To: Members of the Development Management Committee

Councillors:

Chair – T McCarthy
Deputy Chair – J Richards
B Barr, J Davidson, G Friend, T Higgins, L Hoyle,
C Jordan, L Ladbury, L Murphy, F Rashid and G Settle

28 November 2012

Development Management Committee
Thursday, 6 December 2012 at 6.30pm
Council Chamber, Town Hall, Sankey Street, Warrington, WA1 1UH

Agenda prepared by Louise Murtagh, Democratic Services Officer – Telephone: (01925) 4432111, Fax: (01925) 656278,
E-mail: lmurtagh@warrington.gov.uk

A G E N D A

Part 1

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

Item 1. Apologies for Absence

To record any apologies received.
2. **Code of Conduct - Declarations of Interest**  
   **Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012**

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

3. **Minutes**

To confirm the minutes of the meeting held on 22 November 2012 as a correct record.

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


**Part 2**

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

Nil

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

**22 NOVEMBER 2012**

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

**DM58 Apologies for Absence**

An apology for absence was received from Councillor T Higgins, C Jordan, L Ladbury and F Rashid.

**DM59 Code of Conduct – Declarations of Interest**

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
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<tbody>
<tr>
<td>Councillor G Friend</td>
<td>DM62</td>
<td>Councillor G Friend was a Member of Poulton with Fearnhead Parish Council, the Clerk to this Parish Council was objecting to the application, Councillor Friend, had not taken part in any prior discussions relating to the application</td>
<td>Cllr G Friend remained in the meeting and took part in both the discussion and voted thereon</td>
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<tr>
<td>Councillor T McCarthy</td>
<td>DM62</td>
<td>Cllr T McCarthy was a Ward Councillor who represented Rixton and Woolston, and a Parish Councillor who represented Woolston, however he had not taken part in any discussions relating to the application</td>
<td>Cllr T McCarthy remained in the meeting and took part in both the discussion and voted thereon</td>
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<tr>
<td>Councillor G Settle</td>
<td>DM62</td>
<td>Councillor G Settle was a Member of</td>
<td>Cllr G Settle remained in the meeting and took part in both the discussion and voted thereon</td>
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DM60 Minutes

Resolved,

That the minutes of the meeting held on 25 October 2012 were agreed as a correct record and signed by the Chair.

(It was noted that planning application 2012/19709 – Prospect Farm, Prospect Lane, Rixton-With-Glazebrook, Warrington, WA3 6EH - Proposed change of use to provide a clay pigeon shooting club, clubhouse and associated parking would now be sited visited on Friday, 18 January 2013 and be considered by the Development Management Committee on Thursday, 24 January 2013).

DM61 Planning Applications

Resolved,

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

DM62 2012/20433 – Woolston Community Primary, Hall Road, Woolston, Warrington, WA1 4PA - Proposed demolition of existing building and construction of a new single storey school

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

This application had been deferred from the previous meeting of the committee held on 25 October 2012 to enable a site visit to take place.

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

Resolved,
Agenda Item 3

That application 2012/20433 be approved subject to conditions

Signed………………………

Dated ………………………
# DEVELOPMENT MANAGEMENT COMMITTEE

**Thursday 6th December 2012**

**Start 18:30**

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<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
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<tbody>
<tr>
<td>1</td>
<td>3</td>
<td>2012/19993</td>
<td>LAND TO THE NORTH OF BOOThS LANE, LYMM, WARRINGTON Proposed stables</td>
<td>Approve</td>
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<td>2</td>
<td>28</td>
<td>2012/20462</td>
<td>LAND OPPOSITE GRAMMAR SCHOOL ROAD, LONGBUTT LANE, LYMM, WARRINGTON, WA13 0BN Outline application for proposed detached bungalow with matters of appearance, landscaping and scale reserved for later approval</td>
<td>Refuse</td>
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<tr>
<td>3</td>
<td>40</td>
<td>2012/19959</td>
<td>THREE ELMS, STATION ROAD, PENKETH, WARRINGTON, WA5 2UG Proposed construction of 30 bed dementia care unit with associated landscaping (re-submission of application 2011/18189)</td>
<td>Refuse</td>
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<tr>
<td>4</td>
<td>60</td>
<td>2012/20135</td>
<td>58-60 BIRCHDALE ROAD, APPLETON, WARRINGTON, WA4 5AW Outline application with access details for demolition of two existing detached dwellings and erection of nine new build residential dwellings including new access road</td>
<td>Refuse</td>
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<td>5</td>
<td>2012/20397</td>
<td>LAND TO SOUTH OF FARRELL STREET, WARRINGTON, WA1 2WW</td>
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<td>Proposed substitution of previously approved six apartment blocks and twenty seven dwellings with four smaller apartment blocks and sixty five dwellings, access and associated works</td>
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<td>6</td>
<td>2012/20617</td>
<td>70, CLARENCE ROAD, GRAPPENHALL AND THELWALL, WARRINGTON, WA4 2PQ</td>
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<td>Proposed demolition of existing bungalow and erection of a pair of semi detached houses on site of 70 Clarence Road</td>
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<tr>
<td>7</td>
<td>2012/20626</td>
<td>LAND ADJACENT TO RIVERSDALE, WOOLSTON</td>
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<td>Proposed construction of ten detached dwellings with garages, open space and access</td>
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<td>8</td>
<td>2012/20856</td>
<td>OMEGA PLOT 1A, WEST SIDE OF, BURTONWOOD ROAD, WARRINGTON, (EITHER SIDE OF M62)</td>
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<td>Application for approval of reserved matters following outline approval 2003/01449 - distribution centre (B8) and associated car parking, landscaping and site access</td>
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Plans List  Item 1  06-Dec-2012

Application Number: 2012/19993
Location: LAND TO THE NORTH OF BOOTHS LANE, LYMM, WARRINGTON
Ward: LYMM
Development: Proposed stables
Applicant: Mr Sheehy
Recommendation: Approve subject to Conditions

Conditions:
- Standard Time limit -full 3 years
- development in accordance with amended plans
- private recreational use only
- requirement for submission/approval of cheme to widen access as per approved plan
- 2.4m x 70m visibility splays to be provided/maintained from access point
- midden to be positioned 10m to the north of the stable block
- temporary fencing to protect trees & hedge
- maintance of roadside hedge at 1.8m height
- staining of external timbers mid-/dark brown
- stable to be of timber construction & removed of stable within 3 months when no longer required for accommodation of horses/ponies
- drainage details to be submitted/agreed/implemented
- access roadway surfacing details to be submitted/agreed
- bo external lighting to be installed without prior approval of LPA

Reason for referral

The application is reported to Committee as a consequence of the objections from Lymm PC, Cllr Woodyatt & Cllr Marks. It was deferred at the 26.10.12 meeting for a site visit by Members.

Description

- Proposed erection of pitched roofed L-shaped timber stable for private recreational use, comprising 5 loose boxes, with long dimensions of approx. 12.5m & 3.5m high to roof ridge – floor area: 63.4m² measured internally / 74.5m² measured externally.
• To be sited within 2.64 ha field, with associated alterations / improvements to access & provision of internal access track between access & proposed stable.
• As originally submitted, application also proposed an ancillary storage barn, but this element has been omitted following negotiations with the agent.

Location

• Within Green Belt.
• Field adjoins policy boundary of Lymm inset village, the character of which is predominantly residential at this point. Public footpaths adjoin site’s northern & eastern boundaries.
• Stable would be sited in SW corner of field, adj. Booths Lane, the field boundary to which is screened by a 2–2.5m high hedge.
• Access is odd Booths Lane, in the SE corner of the field.

Relevant History

• 79/7892 – Residential development (outline) – refused (Green Belt) – part of a much larger site

Main Issues and Constraints

• Principle of proposal / Green Belt
• Visual amenity / appearance
• Odours / neighbour amenity
• Highway safety
• Trees

Key policy/guidance checklist

| GRN1, GRN3, GRN9 | Green Belt / devt in countryside / outdoor activities in countryside | Requires use in Green Belt – small scale private recreational facility – private use can be reinforced via a condition.
• Negotiations successfully resulted in omission of initially proposed ancillary storage barn.
• Appropriate scale / materials – in line with definition of small scale in terms of the British Horse Society’s standards.
• Boundary hedge to Booths Lane will help minimise potential impact on Green Belt openness.
• Access details amended in line with Highways initial comments, to ensure no unacceptable detriment to highway/pedestrian safety.
| DCS1, REP11 | DC Strategy / odours | Nearest dwelling approx 40m from proposed stable, which is not |
Pre-application discussions took place with Environmental Protection aimed at minimising potential impact on residential properties – submission takes account of this.

**Responses to consultation**

**Highways:**
No objections to revised plans, subject to conditions in respect of access/visibility & restricting to private recreational use.

(Full comments in Appendix 1)

**Comment:**
- *Initial concerns raised Highways resolved through submission of appropriately amended plans.*

**Environmental Protection:**
No objection, subject to conditions restricting number of ponies & restricting to private recreational use.

(Full comments in Appendix 2)

**Comment:**
- *Also appropriate to include a condition to require midden to be positioned 10m north of the facility (as stated in the Design & Access Statement).*
- *In response to a query from a nearby resident to Environmental Protection as to why objections are not being raised (whereas it objected to a previous application for stables on Higher Lane), Environmental Protection has provided further clarification regarding its response – detailed in the final section of Appendix 2.*

**Arboriculturalist:**
No objection, subject to condition to require temporary fencing to protect mature tree on adj. lane & roadside hedge, & that consideration be given to the type of surfacing for the fenced area at the entrance to the site.

(Full comments in Appendix 3)

**Comment:**
- *Condition & informative attached.*

**Lymm PC:**
Objections – overdevelopment / highway safety / Green Belt / environmental health. Also draw attention to a nearby property not having been notified.

(Full comments in Appendix 4)

**Comment:**
- *With the omission of the associated storage building, proposal represents a small-scale private recreational facility, which is appropriate development in Green Belt –*
in terms of the standards recommended by the British Horse Society, small-scale is considered to be around 70 m² floor area;

- Difficult to justify refusal on highway safety grounds in the absence of an objection from Highways, which is happy with the amended access details proposed;
- Environmental Protection has been involved from the pre-application stage & was consulted on the application – it has not raised objections;
- A representation was received from the neighbour noted as not having been initially consulted, who was duly notified when the amended plans were received.

Ward Members:

Cllr S Woodyatt has raised objections on the grounds of overdevelopment & detriment to the visual amenity of the Green Belt, with concerns re. sub-standard access.

Cllr I Marks has raised objections on the grounds of Green Belt, highways / traffic, access to field, use, water supply, waste, care of land & suspicious re. future intentions for the land, with concern that a nearby property was not notified.

(Full comments in Appendix 5)

Comment:

- With the omission of the associated storage building, proposal represents a small-scale private recreational facility, which is appropriate development in Green Belt – in terms of the standards recommended by the British Horse Society, small-scale is considered to be around 70 m² floor area;
- Difficult to justify refusal on highway safety grounds in the absence of an objection from Highways, which is happy with proposal, including the amended access details proposed;
- Environmental Protection has been involved from the pre-application stage & was consulted on the application – it has not raised objections;
- The absence of water supply to the site at present is not a valid reason to withhold planning permission;
- Not appropriate to withhold permission on the basis of speculation on applicant’s future intentions – each application must necessarily be determined on its own merits in the relevant planning policy context;
- A representation was received from the neighbour noted as not having been initially consulted, who was duly notified when the amended plans were received.

Responses to Notification (Full details on file)

Objections received from the occupants of 30 nearby properties & a Parish Councillor – main points summarised as follows:

- Erosion/loss of Green Belt
- Had fair share of unsuitable development
- Visual impact/affect on rural character
- Impact on local residents
- Allergy to animal droppings
- Unsuitable/dangerous access
- Highway dangers/traffic increase
- Horse mess on roads/footpaths
- Booths Lane unsuitable – too narrow/busy for horse boxes – nuisance to pedestrians & other road users
Amended access details do not alter the narrowness of the road
Loss of view
Thin end of the wedge
Lymm is targeted by developers because it is a beautiful village
Stables excessive for commercial use – more consistent with a commercial operation
Stables too close to the road
Design/construction – imply some degree of permanence
No need for access/roadway on site
Question need – other stables in vicinity underused
Question applicant’s good faith & motive, citing history of present ownership – site acquired at auction by applicant in 2005 – who outbid local residents ho wished to ensure preservation of land
Applicant/owner does not live locally – not financially viable to come to site every day to look after horses/security issues
Question applicant’s long term intentions for the site, given that works carried out to drainage 3-4 years ago – potential future development of site
Lack of a water supply to the site (for cleaning/maintenance) & drainage, with associated animal welfare concerns
Vagueness of description of ‘horses’ & ‘tack’
Storage barn superfluous/no requirement for a tractor
Reference to ‘optional blockwork’ on plans (storage barn)
Too large/out of keeping
Too close to houses
Overlooking of properties from stable
Nuisance/noise/disturbance – incl. from use of access
Odours from midden
Vermin
Risk of insect bites
Change from agricultural to equestrian use
Inadequate provision for waste disposal
Siting of stable is in narrowest part of field
Land becomes waterlogged
Query scale of drawings & statement that the field is not part of an agricultural holding (given that haymaking has occurred)
Lack of maintenance of hedge since owner purchased site in 2005 – double its original height
Do not consider overgrown hedge should be permitted to be regarded as effective screening – LPA should consider impact if hedge was properly maintained/reduced in height
Inconsistent with ruling in South Staffordshire
Lack of site notice & notification of one of the neighbours

One of the objectors also advises that an action group of local residents has been formed, with a barrister’s opinion sought, as well as the views of CPRE & the British Horse Society.

(Barrister’s comments summarised/appraised in Appendix 6)
Comment:
• Proposed storage barn omitted on amended plans;
• Stable is of appropriate scale/design/construction/materials for its Green Belt location;
• A small-scale private recreational facility, which is appropriate development in Green Belt – in terms of the British Horse Society’s recommended standards small-scale is considered to be around 70 m² floor area;
• Appropriate to condition removal when no longer required;
• Difficult to justify refusal on highway safety grounds in the absence of an objection from Highways, which is happy with proposal, including the amended access details proposed;
• In terms of odours/vermin/waste issues, Environmental Protection has been involved from the pre-application stage & is happy with proposals;
• At 2–2.5m high, the Booths Lane boundary hedge is not considered excessively high – a condition to require it to be maintained at minimum height of 1.8m is considered a reasonable requirement to screen the proposed stable;
• At around 40m from the nearest dwelling, the stable would not result in overlooking at less than the normal WBC standard of 21m;
• The absence of water supply to the site at present is not a valid reason to withhold planning permission;
• Not appropriate to withhold permission on the basis of speculation on applicant’s future intentions – each application must necessarily be determined on its own merits in the relevant planning policy context;
• Inappropriate to afford weight to the applicant’s personal circumstances (incl. his place of abode), in view of the fact that planning permission runs with the land (rather than an individual);
• Considered unlikely that the land would form part of a DEFRA-registered agricultural holding – harvesting of hay on an ad hoc basis does not imply this;
• Whilst not all dimensions individually marked on plans, they are drawn to scale;
• Site notice not displayed as adj. neighbours were individually notified – the neighbour not initially consulted was duly notified when the amended plans were received;
• Loss of views not a reason to withhold permission;
• Allergy to animal waste not a reason to withhold permission – particularly given that the field can be used livestock grazing without the need for any planning permission;
• Inappropriate to attempt to apply a South Staffordshire policy approach in Warrington, where the UDP does not include such a policy – in any case, South Staffordshire’s Planning Team Leader has advised that the policy in question has no status in planning terms, not having been adopted, & is not referred to when considering planning applications; adding that, in his view, the Booths Lane proposals would be ‘small scale’ & therefore, appropriate development in the Green Belt.

External Planning Consultants’ appraisal:

In view of the substantial objections received, particularly the submission form the Barrister acting on behalf of local residents, the Council commissioned external Planning Consultants (Urban Vision) to carry out an independent appraisal of the application, in the context of the Barrister’s comments, the main conclusions of which are summarised as follows:

• The Barrister’s submission states that development of outdoor sport and recreation activities are only considered appropriate development in the Green Belt where the following 3 criteria are satisfied: - (i) It is genuinely required for outdoor sport and recreation; (ii) It is essential for such uses; and
(iii) It preserves the openness of the Green Belt

- In terms of the ‘genuine requirement’ criterion (i), note that PPG2 has now been replaced by National Planning Policy Framework (NPPF), which no longer includes an explicit policy requirement to give this consideration.
- UDP policy GRN1 makes no reference to the acceptability of a proposal being dependent upon it being genuinely required, albeit that determining whether the facilities are ‘appropriate’ implies that they should be genuinely required.
- In terms of criterion (ii), under the provisions of NPPF, development of recreational & outdoor facilities must now be appropriate rather than essential.
- Note that UDP policy was prepared with regard to PPG2, but consider that a policy conflict exists, and, as such NPPF, should be given greater weight in consideration of this aspect of the application.
- Nevertheless, the stables should be as small as possible to ensure that they are appropriate in Green Belt policy terms – a standard stable should have an approximate floor area of 3.7m x 3.7m (although larger horses may need stables up to 3.7m x 4.3m).
- In terms of the access issues, the transportation of horses to & from the site, would constitute an appropriate form of activity associated with the recreational uses of a horse.
- Satisfied that the Council are in a position to support the type and scale of proposed development, in this Green Belt location which is considered to be appropriate for this form of outdoor recreation use.
- In terms of criterion (iii), note that stables would be well screened by existing trees & hedges, whilst avoiding a prominent position on the site, with the materials being considered appropriate to the semi-rural setting, ensuring that the impact on the landscape and openness of the Green Belt is minimised.
- Conclude “that keeping horses on the land and its associated built development (stables / access road) by virtue of its siting, scale, massing and materials would not have a detrimental impact on preserving the openness of the Green Belt, nor any other reason for including land within it (NPPF paragraph 80) and as such would not amount to inappropriate development in the Green Belt.”
- In terms of the distance between the applicant’s home & the site, note that that the applicant lives in Davyhulme, which is approximately a 20 minute drive to the site and as such consider that this to be a wholly acceptable time to travel to enjoy a recreational pursuit.
- With regard to trees, note that the WBC Arboriculturalist raises no objections & is content that issues can be addressed via conditions.
- With regard to drainage, consider that conditions could be attached to ensure that suitable means of drainage are provided as part of the scheme.

(Full comments in Appendix 7)

Comment:
- The applicant’s agent has advised that the horses to be accommodated are “Connemara ponies” (smaller than most breeds of horses but classed as large
ponies), owned by the applicant, & presently in Ireland as there is not suitable accommodation on the site.

- From the plans, 4 of the stables scale off at 3.6m x 3.4m (slightly smaller than the size of a standard stable cited above), with the 5th measuring 4.7m x 3.4m, which the agent has confirmed may be used as a tack room.

- The agent has advised that it is not proposed to have a tarmac or other finished/ sealed/ tarmac road within the site, with the preference being that the access track be formed in hardcore, but advising that this could be dealt with by means of a planning condition if considered appropriate.

Applicant’s submission:
Following the concerns raised by Ward Members, the Parish Council & nearby residents, the agent has further clarified the applicant’s intentions with regard to the proposals, summarised as follows:

- **Number of horses**: The applicant intends to accommodate 3– 5 Connemara Ponies on the site. There are 5 proposed stables but it is envisaged that one of the stables would be used as a tack room that would also serve as a small feed store.

- **Who would use the horses and how regularly and for what purpose**: The horses would be owned by the client & used by his family (mainly children) only. It is envisaged that they would be used daily for leisure purposes around the fields & on neighbouring roads / bridleways.

- **Horse feeding arrangements**: Some feed would be stored on site; some would be brought by the applicants each day when they visit the site from their home in Davyhulme (less than 10 miles away & is certainly not too far to travel on a daily basis). The applicants would feed / water & look after the welfare of the ponies themselves, & it is not envisaged that any other parties would be involved.

- **Storage of feed**: Envisaged that some feed would be stored on site (in the fifth stable/ tack room), which would be supplemented on a daily basis when the applicants visit the site. The applicant has a pick up truck, which is capable of moving the feed.

- **Arrangements for watering the horses**: The applicant’s intention is to collect & store rainwater from the roof of the stables for watering the horses, to be supplement as required by additional water brought to site.

- **Stabling of horses by others?**: Confirmation that there are no arrangements for others to stable their horses on the site.

Conclusions and reasons for recommendation/decision

- Reasonably required to facilitate outdoor recreation (appropriate use in Green Belt), & requisite in terms of design/scale/materials.

- Not reasonable to attach undue weight to applicant’s personal circumstances, given that any planning permission runs with the land.

- Maintenance of roadside hedge at 1.8m would afford reasonable screening & assist in maintaining the rural feel of the area.

- By positioning the stable at the SW corner of the site, the length of the access road has been kept to a minimum, whilst at the same time ensuring that the stable is not unacceptably close to the nearest dwellings (in line with pre-application advice from Environmental Protection).
- Access/highway issues satisfactorily addressed through submission of amended access details.
- Would not impact unacceptably on the amenities which could reasonably be expected to be enjoyed by residents living in properties adjoining the field.

**Appendix 1 – Highways comments**

| Background | • The application seeks approval for the erection of a stable block, consisting of 5 individual stables, located on land between 32 and 38 Booths Lane.  
• The application site is served by an existing gated agricultural access, approximately 3m in width, located adjacent to a Public Right of Way.  
• It is noted that Booths Lane is an unclassified road, set within a semi-rural location, which a site visit confirmed is only lightly trafficked.  
• Additionally, the applicant has confirmed within the Design and Access Statement that the proposed stables will purely be for private use. |
| --- | --- |
| Internal access arrangements | • A revised site layout received on the 31st May 2012 (Drawing No.12/SHEE/01/100 Rev A) demonstrates provision of the following:  
  o The existing vehicle access will be widened to 5m and the existing lighting column (sited within the access) relocated in liaison with the Local Authority. This will provide an improved vehicle access point, which a supplied vehicle swept path demonstrates can accommodate a vehicle and horsebox, ensuring adequate access/egress to the site.  
  o The existing agricultural access gate will be removed and a replacement gate installed, set back 12m from the access point, which will allow a vehicle and horsebox to stand clear of the highway.  
  o Achievable visibility splays of 2.4m x 70m in both directions either side of the vehicle access point on Booths Lane.  
  o A newly constructed vehicle access track from the existing access point covering the site width, leading to a turning area located to the west of the site, which a supplied vehicle swept path demonstrates can accommodate a vehicle and horsebox. |
| Public Right of Way | • The Councils Public Rights of Way Officer has confirmed that no objections are raised to the stables, as the proposals are purely for private use and the alterations to the site access will allow a vehicle to stand clear of the highway. This will ensure that access to the public footpath remains unobstructed. |
| Summary | • Therefore, as the applicant has confirmed that the proposed stables will purely be for private use, and taking into account the proposed improvements to the site access/layout, it is considered that the proposals are unlikely to result in any significant additional highway issues.  
• In view of the above, no highway objections are raised in respect of the proposed development, however, should approval be granted, we would request that the following conditions are applied:  
  o The proposed development will be constructed as per revised site layout plan received on the 31st May 2012 (Drawing No. 12/SHEE/01/100 Rev A) and shall not be varied without the written consent of the LPA.  
  o The proposed stables hereby approved shall remain for private recreational purposes only, and there shall be no commercial use without the prior express consent of the local planning authority.  
  o Prior to the commencement of the development, a scheme for the construction of the widened vehicle access, including relocation of the street lighting column, shall be submitted to the LPA. Such scheme as is agreed shall be implemented prior to first occupation of development. |
Visibility splays of 2.4 metres x 70 metres shall be provided in both directions at the application sites junction with Booths Lane (as per revised site layout received on the 31st May 2012 12/SHEE/01/100 Rev A) and nothing shall be subsequently erected or allowed to grow to a height in excess of 0.6 metres within them. The visibility splays shall be implemented prior to occupation and shall be retained thereafter.

- **Informative:**
  - As the development requires alterations to the existing vehicle access, a widened vehicle crossing will be required to serve the altered access. The applicant will therefore need to liaise with the Council’s Public Realm section on 01925 442505 prior to undertaking any works in the highway.

### Appendix 2 – Environmental Protection comments

| Background | Pre-application discussions have occurred between the applicant and myself concerning this application. The number of ponies to use the site was a consideration as was the location and disposal arrangements for the manure created. The use of the site was also discussed for private vs. commercial use, it was confirmed that a private use only was sought. The applicant agreed at pre-application stage to limit the number of ponies permitted on site to a maximum of 5 ponies at any time. This will be recommended as a condition. A location to the north of the barn was suggested for locating the midden – so as to be approximately reasonably remote and equidistant from residential properties around the site without being unusually far from the stables. |
| Conclusions | I have no objection subject to the following conditions and/or informatives being applied should consent be given. |
| Conditions | **Restriction To Private Use.**
  - The use hereby permitted shall be for private use by the applicant only – i.e. the site shall not be permitted to be used for any commercial gain or commercial use.
  - Reason: in the interests of protecting the amenity of nearby residential properties. |
| | **Restriction On Number Of Ponies**
  - No more than 5 ponies shall be permitted on site at any given time.
  - Reason: in the interests of protecting the amenity of nearby residential properties. |

### Additional comments following query by nearby resident

- I considered both the application in question here and also the application for stables in the field adjacent to Higher Lane. Whilst the applications are for similar uses, the layout and positioning of the sites is different in relation to the surrounding residential properties. It is this that has dictated a different recommendation on my behalf.

- In the case of the application along Booths Lane, Lymm, I have considered the location of the stables in relation to the nearest residential property. The property itself is circa 40m away from the stables block itself, the extent of the garden at the nearest point being 8m from the stable block. The discussions on the location of the midden have indicated that this will be located approximately 60-70 metres from the nearest residential properties to maintain more acceptable separation distance. These distances are in all cases greater than the application on Higher Lane.

- The stables are also limited by condition as to both the number of ponies permitted on site and there is a requirement for the site to remain in private use only.

- Discussions with the applicant have indicated that the ponies will spend approximately 75% of their time outside in the field rather than in the...
stables. The limitation for a maximum of 5 ponies on site at any time is another restriction on site - which is a significant limitation bearing in mind the size of the field they are proposing to occupy. In combination, these measures will minimise the possibility of unacceptable impacts occurring to surrounding residential properties.

- In its existing use as agricultural land a much more intensive use could occur if it was used to graze cattle for example - which would not require planning permission nor would it have any maximum permitted number of animals on site - potential impacts being more significant for all residential properties surrounding the site.
- The proposal here will limit the number of ponies permitted on site to 5 and ensure that the site remains in non-commercial use - thus limiting unreasonable impacts.
- It is not envisaged that the proposals here will have any adverse impact on residential amenity from an Environmental Protection viewpoint.

Appendix 3 – Arboriculturalist comments

<table>
<thead>
<tr>
<th>Conclusions</th>
<th>I have no real issues with the siting of the stable block, provided that the location is as indicated, being something in the region of 7m from the adjacent large oak in the private garden.</th>
</tr>
</thead>
</table>
| Temporary fencing requirement | A pre condition should be the erection of heras fencing or similar along this elevation prior to any construction works commencing to avoid excavations or stockpiling of spoil within the crown spread of these particular trees in the adjacent private property.  
Spoil arising from the construction of the access road and hardstanding should not be stored along the hedge line and ideally this too would receive temporary fencing during the construction phase. |
| Surfacing of access | Consideration should actively be given to the type of surfacing for the fenced area at the entrance to the site. The surfacing should be porous and excavation minimal in nature to avoid damaging the root zone of the oak in the adjacent private property. Further consideration should be given to the use of geoweb or similar cell mat to avoid/prevent future root compaction during the active use of the site. |
| Removal of thorns for access | The removal of several thorns to facilitate modification of the gateway would not be contested, ideally, the hedge would receive several thorn whips within existing gaps to offset the loss of the thorns and maintain the hedge in sound condition. |

Appendix 4 – Parish Council comments

<table>
<thead>
<tr>
<th>Parish Council</th>
<th>Lymm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Number</td>
<td>2012/19993</td>
</tr>
</tbody>
</table>
| Key areas of concern | Objections:  
1. This would be an over-development of the field  
2. Booths Lane is a sub-standard highway and not suitable for additional traffic. There are currently problems with turning traffic damaging walls.  
3. The proposed development would be detrimental to the Green Belt.  
4. There are concerns about the horse waste and Environmental Health need to be consulted |
| Key policy references | GRN1, GRN3, DCS1 |
| Considered by Parish Council on | 14.5.12 (original submission) & 11.6.12 (amended plans) – comments the same in response to both consultations. |
Appendix 5 – Ward Member comments:

<table>
<thead>
<tr>
<th>Member name</th>
<th>Cllr S Woodyatt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ward represented</td>
<td>Lymm</td>
</tr>
<tr>
<td>Application Number</td>
<td>2012/19993</td>
</tr>
</tbody>
</table>

**Key areas of concern**
- I wish to object to this proposal which I consider to be overdevelopment of the site and detrimental to the visual amenity of the Green Belt.
- We in Lymm have had a lot of intrusion into our very precious Green Belt in recent years and this stretch of Booths lane is one of the few remaining areas of unspoilt Green Belt in the village.
- I have looked at the amended proposals and although this is an improvement on the original application I still wish to object. This is one of the very few areas of unspoilt green belt left in Lymm and any development on this site would be detrimental to the openness of the precious green belt.
- Also, in spite of highway’s comments this is still a sub-standard highway with difficult access for large vehicles turning into the site.

**Key policy references**
- GRN1, GRN3, DCS1

<table>
<thead>
<tr>
<th>Member name</th>
<th>Cllr I Marks</th>
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</thead>
<tbody>
<tr>
<td>Ward represented</td>
<td>Lymm</td>
</tr>
<tr>
<td>Application Number</td>
<td>2012/19993</td>
</tr>
</tbody>
</table>

**Key areas of concern**
- I object to this application for the following reasons:
  - GREEN BELT - While the field is ideal for grazing horses I believe this is over development in the Green Belt. This particularly applies to the stable block and the barn.
  - HIGHWAYS / TRAFFIC - Because of the access problems, there could be problems on the highway due to vehicles negotiating the access.
  - ACCESS TO FIELD - There is only one access onto the field, not two as stated in the application. The road is narrow at this point. Presumably fairly large vehicles will be needed for transporting horses, hay and feed.
  - USE - The application is said to be for private use, yet there are five horses which seems a lot?
  - WATER SUPPLY - There is no provision for water but five horses are to be there? Water is needed for the horses and for cleaning out the stables.
  - WASTE - What are the facilities for the disposal of waste from the site?
  - CARE OF LAND - The hedge has not been properly cared for since the land was bought at auction. The applicant now makes a virtue of the height of the hedge to provide screening.
  - OTHER CONSIDERATIONS - I am also concerned that the resident of No 38 Booths lane, which is next door, was not notified of the proposal.
  - Although it is not a planning objection, we believe that the field was sold at auction for a value twice that of the estimated agricultural value which makes us suspicious about future plans for the site.

Although amended plans are an improvement, original comments still stand.

**Key policy references**
- GRN1, GRN3, DCS1
# Appendix 6a – summary/appraisal of main points of comments of barrister engaged by local residents:

<table>
<thead>
<tr>
<th>Report section</th>
<th>Main points (summary)</th>
<th>Comments/appraisal</th>
</tr>
</thead>
</table>
| Introductory matters | • Summarises main features of application, including:  
  o concern that discussions with Council officers not available for public inspection;  
  o Land was acquired by applicant at considerably higher than agricultural value;  
  o Proposed use for private equestrian use, apparently guided by British Horse Society advice as to the equestrian carrying capacity of the land (approx. 1 acre per horse);  
  o Note planning policy context;  
  o Note amended description of development & renotification of neighbours;  
  o Note comments raised by Highways. | • Being pre-application discussions, these are necessarily confidential & not within the public domain.  
  • 2.64 ha site = 5.1 acres – 5 loose boxes consistent with British Horse Society’s standards |
| Discussion | • Whilst the proposed development is restricted to operational development to create the stables, the application is seeking to create significant new infrastructure to facilitate equestrian use of the field, & change from agricultural use.  
  • Concern that access alterations are consistent with a future more intensive use of the site. | • Post-submission access alterations follow Highways’ advice/requirements. |
| Discussion | • Works being proposed to hedge, incl. widening of access & creation of visibility splays, yet no appraisal of the ecological or landscape implications of the change. | • Whilst inevitable loss of a small portion of hedge at the access point itself, because of the curve in the lane, the hedge itself would not require significant cutting back – much of the visibility splay bisects the carriageway. (Indeed, a number of objectors have cited the hedge as being overgrown & in need of maintenance & reduction). |
| Discussion | • A long access road is proposed thereby sterilising a portion of present agricultural land, yet no meaningful appraisal of implications. | • The roadside hedge would provide an effective screen to the access road, as well as the stables themselves, from Booths Lane. |
| Discussion | • Applicant lives some distance from site, with no explanation to identify who horses would be used by – insufficient infrastructure proposed to facilitate livery. | • As planning permission runs with the land rather than a particular applicant, personal circumstances should not be afforded undue weight.  
  • Commercial livery is not being proposed. |
| Discussion | • Lack of apparent effort to minimise impact on visual amenities of the Green Belt, e.g. by a landscaping scheme | • By siting the stable at the same end of the field as the access, impact of the track to it minimised.  
• Additional landscaping requirement not considered necessary, given that hedge to Booths Lane would perform a screening function – suggested condition to require its retention at minimum height of 1.8m. |
<table>
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</tr>
</thead>
<tbody>
<tr>
<td>Discussion</td>
<td>• Hardstanding appears to be proposed within root protection areas of trees / hedgerows</td>
<td>• WBC Arboriculturalist happy with proposals – subject to condition to require temporary protective fencing &amp; informative re. surfacing materials.</td>
</tr>
<tr>
<td>Discussion</td>
<td>• Drainage &amp; access to utilities (particularly water) not addressed</td>
<td>• Not in themselves reasons to warrant refusal</td>
</tr>
</tbody>
</table>
| Discussion | • Lack of identity of stables’ users – the effects of ‘horsiculture’ on the character / appearance of countryside / green belt is a well recognised concern by the planning inspectorate – with the fear which underpins many such decisions are that if consent is granted for a limited form of development that it then opens the door / site for a more intensive use. | • Planning permission runs with the land rather than a particular applicant, & personal circumstances should not be afforded undue weight.  
• Each application needs to be considered on its own merits, in the context of the relevant planning policies & site-specific considerations – not appropriate to resist on grounds of potential precedent. |
| Discussion | • Cite approach of South Staffordshire Council, which has a policy which states that anything in excess of 4 units & a maximum building size of 3.6m x 14.4m x 3.5m high will be regarded as inappropriate, & require that the buildings should not be stone/concrete & potentially removable if/when use ceases. | • Inappropriate to attempt to apply a South Staffordshire policy approach in Warrington, where the UDP does not include such a policy.  
• In any case, South Staffordshire’s Planning Team Leader has advised that the policy in question has no status in planning terms, not having not been adopted, & is not referred to when considering planning applications; adding that, in his view, the Booths Lane proposals would be ‘small scale’ & therefore, appropriate development in the Green Belt.  
• The former PPG2 referred to ‘small scale’, which British Horse Society defines as around 70m² – these proposals comply with this, having a floor area of 63.4m² measured internally / 74.5m² measured externally.  
• Timber stables are proposed – the previously proposed part blockwork storage building has been omitted from application on amended plan.  
• Condition included to require removal when no longer required for equestrian use. |
| Discussion | • Outdoor sport/recreation only appropriate if: (i) genuinely required; | • The structure proposed is appropriate in terms of its design & construction for its intended use. |
(ii) ‘essential’, for such uses; &
(iii) it preserves the openness of
the Green Belt.

- In this case, substantial reasons to
  be circumspect as to the
genuineness of the proposed use.
- On the information thus far
  provided there is no evidence that
  could satisfy a rational local
  planning authority that the
  proposed use was ‘genuine’.
- The “substantial reasons to be
circumspect” appear to revolve
around suspicions in respect of the
applicant – as noted above not
appropriate to afford undue weight
to personal circumstances, given
that planning permission runs with
the land.
- Taking the 3rd point to its logical
  conclusion, any building the Green
  Belt would not preserve openness –
  however the principle of a
development to facilitate bona fide
private recreational uses would be
appropriate development.

### Discussion

- The permanent nature of the
  building, the radical change in the
  proposals – an ‘essential’ barn
  being promoted and then
  inexplicably dropped, and the size
  of the stables (linked to the
  carrying capacity of the land rather
  than the need of a prospective
  horserider) can only lead to the
  conclusion that there is no basis
  upon which the LPA can properly
  conclude that these facilities are
  ‘essential’ or appropriate
- Barn element omitted following
  advice to agent that this element
  was not considered appropriate,
given British Horse Society
  standards cited above.
- The stables are of an appropriate
  size/scale in terms of the British
  Horse Society standards – not
  unreasonable to link to the carrying
  capacity of the field (anything in
  excess would be a different matter).

- Little / no effort to minimise the
effect upon the openness of the
Green Belt, both in terms of siting
design and landscaping, & in
terms of incongruous access
alterations.
- More significant access
  improvements than initially
  proposed, added at request of
  Highways.
- Siting at Booths Lane at end of field
  minimises length of access track
  within site, as well as ensuring
  screening by existing adjoining
  roadside hedge.

- Unjustified when in policy terms it
  requires the clearest possible
  justification, and essential reports
  simply have not been provided.
- Approval of application in its
  current form would render it highly
  vulnerable to challenge by judicial
  review. If the application remains
  in its current form then my strong
  advice is that it could not be
  lawfully approved.
- Inappropriate to focus on individual
  circumstances of this particular
  applicant when any planning
  permission would run with the land,
  regardless of any future change in
  ownership etc.
- Notwithstanding barrister’s views,
  proposals considered to accord with
  relevant planning policy – see
  appraisal in main body of report

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**Appendix 6b – summary/appraisal of main points of residents’
barrister’s further opinion in the light of consultants’ appraisal & report
to 26.10.12 DMC:**

<table>
<thead>
<tr>
<th>Report section</th>
<th>Main points (summary)</th>
<th>Comments/appraisal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introductory matters</td>
<td>The Committee report is based on Urban Vision’s appraisal, &amp; makes a number of points:</td>
<td>Noted.</td>
</tr>
</tbody>
</table>
- that the UDP policy was based upon PPG2, whereas up to date national policy is to be found in NPPF which does not include tests of essentiality or ‘small scale’;
- that the proposal comprises ‘small scale’ in accordance with BHS guidance;
- that the personal circumstances of the landowner are of limited relevance;
- that a condition is proposed to require removal of the stables once the use ceases which will mitigate any long term impact;
- that the siting of the building mitigates impact;
- that the South Staffs guidance referred to in my previous guidance is of no relevance to the circumstances.

Profoundly disagree with the content of the report to committee – firmly of the view that if permission was granted on this basis, it would be likely to be capable of being successfully challenged in the Administrative Court.

Policy
- Whilst the proposed development is restricted to operational development to create the stables, the application is seeking to create significant new infrastructure to facilitate equestrian use of the field, & change from agricultural use.
- The LPA is under a duty to determine the application in accordance with the policies of the development plan unless material considerations indicate otherwise - the most relevant policy is GRN1 which includes the requirement of essentiality.
- Urban Vision correctly point out that GRN was prepared under PPG2, whereas national guidance is now to be found in NPPF, which provides:
  - “89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
    - buildings for agriculture and forestry;
    - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;”
- The report to committee advises that the view of its external consultants upon my previous advice includes the following:
  - “Note that UDP policy was prepared with regard to PPG2, but consider that a policy conflict exists, and, as such NPPF, should be given greater weight in consideration of this aspect of the application.”
- This sentiment which is repeated elsewhere in

- It is considered that the stables proposed are appropriate & functionally requisite for their intended purpose.
- Taking the barrister’s argument to its logical conclusion would seem to apply that all proposals for new stable buildings in the Green Belt would be inappropriate, on the basis that that any new building would fail to preserve openness.
the report seems to suggest that there is a weakening of green belt policy with regard to the extent of facilities needed for outdoor sport and leisure, albeit that it goes on to suggest that such facilities should nonetheless be “…as small as possible to ensure that they are appropriate in Green Belt policy terms”.

- I am strongly of the view that the suggestion that the policy of the UDP is out of date is wrong. True enough the test is now ‘appropriate’ rather than ‘essential’, however that then requires the decision maker to form a judgment on the following issues:
  - what are ‘appropriate’ facilities in all of the circumstances of the case;
  - in any event does the proposed development preserve the openness of the green belt? and
  - is there any conflict with the purposes of including land within it?

- The clear inference of the report to committee is that a policy based upon PPG2 is out of date because NPPF is different to PPG2 in its treatment of the appropriateness of development associated with outdoor sport and recreation. My view is that this a singularly flawed analysis. First of all test is not just ‘is it appropriate for outdoor recreation’ but ‘is it appropriate and does it preserve the openness of greenbelt and not conflict with its purposes’. It is hard to see how facilities which are not essential and genuinely required could ever meet such a test.

- Secondly, in every pronouncement that I have been able to identify from Ministers or the Secretary of State since the issuing of NPPF, where green belt is mentioned it is said that the categories of appropriate development in the green belt have been relaxed in relation to the issue of sport and recreation.

- I am therefore strongly of the view that whilst the full policy context of S85 of NPPF should be drawn to the attention of members, that it remains incumbent upon the LPA to apply the tests in GRN1, which I do not consider to be at odds with policy in NPPF.

- As to the dismissal of the South Staffordshire policy on the application of green belt policy to equestrian related development, I would stress that the South Staffs policy was not put forwards as being applicable in Warrington, but rather as an example of the approach of authorities elsewhere. The briefest perusal of the websites of other authorities reveals similar policies. Moreover a perusal of past appeal decisions also assists in gauging how the Secretary of State has applied his own policy.

- I regret therefore that the consultants engaged by Warrington have chosen to focus upon the
exemplar rather than consider the application of policy elsewhere. Whilst every case turns on its own merits, nonetheless there is a clear reluctance to accept built development in the green belt absent the very clearest justification that the use is a genuine (rather than merely an asserted) use and that the extent of built development is the least that could be realistically accepted. Moreover such a building would have to be small in any event in order to maintain openness.

- Accordingly the policy approach advocated in the report is flawed, and an obvious line of investigation has not been pursued.

**British Horse Society (BHS) policy**

- The report asserts that the British Horse Society suggest that a stable of 70m2 to be 'small scale'. It is therefore asserted that such a building would ensure openness of the greenbelt since it is in the view of the principal national equestrian body that the building is only 'small scale'.
- The guidance referred to is nowhere cited. However the British Horse Society make a number of publications available on their website. None of which expresses any policy of the BHS on the application of green belt policy, let alone what should be considered to be small scale in a greenbelt context. Indeed even in a non-green belt context, I have been unable to locate such a reference.
- Rather the BHS policy of most relevance “Guidelines for the Keeping of Horses, Stable Sizes, Pasture Acreages and Fencing” is unhelpful to the Appellant. In the document it states that the appropriate guidance for larger ponies is as follows:
  o “For ponies the recommended minimum dimensions should be 10ft x 10ft and 10ft x12ft for larger ponies. The height of the stable should be between 9 and 11 feet, with a minimum of 3ft clearance of the roof.”
- **In this instance the usage is unclear and is said to be from between 3 to 5 Connemara Ponies. 5 loose boxes are proposed with one to be used as a tack room if the usage is only 3 ponies (the use of the other is obscure). The overall size of the building is described as:**
  o “12.5m & 3.5m high to roof ridge – floor area: 63.4m2 measured internally / 74.5m2 measured externally.”
- Using the BHS guidelines – for three stables for large ponies of an area of 10’ x 12’ the area would be 360 square feet which equates to an internal area of 33.4 m2. For 5 stables which meet BHS requirements for large ponies the figure is 55.7m2.
- **There are therefore three obvious points which undermine the report’s assessment in this regard:**

**An e-mail from the agent on 6.9.12 confirms that “the proposed stables sizes are designed in line with the above (BHS) documentation and range in size, based on the layout and providing stable door accesses.”**
- **In any case, it should also be noted that the BHS sizes cited are recommended minimum sizes.**
- **Furthermore, the size of the proposed stable is consistent with the size of similar stables approved in the Borough & guidance provided to potential applicants.**
(i) there is not any BHS guidance as to what comprises ‘small scale development in the green belt’, and the inference members are being asked to draw from such an assertion is flawed;
(ii) the building is well in excess of the advice of BHS as to what is the least that is necessary for 3 or even 5 stables;
(iii) there is no clear evidence of the likely usage in any event – with a range being given to justify a building.

<table>
<thead>
<tr>
<th>Relevance of intention of the landowner</th>
<th>One of the most surprising elements of the report to committee is the assertion that because planning permission runs with the land that the intention of the landowner is not a matter of great significance.</th>
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<tr>
<td></td>
<td>Whilst the initial proposition is correct, the latter is not. Green belt policy is determinedly restrictive and therefore the planning system is necessarily alive to the potential for flawed decision making resulting in the erosion of the green belt. In this instance the effect of the proposed development will be to create an engineered junction with visibility splays in excess of that which would be required to afford access to a development within an urban area (in accordance with Manual for Streets), a length of hardcore lain track and a 70metre long building.</td>
</tr>
<tr>
<td></td>
<td>More importantly the justification for the development has evolved over time. For example one of the starkest changes is that initially a building was proposed to store materials because it was said to not “…cost effective to make long journeys…to the site”, presumably from the Appellant’s home 10 miles away. And yet it is that same distance which latterly the LPA is being told that children will travel on an almost daily basis to ride horses.</td>
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<td></td>
<td>In my previous advice I expressed the view that there were good reasons why considerable circumspection ought to be brought to bear on the proposed application, those reasons have neither been addressed nor have they altered. I am therefore more than a little surprised that members are not being invited to form a view as to whether the proposed development is or is not a genuine one. Rather members are wrongly being advised that such a consideration is of little relevance to their determination.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Lack of any proper mechanism to reinstate the land</th>
<th>It is suggested that a condition can be imposed to require the removal of a temporary building. As a matter of law that is correct, however for a condition to be valid it must be precise. As matters stand at present no mechanism exists to determine how to judge whether the buildings are no longer needed for equestrian use. Thus would a lack of use</th>
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<td>The condition recommended is considered to be sufficiently precise, in that it requires that the stables shall be removed within 3 months of the cessation</td>
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</table>
for 6 months or 6 years be sufficient to trigger the requirement to remove the building?

• Moreover no mechanism is suggested for grubbing up the access road and re-instating the access, from an access with substantial visibility splays which could potentially accommodate a far less appropriate form of development.

• The absence of a clear mechanism to achieve the former and any mechanism to secure the latter in my view casts grave doubts over the decision which is proposed to members. If the project is a genuine proposal to use the land for horses, then there should be no difficulty in the landowner entering into a s.106 obligation which would require the reinstatement of the land and the access to its current state in the event that the use ceases.

• Such an obligation would be ‘necessary’ so as to prevent an altered baseline against which any future development proposals might be judged. Moreover it would render temporary any effects upon the openness of the green belt which arise from the proposal.

• Moreover the willingness or otherwise of the landowner to enter into such an obligation might very well be viewed as the acid test as to whether or not his intentions in respect of the land are genuine.

• A S.106 Agreement is considered unduly onerous to address this issue.

• With regard to the question of access reinstatement, it is noted that Highways has advised that Booths Lane is unclassified. As such, the formation or alteration of an access could potentially be carried out as ‘permitted development’ in association with other permitted development (which in this case could encompass agricultural permitted development). It would therefore be unreasonable to require the access to be modified back to its present state if it could be widened again without the need for planning permission.

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<thead>
<tr>
<th>Omissions in the appraisal</th>
<th>In addition to the above there are a number of important points which go unaddressed in the report and potentially undermine the basis of any decision, in particular: (i) The lack of any detailed appraisal of landscape and amenity impacts of the creation of access and loss of the hedgerow; (ii) The lack of justification as to why access road minimises impact.</th>
<th>The proposals involve the widening of an existing access to 5m – resulting in the removal of a very modest portion of a 65m long hedge along the field’s road frontage. It is considered that the creation of an entirely new second access point, closer to the stable, would be likely to result in a the removal of a larger amount of the hedgerow, with a greater visual impact than the present proposals. Furthermore, an access point at the western end of the frontage (i.e. closer to the proposed stable) would also be further from the more suburban character of the housing to the east of the site.</th>
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<td>The latter is especially stark. If access is needed there is no explanation to why the access ought to be taken at the existing field access rather than providing a more direct access close to the proposed location of the building. The proposed effect is to open a larger access close to properties and creating a potentially urbanizing impact (engineered access close to existing settlement), with a long length of hardcore road. The alternative might have been to close the existing access with judicious planting, open a new access providing direct access to the building which is divorced from the settlement.</td>
<td>Whilst any engineered access in this location would be problematic, at least in the latter context there would not be potential for a close relationship with the existing urban area to arise. The influence of the urban area on the land would then be less acute.</td>
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Conclusions

• In the light of the above there are a number of fundamental problems with the report to committee in its present form both from a legal and a planning perspective. Were a decision to be taken on the report as it stands it would be vulnerable to challenge.
• I would strongly advise that these flaws are drawn to the attention of the LPA, and that the matter is reconsidered. Indeed I would strongly advise that the matter is reconsidered by specialist legal advice, prior to the matter being remitted back to the LPA.
• I advise accordingly. Should anything else arise please do not hesitate to contact me further.

• The WBC Solicitor has advised that the Barristers comments should be circulated to Members – hence inclusion of detailed comments in this report appendix.

Appendix 7 – External Consultants’ report:

Introduction

• Following receipt of representations made by Mr Paul Tucker QC, on behalf of local residents, Urban Vision have been instructed to consider the content of this representation and to undertake the following: -
  o a thorough analysis/appraisal of all the attachments and other submitted information by the applicant;
  o a site visit
  o an assessment of the scheme against the development plan for Warrington
  o review of material considerations and consideration of matters of weighting to be given to them
  o production of a written draft report with our findings
  o discussion of same with you and other relevant colleagues
  o submission of final report to you to assist in your own decision making process.

Policy background

• Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan in any determination that determination shall be in accordance with the plan unless material considerations indicate otherwise. Section 38(5) of Act requires that where policies in the development plan conflict, the conflict must be resolved in favour of the last document to be adopted.
• The development plan for Warrington comprises the saved policies of the Warrington UDP (Adopted January 2006) and the North West Regional Spatial Strategy to 2021 (Adopted 30th September 2008). The policy framework which is pertinent to consideration of the issues raised by Mr Paul Tucker QC in his correspondence dated 18th June 2012 are as follows: -
  o National Planning Policy Framework (March 2012)
  o Chapter 9 – Protecting Green Belt land
  o North West of England Plan Regional Spatial Strategy to 2012
  o Policy RDF4 – Green Belts
  o Warrington Unitary Development Plan (saved polices 23 January 2009)
  o Policy GRN1 - The Green Belt
  o Policy GRN3 - Development Proposals in the Countryside
  o Policy GRN9 - Outdoor activities in the Countryside

Opinion

• The application site was visited on the 13th August 2012 and a thorough analysis of the case file and submitted attachments has been carried out. The comments provided below are based upon an assessment of the development plan and all other relevant material considerations.
• Unitary Development Plan (UDP) policy GRN1 and the National Planning Policy Framework (NPPF) indicates that inappropriate development in the Green Belt is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings in the Green Belt is considered inappropriate development, except where this is for, inter alia; “the provision of facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.”

• It is common ground, between the applicant and the Council that the proposed development constitutes facilities for outdoor sport and outdoor recreation, and as such the proposed development would constitute appropriate development in the Green Belt so long as the development preserves the openness of the Green Belt and does not conflict with the purposes of including land therein.

• Paragraph 2.7 of Mr Tucker’s submission however states that development of outdoor sport and recreation activities are only considered appropriate development in the Green Belt if the proposed development satisfies the following three criteria; that is:-

  i) It is genuinely required for outdoor sport and recreation;
  ii) It is essential for such uses in the words of policy GRN1 the UDP;
  iii) It preserves the openness of the Green Belt

• Taking each consideration in turn; in respect of criterion (i) the need to demonstrate that the proposed development is ‘genuinely required’ clearly relates to paragraph 3.5 of Planning Policy Guidance Note 2: Green Belts. PPG2 has since been replaced by NPPF and there is no longer an explicit policy requirement through NPPF, to give this consideration.

• UDP policy GRN1 makes no reference to the acceptability of a proposal being dependent upon it being genuinely required. However, determining whether the facilities are ‘appropriate’ implies that they should be genuinely required.

• It is noted that amendments have been sought to the amount of operational development and the design/materials used. With those changes and given the reasons set out below, it is our opinion that the facilities are genuinely required.

• In respect of criterion (ii), following the publication of NPPF there has been a subtle shift in policy with regards to appropriate development in the Green Belt. UDP policy GRN1 states that the erection of new buildings within the Green Belt will be inappropriate unless the building is for, inter alia:-

  · Essential facilities for outdoor sport and outdoor recreation, cemeteries, and for other uses of land which preserve the openness of the green belt, and which do not conflict with the purposes of including land within it.”

• NPPF, however indicates that the construction of new buildings in the Green Belt are inappropriate, except where this is for, inter alia;

  · Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.”

• It is therefore clear that there is a policy conflict between NPPF and the UDP, in that development of recreational and outdoor facilities must now be appropriate rather than essential.

• Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be considered in accordance with the development plan. NPPF paragraph 215 however indicates that if the development plan was prepared prior to the
Planning and Compulsory Purchase Act 2004, “due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given).”

- UDP policy was prepared with regard to PPG2 and as such reflects paragraphs 3.4 and 3.5 of this document. It is my view however that a policy conflict exists and as such NPPF should be given greater weight in consideration of this aspect of the application. It is my view therefore that the Council must be satisfied that the development of recreational and outdoor facilities must be **appropriate** rather than **essential**.

- There is no case law available at this stage to define what is considered to constitute appropriate facilities, however it should be noted if referring back to PPG2 where the applicant had to demonstrate that development was **essential**, paragraph 3.5 specifically identified possible examples as including, “small stables for outdoor sport and outdoor recreation.”

- No reference is made to the type/size of horse that will be allowed to graze and be stabled on the site. It is however noted that in accordance with advice obtained from the British Horse Society, National Farmers Union and the Countryside Agency that the field is of sufficient size to allow 5 horses to graze on the land.

- It is our opinion that the stables should be as small as possible to ensure that they are appropriate in Green Belt policy terms. I understand that a standard stable should have an approximate floor area of 3.7 metres by 3.7 metres, although larger horses may need stables up to 3.7 metres by 4.3 metres. It may therefore be prudent to request confirmation from the applicant that the size of stable is appropriate to the type/size of horse which would be stabled at the site.

- Notwithstanding the above, the proposed stable block would provide accommodation for up to 5 horses and one of the stables could also be used as a tack room. The stable block does not include any floorspace which is not directly associated with the proposed use; for example a kitchen or washroom, and as such the scale of development is considered appropriate to the intended use and as such would constitute appropriate facilities.

- We understand from the planning file that the access road, in terms of its width, visibility splays and swept paths are sufficient to accommodate safe access and egress of a vehicle and horse box. It is our view that the transportation of horses to and from the site, would constitute an appropriate form of activity associated with the recreational uses of a horse.

- In light of the above considerations, we are satisfied that the Council are in a position to support the type and scale of proposed development, in this Green Belt location which is considered to be appropriate for this form of outdoor recreation use.

- In respect of **criterion (iii)** the proposed L-Shaped development is located to the south west corner of the site. The southern and western boundaries of the site are defined by a 2 metre (approx.) hedge and a number of trees. The stables would be positioned so as that they are well screened by the existing trees and hedges whilst avoiding a prominent position on the site. The stable blocks would utilise a timber frame and would be clad in shiplap timber boarding, whilst the roof would be finished in black Onduline. The proposed materials are considered appropriate for this semi rural setting and would ensure that the impact on the landscape and openness of the Green Belt is minimised.

- The access road utilises the existing access point on to Booths Lane, all be it slightly enlarged, to enable appropriate access to the stable.
The loss of hedgerow is clearly minimal and would have little impact on the character of the area or the openness of the Green Belt. The road provides the access necessary to serve the stable block. The length of road is limited to that which is required to serve the stable block and allows safe vehicular movement to, from, and within the site.

- I consider that keeping horses on the land and its associated built development (stables / access road) by virtue of its siting, scale, massing and materials would not have a detrimental impact on preserving the openness of the Green Belt, nor any other reason for including land within it (NPPF paragraph 80) and as such would not amount to inappropriate development in the Green Belt.

<table>
<thead>
<tr>
<th>Other issues</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>- Paragraph 2.3 (iii) states that the applicant lives ‘some distance from the site’. We note however that the application form indicates that the applicant lives in Davyhulme, which is approximately a 20 minute drive to the site and as such consider that this to be a wholly acceptable time to travel to enjoy a recreational pursuit.</td>
<td></td>
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<tr>
<td>- Paragraph 2.3 (iv) relates to concerns of developing within the root protection area of existing trees. We note that the arborist raises no objections to the proposals and that appropriate conditions could be implemented to secure their on going protection.</td>
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<tr>
<td>- Paragraph 2.3 (vi) relates to drainage, however conditions could be attached to ensure that suitable means of drainage are provided as part of the scheme.</td>
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</tbody>
</table>
### Plans List

**Item 2**  
06-Dec-2012

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>2012/20462</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>LAND OPPOSITE GRAMMAR SCHOOL ROAD, LONGBUTT LANE, LYMM, WARRINGTON, WA13 0BN</td>
</tr>
<tr>
<td>Ward:</td>
<td>LYMM</td>
</tr>
<tr>
<td>Development:</td>
<td>Outline application for proposed detached bungalow with matters of appearance, landscaping and scale reserved for later approval.</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Davies and Evans Construction Ltd</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Refuse</td>
</tr>
<tr>
<td>Reason:</td>
<td>Demonstrable harm to visual amenities of Green Belt</td>
</tr>
</tbody>
</table>

### Reasons for Referral

- Objections have been raised by Lymm Parish Council, Councillor Mrs Woodyatt and a number of residents (see responses below).

- The application was considered by the Development Management Committee on 25th October when it was resolved to defer the application for a Committee Site Visit which took place on Friday 30th November 2012.

### Description

- Proposal follows an appeal dismissal in 2011 for the erection of 3 affordable dwellings on this site (see history below).

- Current application has been made in Outline for the construction of a detached bungalow including access and layout details (appearance, landscaping and scale have been reserved (i.e. not included within this application)).

- The proposed layout includes a bungalow (footprint 12.7 x 10m, annotated eaves height 2.45m, ridge height 4.8m), 6m wide vehicle access from Longbutt Lane, 2no. off-street parking spaces & turning area.

- The application also incorporates widening of the carriageway to 4.8m and provision of a 2m wide footpath with new front boundary hedgerow (to be maintained at a height of 0.7m).

- Amended plans received 12.11.2012 which, increase the width of a proposed wildlife corridor, adjoining the existing watercourse along the rear boundary of the site, from 1m to 2m; reduce the depth of the
proposed turning area; and reduce the footprint of the proposed bungalow (now 12.6m x 8.8m).

Location

- The site is a vacant parcel of land. The adjacent land to the north and east is situated within the Green Belt, whereas the application site is within the Village Inset.

- Abutting the northern boundary is a footpath (no. 30 Lymm).
- Abutting the eastern boundary is a watercourse.
- There is currently no footpath provision on the eastern side of this part of Longbutt Lane.

Relevant History

- Ref. 2010/16531 Outline application for three affordable dwellings (with all matters reserved for later approval) – Refused 30th July 2010 & dismissed on appeal 10th February 2011 – visual amenity of adjoining Green Belt – impact on adjoining watercourse – highway safety.

- Ref. 2009/15634 Outline application for the construction of 5 affordable dwellings (all matters reserved for later approval) – Refused 3rd March 2010 – Housing Policy – Green Belt - Highways
- Ref. 2007/10105 Proposed erection of 2 retail units and associated car parking – Refused 2nd May 2007 - Highways – Green Belt -

- Ref. 79/8825 Outline app. for the erection of one no. detached dwelling with garage – Refused 26th February 1979 – Green Belt - Highways

- Ref. 77/4162 Outline app. for the erection of a 33kv sub-station – Refused 26th February 1970

Main Issues and Constraints

- Housing Land Supply / Greenfield Status
- Inset Village / Green Belt
- Highways
- Residential Amenity
- Proximity of Watercourse
- Other Matters

Key policy/guidance checklist

- NPPF
- Policy DCS1 Development Control Strategy
- Policy GRN4 Inset Village
- Policy HOU1 Housing Land
- Policy HOU2 Housing Development – Restrictions
- Policy HOU3 Housing Development – Development Control
- Policy HOU13 Privacy and Daylight
- Policy LUT20 Parking
- Policy REP10 Noise
- Policy LUT1 Land Use / Transportation Strategy
- Policy LUT2 Transport Priorities in Development Control
- Policy LUT3 Walking
- Policy GRN21 Protection of the Nature Conservation Resource

Policy Appraisal

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<table>
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<tbody>
<tr>
<td>HOU1</td>
<td>Housing Land Supply</td>
<td>In terms of managing the housing supply the principle of one dwelling can be supported in this location, which is within the village inset of Lymm, provided all other relevant aspects of the Development Plan are met.</td>
</tr>
<tr>
<td>HOU2</td>
<td>Housing Development – Restrictions</td>
<td></td>
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<tr>
<td>GRN4</td>
<td>Inset Village</td>
<td></td>
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<tr>
<td>GRN1</td>
<td>Green Belt Development Proposals in</td>
<td></td>
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<tr>
<td>GRN3</td>
<td>The site is adjacent to but outside the Green Belt. Paragraph 3.15 of PPG2 Green Belts, although now superseded by the NPPF, states that the visual amenities of the Green Belt should not be injured by</td>
<td></td>
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</table>
The Countryside proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

It is considered that the site has more affinity with the adjacent countryside and Green Belt, rather than the built form of the Inset Village, and it is certainly conspicuous from the Green Belt. The verdant character of the site is visually contiguous with the character of the adjacent land to the north and east, and inevitably the residential development of the site would have an adverse visual impact, both upon views into and from within the Green Belt.

This issue was endorsed in the Inspector’s report into the appeal for three dwellings under application 2010/16531 which states ‘in its present condition, and from whichever direction the land is viewed, I consider it has more physical and visual affinity with the neighbouring farmland than with the nearby housing. As a result, no matter how well designed the proposed scheme might be, I consider that the erection of 3 dwellings on this modest site would look like an encroachment into the countryside. Such development would be to the visual detriment of both the immediate locality and the wider Green Belt’.

There is minimal scope for screen planting to help minimise the visual impact due to the modest size of the site. Although the land gradient to the north/east would mitigate long distance views from those directions slightly, the proposal would nevertheless cause demonstrable harm to the visual amenities of the Green Belt.
One of the reasons why the previous application was dismissed on appeal was as follows:

- widening of the carriageway of Longbutt Lane to an insufficient width of 4.5m which did not meet the Council’s minimum standards which require a minor residential access road to have a width of 4.8m.

The current proposal incorporates widening of the carriageway to 4.8m and provision of a 2m wide footpath. **A Stage 1 Road Safety Audit has been carried out as recommended by WBC’s transport team who have no objections subject to conditions (see below).**

There are three residential properties on the opposite side of Longbutt Lane from the application site, none of which have a direct interface with the site. **There would therefore be no undue overlooking/ loss of privacy for residents on the opposite side of**
The proposed dwelling could be introduced without causing an unreasonable loss of amenity for existing residents close by.

<table>
<thead>
<tr>
<th>REP4</th>
<th>Protection of the Flood Plain</th>
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<tr>
<td></td>
<td>The Environment Agency objected to the previous scheme in relation to the proposed culverting of the adjacent watercourse increasing the risk of flooding, maintenance requirements for a watercourse, destroying wildlife habitats, damaging natural amenity and interrupting the continuity of the linear habitat of a watercourse.</td>
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<td>The current application proposes to maintain the watercourse as an open stream and states that it would be maintained by the new owner significantly reducing any likelihood of flooding &amp; maintain a potential wildlife habitat and wildlife corridor.</td>
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<td>The Environment Agency have now commented on the current application (see consultation responses below).</td>
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<table>
<thead>
<tr>
<th>GRN21 PPS9</th>
<th>Protection of the Nature Conservation Resource</th>
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<tbody>
<tr>
<td>Biodiversity and Geological Conservation</td>
<td>The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,</td>
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<td>- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is</td>
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<td>- no satisfactory alternative and</td>
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<td>- no detriment to the maintenance of the species population at favourable conservation status in their natural range</td>
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<tr>
<td></td>
<td>The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection</td>
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<td>- a requirement on Local Planning Authorities to have regard to the Directive’s requirements above, and</td>
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</table>
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

Previously the planning application was not supported by sufficient ecological information. All planning decisions should be based on up to date information about the environmental characteristics of their areas. There are, however, no statutory or non-statutory nature conservation sites that will be effected this proposed development. A Phase 1 Habitat Survey was, however, considered necessary in order for the application to be appropriately assessed. This has now been received and, in view of the widening of the proposed wildlife corridor to 2m, is considered acceptable by the Environment Agency subject to appropriate conditions.

Responses to consultation

**Environmental Health**
No objections subject to comments regarding drainage and connections to services.

**Highways**
A Stage 1 Road Safety Audit of the proposals has now been conducted by the Council’s Road Safety Auditors. The audit has not identified any significant highway safety concerns and has made the following minor recommendations:

1. Tactile paving should be ensured on the crossing points between footways on the north and south side of the widened carriageway of Longbutt Lane.

   This can be ensured at the detailed design (S.278) stage.

2. Where the proposed new pedestrian footway terminates at the south eastern boundary of the site, the tree line / foliage should be cut back to ensure adequate pedestrian visibility.

Consultations with the Council’s Arboricultural Officer have confirmed that the sycamore tree situated within the applicants’ site (which may obstruct pedestrian visibility if left unattended) can be removed altogether, rather than being pruned back.
Both of the above recommendations outlined in the Stage 1 Road Safety Audit can therefore be ensured.

In view of the above, and given that the previously requested highways improvements are now proposed, no highways objections are raised in respect of the proposed development, subject to attachment of the following planning conditions:

“Prior to the commencement of development, construction details of the proposed widening of Longbutt Lane and new 2m wide footway as shown on proposed site plan Rev A received on the 24th September 2012 shall be submitted to and agreed in writing with the Local Planning Authority. The proposed highway improvements to Longbutt Lane shall be implemented as agreed prior to first occupation of the development.”

“Prior to occupation of the development the two car parking spaces and on site turning area for vehicles shown on proposed site plan Rev A received on the 24th September 2012 shall be made available and shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.”

“Prior to occupation of the development a scheme for the relocation of street furniture in the vicinity of the site including, traffic signage, public right of way signage and pedestrian protection barriers shall be submitted to and agreed in writing with the Local Planning Authority. Such scheme as is agreed shall be implemented prior to first occupation of the development.”

“The proposed hedge along the front boundary to the South-East side of the new vehicle access shall be permanently maintained at a height not exceeding 0.6m above ground level”.

In addition the following informative is offered:

_In order to construct the proposed widened carriageway of Longbutt Lane, the applicant will need to enter into a S.278 agreement with the Council. To action, the applicant should contact John Drake of the Council’s Public Realm section on 01925 442668._

**Comment:** The previous reason for refusal has now been addressed from a highways point of view only.

**Natural Environment Officer:**
A main issue is the brook and whether water voles could be present (a protected species). The national standard guidelines in terms of a stand off distance for water voles, is 6m for the top of the bank to the start of any development. If a survey concludes water voles are not currently present a stand off distance of more than 1-2m would be expected as this is seen as good practice and would allow for water voles to colonise the area in the future. A reduced buffer zone could prevent this which would be seen as a detrimental impact.
The EA have now confirmed that a stand-off distance of 2m is satisfactory.

Comment: See policy appraisal section above.

**Arboricultural officer**

The site itself contains no mature tree stock, the eastern elevation however, bounded by an open ditch, has several sycamores on the opposite side of the ditch in the adjacent agricultural land.

The trees are of some visual significance and should be retained. The intended location of the bungalow and associated parking spaces are within influencing distance of the larger tree crowns.

Although on the opposite ditch side to the development, potentially the roots could be adversely affected by the excavations required to install the foundations, reducing their vigour and possibly the stability of the trees.

The proposed location of the bungalow is such that significant amounts of morning light will be reduced by the trees, increasing pressure on the owner of the trees to carry out remedial pruning on a greater frequency than could be considered acceptable for their retention in satisfactory condition.

The current submitted drawing is ambiguous with regard to the trees' locations and at this stage does not appear to mention the condition of the trees or plot their locations.

Visually, all appear to be of sound form and vigour but the amount of basal ivy and associated ground flora makes an accurate assessment of their condition difficult. It may be prudent to request further information regarding the trees condition and proximity to the proposed bungalow.

In summary, the site has several mature trees within influencing distance, of some amenity that should ideally be retained in the landscape. The site is confined and concerns remain as to whether the proposed development can be accommodated without some revision to the siting of the bungalow and associated parking.

**United Utilities**

No objection subject to standard conditions and informatics regarding contaminated land and working hours.

**Environment Agency**

No objection in principle, but make the following comments:-

We can confirm that we are satisfied with the 2m buffer zone proposed.

We would also stress that the Himalayan balsam currently on the site will need control for the next 2-3 years as this will thrive on the disturbed land.
As surface water is to discharge to the existing ditch this added functionality requirement has the potential for positive and negative impacts. One function of the trees previously on site would have been to effectively help dry out the land through their uptake of ground and surface water. Due to previous tree losses on this site, surface water may now be more of a challenge. As such, the landscape management plan should integrate native trees and suitable wetland species which will help ensure a natural Sustainable Urban Drainage System functions within the site.

Comment: See policy appraisal section above.

Responses to Notification (Full details on file)

Councillor Mrs Sheila Woodyatt

OBJECTION:

• site totally unsuitable for development;
• a locally very sensitive site on which all previous applications have been refused by WBC and on appeal;
• any development on this site would compromise the openness of the adjacent, very precious green belt;
• Longbutt Lane is a substandard highway and not suitable for additional traffic even if only domestic.

Comment: See policy appraisal section above.

Lymm Parish Council

OBJECTION:

• site is adjacent to the Green Belt;
• development would have an adverse impact on the safe route to schools;
• the adjacent highway is substandard;
• this would be overdevelopment of the site.

Comment: See policy appraisal section above.

Neighbours

Letters of OBJECTION received from 19 residential properties:

• Detrimental to the street scene on rural edge of Lymm bordering the Green Belt;
• Development would compromise the open aspect of the adjoining Green Belt;
• Previous reasons for refusal still apply - total unsuitability of site for residential development was confirmed by Inspector who dismissed previous appeal;
• Unnecessary addition to surplus of housing land within Borough;
• Hundreds of houses already built on Scholars Green and Seasons development resulting in more children walking along this dangerous road;
• Increased traffic in hazardous area as road is extremely narrow/ single width, wholly unsuitable for access from the site – road requires significant improvement;
• Detrimental to pedestrian safety as it is a major walking route taken by pupils to Lymm High School & Ravenbank Primary School;
• Greenfield land with appearance of Greenfield site – land is not urban in character and is visually contiguous with the Green Belt;
• Road requires significant improvement – proposed footpath not beneficial to pedestrians;
• Precedent for additional units;
• Water course would be contaminated in the event of a flood.

Comment: See policy appraisal section above

Conclusions and reasons for recommendation/decision

Whilst impacts on traffic and highway and the watercourse running along the north-eastern boundary of the site have been addressed, the proposal would cause demonstrable harm to the visual amenities of the adjacent Green Belt. This impact would be compounded by the highway works proposed (widening of the carriageway) including 2m wide footpath along the front boundary of the site which would result in the site having a predominantly urban aspect. Currently the site is predominantly rural in aspect contiguous with the adjoining Green Belt. As such, the application is not in accordance with the relevant provisions of the development plan.
Reason for referral

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

Description

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

Location

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

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

Main Issues and Constraints

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

Key policy/guidance checklist

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

<table>
<thead>
<tr>
<th>DCS1</th>
<th>DC strategy</th>
<th>• The proposed 2-storey block is of a similar scale/massing to existing buildings on the site, &amp; of traditional design.</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOU13</td>
<td>Privacy &amp; daylight in housing development</td>
<td>• 22m minimum interface distance between windows on rear elevation &amp; those on facing elevation of dormer bungalow at rear, which exceeds 21m distance between 2-storey buildings advocated in policy.</td>
</tr>
<tr>
<td>GRN2, GRN22, DCS7</td>
<td>Environmental protection &amp; enhancement / protection &amp; enhancement of landscape features / landscaping</td>
<td>•Whilst no protected trees within site, mature trees along frontage boundary – the majority of these are shown as to be retained, &amp; supplemented with additional landscaping / planting, with further landscaping along adj. rear &amp; side boundaries.</td>
</tr>
<tr>
<td>LUT2, LUT20, LUT22</td>
<td>Transport priorities / parking / disabled access</td>
<td>• Site presently has 3 access points, 1 of which would be permanently closed, with parking rationalised within site – 28 spaces to be delineated (incl. 3 disabled) – Highways content with this level of provision (see below &amp; Appendix 3).</td>
</tr>
</tbody>
</table>

Responses to consultation

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

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

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

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

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

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

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

Environmental Protection:
No objection subject to standard condition re. contamination investigation, & standard construction hours informative.

Natural Environment Officer:
(Appendix 5) Recommend conditions to require provision of facilities suitable for use by roosting bats & breeding birds. Also comment that landscaping
proposals need to be reviewed, which can be dealt with via a suitable condition.

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

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

**Ward Members:**
(Appendix 8)

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

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

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

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

**Responses to Notification:**

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

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

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

Conclusions and reasons for recommendation/decision

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

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<thead>
<tr>
<th>Parish Council</th>
<th>Penketh PC</th>
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<tr>
<td>Application No.</td>
<td>2012/19959</td>
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</table>

**Key areas of concern**

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

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

- This is Greenbelt land.

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

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

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

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

**Key policy ref.**

- DCS1, GRN1
**Appendix 2 – Policy comments**

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

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

<table>
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<th>Green Belt – whether special circumstances apply</th>
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| • Dementia care, or lack of it, is evidently a major issue across the UK as a whole, as outlined by the National Dementia Strategy. From a more localised perspective the Warrington Strategy for Mental Health and Well-being outlines that the prevalence of dementia is increasing throughout the borough and is set to double over the next 20 years. This is accepted and not disputed. However, this site is heavily constrained by its location in the Green Belt. It is therefore important to establish why the current proposal is required on this specific site as opposed to elsewhere within the local area particularly when noting that the majority of the existing sites catchment is not within the Green Belt.  
• The submitted Planning Statement, together with a statement prepared by the operators of Three Elms, outlines a number of reasons for this. |
These are summarised as follows:

- Not financially viable to develop another site in Penketh or elsewhere. It is, however, viable to develop dementia care facilities close to existing facilities.
- Proposed unit is not large enough to operate as a stand-alone business. Smaller units experience vulnerability and financial insecurity.
- Sharing central facilities with the existing nursing home is more efficient and economically viable. Laundry, Kitchens, maintenance, and staff facilities shared.
- The existing land is owned and available.
- The standard of facilities at the existing care home will be significantly improved. There is an urgent need to improve facilities to meet modern standards and to improve the appearance of the grounds of the home.
- Proposed development will ensure the long term financial stability of Three Elms.
- A waste of resources not to use the existing site and its facilities as a basis for expansion rather than building a non viable standalone unit elsewhere.
- No specialist dementia unit currently on site meaning dementia patients are mixed with other elderly residents. For the more extreme cases this is highly unsuitable and ultimately these patients have to be relocated elsewhere. On-site unit would ensure that this was no longer the case.
- Relocation of existing residents who suffer from dementia to unfamiliar surroundings is disruptive, distressing, confusing and disorientating.
- Preference therefore to keep the residents in familiar surroundings in a purpose built unit.
- An alternative site would also be less convenient for vital visits from family and friends.
- Ensure that facilities at Three Elms provide a lifetime home rather than an interim facility.
- A purpose built dementia care unit will be able to offer the highest standards in care taking into account the specific needs and choices outlined in the National Dementia Strategy.

- In addition to the above, the applicant has undertaken a site search process in the Penketh area to assess the availability of suitable sites for a standalone development. The Planning Statement outlines that no land is presently available for purchase. A single commercial property is available but is considered to be too small for the proposed development. Finally, a search was carried out for large houses capable of conversion (minimum five bedrooms). Four separate properties are available but none are considered of sufficient scale to be suitable for conversion or redevelopment as a specialist dementia care unit.
- Further to this, the Planning Statement identifies that the development would lead to economic benefits through job creation (particularly for local people) and private sector investment, improved provision of dementia care, with an intention to forge strong links with all community based NHS (and other) service providers.
- A large proportion of the above relate to the financial viability of the proposals and the future economic sustainability of the existing care home. Whilst these are accepted and not disputed, I do not consider that these amount to very special circumstances to allow development in the Green Belt. There is no guarantee for example that adding to the site will resolve ongoing viability issues. No financial information or business case is provided to substantiate this. To concede this argument in the absence of such risks a dangerous precedence whereby in the future further intensification of the site could be argued on similar grounds.
• The applicant has sought to demonstrate that there is a lack of available sites in the local area. Whilst this is welcomed, I am not convinced that all appropriate options have been explored. The Council for example have significant land holdings, including some within this area, but no evidence has been provided to show that they have been approached with regards to a partnership approach to delivery of the care provision. It is also stated that it is not financially viable to develop another site in Penketh or elsewhere. It is noted that other sites would entail an acquisition cost but again no business case is available to genuinely demonstrate the acquisition limits.

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

Conclusion

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

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

Further comments in the light of Neighbourhood & Community Services observations

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

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

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

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

• Having reviewed the additional information however, and whilst accepting that this does constitute contributing factors which weigh in favour of the proposal, I am not satisfied that it amounts to very special circumstances.
It does not for example appear, in my view, to amount to a compelling case - although I do accept that there is a case of some sort.

- I think it is important to stress that the policy perspective represents only one input in to the decision making process and as such, and importantly, whether very special circumstances are accepted or not is a decision for the case officer to make. This logically follows that in any event such circumstances must be weighed against any perceived 'actual' harm to the openness of the Green Belt which is a decision only the case officer, who has had the benefit of a site visit, can make.

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

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

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

Appendix 3 – Neighbourhood & Community Services comments

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

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

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

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

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

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

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

One way system

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

Summary & conclusions

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

Appendix 5 – Natural Environment Officer comments

Legislative background

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

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

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

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

Context

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

Protected species

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

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

- There are known bat roosts very close to this proposed development site. An acceptable contribution to biodiversity for this scheme (in line with the NPPF) would be the inclusion of bat boxes either on suitable trees within the grounds of the site or within the building itself. This can be in the form of Schwegler boxes on remaining suitable trees and also on the new building. Ecologist’s guidance should be sought regarding locating the boxes but I’d recommend the following condition:
  - Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats. The proposals shall be permanently installed in accordance with approved details.
<table>
<thead>
<tr>
<th>Landscaping</th>
<th>Breeding bird habitat</th>
</tr>
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<tbody>
<tr>
<td>• Comments made on the earlier application regarding landscaping do not</td>
<td>• The proposed development will see the loss of an area of scrub and trees which currently provides breeding bird habitat.</td>
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<tr>
<td>appear to have been taken on board. There were:</td>
<td></td>
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<tr>
<td>o I would support the comments made in the Extended Phase 1 Habitat</td>
<td>• Nesting Birds:</td>
</tr>
<tr>
<td>Survey conclusion (p10 section 5.0) regarding the creation of an open</td>
<td>The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present.</td>
</tr>
<tr>
<td>rough grassland/wildflower mix area to the south of the proposed</td>
<td>Bird boxes should be provided within the new development to compensate for this loss in line with PPS9. These should be incorporated into the new buildings and details provided prior to commencement of development. A range of boxes are available and within new builds such as this the most appropriate are the inset type where by they are used in place of standard bricks.</td>
</tr>
<tr>
<td>buildings.</td>
<td>Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.</td>
</tr>
<tr>
<td>o Overall the landscaping proposals provide limited ecological value and</td>
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<tr>
<td>the species proposed should be reviewed. The privet hedge along the</td>
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<tr>
<td>front of the development is sparse, provides little benefit and looks</td>
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<tr>
<td>neglected. Gapping up is proposed “where possible” however the</td>
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<tr>
<td>development provides a good opportunity to replant in its entirety with</td>
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<tr>
<td>a native species mix hedgerow. This should be a double staggered row</td>
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<tr>
<td>comprising of at least 7 woody species. This would seek to form a</td>
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<tr>
<td>visually more attractive frontage to the development more in keeping</td>
<td></td>
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<tr>
<td>with the rural location and contribute to PPS9 as hedgerows are a</td>
<td></td>
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<tr>
<td>BAP habitat.</td>
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<tr>
<td>o These proposals can be included in a revised landscape plan to be</td>
<td></td>
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<tr>
<td>submitted prior to commencement of development</td>
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</tbody>
</table>

**Appendix 6 – Arboriculturalist comments:**

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

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

**Landscaping**

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

**Appendix 7 – UU comments:**

**Conditions**

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

**Informatives**

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

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

### Appendix 8 – Member comments:

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

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

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

**Key policy reference**

GRN1, DCS1

**Comments passed to case officer**

Date: 21.5.12

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

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

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

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

**Key policy references**

GRN1, DCS1

**Comments passed to case officer**

Date: 17.5.12

### Appendix 9 – David Mowat MP comments:

**Context**

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

**Green Belt – policy**

- I have looked at the Unitary Development Plan for Warrington and I see that the site is clearly within an area designated as part of the Green Belt. It is my understanding is that, in principal, new built development in the Green Belt is inappropriate unless it relates to the requirements of agriculture, forestry or outside recreation and/or sports activities.
- My interpretation of Government guidance is that in certain circumstances infilling within Green Belt villages, the redevelopment of major development sites within the Green Belt and the provision of new affordable homes, to meet an identified need, may also be considered appropriate. Additionally I understand that extensions to existing dwellings, if modest on scale may be appropriate.

**Green Belt – special circumstances**

- Furthermore I accept that in some cases inappropriate development in the Green Belt may be allowed, where very special circumstances exist. In such cases it would be necessary for these special circumstances to outweigh the harm allowing a development would cause. The aforementioned case does not appear to fall within any of the categories of development that would be considered appropriate in the Green Belt and the special circumstances for allowing such a development look to be based upon a need for additional dementia care beds within Warrington.

- One of my constituents has advised me that there are plenty of spaces for dementia sufferers available within the locality of the application site and that there are a number of sites within the wider locality of the application site, which although benefitting from planning permission for care and nursing homes have not yet been built. While my constituent cites this as a lack of need, I recognise that the issues surrounding supply and demand for such facilities are far more complex.

- However I am not convinced that, within Warrington, the level of demand is so great that there are not sufficient brownfield sites, or greenfield sites already identified for future development, available to meet current and projected needs within the Town without having to further erode the Green Belt.

- Therefore, unless you can show me that there are exceptional circumstances that relate to this site, or that the level of need for dementia beds is so high that it cannot be met elsewhere, I can see no reason why the proposed extension to Three Elms, should be allowed.

**Site-specific concerns**

- The proposed extension looks to be rather large relative to the size of the site within which it is set. Therefore I am concerned that it may be overdevelopment; particularly when taking into account the requirements for additional parking for staff and visitors, and the impact of this, together with the additional building, on the available private amenity space for existing and future residents of the home.

- There are also issues relating to the potential impact of the development; in terms of additional traffic and associated noise and disturbance on the amenity of existing neighbours. Furthermore, the proposal does look to include a significant number of additional windows overlooking adjacent properties.

**Conclusions**

- Notwithstanding these site-specific issues, my main concern is with the possibility of allowing development within the Green Belt that may not only be inappropriate in itself, but could set a precedent for allowing other developments within Warrington’s Green Belt.

- In the light of my concerns about the application and its wider implications, it would be appreciated if in addition to my comments being noted as part of the representations on this application, the issues I have raised with regard to Green Belt development in general could be addressed.
Application Number: 2012/20135

Location: 58-60 BIRCHDALE ROAD, APPLETON, WARRINGTON, WA4 5AW

Ward: APPLETON.

Development: Outline application with access details for demolition of two existing detached dwellings and erection of nine newbuild residential dwellings including new access road.

Applicant: Randle White Ltd

Recommendation: Refuse

Reasons:
- Loss of badger foraging grounds
- Inadequate highway drainage with associated risk to pedestrians & vehicles
- Flood risk - with lack of attenuation measures
- Not a low impact development

Reason for referral

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

Description

- Existing 0.4 ha site behind properties on the main street frontage, presently occupied by a pair of detached bungalows & their substantial residential curtilages, which are both accessed to the east of 62 Birchdale Road via adjacent parallel driveways.
- Outline planning permission sought to demolish the existing properties & redevelop the site with 6 detached & 2 semi-detached 2½ storey dwellings, to be accessed via a new cul-de-sac off Birchdale Road at the point where no.58 Birchdale Road is presently accessed.
- All matters other than access are reserved for subsequent approval, although an illustrative layout as well as profiles of the proposed dwellings to give an indication of scale have been submitted. The illustrative profiles show units with a strong vertical emphasis & 55° pitched roofs.
- The applicant is offering a financial contribution of £70k to deliver 2 off-site affordable housing units, which would need to be secured via a S.106 Agreement in the event that the application were to be approved.
• The site includes a number of mature trees along its rear (northern) boundary with the Bridgewater Canal & side (western) boundary with the adjoining allotments. Subsequent to the application’s submission, a Tree Preservation Order (TPO) has been confirmed on a number of these.

Location

• The application site is a approximately square, with a narrower access point off Birchdale Road (in its SW corner), which presently comprises the drives to the existing bungalows.
• Birchdale Rd connects London Rd with Red Lane, & is variable in width – the section immediately to the east of the site’s vehicular access point is fairly narrow.
• The site lies within the policy boundary of the urban area.
• The sites northern is defined by the Bridgewater Canal, whilst the existing dwellings in Birchdale Road adjoin its eastern & southern boundaries, with allotments to the west.
• Birchdale Road is predominantly residential, the dwellings to the east being single storey bungalows, & those to the south being 1½- & 2-storey, with 2½-storey flats on the site of the former Birchdale Hotel (almost opposite the access point).

Relevant History

• 84/16714 – Extension to bungalow (no.60) – approved 2.1.85
• A01/42987 – Extension/alterations – approved 25.5.01

Main Issues and Constraints

• Principle of proposal
• Neighbour amenity
• Visual amenity / street scene
• Access / highways
• Drainage / flood risk
• Ecology
• Trees
• Flood risk
• Sewer crossing site

Key policy/guidance checklist

<table>
<thead>
<tr>
<th>HOU1, HOU2, HOU15</th>
<th>Housing land / development / affordable housing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Whilst acknowledging that the site is greenfield, approval of small scale, low impact housing developments is in line with current approach to HOU1/2 – see also Policy comments below.</td>
</tr>
<tr>
<td></td>
<td>• Proposal delivers contribution to affordable housing.</td>
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<td></td>
<td>• See also Appendix 1 (Policy Section’s comments)</td>
</tr>
<tr>
<td>Code</td>
<td>Section</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------------------------</td>
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</tbody>
</table>
| DCS1, HOU3, HOU13 | **DC Strategy / housing development + layouts** | • Whilst acknowledging that the proposed 2½-storey units shown on the illustrative plans would be taller than the majority of the surrounding properties, the ground level is lower than the slab levels of the properties fronting Birchdale Rd, helping to mitigate against the potential visual impact of the development, & it is concluded that refusal on this basis would be difficult to justify.  
• However, the adverse impacts on ecology/biodiversity & unresolved highway drainage issues (see below) are such that the proposals cannot be considered to be low-impact in the context of policy SN1 of the emerging Warrington Local Plan Core Strategy.  
• Privacy & interface distances have been modified to achieve the Council’s approved standards with regard to the surrounding properties. With the lower slab level, the proposed 2nd floor accommodation is unlikely to be significantly higher than the 1st floor accommodation of the adjoining properties to the south. |
| GRN22, DCS7 | **Protection of landscape features / landscaping** | • Proposals ensure retention of trees which have recently been served with a Tree Preservation Order (TPO), the proposals having been modified following initial concerns raised by the Council’s Arboriculturalist (see below), & it is not considered that the application could be refused on this basis. |
| GRN13 | **Riverside & canalside development** | • Policy requires that canalside development should enhance wildlife & amenity value – these proposals would, however, adversely impact on badgers, a protected species (see Natural Environment Officer’s comments below). |
| DCS1, LUT1, LUT3 | **DC strategy / Land use/transportation strategy / walking** | • Notwithstanding the applicant’s assertions that agreement has been reached with UU with regard to highway drainage proposals, the proposed cul-de-sac would still not be capable of formal adoption by the highway authority (see Highways comments below). |
| LUT20 | **Parking** | • Accords with standards. |
| REP8 | **Land contamination** | • Condition recommended by Environmental Protection. |
| REP4, REP5 | **Protection of flood plain / surface water run-off & sustainable drainage systems** | • The NE corner of the site lies within an intermediate flood risk zone (zone 2).  
• Policy REP5 requires that new developments generating surface water run-off which would result in adverse impacts, e.g. increasing flood risk, should... |
not be allowed unless appropriate attenuation measures have been included – none of have been detailed.  
- This is also further amplified in policy QE4 of the emerging Local Plan Core Strategy, which requires the submission of a FRA which should demonstrate that the development would make a positive contribution to managing or mitigating flood risk.

<table>
<thead>
<tr>
<th>DCS2</th>
<th>Planning obligations</th>
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<tbody>
<tr>
<td>• Legal Services has been advised of the requirement for a S.106 re. affordable housing contribution, should the application be approved.</td>
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</table>

- Affordable Housing SPD  
- Planning Obligations SPD

Responses to consultation

Planning Policy:
It is considered appropriate to assess the proposal against the NPPF and policies within the Council’s emerging Local Plan Core Strategy. By way of reference to policies of relevance the proposal is considered to be acceptable in principle subject to £70,000 being secured as a commuted sum in lieu of on-site affordable housing provision.

(Full comments in Appendix 1)

Comment:
- Legal Services has been advised of potential need for a S.106 re. affordable housing contribution, should application be approved.
- Core Strategy policy SN1 provides for small scale low impact infill development within the urban area. The glossary’s definition of this states that “with regard to impacts, consideration will be afforded to the effect of the proposal on the street scene, character and amenity of the area as well as any pressures placed upon physical and social infrastructure”. Given the adverse impacts on biodiversity & highway drainage issues, it cannot be accepted that the development is low-impact in nature, however, as required by the policy.

Highways:

a) Comments re. initial submission: Recommend refusal of the application on the grounds that it fails to make adequate arrangements for safe vehicular access and egress, servicing and pedestrian access. Additionally, until such time as the internal highway layout has been demonstrated to be eligible for adoption, the application must be considered to propose 9 dwellings from a private drive, which is contrary to advice contained in the Warrington Design Guide for Residential and Industrial Estate Roads.
b) **Further comments following receipt of Highways Statement & modified access plans:** Maintain highways objection.

c) **Further comments following receipt of further modified access arrangement plan:** Recommend refusal of the application, on the grounds that the proposals are contrary to UDP policies LUT1 (Land Use / Transportation Strategy), LUT3 (Walking), and the Council’s policy for the number of dwellings served from a private drive, as contained within the Warrington Design Guide for Residential and Industrial Estate Roads.

d) **Additional comments:** Whilst confirming visibility splays can be delivered within adopted highway, highway drainage issues not satisfactorily resolved, & note lack of Stage 1 Road Safety Audit re. highway widening. Also note that an area of intermediate surface water flood risk exists on site, yet a Flood Risk Assessment (FRA) has not been provided to demonstrate that the development will make a positive contribution to managing or mitigating flood risk, & that no flooding attenuation measures are proposed.

(Full comments in Appendix 2)

**Comment:**

- It is evident that, despite the additional submissions/amended plans received, the highway issues have not been satisfactorily addressed/resolved, despite the applicant's assurances to the contrary.
- The applicant’s drainage strategy involves discharge from the site to the adjoining Canal, which would involve an annual payment to Peel Holdings in respect of the appropriate consent to do this. However, there are no measures detailed in respect of any mechanism to secure this in perpetuity.
- The applicant has correctly pointed out that the EA has not requested the submission of a FRA, this is on the basis that the site falls outside the scope for referrals to it (the development site being in Flood Zone 1 & the site being <1ha). Notwithstanding this, the NE corner of the site falls within an intermediate flood zone (zone 2), where UDP policy REP5 requires that new developments generating surface water run-off which would result in adverse impacts, e.g. increasing flood risk, should not be allowed unless appropriate attenuation measures have been included – none of have been detailed. This is also further amplified in policy QE4 of the emerging Local Plan Core Strategy, which requires the submission of a FRA which should demonstrate that the development would make a positive contribution to managing or mitigating flood risk.

**Environmental Protection:**

No objection subject to contamination conditions, & informative re. construction working hours.

**Arboriculturalist:**

a) **Initial comments:** Raise concerns at proximity of proposed dwellings to existing trees, & removal of sycamore in NE corner. Consider a TPO would afford additional protection.

b) **Further comments:** Plots 4 & 9 too close to boundary trees.
c) **Additional comments following receipt of amended plans & serving of TPO:**

Whilst plots resited, one of the garages would still be within root protection zone; note importance that the retained trees are retained in good condition both during and post construction phase & recommend that an arboricultural consultant be present on site during construction of the house footings / piling to ensure that the tree is not subject to more disturbance than the minimum required for the purposes of construction, & to ensure appropriate temporary protective fencing erected.

d) **Further comment (to applicant):** Confirm receipt of amended drawings with requested distance and that the amendments have addressed my concerns.

(Full comments in Appendix 3)

**Natural Environment Officer:** Recommend refusal:

- Badgers – not satisfied that mitigation proposals adequately address badger use of site;
- Bats – agree with recommendation of bat survey;
- Breeding birds – loss of vegetation potentially compensated for by nesting box provision;
- Reptiles – harm to reptiles capable of being avoided by adopting a precautionary approach;
- Landscaping & trees – concerns at proximity of development to trees / number of trees lost not outweighed by replacements / replacement ponds needed

(Full comments in Appendix 4)

**Comment:**

- *It is evident that, despite the on-going correspondence between the Council’s Natural Environment Officer & the applicant's ecologist, & the ensuing additional submissions, the ecological issues in respect of loss of badger habitat have not been satisfactorily addressed/resolved.*

**EA:**

No observations (the proposal falls outside the scope of referrals to EA)

**Comment:**

- *Notwithstanding this, as noted above, the NE corner of the site falls within an intermediate flood zone (zone 2), where UDP policy REP5 requires that new developments generating surface water run-off which would result in adverse impacts, e.g. increasing flood risk, should not be allowed unless appropriate attenuation measures have been included – none of have been detailed. This is also further amplified in policy QE4 of the emerging Local Plan Core Strategy, which requires the submission of a FRA which should demonstrate that the development would make a positive contribution to managing or mitigating flood risk.*
British Waterways:
No observations (no requirement for statutory consultation)

UU:
No reply to consultation by WBC, but response sent to applicant as follows:
- **Surface water**: United Utilities would be prepared to accept a discharge into the public SW sewer of no more than 7 l/s. If you were going to offer the SW sewers up for adoption attenuation would be required for storms up to and including 1 in 30 yr and no part of the site should flood. As owners of the Bridgewater Canal, Peel Holdings should be consulted and confirmation should be supplied that they are agreeable to this additional flow entering their canal.
- **Foul**: Currently United Utilities do not adopt pumping stations that serve less than 15 plots. As such the pumping station (if required) on this site would remain private, because of this we would have no say in where the private pipes/rising is laid. We could adopt any gravity foul sewer downstream of the rising main up to the connection to the public sewer under a section 104 agreement. You are right in thinking that all private pumping stations and rising mains that serve more than 1 property will transfer to sewerage undertakers in 2016 under private sewer transfer legislation.

Manchester Ship Canal Co. (Peel Holdings):
No reply to consultation by WBC, but response sent to applicant as follows:
- The development seems to be a reasonable distance from the canal edge but without further detail we cannot comment, in general terms to avoid damage to the canal wall both during and following construction, your works must not place a loading on the canal wall. This usually means a clearance of 5 metres from the face of the canal.
- To comment in more detail we require a drawing showing the foundation detail and levels to establish if there would be any detrimental effect on the canal.
- We are able to accept clean surface water drainage to the canal subject to completion of a legal document
- A couple of general thoughts
  1. Are you considering fencing to minimise risk to young family members
  2. Are there any trees on the property that may be or become a safety concern.

Appleton PC:
Strongly object – main comments summarised as follows:
- Concern at scale/heights of proposed units & consequential damage to street scene & wooded backdrop;
- Trees would require protection;
- Boundary with adj. allotments unclear – potential for a ‘no mans land’ between existing fence & ditch;
- Drainage issues – existing sewers are inadequate;
- Ecological concerns – environmental impact assessment needed due to possible presence of bats, badgers & newts;
Contrary to policies re. managing the housing supply;
Precedent;
Overdevelopment
Off-site affordable contribution may not benefit Appleton residents.

(Full comments in Appendix 5)

**Stockton Heath PC (adj. parish):**

Strongly object – main comments summarised as follows:
- Concern at heights of proposed units & consequential damage to street scene from across canal;
- Trees would require protection;
- Boundary with adj. allotments unclear – potential for a ‘no mans land’ between existing fence & ditch;
- Drainage concerns re adj. allotments;
- Concern that relaxation of presumption against development for small housing sites will set a precedent.

(Full comments in Appendix 5)

**Comment:**
- Whilst acknowledging that the proposed 2½-storey units shown on the illustrative plans would be taller than the majority of the surrounding properties, the ground level is lower than the slab levels of the properties fronting Birchdale Rd, helping to mitigate against the potential visual impact of the development, & it is concluded that refusal on this basis would be difficult to justify.
- A TPO has been served on the trees within the site which meet the relevant criteria, & the proposals modified to avoid unacceptably impacting on them.
- As detailed in the Natural Environment Officer’s comments, the proposals are considered unacceptable in terms of impact on badgers (a protected species).
- Whilst approval of small scale, low impact housing developments is in line with current approach to HOU1/2, this proposal is not considered to be low impact by virtue of the unresolved ecological & highway issues.
- In terms of the potential for a precedent to be set, it is acknowledged that, over recent months, a number of proposals for small number of new dwellings have been approved across the Borough.

**Ward Members:**

**Cllr B Axcell** has formally objected & requested referral to DMC, noting concerns in respect of the garden-grabbing the proposal represents, loss of amenity to neighbours, access problems, impact on the street scene, the absence of any need for the development given the current over-supply of housing land & the loss of mature trees.

Joint objection from **Cllrs J & P Walker**, on the following grounds
- Contrary to policy
- Overdevelopment to neighbours
- Environmental impact
- Damage to the street scene
- Destruction of semi-rural habitat
- Highway problems
- Inadequate drainage and sewerage
- Access to 62 Birchdale Road is compromised

Request referral to Committee & site visit by Members if recommended for approval.

(Full comments in Appendix 6)

**Comment:**
- Amended plans are considered to satisfactorily address concerns with regard to relationship between proposed & adj. existing dwellings, in terms of interface standards – the 2½-storey nature of the proposed units is to a large extent offset by the lower slab level of the proposed dwellings in relation to the adjoining properties fronting Birchdale Rd.
- A number of trees within the site were served with TPOs subsequent to the application’s submission. Whilst the Arboriculturalist raised concerns at the original layout / plans, the plots were adjusted in a manner to satisfactorily address these concerns & overcome the objection.

**MP:**

David Mowat MP has written in support of the objecting neighbours, expressing concerns that the development cannot be considered to be “low impact development” (as required by policy), & in respect of loss of trees & adverse impact on neighbour amenity (noise/disturbance & overlooking). He also notes that the site is subject to a restrictive legal covenant restricting use to a market garden & advises that one adj. property’s owners have not been served with an ownership notice.

(Full comments in Appendix 7)

**Comment:**
- A number of trees within the site were served with TPOs subsequent to the application’s submission. Whilst the Arboriculturalist raised concerns at the original layout / plans, the plots were adjusted in a manner to satisfactorily address these concerns & overcome the objection.
- Not appropriate to attach weight to a legal covenant in the planning process, being an entirely separate issue needing to be addressed through the appropriate channels. In any case, the applicant has also pointed out that the covenant was varied in 1976 to allow the construction of 60 Birchdale Rd.
- The applicant has advised that the site is solely within the ownership of the occupants of the 2 bungalows presently on the site, albeit that a third party enjoys a right of way over it (which does not amount to a freehold interest).

**Responses to Notification:** (full details on file)
Objections received from the occupants of 22 nearby properties – main points summarised as follows:
- Overdevelopment / overcrowding / too tight
• A high impact development – no tangible benefit for such a high density development
• Unsustainable
• Bulk / size / massing, incl. 3 storey height – incompatible / out of character with area
• Detrimental to outlook of area
• Loss of privacy / overlooking / proximity to existing adjacent dwellings & gardens – privacy distances increase for over 2-storey houses
• Loss of daylight / sunlight
• Highway danger – incl. to pedestrians, children, cyclists & oncoming vehicles
• Increase in traffic – Birchdale Rd is narrow, congested, poorly repaired & already used as a rat-run, with difficult / obscured / dangerous access at either end
• Narrow access hazardous
• Inadequate turning facilities within site for waste disposal vehicles & emergency services
• Impact of construction traffic – Birchdale Rd is unsuitable for construction traffic, being narrow, poorly surfaced & lacking pavements
• Proposed pavement outside no.62 would cause problems for parking etc.
• Tree loss/damage
• Loss of green areas
• Impact on wildlife – badgers, birds, bats, frogs, toads & newts
• Proposed badger buffer areas unrealistic (future occupants would not want scrub vegetation in their gardens)
• Drainage problems – already poor drainage in Birchdale Rd
• No pump house shown for sewers serving new dwellings
• Presumption against development of gardens (‘garden grabbing’) – contrary to NPPF
• No need in terms of housing supply – already adequate housing provision to meet supply & ample housing of this type/size in vicinity
• A greenfield site – undermines UDP policies HOU1/2
• Pavement in front of no.62 forms part of that property’s legal title
• Applicant’s profit motive, contempt for residents, & “lack of thought & professionalism”, & is “confrontational”; developer’s conduct is unacceptable (incl. taking photos at rear of writer’s property)
• Emerging policies cited by applicant are a spurious way to push the development forward – the applicant & planning authority have been working towards this strategy & timing
• Layout unacceptable, as no.62 enjoys right of way along existing drive from its side garage
• Restrictive covenant on the land restricting use to a market garden
• The land bordering Birchdale Road “had a designation order on it for the last 44 years”, for which consent for its removal was refused in 2004
• First stage in potential attack on adj. allotments
• Query accuracy of plans, which are inadequately dimensioned & do not show drain
A further resident expresses concerns as follows:
- Need to ensure replacement planting if approved
- Need to ensure sufficient local services (schools/medical) if approved

In addition, objections have been received on behalf of the adjoining **Stockton Heath Allotments Association** which is responsible for the Red Lane Allotments – main points:
- Damage to trees & ditch along boundary with allotments site
- Loss of vegetated area which takes up water would result in increased runoff to existing ditch & waterlogging of adjoining allotments
- Ownership of boundary ditch area needs clarification (excluded from site yet within same ownership) – future maintenance responsibilities need to be established
- Applicant’s ecological surveys should take into account shared wildlife habitats with adj. allotments – badgers, bats, foxes & large worms (slowworms?) have been observed
- Road safety concerns
- Neighbour amenity concerns

An objection has also been received from the **Wirral & Cheshire Badger Group**, on the following grounds:
- Negative impact on badgers’ foraging routes
- Badger gates appear to have been placed haphazardly through new gardens, which in itself poses a problem
- Badger route though site inadequate

**Comment:**
- **Whilst acknowledging the objections raised to the 2½-storey nature of the development, the lower ground level of the site (compared with the slab levels of the properties fronting onto Birchdale Rd) helps offset this to some degree. Given that the site is not within a Conservation Area, it would be difficult to justify refusal on the basis of massing / height.**
- **Amended plans are considered to satisfactorily address concerns with regard to relationship between proposed & adj. existing dwellings, in terms of interface standards – the 2½-storey nature of the proposed units is to a large extent offset by the lower slab level of the proposed dwellings in relation to the adjoining properties fronting Birchdale Rd.**
- **A number of trees within the site were served with TPOs subsequent to the application’s submission. Whilst the Arboriculturalist raised concerns at the original layout / plans, the plots were adjusted in a manner to satisfactorily address these concerns & overcome the objection.**
- **Whilst acknowledging the objections raised regarding the inadequacy of Birchdale Rd to accommodate additional & construction traffic, inappropriate to refuse on this basis in the absence of a highway objection on this basis.**
- **In national terms, whilst gardens are now classed as greenfield rather than brownfield sites, this does not imply that all development of greenfield sites is unacceptable / inappropriate, which is a matter for each authority to establish its own approach, depending on its own circumstances.**
- **Valid ecological concerns raised in relation to use of site by badgers, as reflected in Natural Environment Officer’s objection.**
• **Not appropriate to attach weight to a legal covenant in the planning process**, being an entirely separate issue needing to be addressed through the appropriate channels. In any case, the applicant has also pointed out that the covenant was varied in 1976 to allow the construction of 60 Birchdale Rd.

• **Issues relating to a private right of access off existing driveway are not a reason to withhold planning permission** – applicant has confirmed that an access would be maintained off proposed access road.

Conclusions and reasons for recommendation/decision

• Despite on-going negotiations with the applicant since the application was submitted in June, with several amended plans & further information having been submitted, the proposals remain unacceptable in terms of the adverse impact on biodiversity (badger habitat) & highway drainage issues, as a consequence of which this proposal cannot be considered to be a low impact development (as required by policy SN1 of the emerging Local Plan Core Strategy).

Appendix 1 – Planning Policy comments

| The Development Plan | The National Planning Policy Framework (NPPF) came into effect on 27th March 2012 and introduced new transitional arrangements for development plans. Paragraph 215 of the NPPF is the most relevant in clarifying the status of existing policies within Warrington because Warrington’s policies, saved beyond 2009 from the UDP by the Secretary of State, do not automatically benefit from the provisions set out in paragraph 214 of the NPPF. Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework [the NPPF]. It further states that the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. I.e. the determining factor as to how much weight can be attributed to any of Warrington’s existing policies is therefore the degree of conformity between that policy and the NPPF. The NPPF also identifies at paragraph 216 with regards to emerging Local Plans (Development Plans) that: From the day of publication, decision-takers may also give weight relevant policies in emerging plans according to:
  • the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  • the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  • the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). The provisions of paragraph 216 are particularly pertinent in Warrington given the Council published their emerging Local Plan Core Strategy for formal ‘publication’ consultation on 21st May 2012 and subsequently submitted to the Secretary of State on 19th September 2012. There have been no significant objections to the policy approach to housing within the plan in previous rounds of consultation and hence the Local Plan Core Strategy is considered to constitute a significant material consideration in the determination of planning applications from |
Assessment of the proposal

- The application site is within the defined settlement of the Town of Warrington. By way of reference to the NPPF the site is regarded as greenfield land by virtue of the fact that it seeks to redevelop land which currently forms the residential curtilages of Nos. 58 and 60 Birchdale Road.

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

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

- With regards to assessment against UDP Policies HOU1, HOU2 and the Managing the Housing Supply SPD, it is not considered that the proposal would undermine the key objectives which underpin these policies i.e. the proposal (owing predominately to its scale) is not considered to compromise regeneration efforts. Whilst these policies seek to withhold the release of sites unless it can be demonstrated that a delay in developing the site would prejudice its successful future redevelopment, this element of the policy is not considered to be compliant with the NPPF.

- Policy SN2 of the Council’s emerging Local Plan Core Strategy identifies that the Council will require schemes of between 5 and 15 dwellings to make 20% of the total number of units available as ‘affordable’ provision – a requirement which would apply to this proposal. On this occasion agreement was reached in pre-application discussions between the applicant and the Council’s Housing Strategy service that owing to the scale of development a commuted sum in lieu of onsite provision would be acceptable. Subsequent negotiations have agreed that a sum of £70,000 would be required to ensure compliance with the objectives of policy SN2. Providing the amount of £70,000 is appropriately secured from any planning approval then there would be no objections to the proposal from an affordable housing perspective.

Conclusions

- In conclusion it is considered appropriate to assess the proposal against the NPPF and policies within the Council’s emerging Local Plan Core Strategy. By way of reference to policies of relevance the proposal is considered to be acceptable in principle subject to £70,000 being secured as a commuted sum in lieu of on-site affordable housing provision.

Appendix 2 – Highways comments:

<table>
<thead>
<tr>
<th>COMMENTS RE. INITIAL SUBMISSION</th>
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<tbody>
<tr>
<td>Visibility splays</td>
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<tr>
<td>- No visibility splays from the site access onto Birchdale Road are shown on proposed site plan 11-084(PL)400 Rev *. Without sufficient visibility splays, safe access and egress from the site cannot be demonstrated.</td>
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<td>- Ideally, visibility splays in this instance should measure at least 2.4m x 70m, with the land required for the splays also being demonstrated as being within the applicants control or being within the maintained adopted highway.</td>
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<tr>
<td>Service verges</td>
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<tr>
<td>- A site visit undertaken on the 6th July 2012 noted that the width of Birchdale Road to the east of the proposed site access is some 4.1m at its...</td>
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narrowest point. This is insufficient to accommodate two way traffic flows.

- As a result, without improvement to the width of Birchdale Road, the proposed site access is likely to lead to left turning vehicles emerging out into the path on oncoming vehicles without sufficient width for two vehicles to pass each other. This would clearly be detrimental to highway safety.

**Swept path analysis**
- It is noted that no swept path analysis accompanies the application to demonstrate that the site can be adequately accessed via refuse vehicles and fire tenders. This is required in order to demonstrate that the proposed development is capable of being adequately serviced without detriment to local highway safety.

**Pedestrian access arrangements**
- As proposed on site plan 11-084(PL)400 Rev *, pedestrians leaving the site access heading eastwards towards the A49 London Road would be required to exit the site and either (a) walk in the carriageway where it measures 4.1m width and two way traffic flows are compromised, or (b) walk across an area of pedestrian deterrent paving before accessing footways further along Birchdale Road. Clearly, the above arrangements are substandard given the number of units (and subsequent pedestrian traffic) now proposed.

**Road Safety Audit**
- Where permanent changes to the highway network are proposed (as in this case), the applicant should accompany their planning application with a completed Stage 1 Road Safety Audit. No Stage 1 Road Safety Audit has been undertaken in this instance.
- To action in respect of any future revised proposals, the applicant should contact Jamie Fisher of the Council’s Accident Investigation Unit on 01925 443248.

**Drainage strategy**
- A site visit undertaken on the 6th July 2012 has confirmed that the site is positioned on an area of land that slopes away from Birchdale Road towards the Bridgewater Canal. As the application proposes an internal highway layout which could later be adopted by the Council, we would request that the applicant provides details of the proposed drainage strategy to be adopted in order to ensure that the proposed highway within the site can be adequately drained.
- To discuss, the applicant should contact Paul Lawrenson of the Council’s Asset and Flood Risk team on 01925 442699.

**Extent of highway adoption**
- It is also noted that land included within the application boundary is adopted highway. Any works to this land would therefore need to be subject to a S278 agreement with the Council.

**Summary & conclusions**
- In view of the above issues, we would recommend refusal of the application on the grounds that it fails to make adequate arrangements for safe vehicular access and egress, servicing and pedestrian access. Additionally, until such time as the internal highway layout has been demonstrated to be eligible for adoption, the application must be considered to propose 9 dwellings from a private drive, which is contrary to advice contained in the Warrington Design Guide for Residential and Industrial Estate Roads.

**FURTHER COMMENTS FOLLOWING RECEIPT OF HIGHWAYS STATEMENT & MODIFIED ACCESS PLANS**

**Context**
- Further to highways comments issued on the 9th July 2012, the applicant has submitted a Highway Statement (Singleton Clamp ref: 12182 / 17 July 2012), Proposed Site Access Arrangements drawing SCP/12182/001, and Proposed Site Block Plan 11-084 (PL) 401 Rev B. These have been reviewed and the following comments are offered.

**Highway Statement ref: 12182 / 17 July 2012**
- Para 3 of the report states that vehicle speeds on Birchdale Road are 20 mph or less but provides no evidence to demonstrate this. However, it should be noted that Birchdale Road has not been previously designed to a 20mph standard, and has a speed limit of 30mph.
- Para 4 of the report notes an appeal decision in relation to the development of 23 apartments on Birchdale Road, and makes various references to this, stating that a copy of the appeal decision is enclosed.
However, no appeal decision has been submitted alongside the Highways Statement.

| Visibility splays | • The applicant now proposes visibility splays of 2.4m x 25m, stating that these splays are acceptable to accord with guidance contained within Manual for Streets.  
• However, as the speed limit of Birchdale Road is 30mph, and vehicle speeds may currently be constrained by the poor carriageway surface of the road, we would not accept such reduced visibility splay provision.  
• It should be noted that Manual for Streets suggests splays of 2.4m x 43m for 30mph roads, and the Warrington Design Guide requires splays of 2.4m x 45m for 20mph roads, whilst allowing for vehicles to exceed the speed limit by 10 km/ph.  
• We would advise that it would therefore be appropriate for visibility splays of 2.4m x 43 - 45m to be provided as a minimum in this instance, in order to reflect guidance in both Manual for Streets and the Warrington Design Guide.  
• However, in respect of the splay to the east of the proposed site access, as shown on Proposed Site Access Arrangements drawing SCP/12182/001, it is noted that this has been measured to a point 1m within the carriageway, not to the adjacent kerb, as is standard practice.  
• For the above reasons, the visibility splays of 2.4m x 25m now proposed by the applicant are considered to be insufficient. |

| Swept path analysis | • Proposed Site Access Arrangements drawing SCP/12182/001 demonstrates that a refuse vehicle and fire tender can enter and leave the site (left in / left out only has been tested).  
• It is noted that in the case of a refuse vehicle, the left turn out from the site is shown to overhang an area of adjacent land.  
• Additionally it can be noted that the swept path analysis demonstrates that with either vehicle turning left out from the proposed access, there would be no room for a pedestrian or vehicle to pass whilst these manoeuvres are undertaken. |

| Road width | • Within the submitted Highway Statement it is asserted that 4.1m is sufficient to accommodate two way vehicle flows, as this is demonstrated within Manual for Streets. However, when Manual for Streets is referenced it is clear that for 4.1m width to be adequate, this assumes two vehicles are both family saloon cars and they pass each other in an absolute straight line with just 10cm width separating both vehicles.  
• The Council’s minimum standards for carriageway width to accommodate two way traffic flows are 4.5m where vehicle speeds are low (for example below 10mph) and 4.8m in other circumstances.  
• It should be noted that in this instance vehicles will be turning out of the access to a point where the highway is 4.1m width. In respect of this issue, previously issued highway comments noted that:  
  • “As a result, without improvement to the width of Birchdale Road, the proposed site access is likely to lead to left turning vehicles emerging out into the path of oncoming vehicles without sufficient width for two vehicles to pass each other. This would clearly be detrimental to highway safety.”  
  • As no widening of Birchdale Road is proposed by the applicant, the above concerns therefore remain. |

| Pedestrian access arrangements | • Proposed Site Access Arrangements drawing SCP/12182/001 and Proposed Site Block Plan 11-084 (PL) 401 Rev B now include provision of a 2m width footway to the west of the site access, and to the east of the access for a limited length of around 2.5m.  
• Previous highway comments in respect of this issue noted that:  
  • “As proposed on site plan 11-084(PL) 400 Rev *, pedestrians leaving the site access heading eastwards towards the A49 London Road would be required to exit the site and either (a) walk in the carriageway where it measures 4.1m width and two way traffic flows are compromised, or (b) walk across an area of pedestrian deterrent paving before accessing  

footways further along Birchdale Road. Clearly, the above arrangements are substandard given the number of units (and subsequent pedestrian traffic) now proposed."

- The revised proposed site plan does not satisfactorily address this issue, as it would still require that pedestrians walk in the carriageway at the pinch point of 4.1m width on Birchdale Road.

<table>
<thead>
<tr>
<th>Drainage strategy</th>
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<tr>
<td>• The applicants Highways Statement asserts that:</td>
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<td>• “The applicant is currently in outline form, and, while the potential to adequately drain the site may affect the ability to adopt the road, a suitably worded condition will ensure that details of the drainage are approved as part of the reserved matters application, as is normally the case.”</td>
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<td>• Whilst adding further in its conclusion that:</td>
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<tr>
<td>• “We find it unusual that the Council should consider the development to be served from a private drive simply because details of drainage have not been submitted. As this is an outline application, the Local Planning Authority have the ability to control the development of this site through the reserved matters stage and ensure that appropriate drainage can be provided such that the road is adoptable.”</td>
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<tr>
<td>• Both of the above statements are based on an incorrect assumption.</td>
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<tr>
<td>• The submitted planning application forms clearly demonstrate that the applicant has actually applied for outline permission with all matters reserved, except for access.</td>
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<tr>
<th>Summary &amp; conclusions</th>
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<tr>
<td>• In view of the above unresolved issues, we would wish to maintain our highways objection to the proposed development.</td>
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</table>

**FURTHER COMMENTS FOLLOWING RECEIPT OF FURTHER MODIFIED ACCESS ARRANGEMENT PLAN**

**Context**

- Further to highways comments issued on the 6th August 2012, proposed site access arrangement plan drawing number SCP/12182/002 has been received.

**Birchdale Road – potential road widening scheme**

- Drawing number SCP/12182/002 includes details of a potential road widening scheme on Birchdale Road. Widening of the carriageway in this location is required in order to address previous highways concerns regarding inadequate carriageway width and a lack of dedicated pedestrian footway provision.
- The annotation on drawing number SCP/12182/002 is “Potential Warrington Borough Council Road Widening Scheme” and in email correspondence of the 22nd August 2012, the applicants transport consultants state that:
  - “The drawing also shows a potential widening scheme that Warrington BC could deliver, without prejudice to the proposed access, within the extent of adopted highway.”
  - It should be noted that the Council would not undertake to deliver this scheme at the Council’s cost. Measures and schemes that are required to mitigate the impact of the proposed development should be borne by the applicant.
  - Therefore, in the absence of written confirmation from the applicant that the potential road widening scheme is proposed to be implemented at the applicants cost, no weight should be attached to drawing number SCP/12182/002.

**Proposed Access – without Birchdale Road widening scheme**

- Drawing number SCP/12182/002 also includes a swept path analysis which attempts to demonstrate that without the road widening scheme referred to above, two cars can pass in the vicinity of the site access onto an unimproved Birchdale Road.
- The swept path indicates that without widening of Birchdale Road, two medium sized cars can pass at the existing 4.1m width pinch point (below the Council’s minimum adoptable two way width of 4.8m) with 10cm available space between vehicles, and both vehicles also running immediately adjacent to / touching the kerb lines on Birchdale Road. With such low margins of clearance between medium sized vehicles, and a lack
of adjacent footway provision on Birchdale Road, the proposed site access arrangements would clearly be detrimental to highway and pedestrian safety.

| Highway drainage | • The application seeks outline permission with all matters reserved except for access, and also proposes an internal highway arrangement designed to be capable of future adoption by the Council. The Warrington Design Guide for Residential and Industrial Estate Roads advises that it is the Council's policy that no more than 5 dwellings are permitted from a private drive. Therefore for proposals which seek permission for more than 5 dwellings (as is the case in this instance), eligibility for highways adoption is required to be demonstrated at the planning stage.
  • Given that the site is located between Birchdale Road and the Bridgewater Canal, it is therefore relevant to consider whether drainage of the site to an adoptable standard can be achieved. In respect of this issue, in correspondence of the 22nd August 2012, the applicants transport consultants state:
    • “The other key issue raised related to drainage of the site. The attached emails from United Utilities and Peel Holdings should provide adequate confirmation that we will be able to drain any surface water associated with the road to be adopted into the canal.”
    • The emails referred to from United Utilities and Peel Holdings have been reviewed. These do not provide adequate confirmation that the proposed internal highway layout can be drained into the Bridgewater Canal. The email from Peel Holdings to the applicant of the 11th May 2012 stating that:
      • “We are able to accept clean surface water drainage to the canal subject to completion of a legal document.”
    • WBC Highways have requested that the applicant obtains and supplies the legal document referred to in the above email. However, to date, this has not been provided. It has therefore not been adequately demonstrated that the site can be served by a highways drainage solution which is compatible with the Council’s requirement to adopt the internal highways within the site.
  • As it has not been demonstrated that the internal highways within the site are eligible for adoption, the proposals therefore contravene the Council’s policy of permitting no more than 5 dwellings to be accessed from a private drive.

| Summary & conclusions | • In view of the above, we would therefore recommend refusal of the application, on the grounds that the proposals are contrary to UDP policies LUT1 (Land Use / Transportation Strategy), LUT3 (Walking), and the Council’s policy for the number of dwellings served from a private drive, as contained within the Warrington Design Guide for Residential and Industrial Estate Roads.

| ADDITIONAL COMMENTS | Highway adoptions | • I have reviewed the latest Proposed Site Plan 11-084(PL)401 Rev F, the Council's current highway adoptions records, and land registry information supplied by a neighbouring resident.
  • This appears to confirm that the proposed site access visibility splays, and associated footway works to Birchdale Road can be delivered within the adopted highway without affecting neighbouring land ownerships.

| Highway drainage | • We have previously informed the applicant that the Council’s policy, as set out within the Warrington Design Guide for Residential and Industrial Estate Roads, is that no more than 5 properties should be served from a private drive, and that we have concerns over whether the proposed internal access serving 9 dwellings would be able to be adopted by the Highway Authority. Specifically, our concern is that, given that there is a considerable level difference between Birchdale Road, the site, and the Bridgewater Canal, that it would be difficult to drain the highway without:
  • Agreeing to discharge into the Bridgewater Canal - A legal agreement and annual fee from the Canals owners Peel Holdings can be expected as a
result of this. This would not be acceptable to the Highway Authority. Or

- A pumping mechanism would be required in order to ensure that the highway to be adopted can be adequately drained. The Highway Authority does not adopt pumping stations.
- Despite the applicant asserting that this matter can be addressed by appropriately worded condition, our concerns remain as it has not been demonstrated that an adoptable highway drainage strategy can be achieved.
- Additionally, even if the internal highway were not adopted, we would also have serious concerns whether either option A or option B outlined above will (at the developers expense) be maintained in perpetuity, especially when considering that the applicant could not be compelled to enter into the necessary legal or management agreements for ever, by way of planning condition. No future private management arrangements of the internal highway have been supplied. Therefore we have no certainty whatsoever that an adequate highway drainage strategy (whether adopted or otherwise) can be achieved.
- It is also noted that in UU's consultation response of the 21st August 2012, it is stated that surface water discharge of no more than 7l/s into a public sewer can be accepted. However, no details have been provided as to how much surface water discharge can be expected to be generated by the proposed development.
- The harm that would result from lack of appropriate highway drainage is potential for increased risk of pedestrian and vehicle accidents within the site due to standing water, and the possible flooding of residential properties.
- Further to this, we would also question whether policies QE4 of the Local Plan Core Strategy and Policy REP5 of the adopted Warrington UDP have been complied with, as it appears from a review of APAS that an area of intermediate surface water flood risk exists on site.
- Policy QE4 states that where development proposals are greater than 0.5 hectares (as is the case in this instance) that a Flood Risk Assessment should be provided and that this should demonstrate that the development will make a positive contribution to managing or mitigating flood risk. No Flood Risk Assessment has been provided as part of the application.
- In addition, Policy REP 5 also states that "New development generating surface water run-off which would result in adverse impacts such as an increased risk of flooding…will not be allowed unless they include appropriate attenuation measures."
- No attenuation measures are proposed as part of the proposed development.

| Highway widening scheme | In addition to the above, we would wish to note that no Stage 1 Road Safety Audit has been conducted in respect of the above highway widening scheme detailed on drawing SCP/12182/002 as previously advised in highway comments issued on the 9th July 2012. |

**Appendix 3 – Arboriculturalist’s comments:**

| Initial comments | • The adjacent allotment site has several mature trees on the western boundary with 58/60 Birchdale Road.  
• With the exception of the Lombardy poplar nearest Birchdale Road, these particular trees appear to be of sound form and vigour. Although outside the development site, the proposal sees the new properties in close proximity to these trees. This raises concerns regarding potential root damage and also the prospect of repeated requests to the allotment owners to carry out remedial pruning on a greater frequency than could be considered acceptable. Unauthorised pruning by the residents should also be considered as a distinct possibility. With these in mind, consideration |
should be given to an order on the allotment stock.

- The proposal sees the removal of the greater part of the small mixed ornamental stock within the centre of the site. Although of acceptable quality, these trees are not of sufficient size to be seen from a wider area and therefore would not require extra protection, removal for the purposes of the development would not be contested.
- On the entrance to the site and along the boundary of the canal, there are several trees scheduled for removal that should be considered for retention to minimise tree loss within the area and minimise impact to the amenity as a whole.
- With minor modification to the entrance area, T6 (beech) and T8 (magnolia) should be retained. Consideration being given to avoid compaction using geoweb technique to minimize compaction.
- On the western boundary, T26 and T27 (birch) provide some maturity and efforts should be made to retain them.
- On the western boundary, T29, T30 (sycamore) provide an effective screen to canal users and these together with the hazel understorey should be retained. T31 (beech) requires further inspection as the tree has experienced major limb loss comparatively recently and this has compromised its shape and long term future.
- On the N.E boundary, T36 (sycamore) is scheduled for removal. Preference would be that this tree be retained together with T37 and T38 allowing the removal of the ash T39 as this appears to be in decline. T10 (ailanthus) also provides some cover and should be retained.
- Together with T32, T33, T37, T38 and T39, these trees should be considered for the added protection of a preservation order for their long term retention and protection subsequent to the development phase and until supplementary planting contributes sufficiently to the amenity of the area.
- The proposed method of tree protection is satisfactory and should be pre-conditioned. Location of protective fencing on the northern boundary is adequate, any modified submission should include the location of protective fencing for any extra trees scheduled for retention including locations and protective distances.

**Further comments**

- Further to closer inspection of the proposal on drawing no.11-084(PL)400 rev.C, certainly plot 4 and plot 9 will be too close to the boundary trees with the allotment gardens, being in the order of 2m from the boundary containing the trees.
- The two plots will require major root disturbance within the root zone during the construction phase to the ultimate detriment of the health, vigour and safety of the trees in the longer term.
- Once occupied, the requirement to carry out remedial pruning would be significant with little prospect of retaining the trees in some sort of satisfactory condition once remedial pruning had been carried out, irrespective of whether the trees were the subject of a TPO or not.
- The existing trees are of significant visual importance and as such, should be retained in good condition. With this factor in mind, I would suggest therefore that the layout be subject to some modification in order to accommodate a minimum distance of 8m from the tree stock on the western boundary.

**Additional comments following receipt of amended plans & serving of TPO**

- The preservation order has been served on the above site. The tree adjacent to plot 4 is one of the provisionally protected trees. Although moved slightly eastwards away from the tree, the proposed garage will still be substantially within the root zone of the tree and the house foundations at approximately 7 metres.
- Concerns remain that the tree will still consequently suffer undue root disturbance during the construction phase. This particular part of the site will potentially see the loss of several birch within the immediate vicinity and it therefore remains important that the retained trees, especially the oak are retained in good condition both during and post construction.
• Having discussed this matter with James Randle 22nd August, the house wall is to be moved to 8m, i.e. 800mm further away than presently submitted.

• Given the importance that this tree has within the scheme, the presence on site of an arboricultural consultant during construction of the house footings and the piling would be more than advantageous in ensuring that the tree is not subject to more disturbance than the minimum required for the purposes of construction.

• The appointed consultant should further ensure that prior to any works commencing on site, substantial protective fencing is installed.

Further comment (to applicant) • I confirm receipt of amended drawings with requested distance and that the amendments have addressed my concerns.

Appendix 4 – Natural Environment Officer comments

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

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

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

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

- This application is supported by an Extended Phase 1 Habitat Survey carried out by Dr Fiona Sharpe on behalf of Scott Fitzgerald Tree Consultants and a Inspection & Assessment in relation to Bats carried out by The Tyrer Partnership. Both these surveys were carried out at appropriate times of year to Nationally recognised guidelines by suitably qualified personnel.
- The internal and external inspection relating to bats showed property number 60 has bat roost potential - there is suitable access points and the surrounding habitat is very good. The Extended Phase 1 habitat survey noted a bat dropping on the smaller bungalow (number 58) but the bat survey made no reference to this. Clarification is also required as to the cavity in the beech tree along the north of the site and whether this has a bat roost.
- The recommendations of the bat inspection are that bat activity surveys are carried out, this information must be provided prior to any determination of this application. It should be noted bats are known to be roosting in houses in this area.
- It states in ODPM Circular 06/2005 that ‘the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat’. The proposed application site potentially offers suitable roosting sites for bats. The circular continues ‘it is essential that the presence or otherwise of protected species, and the extent that they may be effected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision’.
- Notwithstanding the above it would be good practise to include provision for bats with any new build properties, this can be done via the inclusion of bat bricks and tiles within the new builds. These details should be specified on any submitted revised plans.

### Badgers

- The Extended Phase 1 Habitat survey identified the site is used by badgers. This species was highlighted with the agent as being in the area through pre-application correspondence. The survey found badgers are communing through the site and evidence of an old sett was discovered as well as current feeding signs on the lawns of property number 60. Neighbours also noted seeing and feeding badgers. Badgers are a material consideration in any planning application and it is important to know that destruction of a badger’s foraging territory, the interruption of their paths to such territory or to water sources might be classed as cruel ill-treatment.
- From my site visit of 26/06/2012 it was clear from the gaps patched up in the fence bordering the allotments that badgers have been accessing this site for some time, probably many years, and the previous occupants of the house have done their best to deter them from coming through. It’s also likely there was a sett in the garden of property 60 but which was filled in at some point. The fruit trees on site and large expanse of lawns provide a good foraging ground for the badgers and the ponds may also provide a water source. The access through to the allotments gives further feeding and foraging opportunity. The mammal track in the garden (as shown in the target notes) also demonstrates long term use of the site by badgers and the latrine is further evidence. From my site visit there were also signs that the badgers may be accessing neighbouring gardens (numbers 64 and 54/52 possibly) as well or using these as exit/entrance points.
- The current proposed development would result in the loss of foraging grounds for badgers and potentially access through to other foraging grounds. The proposed development here is likely to cause badger issues for any new home owners as badgers try to continue to use long established routes.
- Further information is required with regards to how the badgers are using...
the site and to identify if there could be a sett in the vicinity of the
development site and measures should be put in place to ensure the
badgers are not impacted through the development. The proposed site
layout does not appear to have taken on board the presence of badgers
nor the recommendations in the report. Guidance on badgers from Natural
England and the Badger Trust states:

- “badgers are creatures of habit. They tend to use the same pathways to
foraging areas and will continue to try to do so despite any obstacles that
are placed in their way. New fences may be broken down and new roads
crossed despite any difficulty or danger presented. Development should
not be permitted unless it is possible to take steps to ensure the survival of
the badgers in their existing range and at the same population status, with
provision of adequate alternative habitats if setts and foraging areas are
destroyed. Before the planning application is determined, the local
planning authority should request a detailed ecological survey/report and
developers should be prepared to provide the following information:
  - The numbers and status of badger setts and foraging areas that are
affected by the proposal;
  - the impact that the proposal is likely to have on badgers and what can
be done by way of mitigation;
  - judgment on whether the impact is necessary or acceptable; and
  - a recommendation on whether a licence will be required
  - Access between setts and foraging / watering areas should be
maintained or new ones provided.
  - Development that isolates a badger territory by surrounding it with
roads or housing results in problems such as increased road traffic
collisions, and badger damage to gardens and houses. Forcing
badgers into close proximity with humans would also lead to increased
reports of nuisance and damage to gardens and other property.”

Planning permission should only be granted when the effect on badgers
can be adequately mitigated. In many areas, the density of existing and
proposed development means that maintaining sufficient areas for badgers
to forage could be a significant consideration when planning applications
are considered. Badger setts should not form part of private gardens in
new developments and private gardens should not be part of any scheme
to compensate for loss of foraging land. Planning permission should not be
granted in circumstances where badgers are confined by the development
with no "green" access or "corridors" to other foraging areas.

Breeding birds

- The development site comprises mature, established vegetation and trees
which are likely to contain nesting birds and provide feeding habitat and
cover. Mature trees and vegetation are proposed to be lost through the
development with some replacement, this however should be supported by
nest boxes of the Schwegler type and these should be clearly marked on
any plan.
  - Prior to the commencement of development the applicant to submit
detailed proposals for the incorporation of features into the scheme
suitable for use by breeding birds. The proposals shall be permanently
installed in accordance with approved details.

Nesting Birds:

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

Landscape &
trees

- The site sits immediately adjacent to the Bridgewater Canal Wildlife
corridor and the mature trees within the site contribute to this important
feature. This includes the trees along the border with the Red Lane allotment site. There are concerns over the future of these trees with regards to the close proximity of the proposed development. This is through root plate impact and also through any new occupants desire to open up their gardens to canal views/reduce shading or to remove any perceived threat from the trees to the buildings. This does not contribute well to the future of these key site features.

- The submitted Topo survey has omitted many trees that are present on the western boundary of the site. Whilst these may not be under the ownership of the developer they will be impacted by the proposed development and should be taken into account and shown on any submitted plans.
- The number of trees proposed to be removed to enable the development is not outweighed by the number of replacements, this should be addressed along with the retention of many of the trees along the sites boundary.
- There is currently a ditch running down the length of the border with the allotments, this was not included on the phase 1 habitat survey but it is not thought there is sufficient habitat here for protected species such as water vole. At present the garden aspect and trees in the development site will provide excellent water absorption capacity but the proposed development would result in the loss of this function. Clarification is required as to what run-off risk there is to the ditch through the development and removal of any trees along this border.
- Any proposed landscaping and layout should take on board the needs of the species present. There are for example fruit trees present in the site which will all be lost, these provide an excellent food source for badgers and also birds such as thrushes (BAP species).
- There are two ponds present within the site, these have been assessed as having very low potential for great crested newts. Garden ponds however do provide important features for other amphibians as well as a water source for mammals and key habitat for insects. Ponds are a BAP habitat and their replacement should be included in any revised landscape layout plans as recommended in the applicants own Phase 1 habitat survey.

**FURTHER COMMENTS FOLLOWING RECEIPT OF REVISED PLANS & BADGER SURVEY**

**Context**

- Please take these comments in conjunction with those already made on 26/06/2012. Following these comments the applicant submitted a revised site plan (11-084 PL400REV C) showing a badger buffer zone including badger gates around the perimeter of the site. A badger survey carried out by Dr Fiona Sharpe on behalf of Scott Fitzgerald Tree Consultants 19 July 2012 was then submitted via email on 31/07/2012.

**Badgers**

- Having reviewed the additional submitted information with regards to the developments impact to and mitigation in respect of badgers I am not satisfied that the mitigation proposed has adequately accommodated the badgers use of the site.
- The plan in appendix A of the badger survey shows the route the badgers are using through and within the site and also the feeding areas and access points. It’s clear one of the areas the badgers are using is the western boundary of the site adjacent to the allotments and this area has been retained within a ‘badger corridor which is welcomed although no provision for badger access through from the allotment site has been made. It is not clear as to how this area will be segregated from the adjacent proposed houses and how much of the existing trees will be retained. The northern and eastern boundary of the site poses the main concern with regards to the proposed badger corridor and the inclusion of at least 5 gates for the badgers to navigate through. The badgers do not currently seem to be using this route which gives cause to question the success of any mitigation here but the overriding concern is the conflict in this area of the badger corridor and the gardens of plots 5-9. No doubt the new homeowners would want to take advantage of their canal views and maximize the use of this area of their gardens possibly even with boat
moorings. This is highly likely to conflict with the badger’s use of the proposed corridor and therefore the success of the mitigation. The homeowners of these plots would be expected to keep the badger gates clear and unobstructed, this would be very hard to monitor and puts the mitigation at risk. Many homeowners do not welcome badgers as they can cause damage and by developing this plot for 9 houses the risk is significantly increase with the increase in people.

- There is also the wider concern apart from the gardens with the canal outlook, that it’s possible the activities of the badgers could become problematic for the 9 new homes on site as a whole. The current owners of number 58 have clearly been trying for many years to stop the badgers gaining access to, and within, their garden which has repeatedly failed. This goes to demonstrate the habits of badgers and their resilience to maintaining their preferred access routes and feeding areas no matter what deterrents are put in their way. This is highly likely to cause homeowners problems as the badgers try to repeatedly gain access between and around properties thus causing damage to fences and gardens along the way. This leads further on to the removal of the badgers foraging habitat within the site and also the complete loss of their ability to use their current routes through the site.

- The development proposed has not made attempts to accommodate the actual badger use of the site except for where its fits in to the perimeter areas of the site which does not conflict with the construction of the houses. While its accepted badger feeding patterns on site can shift the proposed plan removes a significant proportion of the badgers feeding habitat on site as it will be lost under the footprint of the houses. While the applicant proposes a badger corridor this is not in an area being used by the badgers and the majority of suitable feeding areas have been removed.

- The replacement of the two ponds on site is welcomed, however the pond within plot 4 raises concern as to how the badgers would access it and once again it appears the badgers would be reliant on the home owners leaving access for them and also managing and maintaining the pond in perpetuity.

- A detailed method statement would also be required for the period of construction, this has not been supplied. Whilst the applicant suggests the badger corridor would be in place prior to construction a working method statement would be needed including details as to how the badgers would be excluded from the working area or how access would remain through the site.

- A significant concern is the likely success of the proposed badger mitigation corridor around the perimeter of the site. The application has not given enough consideration to the species using the site and a revised site layout reflecting this would be welcomed.

- As the application currently stands it does not meet ODPM Circular 06/2005 (which is still valid in light of the NPPF) which states that “the likelihood of disturbing a badger sett, or adversely affecting badgers’ foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions”. The NPPF advises that planning applications should contribute to the natural and local environment by minimising impacts on biodiversity and also goes on to state “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”. In this instance I’m not satisfied the site layout has addressed the impact to the species using the site and should therefore be refused.

**Bats**

- My previous comments highlighted the need for a bat activity survey on number 60, as recommended in the applicant’s initial bat scoping survey.
This was submitted in early September 2012 as a revised edition of the original survey as carried out by Stan Irwin of The Tyrer Partnership. Emergence activity surveys were carried out at number 60 which was the property with the most potential for bats. Bat activity was noted in the garden and through the site but there was no activity suggesting the property was being used by bats for roosting. I am satisfied that this is sufficient survey effort and that there are no causes for further surveys, I’d agree with the recommendations of the survey that any demolition should take place under caution and that should development not begin by May 2013 a repeat survey should take place.

### Trees
- Concerns also remain regarding the proximity of the houses on plots 4 & 9 to the adjacent trees. This would give concern regarding the future of these trees and the properties should be located as to give the trees sufficient room to grow and mature. The overall tree loss on site is not out weighed by the number of replacements.

### Reptiles
- The applicant’s ecologist has submitted proposals via email regarding mitigation for any reptile species. It was noted that slow worms had been reported on the allotments and also within the garden of number 60 by a member of the applicant’s family. I am in agreement with the applicant’s ecologist that the proposed development site only offers limited habitat for reptiles and that the main habitat is within the adjacent allotment site. Provided a precautionary approach is adhered to and a method statement produced for any site clearance works harm to any reptiles could be avoided. Habitat enhancement measures would be expected within this which would include, but not be limited to, the creation of hibernacula, however details for this would be required for approval.

### FURTHER COMMENTS FOLLOWING RECEIPT OF REVISED PROPOSALS

### Badgers
- I’ve seen the submitted revised proposals the applicant submitted via email 17/10/2012 but I still have concerns as detailed in my previous response so recommend refusal. Whilst I note the applicant has made some attempt at accommodating badgers around the site I don’t feel it would be workable given the number and layout of the dwellings shown.
- If you are minded to approve the application I would suggest you attach conditions regarding the badger mitigation and also reptile working method statements. Within the badger mitigation there will need to be working practices for all contractors to follow for the duration of the works. I’d suggest the badger habitat is constructed and in place prior to any works commencing and that the main working area of the site is fenced off with badger proof fencing to stop badgers accessing the construction zone but still allowing them access through and around the site.
- Conditions would also be required regarding breeding birds, reptile mitigation and boxes should be included for birds & bats.

### Birds, reptiles & bats
- Conditions would also be required regarding breeding birds, reptile mitigation and boxes should be included for birds & bats.

### Appendix 5 – Parish Council Comments

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<tr>
<th>Parish Council</th>
<th>Appleton PC</th>
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<td>Application no.</td>
<td>2012/20135</td>
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**Key areas of concern**
- The Silhouette Drawings of the proposed properties provided do not show windows etc and it is therefore difficult to assess their full effect on the nearby residential properties which are primarily bungalows. Concern is however raised on the heights proposed of the, it is understood, 2 ½ storey dwellings with 6 type B properties - out of the 9 planned - at 10.8metres. It is questioned therefore whether they will prove overbearing, reduce light and affect the privacy of the surrounding residents. In addition with the height of the properties as planned, the street scene will be damaged. During the winter period,
the visual amenity of the landscape will be adversely affected due to the addition of houses into an established backdrop of woodland.

- The surrounding boundaries include many mature trees which add to the rural setting in this area and these trees should be retained through a planning condition if permission is granted which should include protecting any damage to the roots when building work is carried out. The boundary line to the west side of the plot adjacent to the Allotments is unclear and Appleton Parish Council understand that the boundary is in the centre of the ditch and is concerned that there will be land left as ‘no man’s land’ between the existing wooden fence and ditch.

- Concerns are also raised on drainage issues and the existing sewers which are inadequate at present.

- It is felt that a full environmental impact assessment is required due to the possible presence of bats and badgers plus maybe newts with a ditch running to the west of the site and it is recommended that a survey is undertaken to consider the ecological impact of this development upon protected habitats.

- Birchdale Road is a very narrow, uneven road with no footways and is inadequate for the present traffic movements and dangerous for pedestrians. The proposed 9 additional properties will only exacerbate the traffic problems particularly at the difficult right turn at the Birchdale Road / Red Lane junction. Consideration should be given to improvements to the road with contribution to the costs being made by the developer.

- At the present time this application is contrary to HOU1, HOU2 and the Supplementary Planning Document Managing the Housing Supply. It is understood that with the emerging Local Development Framework such controls are being relaxed though with emphasis on the regeneration of the older parts of Warrington for small sites for housing but wonder if a development in this rural area and for 9 houses falls under this criteria. Also it is felt, the proposal for nine newbuild 2 ½ storey dwellings is an over development of the site.

- The Parish Council is concerned that approval will set a precedent for other similar schemes.

- In addition, it is felt that the suggested contribution towards off-site affordable housing by the developer would perhaps not benefit the residents of Appleton.

- The Parish Council therefore wishes to strongly object to the planning application.

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<table>
<thead>
<tr>
<th>Key policy references</th>
<th>HOU13, GRN22, GRN13, DCS1, LUT1, HOU1, HOU2, HOU15 &amp; policy SN1 of emerging Warrington Local Plan Core Strategy</th>
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<tr>
<td>Considered by Parish Council</td>
<td>Date: 17.7.12</td>
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<tr>
<td><strong>Parish Council</strong></td>
<td><strong>Stockton Heath PC</strong></td>
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<tr>
<td><strong>Application no.</strong></td>
<td>2012/20135</td>
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<tr>
<td><strong>Key areas of concern</strong></td>
<td>- The Silhouette Drawings of the proposed properties provided do not show windows etc and it is therefore difficult to assess their full effect on the residential properties on Whitefield Road and Beech Road, Stockton Heath. Concern is however raised on the heights proposed of the, it is understood, 2½ storey dwellings with 6 type B properties - out of the 9 planned - at 10.8metres. The height of the properties as planned will damage the street scene viewed from the Stockton Heath side of the Bridgewater Canal. During the winter period, the visual amenity of the landscape will be adversely affected due to the addition of houses into an established backdrop of woodland.</td>
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<td>- The surrounding boundaries include many mature trees which add to</td>
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the rural setting in this area and these trees should be retained through a planning condition if permission is granted which should include protecting any damage to the roots when building work is carried out. The boundary line to the west side of the plot adjacent to the Allotments is unclear. Stockton Heath Parish Council understand that the boundary to the west is in the centre of the ditch and is concerned that there will be land left as 'no man's land' between the existing wooden fence and ditch.

- As owners of the adjacent allotments, which are managed by Stockton Heath Allotment Association Ltd on behalf of the Parish Council, concerns are raised on drainage issues and the existing sewers which are inadequate at present.
- It is felt that a full environmental impact assessment is required due to the possible presence of bats and badgers plus maybe newts with a ditch running to the west of the site and it is recommended that a survey is undertaken to consider the ecological impact of this development upon protected habitats.
- At the present time this application is contrary to Supplementary Planning Document Managing the Housing Supply. It is understood that with the emerging Local Development Framework such controls are being relaxed though with emphasis on the regeneration of the older parts of Warrington for small sites for housing but wonder if a development in this rural area and for 9 houses falls under this criteria. The Parish Council is concerned that approval will set a precedent for other similar schemes.
- The Parish Council therefore wishes to strongly object to the planning application.

Key policy references: HOU13, GRN22, GRN13, HOU1, HOU2 & policy SN1 of emerging Warrington Local Plan Core Strategy

Considered by Parish Council on Date: 3.7.12

Appendix 6 – Member Comments

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<tr>
<th>Member name</th>
<th>Cllr B Axcell</th>
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<tr>
<td>Ward represented</td>
<td>Appleton</td>
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<tr>
<td>Application Number</td>
<td>2010/20135</td>
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| Key areas of concern and reasons for referral | • I would like to object formally to the proposed development of nine dwellings in Birchdale Road and request that the application goes to the Development Management Committee.  
  • I am concerned about many aspects of the application, for example, the garden-grabbing it represents, loss of amenity to neighbours, access problems, impact on the street scene, the absence of any need for the development given the current over-supply of housing land, the loss of mature trees, etc. |
| Key policy references | HOU13, DCS1, LUT1, HOU1, HOU2, GRN22 & policy SN1 of emerging Warrington Local Plan Core Strategy |

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<thead>
<tr>
<th>Member name</th>
<th>Cllrs J &amp; P Walker</th>
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<tr>
<td>Ward represented</td>
<td>Appleton</td>
</tr>
<tr>
<td>Application Number</td>
<td>2010/20135</td>
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</table>
| Key areas of concern and reasons for referral | • The proposed development of nine detached properties, some nearly 11m high metres high, would be completely out of character with the area and have an extremely detrimental effect both on the street scene and on neighbouring houses in Appleton and across the Bridgewater Canal in Stockton Heath. It would also infringe on quality of life for residents in Birchdale Road as a result of extra traffic and loss of privacy.  
  • Our objections are as follows |
Contrary to the planning policy of the Council – the council has determined that the Borough does not need to identify additional housing sites as there is already sufficient land allocated to deliver the housing required. Policies HOU1 and HOU2

Over-development – replacing two bungalows with nine 3 storey houses is an overdevelopment of the site.

Detrimental effect on neighbouring properties – there will be a loss of privacy for existing properties which will be overlooked by these high houses; there will also a loss of light. We note that the position of proposed windows has been omitted from the plans.

Environmental impact – the proposed houses are out of keeping with neighbouring houses which are mostly bungalows. Birchdale Court, opposite, was built on the site of a Hotel which was a itself a large building. It was designed in a style suitable to the area and does not overlook local properties. The impact of Birchdale Court is in no way comparable to the impact of this proposed development.

Damage to the street scene – the proposed houses would be visible for a long way and would damage the street-scene in both Appleton and Stockton Heath. The height and scale of the houses would make them an eyesore.

Destruction of semi rural habitat – an area which is a haven for wildlife and an asset to the Borough will be destroyed and replaced by an urban town-house estate.

Highway problems – Birchdale Road has a very poor surface and is too narrow in places for two cars to pass comfortably. This road cannot accommodate any extra traffic and will be further damaged by heavy vehicles during the construction. Traffic danger will be exacerbated at the junctions with both Red Lane and London Road where sight lines are very poor.

Inadequate drainage and sewerage – existing sewers are inadequate at present

Access to 62 Birchdale Road is compromised – the proposed access road will prevent access to the side garage at no 62 Birchdale Road.

We know that many local residents are very concerned about this proposed development and have written to the Council; also that both Appleton and Stockton Heath Parish councils have put in formal objections.

As ward councillors we wish to add our objections and request this application is brought to committee should you be minded to approve and that members make a site visit before coming to a decision.

Key policy references HOU13, DCS1, HOU1, HOU2, LUT1, GRN22, GRN13, LUT1 & policy SN1 of emerging Warrington Local Plan Core Strategy

Appendix 7 – David Mowat MP comments:

Context

At a recent surgery two of my constituents, who live adjacent to the application site, albeit in separate properties, came to seek my assistance in objecting to this planning application. While I do not normally involve myself in the planning process, on this occasion the issues seemed to be more complex and therefore I consider it appropriate to become involved.

Covenant

I have been made aware that the land that forms the application site is subject to a legal covenant, which expressly states that the land shall only be used "...as a market garden only and that no buildings will be erected thereon other than greenhouses and garden tool and equipment sheds...". I understand that this covenant, although attached to the land..."
some time ago, remains live.

- While I accept that the planning system cannot be prejudiced by such legal covenants, the reasons for the imposition of this covenant by a previous owner was to protect the amenity of the neighbouring occupiers and surely this is still relevant to the determination of the application? Similarly although I know that planning permission per se cannot override a covenant, I recognise that once planning permission has been granted it is far easier to have such a covenant lifted.

### Land ownership

- Notwithstanding the status of the covenant, one of the residents, who came to see me, stated that the application site included land which is in shared ownership and over which these people have rights of access. However save for a letter from the Council, advising of the application being submitted, they have not been served with any formal notice by the applicant.
- It is my understanding that where an applicant does not enjoy 100% freehold rights over all the land which forms the application site, formal notice must be served on any other known owners of the land.

### Level & impact of proposal / planning policy

- In addition to these technical issues relating to the application my constituents have raised issues about the merits or otherwise of the proposal.
- They consider that the level of residential development proposed is both inappropriate both in terms of format and in the number of units proposed.
- I note that Policy HOU1 of the Warrington Borough Local Plan states that planning permission will not be granted for housing development in Greenfield sites, which would suggest that the development of this site is not necessarily acceptable. Indeed I saw that Mr Legg, in the Council’s planning policy section, has commented that the application may be acceptable in terms of adopted planning policies subject to the proposal being considered as having only a “low impact”. However, I would suggest that the introduction of three-storey houses in an area characterised by detached bungalows in reasonably large gardens represents a significant increase in the density of development and as such could not be considered as having a “low impact”.

### Trees / ecology

- Additionally my constituents have made reference to the significant number of Trees that it is proposed should be removed to facilitate the application. I have seen some of the application drawings and the level of tree removal proposed does look to be significant; surely you should be seeking to secure the retention of as many trees as possible in order to protect both the natural environment in general and more specifically avian habitats within the urban area.

### Neighbour amenity

- Furthermore my constituents are concerned that the replacement of a bungalow with two and three storey houses, together with the increase in the number of units and their proximity to their boundaries will significantly increase the level of direct overlooking into the windows and private gardens of existing properties adjoining the site. This would represent a noticeable loss of privacy for the neighbouring occupiers.

### Conclusions

- For the reasons set out above I would respectfully request that you give very careful consideration to the impact the development will have upon the existing residents in the vicinity of the application site.
Application Number: 2012/20397

Location: LAND TO SOUTH OF FARRELL STREET, WARRINGTON, WA1 2WW

Ward: FAIRFIELD AND HOWLEY

Development: Proposed substitution of previously approved six apartment blocks and twenty seven dwellings with four smaller apartment blocks and sixty five dwellings, access and associated works.

Applicant: Miss Snook

Recommendation: Approve subject to Section 106 Agreement

Conditions:
- Standard Time limit -full 3 years
- Plans Compliance
- Details of foul and surface water drainage
- Contaminated land condition
- Flood Risk Assessment details

Reason for referral
- Major application

Description
- Following weak interest & low sales of the apartments – this is a full application to substitute the 6 apartment blocks (5 storey) along Howley Lane and 27 dwellings towards the south west corner of the site on the part of the site subject to reserved matters consent 2009/15420 and outline permission 2003/00831 with 4 apartment blocks (4 storey) to the located to the far east and far west of the site fronting Howley Lane and 65 dwellings along the Howley Lane frontage
- The proposal would therefore see a reduction in the number of apartment blocks by 2 (from 6 to 4) and an increase in dwellings by 38 (from 27 to 65)
- Minor internal plot and road layouts also proposed
- Original approval 6 apartment blocks (20 x 1 bed and 120 x 2 bed) and 27 dwellings – total 167
- Current proposal 4 apartment blocks (16 x 1 bed and 32 x 2 bed) and 65 dwellings – total 113
- Difference in property types – 2 less apartment blocks and 38 more dwelling houses
• Overall difference in property numbers – 54 less properties

Location

• Part of the southern boundary of this development site, facing Howley Lane/River Mersey

Relevant History

2003/00831 – Outline application for Redevelopment to provide Mixed Use Scheme comprising Residential, Community Facilities (Class D1), Commercial/Retail and Food/Drink (Classes A1, A2, A3 and B1) with associated parking and open space – Approved subject to section 106 agreement

2009/15420 – Reserved matters application for mixed use development (372 dwellings comprising 176 apartments and 196 houses); surgery (Use Class D1); and shop (Use Class A1) with associated parking, landscaping and open space – Approved

2011/19026 – Substitution of previously approved apartment block with eight dwellings (six mews style and two semi detached) – Approved

Main Issues and Constraints

Principle Compatibility with/impact on approved scheme/layout Impact on section 106 agreement

Key policy/guidance checklist

Supplementary Planning Guidance/Documents:
Design and Construction
Managing the Housing Supply

Adopted Warrington Unitary Development Plan policies:-

<table>
<thead>
<tr>
<th>DCS1; LUT1; HOU1; HOU2;</th>
<th>Principle</th>
<th>The principle of residential development here, in the context of the Managing the Housing Supply SPD, is considered to be well established</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Impact on existing section 106 agreement</td>
<td>Moreover, the substitution would result in a reduction of property numbers compared to that previously consented as despite an increase in dwelling houses by 38 there would be 92 less apartment units with an overall difference in 54 less properties</td>
</tr>
<tr>
<td></td>
<td>Reduction in housing numbers means a reduction in the contribution to the previous</td>
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<tr>
<td>DCS1; GRN2;</td>
<td>Compatibility with/impact on approved scheme/layout</td>
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<tr>
<td>The proposed removal of the 2 apartment blocks from the main through road would open up the estate when approaching from Farrell Street by removing the potentially visually dominant apartment blocks and their replacement with a mixture of housing types would restore an element of uniformity with the estate. Landscaping would be consistent with the approved scheme. Access would be provided from the existing estate road and 2 parking spaces per plot are provided in front of the proposed houses.</td>
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</tbody>
</table>

**Responses to consultation** (Full details on file)

**Planning Policy**
No objection given reduction in property numbers

Highways
No objection, as amendments provide satisfactory visibility splays and off-street parking provision

**Environment Agency**
No objection provided the development is carried out in accordance with the approved Flood Risk Assessment from Betts Associates, ref PER20_FRA Revision 1.0 dated July 2012

**Comment:**
- *Flood Risk Assessment would continue to be conducted as agreed previously as part of the outline/reserved matters permission granted for the whole of the Persimmon housing development – under reference 2003/00831 & 2009/15420*

**Environmental Protection**
No objection, however site is subject to ongoing ground remediation measures required by condition in previous approvals and this should be continued

**Comment:**
- *Land remediation would continue to be conducted as agreed previously as part of the outline/reserved matters permission granted for the whole of the Persimmon housing development – under reference 2003/00831 & 2009/15420*
**United Utilities**
No objection subject to the following conditions:

1) This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the nearby watercourse to meet the requirements of the National Planning Policy Framework

2) A public sewer crosses this site and we will not permit building over it. We will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of ‘Sewers for Adoption’, for maintenance or replacement

**Responses to Notification** (Full details on file)

**Neighbours**
No response

**Conclusions and reasons for recommendation/decision**

The revised scheme does not represent a significant departure from the approved schemes 2009/15420 and 2003/00831, and with the safeguard of conditions readjusted from the previous application, the proposal is considered to be acceptable and in accordance with polices DCS1; HOU1; HOU2; LUT1 & GRN2 of the adopted Warrington Unitary Development Plan. A variation to the section 106 agreement is also necessary to ensure that the previously agreed obligations relate to the new planning application.
Application Number: 2012/20617

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

Ward: GRAPPENHALL AND THELWALL

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

Applicant: Mr & Mrs Bland

Recommendation: Approve subject to Conditions

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

Reason for referral
- Request from Councillor Biggin

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

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

Relevant History

None

Main Issues and Constraints

- Principle – Housing Supply
- Residential amenity
- Design/character and appearance
- Highway safety

Key policy/guidance checklist

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

<table>
<thead>
<tr>
<th>Principle</th>
<th>Housing Land</th>
<th>Housing Development Restriction</th>
<th>Complies with the stated policies on the basis of the following:</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOU1</td>
<td></td>
<td></td>
<td>• In recent years the Council has operated a policy of housing restraint to ensure compliance with development plan target levels of provision – this required a demonstration of benefit(s) to ensure harm caused by adding to oversupply were</td>
</tr>
<tr>
<td>HOU2</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

97
<table>
<thead>
<tr>
<th>National Planning Policy Framework (NPPF)</th>
<th>Para 11-22</th>
<th>sufficiently offset, e.g. affordable housing, removal non conforming use, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>• Over recent months the coalition government have introduced a plethora of changes to</td>
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<td>planning and economic policy (abolition RSS, NPPF, Planning for Growth) and this combined</td>
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<td>with emergence of a the Council’s Core Strategy has resulted in a changed emphasis with regard</td>
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<td>to the application of the Council’s housing policies – this redefined policy emphasis accepts the</td>
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<td>principle of development on the site - such proposals are therefore generally no longer</td>
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<td>required to be justified from a housing land supply perspective in accordance with UDP housing</td>
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<td></td>
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<td>policy.</td>
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<td></td>
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<td>• Policies HOU1 and HOU2 still form part of the development plan and seek to withhold the</td>
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<td>release of sites unless demonstrated that delay would prejudice successful future redevelopment</td>
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<td>– this approach is not compliant with the NPPF - where policies are inconsistent NPPF takes</td>
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<td>precedence (para. 215) – in current circumstances this conflict is more than to a</td>
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<td>limited extent – the headline objective of the NPPF sets out a strong presumption in favour of</td>
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<td>sustainable development - the current proposal involves the redevelopment of an existing</td>
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<td></td>
<td>previously developed site in an accessible location close to local facilities and services –</td>
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<td>therefore is considered to be a presumption in favour of granting planning permission.</td>
</tr>
<tr>
<td>Amenity DCS1</td>
<td>DC Strategy</td>
<td>Complies with the stated policies on the basis of the following:</td>
</tr>
<tr>
<td>HOU7</td>
<td>Residential Environment</td>
<td>No.65A Clarence Road:</td>
</tr>
<tr>
<td>HOU13</td>
<td>Privacy and Daylight in Housing Development</td>
<td>• To be sited 21m to nearest windows – compliance with 45-degree code suggests no harm through loss of outlook or overshadowing – replacement from existing bungalow with a 2 storey dwelling will increase overbearing/oppressive impact however the 15.5m separation to the shared boundary would prevent undue harm – proposed separation distance to be achieved (21m) complies with council separation policy which requires a 21m separation be achieved between main face elevations therefore no harm through loss of privacy/daylight</td>
</tr>
<tr>
<td>Supplementary Planning Guidelines (SPG)</td>
<td>2 – House Extensions Guidelines</td>
<td>Nos.6 &amp; 8 Clarence Road:</td>
</tr>
</tbody>
</table>
|                                          |            | • To be sited 23.5m to nearest windows – compliance with 45-degree code suggests no harm through loss of outlook or overshadowing – replacement from existing bungalow with a 2 storey dwelling will increase overbearing/oppressive impact however the 7.6m separation to the shared boundary would prevent undue harm – proposed separation distance to be achieved (23.5m) complies with council
separation policy which requires a 21m separation be achieved between main face elevations therefore no harm through loss of privacy/daylight – rear roof lights are proposed however these are to be high level at 1.8m above the floor area and would therefore prevent overlooking

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

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

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

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

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

<table>
<thead>
<tr>
<th>Character/ Design</th>
<th>DC Strategy</th>
<th>HOU3</th>
<th>Housing Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>DCS1</td>
<td>DC Strategy</td>
<td>HOU3</td>
<td>Housing Development</td>
</tr>
</tbody>
</table>

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

**Character /design**

- The street scene is characterised by predominantly semi-detached properties with the odd detached property at intervals therefore the principle of a pair of semi detached houses in replace of the existing bungalow is not considered to cause harm to the character/appearance of the area
- The main body of the new dwellings would be sited 0.5m further back from the front and rear
elevations than the existing bungalow and are to be set 1.75m back from the established build line in the street scene, therefore the new dwellings would not be overly prominent by virtue of siting.

- The particular section in the street within which the property sits contains a mixture of roof forms with properties facing Chester Road being of pitched roof design and properties deeper into Clarence Road being of hipped roof design (see photograph below), as a result the property could lend itself to either roof type. The proposed pitched roof is therefore not considered to be harmful.

- Height of the proposed dwellings is 9m. It is not possible to obtain every roof height in the street scene however the proposed street scape plans suggest the height is the same of No.68 Clarence Road at 9m and 0.2m higher than No.72 Clarence Road being 8.8m high. As a result the proposed dwellings would not be overly prominent in the street scene.

- Proposed materials of red brick, grey concrete roof tyles and a mixture of wooden and plastic windows is considered consistent with the area.

- Property widths/frontages in the locality range between 4.5-10m (see plan below) therefore the proposed properties with a maximum width of 8.3m is considered consistent with other property frontages in the area.
Responses to consultation (see file for full details)

Cllr M Biggin
Request that the application be referred to Committee

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

Appraisal

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

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

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

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

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

**Responses to Notification (see file for full details)**
**Neighbouring properties**
9 letters of objection received to the original plans and 4 objections received regarding the amended plans regarding the following:

1) Loss of view and natural light to side windows of No.72
2) Loss of privacy from proposed side windows to Nos.72&68
3) Loss of privacy to front and rear properties as a result of the proposed front and rear windows/velux. Proposal is also contrary to policy HOU13 as it would be sited just 5m from the boundary leaving just a 20m separation. The distance would also need to be increased as the proposal is a 3 storey property
4) Disproportionate dwelling compared to plot size and other dwellings noted locally
5) Amended plans show limited changes
6) Increased demand for car parking would increase risk to highway safety and garage spaces are not large enough to accommodate average sized vehicles
7) Appearance not in-keeping with the character of the area, which consists of hipped roofed, 2 storey properties, not pitched roofed, 3 storey properties. No properties in the locality are sited as close to the boundary and do not have integral garages
8) Loss of light to side and rear garden areas
9) Plans are inaccurate as they do not indicate proposed velux windows
10) Plans do not indicate the relationship of the proposal to neighbouring properties or annotate individual measurements, making it difficult to assess impact on individual properties.
11) Does not comply with terracing policy as the distance between new dwellings and side boundaries is less than 1m
12) No storage space shown, therefore assume garage will be used for storage leading to additional off-street parking. Condition should be imposed preventing garage conversions
13) Breach of 45-degree code to side windows of No.68 resulting in a loss of light and outlook and overbearing impact
14) Width of the dwellings is annotated as 8.286m however is scaled off at 8.385
15) Existing bungalow should be retained as there is a demand for bungalow properties and adds to the mix of property types in the locality. This would also set a precedent for loss of future bungalows
16) Lack of access to the rear of the property for fireman/window cleaners
17) Properties in the locality are off-set from each other preventing direct overlooking of living rooms
18) Proposed plans do not show the presence of the existing trees to the rear boundary and application forms advises no trees exist on site
19) Ordnance Survey plan does not show extensions to neighbouring properties and is therefore not an accurate reflection of the site in relation to its surroundings
20) The total number of bedrooms suggests 10 people could occupy the properties which is a large increase in people numbers considering existing use as a bungalow
21) Proposal would add to surplus supply of housing within the borough and not justification has been provided
22) Loss of sky when viewed from properties ton the rear
23) Increased noise disturbance through use for 2 dwellings rather than a bungalow

Appraisal

1) Only limited weight to be attached to the protection of side windows (see above amenity appraisal)
2) Condition can prevent additional side windows being added and ensure proposed windows are fitted with obscure glazing
3) Provides 23.5m separation to rear and 21m separation to front which complies with Council separation policy of 21m and an element of overlooking already occurs in existing layout from neighbouring windows at 1st floor level. The 21m requirement is appropriate in this instance as the property is 2 storey with rooms in the roof space however the velux windows are high level which would prevent overlooking.
4) Complies with typical property widths in the locality and 1m gaps to side boundaries are noted between property Nos.65, 65A & 67 Clarence Road directly opposite the proposal therefore not considered disproportionate dwelling size or plot width (see above character/design appraisal)
5) Any changes to the plans depending on the significance may require re-notification with neighbours
6) Unlikely that an additional property would result in a significant increase in traffic volume to and from the site. Proposed garage dimensions complies with adopted parking standards of 2.5m by 4.7m per space
7) 2 storey height, appearance and materials appropriate to the setting (see above character/design appraisal)
8) Light would already appear limited to side garden areas through existing relationship. Any light loss to rear garden areas would be limited to the area of garden immediately adjacent to the boundary fence and would not affect the main useable garden space.

9) Front velux windows do not form part of the proposal.

10) No requirement for individual measurements to be shown providing the plans are to scale.

11) The internal measurement as shown on drawing 107/959/25 is inaccurate as it shows an internal dimension larger than the external measurement which would mean a breach of the Council’s terracing policy. This was an error in the plans which have since been amended to confirm the measurement is 8.286m as annotated and therefore complies with terracing policy as a 1m gap would be retained to the side boundaries. This is also consistent with proposed site plan drawing 107/961/SP which shows a 1m gap.

12) No condition necessary as 3 off-street parking spaces are to be provided which is over required standards of 1.5 spaces per dwelling.

13) No breach of 45-degree code as kitchen windows are not considered habitable therefore only limited weight attached to their protection. Unreasonable to expect full weight to be attached to the retention of light to a through room.

14) Amended plans have been submitted which confirm property widths are between 8.2m-8.3m. Proposal has been assessed on the larger measurement.

15) No policies which seek to retain bungalow properties. No precedent would be set as each case has to be judged on its own merits.

16) This is consideration for the applicant and is not a consideration relevant to planning when determining a planning application.

17) Overlooking of front and rear windows is inevitable in residential areas and this is the case in this particular street scene. The consideration is when this becomes harmful. In this instance the proposal provides required 21m separation which is required by separation policy to prevent harm through loss of privacy and is not therefore considered harmful through overlooking.

18) Omission of trees/planting from the proposed site plan suggests they are to be removed.

19) Council Ordnance Survey plan details neighbouring extensions and officer site visit confirms the current relationship on site.

20) Increase in the number of occupants alone does not substantiate harm.

21) Low key housing development on previously developed land considered appropriate (see above principle appraisal).

22) Compliance with the 45-degree code suggests no harm through loss of outlook.

23) Not expected that an additional property would result in significant increase in noise disturbance.

Conclusions and reasons for recommendation/decision

The proposal is considered to be acceptable, subject to appropriate conditions, as it accords with Warrington Borough Council Unitary Development Plan Policies DCS1, HOU1, HOU2, HOU3, HOU7, HOU13 & LUT20. This is by reason of the principle for small scale housing development on previously developed land being acceptable in this locality and with the additional presumption in favour of sustainable development advocated by the NPPF (para 11-22). The development is also considered appropriate in terms of siting, scale and design, with no perceived detrimental impact upon surrounding neighbours, the character of the street scene or existing off-street parking provision.
The proposal, whilst presenting a breach of the 45-degree code contained in the SPG, has been considered in context of the existing arrangement between the applicants' property and Nos.72&68 Clarence Road. The original relationship presents a substantial breach of the 45-degree code below that advocated. It is a reasonable assumption, noting the original relationship, that the properties were not intended to contain main habitable room windows to the side elevation. Limited weight has therefore been afforded to protection of the side elevation windows. Therefore a relaxation of standards is acceptable given absence of undue harm to living conditions of neighbouring properties.
**Application Number:** 2012/20626  
**Location:** LAND ADJACENT TO RIVERSDALE, WOOLSTON  
**Ward:** RIXTON AND WOOLSTON  
**Development:** Proposed construction of ten detached dwellings with garages, open space and access.  
**Applicant:** David Wilson Homes (North West)  
**Recommendation:** Approve sub sec 106  
**Conditions:**  
- Standard Time limit - full 3 years  
- In accordance with amended plans  
- Energy statement to be submitted & low carbon initiatives incorporated  
- Tree protection measures to be approved and implemented  
- Drainage scheme to be submitted and approved  
- Landscape management plan to be submitted and approved  
- Materials in accordance with submitted details  
- Parking spaces to be made available  
- Land quality investigation and remediation  
- Archaeological investigation  
- Boundary treatment  
- Biodiversity features to be approved and provided including facilities for roosting bats and breeding birds  
- Scheme for eradication of Himalayan Balsam to be submitted and agreed  
- Landscaping scheme to be submitted and approved  
- Lighting plan to be submitted and approved  
- Construction working hours  
- Construction Environmental Management Plan to submitted and approved  
- No site clearance/preparation to take place between 1st March and 31st August  
- Foundation details to be submitted and approved for garages on plot nos. 6, 7 & 8  

**Reasons for Referral**  
- Objections have been raised by Councillor Brinksman, Woolston Parish Council and a significant number of residents (see responses below).
Description

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

Location

- The site is located approximately 5.5km to the East of Warrington Town Centre before the Premier Inn and junction 21 of the M6 motorway on the south side of Manchester Road and due north of the River Mersey.
- The site slopes downwards from North to South and is bounded by a small wooded area to the North, open space to the South (between the site and the River Mersey - a distance of approximately 40 metres), and residential properties due East (on Riversdale) and West (on Battery Lane).
- The site contains some trees and is used for the keeping/ grazing of horses.
- Tree Preservation Order no. 346 covers 25 Lime trees and 2 Holy trees along the Eastern boundary of the site.
- The site is 0.42 hectares in size.
Relevant History

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

Main Issues and Constraints

- Principle of Housing
- Residential Amenity
- Design Principles
- Highways
- Trees
- Noise
- Land Quality
- Ecology
- Archaeology
- Infrastructure

Key policy/guidance checklist

National Planning Policy Framework (NPPF)

Unitary Development Plan (UDP)
- Policy DCS1 Development Control Strategy
- Policy DCS2 Planning Obligations
- Policy DCS3 Engineering Services
The application site is within the defined settlement of the Town of Warrington. It is regarded as greenfield land where the application seeks to develop land which is open and has not been previously developed.

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

The proposal would not undermine the key objectives which underpin the Council’s housing supply policies - owing predominantly to its scale the proposal would not compromise
<table>
<thead>
<tr>
<th>CS</th>
<th>Overall Spatial Strategy – Delivering Sustainable Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>CS1</td>
<td>Distribution and Nature of New Housing</td>
</tr>
<tr>
<td>SN1</td>
<td>Securing Mixed &amp; Inclusive Neighbourhoods</td>
</tr>
</tbody>
</table>

regeneration efforts.

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

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

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

**Affordable Housing**
Policy SN2 of the CS identifies requirement for schemes of between 5 and 15 dwellings to make 20% of the total number of units available as ‘affordable’ provision. On this particular scheme, owing to the scale of development, agreement has been reached with the Council's Housing Strategy service for a commuted sum of £80,000 (20% of the provision equates to 2 units at £40,000 each) in lieu of onsite provision. – section 106 recommended to secure this and ensure appropriate delivery.

**The principle of development is acceptable and adequate provision is made for affordable housing – to be secured via a section 106 agreement.**

<table>
<thead>
<tr>
<th>RESIDENTIAL AMENITY</th>
<th>Outlook / Privacy / View / Daylight</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All the proposed dwellings retain adequate</td>
</tr>
<tr>
<td>Category</td>
<td>Details</td>
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<tr>
<td>-------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>DCS1</td>
<td>Development Control Strategy</td>
</tr>
<tr>
<td>HOU3</td>
<td>Housing Development – Development Control</td>
</tr>
<tr>
<td>HOU13</td>
<td>Privacy and Daylight</td>
</tr>
<tr>
<td><strong>DESIGN PRINCIPLES</strong></td>
<td></td>
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<tr>
<td>DCS1</td>
<td>Development Control Strategy</td>
</tr>
<tr>
<td>HOU3</td>
<td>Housing Development – Development Control</td>
</tr>
<tr>
<td>HOU4</td>
<td>Open Space</td>
</tr>
<tr>
<td>HOU6</td>
<td>Housing Density &amp; Mix</td>
</tr>
<tr>
<td>REP1</td>
<td>The Prudent Use of Resources</td>
</tr>
<tr>
<td>SOC1</td>
<td>Social Progress</td>
</tr>
<tr>
<td><strong>Character</strong></td>
<td>The proposed design and layout are entirely in-keeping with the character, appearance and general layout of residential properties in the area</td>
</tr>
<tr>
<td><strong>Housing Mix &amp; Density</strong></td>
<td>The scheme is low density with a good mix of dwelling types and is in keeping with existing property types in the area.</td>
</tr>
<tr>
<td><strong>Landscaping / Topology</strong></td>
<td>The layout has been designed to integrate with the existing landscape and surrounding residential/ semi-rural setting.</td>
</tr>
<tr>
<td><strong>Public Open Space</strong></td>
<td>Accessibility to the river side meets general open space access requirements. There is a need to ensure adequate provision of children’s play space &amp; equipment with all new residential development. Currently there is a significant shortage of equipped play provision. Given the scale of the development, however, this would be inappropriate on-site or as a new facility. An agreement has been reached to make a financial contribution of £714.48 per dwelling (i.e. a total of £7144.80) towards the improvement of an existing facility off-site.</td>
</tr>
<tr>
<td><strong>Renewables</strong></td>
<td>The application includes a sustainability section on research &amp; development and innovation techniques promoted by David Wilson Homes but does not include a specific energy statement for the development - condition recommended to ensure full consideration as appropriate.</td>
</tr>
</tbody>
</table>
The proposal demonstrates satisfactory design principles – conditions recommended as necessary to ensure that principles implemented appropriately.

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>HIGHWAYS</td>
<td>Development Control Strategy</td>
</tr>
<tr>
<td></td>
<td>Land Use / Transportation Strategy</td>
</tr>
<tr>
<td>LUT2</td>
<td>Transport Priorities in Development Control</td>
</tr>
<tr>
<td>LUT3</td>
<td>Parking</td>
</tr>
<tr>
<td></td>
<td>Walking</td>
</tr>
<tr>
<td>TREES</td>
<td>Tree protection measures will be necessary during the course of construction to ensure no adverse impacts on trees the subject of TPO no. 346.</td>
</tr>
<tr>
<td></td>
<td>The garages proposed for plots 6-9 would need to be on beam &amp; pile foundations to minimise root damage within the crown spread of preserved trees along the Eastern boundary.</td>
</tr>
<tr>
<td></td>
<td>The submitted scheme raises doubts that the protected tree stock would be allowed to attain maturity without potential issues with regard to light for plots 6 - 10. An existing sewer easement, however, prevents moving these properties further into the site.</td>
</tr>
<tr>
<td></td>
<td>Subject to inclusion of details of TPO no.346 in the future sales particulars and deeds of plots 6-10, the potential impacts of the development on preserved trees is considered, on balance, to be acceptable. On this basis future residents of plots 6-10 would be fully aware of the TPO status of trees along their rear boundaries.</td>
</tr>
<tr>
<td></td>
<td>Requirement for adequate tree protection measures – condition recommended.</td>
</tr>
<tr>
<td>FLOODING</td>
<td>Environment Agency (EA) flood maps currently</td>
</tr>
</tbody>
</table>
| REP4 | Flood Protection | show the site as being adjacent to Flood Zone 2 where there is a medium probability of river flooding.  
Site specific Flood Risk Assessment (FRA) submitted which states development would:  
• be suitable in location proposed;  
• be flood resistant & resilient;  
• not place persons at risk from flooding;  
• not increase flood risk elsewhere.  
EA have confirmed no objection in principle subject to comments & appropriate conditions.  
**No objection to proposal from Environment Agency subject to controls relating to ground levels, surface water, discharge rates, landscape management.** |
| REP5 | Surface Water Run Off | |
| DCS1 | NOISE | The Council's Environmental Protection team has no objection to the development subject to a condition on construction working hours, to alleviate construction impact concerns, and recommend implementation of a Construction Environmental Management Plan which the applicant has confirmed acceptance to as a condition.  
**No adverse impacts subject to appropriate conditions.** |
| REP10 | Development Control Strategy | Noise |
| REP8 | LAND QUALITY | The Council's Environmental Protection team have no objection subject to a standard land contamination condition.  
**Condition recommended ensuring necessary remediation undertaken if contamination is found.** |
| GRN13 | ECOLOGY | Submitted Phase 1 Habitat Survey endorsed by Council's Natural Environment Officer. Any development should not compromise future of tree stock covered by TPO no.346 & revised layout recommended. The group of trees are a key feature in this site and within the local landscape, local plan policy GRN13: Riverside and Canalside Development applies here and the safeguarding of these trees is relevant to this policy.  
Himalayan balsam present along the brook and within the site boundary and as such this will need treating – condition recommended. |
<p>| GRN18 | Riverside and Canalside Development | |
| GRN19 | Key Biodiversity Habitats and Priority Species | |
| | Protected Species | |</p>
<table>
<thead>
<tr>
<th>GRN20</th>
<th>Major Wildlife Corridors Protection of the Nature Conservation Resource</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRN21</td>
<td>No vegetation clearance/site preparation to be carried out between 1st March &amp; 31st August to ensure breeding birds not disturbed. Lighting plan should be conditioned to ensure light spill does not affect biodiversity habitats. Biodiversity enhancements should be conditioned to include incorporation of features for roosting bats &amp; birds in the development. <strong>With suitable safeguards there would, on balance, be no significant harm to habitat, protected and priority species and biodiversity interests.</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BH12</th>
<th>ARCHAEOLOGY Ancient Monuments &amp; Archaeological Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Small part of site formerly occupied by building named as 'Buttery' or 'Battery' cottage likely to have been present in the earlier post-medieval period. Below-ground remains likely and as such a strip and record exercise recommended by the Cheshire Archaeology Planning Advisory Service. <strong>Condition recommended for programme of archaeological work.</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DCS1</th>
<th>INFRA-STRUCTURE Planning Obligations</th>
</tr>
</thead>
<tbody>
<tr>
<td>DCS3</td>
<td>Engineering Services</td>
</tr>
<tr>
<td></td>
<td>Education Children &amp; Young People's Services have confirmed no contribution necessary towards school provision. <strong>Public Open Space / Children’s Play</strong> Requirement to address the functional public amenity aspects of the proposal - Council’s Supplementary Planning Document for Open Space and Recreation Provision establishes following:</td>
</tr>
<tr>
<td></td>
<td>- <em>Equipped play £7144.80 (based on 10 x £714.48 per dwelling)</em> agreed with applicant</td>
</tr>
<tr>
<td></td>
<td>- <em>Public Open Space - site is adjacent to formal provision so further contribution would not required</em></td>
</tr>
<tr>
<td></td>
<td>- <em>Given monies would be used to enhance existing provision a maintenance contribution is not required.</em></td>
</tr>
</tbody>
</table>
Utilities
United Utilities have no objections to the proposal – request drainage strategy rigidly adhered to and no damage to rising main, which crosses site, during construction.

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

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

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

Comment: See policy appraisal section above.

Archaeological Officer
No objection subject to condition.

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

Environment Agency
No objection subject to comments and conditions.

Environmental Health
No objections subject to comments and conditions.

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

Natural Environment Officer
Observations received and conditions recommended.

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

United Utilities
No objections subject to comments and condition.
Responses to Notification

Councillor Brinksman - OBJECTION on behalf of local residents:

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

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

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

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

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

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

Woolston Parish Council - OBJECTION:

1. Loss of green amenity space - the land is in an area forming the remains of rural open space in Woolston. Most of Woolston has been developed for housing or industrial units.

   Comment: see policy appraisal & agent response.

2. An environmental impact assessment should be carried out.

   Comment: see agent response below.

3. There are reported to be bats, badgers, foxes and other wildlife on the land. A full ecological assessment should be carefully assessed into the impact of the proposed development.

   Comments: see policy appraisal & response from Natural Environment Officer.

4. There is serious concern at the effect if the additional traffic that will be generated by this development on local roads and at the junction with Manchester Road.

   Comments: further Highways response expected before Committee.
5. The question of the need for this development given the number of vacant properties and newly built housing waiting for occupiers in what is a depressed market.

Comment: see policy appraisal & response.

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

Comment: see response from Environmental Health.

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

Comment: see agent response below.

Agents responses to comments from the Parish Council:

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

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

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

Neighbours

180 letters of OBJECTION received:

150 pro-forma type letters have been received.

30 individual letters have been received.

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

Comment: see policy appraisal section above.

Conclusions and reasons for recommendation/decision

- It is necessary to assess the proposal against a wider policy context than just the UDP and specifically the NPPF and policies within the emerging Local Plan Core Strategy.
- The principle of development is acceptable and there are no justifiable grounds to withhold consent having regard to the previous UDP policies relating to housing restraint.
- Provision made for 20% affordable housing would be subject of a section 106 agreement.
- Adequate separation is retained to existing properties and there would be no material harm to outlook or privacy. Layout and design of houses is acceptable with buildings of satisfactory appearance and character.
- Parking, traffic generation and road specification awaiting confirmation from Highways – response expected before Committee.
- Majority of established tree stock is to be retained and any removals required for the development are minor in nature and mitigated by
replacement planting. Impacts on preserved trees have been assessed and, on balance, are considered to be acceptable.

- Surface water, discharge rates, landscape management and land remediation can be satisfactorily addressed as necessary.
- Bats are present and lighting needs to be kept to minimum. Provision can be made for bats, birds, tree/hedge retention and Himalayan balsam removal & secured via condition.
- Any presence of archaeological features on site can be conditioned.
- Adequate infrastructure would be in place having regard to the scale of development proposed and the agreed financial contribution makes provision for equipped play.
- The proposal is in accordance with the National Planning Policy Framework and the relevant provisions of the Warrington Unitary Development Plan and the Emerging Core Strategy subject to the recommended conditions and a section 106 agreement to secure the financial contributions for equipped play provision (£7144.80) and affordable housing (£80,000).
Appendix – Consultees Full Comments

Arboricultural Officer

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

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

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

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

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

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

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

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

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

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

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

Archaeological Officer

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

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

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

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

**Environment Agency**

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

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

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

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

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

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

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

**Environmental Health**

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

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

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

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

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

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

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

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

Reason: - In the interests of residential amenity.

**Development On Land Affected By Contamination**

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

**A. Site Characterisation**

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

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

(ii) an assessment of the potential risks to:
  • human health,
  • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  • adjoining land,
  • groundwaters and surface waters,
  • ecological systems,
  • archaeological sites and ancient monuments;

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

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

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

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

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

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

**Highways**

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

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

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

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

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

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

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

**Natural Environment Officer**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Planning Policy**

**The Development Plan:**

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

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

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

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

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

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

Assessment of the Proposal:

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

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

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

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

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

**Conclusions:**

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

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

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

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

There is a 6 metre easement protecting a rising main which crosses the site, however after reviewing the development plan allowances have been made United Utilities have no objections to the proposed road over the easement as long as no damage occurs to the pipe whilst construction takes place.

A water supply can be made available to the proposed development. A separate metered supply to each unit will be required at the applicant’s expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

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

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

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

Please note, due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction, please contact a Building Control Body to discuss the matter further.
Application Number: 2012/20856

Location: OMEGA PLOT 1A, WEST SIDE OF, BURTONWOOD ROAD, WARRINGTON, (EITHER SIDE OF M62)

Ward: BURTONWOOD AND WINWICK

Development: Application for approval of reserved matters following outline approval 2003/01449 - distribution centre (B8) and associated car parking, landscaping and site access.

Applicant: Mr OMEGA (Warrington) Limited

Recommendation: Approve

Conditions:
- Standard Time limit -full 3 years
- Approved plans

Description

- Application for reserved matters – as set out above – pursuant to the outline permission for Omega granted subject to conditions and to the Section 106 Agreement in June 2007 (2003/01449)
- A single building of approx 14500 sq m is proposed on a 7.45 ha portion of Omega North
- The building would be part of an existing national distribution network for the storage and distribution of mail
- A two-storey office will be located at the east of the unit and in close proximity to the car park. The office area will accommodate administration, changing and welfare facilities.
- The building would not exceed 18 metres in height
- Parking for 275 cars and 262 spaces for other goods vehicles
- The building would operate over a seven day continuous cycle
- The initial jobs forecast is set out in the table below. It is expected that the jobs total would increase - in line with an anticipated increase in the volume of parcels handled:-

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<th>Category</th>
<th>am</th>
<th>pm</th>
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<td>Infeed operators</td>
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<td>2</td>
<td>2</td>
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<tr>
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<td>6</td>
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<td>3</td>
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<td>FLT drivers</td>
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<td>108</td>
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**Location**

- Plot 1A is to the north of the M62 – the land parcel closest to the junction 8 motorway roundabout – from which access is taken – via a new service road into Omega north
- The unit's longer elevation would be parallel to the motorway, and fronted by a yard which would be typically 50 metres in depth

**Relevant History**

The outline permission for Omega granted subject to conditions and Section 106 Agreement in June 2007 (2003/01449).

Reserved matters consent for an access road into the site from junction 8 was approved in December 2007 (2007/11759) and for changes to conditions on the outline permission in November 2010 (2010/17322) and April 2012 (2011/18158).

**Main Issues and Constraints**

Details of layout, scale, external appearance and landscaping

**Key policy/guidance checklist**

The NPPF; policy CS7 of the emerging Local Plan Core Strategy and policies DCS1; DCS3; DCS7; GRN2; REP1; REP5; EMP3; GRN22; of the adopted Warrington UDP.
Policy CS7 of the emerging Local Plan Core Strategy; policies DCS1; DCS3; DCS7; GRN2; REP1; REP5; EMP3; GRN22 of the adopted Warrington UDP

Details of layout, scale, external appearance and landscaping

The large building would be visible from the M62, and would be clad in metal panels, typically light grey in colour, and with flat metal panelling in white, dark green and mid grey.

The building would be visible from the M62 but is not considered to be unduly intrusive – when viewed in the context of both ‘on-plot’ and infrastructure landscaping. As the second unit to be constructed on Omega North the building seeks to maintain the high quality of external appearance appropriate to its position and for the development as a whole. In due course units of similar function and quality are intended for construction to the west and east, as envisaged by the outline permission and masterplan.

Landscaping, lighting and fencing schemes have been submitted and assessed as acceptable in matters of detail. Structure planting, approximately 20-30m in depth continues to be proposed along the northern edge of Omega North, to help screen and soften views from countryside to the north, and from the direction of Burtonwood village.

Responses to consultation (Full details on file)

Planning Policy
No objection – the proposal is consistent with the outline permission and complies with policy EMP3 of the adopted Warrington UDP and policy CS7 of the emerging Local Plan Core Strategy.

Highways
No objection.

Environmental Protection
No objection.

Environment Agency
No objection.

Parish Council
No response.
Responses to Notification (Full details on file)

Comment:
- it is acknowledged that noise – including vehicle noise – from the site would largely be masked by the high ambient noise levels from the adjacent M62
- in the long term, it is possible that dwellings to the north of Omega would benefit from reduced noise levels from the M62 – due to the eventual construction of large new buildings on Omega North
- some increase in “sky-glow” is acknowledged as inevitable as a result of a development of this scale – but the impact of glare direct to the nearest dwellings would be avoided by good lighting design practice, in line with advice from WBC Environmental Protection – the need for which was confirmed as part of the outline planning permission

Conclusions and reasons for recommendation/decision

The submitted detailed (ie “reserved”) matters, are considered to be in accordance with the outline permission granted under reference 2003/01449 - and are acceptable in terms of layout, scale, external appearance and landscaping in accordance with policy CS7 of the emerging Local Plan Core Strategy and with policies DCS1; DCS3; DCS7; GRN2; REP1; REP5; EMP3; GRN22; of the adopted Warrington UDP. It is considered also that this reserved matters application has been made in accordance with the information and other requirements set out in conditions 3; 4 and 7 of outline planning permission, and that those conditions are hereby discharged – insofar as they relate to Plot 1A – and insofar as the submission of acceptable details is concerned.
## DEVELOPMENT MANAGEMENT COMMITTEE

**Thursday 6th December 2012**

### DECISIONS

<table>
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<tr>
<th>Item</th>
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<td>Proposed stables</td>
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<td>REFUSE – INAPPROPRIATE SCALE/OVER-DEVELOPMENT IN GREEN BELT</td>
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<td>Outline application for proposed detached bungalow with matters of appearance, landscaping and scale reserved for later approval</td>
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<td>DEFER – SITE VISIT</td>
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<td>4</td>
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<td>2012/20135</td>
<td>58-60 BIRCHDALE ROAD, APPLETON, WARRINGTON, WA4 5AW</td>
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<td>Outline application with access details for demolition of two existing detached dwellings and erection of nine new build residential dwellings including new access road</td>
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<td>90</td>
<td>2012/20397</td>
<td>LAND TO SOUTH OF FARRELL STREET,</td>
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WARRINGTON, WA1 2WW
Proposed substitution of previously approved six apartment blocks and twenty seven dwellings with four smaller apartment blocks and sixty five dwellings, access and associated works
APPROVE AS REC

6 95 2012/20617 70, CLARENCE ROAD, GRAPPENHALL AND THELWALL, WARRINGTON, WA4 2PQ
Proposed demolition of existing bungalow and erection of a pair of semi detached houses on site of 70 Clarence Road
DEFER – SITE VISIT

7 107 2012/20626 LAND ADJACENT TO RIVERSDALE, WOOLSTON
Proposed construction of ten detached dwellings with garages, open space and access
DEFER – SITE VISIT

8 135 2012/20856 OMEGA PLOT 1A, WEST SIDE OF, BURTONWOOD ROAD, WARRINGTON, (EITHER SIDE OF M62)
Application for approval of reserved matters following outline approval 2003/01449 - distribution centre (B8) and associated car parking, landscaping and site access
APPROVE AS REC