in The Planning Practice Guidance. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord. I have also attached a condition in the interest of the provision of car parking; the numbers of children are limited in the interests of highway safety and residential amenity; and the hours of operation are restricted in the interests of the living conditions of occupiers of nearby dwellings. The hours of operation proposed on the application form are 07:30 to 18:30 but the Council says that this was amended to the originally approved hours of 08:30 to 17:30. I have sought clarification from both parties on this matter. In response the Council have sent me the email from the agent in respect of the opening hours but the email is ambiguous and I cannot accept that it amended the application. The appellant has stated that the nursery currently operates from 08:00 to 18:00. The appellant is happy to continue these hours and as they are compatible with the submitted car parking survey these are the hours which I have applied. Samples of materials are required in the interest of the visual amenity of the building.

Conclusion

18. I have considered all other matters raised but none outweigh the conclusions I have reached and the appeal is allowed subject to the conditions I attach.

Siobhan Watson INSPECTOR
Appeal Decision

Site visit made on 11 April 2014

by Andrew Dale  BA (Hons) MA MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2014

Appeal Ref:  APP/M0655/A/14/2212657
Hollydene, Windmill Lane, Appleton, Warrington WA4 5JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Alan Farquharson against the decision of Warrington Borough Council.
- The application ref. 2013/22785, dated 1 November 2013, was refused by notice dated 9 January 2014.
- The development proposed is “Proposed demolition of existing dwelling house and associated outbuilding and redevelopment with a single detached replacement dwelling with detached triple garage and new access onto Windmill Lane.”

Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs were made by Mr Alan Farquharson against Warrington Borough Council and by Warrington Borough Council against Mr Alan Farquharson. These applications are the subject of separate decisions.

Main issue

3. From what I have read and seen, I consider the sole main issue in this case to be the impact of the proposal on biodiversity, with particular reference to bats, a protected species.

Reasons

4. The appeal site, at the junction of Quarry Lane and Windmill Lane, is occupied by a large detached house and an outbuilding which stand in a sizeable mature garden within a predominantly residential area. There are five early-mature or mature beech trees on the site, four of which are covered by a Tree Preservation Order. There is an extensive wooded area around a disused quarry a very short distance to the east of the site on the opposite side of Quarry Lane. Apart from the plans and the Design and Access Statement, the application was accompanied by a Bat Survey Report (BSR), an Arboricultural Report and computer generated images. The Design and Access Statement suggests that the house was built in about the early 1900s whilst the BSR estimates the original construction to date back to circa 1860.
5. All species of bat are protected by law. The National Planning Policy Framework (the Framework) at paragraph 109 advises that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 says that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

6. It seems to me that this appeal essentially turns on how the BSR should be interpreted. I accept that field surveys of this type can be conducted throughout the year. However, from studying the BSR and the consultation response from the Council’s Natural Environment Officer, and from my own observations of the site and its surroundings, it is clear to me that there are, at the very least, moderate opportunities for bat roosting associated with the buildings and the trees. With reference to section 8 of Natural England’s Standing Advice Species Sheet: Bats (NEBATS), a number of factors are plainly present that increase the probability of the buildings and trees being used by roosting bats. Whilst I have no reason to doubt that no evidence of bat roosting was found on site, it does not follow that further dawn and dusk activity surveys are not necessary as claimed in the BSR and elsewhere in the appellant’s representations.

7. Following the NEBATS flow chart about guidance on how to assess a bat survey and mitigation survey, I consider that this case can be tracked down to box (x) i.e. further survey effort required in accordance with Bat Surveys Good Practice Guidelines 2nd Edition (BSGPG) produced by the Bat Conservation Trust. Page 15 of the BSGPG provides confirmation that this is the correct approach where there is low to moderate roost potential after a negative preliminary roost assessment/field survey.

8. I appreciate that the appellant, as a gesture of goodwill, has agreed to commission dawn/dusk activity survey work by a licensed bat worker after the hibernation period has ended. Such emergence and re-entry surveys are normally conducted during May to September with the optimum period being May to August. However, given the timing of the application and this appeal, no such surveys are before me to consider. Box (x) of the NEBATS flow chart goes on to indicate that if the additional survey information is not provided, then the application should be refused.

9. I have studied the document “A Review of Local Authority Protocol” produced by AEL Consultants Ltd. However, Circular 06/2005 indicates that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is for this reason that surveys should only be left to coverage under planning conditions in exceptional circumstances. I do not consider that such circumstances apply in this instance. The full impacts of the proposal are not understood at this stage.
10. I am not persuaded by the list of precedents on planning conditions at Appendix E of the appellant’s statement. The decision by Warrington Borough Council referred to there was made before the publication of Circular 06/2005 on 16 August 2005. Without sight of the relevant bat survey report, it is impossible for me to tell whether condition 6 in the Trafford Council decision met all the tests for conditions and Circular 06/2005. In the appeal decision relating to Cheshire West and Chester Council, the impact on bats was not identified as a main issue in dispute between the parties and in any event the condition imposed there is not one I wish to follow in the appeal before me. I have noted the email from Derek Richardson (Principal Ecologist, Greater Manchester Ecology Unit) about a site in Trafford. The full planning circumstances of this case are not before me and I find no overriding reasons why the application the subject of this appeal should have been determined with a conditional planning permission before further survey work was conducted.

11. The proposal would clearly involve the removal of the existing dwelling and outbuilding and some of the vegetation on the site. As detailed bat surveys have not been carried out, insufficient information has been put to me to demonstrate that the proposal would not harm or disturb protected species. I conclude on the main issue that the proposal could have a potentially adverse impact on biodiversity, with particular reference to bats, a protected species. This would be contrary to the thrust of the Framework and to the general objectives of Warrington Unitary Development Plan Policies DCS1, GRN2 and GRN21 and emerging Warrington Local Plan Core Strategy Policies CS1 and QE5.

12. National Planning Practice Guidance was published on 6 March 2014. I have taken into account the content of the guidance but in the light of the facts in this case it does not alter my conclusion. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed.

Andrew Dale
INSPECTOR
Appeal Decision

Site visit made on 8 April 2014

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

Decision date: 15 May 2014

Appeal Ref: APP/M0655/A/13/2209744
Station House, Moss Side Lane, Rixton, Warrington, WA3 6HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Gary Gardner (Brookdale Property Developments) against the decision of Warrington Borough Council.
- The application Ref 2013/22068, dated 28 June 2013, was refused by notice dated 3 September 2013.
- The development proposed is the change of use from offices to a dwelling (C3).

Decision

1. The appeal is allowed and planning permission is granted for the change of use from offices to a dwelling (C3) at Station House, Moss Side Lane, Rixton, Warrington, WA3 6HH in accordance with the terms of the application, Ref, 2013/22068 dated 28 June 2013, and the plans submitted with it, subject to the following conditions:

   1) The development hereby permitted shall begin no later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: 13/017/ - 01; 02; 03; 04 & 05.

Main Issue

2. The main issue is whether the proposed dwelling would provide satisfactory living conditions for future occupiers.

Reasons

3. The site is within the Green Belt. Paragraph 90 of the Framework indicates that the re-use of buildings is not inappropriate in the Green Belt provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. The Council considers that the proposed use of the building is not inappropriate and I have no reason to disagree with its assessment in this respect.

4. The building is located next to a brickworks which is subject to conditions restricting its hours of operation so that no activity can occur at unsociable times during the early morning, late evening or during the night. The Council says that there have been some sporadic complaints from other residents in
respect of disturbance from the brickworks but I have no specific details about the history, frequency or the nature of these complaints.

5. I noted at my mid morning visit that there were no smells or dust coming from the site, although there was some noise from a vehicle driving around the yard. Nevertheless, the noise was not excessive for the time of day. Whilst it is possible that the use of the brickworks site might change at some time in the future this is merely hypothetical and therefore I have based my decision upon the current situation. The Council is concerned that another use might deviate from the planning conditions attached to the existing approval but this is a matter for the Council to regulate.

6. I am aware that paragraph 123 of the Framework says that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. However, for the above reasons I do not consider that the existing business on the site is incompatible with the proposed residential use and I am conscious that there have been no representations to the proposal from the brickworks.

7. The Council says that there would be no rear garden but at my inspection I noted that there is a small rear courtyard which could provide room to dry clothes or to sit out.

8. The rear boundary would be close to the rear windows of the living room and it would limit the outlook from the yard. However, given the rural setting of the property and the outlook over fields from the front window of the living room, I do not consider that this restricted outlook at the rear would be significantly harmful to the living conditions of future occupiers. The window at the front of the living room would provide light additional to that provided through the rear window and therefore there would be sufficient natural light. The bedrooms would have natural light not only from the new windows but also from the existing roof-lights and I noted at my visit that even without the proposed windows, the upstairs receives an adequate amount of natural light.

9. I conclude that the proposed development would provide satisfactory living conditions for future occupiers and I therefore find no conflict with the adopted Warrington Unitary Development Plan Policies HOU3 and GRN2, which, in combination, indicate that development should protect residential amenity, taking into account the quality of environment created for occupiers including daylight and sunlight requirements, layout and the space around buildings; neither do I find conflict with UDP Policies HOU7, REP10 and REP11 which indicate that residential development should not be where existing or anticipated sources of noise, smell or air pollution exceed acceptable measures.

10. The Council has referred me to Policies QE6 and QE7 of their Submission Local Plan Core Strategy, 2012. Policy QE6 says that the Council will take into consideration noise and vibration levels and odours, fumes and dust and Policy QE7 seeks to ensure that development is of a high quality. I have no information about the adoption stage of these policies but, in any event, I do not find conflict with them.
Other Matters

11. I have considered all other matters including the objection from the Parish Council which mentions limited car parking. However, car parking would be provided at the front and I note that the Local Highway Authority says that the proposed use is likely to result in less demand for car parking than the previous office use. Therefore, I consider that the proposal would not have a harmful impact upon car parking. The Parish Council also says that there would be external alterations to the building but as these are of a minor and domestic nature I consider them to be acceptable.

Conditions

12. I have considered the conditions suggested by the Council against the advice in the Planning Practice Guidance. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord. Conditions restricting permitted development rights should only be used in exceptional circumstances. The Council has not provided evidence of exceptional circumstances to justify the removal of permitted development rights and therefore I see no necessity to attach such a condition.

Conclusion

13. For the above reasons I allow the appeal subject to the conditions I have imposed.

Siobhan Watson

INSPECTOR
Costs Decision

Site visit made on 8 April 2014

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

Decision date: 15 May 2014

Costs application in relation to Appeal Ref: APP/M0655/A/13/2209344 Heathfield House, Delenty Drive, Birchwood, Warrington, WA3 6AP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Gary Kirkwood for a full award of costs against Warrington Borough Council.
- The appeal was made against the refusal of planning permission for a single storey extension to the rear of the building to replace outbuilding and provide additional nursery accommodation.

Decision

1. The application for an award of costs is refused.

Reasons

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

3. The application for costs was made and responded to on the basis of Circular 03/2009, which has been superseded by the Planning Practice Guidance. However, having regard to the submissions put to me, I am satisfied that no party’s interests will be prejudiced by my judging the application and response against the Planning Practice Guidance.

4. The appellant says that the Council should have noticed that there was sufficient space within the site to accommodate more car parking and therefore the Council did not act in a pro-active way. Moreover, the appellant offered an extra space but the Council did not accept this offer due to concerns about the impact of the space on Heathfield House, a locally listed building. It is therefore clear that the car parking issue was discussed with the Council at the time of the application.

5. The Council can only base their decision upon the submitted plans and it was for the appellant to formally submit an amended plan during the course of the application if he thought that there might be a solution to the Council’s concerns.
6. The appellant also says that the behaviour of the Council during the application process was unreasonable because it made requests for an unnecessary amount of information such as parking surveys. However, it is not unusual for a Council to request such information when highway safety is an issue. I do not consider that it was out of proportion for the Council to seek this information.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

**Siobhan Watson**

INSPECTOR
Costs Decision

Site visit made on 11 April 2014

by Andrew Dale  BA (Hons) MA MRPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2014

Costs application in relation to Appeal Ref:  APP/M0655/A/14/2212657 Hollydene, Windmill Lane, Appleton, Warrington WA4 5JN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Alan Farquharson for a full award of costs against Warrington Borough Council.
- The appeal was against the refusal of planning permission for “Proposed demolition of existing dwelling house and associated outbuilding and redevelopment with a single detached replacement dwelling with detached triple garage and new access onto Windmill Lane.”

Decision

1. The application for an award of costs is refused.

Reasons

2. The application for costs was made on 27 March 2014 and on the basis of Circular 03/2009. Circular 03/2009 was superseded by the Planning Practice Guidance on 6 March 2014 and the Council refers to the Planning Practice Guidance in its response. Having regard to the submissions put to me, I am satisfied that no party’s interests will be prejudiced by my judging the application and response against the Planning Practice Guidance.

3. The Planning Practice Guidance advises that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.

4. In essence, the nub of the costs application is that: the development should have been permitted; there was insufficient evidence from the Council’s ecologist; a condition could have been imposed to allow the development to proceed, overcoming the objection identified; and the additional bat activity survey work requested by the Council could not be provided within the Council’s timeframe.

5. Looking at the content of my appeal decision, I am satisfied that the Council did not prevent development which should clearly have been permitted taking into account the development plan, national policy and other material considerations.
regarding bats including relevant publications from the Bat Conservation Trust (BCT) and Natural England (NE).

6. The Council’s ecologist provided an objective analysis of the implications of the proposal with the benefit of the appellant’s initial Bat Survey Report. She also referred to the relevant publications from the BCT and NE.

7. The Council explained adequately why the planning ground for refusal was not capable of being dealt with by a planning condition and I agreed with the stance taken.

8. A planning authority (according to the relevant BCT publication) is entitled to reject information that is inadequate, meaning that an application could be judged as invalid and not registered, or planning permission could be refused, if insufficient information is submitted. The Council chose the latter option and was under no obligation to hold the application until the spring/summer of 2014 to allow for the submission of further survey work. Clearly, the appellant had the option of submitting a fresh application at the appropriate time after further survey work. The Council has exercised its duty to determine the application in a reasonable manner in this regard.

9. In the light of the foregoing, I consider that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is not justified.

Andrew Dale

INSPECTOR
Costs Decision

Site visit made on 8 April 2014

by Siobhan Watson BA (Hons) MCD MRTPI

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

Decision date: 15 May 2014

Costs application in relation to Appeal Ref: APP/M0655/A/13/2209344
Heathfield House, Delenty Drive, Birchwood, Warrington, WA3 6AP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Warrington Borough Council for a partial award of costs against Mr Gary Kirkwood.
- The appeal was made against the refusal of planning permission for a single storey extension to the rear of the building to replace outbuilding and provide additional nursery accommodation.

Decision

1. The application for an award of costs is refused.

Reasons

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

3. The application for costs was made and responded to on the basis of Circular 03/2009, which has been superseded by the Planning Practice Guidance. However, having regard to the submissions put to me, I am satisfied that no party’s interests will be prejudiced by my judging the application and response against the Planning Practice Guidance.

4. The Council say that the appellant caused unreasonable behaviour by submitting an alternative parking layout as part of his appeal. According to the Council this incurred officer time in responding to the new plan. The Planning Practice Guidance says that costs may be awarded against an appellant for introducing “fresh and substantial evidence at a late stage necessitating an adjournment, or extra expense for preparatory work that would not otherwise have arisen.”

5. Nevertheless, the plan was not submitted at a late stage as it was an appendix to the appellant’s grounds of appeal and it clearly related to the reason for refusal. I note the Council’s comments that the appeal could have been averted if the alternative layout had been presented as a revised application. However, these comments are at odds with the Council’s appeal statement which says in
respect of the alternative layout “The new parking arrangements are ... considered to be unacceptable and detrimental to highway safety.” (para 1.28) Therefore, the evidence is that the Council did not support the alternative layout and therefore the appeal would not have been avoided even if the layout been submitted as part of the application.

6. Finally, the parking layout was a material but simple variation on the refused plan. This does not constitute “substantial” evidence.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

_Siobhan Watson_

INSPECTOR
Costs Decision

Site visit made on 11 April 2014

by Andrew Dale  BA (Hons) MA MRPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2014

Costs application in relation to Appeal Ref: APP/M0655/A/14/2212657
Hollydene, Windmill Lane, Appleton, Warrington WA4 5JN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Warrington Borough Council for a full award of costs against Mr Alan Farquharson.
- The appeal was against the refusal of planning permission for “Proposed demolition of existing dwelling house and associated outbuilding and redevelopment with a single detached replacement dwelling with detached triple garage and new access onto Windmill Lane.”

Decision

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

Reasons

2. The application was made and responded to on the basis of the Planning Practice Guidance published on 6 March 2014. This advises that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.

3. The Council’s key contention here is that the right of appeal was not exercised in a reasonable manner.

4. There were clearly moderate opportunities for bat roosting given the characteristics of the buildings, the vegetation and the surroundings. The results of the appellant’s own bat survey report pointed in this direction too. The appellant was prepared to commission dawn/dusk bat survey work by a licensed bat worker at the appropriate time (May-September).

5. The email from the appellant’s agent of 7 January 2014 referred to two options – refusing the application based on the requirement of additional bat survey work or approving the application subject to a condition requiring such survey work. The imposition of a condition is not an acceptable way forward unless there are exceptional circumstances. Circular 06/2005, the standing advice from Natural England and the advice from the Bat Conservation Trust all pointed to the need for further survey work before the grant of planning
permission. The information on precedents provided by the appellant was not persuasive.

6. No evidence has been presented to demonstrate why a revised planning application (with the accompanying survey work) could not have been submitted to resolve the reasonable objection identified by the Council. Moreover, the speed at which the appeal was lodged precluded that survey work being included with the appeal documents where the Council would have had an opportunity to comment.

7. The Council was under no obligation to wait until May before the application was determined. Decisions should be made in a timely manner. Many refusals of planning permission carry only one substantive reason for refusal. Whilst the appellant has no control over the seasons and weather, the appellant can control when the survey work is carried out.

8. I cannot equate the appellant’s stated willingness to carry out further survey work with the submission of a planning appeal less than one month after the Council’s decision to refuse planning permission. The Council’s reason for refusal has stood up to scrutiny and without the further survey work I find that the appeal had no reasonable prospect of succeeding. The right of appeal was not therefore exercised in a reasonable manner.

9. The unreasonable behaviour has directly caused the Council to incur unnecessary or wasted expense in the appeal process as set out in its costs application.

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

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

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

Andrew Dale
INSPECTOR
**DEVELOPMENT MANAGEMENT COMMITTEE**

**Thursday 5th June 2014**

**Start 18:30**

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
</tr>
</thead>
</table>
| 1    | 2    | 2014/23332 | Former Stretton Airfield, Appleton, Warrington, WA4 4RG  
Full Planning (Major) - Proposed construction of subterranean car storage facility (B8 Use Class) with ancillary office development and associated demolition and landscaping accessed from Crowley Lane. | Approve         |
DEVELOPMENT CONTROL COMMITTEE DATE:

ITEM 1

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</tr>
</thead>
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<tr>
<td>Location:</td>
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<td>Ward:</td>
<td>Appleton</td>
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<tr>
<td>Development</td>
<td>Full Planning (Major) - Proposed construction of subterranean car storage facility (B8 Use Class) with ancillary office development and associated demolition and landscaping accessed from Crowley Lane.</td>
</tr>
<tr>
<td>Date Registered:</td>
<td>12-Mar-2014</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Hensmill Property</td>
</tr>
<tr>
<td>8/13/16 Week Expiry Date:</td>
<td>10-Jun-2014</td>
</tr>
</tbody>
</table>

Reason for Referral

Scale of development and the number of nature of objections received.

Site and Proposal

The application straddles the local authority boundaries of Warrington Borough and Cheshire East. The main element of the scheme (and main part of the former airfield) falls within Warrington. The eastern portion of the site lies within Cheshire East.

The site comprises a flat, former airfield site in the Cheshire Green Belt land covering over 70 hectares. The site has long since been bisected by the M56 motorway with the northern portion of the former airfield now comprising an industrial estate (Appleton Thorn Trading Estate). The southern portion of the site – the subject of this application – comprises a large expanse of agricultural land and vegetation, intersected by taxiways, a runway and numerous areas of hardstanding. There are a number of small buildings on the site, including those associated with the historic use, along with more recent additions.

Visibility of the site is mainly limited to intermittent views along Arley Road to the west and Crowley Lane to the east. The northern boundary of the site is contained by the M56 and trees which line the motorway. Immediately to the south and west of the site lies in Cheshire West and Chester which comprises the village of Antrobus. A number of dwellings and small business units are
scattered along the country lanes which surround the site – most of the potentially affected properties being located on Arley Road, Sandy Lane and Crowley Lane.

The application has been amended during the application process. The ancillary office element has been reduced by approximately 25% in respect of floorspace. The proposed security lodge and means of escape have also been reduced in scale. The application now comprises the following elements:

-  Construction of a subterranean two storey car storage and internal display facility (capacity for 118 cars) with ancillary private office, storage areas, plant and bathroom facilities – 12,067m² (most floor space underground).
-  The proposed above ground two storey private office building (with associated facilities) 222m² - up to 6.8m in height.
-  Erection of a small security lodge and two means of escape from the below ground structure.
-  Construction of an access road from the former airfield runway to the proposed development including a 15 space external car park and curved access ramp in order to access the subterranean structure.
-  Remodelling of access road from site entrance at Crowley Lane to existing airfield to access to development (within Cheshire East); and
-  Construction and planning of grass mounding, wetland habitats, landscaping and general environmental/landscaping/ecological improvements works across the site (partly within Cheshire East).

The garage storage and display facility would be located on the northern part of the site partially on an existing hardstanding. The proposal would also involve the removal of areas of hardstanding around the airfield – albeit the runway would be retained. The proposal does not involve the resurfacing of any areas of taxiways or runway.

It is proposed that car storage and display facility would be used to store a private car collection – all of which are under the ownership of one individual – it would not be open to members of the public. It is not proposed to use the airfield to regularly race or test cars which are kept in the collection. The above ground ‘office’ is intended for the 5 members of staff.

It should be noted that the eastern portion of the site, which includes the site entrance, is within Cheshire East. The majority of the proposed development, which includes the garage, falls within Warrington. As a result identical applications have been submitted to Warrington and Cheshire East. If the development is to proceed, planning permission would be required from both authorities.

As the application comprises inappropriate development in the Green Belt – the applicant has submitted a statement which comprises their consideration of very special circumstances:
- Ecological and landscaping benefits comprising seven new wildlife ponds, new species rich grassland, woodland and management of existing and proposed areas.
- Removal of unsightly, dilapidated buildings which would result in an overall reduction of 628m² floorspace.
- Bespoke architectural design which the applicant considers to be a fascinating example of 21st Century architecture.
- The proposal would lead to public safety benefits because the site will be manned by a dedicated security team.
- The removal of up to 43,000m² of hardstanding
- Restrictions to airfield use in terms of restrictions above and beyond permitted development rights.
- Job creation – significant job creation for the construction trade and associated businesses.

In terms of the reduction in floorspace, the main cluster of buildings comprises a former air traffic control tower and outbuildings – these are within Cheshire East. A number of other small buildings would be removed around the periphery of the site within Warrington.

Areas of hardstanding would be removed comprising taxiways and other redundant hardstanding areas. These areas are within both Warrington and Cheshire East.

Relevant Planning History
82/13355 – Renewal of consent 81/11713 for use of former runway for the testing of motor vehicle products – Approved.

2008/13768 - Proposed use of part of former airfield as a driving track (in association with a driving school and a leisure motor sports centre proposed in Macclesfield Borough) – withdrawn

2009/14147 - Proposed use of part of former airfield as a driving circuit (in association with a driving academy and a leisure motor sports centre proposed in Cheshire East Council) – refused for the following reason:

The proposed use would cause serious harm to the living conditions of occupiers of residential property by reason of vehicle noise, which would not be capable of reasonable mitigation. The proposal would, therefore, be in conflict with policies GRN2 (criterion 9); REP1 (criterion 10); DCS1 (criterion 1); GRN9 (criterion 1); HOU7 (criterion 2); and REP10 of the adopted Warrington UDP.

Planning Policy

The site lies within the Green Belt on the adopted Warrington Unitary Development Plan and the Local Plan Core Strategy Policies Map (draft post
submission edition). The site also falls within the Green Belt in Cheshire East boundary.

**National Planning Policy Framework**
policies relating to Green Belts are relevant in this case.

National Planning Practice Guidance.

**Warrington Unitary Development Plan**

Policy GRN1 – Green Belts
Policy GRN3 – Green Belts
Policy HOU7 – The Residential Environment
Policy BH5 – Local Listed Buildings/Structures
Policy DCS1 – DC Strategy
Policy GRN18 – Biodiversity
Policy GRN22 – Protection and Enhancement of Landscape Features

Draft Post Publication Local Plan Core Strategy – in view of the level of consultation already afforded to the plan-making process and the consistency with the National Planning Policy Framework, it is appropriate to attach very substantial weight to this document in the decision making process.

Policy CS1 Overall Spatial Strategy – Delivering Sustainable Development
Policy QE4 Flood Risk
Policy QE5 Biodiversity
Policy QE6 Environment and Amenity Protection
Policy QE7 Ensuring a High Quality Place
Policy QE8 Historic Environment
Policy MP1 General Transport Principles
Policy SN1 Distribution and Nature of New Housing
Policy SN5 – Retail and Leisure Uses within Defined Centres

**Supplementary Planning Documents:**

Design and Construction
Environmental Protection

Warrington Landscape Character Assessment (2007)

**Notification Responses**
The application was advertised on site and in the local press as a Major development. Letters were also sent to numerous properties in the local area. A total of fifteen objections have been received. The objections are from residents in close proximity of the airfield including Crowley, Antrobus and Appleton Thorn. The objections raise the following concerns:

- The future use of the field, particularly the track, remains unclear.
- There is ample storage space for 100 cars on the industrial estate to the north side of the M56.
- Pollution from cars.
- Concerns about the track being used for events.
- Noise from the use of the airfield.
- Roads are not suitable for any more traffic.
- There are a large number of homes within Warrington, Cheshire West and Chester and Cheshire East who potentially face a loss of amenity if conditions concerning noise and frequency are not strictly incorporated, applied and enforceable.
- Two previous refusals on this site for motor related activities.
- Concerns about the loss of the remaining buildings. The site should be opened up to members of the public.
- Historically the airfield has drained into Crowley Brook which runs right through the centre of the land that my husband and I own, and probably for half the length of the airfield. If you grant any permissions, I would like a condition implementing a diversion of drainage into the direction of Swineyard Lane, since the excavation and building work will take place on that side of the airfield. The brook and our land are lower lying than the airfield, and the excavation and construction of a new, large underground building will add to the burden of water that Crowley Brook already has to deal with, increasing the likelihood of flooding on our land.

An objection has been received from a representative of the Appleton Thorn village hall:

- The new submission has 25% reduction in build capacity but would nevertheless result in an underground garage containing premium cars and the intention of 14 (undisclosed) events per year. There is considerable concern regarding the nuisance that noise could make for the village, unless the application contains tight written conditions regarding track usage, details about the frequency and duration of event and permitted noise levels emitted from the track.

Two letters of support have been received, one from High Legh and the other from Antrobus:

- The airfield is used as a dumping ground by fly tippers and having people on the site and landscaping the site would make it a better place.
- Providing that it is as described, this is by far the best the outcome we could have hoped for on this site. The extensive environmental improvements – tree planting, pond creation – are most welcome.

Friends of Whitley Reed (based in Antrobus) are concerned about the potential loss of amenity and damage to flora and bird life through disturbance and noise. Also appears that there is nothing to justify the proposed development in terms of employment.
Consultation Responses

**Antrobus Parish Council** – objects. We would support the decision and reasons of Appleton Parish Council in opposing this planning application. If the application is approved then we would strongly support the recommended conditions by Warrington BC Environmental Health Department.

**Appleton Parish Council** – objects. Whilst the parish welcomes improvements to the site, the proposal represents an inappropriate, harmful form of development in the Green Belt. The supporting statement also fails to demonstrate that very special circumstances exist to clearly outweigh harm to Green Belt and residential amenity. In addition, it is questioned whether the site will be used as a car storage facility or to include driving of the vehicles at speed on the existing hard surfaced runway of the former Stretton airfield.

Other concerns include noise, encroachment and the proposal is not considered a sustainable form of development.

The Parish question whether the site should be marked as a heritage site due to the history and remaining sections of the runway, two air raid shelters and water reservoir.

If permission is granted there are concerns about a change in ownership as planning permission is given to a site and not an individual. Conditions would also be required if permission is granted.

No racing of cars on Sunday
Temporary Permission
Access should only be via Crowley Lane
Restriction on the individual.

**High Legh Parish Council** – objects. The lane south the proposed entrance is narrow and twisty and its junction at the northern end with Swineyward Lane is very unsatisfactory. If this access is used for construction traffic it is totally unsuitable.

The application shows a substantial amount of hardstanding being removed, namely the extended part of the main runway. Also suggest that the hardstanding marked ‘I’ and the southern taxiway within Cheshire East be removed as they serve no purpose to this application.

Highways - no objection. It is understood that Cheshire East have been consulted on the application and their Highways team will need to assess whether the use of the existing site access off Crowther Lane would be acceptable for the proposal as it is situated within their boundary. If Cheshire East do not support the use of the existing access for the development, and if the applicant subsequently decided to propose an alternative site access within the Warrington boundary, then WBC Highways would need to be reconsulted on this application.
A planning condition would be required to ensure that suitable access arrangements, including any site gates/barriers, would be provided for the development prior to the commencement of any construction work. There would be 118 car parking spaces in the undercroft storage facility and a 15 space surface car park for staff, security and guests including 2 disabled bays. There would be no parking issues as the total parking demand for the development, including the office, could be easily accommodated on the site away from the public highways. The applicant has stated that the cars to be stored would either be driven to the site or transported there on the back of a car trailer towed by a 4x4 vehicle. The site access arrangement would therefore need to accommodate such vehicles which would be addressed at detailed design stage as part of the planning condition mentioned above.

The potential highway impacts of the construction phase for the development have been considered. The applicant has confirmed that there would be no requirement to transport material to be disposed of from the site as such material would be used to profile embankments for the proposed landscaping areas around the site. Heavy goods vehicles (HGVs) would need to access the site from the existing access on Crowley Lane to deliver construction materials for the development. The site access would therefore need to accommodate two-way HGV movements which would be dealt with as part of the planning condition for the site access. A planning condition for a construction management plan would also be required to agree the vehicle routing to/from the site for HGVs on the surrounding highways, any access/egress issues and the size/frequency/times of delivery vehicles to minimise the highway impacts of the construction.

In view of the above, there is no highway objection to the proposal subject to conditions.

Environment Agency – no objection. The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. As recommended by the Flood Risk Assessment prepared by the Flood Risk Consultancy (dated November 2013, ref: 2013-093) a survey of the existing drainage network at the site should be undertaken in order to confirm the outfall location(s) and the rate of runoff that the system is capable of discharging. This should in turn be utilised to inform the post development surface water drainage strategy. 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. Recommend conditions.

Natural Environment Officer – no objection subject to agreement with Cheshire East Council.
Cheshire East Council – no comments received. Verbal update at committee.

United Utilities – no objection subject to a condition.

Cheshire Archaeological Service – no objection subject to condition.

Environmental Protection – no objection subject to the following comments:

The proposed use is for a vehicle collection using subterranean storage and for office based uses on the above ground element.

The office based uses and the vehicle storage elements are considered to be entirely suitable for this site and do not require major restrictions on their use apart from clarification on the likely hours of use.

What is not entirely clear is what the former runway elements of the site are to be used for. Whilst permitted development would allow some periodic ‘uncontrolled’ activities to occur on this site, it will be necessary to ensure that the site does not develop over time into a vehicle testing or speed testing venue which would increase ambient noise levels off site due to the noise from associated high speed/high power vehicle engines operating.

It is considered necessary to require a live scheme type condition to be implemented to firstly identify the likely activities on the site and then to monitor and review the impacts regularly to maximise potential for the applicants use whilst minimising the impacts to the residential properties surrounding the site. The scheme will require identification of mitigation measures and the recording of complaints.

No objections subject to conditions and/or informatives being applied should consent be given and consideration of a suitable condition to limit the scope of use of the proposal.

Observations

Principle of development
the site lies in the Green Belt. The NPPF confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

The remnants of Stretton airfield cover an extensive area – 71 hectares – of which there is over 100,000m² of hardstanding and a number of buildings and other structures within the airfield. The built elements of the proposed application are concentrated on the northern part of the site which includes a former taxiway and a small amount of land which is now more widely used for agriculture. In the process of time the taxiways and runway have become partially populated by grasses and weeds; although the runway in particular is still a notable feature of the site.
The proposed development would involve development above ground where there are no existing structures. It therefore follows that there would be an impact on openness on this part of the overall site. A small proportion of the proposed garage and hardstanding element would also encroach onto an area of land which is used for agricultural purposes. When measured against paragraph 89 of the NPPF, the development is therefore considered to be an inappropriate form in the Green Belt and should not be approved except in very special circumstances.

The ‘office’ element has been reduced in scale by approximately 25% and would result in a floor space of 222m². It is stated that the applicant wants to develop a high quality office space to research and source new cars and organise and liaise with specialist dealers across the country. It is also intended that a car collection manager, secretary, up to two car collection assistants and security guards would utilise the office space. A condition could be imposed to ensure that the office space remains ancillary to the garage which would negate the need for a sequential test (policy SN5). Objectors have pointed to other potential sites for car storage within existing employment areas locally. However, as car storage is a B8 use, there is no specific policy requirement for the applicant to undertake a sequential test. Notwithstanding this, it is considered that the proposal would not affect the viability of any of the local centres due to the nature of the use. With the site being in the Green Belt, the main issue is whether or not there are very special circumstances in this case which clearly outweigh any other harm.

Visual Impact
The site is positioned on the southern edge of Warrington where there are panoramic views to the south of undulating countryside. To the north views are intercepted by the M56 and numerous large industrial units associated with Appleton Thorn industrial estate – which lies on part of the former airfield. The site is generally open with the runway and taxiways the only significant evidence of its former use.

The proposal involves a substantial storage facility which includes an office building and a large circular below ground structure which would constitute a garage. From close quarters the building would have a contemporary appearance including angular roof lines and use of modern materials and glazing. It is a design of high quality and innovation, although it is acknowledged that the office element and hardstanding areas detract from the subterranean concept to some extent.

The application includes the removal of a number of redundant and dilapidated buildings which are greater in floor space than the floor space proposed. Most of these buildings have seen better days and do not offer any significant value to the overall site. The trade-off, at least in visual terms, would see a visual improvement to the built form.

The site is largely devoid of significant trees or vegetation. The vertical proportions of the office design would be contained in a small area of the site, largely set against the backdrop of woodland and other buildings visible on
the Appleton Thorn estate. The proposal development would not be significantly visible from the surrounding area with most obtainable views being at distance from Crowley Lane and Arley Lane. There is no public access within site and views from the north are almost wholly obscured by the trees which are located immediately to the south of the M56. Views from the south are largely restricted by the trees which run along the edge of the local country lanes. There would be some long distance views from land close to the airfield which is owned by private individuals. Due to the large expansive airfield, the lack of public access and the position of the proposed development on the northern part of the airfield; the potential visual and openness impact of the proposal would be significantly reduced by all of these factors. Overall, there is a relatively minor impact on the openness of the Green Belt and the 'trade-off' further reduces the overall impact on the Green Belt. Tree planting is likely to filter or omit many obtainable views of the proposed buildings and structures.

Any artificial lighting might have an additional visual impact. Therefore, a condition is considered necessary in order to control this element. However, it is not the proposed intention to provide lighting around runway or taxiways, for example.

In terms of landscape character and the location of the proposal – the proposed office building would be subsumed by the large, expansive nature of the airfield. The site is considered to be relatively featureless. The Landscape Character Assessment reinforces that this is not a particularly sensitive landscape.

Ecology and Landscaping
The NPPF advocates both the conservation and the enhancement of biodiversity. The proposals cover a large area which has naturally regenerated in many areas and to an extent, already has biodiversity value.

The submitted survey identifies species of bat, barn owl and birds, with the potential for badgers and great crested newts. In terms of the impact on bat species, the application involves the demolition of buildings associated with the former air traffic control tower, one of which is host to a small number of pipistrelle bats. The building is in a very poor state of repair and appears to have limited potential for a hibernation or maternity roost. In addition, it is likely that the deterioration of the building over time would render the building unsuitable for bats in the long term. As mitigation the applicant proposes to demolish the buildings only during the winter months and provide six bat boxes on site. A license would be required for these works but the proposed mitigation is considered acceptable in planning terms and, subject to mitigating conditions, raises no objection from the Council’s Natural Environment Officer.

One of the buildings within the former air traffic control compound is currently used by barn owl(s). The mitigation – to provide four new barn owl boxes – is considered acceptable subject to a condition. This part of the site falls within Cheshire East.
The landscaping proposals are an intrinsic part of the biodiversity improvements and the long-term benefits associated with the scheme. They comprise:

- Creation of approximately 4ha of new species rich grassland through conversion of existing arable land to be managed via an annual hay cut;
- Creation of approximately 1ha of broadleaved woodland;
- Widening of exiting grassland headlands to arable fields;
- Management of approximately 9ha of existing rough grassland and scrub to maintain a rough grassland scrub mosaic; and
- Creation of seven new wildlife ponds.

The existing site is typical of an existing airfield. There are large tracts of agricultural land in between the taxiways and runway. Tree cover is limited to the periphery of the site. The proposed landscaping plan is considered sympathetic to the agricultural nature of the site. The retention of the arable crop zones and a matrix of grassland types is considered key to the promotion of suitable ground nesting bird habitat. Likewise, the water features are considered suitable enhancement but they require careful consideration – it is important to ensure that they are able to retain sufficient water given the open and flat nature of the site. These wetland areas are important in terms of supporting and encouraging bird life.

The area of land within Cheshire East includes the removal of hardstanding areas. However, there are concerns that the removal of these areas could lead to impacts on the already established ecological value of this part of the site.

Whilst the site is not designated as a Local Wildlife Site, part/all of the site potentially meets the criteria due to the range of bird species. The proposals are intended to enhance the value of the site and these contributing factors are considered to weigh in favour of the proposed development.

Overall it is considered that the proposed development could have a positive effect in retaining the species present and enhancing the former airfield as a breeding site for a number of priority and red list species. In the event that planning permission is granted, a condition would be imposed in order to ensure that the detailed concerns set out (and any comments from Cheshire East) can be fully incorporated into a final landscaping plan. A condition requiring a 5 year management plan would also be imposed.

Residential Amenity

A number of objections received are concerned with the potential impact of the use of the runway and taxiways for the testing/racing of vehicles. This is an entirely legitimate concern given the purpose of the application – to store valuable cars – being positioned within an airfield which is entirely suitable for the racing/testing of cars. However, the use of the airfield for vehicles in the applicant's collection is not part of the development proposal. In this regard
the applicant has stated that the site has been chosen because of its privacy and security, and that they have no intention of ever operating the site as a track. According to the applicant the existing areas of hardstanding would be used for the testing of some of the vehicles to make sure they work properly before they are taken out onto the public highway. Permitted development rights would allow the use of the airfield for the racing of motor vehicles (including trials of speed and practising for these events) and the application does not propose to extend these rights any further.

Over the years there has been interest in the use of this site for motor vehicle related activities. In 1982 planning permission was granted for the use of the site for the testing of motor vehicle products (82/13355). In 2009 a planning application was refused for the use of part of the airfield as a driving circuit, due to the potential impact on residential amenity. The nearest residential properties lie to the west some 250m away. Further properties are to the south at a distance of over 500m.

Whilst the use of the airfield does not form part of the development proposal, it is nevertheless acknowledged that it is more likely that the airfield would be used for the racing/testing of vehicles on a more regular basis than otherwise. These concerns are generally echoed by the local Parish Council's and a number of local residents. That said, the fact that the application covers the whole of the former airfield site means that there is potential control over the activities which take place on the airfield.

Environmental Protection has assessed the proposal and considers it necessary to ensure that the site does not develop over time into a vehicle or speed testing venue. They recommend the imposition of a condition. In response, the applicant has put forward further restrictions so that the airfield is only used between the hours of 8am and 11pm.

Based on a site visit, it appears unlikely that the airfield in its current form would be particularly suitable for racing or testing valuable cars. It is considered to be a low key, ancillary aspect of the main proposal. Overall, given that motor vehicle related uses could only take place on 14 days of the year, it is considered that the application complies with policy QE6 of the Core Strategy.

Heritage
There are no statutory heritage assets within the airfield boundary and none of the existing buildings or structures are nationally or locally listed.

Appleton Parish Council has questioned whether the site should be a designated heritage site due to its history. However, the northern part of the former airfield has already been lost to the M56 and Appleton Thorn industrial estate. In addition, the application includes the demolition of more modern buildings such as an air traffic control tower. The more ‘historic’ features are considered to comprise the existing hardstandings and the former air raid shelters. Whilst the proposed development would result in the loss of some of the hardstanding (taxiways); the runway would remain in situ, as would the
former air raid shelters. Overall, it is considered that the site would still be read and interpreted as a former airfield.

Cheshire Archaeological Planning Service does not object to the proposal and whilst they consider that two of the small buildings proposed for demolition may have potential historical importance, these buildings are small in scale. Nevertheless, a level II building survey (in order to record the buildings) is recommended by way of a planning condition should planning permission be granted. Overall it is considered that there are no significant non-designated heritage assets which would be affected by this proposed development. The loss of a small number of structures/buildings of potential heritage value would be mitigated by appropriate recording of their significance.

In terms of other archaeological interest; the south eastern corner of the site includes features of potential interest and significance. Within this area it is proposed to include landscaping and habitats. This was very much the organisational hub of the airfield, with hangars, taxi ways, and other features. The footprints of these features are clearly visible on modern aerial photographs and any serious earthmoving would damage or destroy the remains. However, this part of the site does not fall within Warrington. Cheshire Archaeological Planning Service recommends the imposition of a planning condition (watching brief) as the extent of the ground works in this area is not altogether clear.

Notwithstanding the above, the site is considered to have some historical and heritage importance. Whilst this does not extend as far as designating various features within the site; the important features in this case would be either retained or, in the case of demolition or potential disturbance, recorded. Therefore, the proposal is considered to comply with the NPPF and policy QE8 of the Core Strategy.

Highways
Access to the site is proposed off Crowley Lane which lies in Cheshire East. Therefore, the acceptability of the scheme from a highways perspective largely depends on the views of Cheshire East – they will be determining their respective application in due course.

Based on the current submission the applicant has stated that any cars stored on the site would either drive to the site or be transported by a trailer and 4 x 4 vehicle. There are no issues in terms of above ground parking provision for employees. The proposal is considered to comply with policy MP1 of the Core Strategy, subject to conditions.

Other Matters
Whilst concerns have been raised regarding potential drainage of the site – a number of conditions are proposed in order to ensure sustainable urban drainage. This is intended to slow the flow rate of water and potentially remove harmful contaminants. Further conditions are also proposed in order that any water, during periods of potential flooding, are fully contained within the site. Therefore, the concerns raised have been addressed in this respect.
A number of objectors have commented on the tranquillity of the area. However, the site lies adjacent to the M56 and comprises a former airfield. It is not prized for its tranquillity. Whilst it is accepted that some areas, particular to the south, are ‘quiet’ – the proposed development offers suitable controls in order to ensure that the impact on local amenity is not unacceptable.

In terms of contamination, conditions are proposed in order to ensure that the site is monitored for potential contaminants and a monitoring and mitigation report submitted to the Council for agreement.

**Assessment of Very Special Circumstances** The site, comprising a former airfield, comprises an extensive area of brownfield land which is separated by expansive areas of agriculture, grassland and naturally vegetated areas. The site lies wholly in the Green Belt. The application involves a novel and bespoke form of development comprising a large subterranean garage building and ancillary office to serve a substantial, private car collection. Set against this, there are a number of benefits. The application requires a careful balancing exercise.

The main garage element is proposed underground and despite the considerable floorspace, this would be almost totally hidden from view. The office element, being above ground and two-storeys, would have a relatively minor impact on the openness of the Green Belt given the site in context. Whilst the proposed garage element would make a minor encroachment into an agricultural field, this is not considered to be significant given the nature of the site and the fact that most of the proposal utilises existing hardstanding areas. Conditions could be imposed in order to control the use of the proposed buildings, floodlighting and use of the site (limited by hours and ensuring no vehicles are parked out on the airfield). This would further curtail potential impacts on the Green Belt.

It is also noted that the application offers a ‘trade-off’ in respect of the new build set against those buildings which are proposed for removal. Similarly, a significant amount of existing hardstanding would be removed from the site. These are beneficial elements which attract significant weight in favour.

In terms of landscape and visual impact, the Warrington Landscape Character Assessment notes that the site is visually isolated and appears to have a low level of landscape sensitivity. The proposed development would not significantly break the skyline – indeed most of the proposal is below ground - and therefore, it is considered to be in keeping with existing site. Overall, the proposed development would not have a significant impact on the landscape character.

The benefits of the scheme include extensive landscaping and potential habitat improvement comprising new species rich grassland, wetland areas, woodland and the management of existing natural areas. Not only does this benefit the current application but it provides long term benefits and an
element of security and certainty across the whole of the former airfield. Certainly, it is lower key and offers greater potential benefits than previous applications on this site.

The design and concept of the scheme is highly innovative and includes a contemporary, modern appearance. There are elements proposed above ground (hard standing and office) which perhaps detract from the innovative elements displayed as part of the underground garage element. A small amount of weight is attributed the benefits arising from the design of the scheme.

In terms of job creation from the construction phase, there are no details as to how many jobs would be created or whether these would be local jobs. There would be a small number of jobs associated with the use but there is no indication as to whether these would be local jobs. Therefore, this is given no weight.

Given the logical relationship between the proposed car storage facility and the adjacent airfield, it is not surprising that numerous concerns have been raised regarding potential noise emanating from cars using/racing along the airfield. However, there are permitted development rights for the racing of cars (14 days per year). The applicant is not intending to upgrade the existing runway or hardstandings and it is considered that any use of the airfield for car testing/racing would be low key. The fact that the former airfield site is included in this application means that conditions can be imposed to control the intensity and scale of the use.

Access to the site lies in Cheshire East and whilst it would have been beneficial to have received their comments – there is no reason why the current application cannot be determined. A condition could be imposed in order to ensure that issues regarding access and highways have been satisfactorily addressed prior to the commencement of development.

The application is harmful by reason of inappropriateness and there is considered to be a relatively small loss of openness and a minor visual impact. According to the NPPF, substantial weight should be given to any harm to the Green Belt. The benefits of the scheme include landscaping and habitat restoration/improvement, the removal of existing buildings, structures and areas of hardstanding and an innovative design. It is also fortuitous that the proposal includes the whole airfield so that there is some degree of control over the whole site, much of which is covered by a beneficial landscaping scheme. These factors in combination are considered to constitute very special circumstances which clearly outweigh overall harm to the Green Belt. The proposal is considered to comply with policies HOU7, BH5, DCS1, GRN18 and GRN22 of the UDP; policies CS1, QE4, QE5, QE6, QE7, QE8 and MP1 of the Core Strategy. The application is also considered compliant with the relevant chapters of the NPPF and the National Planning Practice Guidance.
Recommendation

Approve subject to Conditions

Conditions

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

   Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development shall be carried out in accordance with the following documents:

   (a) The planning application forms, design and access statement and additional information received by Warrington Borough Council on 3rd March 2014.
   (b) Submitted drawing No’s AL(05)001, AL(05)002, AL(05)014, AL(05)022, AL(05)030, AL(05)031, AL(05)032, AL(05)040, AL(05)041, AL(05)042, AL(05)043, AL(05)044, AL(05)050, AL(05)051, AL(05)060, AL(05)061, AL(05)062, AL(05)063, 7783/002/3, 7738/002/4 and the supporting statement received from Mr Wilshaw ref (RW/1121 – dated 10th April 2014).

   Reason: for the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy QE6 of the Warrington Core Strategy.

3. Prior to the commencement of the development hereby approved, samples of the external roofing and facing materials (including colour or render, paintwork and colourwash) shall be submitted to the local planning authority for approval. The development shall be constructed in accordance with the approved details/samples

   Reason: In order to comply with Policy QE6 of the Warrington Core Strategy and the Warrington SPD: Design and Construction.

4. Prior to any works commencing on site, full details of the buildings and hard surfacing for removal/demolition shall be submitted to the Local Planning Authority, along with a timescale for their removal. Such details shall receive the written approval of the Local Planning Authority and no buildings shall be erected prior to the implementation of the approved scheme.

   Reason: in order to ensure that the building proposed for demolition are removed prior to any other building being erected on the site and in order to protect the Green Belt.
5. Prior to the erection of any floodlights on the approved development, details of the level of illumination from floodlights including any specific angling and cowling of the light sources shall be submitted to and agreed in writing with the Local Planning Authority prior to their installation. Once approved, the agreed lighting scheme shall be implemented as agreed prior to the commencement of use of the external lighting.

Reason: in order to ensure that the impact on the impact on the Green Belt is sufficiently controlled.

6. No development shall take place until an off site highway improvement scheme has been submitted to the Local Planning Authority that has first been approved by Cheshire East Council. The approved off site highway improvement scheme shall be fully implemented prior to the erection of any buildings hereby approved. The approved off site highway improvement scheme shall be retained as approved whilst the site is in use.

Reason: in order to ensure that the site can be accessed in a safe and satisfactory manner and in order to accord with policy MP1 of the Warrington Local Plan Core Strategy.

7. The proposal shall be carried out in full accordance with the submitted details and for private recreational purposes only. No commercial activities shall take place on any part of the site at any time.

Reason: in order to protect the amenity of the area and to restrict the impact on the Green Belt.

8. No vegetation removal shall be carried out on site between the 1st March and 31st August inclusive in any year.

Reason: in order to protect ground nesting birds which are present on site.

9. Development works of any kind shall not begin until the following conditions have been satisfied and discharged by the LPA and written approval to commence development works has been issued by the LPA. All requirements to be completed in accordance with the following guidance references: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

A: CHARACTERISATION: With specific consideration to human health, controlled waters and wider environmental factors, the following must be provided (as required) to fully characterise the site in terms of potential risk to sensitive receptors:

- Preliminary Risk Assessment (PRA or Desk Study)
- Intrusive Site Investigation
- Generic Quantitative Risk Assessment (GQRA)
PRA is the minimum requirement. DQRA only to be submitted if GQRA findings require it. The investigation(s) and risk assessment(s) must be undertaken by competent persons and all findings must form the subject of a written report.

B: SUBMISSION OF A REMEDIATION & VERIFICATION SCHEME: If required by Section A, a remediation scheme must be agreed with the LPA to ensure the site is suitable for the intended use and mitigate risks to human health, controlled waters and environmental receptors. Proposals should be derived from the Remedial Options Appraisal and form the subject of a written Remediation & Verification Strategy Report, detailing proposed remediation measures/objectives and how proposed remedial measures are to be verified/validated. All must be agreed in writing with the LPA.

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion and in order to comply with policy QE6 of the Local Plan Core Strategy.

10. Occupancy or use of the development shall not be permitted until the following conditions have been satisfied and discharged by the LPA. All requirements to be completed in accordance with the following guidance references: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

A: REMEDIATION & VERIFICATION: The remediation scheme approved by the LPA shall be carried out in accordance with the agreed Remediation Strategy and remedial works shall be verified in accordance with the agreed Verification Strategy. Following completion of all measures, a Verification/Validation/Completion Report must be produced and submitted to the LPA for approval.

B: REPORTING OF UNEXPECTED CONTAMINATION: Unexpected or previously-identified contamination encountered during development works must be reported immediately to the LPA and works halted within the affected area. Contamination must then be characterised by intrusive investigation and risk assessment reporting, with remediation/verification measures (if required) being agreed with the LPA. An updated Remediation & Verification Strategy Report must then be submitted to the LPA for approval and procedures followed as per Section A of this Condition.

C: LONG-TERM MONITORING & MAINTENANCE: If required as part of the agreed remediation scheme, monitoring and/or maintenance of remedial measures may be required to be carried out post-completion of development works and in accordance with the 'Model Procedures
for the Management of Land Contamination’ (Ref: CLR11) guidance document, published by DEFRA and the Environment Agency. Following completion of all works, findings must form the subject of a written report and be submitted to the LPA for approval.

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion and in order to comply with policy QE6 of the Warrington Local Plan Core Strategy.

11. Prior to the commencement of development, a detailed Bat Mitigation plan which shall include licensing details, the provision of features suitable for use by roosting bats, necessary provision for a variety of Schwegler type boxes to be erected on trees within the north west woodland and details of post mounted boxes to be located close to the original roost site, shall be submitted to and agreed in writing by the Local Planning Authority. The proposals shall be installed and permanently retained in accordance with approved details.

Reason: in order to ensure adequate bat protection and mitigation in accordance with policy QE5 of the Warrington Local Plan Core Strategy.

12. If the development hereby approved is not commenced within one year of the date of this consent a further bat survey of the site shall be carried out to update the information on the species and the impact of the development. These details shall be submitted together with an amended mitigation strategy as appropriate to the Local planning authority, and shall be thereafter be implemented as agreed.

Reason: in order to ensure adequate bat mitigation measures and the provision of ecology enhancements which accord with the requirements of the NPPF and policy QE5 of the Warrington Local Plan Core Strategy.

13. No demolition shall take place until a Badger Method statement has been submitted to Warrington Borough Council. This should include, but not be limited to, recommended timings, working practices and details regarding any required Natural England Badger Disturbance License. The development shall be carried out in full accordance with the approved details.

Reason: in order to ensure adequate bat mitigation measures and the provision of ecology enhancements which accord with the requirements of the NPPF and policy QE5 of the Warrington Local Plan Core Strategy.
14. Four Barn Owl nesting boxes shall be provided, full details of which (including their location and timescale for erection) shall be provided prior to any demolition works commencing on site. The details shall be retained thereafter in accordance with written approval of the submitted details.

Reason: to secure the long-term protection of the species by maintaining continuity of occupation (by providing temporary additional roosting/nesting places on-site) and in accordance with the National Planning Policy Framework.

15. No development, demolition or site clearance works shall take place until an Ecological Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

1. An appropriate scale plan showing ‘ecological protection zones’ where [any] or [specified] construction activities are restricted and where protective measures will be installed or implemented.

2. Details of important ecological features present such as woodland, and protected species.

3. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction. These to include measures relevant to the species present on site especially relating to the storage of materials, excavations and throughput of construction and other vehicular traffic, timing of operational activities; the erection of protective fencing at agreed distances from sensitive habitats and wildlife areas.

4. A timetable to show phasing of construction activities to avoid periods of the year when activities could be harmful, such as the bird breeding season and other wildlife breeding or hibernation seasons or times at which habitats may be most sensitive for example when setting seed.

5. Persons responsible for;
(a) Compliance with legal consents relating to nature conservation;
(b) Compliance with planning conditions relating to nature conservation;
(c) Installation of physical protection measures during construction;
(d) Implementation of sensitive working practices during construction.
(e) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
(f) Provision of training and information about the importance of ‘ecological protection zones’ to all personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in
writing by the Local Planning Authority.

Reason: in order to ensure adequate protection of ecological interests in accordance with policy QE5 of the Core Strategy.

16. A habitat management plan shall be submitted to and approved by Warrington Borough Council prior to the commencement of development. The plan shall include:

(i) Description and evaluation of the features to be managed;
(ii) Ecological trends and constraints on site that may influence management;
(iii) Aims and objectives of management;
(iv) Appropriate management options for achieving aims and objectives;
(v) Prescriptions for management actions;
(vi) Preparation of a work schedule (including a 5 yr project register, an annual work plan and the means by which the plan will be rolled forward annually);
(vii) Personnel responsible for implementation of the plan;
(viii) Monitoring and remedial / contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority.

Reason: in order to ensure adequate protection of ecological interests in accordance with policy QE5 of the Core Strategy.

17. The development hereby permitted shall not be commenced until such time as, a surface water regulation scheme for the site, based on sustainable drainage principles, 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 / disposal of surface water from the site.

18. 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.

19. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.
Reason: to minimise/prevent impact to the environment, in accordance with the National Planning Policy Framework.

20. The above ground office accommodation hereby permitted shall remain ancillary to the permitted use and shall not be used as a separate A2 or B1 use as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: for the avoidance of doubt and in order to limit the impact on the Green Belt and the amenity of the local area.

21. No development, demolition or clearance works shall take place within the area indicated 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.

Reason: in order to comply with the requirements of policy QE8 of the Core Strategy.

22. The 'bunkers/air raid shelters' marked on plan no 7783/002/3 and 7738/002/4 shall be retained in their entirety.

Reason: in order to protect archaeological interests, in accordance with policy QE8 of the Core Strategy.

23. Prior to the commencement of development a satisfactory revised programmed landscaping scheme which shall include hard surfacing, the clearing of any hardstanding, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the development, shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented during the first planting season following the completion of development and any tree or shrub planted which dies or is felled, uprooted, willfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality and to comply with saved Policy GRN22 of the Warrington UDP, Policy QE6 of the Warrington Core Strategy and the Warrington SPD: Design and Construction.

24. During the first planting season following the commencement of development hereby approved the landscaping details as indicated on the approved plans shall be carried out to the satisfaction of the local planning authority. Any trees, plants or shrubs so planted which die or are felled, uprooted, willfully damaged or destroyed within ten years of
the date of planting shall be replaced by the applicants or their successors in title.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and to comply with saved Policy GRN22 of the Warrington UDP, Policy QE6 of the Warrington Core Strategy and the Warrington SPD: Design and Construction.

25. There shall be no parking of vehicles on any areas of hardstanding (other than the car park), or any movement of vehicles within the site (above ground only), between the hours of 11pm and 8am.

Reason: in the interests of the local amenity and in order to comply with policy QE6 of the Core Strategy.

26. Prior to the commencement of development a revised plan shall be submitted which identifies suitable provision for the above ground parking of 8 cars. The development shall thereafter be carried out in accordance with the approved details.

Reason: in order to ensure that the parking provision is commensurate to the scale of the development.

27. There shall be no surfacing/resurfacing of any hardstanding within the site, other than those areas clearly marked for development on the approved plans.

Reason: in order to prevent the creation of any areas of hardstanding and to prevent encroachment into the Green Belt.

Informatives

1. In the interests of residential amenity, the applicant/agent/developer is strongly advised to adopt the following recommended construction/demolition hours for all works on site.

Works audible at or beyond the site boundary should not occur outside of Monday to Friday 08.00hrs to 18.00 hrs, Saturday 08.30hrs to 13.30hrs and at no time on Sundays or Public/Bank Holidays.

Noisy or disruptive works carried on outside of these hours are much more likely to raise objections or complaints by local residents (due to disturbance) to the redevelopment of the site which may, in turn, result in formal action being pursued by Public Protection Services to enforce the recommended hours.

For more advice and guidance on recommended construction/demolition hours or construction/demolition methods, please contact an officer from Public Protection on 01925 442589
2. The applicant should be advised that either a Road Opening Permit or an agreement under Section 278 of the Highways Act 1980 will need to be entered into with Cheshire East Council prior to construction to cover the works to the adopted highway including the revised vehicular access to Crowley Lane.

3. In accordance with Class 4, Part B of the Town and Country Planning (General Permitted Development) (as amended) Order 1995 the use of the site for the purposes of motor car racing including trials of speed and practicing for these activities shall not exceed 14 days in total in any calendar year.
1. PURPOSE OF THE REPORT

1.1 The purpose of this report is to outline a number of options in respect of the frequency / number / type of planning committee meetings.

2. BACKGROUND

2.1 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 18 months planning application performance has improved although further improvements are unlikely to be realised unless further changes are made. In addition to this the Directorate/Development Management Service has/is being re-designed in recognition of budget pressures.

2.2 A Peer Review challenge into Warrington Borough Council’s Planning services (including Development Management) took place in November 2013. The Peer Review process concluded with a number of recommendations including the following:

1. There appears to be a good case for combining the two existing planning committees into one. This should enable rationalisation of pre-Committee processes around the production and sign-off of reports, reduce the burden on members and officers who currently frequently have to attend two evening committee meetings in one week and, subject to safeguards around public speaking rights and the continued implementation of appropriate notifications of meetings, should not result in any reduction of democratic and public scrutiny of the planning decision-making process.

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

3.1 Both Development Management Committee and the Planning Improvement Board agreed in November 2013 and January 2014 respectively that it would be appropriate to review the Council’s Constitution mid-way through 2014 in terms of what was considered at committee and the number, type and frequency of committee meetings. This report focuses on the latter.

Committee Meetings

3.2 There does appear to be a case for moving towards having one single planning committee (ie Development Management Committee) based on the following trends/agendas. On average the number of applications being referred to Development Management Committee has been very low (on average 1 per committee but with some meetings being cancelled). On average the number of applications being referred to PASC has been 7.

<table>
<thead>
<tr>
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<tr>
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<td>-</td>
<td>3</td>
</tr>
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<tr>
<td><strong>Average No. of cases per committee</strong></td>
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3.3 There is a case for having one committee and one committee agenda. However, it is recognised that the Town Hall Council Chamber is small and hence it can be difficult to seat everyone particularly when a contentious/major planning application is on an agenda. Committee room 1 is available for the public to wait for agenda items to be considers and the room includes speakers so that the public can listen to debate. However, it is always better to give the public chance to sit through whole meetings wherever possible. In recognition of these circumstances it is considered appropriate to have one planning committee agenda but have the next evening in reserve in order to accommodate potentially large numbers of people. It would also be appropriate to have a meeting in reserve in the event that meetings
are lengthy and members need more time to consider other agenda items. Where is it is known that there is likely to be hundreds of people attending a committee meeting the reserve meeting could be held at a different venue (eg Parr Hall) or alternatively a Special DMC convened.

3.4 An alternative option might be to continue with current arrangements (ie both a PASC and DMC meeting) but hold the meetings every four weeks instead of three. This would result in some efficiency savings in so far that there would be fewer meetings and fewer agendas. This option would give members/officers more time to consider whether a one committee route would likely be acceptable and/or feasible. Given recent changes to the Council’s constitution it is not envisaged that 4 weekly meetings would have a negative impact on performance although this would need to be monitored.

4. CONFIDENTIAL OR EXEMPT
4.1 Not confidential or exempt

5. FINANCIAL CONSIDERATIONS
5.1 None

6. RISK ASSESSMENT
6.1 No risks identified.

7. EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT
7.1 Not required.

8. CONSULTATION
8.1 DMC and The Planning Improvement Board have requested a review of committee meetings take place mid-way through 2014. The newly formed Planning Improvement and Monitoring Board met on 23rd April 2014 and considered that the 4 weekly PASC and DMC option was likely to be more favourable at this moment in time, but that the matter should be considered fully at Development Management Committee in June 2014.

9. REASON FOR RECOMMENDATION
9.1 The changes to the frequency of committee meetings will assist in terms of further improvement relating to planning application performance and will ensure that existing resources are used most effectively.

10. RECOMMENDATION
10.1 That members consider either (i) continuing with PASC and DMC meetings but every four weeks or (ii) moving towards having one committee meeting but meeting every three weeks.
11. **BACKGROUND PAPERS** - None

Contacts for Background Papers:

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

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<th>Date Consulted</th>
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<tbody>
<tr>
<td>Executive Director</td>
<td>Yes</td>
<td>2/5/14</td>
</tr>
<tr>
<td>Andy Farrall</td>
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</table>
TITLE OF REPORT: Appeal decisions for period between 31st April and 19th May.

1. PURPOSE OF THE REPORT

1.1 To advise members of the planning appeal outcome for sites at Moss Side Lane, Hollydene, 156 Thelwall Lane and Heathfield House.

1.2

2. REPORT BODY

Planning Appeal Decisions

Dismissed Appeals

2.1 Members will note that two appeals have been dismissed – at Hollydene and 156 Thelwall Lane.

Hollydene, Windmill Lane

2.2 Permission was sought to demolish the existing dwelling and erect a new detached dwelling. The appeal was dismissed for the same reason as our refusal. Essentially the appellants failed to provide adequate bat survey work during the optimum survey period (May to August). Although the appellants did produce a survey with their application, however this was conducted outside of the optimum period and highlighted a moderate potential for bats.

2.3 Despite this being the case the appellants pursued an appeal hastily thus preventing further survey work being conducted before or whilst the appeal was being heard.

2.4 As a result of the appellants approach the Council was successful in winning an award of costs for works relating to the appeal process. The appellants were unsuccessful with their claim.

2.5 This case only adds weight to our approach on ecological surveys in ensuring we know the full facts before determination.

156 Thelwall Lane

2.6 The application was a re-submission of a refused application (also later dismissed at appeal) - the appellants sought to address the concerns identified in both decisions.
2.7 The Inspector noted the appellants desire to improve their working and living accommodation, however found that the return frontage of the 2-storey built form would project significantly forward of the established front building line of properties along the western side of Pendlebury Street.

2.8 They also considered the proposal would visually disrupt the pattern and rhythm created by the general alignment of the upper side elevation of No 156 and the front elevations of the Pendlebury Street properties beyond. Similarly, in public views from along Pendlebury Street, the proposal would create an abrupt visual end stop to the Pendlebury Street properties. While the existing side extension projects further beyond the front building line of the Pendlebury Street properties, it has a less imposing presence and is less obtrusive in the local street scene than would be the case with the proposal given its modest height and flat roof form.

2.9 The proposal was concluded to be out of keeping with the character and appearance of the host building and the local area.

2.10 Notwithstanding this decision, approval has been granted for a more sympathetic extension at the rear of the dwelling, which does not compromise either the character/appearance of the site or neighbours amenity. Ref: 2014/23393.

**Allowed Appeals**

2.11 Members will note that two appeals have been allowed – at Heathfield House and Moss Side Lane.

**Heathfield House**

2.12 Permission was sought to erect a single storey extension at the rear replacing the existing outbuilding to provide 6 additional childcare spaces. The proposal also entailed providing additional car parking provision.

2.13 The Council refused permission because the additional parking demand generated could not be satisfactorily accommodated on site which would lead to overspill parking onto the adjacent roads, hindering the safe and free flow of traffic in particular at the junction of Nelson Road and Delenty Drive.

2.14 As part of the appeal the appellants submitted a revised parking layout with bays three deep. Despite highway engineers making representation that this scheme is unacceptable and unworkable nor in accordance with the Warrington Design Guide Residential and Industrial Estate Roads, the Inspector considered that there would be 7 spaces that would have unrestricted use and the 3 “blocked-in” spaces would be used by nursery staff who arrive early in the morning and stay parked there for long periods and therefore the “blocked-in” nature of them would not affect the pick-up and drop off periods for parents.

2.15 This consent enables the nursery to be used by 44 children. The Inspector considered the increase in numbers was not significant nor would it have an impact on residential amenity.
2.16 This consent also allows the nursery to operate between the hours of 8-6 Monday to Friday. This is half an hour longer in the morning and evening than previously permitted.

*Moss Side Lane*

2.17 Consent was sought to convert an office building into a dwelling house. The Council refused permission because the site offered poor outlook, limited private amenity space and create a poor residential environment that would cause demonstrable harm to the living conditions of the future occupiers as a result of the adjacent brickworks.

2.18 Despite this, the Inspector considered the scheme would provide satisfactory living conditions for future occupiers and found no conflict with the adopted Warrington UDP.

2.19 The Inspector noted the rear boundary would be close to the rear windows of the living room and it would limit the outlook from the yard. However, given the rural setting of the property and the outlook over fields from the front window of the living room, they did not consider that this restricted outlook at the rear would be significantly harmful to the living conditions of future occupiers. The window at the front of the living room would provide light additional to that provided through the rear window and therefore there would be sufficient natural light. The bedrooms would have natural light not only from the new windows but also from the existing roof-lights and it was noted irrespective of the roof-lights, the upstairs receives an adequate amount of natural light.

2.20 A key point to take away from this appeal is the concept / use of a garden which can be interpreted very differently by individuals.

3. **CONFIDENTIAL OR EXEMPT**

3.1 Not confidential or exempt.

4. **FINANCIAL CONSIDERATIONS**

4.1 None.

5. **RISK ASSESSMENT**

5.1 No risks identified.

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

6.1 Not required.

7. **CONSULTATION**

7.1 Not required.
8. REASON FOR RECOMMENDATION
8.1 To inform Members of the results of appeals and of performance statistics.

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

10. BACKGROUND PAPERS
10.1 None

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
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<th>Telephone</th>
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</thead>
<tbody>
<tr>
<td>Andrew McGlone</td>
<td><a href="mailto:amcglone@warrington.gov.uk">amcglone@warrington.gov.uk</a></td>
<td>01925 442845</td>
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<td>x</td>
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