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

26 February 2013
Development Management Committee
Thursday, 7 March 2013 at 6.30pm
Parr Hall, Palmyra Square South, Warrington, WA1 1BL

PLEASE NOTE CHANGE OF VENUE

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

A G E N D A

Part 1

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

Item
1. Apologies for Absence
To record any apologies received.

2. Code of Conduct - Declarations of Interest
   Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
Members are reminded of their responsibility to declare any disclosable pecuniary or non-pecuniary interest which they have in any item of business on the agenda no later than when the item is reached.
3. **Minutes**

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

4. **Outline application for 150 dwellings, refurbishment of sports pitches, land off Mill Lane (Part of Peel Hall Farm) and land at Windermere Avenue and Grasmere Avenue, Winwick**


5. **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.

6. **Unauthorised siting of caravans at Grappenhall Lodge, Cartridge Lane, Grappenhall and Thelwall, Warrington**


*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

14 FEBRUARY 2013

Present: Councillor T McCarthy (Chair)
Councillors B Axcell (sub for B Barr), J Davidson,
G Friend, T Higgins, L Hoyle, L Murphy, S Parish (sub for
F Rashid), J Richards and G Settle

DM91 Apologies for Absence

Apologies for absence had been received from Councillor B Barr, F Rashid and L Ladbury.

DM92 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor T McCarthy</td>
<td>DM 95/96/97</td>
<td>Councillor McCarthy represented the area as a Ward Member but had not taken part in any discussions in relation to this application</td>
<td>Cllr McCarthy remained in the meeting and took part in both the discussion and voted thereon</td>
</tr>
<tr>
<td>Councillor T Higgins</td>
<td>DM 98</td>
<td>Councillor Higgins was a Member of Birchwood Town Council but had not taken part in any discussions in relation to the application</td>
<td>Cllr Higgins remained in the meeting and took part in both the discussion and voted thereon</td>
</tr>
<tr>
<td>Councillor T Higgins</td>
<td>DM 99</td>
<td>Councillor Higgins represented the area as a Ward Member but had not taken part in any discussions in relation to this application</td>
<td>Cllr Higgins remained in the meeting and took part in both the discussion and voted thereon</td>
</tr>
<tr>
<td>Councillor G Settle</td>
<td>DM 95/96/97</td>
<td>Councillor Settle was the Chairman of the Warrington Nature Conservation Forum, the group had objected to the application</td>
<td>Cllr Settle stood down from the committee and spoke in opposition to the application, he did not take part in the discussion or the vote thereon</td>
</tr>
</tbody>
</table>

DM93 Minutes

Resolved,

That the minutes of the meetings held on 24 and 30 January 2013 were agreed as a correct record and signed by the Chair
Resolved,

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

DM95 2011/19014 – Prospect Farm, Prospect Lane, Rixton-with-Glazebrook, Warrington, WA3 6EH – Retrospective application for upgrade of existing track surface

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

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

Resolved,

That application 2011/19014 be approved as recommended

DM96 2012/19709 – Prospect Farm, Prospect Lane, Rixton-with-Glazebrook, Warrington, WA3 6EH – Proposed change of use to provide a clay pigeon shooting, clubhouse and associated parking

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

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

Resolved,

That application 2011/19709 be refused as recommended – the decision was based on the plans and information considered when the report was written

DM97 2011/19010 – Prospect Farm, Prospect Lane, Rixton-with-Glazebrook, Warrington, WA3 6EH – 2m high boundary fence (lawful development certificate)

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

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

Resolved,
That application 2011/19010 be approved as recommended

DM98 2012/20927 – Land at Aston Avenue, Birchwood Park, Warrington – Application for approval of reserved matters following outline approval 2012/19696 – Erection of office accommodation, formation and alteration of access, landscaping, car parking and associated development

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

Representations were heard in support of the Officer recommendation.

Resolved,

That application 2012/20927 be approved as recommended but subject to an amendment to the BREEAM conditions so that it reads:–

No development shall be commenced until an energy statement (including a series of proposals and a timetable for implementation) has been submitted to the Local Planning Authority for approval. This shall include the incorporation of renewable or low carbon technology to provide at least 10% of predicted energy demand. The development shall be built in accordance with the approved energy statement and timetable.

Reason: In the interests of sustainability and having regard to the NPPF, Policy QE1 of the Warrington Core Strategy and Warrington SPD: Design and Construction

DM99 2012/20993 – River Mersey Warrington Flood Risk Management Scheme Phase 2, Farrell Street, Howley Lane, Riverside Close and Wharf Street, Warrington – Reserved matters application for Phase 2 of the Mersey Warrington Flood Risk Management Scheme Phase 2 (excluding Scottish Power Sub Station)

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

Representations were heard in support of the Officer recommendation.

Resolved,

That application 2012/20993 be approved as recommended subject to the following amendments to conditions:–

1. Amendment to condition 4 to make reference to the need to have a qualified ecologist on site when trees are being removed;
2. extra condition 5 – development to be in accordance with the approved landscaping scheme unless the Local Planning Authority agrees to amendments

Additionally, the Committee requested that the applicant be asked to consult and engage with local residents/communities in terms of the timing and details of proposed works

DM100 Results of Planning and Enforcement Appeals

A report of the Executive Director of Environment and Regeneration set out the result of recent appeals along with the Inspector’s findings and the Director’s subsequent comments:

<table>
<thead>
<tr>
<th>Application/Appeal Reference</th>
<th>Location and Description</th>
<th>Committee/Delegated Decision</th>
<th>Appeal Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/18464 APP/M0655/E/12/2172224</td>
<td>Moss Edge Cottage, 1 Weir Lane, Woolston</td>
<td>Refuse</td>
<td>Allowed – Listed building consent is granted</td>
</tr>
<tr>
<td>2011/18594 APP/M0655/D/12/2168028</td>
<td>2 Beechfield Road, Grappenhall</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
<tr>
<td>2012/19557 APP/M0655/D/12/2177692</td>
<td>11 Barnes Avenue, Fearnhead</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
<tr>
<td>2012/19575 APP/M0655/D/12/2175818</td>
<td>12 Acton Avenue, Appleton</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
<tr>
<td>2012/20072 APP/M0655/D/12/2181775</td>
<td>13 Ellesmere Road, Culcheth</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
<tr>
<td>2012/19337 APP/M0655/D/12/217338</td>
<td>13 Holcroft Lane, Culcheth</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
<tr>
<td>Date</td>
<td>Reference</td>
<td>Address</td>
<td>Description</td>
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<tr>
<td>2012/19393</td>
<td>APP/M0655/ D/12/217767 1</td>
<td>16 Culcheth Hall Farm Barns, Withington Avenue, Culcheth</td>
<td>Proposed two storey extension to the gable of the existing property</td>
</tr>
<tr>
<td>2011/18761</td>
<td>APP/M0655/ D/12/217479 3</td>
<td>23 Higher Lane, Lymm</td>
<td>Proposed remodelling of and extension to existing bungalow to create first floor accommodation, additional ground floor space, along with an integral garage, (revision of application 2010/17224)</td>
</tr>
<tr>
<td>2010/17224</td>
<td>APP/M0655/ D/12/217479 3</td>
<td>23 Higher Lane, Lymm</td>
<td>Costs application in relation to refused proposed remodelling of and extension to existing bungalow to create first floor accommodation, additional ground floor space, along with an integral garage, (revision of application 2010/17224)</td>
</tr>
<tr>
<td>2012/20049</td>
<td>APP/M0655/ D/12/218455 3</td>
<td>44 Smithy Lane, Croft</td>
<td>Proposed demolition of existing garage and single storey side extension and construction of a new single storey side extension, two storey rear extension and extension to driveway</td>
</tr>
<tr>
<td>2012/20238</td>
<td>APP/M0655/ D/12/218276 3</td>
<td>70 Culcheth Hall Drive, Culcheth</td>
<td>Proposed 2 storey side extension and 2 storey rear extension and demolition of detached garage</td>
</tr>
<tr>
<td>2012/19512</td>
<td>APP/M0655/ D/12/217947 4</td>
<td>49 Walton Road, Stockton Heath</td>
<td>Proposed roller shutters to front elevation windows and door</td>
</tr>
<tr>
<td>Reference</td>
<td>Location</td>
<td>Description</td>
<td>Decision</td>
</tr>
<tr>
<td>-----------</td>
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</tr>
<tr>
<td>2012/19859 APP/M0655/D/12/2181520</td>
<td>60 Mardale Crescent, Lymm</td>
<td>Proposed part 2 storey part single storey extension including garage conversion</td>
<td>Refuse</td>
</tr>
<tr>
<td>2011/18487 APP/M0655/D/12/2163479</td>
<td>Land at Cartridge Lane, Grappenhall</td>
<td>Proposed erection of bungalow</td>
<td>Refuse</td>
</tr>
<tr>
<td>2012/19559 APP/M0655/H/12/2177521</td>
<td>Lidl GMBH, Thelwall Lane, Latchford</td>
<td>Proposed 48 page colour billboard</td>
<td>Refuse</td>
</tr>
<tr>
<td>2011/18396 APP/M0655/A/11/2159797</td>
<td>Agency Bar and Grill, St Austins Lane</td>
<td>Proposed change to planning condition</td>
<td>Refuse</td>
</tr>
</tbody>
</table>

Resolved,

That the report be noted

Signed………………………

Dated ………………………..
WARRINGTON BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 7th March 2013

Report of the: Executive Director of Environment and Regeneration
Report Author: Michael Davies
Contact Details: Email Address: mdavies@warrington.gov  Telephone: 01925 442819

Ward Members:

1. SUMMARY PAPER – REPORT ON:
   Outline application for 150 dwellings, refurbishment of sports pitches, land off Mill Lane (Part of Peel Hall Farm) and land at Windermere Avenue and Grasmere Avenue, Winwick.

2. Purpose of the Report:
   To seek a resolution to confirm the Council’s position at a forthcoming public inquiry, following non-determination of the outline planning application.

3. Recommendations:
   That the outline planning application should be refused

4. Reason for Recommendation:
   The application is in conflict with the Development Plan for Warrington Borough.

5. Confidential or Exempt:
   N/A

6. Financial Considerations:
   Confirmation of the Council’s position prior to an appeal will be important in rebutting any application for an award of costs at the forthcoming public inquiry.

7. Risk Assessment:
   The matter is not related to an item on the Strategic or Directorate Risk register.

8. Equality Impact Assessment:
   An equality impact assessment is not required.
9. **Consultation:**
   Consultation in accordance with established practice and with relevant statutory requirements was carried out as part of the planning application.

10. **Background Papers:** The submitted planning application material.

**Contacts for Background Papers:**

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Control Support</td>
<td><a href="mailto:devcontrol@warrington.gov">devcontrol@warrington.gov</a></td>
<td>01925 442819</td>
</tr>
</tbody>
</table>
Meeting of the Development Management Committee  
Date: 7\textsuperscript{th} March 2013  
Report of Executive Director of Environment and Regeneration  
Author: Michael Davies  
Contact Details: mdavies@warrington.gov

TITLE OF REPORT:  
Outline application for 150 dwellings, refurbishment of sports pitches, land off Mill Lane (Part of Peel Hall Farm) and land at Windermere Avenue and Grasmere Avenue, Winwick.

1. PURPOSE

1.1 To seek a resolution to confirm the Council’s position at a forthcoming public inquiry, as a result of non-determination of the outline planning application.

2. INTRODUCTION AND BACKGROUND

2.1 Satnam Millenium Ltd have lodged an appeal with the Planning Inspectorate against the non-determination of the outline planning application by the Council.

2.2 FINANCIAL CONSIDERATIONS

2.3 As with any appeal costs will be incurred in defending the Council’s position at appeal – including the appointment of counsel.

2.4 RISK ASSESSMENT

2.5 The matter is not related to an item on the Strategic or Directorate Risk register. Failure to make a resolution at DMC on 7\textsuperscript{th} March may jeopardise the Council’s position at appeal – in terms of the preparation of evidence – and may be held to be unreasonable.

2.6 EQUALITY IMPACT ASSESSMENT

2.6 An equality impact assessment is not required.

2.7 CONCLUSION

That the outline planning application should be refused.

2.8 RECOMMENDATION
That the outline planning application should be refused on the basis set out in the attached detailed report and the Planning Inspectorate should be informed of the Council’s position.

2.9 BACKGROUND PAPERS

The submitted planning application material.
APPLICATION NUMBER: 2012/20610

PROPOSAL: Proposed residential development of up to 150 homes with access from Mill Lane and associated works together with improvements and refurbishment of sports pitches, flood lights, and improved car parking and access at Grasmere Avenue/Windermere Avenue (Outline Application - Detailed Matters of appearance; landscaping; layout & scale are reserved for subsequent approval).

APPLICANT: SATNAM MILLENIUM LIMITED

RECOMMENDATION: REFUSE

Background
- The applicant has lodged an appeal with the Planning Inspectorate against the non-determination of this application within the target 13 week period
- An express Resolution of Development Management Committee is sought as to whether the application should be refused or approved.
- The Resolution will then constitute the Council’s position at the appeal

Description
- There are two distinct parts of the application site – separated by a distance of approx 500 metres – as shown on the location plan
- This is an outline application, with all matters other than access reserved for later approval
- The housing element; An illustrative arrangement of 150 dwellings is shown – with a single point of vehicular access to be formed from the end of the existing part of Mill Lane
- The proposals include illustrative open space, a children’s play area, community allotments and a community orchard, together with woodland planting along the motorway
- The playing fields element; A substantial refurbishment of this Council owned site is proposed – to be funded by the housing element – consisting of new changing facilities; tree and ornamental planting; a synthetic pitch; pedestrian/spectator areas; play area; parking; access ways; cycle shelter and other, ancillary works
Location

- The **housing element** is an approx 7 ha parcel bounded by Peel Cottage Lane to the south; housing off Radley Lane and Mill Lane to the east and by the embankment to the M62 to the north
- A 50m stand-off distance must be maintained between the M62 and any residential development. For air quality reasons there is a 60m stand-off distance in respect of noise – illustrative acoustic bunding and fencing is shown along parts of the northern boundary with the motorway
- A gas pipeline runs parallel with the motorway within the 50m stand-off distance; a sewer system runs parallel to the southern boundary of the site
- The site is undulating former farmland, interspersed by a small number of trees – there is a more substantial band of semi mature trees along the interface with the M62 – there are no TPOs on or adjacent to proposed residential site
- The site is generally surrounded by fences, hedgerow and some tree planting – overall – the site has a typically urban fringe character and appearance
- Peel Hall Farmhouse – which accommodates Peel Hall Kennels and Cattery - adjoins the western edge of the site – from which there are views across the site
- The site slopes noticeably from the centre of the northern boundary – where the motorway is in a slight cutting - down to the western tip of the site
- The lowest part of the site is to the west corner, adjacent to the M62; the highest part of the site is to the north – and is approx 5 metres higher
- Views of the site from the bridge over the M62 to the north east are filtered by mature trees on an embankment – the southern boundary is largely open – so the site is visible from adjacent fields and woodland
- The site is visible from the rear gardens of dwellings on Radley Lane and Mill Lane and there are views from the public footpath that forms part of the southern boundary
- Other views of the site are set out in the submitted Landscape and Visual Impact Appraisal

- The **playing fields element** is an approx 4 ha parcel including former playing fields, a multi-use games area, and an area of soft surface and fixed play equipment, situated off Grasmere Avenue
- The site is a flat area of grass with a prefabricated community centre building, access road and car park
- There is residential development off to the west on Windermere Avenue - and to the south and south east off Merewood Close; Quail Close; Linnet Close and Osprey Close
- There is an extensive area of green space to the north – with dense shrubs and a stream

**Relevant History**

The New Town Outline Plan 1973 indicated some potential for some residential use of the wider Peel Hall site – and this was acknowledged in the mid-1990s by the Inspector who reported on the Warrington Local Plan.

In terms of relevant planning applications – a serious of concurrent housing-led, mixed use proposals – including but also going beyond – the current application site were each withdrawn by the applicant in 2002.

The following planning applications have been determined:-

89/23848 – Outline for residential development on an 8.9 ha portion of the site; a non-determination appeal was "recovered" by the Secretary of State. At Inquiry, the appeal was dismissed on the grounds of prematurity and the prejudicial effect of the proposal of the wider Peel Hall area as part of the local planning process. This site incorporated Site 2 as now submitted.

89/23984 – An outline application for residential development. The application site was identical to 89/23848. Refused on grounds of prematurity.

92/29239 – An outline application for residential development, roads, local centre (school, shops) and associated open space. The site coincided with Site A now under consideration but, in addition, included a proposal for a new link road to be constructed from Winwick, over the M62 and into the Peel Hall AOS. Refused on grounds of prematurity and insufficient detail to assess traffic impact.

93/31332 – An outline application for residential development, roads, local centre (school, shops) and associated open space. Virtually identical site and proposals to 92/29239. Refused on grounds of the need to safeguard the Area of Search; prematurity and impact on the use of junction 9 of the M62.

**Main Issues and Constraints**

- Principle; Housing Land Supply; Recreation Facilities
- Highways/Transportation matters
- Flood Risk/Drainage
- Noise; Land and Air Quality
- Nature Conservation

**Key policy/guidance**

The National Planning Policy Framework.
Regional Spatial Strategy for the North West
Agenda Item 4

Emerging Warrington Local Plan Core Strategy (LPCS)
Adopted Warrington UDP

Supplementary Planning Guidance/Documents
Managing the Housing Supply
Affordable Housing
Planning Obligations

Adopted UDP and emerging LPCS policies:-

<table>
<thead>
<tr>
<th>Policy Code</th>
<th>Policy Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>LUT1; HOU1; HOU2; HOU6; SOC1; GRN11; DCS1; DCS2; CS1; CS2; CS9; SN7;</td>
<td>Principle; housing land supply; affordable housing; recreation facilities and other potential benefits of proposal</td>
</tr>
</tbody>
</table>

Detailed planning policy advice is set out below, in Appendix 1. That advice is clear that the proposal would not accord with the Development Plan – in housing land supply terms - and is also likely to be premature to the provision of housing as part of the intended Plan-led process. It falls to the decision-maker, therefore, as to whether there are other material considerations which might outweigh this conflict with the Development Plan.

The applicant’s proposal to fund a substantial refurbishment and new provision at the sports and recreation site off Windermere Avenue/Grasmere Avenue would include – amongst other things - an all-weather floodlit pitch; a changing facility and an enlarged parking facility. These proposals, in isolation, are generally welcomed – in the light of the need to support healthier lifestyles and to encourage participation in sport. There are varying degrees of general support for this aspect of the overall proposals from Winwick Athletic; Sport England; WBC Parks and Woodland Manager and WBC Strategic Commissioner and Partnership Development Manager. There is general support too from national guidance and local policies including NPPF paras 69; 70; 73 and 74; policies CS1 and QE3 of the emerging Local Plan Core Strategy; the Council’s “Open Space and Recreation” SPD and the emerging “Green Infrastructure and Recreation” SPD.

Whether such background support outweighs objections made from a housing land supply viewpoint is a matter for the decision-maker. It is recognised by the Council that the provision of new sports facilities should be seen in the context of the overall level of provision for sport in Warrington – and that alternative provision off Ballater Drive would be preferable in the light of the “Pitching for Success” – A Playing Pitch Strategy for Warrington document. Planning policy advice is clear that the approval of 150 dwellings would be contrary to both the existing and emerging development plan. In these terms, it is considered that the potential, acknowledged benefits of the improved sport/recreation provision would not outweigh identified conflict with policies such as MCR6 of the Regional Spatial Strategy; UDP policy HOU1 and policies CS2.
and CS9 of the emerging Local Plan Core Strategy. Added to this is the view that sufficient justification also exists to refuse the application on the grounds related to prematurity.

The proposal is also acknowledged to present potential benefits via the provision of 45 affordable homes – and this would be in the light of the continuing need to maximise the delivery of affordable housing in the Borough. On balance, however, it is considered that there is no quantitative or qualitative justification to warrant a departure from the Development Plan – as set out in the detailed Planning Policy advice in Appendix 1 below. The argument that the prospect of affordable provision should always be accepted – irrespective of other, potentially over-riding development plan considerations – is not considered reasonable.

The illustrative layout shows one way in which the site might be developed with 150 dwellings – and it is accepted that this approximate number of units can be accommodated within the site boundary. There is no objection to the principle of a mix of bungalows and 2 and 3 storey houses, nor to the inclusion of some apartments. Constraints such as the distance to the motorway and the location of a gas pipeline would inform detailed matters of design and layout if outline permission were granted now. A 50m stand-off distance must be maintained between the M62 and any residential development, for air quality reasons and there is a 60m stand-off distance in respect of noise. A gas pipeline runs parallel with the motorway, within the 50m stand-off distance and a sewer system runs parallel to the southern boundary of the site.

Illustrative on-site features such as community allotments and a community orchard are welcome, and are considered to weigh in the scheme’s favour – especially if these were to be manifested in a reserved matters submission.

It has been agreed with WBC Children and Young People’s Services that the need for new high school provision would not be generated by this proposal - but that a contribution of £367,710 should be made as part of this application towards primary school provision. If approved, the likely mechanism for the delivery of this sum would be a unilateral undertaking.

| LUT1; DCS1; GRN1; CS3; MP7; | Highways/Transportation matters | WBC Highways advice is clear that a number of likely impacts of the development would be potentially harmful – as set out in Appendix 2 below. |
**Agenda Item 4**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Flood Risk/Drainage</strong></td>
<td>The Environment Agency has confirmed no objection to either the housing element of the scheme – nor to the sports/recreation element, subject to condition.</td>
</tr>
<tr>
<td><strong>Noise; Land and Air Quality</strong></td>
<td>WBC Environmental Protection have confirmed no objection on noise, land or air quality grounds, subject to condition. Illustrative acoustic bunding and fencing is shown along parts of the northern boundary with the motorway. As part of reserved matters, some adjustment to the illustrative layout and proposed acoustic mounding and bunding may be required to ensure an adequate noise environment for the new residential development. As a matter of principle at outline stage however, there is considered to be no justification to withhold permission.</td>
</tr>
<tr>
<td><strong>Nature Conservation</strong></td>
<td>A habitat survey and a survey for great crested newts have been submitted and assessed with the conclusion that the both elements of the proposal are acceptable in principle, subject to condition.</td>
</tr>
<tr>
<td><strong>Planning Obligations</strong></td>
<td>It has been agreed with WBC Children and Young People’s Services that the need for new high school provision would not be generated by this proposal - but that a contribution of £367,710 should be made by the developer towards primary school provision. If approved, the provision of on-site open/play space, and community allotments and orchard - shown on the illustrative layout – will generate the need for financial contribution by the developer. If approved, a Planning Obligation could also be used as the mechanism to ensure that the refurbishment and new provision at Windermere Avenue/Grasmere Avenue comes forward within a suitable timescale.</td>
</tr>
</tbody>
</table>

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

**Planning Policy** – Recommend refusal – Appendix 1 below.

**Highways** – Recommend refusal – Appendix 2 below.

**Nature Conservation** – No objection, subject to conditions.
Environmental Protection – No objection, subject to conditions.

Flood Risk Engineer – No objection in principle to the Surface Water Management Plan detailed in parts 4 and 5 of the TPA Preliminary Flood Risk Assessment and Surface Water Drainage Strategy (Report Number: 080829/FRA/01/B - 18th October 2012).

Archaeology – No objection, subject to conditions.

Children and Young People’s Services – If this is to be the first phase of several, then further schools provision would be required – in addition to that required by this development alone. For the current application, it is agreed that the need for new high school provision would not be generated by this proposal - but that a contribution of £367,710 should be made towards primary school provision.

United Utilities – No objection in principle, subject to conditions.

Environment Agency – No objection in principle, subject to conditions.

Sport England – No objection, subject to conditions.

Health and Safety Executive – Do not advise against.

Winwick Parish Council – Object:
- Not sustainable development – in economic, social and environmental terms in accordance with NPPF
- proposal is not in the UDP so needs to show material considerations as to why it should be approved
- proposal should be considered as green belt – as the Core Strategy is not yet adopted – and should show that very special circumstances exist - is against green belt policy
- policy CS9 in the emerging Core Strategy (CS)– which shows Peel Hall to be a strategic location for the possible future release of land for housing – is irrelevant until it is adopted
- neither the UDP or CS is a consideration, so proposal must solely rely on the National Planning Policy Framework (NPPF)
- applicant has failed to fully comply with NPPF – with regard to proximity to public transport; vehicle movements; and potential travel by bicycle – not a positive approach to climate change or CO2 emissions
- no sustainable transport links to where future residents will work – e.g., Winwick; Newton-le-Willows; Omega; Manchester; Liverpool
- if developer fails to include the government aim to provide high speed broadband etc, they will fail the social role of a sustainable development
- affordable housing does not appear as affordable
- question responsibility for maintenance and liability for roads, footpaths, water and sewers
- applicant intends to develop the whole of the Peel Hall site and must be refused due to “Multiple Applications” (as highlighted in EU Directives)
- need to provide energy efficient homes would be major concern over developers profit
- site not suitable for possible future proposals for wind turbines, in line with government requirements
- developer is trying to show the site is not in a flood plain – and put the future blame for flooding on house purchasers – insurance companies will not be able to insure the houses making these homes an equity trap
- site would be a collecting “null zone” for fumes from the M62, as the land is lower than the surrounding area – houses would prevent the dissipation of fumes – an air quality management area station should be set up to monitor the future air quality if houses are built
- there has been coal mining under the site; further lowering of the ground could occur in future; subsidence could result in the escape of mine gas;
- a high pressure gas transmission pipeline crosses the site and over three worked coal seams
- no archaeological study prior to 1849 has been undertaken

Responses to Notification (Full details on file)
Petition of support with 442 names, submitted via applicant:
- freely support application – which will provide major investment in Orford and help Winwick Athletic Football Club to provide new and improved facilities, with over £1 million invested in the current playing fields site at Windermere Avenue

Winwick Athletic Football Club (WAFC)– Support;
- the Club asked Satnam if they could lease land off Birch Avenue in November 2008 – to safeguard the future of the Club by converting the land into grass pitches
- Club has been supported for its work and continued growth over the last 7 years or so by Helen Jones MP and Cllrs J Joyce and T O’Neill
- WAFC is an entirely voluntary and highly successful “grassroots” organisation – winning national and regional accolades and awards – outstanding coaching, administration and behavioural standards
- grown to 26 teams and 356 children taking part in organised football every week of the year at Mill House, Houghton Green; Brook Acre School and Culcheth Sports Club – 60 adult volunteers
- since 2008, six meetings have taken place between WAFC and Satnam – focussing on the Council-owned facilities at Windermere Avenue/Grasmere Avenue from early 2011
- WAFC is in enviable position where it would benefit immensely from such a sports facility – which would also provide a platform upon which to develop a modern base for our Club, close to Mill House, and also within Winwick parish – from where a great number of our players come
- at Club Meetings of Managers, we have unanimous support for the development proposals by Satnam – a large number of team parents support the scheme too
- if planning permission is given, then WAFC is committed to providing a community orientated facility with shared use by local schools, residents, community groups and other local football and sports clubs

The following, further statement was submitted by the Football Club, via the applicant:-

“During July and August 2012 it became apparent that a number of local Warrington voluntary teams were struggling to find suitable spaces available for their winter training, that takes place from October to March every winter period. A floodlit weather-proof venue is usually required because training takes place during weekday evenings. Due to high demand there is a shortage of venues available during the peak times of 6pm to 7pm, and 7pm to 8pm, and also on the midweek evenings of Tuesday, Wednesday and Thursday. Winwick Athletic FC have had teams need to change their training evening to suit availability this year, and at one stage a team looked likely to face the start of the winter training period without a venue being secured due to demand at local training venues. It is pretty much impossible to find a venue to train at now on Tuesdays, Wednesdays and Thursdays in all of Warrington and other Clubs face a similar dilemma, which will worsen as more children take up sports such as Rugby as well as football.”

Support from Committee member of WAFC:
- totally support the proposal – to have our own pitches with club house would benefit club enormously
- we have achieved so much over the years, with various FA awards, but are now restricted as most of our finances are tied up by pitch hire for various venues to keep kids playing football
- huge potential to make Winwick Athletic the best club in Warrington and a junior football club the town can be proud of

Brian Simpson MEP – Objects on the same grounds as Cllr G Settle – below.

Councillor C Vobe – Objects;
- plans do not offer the kind of housing that Warrington needs, the increased traffic will have knock-on effects which will stretch into my ward (and in particular Croft village), and the loss of green space is entirely unacceptable
Councillor G Settle – Objects;
- known high water table – past flooding on Radley Lane – no guarantee attenuation ponds will work – doubt ability to connect to United Utilities waste water network
- proximity of motorway would impact on future resident’s health
- Mill Lane is an inadequate route – already a number of bottlenecks in the area
- Land was fenced off 12 years ago and bulldozed at the time data was still being gathered for possible SINC designation – nearby land was made a SINC – so there is probable that Peel Hall would have been too
- More homes would add more pressure to the Woodland Trusts Radley Plantation and the John Parr Meadow – by reason of vandalism, fires, scramble bikes, parties, burnt out cars etc
- Previous survey for great crested newts was flawed – since then bulldozing has destroyed wildlife – site still has good habitat potential for protected species if left to return to natural state
- Definitive status for several footpaths across the site may exist
- Possible intention of developer to develop future nearby phases at Peel Hall would put pressure on need for schools, recreation, and the environment if 1500 homes are eventually developed
- Although Winwick Athletic AFC support the application, this is due to the proposal to upgrade playing pitches – could not these fields not be included as part of a Council upgrade – possibly could be provided behind the Mill House in Winwick parish instead if Council were to support a resident’s application to the QE2 Fields Trust

Council for the Protection of Rural England (Cheshire) – Object;
- this would be a dormitory development for commuters
- would unsustainably add to traffic
- will make development of brownfield sites less likely
- will work against the regeneration of the town centre
- would close gap between Winwick and built up area to south; such gaps are important – as they maintain character of countryside

Neighbours – 160 individual objections:
- greenfield site
- UDP and Core Strategy identify sufficient housing land, and does not need to rely on Peel Hall, and confirm that piecemeal development should not take place here
- Mill Lane is narrow and not designed or suitable for so much extra traffic and has inadequate footways – restricted emergency access via Radley Lane
- development would not give priority to pedestrian/cycle movements; not minimise conflict between traffic and cyclists/pedestrians; not meet needs of the disabled; and would not protect and enhance public rights of way and access
- a 20 minute cycle ride to Warrington and no pedestrian access from the site to the A49
- proposal conflicts with an up-to-date local plan so should be refused
- granting permission would deny the local community the opportunity of determining its preferred choice of housing sites
- Mill Lane area already has adequate sports and recreation facilities – refurbishment of Council-owned sports pitches should not be as a consequence of giving planning permission on a Greenfield site for housing
- will always be a need for affordable homes – this should not be used as a lever to develop in unacceptable areas
- illustrative 4/5 bed house designs are totally out of keeping with local properties within the village – harmful to local community and village appearance
- no provision for waste water – question need for such a large attenuation pond if existing drains are to be used – pond would be too close to Peel Hall Farmhouse – a drainage strategy for the whole site should be agreed
- application incorrectly shows existing electricity connections, when there are none
- noise from M62 would exceed World Health Organisation levels, even with noise barrier and attenuation measures
- applicant suggests that in order to acceptably reduce noise levels it will be necessary to install ventilation in order that windows do not need to be opened – this is not acceptable
- gas pipeline would prevent construction of noise barrier
- harm to wildlife including great crested newts – site is part marshland, which has encouraged wildlife, and is totally unsuitable for development – as areas have become natural ponds
- would not have extended my property had I known of this proposal
- pressure on schools, amenities, overcrowding – no local shops
- Council never repaired pot holes on Delph Lane yet you want to increase traffic further
- Already sufficient sports/recreation facilities in vicinity, no more are needed

A petition with 1169 names has been submitted – via Helen Jones MP – in opposition to the proposal.

A petition with 13 names has been submitted by local residents in opposition to the proposal.

**Conclusions and reasons for recommendation**
The potential, acknowledged benefits of the scheme – including improved sport/recreation facilities, community facilities and affordable housing - would not outweigh identified conflict with policies such as MCR6 of the Regional Spatial Strategy; UDP policy HOU1 and policies
CS2 and CS9 of the emerging Local Plan Core Strategy. Added to this is the view that sufficient justification also exists to refuse the application on the grounds of prematurity – as set out in detail in the Planning Policy advice above. It is also considered that adequate and safe road and pedestrian access to the site has not been made – in conflict with policies CS1 and MP1 of the emerging Local Plan Core Strategy for Warrington.

A resolution of Development Management Committee is required to confirm that outline planning permission should have be refused on the following grounds – and that this will constitute the Council’s position at the appeal:-

1. The proposed development is contrary to the spatial principles and priorities of the North West Regional Spatial Strategy (Policies DP1-9 and RDF1 respectively) which collectively seek to focus development on previously developed sites which support the regeneration and restructuring of the older central areas defined in the plan, which includes Warrington. In this regard the proposal is also contrary to RSS Policy MCR6 which seeks to prevent further significant expansion of the town of Warrington onto open land.

2. The proposed development is in conflict with the strategic approach to managing housing land release inherent in the adopted Unitary Development Plan. Specifically the proposal is contrary to Policy HOU1 of the UDP in that it constitutes development of a greenfield site in the absence of any sequential need to do so.

3. The effect of releasing land for housing on this site would pre-determine the strategic matters set out in policies CS2 and CS9 of the emerging Warrington Local Plan Core Strategy thereby striking at the heart of this plan and hence its soundness. In this regard the effect of granting planning permission now would be significant; not in the public interest; and would be premature - insofar as the emerging Warrington Local Plan Core Strategy is concerned.

4. Notwithstanding reason for refusal number 3, the proposed development is contrary to policies CS2 and CS9 of the emerging Local Plan Core Strategy for Warrington in that it constitutes the piecemeal development of the wider Peel Hall site, out with a plan-led process; in the absence of an agreed sustainable development strategy for the wider area and in the absence of sufficient justification by way of reference to housing need.

5. The proposed development would generate significant transport movements and is not located in an area where the
need to travel will be minimised and the use of sustainable transport modes can be maximised – nor where residents would have access to high quality public transport facilities. In these terms:-

- The site is very poorly located in terms of proximity to local amenities, with the vast majority of these being situated in excess of the maximum recommended walking distances (800m) advised by 'Manual for Streets'.

- The site is poorly located in terms of proximity to public transport services, being situated twice the recommended maximum walking distance from bus services, and three times the recommended maximum walking distance from rail services. No measures to improve access to public transport services from the proposed development are proposed as part of the application.

- The proposed development would generate significant transport movements and is not located in an area where “the need to travel will be minimised and the use of sustainable transport modes can be maximised” – nor where residents would have “access to high quality public transport facilities”.

- The proposed Residential Travel Plan is inadequate to influence and promote sustainable transport to and from the site.

The proposed development would, therefore, be in conflict with policies CS1; CS3; MP1; MP4; and MP7 of the emerging Local Plan and with the National Planning Policy Framework.

6 The proposed residential development does not make adequate or safe provision for road and footway access to and from the site in the following particular regards:-

- The existing available carriageway and footway widths on Mill Lane fall significantly below the Council’s design standards for a major residential access route. No measures to improve existing carriageway and footway provision deficiencies are included as part of the application.

- The submitted Transport Assessment recognises that Mill Lane is subject to uncontrolled on street parking and that in combination with footway parking, this would reduce available carriageway widths to a point where only single file traffic flows can be accommodated. No measures to address existing uncontrolled on-street and footway parking are proposed as part of the application.
• The safe operation of the proposed secondary access to the development from Radley Lane has not been adequately demonstrated.

• Radley Lane (South) and Peel Cottage Lane (which would provide cycle and pedestrian access to the development) are both unlit with poor drainage.

• No measures to improve the quality of Radley Lane (South) and Peel Cottage Lane are proposed.

The proposed development would, therefore, be in conflict with policies CS1 and MP1 of the emerging Local Plan Core Strategy for Warrington.

APPENDIX ONE – ADVICE FROM WBC PLANNING POLICY

THE DEVELOPMENT PLAN:

The Development Plan for Warrington currently comprises of the Regional Spatial Strategy for the North West (RSS) and those policies from Warrington’s Unitary Development Plan (UDP) which were saved beyond 23rd January 2009 in accordance with the provisions of the Planning and Compulsory Purchase Act 2004.

The Council are at an advanced stage of preparation with regards to a new Local Plan, the Local Plan Core Strategy (LPCS). The Council published their emerging LPCS for formal ‘publication’ consultation on 21st May 2012, and subsequently submitted this plan to Government on the 19th September 2012. Examination of this plan has therefore commenced and at the time of writing the Council is awaiting confirmation of the date for the hearing sessions as part of this process.

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*
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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. RSS Policy MCR6 and UDP Policy HOU1 are considered pertinent in the determination of this proposal. Both are considered to be in keeping with the NPPF and as such full weight should be attached to these policies.

The NPPF also identifies at paragraph 216 with regards to emerging Local 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).

LPCS Policies CS2 and CS9 are also considered pertinent in the determination of this proposal. By way of reference to paragraph 216 of the NPPF it is considered that whilst not adopted, Policies CS2 and CS9 do constitute material considerations to which weight must be attached.

At the heart of the NPPF is a presumption in favour of sustainable development. With regards to decision making the NPPF clarifies, at paragraph 14, that this presumption means

- “approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this
The Borough's Development Plan is not considered to be out of date and as such whether the proposal can be regarded as 'sustainable development', and hence whether planning permission should be forthcoming, is evidently dependent on the extent to which the proposal conforms with the aforementioned policies of relevance within the context provided by the NPPF.

**CONFORMITY WITH REGIONAL GUIDANCE**

The RSS is founded upon an approach which seeks to prioritise the regeneration and urban renaissance of the North West Metropolitan belt, of which the Town of Warrington is a part. Policy MCR6 provides a strategic framework specifically for Warrington, identifying that, amongst other considerations, plans and strategies should

- “focus development on sites which are accessible by public transport, walking and cycling and accord with policy RDF1, the spatial principles (policies DP1-9), policies W2 and W3 and MCR1, focusing particularly on brownfield sites to ensure no further significant expansion onto open land; and
- support regeneration and restructuring of the older urban areas.”

The application site is part of a wider expanse of open and greenfield land in North Warrington, as acknowledged by the applicant within their submission. The release of this land for development is considered to be significant by virtue of the fact that it is contradictory to the UDP and given that it prejudices the strategy at the heart of the emerging LPCS. The proposal is therefore evidently contrary to the objectives of the RSS.

Furthermore, owing to the scale of this wider expanse of greenfield and open land, the precedent that allowing the proposal would establish would undermine the prospects for regeneration in the inner areas of the town of Warrington and importantly other neighbouring authorities' areas. This again is clearly contrary to the objectives of the RSS.

**THE EMERGING LOCAL PLAN CORE STRATEGY**

The emerging LPCS is in general conformity with the RSS and owing to the timing of publication has been drafted to accord, and hence conform, with the requirements of the NPPF in its published final form.
The LPCS is considered to remain sound and fit for purpose regardless of whether the RSS proceeds to the point of formal abolition or not.

Following the successful legal challenge that quashed the inclusion of Peel Hall (the name given to the wider expanse of open land to which this application is part of) in the Green Belt through the UDP process, the emerging LPCS seeks to provide a strategic policy framework which provides clarity as to the future role of the Peel Hall site.

LPCS Policy CS2 sets out the plan’s overall spatial strategy with regards to the planned quantity and distribution of development in the Borough. Policy CS2 identifies that housing growth is to be focussed on the re-use of previously land within defined settlement limits. It proceeds to state that

“should monitoring indicate that additional housing supply is necessary in the longer term to maintain delivery and meet housing needs, the Council will consider bringing forward land sourced from one or a combination of the strategic locations as set out in Policy CS9, along with other presently unidentified sources within the built up areas of the borough”.

LPCS Policy CS9 sets out a framework for a number of specific greenfield and open sites on the periphery of the town of Warrington which includes Peel Hall. The Policy identifies that essentially these specific sites, or strategic locations as they are termed within the plan, constitute ‘reserve sites’ with a dual function in providing:

- flexibility within the plan for contingencies; and
- long term security of the Green Belt through providing for growth beyond the plan period

There is no reliance on supply from any of these specific strategic locations during the plan period. They are not allocated for development in the plan. As such no supply from the sites is needed to demonstrate a five, ten or fifteen year supply of deliverable and developable housing land at the present time.

At the outset it must be recognised that the proposal is premature of the adoption of the Local Plan Core Strategy. Whilst the NPPF itself contains no reference to prematurity, the Government document ‘The Planning System: General Principles’ 2005 (which remains extant) does contain guidance on prematurity. Paragraph 17 of this guidance states that “it may be justifiable to refuse planning permission on
grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted” and that it may be “appropriate [to do so] where a proposed development is so substantial, or the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.”

Policy CS2, and consequently Policy CS9, is a core policy at the heart of the emerging LPCS which sets out the scale and distribution of development to be planned for within Warrington across the plan period. The plan and specifically CS2 intentionally seeks to withhold the release of the locations/sites identified by way of Policy CS9 in that if released too early these sites would deflect investment from the regeneration of previously developed land and lead to pressure for an earlier review of the Green Belt that would undermine its permanence. The implications of pre-determining decisions about the matters covered by Policies CS2 and CS9 strike at the heart of the plan, and hence its soundness. In this regard the effect of predetermining a decision on the site would be significant and clearly not in the wider public interest. The proposal is therefore evidently ‘premature’, a consideration that must, for the aforementioned reasoning, weigh significantly against it.

Returning to the specifics of Policy CS9, the trigger for the release of land from one or a number of these sites is set out within policy CS9 as follows:

“In accordance with the Council’s Overall Spatial Strategy, proposals for housing development at these locations will only be considered should monitoring indicate that an ongoing deliverable and developable 10 year supply of housing land can no longer be sustained, or where housing need is not being met.”

Importantly Policy CS9 proceeds to identify that

“If it is deemed necessary to source additional land from one or a combination of the strategic locations identified within this policy, along with other presently unidentified sources within the built up areas of the borough, the Council will prepare a further Local Plan.”

and that
“The Council will not support proposals to develop any of the strategic locations which seek to develop the sites in a piecemeal or disjointed manner.”

Notwithstanding prematurity, the proposal is evidently contrary to Policies CS2 and CS9 in that it proposes the piecemeal development of the wider Peel Hall site, out with a plan led process and in the absence of an agreed sustainable development strategy for the wider area, fundamentally in the absence of any justification by way of reference to housing need.

CONFORMITY WITH THE UNITARY DEVELOPMENT PLAN

The UDP is founded on the same approach as the RSS in that it seeks to prioritise the regeneration and redevelopment of previously developed land within the Town of Warrington, and conversely restrict further outward expansion onto open and greenfield land. This approach is considered entirely in keeping with the NPPF which advises at paragraph 111 that:

“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.”

In accordance with the plan, monitor and manage approach advocated by the RSS, Policy HOU1 accordingly expresses the need for restraint on further permissions for housing development in the borough.

Policy HOU1 explicitly states that:

“4. Planning permission will not be granted for housing development on greenfield sites.”

It further states that:

“6. Insofar as housing land supply can be regulated by refusal of permission and phasing mechanisms the Council will, in implementing this Policy, ensure that the rate of development does not substantially exceed the required annual average net increase in housing stock.”
and

“7. If at any time the rate does substantially exceed the requirement, applications for planning permission for residential development or mixed schemes that include housing:

7.1 will only be approved where delay would seriously prejudice the successful regeneration of the site, in terms of its providing a solution to environmental problems associated with the site, whilst at the same time contributing to the balanced, social, economic, and environmental wellbeing of the wider area in which it is located, including other parts of the North West Metropolitan Area;”.

Paragraph 49 of the NPPF identifies that

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

The Borough is able to demonstrate, via the SHLAA and AMR, that it is in possession of a five year supply of deliverable land for housing, inclusive of the additional buffers required by the NPPF, regardless of whether the RSS or emerging LPCS level of provision is employed. In this regard UDP Policy HOU1, which is concerned with managing the supply of housing, must be considered up to date and must be considered in conformity with the NPPF. From a strategy perspective it must also be noted that there remains a need and local desire in the Borough to continue to prioritise the redevelopment of previously developed land and the regeneration and urban renaissance of the town of Warrington – a position well established in both regional and local (existing and emerging) policy. As such due weight should continue to be afforded to Policy HOU1 and in accordance with the NPPF, paragraph 14, planning permission should be withheld.

The application site constitutes a greenfield site. Whilst the release of the site on its own would not threaten the extent to which the Council are able to fulfil the Development Plan target of 80% of new homes to be provided on previously developed land (set out in RSS Policy L4 and UDP Policy HOU1), the application site can not be considered in isolation given that it would undoubtedly set a precedent for further land release from the wider Peel Hall expanse of land, and other greenfield open land within the south of the Borough. This latter scenario would
compromise the ability to meet the Development Plan’s previously developed land target, and as such withholding the release of this greenfield site in accordance with Policy HOU1 is considered entirely justified.

With regards to criterion 6 and 7 of UDP Policy HOU1, the rate of housing within the Borough is, by way of reference to the definition provided in Policy HOU1, substantially exceeded.

It is not considered that by way of reference to criterion 7.1 that a delay [in developing the Peel Hall site or any part there of] would seriously prejudice the successful regeneration of the site, in terms of its providing a solution to environmental problems associated with the site, whilst at the same time contributing to the balanced, social, economic, and environmental wellbeing of the wider area in which it is located, including other parts of the North West Metropolitan Area.

To the contrary, if released at this time, the Peel Hall site and hence application site could undermine the prospects for regeneration in the inner areas of the town of Warrington and importantly other neighbouring authorities’ areas. In Warrington such a release would also threaten the potential future supply of land for possible development necessary to support the continued protection of the Green Belt.

The supporting text of Policy L4 of the RSS identifies that “the overall housing requirements figures are not absolute targets and may be exceeded where justified by evidence of need, demand, affordability and sustainability issues and fit with relevant local and sub-regional strategies”. UDP Policy HOU1, and indeed the emerging LPCS, is entirely in keeping with this approach.

In conclusion the proposal is evidently contrary to the strategy underpinning the UDP and specifically Policy HOU1.

OTHER MATERIAL CONSIDERATIONS

The proposal is considered evidently contrary to both the existing and emerging Development Plan. Planning law however requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
Whether the potential benefits of the sporting facilities on offer amount to a material consideration which would outweigh the harm from departing from the Development Plan, is a matter for the decision maker to conclude, in the context of balancing any harm from the proposal against the potential benefits in its widest sense. Care must evidently be taken however to ensure that the proposed provision is being provided within the context of overall need arising from the development if required. To do otherwise risks raising concerns amongst the community and in doing so undermining public confidence in the planning system, that planning permission can be bought or sold.

It is noted that the proposal entails 45 affordable units, which equates to 30% of the total number of units proposed. This level of provision ensures compliance with UDP Policy DCS15 and emerging Local Plan Core Strategy Policy SN2, and would have to be secured by way of a planning agreement or condition if planning permission was to be granted. The ability of the proposal to meet policy targets for affordable housing undoubtedly weighs in favour of the proposal. **Whilst there remains a need to maximise the supply of affordable homes delivered within the Borough, the extent of this need is not however considered to constitute a material consideration which would, on its own, outweigh the harm from departing from the Development Plan in other regards.**

The Borough is able to demonstrate, via successive SHLAAs and AMRs that it is in possession of a five year supply of deliverable land for housing, inclusive of the additional buffers required by the NPPF, regardless of whether the RSS or emerging LPCS level of provision is employed. **There is therefore no quantitative justification to warrant a departure from the Development Plan nor is their considered to be a qualitative justification.** Whilst the applicant asserts that there is “a real lack of new build, quality family housing within North Warrington” this is not substantiated with evidence, and in any even contrary to the Council’s housing completions evidence which is again reported in the SHLAA and AMR.

**CONCLUSIONS**

In conclusion the proposal is considered contrary to both the existing and emerging development plan and can not therefore, by way of reference to the NPPF, be regarded as ‘sustainable development’. As such it is recommended that the application be refused on the grounds that it is contrary to RSS Policy MCR6,
UDP Policy HOU1 and the emerging Local Plan Core Strategy Policies CS2 and CS9.

With regards to the emerging Local Plan Core Strategy it should also importantly be noted that sufficient justification exists to support that the application must be refused on the grounds of prematurity.

APPENDIX 2 – ADVICE FROM WBC HIGHWAYS

1. Proposed Development

The application seeks outline planning approval (with reserved matters approval for access) for the proposed development of up to 150 houses, with access taken from Mill Lane. The application also seeks car parking and access alterations at Grasmere Avenue / Windermere Avenue.

2. Proposed Site Access Arrangements

Proposed site plan drawing number 100500-D-006A indicates that the proposed site will be accessed via a modified extension of Mill Lane, with a new secondary access also being taken from Radley Lane.

2.1. Central Spine Road

In terms of vehicular access from Mill Lane into the site, drawing number 1000500–D–006A indicates that a 7m width central spine road will be created to serve the development. This is proposed to enter the site from its north eastern periphery and traverse south westwards to beyond the proposed Central Green area.

A 7m access width serving the proposed development is significantly in excess of the Council’s usual residential access road widths (4.8m to 5.5m), and also in excess of the Council’s minimum width for a local distributor road (6.75m).

WBC Highways would query why such excessive carriageway width is proposed as part of the development, without any supporting justification. This overprovision of width would clearly provide capability for the proposed spine road to accommodate different vehicle types and higher traffic flows (at potentially higher vehicle speeds) than is necessary to accommodate the proposed development.

It should also be noted that as the application seeks detailed consent for access and outline consent for other matters, the proposed position of the residential dwellings to the south of the proposed central spine road should not be considered as being fixed.
Given the above, we would advise that, as shown on proposed site plan drawing number 100500-D-006A, the provision of a 7m wide vehicular access road to serve the proposed development is unnecessary and unjustified.

2.2. Residential Access Routes

The proposed internal highways serving the site either side of the central spine road measure between 5.5m and 6m width. Where 6m widths are proposed, this is in excess of the Council’s usual design standard for a residential access road (4.8m to 5.5m).

Proposed site plan drawing number 100500-D-006A also seeks to provide 2m wide footways throughout the site. This width of footway provision accords with advice contained in the Warrington Design Guide for Residential and Industrial Estate Roads, and Manual for Streets.

2.3. Interface with Mill Lane

It is noted that the proposed site plan indicates an existing footway on the western side of Mill Lane where no such footway presently exists. No footway provision currently exists along the entire western side of Mill Lane - between the proposed site access and Radley Lane (a distance of approximately 100m).

The proposed site plan would appear to necessitate the Stopping Up of Mill Lane along its most northern section, and the engineering of the existing adopted highway into the site. Given that the proposed access would involve a permanent change to the adopted highway network, this proposed element of the scheme would need to be subject to a Stage 1 / 2 Road Safety Audit.

No Road Safety Audit has been submitted in respect of this aspect of the proposals.

Drawing number 100500-D-006A also appears to show that an existing unadopted track which provides access to the rear of properties 2 – 24 Mill Lane will also be extended into the application site.

The submitted Transport Assessment does not comment upon whether this is likely to present any implications for access to the rear of numbers 2 – 24 Mill Lane.

2.4. Suitability of Mill Lane

2.4.1. Vehicular Access Width
The Warrington Design Guide states that development proposals of between 50 and 300 dwellings should be served by a major residential access road, the minimum acceptable width of which should be 5.5m.

Mill Lane typically measures between 5.5m and 7m wide, except for a short section of carriageway that measures 5.4m wide, situated approximately 34m to the north west of the junction of Mill Lane and Radley Lane.

The Warrington Design Guide also advises that major residential access routes should demonstrate a 20mph design speed. Due to its fairly straight alignment and varying widths, Mill Lane is not considered as having a 20mph design speed.

The above demonstrates that the existing carriageway of Mill Lane does not accord with the design standards advised by the Warrington Design Guide for Residential and Industrial Estate Roads.

2.4.2. On Street Parking

Mill Lane and Radley Lane are not currently subject to any Traffic Regulation Orders that would restrict on street parking (including at the junction of Mill Lane and Radley Lane).

The submitted Transport Assessment details two 15 minute parking surveys undertaken on Mill Lane in the AM and PM periods (0730 - 0745 and 1900 - 1915 hours).

Figures 2.2 and 2.3 of the Transport Assessment confirm that uncontrolled on street parking on Mill Lane currently occurs on both sides of the carriageway. As shown on Figure 2.3, where this occurs, the available carriageway width is significantly reduced, in effect forcing oncoming vehicles to give way to each other to facilitate single file traffic flows around parked vehicles.

No measures to formalise or regulate on street parking on Mill Lane (to ensure two way traffic flows can be maintained) are proposed as part of the application.

2.4.3. Footway Parking

The submitted Transport Assessment also confirms that footway parking currently occurs on Mill Lane, and when combined with on street parking on the opposite side of the carriageway, this has been observed to reduce the available carriageway width of Mill Lane to as low as 2.7m.

Such low available carriageway widths have the potential to create access difficulties for larger vehicles, and restrict two way traffic flows.
Footway parking also impacts negatively upon the attractiveness and feasibility of pedestrian routes. Manual for Streets (para 8.3.42) states:

“Footway parking (also called pavement parking) causes hazards and inconvenience to pedestrians. It creates particular difficulties for blind or partially-sighted people, disabled people and older people, or those with prams or pushchairs. It is therefore recommended that footway parking be prevented through the design of the street.”

No measures to control the existing observed occurrence of footway parking on Mill Lane are proposed as part of the application.

2.4.4. Footway Widths

There is currently no footway provision for 100m on the western side of Mill Lane between Radley Lane and the proposed site access. The Warrington Design Guide advises that major residential access routes should be served by a 2.0m minimum width footway on both sides of the carriageway.

On the eastern side of Mill Lane, the existing footway between Radley Lane and the proposed site access measures up to 2m width at certain points. However, at present the footway in this location has been observed to be partially overgrown, with current available widths being reduced to as low as 1.1m in places.

In relation to the issue of footway width, the national guidance document ‘Manual for Streets’ advises:

(6.3.22) “In lightly used streets (such as those with a purely residential function), the minimum unobstructed width for pedestrians should generally be 2m.” and (6.3.23) “In areas of high pedestrian flow, the quality of the walking experience can deteriorate unless sufficient width is provided.”

In view of the above, the existing available footways along Mill Lane between the site and Radley Lane can be considered to be significantly below the minimum design standards required to serve a proposed residential development of 150 dwellings.

No measures to improve the footways leading to the site from Mill Lane are included as part of the application.

2.4.5. Dedicated Cycle Infrastructure Provision

In the case of major residential access roads, the Warrington Design Guide advises that ideally, segregated cycle lanes of an optimal 3.0m width should also be provided. There are currently no dedicated on or off road cycle lanes serving the site.
The submitted Transport Assessment confirms that no segregated cycle lanes are proposed as part of the application noting that (para 4.12) “the provision of a segregated cycle track on either side of Mill Lane would not be attractive to cyclists, even if it were feasible to provide such a facility.”

2.5. Radley Lane Secondary Access

2.5.1. Suitability as Emergency Access

Proposed site plan drawing number 100500-D-006A indicates provision of a 3m wide secondary access to the development, emerging at the junction of Radley Lane and Peel Cottage Lane.

The submitted Transport Assessment (para 4.8) states that this is to be used by pedestrians, cyclists and emergency access vehicles.

No visibility splays are shown from the proposed secondary access at its junction with Radley Lane on drawing number 100500-D-006A. Furthermore, provision of a suitable access for emergency vehicles in this location has not been adequately demonstrated by way of supporting swept path analysis.

Additionally, no details of the proposed method of control of the secondary access (to confirm how its use will be managed to prevent unauthorised use by motor vehicles) are provided within the application.

The safe operation of the proposed secondary access has therefore not been adequately demonstrated.

2.5.2. Suitability as Pedestrian / Cycle Access

2.5.3 Radley Lane

No dedicated footway provision is currently in place on Radley Lane from the proposed secondary access until a point 55m further along Radley Lane, from where a narrow substandard footway (less than 1m width) is in place.

2.5.4. Radley Lane (South)

To the south from the proposed development site, Radley Lane is a narrow adopted highway that is currently unlit and has no formal drainage arrangements in place.

An informal pedestrian link between Radley Lane (South) and Ballater Drive also currently exists. This is unlit and unsurfaced.

No mitigation or improvement measures (such as the installation of street lighting, drainage or improved pedestrian links to Ballater Drive)
are proposed within the application to address the above access deficiencies on Radley Lane (South).

2.5.5. Peel Cottage Lane

Peel Cottage Lane is a narrow country lane that is part adopted highway / part Public Right of Way as it runs adjacent to the proposed development site. It is unlit and has no formal drainage arrangements. Site observations by WBC Highways have confirmed that this route is often impassable to pedestrians during / following times of significant rainfall.

In addition to the provision of a proposed secondary access from the site, drawing number 100500-D-006A also indicates provision of two 2m wide pedestrian links from between residential dwellings on the south boundary of the site to Peel Cottage Lane.

Drawing number 100500-D-006A is also unclear on how the proposed interface between the site and Peel Cottage Lane is to be treated, with the plan showing provision of either an incomplete 2m footway or verge along approximately half of the length of Peel Cottage Lane.

No assessment of the suitability of Peel Cottage Lane to accommodate further pedestrian flows is provided within the submitted Transport Assessment.

No significant improvement measures (such as the installation of drainage and street lighting) are proposed within the application to address the above access deficiencies on Peel Cottage Lane.

Given the above issues, WBC Highways would not consider that Peel Cottage Lane and Radley Lane (South) will be sufficiently attractive to accommodate pedestrian trips to and from the development during hours of darkness or wet weather conditions.

3. Site Accessibility

3.1. Proximity to Local Shops and Services

The guidance document Manual for Streets (para 4.4.1) defines a ‘walkable neighbourhood’ as being “typically characterised by having a range of facilities within 10 minutes’ (upto about 800m) walking distance of residential areas which residents may access comfortably on foot.”

When measured from the centre of the proposed development site, the following distances to local amenities have been recorded by WBC Highways:
<table>
<thead>
<tr>
<th>Facility</th>
<th>Walking Distance Via Radley Lane</th>
<th>Walking Distance Via Mill Lane</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Transport</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enfield Park Road Bus Stops</td>
<td>800m</td>
<td>840m</td>
</tr>
<tr>
<td>Padgate Rail Station</td>
<td>N/A</td>
<td>2469m</td>
</tr>
<tr>
<td>Shops</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Co-op, Poplars Avenue</td>
<td>1680m</td>
<td>2200m</td>
</tr>
<tr>
<td>Fearnhead Cross Shops and Doctors Surgery</td>
<td>N/A</td>
<td>2080m</td>
</tr>
<tr>
<td>McColls Newsagent Concorde Place</td>
<td>1320m</td>
<td>2431m</td>
</tr>
<tr>
<td>Spar Convenience Store, Cinnamon Lane North</td>
<td>1080m</td>
<td>1120m</td>
</tr>
<tr>
<td>Spar Convenience Store, Hilden Road</td>
<td>1797m</td>
<td>1880m</td>
</tr>
<tr>
<td>Tesco Express, Orford Green</td>
<td>2456m</td>
<td>2869m</td>
</tr>
<tr>
<td>Community Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capesthorne Road Community Centre</td>
<td>1840m</td>
<td>1920m</td>
</tr>
<tr>
<td>Orford Library</td>
<td>1680m</td>
<td>2200m</td>
</tr>
<tr>
<td>Padgate Library</td>
<td>N/A</td>
<td>2080m</td>
</tr>
<tr>
<td>Perth Close Community Centre</td>
<td>1080m</td>
<td>1120m</td>
</tr>
<tr>
<td>Peel Hall Park</td>
<td>720m</td>
<td>1040m</td>
</tr>
<tr>
<td>Sport Community Ground Site (Radley Common)</td>
<td>1320m</td>
<td>2240m</td>
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<tr>
<td>Schools</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brookacre Community Primary School</td>
<td>2232m</td>
<td>2244m</td>
</tr>
<tr>
<td>Cinnamon Brow C of E Primary School</td>
<td>1200m</td>
<td>1240m</td>
</tr>
<tr>
<td>Lysander High School</td>
<td>N/A</td>
<td>2000m</td>
</tr>
<tr>
<td>St Bridgets Catholic Primary School</td>
<td>1240m</td>
<td>1320m</td>
</tr>
<tr>
<td>St Stephen Catholic Primary School</td>
<td>2217m</td>
<td>3369m</td>
</tr>
<tr>
<td>Winwick C of E Primary School</td>
<td>N/A</td>
<td>3412m</td>
</tr>
</tbody>
</table>

(no footpath provision in parts)
Table 1: Distance from Proposed Development Site to Local Amenities

As can be seen from the above Table 1, of the above local amenities, only Peel Hall Park could be considered as being located within what is considered to be a “walkable neighbourhood” as advised by Manual for Streets.

The proposed development site is located some 0.8km+ walking distance to the nearest bus stop, over 1km to the nearest convenience store, and 1.2km and 2km away from the nearest primary and secondary schools respectively.

The proximity of the site to local shops / services and other amenities is therefore considered to be very poor.

Such poor accessibility of the site to local amenities can be expected to act as a significant deterrent to walking, cycling and public transport trips, and to positively encourage day to day reliance on the private car.

3.2. Access to Public Transport

3.2.1. Proximity to Bus Stops

As noted in Table 1, when measured from the centre of the proposed development site, the nearest bus stops (on Enfield Park Road) are located some 800m walking distance away via Radley Lane and 840m away via Mill Lane.

The Institution of Highways and Transportation publication “Guidelines for Planning for Public Transport in Developments” confirms that new developments should be located within 400m walking distance of the nearest bus stop, whilst the Warrington Design Guide (para 12.5) advises that:

“The design of new residential and commercial developments should aim to provide access to public transport within walking distance. A formal bus stop should be provided on residential access and distributor roads so that the maximum walking distance from any new development should be 400m. Walking routes to public transport stops / services should be short.”

The above guidance clearly reflects the fact that the potential for people to use public transport significantly decreases the greater the walking distances required to access such services.
The submitted Transport Assessment does not detail any financial contributions or strategy for the improvement of bus accessibility as part of the proposed development.

Additionally, no justification has been provided as part of the application to detail why local and national guidance relating to the proximity of new development to existing bus services should not apply in this instance.

The proximity of the site to bus services is therefore considered to be poor and can be expected to act as a significant deterrent to public transport trips, whilst further encouraging reliance on the private car.

### 3.2.2. Bus Service Frequency

Table 3.1 of the submitted Transport Assessment identifies that the nearest bus stops to the site are served by a 15 minute weekday daytime frequency service to Warrington town centre, with one service every two hours in the weekday evening period.

The provision of one service every two hours in the weekday evening period, from services located over 800m away from the proposed development, is considered to be inadequate to encourage public transport use in the evening period to and from the development.

The submitted Transport Assessment does not detail any financial contributions or strategy for the improvement of bus service frequency on the transport network as part of the proposed development.

### 3.2.3. Proximity to Rail Services

As noted in Table 1 above, the nearest rail station to the site (Padgate) is situated approximately 2469m away from the centre of the proposed development site.

Para 5.21 of the Institution of Highways and Transportation publication ‘Guidelines for Planning for Public Transport in Developments’ states that:

"New developments should be located so that public transport trips involve a walking distance of less than 400m from the nearest bus stop or 800m from the nearest railway station."

The proposed development is therefore located over three times further than the maximum recommended walking distance to rail stations as advised by national guidance.

### 4. Proposed Parking Provision

Paragraph 4.24 of the submitted Transport Assessment states:
“A total of 300 car parking spaces are provided on site, which is considered appropriate and at an average of two spaces per dwelling”

The Council’s adopted maximum parking standards advise that:

“In general, car parking spaces for residential properties should not exceed 2 spaces and will be limited on average to no more than 1.5 spaces within developments.”

In relation to this issue, para 4.25 of the submitted Transport Assessment states:

“The residential development will invariably include some homeowners with more than one car. However the availability of local services and amenities within walking and cycling distance of the site and the good access by bus is anticipated to minimise car ownership and daily vehicular trips.”

WBC Highways would strongly disagree with this statement on the basis of the various significant existing accessibility deficiencies associated with the site as previously outlined.

Whilst WBC Highways are prepared to accept the proposed parking levels, we would however wish to note that given the very poor accessibility of the site to local shops and services, provision of car parking levels up to maximum standards in this instance could be expected to allow for increased car ownership levels to occur, and to encourage / facilitate further reliance on the private car.

5. Traffic Generation

The Transport Assessment submitted in support of the proposals estimates levels of traffic generation to / from the site in the AM and PM peak hours as shown on Table 2 below:

| Time Period | Arrivals | | Departures | | Total Two Way Flow |
|-------------|----------|----------|-------------|---------------------|
|             | Trip Rate | Trip Total | Trip Rate | Trip Total |                      |
| AM 0800-0900 | 0.161    | 24        | 0.431      | 65       | 89                   |
| PM 1700-1800 | 0.407    | 61        | 0.239      | 36       | 97                   |
| 12 Hour 0700-1900 | -      | -         | -          | -        | 831                  |

Table 2: Predicted Traffic Generation

As can be seen above in Table 2, the proposed development is estimated to result in an additional 89 vehicle movements per hour.
(1.48 vehicle movements per minute) in the AM peak hour period and an additional 97 vehicle movements per hour (1.62 movements per minute) in the PM peak hour.

5.1. Traffic Impact on Mill Lane

Within Figure 7.1 of the submitted Transport Assessment, the existing (2012 base year) traffic flows on Mill Lane in the AM peak hour are recorded as being in the region of 30 two way movements. The addition of a further 89 vehicles would therefore represent a circa 296% increase in traffic levels.

In the PM peak period, Figure 7.1 indicates that recorded vehicle movements are in the region of 81 two way movements. The addition of a further 97 vehicles would therefore represent a circa 120% increase in traffic levels.

5.2. Wider Traffic Impact

The applicant has tested the impact of the proposed development and background traffic levels in base (2012) and future (2017) years at the following junctions:

- Mill Lane / Delph Lane priority junction;
- Ballater Drive / Mill Lane / Enfield Park Road / Blackbrook Avenue roundabout junction;
- Blackbrook Avenue (north) / Blackbrook Avenue (south) / Capesthorne Road / Enfield Park Road roundabout junction;
- Delph Lane / Myddleton Lane / Southworth Road priority junction.

The submitted Transport Assessment asserts that all of the above junctions are forecast to operate satisfactorily with development in base and future years - the highest Ratio Flow to Capacity (RFC) values being expected at the junction of Delph Lane and Myddleton Lane where a RFC of 0.912 can be expected in the AM peak hour, increasing the maximum queue at this location from 3 vehicles to 7 vehicles.

6. Residential Travel Plan

A Residential Travel Plan has been submitted in support of the application. The aim of the Travel Plan is stated as being to “support the sustainable travel operation of the proposed residential development”.

33
The Travel Plan has been reviewed by the Council’s Travel Plan Officer who has offered the following comments:

“The provision of a Residential Travel Plan for the proposed devolvement is welcomed, and several of the marketing measures included would be useful by raising awareness, however fundamental inconsistencies make the travel plan inadequate.

It is based on the nationally accepted ‘pyramid’ model, building the implementation of measures and promotion of initiatives upon the bases of location and design. It is these two foundation tiers that are inaccurate, especially the concept that the location of the proposed development is easily accessible by sustainable modes of transport.

The distance to the majority of local facilities is underestimated and on the lengthy side of journeys residents are prepared to walk/cycle, as is the propensity of car-owning residents to drive for trips where other modes would take longer. The levels of parking provided within the development would in no way deter car ownership, and the level of congestion in this area is not sufficient to deter short car trips in favour of sustainable modes.

A walk of 800 metres to / from the nearest bus stop for a single bus service to the town centre is insufficient to serve the variety of destinations residents will require, and it is also unrealistic to highlight isolated, unlit off-road routes as access to local facilities as these do not facilitate increased walking or cycling.

Finally, it is unclear how this Travel Plan will be owned and administrated, and what level of commitment to implement it will be exacted from any future owner.”

7. Accordance with the National Planning Policy Framework

The recently published National Planning Policy Framework (NPPF) advises that as a core principle, planning should:

“Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.”

Whilst also confirming that:

“The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.” (para 29)

“Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be
minimised and the use of sustainable transport modes can be maximised." (para 34): and

“Developments should be located and designed where practical to…give priority to pedestrian and cycle movements, and have access to high quality public transport facilities (and) consider the needs of people with disabilities by all modes of transport.” (para 35)

WBC Highways do not consider that the proposed development (which offers no contribution to the improvement of walking, cycling and public transport modes) reflects the above guidance contained within the National Planning Policy Framework.

8. Supplementary Planning Document “Planning Obligations”

The Council’s Supplementary Planning Document (SPD) “Planning Obligations”, (approved by the Council’s Executive Board on the 17th September 2007), has been reviewed in respect of the proposed development.

The SPD attaches an indicative cost to the improvement of local transport infrastructure, based on the calculation of additional transport movements arising from a proposed development. Applying the formula outlined within the SPD to the proposed development of 150 dwellings in this instance would equate as follows:

150 (no of dwellings) x 5.539 (daily trip rate per dwelling) x £413 (cost per trip) = £343,141

In respect of the above, it is noted that the submitted Transport Assessment offers no financial contribution to the mitigation or improvement of the wider transport network (by walking, cycling, vehicular and public transport modes).

9. Car Parking and Access Alterations at Windermere Avenue / Grasmere Avenue

The proposed development also seeks permission for the refurbishment of an existing sports and recreation area at Windermere Avenue / Grasmere Avenue, including provision of a changing area and increased on site car parking.

The existing site is currently served via a 4m wide dropped crossing access onto Grasmere Avenue. The submitted Transport Assessment states that this will be widened to around 6m. Drawing number 100500-D-007A also indicates that a 75 space car park will be provided, which (as stated within para 4.26 of the submitted Transport Assessment) is considered appropriate to accommodate expected car parking demand at the site at peak times.
This aspect of the proposals is acceptable to WBC Highways.

10. Summary and Conclusions

In view of the above, we would recommend refusal of the application on the following grounds:

- The provision of a proposed central spine road with a carriageway width of 7m to serve the development is significantly in excess of the design standards required by the Warrington Design Guide to support the proposed development of 150 dwellings. No justification for this excessive carriageway design width has been provided as part of the application.

- No Stage 1 / 2 Road Safety Audit has been submitted in respect of the required Stopping Up of Mill Lane and its extension into the proposed development site.

- The existing available carriageway and footway widths of Mill Lane fall significantly below the Council’s design standards for a major residential access route. No measures to improve existing carriageway and footway provision deficiencies are included as part of the application.

- The submitted Transport Assessment recognises that Mill Lane is subject to uncontrolled on street parking and that in combination with footway parking, this can reduce available carriageway widths to a point where only single file traffic flows can be accommodated. No measures to address existing uncontrolled on street and footway parking are proposed as part of the application.

- The safe operation of the proposed secondary access to the development from Radley Lane has not been adequately demonstrated.

- Radley Lane (South) and Peel Cottage Lane (which would provide cycle and pedestrian access to the development) are both unlit with poor drainage. No measures to improve the quality of Radley Lane (South) and Peel Cottage Lane are proposed as part of the application.

- The site is very poorly located in terms of proximity to local amenities, with the vast majority of these being situated in excess of the maximum recommended walking distances (800m) advised by ‘Manual for Streets’.

- The site is also poorly located in terms of proximity to public transport services, being situated twice the recommended maximum walking distance from bus services, and three times
the recommended maximum walking distance from rail services. No measures to improve access to public transport services from the proposed development are proposed as part of the application.

- The proposed development clearly does not accord with guidance contained within the National Planning Policy Framework which seeks to ensure that development that will generate significant transport movements is located in areas where “the need to travel will be minimised and the use of sustainable transport modes can be maximised” and where residents will have “access to high quality public transport facilities”.

- The proposed Residential Travel Plan is also considered inadequate to influence and promote sustainable transport to and from the site.
## DEVELOPMENT MANAGEMENT COMMITTEE

**Thursday 7th March 2013**

Start 18:30

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
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</thead>
</table>
| 1    | 3    | 2012/19959 | THREE ELMS, STATION ROAD, PENKETH, WARRINGTON, WA5 2UG  
Proposed construction of 30 bed dementia care unit with associated landscaping & 39 car parking spaces (re-submission of application 2011/18189) | Refuse |
| 2    | 27   | 2012/20795 | SITE OF FORMER LEISURE CENTRE, CHILTERN ROAD, WARRINGTON, WA2 9SX  
Proposed construction of a supermarket, two retail units, a drive-thru restaurant and a public house together with the formation of new vehicular site access and pedestrian access points, car parking, servicing and landscaping | Approve |
| 3    | 63   | 2012 21007 | LAND AT MARSH HOUSE LANE, MARSH HOUSE LANE, WARRINGTON, WA1 3QU  
Proposed construction of 108 Affordable Dwellings Comprising 31 Apartments for the Elderly and 77 Dwellings Together With Associated Works | Approve |
<table>
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<tr>
<th>4</th>
<th>95</th>
<th>2012/21081</th>
<th>FORMER GEORGE HOWARD SCRAPYARD AND 94 FOLLY LANE, FOLLY LANE, WARRINGTON, CHESHIRE, WA5 0NF</th>
<th>Approve</th>
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<tr>
<td></td>
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<td>Proposed 78 affordable homes of mixed tenure and demolition of adjacent dwelling (94 Folly Lane)</td>
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**Plans List**  
**Item 1**  
**07-Mar-2013**

<table>
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<tr>
<td>Location:</td>
<td>THREE ELMS, STATION ROAD, PENKETH, WARRINGTON, WA5 2UG</td>
</tr>
<tr>
<td>Ward:</td>
<td>PENKETH AND CUERDLEY</td>
</tr>
<tr>
<td>Development:</td>
<td>Proposed construction of 30 bed dementia care unit with associated landscaping &amp; 39 car parking spaces (re-submission of application 2011/18189)</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Abbotsford Care Limited</td>
</tr>
<tr>
<td>13 Week expiry date:</td>
<td>26&lt;sup&gt;th&lt;/sup&gt; July 2012</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Refuse</td>
</tr>
<tr>
<td>Reasons:</td>
<td>Inappropriate development in Green Belt without sufficient special circumstances</td>
</tr>
</tbody>
</table>

**Reason for referral**

- The application is being reported to the Development Management Planning Committee in the light of the number of representations received.
- The application was deferred for a site visit at 6<sup>th</sup> December 2012 Committee.
- Members visited the site on 14<sup>th</sup> December 2012.
- The application was presented to members at the Committee of 3<sup>rd</sup> January 2013 however concerns were raised over the number of parking spaces proposed. As a result members requested that the proposal be deferred to enable the applicant to consider increasing the proposed parking provision with a view to hearing the proposal again once this had been explored.
- An amended plan was received on 04/02/13. This shows 39 car parking spaces compared to the original submission that showed 28.

**Description**

- Proposed erection of a 2-storey, 30-bedromed block with hipped roof and L-shaped design 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

Comment:

Application 2011/18189 was withdrawn to allow the agent to arrange further supporting information to be obtained
Main Issues and Constraints

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

Key policy/guidance checklist

<table>
<thead>
<tr>
<th>Reference</th>
<th>Category</th>
<th>Description</th>
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<tbody>
<tr>
<td>GRN1</td>
<td>Green Belt</td>
<td>Para 79-92 – Protecting Green Belt Land</td>
</tr>
<tr>
<td>DCS1</td>
<td>DC strategy</td>
<td>The proposed 2-storey block is of a similar scale/massing to existing buildings on the site, &amp; of traditional design.</td>
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<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>
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<tr>
<td>GRN2, GRN22, DCS7</td>
<td>Environmental protection &amp; enhancement / protection &amp; enhancement of landscape</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>
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<tr>
<td>features / landscaping</td>
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<tr>
<td>LUT2, LUT20, LUT22</td>
<td>Transport priorities / parking / disabled access</td>
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<td></td>
<td>• Site presently has 3 access points, 1 of which would be permanently closed, with parking rationalised within site – original plans show 28 parking spaces to be delineated (incl. 3 disabled) – Highways content with this level of provision (see below &amp; Appendix 3).</td>
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<td></td>
<td>• Amended plans have since been provided (date stamped 4th February 2013) following comments from members of the planning committee showing an increase in parking provision by 11 spaces from 28 to 39. 6 of these spaces are overflow spaces to be formed from grasscrete therefore use of these spaces would require knowledge of working arrangements between staff otherwise the spaces may not always be assessable – Highways content with previous level of provision therefore no concerns over increased levels (see below &amp; Appendix 10).</td>
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</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 dated 28th May 2012 & Appendix 5 dated 20th February 2013) No highway objections to the original plans, 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.

No objections to the amended plans, subject to conditions as request previously (see above) and the following additional condition:
• A full Travel Plan shall be submitted to the LPA including details of implementation and timescale and shall be implemented in full unless otherwise agreed in writing by the LPA
Environmental Protection:
No objection subject to standard condition re. contamination investigation, & standard construction hours informative.

Natural Environment Officer: (Appendix 6) 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 7) No significant impact on majority of trees; make suggestions in respect of amendments to planting.

United Utilities: (Appendix 8) No objections, subject to conditions in respect of surface water drainage & drainage of site on a separate system; provide informatives.

Ward Members: (Appendix 9)
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 10) 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:
NB: Further notification letters have been sent out relating to the amended site plan showing additional car parking. The expiry date for comments is 4th March 2013. Any comments received will be reported at the meeting. The remaining comments relate to the report, considered in January 2013.
93 objections received the **original** plans 4 objections received regarding the **amended** plans – main points:

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

245 representations in support of the **original** plans & 60 representations in support of the **amended** plans / raising no objections – main points below:

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

**Comment:**

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

Applicant’s submission:

Submissions made on behalf of the applicant include the following points:
• There is an overwhelming and growing need for specialist dementia care.
• There are major benefits to patients through continuity and lifetime care in one location – elderly residents do not wish to have to relocate.
• The development will help provide 30 local jobs.
• The fact that the scheme is only viable where the new facility sits upon land within the existing grounds of an established care facility.
• As a brownfield and enclosed site on the edge of the built up area there will be limited / no material impact upon openness.
• Waste of resources not to use site – a stand-alone facility elsewhere likely to be unviable.
• Significant change in Green Belt policy since the time the application was submitted.
• The development represents very special circumstances if not appropriate development, there is an overwhelming case in favour of the application.
• An opportunity for £2m private investment in the care industry in Warrington, which there is no indication will take place elsewhere in the near future.
• The proposed development which fulfils WBC Services team’s criteria in respect of quality of care and integration with an existing facility – a situation understood to be unique in Warrington.
• Subsequent to the drafting of the initial report to Committee, the proposal has been identified as meeting Warrington’s own commissioning framework for dementia care, for which the principles of an agreement have been reached for the development to be operated as a fully commissioned facility, which is supported by the Council’s Head of Integrated Commissioning Neighbourhood and Community.
• The scheme’s benefits outweigh the disadvantages.
Comment:
- Letter provided from Minster Care Group confirming that it is happy to comply with WBC framework rates as to operate as a commissioned facility for dementia care, also pointing out that this is an existing care home facility which already has a commissioned agreement with WBC in relation to the residential care it currently provides. Minster’s letter adds that the home’s existing residents would take priority, so as to offer the peace of mind/security of a lifetime home.
- Copy of e-mail from WBC Head of Commissioning to agent provided, which notes that WBC’s current & proposed rates for EMI residential placements are acceptable for future placements by WBC.
- Further e-mail provided from Minster Care Group confirms that current and future proposed rates are agreeable for the proposed EMI units.

Conclusions and reasons for recommendation/decision

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

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

Considered by  
- Letter from PC dated 16.5.12
### Appendix 2 – Policy comments

| Context | • The site is located within the Green Belt as defined on the adopted Unitary Development Plan (UDP) Proposals Map and also as part of the emerging Local Plan Core Strategy.  
| | • As a starting point it is necessary to assess whether or not the proposed erection of a new building on this site would constitute appropriate development in the Green Belt. The National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate in the Green Belt unless it falls into one of a number of prescribed exceptions.  
| | • The applicant argues that the proposal is appropriate in that it accords with one such exception because it constitutes:  
| | • Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.  
| Green Belt – inappropriate development | • It is acknowledged that the site is previously developed and in continuing use. The proposal seeks to partially redevelop the site by way of introducing a new building within the curtilage. However, from a Policy perspective, it is considered that the introduction of a further building on this land, irrespective of its location within the curtilage of the existing care home or current levels of screening, would have a greater impact on the openness of the Green Belt than the existing building by virtue of a significant and permanent occupation of physical space within the site. As such it is considered that the proposal would not accord with any exception and therefore must be regarded as inappropriate development.  
| | • It is also considered important to note that the original building on the site has cumulatively increased in size over the years with the addition of successive extensions, and the resultant amount of built form on the site is significantly greater than the original building. The current proposal would continue this process of cumulative growth on the site significantly. It is also noted that in 2005 the Council refused a planning application for a further extension. The extension was considered to be inappropriate development even though this was for an extension (as opposed to a new building) and the footprint of the existing building would not have increased.  
| | • Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Whilst the applicant is not of the opinion that the proposal constitutes inappropriate development, the submitted Planning Statement acknowledges that the Council may view this differently and therefore includes supporting information intended to demonstrate very special circumstances.  
| Green Belt – whether special circumstances apply | • Dementia care, or lack of it, is evidently a major issue across the UK as a whole, as outlined by the National Dementia Strategy. From a more localised perspective the Warrington Strategy for Mental Health and Well-being outlines that the prevalence of dementia is increasing throughout the borough and is set to double over the next 20 years. This is accepted and not disputed. However, this site is heavily constrained by its location in the Green Belt. It is therefore important to establish why the current proposal is required on this specific site as opposed to elsewhere within the local area particularly when noting that the majority of the existing sites catchment is not within the Green Belt.  
| | • The submitted Planning Statement, together with a statement prepared by the operators of Three Elms, outlines a number of reasons for this. These are summarised as follows:
- Not financially viable to develop another site in Penketh or elsewhere. It is, however, viable to develop dementia care facilities close to existing facilities.
- Proposed unit is not large enough to operate as a stand-alone business. Smaller units experience vulnerability and financial insecurity.
- Sharing central facilities with the existing nursing home is more efficient and economically viable. Laundry, Kitchens, maintenance, and staff facilities shared.
- The existing land is owned and available.
- The standard of facilities at the existing care home will be significantly improved. There is an urgent need to improve facilities to meet modern standards and to improve the appearance of the grounds of the home.
- Proposed development will ensure the long term financial stability of Three Elms.
- A waste of resources not to use the existing site and its facilities as a basis for expansion rather than building a non viable standalone unit elsewhere.
- No specialist dementia unit currently on site meaning dementia patients are mixed with other elderly residents. For the more extreme cases this is highly unsuitable and ultimately these patients have to be relocated elsewhere. On-site unit would ensure that this was no longer the case.
- Relocation of existing residents who suffer from dementia to unfamiliar surroundings is disruptive, distressing, confusing and disorientating.
- Preference therefore to keep the residents in familiar surroundings in a purpose built unit.
- An alternative site would also be less convenient for vital visits from family and friends.
- Ensure that facilities at Three Elms provide a lifetime home rather than an interim facility.
- A purpose built dementia care unit will be able to offer the highest standards in care taking into account the specific needs and choices outlined in the National Dementia Strategy.

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

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

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

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

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

**Conclusion**

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

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

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

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

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

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

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

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

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<th>Comments</th>
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<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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<tr>
<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 – Highway comments

**Background**

Further to the request of Development Management Committee on the 3rd January 2013 for the applicant to consider additional parking provision within the site, the following additional information has been provided in support of the application:
| **Revised site plan** | The previously proposed site plan sought permission for provision of 28 standard parking spaces (including 3 disabled spaces). The revised site plan now seeks permission for provision of 33 standard parking spaces, (also including 3 disabled spaces), and provision of a further 6 informal spaces for overflow purposes. The six informal overflow spaces are proposed to be formed from grasscrete. They would not be able to be independently accessed (being situated behind standard parking bays) but would be available to use under managed circumstances.

In previous highways comments, reference was made to the ratio of proposed parking provision to the Council’s adopted maximum parking standards. Based on the development proposed, 45 parking spaces would be the maximum number of spaces permitted in accordance with Council’s adopted maximum parking standards.

Therefore as previously proposed, 28 / 45 spaces = 62% of the allowable maximum parking provision.

Whilst as currently proposed, 39 / 45 spaces = 87% of allowable maximum parking provision.

As can be seen above, the revised proposals demonstrate a significant improvement in on site parking compared to the previous proposals, providing an additional 5 standard bays and a further 6 overflow spaces, to accord more closely with the maximum number of spaces permitted in accordance with the Council’s adopted maximum parking standards in this instance. |
| **Updated parking review technical note** | Further to the on site parking surveys conducted in June 2012, additional on site car parking surveys have been undertaken by the applicant in January 2013. The results of this additional survey information is now included within the updated technical note.

The parking surveys undertaken in June 2012 reported that the maximum car park occupancy observed on site at the existing facility was 18 of 22 spaces, with an average daily occupancy of between 9 and 11 vehicles occurring.

Parking surveys conducted in January 2013 report that the maximum car park occupancy observed on site at the existing facility was 11 of 22 spaces, with an average daily occupancy of between 5 and 8 vehicles occurring.

No off site parking in association with the facility was observed during either the June 2012 or January 2013 surveys. |
| **Projected parking demand** | Given the updated car parking survey results, which confirm that the previous June 2012 surveys demonstrated higher parking levels than the January 2013 surveys, the following projected parking demand can be expected from the expanded facility.

- Maximum predicted car park occupancy = 27 vehicles
- This equates to 27 / 39 (69% maximum car park occupancy)
- Average predicted daily car park occupancy = 11-16 vehicles
- No off site parking anticipated as a result of the proposed development. |
| **Framework travel plan** | The applicant has also submitted a Framework Travel Plan, which has the aims of managing and reducing staff car use, and encouraging walking and cycling. The development of a Travel Plan at the site would assist in continually promoting sustainable transport modes to and from the site, and in turn help to reduce on site car parking pressures. |
The Framework Travel Plan has been reviewed by the Council’s Travel Plan Officer who has commented that, in principle, the aims and objectives of the plan are acceptable. However, the Council’s Travel Plan Officer has also noted that the Framework Travel Plan lacks a detailed implementation plan and details of a proposed Travel Plan Co-ordinator, and has advised that a full Travel Plan should be ensured prior to first occupation of the site.

We would therefore seek to ensure provision of a full Travel Plan prior to first occupation of the site by way of planning condition.

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 occupation of the development, the car and cycle parking spaces shown on drawing number 09-001-184 Rev E shall be implemented, and shall be retained as such thereafter.”

“Prior to 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.”

“Prior to occupation of the development, a full Travel Plan (including a detailed implementation plan and timescales) shall be submitted to and agreed in writing by the Local Planning Authority. The full Travel Plan shall be implemented as agreed unless otherwise agreed in writing with the Local Planning Authority.”

Appendix 6 – Natural Environment Officer comments

Legislative background

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

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

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

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

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<tr>
<th>Context</th>
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<tr>
<td>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.</td>
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<tr>
<th>Protected species</th>
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<tr>
<td>The submitted bat survey found one tree (T11) in the grounds to have suitable bat roosting potential with trees T1 &amp; 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.</td>
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<td>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).</td>
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</table>
| There are known bat roosts very close to this proposed development site. An acceptable contribution to biodiversity for this scheme (in line with the NPPF) would be the inclusion of bat boxes either on suitable trees within the grounds of the site or within the building itself. This can be in the form of Schwegler boxes on remaining suitable trees and also on the new building. Ecologist’s guidance should be sought regarding locating the boxes but I’d recommend the following condition.
  - Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats. The proposals shall be permanently installed in accordance with approved details. |
### Landscaping
- Comments made on the earlier application regarding landscaping do not appear to have been taken on board. There were:
  - I would support the comments made in the Extended Phase 1 Habitat Survey conclusion (p10 section 5.0) regarding the creation of an open rough grassland/wildflower mix area to the south of the proposed buildings.
  - Overall the landscaping proposals provide limited ecological value and the species proposed should be reviewed. The privet hedge along the front of the development is sparse, provides little benefit and looks neglected. Gapping up is proposed "where possible" however the development provides a good opportunity to replant in its entirety with a native species mix hedgerow. This should be a double staggered row comprising of at least 7 woody species. This would seek to form a visually more attractive frontage to the development more in keeping with the rural location and contribute to PPS9 as hedgerows are a BAP habitat.
  - These proposals can be included in a revised landscape plan to be submitted prior to commencement of development.

### Breeding bird habitat
- The proposed development will see the loss of an area of scrub and trees which currently provides breeding bird habitat.

#### Nesting Birds:
- The applicant is reminded that under the Wildlife and Countryside Act 1981(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.
- Bird boxes should be provided within the new development to compensate for this loss in line with PPS9. These should be incorporated into the new buildings and details provided prior to commencement of development. A range of boxes are available and within new builds such as this the most appropriate are the inset type where by they are used in place of standard bricks.
  - Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

### Appendix 7 – Arboriculturalist comments:

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

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

Landscaping

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

Appendix 8 – 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.

Informatics

- 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 9 – Member comments:

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<tr>
<th>Member name</th>
<th>Cllr L Dirir</th>
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<tbody>
<tr>
<td>Ward represented</td>
<td>Penketh &amp; Cuerdley</td>
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<tr>
<td>Application Number</td>
<td>2012/199594</td>
</tr>
<tr>
<td>Key areas of concern and reasons for referral</td>
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</tbody>
</table>
  - 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 Green belt.
  - There should be a traffic impact study - as it will lead to a huge increase in vehicles attending the site (visitors, medical and service vehicles)
  - Loss of trees.
  - The site is too constrained to accommodate what is in effect a doubling of the footprint. |
| Key policy reference | GRN1, DCS1 |
| Comments passed to case officer | Date: 21.5.12 |

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<thead>
<tr>
<th>Member name</th>
<th>Cllr D Keane</th>
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<tbody>
<tr>
<td>Ward represented</td>
<td>Penketh &amp; Cuerdley</td>
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<tr>
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<td>2012/199594</td>
</tr>
<tr>
<td>Key areas of concern and reasons for referral</td>
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</table>
  - 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, DC51 |
| Comments passed to case officer | Date: 17.5.12 |

### Appendix 10 – 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.

<table>
<thead>
<tr>
<th>Green Belt – special circumstances</th>
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<tr>
<td>Furthermore I accept that in some cases inappropriate development in the Green Belt may be allowed, where very special circumstances exist. In such cases it would be necessary for these special circumstances to outweigh the harm allowing a development would cause. The aforementioned case does not appear to fall within any of the categories of development that would be considered appropriate in the Green Belt and the special circumstances for allowing such a development look to be based upon a need for additional dementia care beds within Warrington.</td>
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<td>One of my constituents has advised me that there are plenty of spaces for dementia sufferers available within the locality of the application site and that there are a number of sites within the wider locality of the application site, which although benefitting from planning permission for care and nursing homes have not yet been built. While my constituent cites this as a lack of need, I recognise that the issues surrounding supply and demand for such facilities are far more complex.</td>
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<tr>
<td>However I am not convinced that, within Warrington, the level of demand is so great that there are not sufficient brownfield sites, or greenfield sites already identified for future development, available to meet current and projected needs within the Town without having to further erode the Green Belt.</td>
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<td>Therefore, unless you can show me that there are exceptional circumstances that relate to this site, or that the level of need for dementia beds is so high that it cannot be met elsewhere, I can see no reason why the proposed extension to Three Elms, should be allowed.</td>
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<tr>
<th>Site-specific concerns</th>
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<td>The proposed extension looks to be rather large relative to the size of the site within which it is set. Therefore I am concerned that it may be overdevelopment; particularly when taking into account the requirements for additional parking for staff and visitors, and the impact of this, together with the additional building, on the available private amenity space for existing and future residents of the home.</td>
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<td>There are also issues relating to the potential impact of the development; in terms of additional traffic and associated noise and disturbance on the amenity of existing neighbours. Furthermore, the proposal does look to include a significant number of additional windows overlooking adjacent properties.</td>
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<tr>
<th>Conclusions</th>
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<tr>
<td>Notwithstanding these site-specific issues, my main concern is with the possibility of allowing development within the Green Belt that may not only be inappropriate in itself, but could set a precedent for allowing other developments within Warrington’s Green Belt.</td>
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<tr>
<td>In the light of my concerns about the application and its wider implications, it would be appreciated if in addition to my comments being noted as part of the representations on this application, the issues I have raised with regard to Green Belt development in general could be addressed.</td>
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</table>
Application Number: 2012/20795

Location: SITE OF FORMER LEISURE CENTRE, CHILTERN ROAD, WARRINGTON, WA2 9SX

Ward: POPLARS AND HULME

Development: Proposed construction of a supermarket, two retail units, a drive-thru restaurant and a public house together with the formation of new vehicular site access and pedestrian access points, car parking, servicing and landscaping.

Applicant: CPG Property Developments Limited

13 Week Expiry date: 13th January 2013

Recommendation: Approve subject to Conditions and to no objections from Highways

Conditions:
- Highways (Traffic signal improvements)
- Highways (Removal of access points on Sandy Lane & replace with footway)
- Highways (Car parking & cycle spaces to be provided)
- Highways (Service delivery scheme)
- Highways (Temporary traffic management signage, keep clear markings, parking prohibitions)
- Highways (Travel plan)
- Highways (Widening of Sandy Hall West/A49 Winwick)
- Highways (Forward visibility to be maintained onto Sandy Lane West & visibility splays onto Sandy Lane West)
- Development to commence within 3 years
- In accordance with approved plans
- Car and cycle parking to be provided
- Materials to be submitted and agreed
- Approved landscape scheme to be implemented
- Acoustic fence to be erected and retained
- Carbon emission reduction measures to be agreed and implemented
- Lighting / floodlighting to be agreed prior to installation
- Acoustic insulation to be installed to buildings and plant
- Tree protection fencing to be implemented
- Surface water management scheme to be agreed and implemented
- Surface water overland flow management to be agreed and implemented
- Land contamination - characterisation and remediation scheme
• Land contamination - verification and monitoring
• Extraction and filtration for cooking equipment
• Local employment agreement to be entered into
• Deliv-Spmkt 6:00-23:00 Mon-Sun; Pub 7:00-18:00 Mon-Sun; Cafe/Retail 6:30-20:00 Mon-Sat & 7:30-18:00 Sun
• Open-Smkt 08:00-22:00 Mon-Sat & 10:00-17:00 Sun; Pub 11:00-24:00 Sun-Thurs & 11:00-01:00 Fri & Sat; Cafe/Retail 06:00-20:30 Mon-Sat
• Ecological recommendations to be implemented

Reason for Referral

• This application is referred to Committee for decision because it is a major planning application and as the land is owned by the Council.

Description

• The proposal is for the following mix of uses comprising of the following Food store (1,418sqm)
  Drive thru coffee café (172sqm)
  Two retail units (186sqm)
  Family pub/restaurant (1,017sqm)
  Managers accommodation at first floor (276sqm)

The application has been amended since it was originally submitted. The proposal now includes one less retail unit, fronting Sandy Lane West, in order to accommodate safe highway visibility.

• The overall site area is 1.18 hectares.
• Provision would be made for 150 cars, including 16 accessible bays and 10 cycle hoops.
• It is stated that the food store, being the largest building, has been positioned to act as a buffer between the activity going on within the site and the row of dwellings/maisonettes along the northern boundary – its orientation also affords maximum visibility to the shop front and entrance onto Winwick Road and the car park.
• The retail units and drive thru cafe have been positioned in the most prominent location to prevent them being hidden behind the larger food store and family pub/restaurant – they are located on the Winwick Road boundary overlooking the busy roundabout.
• The drive thru lane is located off the main access road.
• The family pub/restaurant is located in the corner of the site by the junction of Chiltern Avenue and Sandy Lane West and faces out onto the car park and access road- the building faces towards Winwick Road and away from the residential properties on Chiltern Avenue.
• It is stated that the overall layout makes much better use of the space than the former Fordton Leisure Centre which was uninviting and detached from the main road and its surroundings.
Location

- The site is located adjacent the Winwick Road roundabout at the junctions with Cromwell Avenue and Sandy Lane West.
- The former Fordton Leisure Centre comprised of a former school building constructed circa 1930 and converted to a leisure centre and extended to include a new swimming pool building during the 1980s - the building has recently been demolished following the opening of the Orford Park Leisure Centre.
- To the north, east and south the site is bounded by red brick slate roofed inter war residential development.
- To the west of the site is Winwick Road, which is a busy route to the centre of Warrington fronted by a variety of commercial development.
- There is a pedestrian link between Chiltern Avenue and Winwick Road adjacent the northern boundary of the site.

Relevant History

- 2012/19576 Proposed demolition of leisure centre (application for prior notification of proposed demolition) – Approved 09.04.12
- Previous applications related to leisure centre

Main Issues and Constraints

- Economic Impact
- Retail Hierarchy
- Highways
- Landscaping / Trees
- Noise / Lighting
- Flood Defence
- Land and Air Quality
- Outlook of Residents
- Design
- Health & Safety
Key policy/guidance checklist

- Policy TCD1 The Retail Hierarchy
- Policy LUT1 Land Use / Transportation Strategy
- Policy LUT2 Transport Priorities in Development Control
- Policy LUT20 Parking
- Policy DCS1 Development Control Strategy
- Policy REP4 Flood Protection
- Policy REP5 Surface Water Run Off and SUDS
- Policy REP8 Land Contamination
- Policy REP9 Air Quality
- Policy REP10 Noise
- Policy BH14 Archaeological Importance
- Policy GRN22 Protection and Enhancement of Landscape Features
- Policy REP14 Hazardous Uses / Installations
- Policy CS1 Overall Spatial Strategy – Delivering Sustainable Development
- Policy CS8 Strategic Location – Inner Warrington
- Policy QE1 Decentralised Energy Networks and Low Carbon Development
- Policy QE4 Flood Risk
- Policy QE6 Environment and Amenity Protection
- Policy QE7 Ensuring a High Quality Place
- Policy MP3 Active Travel
- Policy MP7 Transport Assessments and Travel Plans
- Policy MP10 Infrastructure
- Policy SN4 Hierarchy of Centres (CS)
- Policy PV4 Retail Development within the Town Centre and Primary Shopping Area (CS)
- Policy IW4 The A49 Corridor (CS)

Appraisal

<table>
<thead>
<tr>
<th>ECONOMIC IMPACT</th>
<th>The NPPF expresses the Government’s commitment to economic growth and identifies a presumption in favour of sustainable development. The current application proposes the redevelopment of a vacant brownfield site within the urban area. The Employment Densities Guide 2010 produced by the Homes and Communities Agency has been used to estimate the number of FTE jobs generated by the development estimating that the supermarket would create half the number of jobs generated by a main supermarket and the family</th>
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<td>NPPF</td>
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31
### RETAIL HIERARCHY

<table>
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<tr>
<th>Policy</th>
<th>The Hierarchy of Retail Centres</th>
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<tbody>
<tr>
<td>TCD1</td>
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<tr>
<td>SN4</td>
<td>Hierarchy of Centres</td>
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<td>PV4</td>
<td>Retail Development within the Town Centre and Primary Shopping Area</td>
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<td>IW1</td>
<td>The A49 Corridor</td>
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The A49 Corridor would generate around half the jobs created by an A3 restaurant. Based on these assumptions, the development would create 94 FTE jobs. The site is within a sustainable location in terms of access to local facilities and public transport. **There is considered to be a presumption in favour of granting planning permission in accordance with the economic objectives of the NPPF.**

Retail development is defined as a main town centre use within the NPPF and the site lies outside a designated centre - sequential and impact assessment required (>2500sqm) – this approach reflected in UDP and Core Strategy policy.

#### Sequential Assessment

The submitted Retail Statement (Stephen Abbott Associates, September 2012) identifies a number of vacancies within and on the edge of Warrington Town Centre which range between 30sqm and 2170sqm – sequentially preferable sites thus available.

It stated these sites are not suitable as they do not meet the everyday needs of the residents to the north of Warrington or fill the existing ‘qualitative’ gap in the existing food provision in the area which the proposed development seeks to serve.

The Council’s Retail and Leisure Study 2006 & Update in 2009 forms part of the Council’s Core Strategy evidence base – this only identifies an identified gap in convenience provision at Chapelford Urban Village – there is thus no sufficient evidence of a gap in existing food provision in this location.

*The response of the Planning Policy Team is that the application fails the sequential assessment. The applicant has contested this on the basis that the test should be applicable to the availability of any alternative sites for the ‘development proposed’, which is a local shopping facility intended to meet the everyday needs of the local residents nearby, and consideration of need is no longer a policy test*
for new retail development.

**Impact on Investment in Centres**
It is suggested that the proposal would have only a minor effect on trade in the town centre and thus could not be said to have any negative impact on investor confidence – the current proposed discount supermarket is significantly smaller than the store discussed for the Bridge Street development which is likely to be occupied by one of the main supermarket operators and would not compete for the same market opportunity or retailers – applicant concludes that the proposed development would have no significant adverse impact on future planned investment in Warrington Town Centre.

Notwithstanding this the Planning Policy response indicates that the amount of out of centre convenience floorspace (in addition to existing) and a drive through facility development would have a cumulative impact on investment in the Town Centre. Whilst this is likely to be the case the variance of store type does lessen the weight to be attributed to the potential impact.

**Impact on Town Centre Vitality & Viability**
The submitted assessment identifies the study area and provides tables to assess expenditure, likely impact on turnover and trade, population projections and sales densities concluding that the proposed development in addition to committed development would not have a significantly adverse impact on Warrington town centre.

The position of the Planning Policy team is that whilst it is recognised that the proposals may meet local shopping needs to a certain extent, there is no capacity identified by Core Strategy evidence. Again the applicant has countered this by reiterating that need is no longer a consideration for such proposals.

In summary the proposal is not strictly compliant with the established retail hierarchical approach and although offset somewhat by the particular characteristics of the proposal, some negative weight should be attributed to this.

| HIGHWAYS | The applicant is in the process of preparing an updated traffic survey. This information is to be |
Policy LUT1 | Land Use / Transportation Strategy | assessed by WBC Highways and comments reported at the meeting.

Policy LUT2 | Transport Priorities in Development Control | An amended plan removing one retail unit fronting Sandy Lane West has been submitted. WBC Highways consider the proposal to be acceptable in this regard. An area of forward visibility is shown on the plans and this area is to be kept clear of buildings at all time and any landscaping would not exceed 0.6 metres in height. Sandy Lane West is to be widened to accommodate twq way HGV flows to and from the site as per the amended plans. Planning conditions required (including 278 agreement).

Policy LUT20 | Parking | Optimisation of traffic signal timings at Sandy Lane West/Winwick Road. Cromwell Avenue junction.

Policy DCS1 | Development Control Strategy | Servicing arrangements are acceptable although a planning condition is required in respect of signage and surface treatment for specific car parking areas so that such spaces are not used at delivery times.

Policy GRN22 | LANDSCAPE & TREES | Initial comments from WBC Highways are included in the appendix to this report. No highway objections in principle. A verbal update relating to a final assessment relating to further queue counts by the applicant will be reported at the meeting.

Policy QE6 | Protection and Enhancement of Landscape Features | It is stated that one of the key design concepts was to create an active frontage onto Winwick Road which as a result necessitates the loss of the large expanse of grass that sat between the former Leisure Centre and the main road. The proposed buildings have however been pulled back from Winwick Road to maintain a narrow strip of landscaping which will be planted with a mix of trees and shrubs to replace existing planting. The group of trees in the south west corner of the site would be removed to allow for the re-location of the vehicular access onto Sandy Lane West. Trees are also proposed to be planted throughout the car park to break up the hard landscape and soften the overall appearance of the site. Generally choice of species for new landscaping acceptable with minor changes which have now been incorporated into the scheme.

Policy QE7 | Environment and Amenity Protection | The revised planting scheme is acceptable and the proposal is acceptable from a landscape perspective.

Policy IW4 | Ensuring a High Quality Place | The A49 Corridor

Policy AR4 | Housing Needs and Supplied 

Policy AS4 | Employment Needs and Supplied 

Policy AS5 | Education Needs and Supplied 

Policy AS6 | Health Needs and Supplied 

Policy AS7 | Cultural Needs and Supplied 

Policy AS8 | Environment and Amenity Protection 

Policy AS9 | Strategic Allocation

Policy AS10 | Strategic Allocation
The scale of the buildings is considered appropriate within this particular setting. The supermarket utilises a standard rectangular footprint which can potentially mean blank facades on three sides affecting the quality of bordering streets. The scheme incorporates a glazed shopfront to the Winwick Road frontage however which provides some degree of active interface to the most prominent aspect. The most westerly retail unit to the southern boundary incorporates a similar interface, as well as on the eastern side adjoining the site access and with a line of sight from the front elevations of the residential properties 1 Sandy Lane West and 71 Gough Avenue.

White coloured render would be utilised providing some degree of continuity between the buildings as well as the use of timber cladding and expanses of glazing. The buildings would be modern and functional in appearance.

Grey Slate roof tiles would be used for the family pub/restaurant to the southern part of the site, to some extent reflecting the more traditional materials of the adjacent residential properties.
A 1.5m acoustic timber fence is proposed along the Chiltern Avenue/Sandy Lane West side of the site. This would provide screening to the adjacent residential properties. Along the boundary of Winwick Road, a low level timber knee rail fence is proposed to protect the strip of landscaping along this frontage. Pedestrian links would break the knee rail at strategic points close to the entrances of the various units on site, and there is some increased site permeability from the Winwick Road side.

It is stated that light shields would be utilised to deflect light away from surrounding residential properties, whilst low level lighting would be utilised to maintain a well lit site during the evenings helping to avoid dark areas which could encourage antisocial behaviour. All landscaping would be maintained at heights to ensure natural surveillance across the site and all pedestrian/vehicular routes.

The proposal includes an 8.8m high signage tower on the Winwick Road boundary of the site. This would inevitably be a dominant feature of the streetscape, but is a common feature of such commercial parks and main road corridors. Subject to the introduction of sensitively sized and illuminated signage (to be the subject of separate advertisement applications) this is acceptable.

The proposed design and visual impact of the proposal is acceptable.
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<tr>
<th>Policy</th>
<th>HEALTH &amp; SAFETY</th>
<th>ECOLOGY</th>
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<tr>
<td>REP14</td>
<td>Hazardous Uses / Installations</td>
<td>Key Biodiversity Habitats and Priority Species</td>
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<td>GRN18</td>
<td>Protection of the Nature Conservation Resource</td>
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<td>GRN21</td>
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The application site is within the consultation distance of a major hazard pipeline. No concerns expressed by the Health and Safety Executive.

**There are no significant implications from a health and safety point of view.**

The application is accompanied by an Ecological Assessment (September 2012 - ERAP Ltd Ref: 2012_128) which concludes that the proposal would have no implications for biodiversity interest.

**This is accepted and with the safeguard of a condition to ensure implementation of the precautionary measures set out in the report the proposal is acceptable from an ecological point of view.**
Responses to consultation

Arboricultural Officer:
No objections
Condition recommended (full comments attached at Appendix)

Environment Agency:
No objections
Conditions recommended relating to surface water discharge and management of overland flow (full comments attached at Appendix)

Environmental Health:
No objections
Conditions recommended relating to opening / servicing hours, land and air quality assessment, noise, light and odour mitigation (full comments attached at Appendix)

Health & Safety Executive:
No objections
Standard response provided

Highways:
Comments appraisal to be added / updated to members

Natural Environment Officer:
No objections
Submitted report acceptable

Planning Policy:
Objection
Proposal contrary to retail policy (full comments attached at Appendix)

Responses to Notification
Neighbours: Letters of objection / concern received from 3 residential properties:

1. Traffic, Sandy Lane West traffic hotspot, residents unable to exit streets or driveways, much greater traffic volume than previous Leisure Centre, access should be from Winwick Road traffic island.

Comment: Appraisal to be added / updated to members

3. Delivery point too close to Chiltern Crescent – should be on opposite side of supermarket away from residential properties.
4. No clear plans how other buildings would receive deliveries.
5. Pollution / Air Quality
Comment: Several conditions recommended to control and mitigate the environmental impacts of the development – with these safeguards it is considered that the new uses could operate without significant detriment to the amenity of the local area.

6. Anti social activity, graffiti and litter.
Comment: There is no evidence to suggest that the proposal would give rise to anti social activity. The businesses on the site would be subject to standard environmental legislation with regards to litter and hygiene.

7. With exception of pub/restauran t, the development does not appear to be what a reasonable person could view as being "in keeping" with the type of buildings that are to be found in this location – implications for design quality, materials, appearance, and aesthetics.
Comment: The site is within a prominent location on the site of a former leisure centre with a frontage to a main road corridor and close to other commercial premises. The principle of a commercial use in this location is subsequently considered to be acceptable. The appearance of the buildings, materials, etc, is satisfactory within this context.

8. Only one design option available for consideration by public – not included in pre application assessment.
Comment: Although community involvement encouraged its absence cannot be a reason to withhold planning permission.

A letter was received from DDL 171 Ltd (20 Bold Street, Warrington) on 19th February 2013. In summary the following comments have been made:

- The National Planning Policy Framework requires the applicant to undertake a sequential assessment for main town centre uses in out of centre locations.
- In addition considers that the applicant has not considered sites within District and Neighbourhood centres
- Considers that the applicant has failed to undertake a proper and full sequential assessment in respect of the planning application.
- Considers that the applicant has not provided any specific details in terms of why sites in the Town Centre are not suitable or available.
- Questions why it is suggested that the proposal would draw trade from Tesco on Winwick Road and Asda at Westbrook when it is also claimed that the proposal would not compete with large foodstores.

In response to the comments made by DDL171 Limited the applicant sent the following comments to the LPA on 22nd February 2013:

"Firstly, I would like to note the timing of the objection. The application was submitted in October 2012 while this objection was submitted four months later, significantly after the 21 day consultation period. Accordingly, I believe that the delay should limit the weight given to the objection. This delay may have something to do with the fact that according to Company Check,
DDL171 Limited was only incorporated on 15th February 2013, just a few days before the letter was submitted. It is also noted that the author of the letter is not named.

The main body of the letter criticises the sequential test assessment included within the Retail Statement submitted in support of the application. The letter claims that insufficient detail of the sites considered has been provided and that the test has not been considered for all of the floorspace proposed. However, it is noted that no potential sites are suggested.

The case put forward in the Retail Statement acknowledges that there are units available within Warrington Town Centre. However, the Retail Statement goes on to argue that they are not able to meet every-day local shopping needs of residents in the vicinity of the application site, which is the purpose of the proposed development.

It was therefore not considered necessary to provide details of every vacant unit within Warrington Town Centre given that their location makes them unsuitable to meet the same needs the proposed development seeks to meet.

With regard to the consideration of the smaller retail units, I would point out that the sequential test set out in NPPF does not require applicants to consider disaggregating individual components of their scheme. Therefore, it would be entirely appropriate to consider whether any site within the centre could accommodate all of the floorspace proposed (2,610 sq m). Paragraph 4.1 of the Retail Statement states that the largest vacant unit within Warrington Town Centre (former Woolworths unit on Bridge Street is 2,170 sq m, which is not sufficient to accommodate all of the floorspace, notwithstanding the fact that a town centre location has already been shown to be unsuitable. As such, the submitted sequential test can be considered robust.

I therefore consider that the objections raised by DDL171 should not alter the Council’s conclusions regarding the sequential approach

Comment: Officers acknowledge that the proposal does not strictly comply with the established retail hierarchical approach and although offset somewhat by the particular characteristics of the proposal, some negative weight should be attributed to this. The applicant is of the view that the proposal would meet the everyday needs of the residents to the north of Warrington and that weight should be afforded to this in determining the planning application. The application is recommended for approval on balance. In considering whether to approve planning permission members are asked to be mindful that the proposal does not fully accord with retail planning policies but nonetheless will deliver some positive impacts in planning terms.

Conclusions and reasons for recommendation/decision

The proposed development is acceptable in terms of its physical and environmental impact and specifically the implications for landscaping and trees, noise and lighting, flood defence, land and air quality, residential
amenity and its design and appearance. The proposal is not in accordance with the sequential approach to locating retail development within designated centres. This is not of a scale to seriously limit or prejudice investment in Warrington Town Centre which would remain as the prime focus for retail uses and for a wide range of other town centre uses. The coffee shop element would attract passing trade and ancillary trips from shoppers and the retail elements would predominantly serve a local need. The proposal also has clear regeneration benefits in both visual and economic terms. The site is in a prominent position on the Winwick Road corridor and Poplars and Hume is statistically one of the most deprived wards in the borough. Whilst it is accepted that not all new work opportunities would be available to the immediate local community, the proposals would inevitably help to increase the level of employment in the local area. The applicant has agreed to enter into a Local Employment Agreement the objective of which seeks to maximise local benefit in terms of contracting and supply chain opportunities for local businesses in the construction phase, with job opportunities for local unemployed people in the construction and “end use” phases. In the long term the proposals would help provide job opportunities in the supermarket, retail units, coffee shop and pub and restaurant, as well as associated employment in maintenance, security, etc. On balance having regard to the particular characteristics of the application site and its physical and social context, as well as the presumption in favour of sustainable development advocated by the NPPF, the application is recommended for approval of planning permission subject to resolution of highways issues.
Appendix 1

Arboricultural Officer
Further to examination of the intended landscaping I would comment as follows. The scheme has common birch in island beds within the central hard surfaced area. Birch in hard surfacing does not do well in dry sunny conditions, the crowns defoliate quite readily as a defence mechanism and consequently, there may be growing seasons when establishment and condition is poor. I would therefore suggest a change of species within the hard surfacing only. Pyrus calleryana "Chanticleer" appears to withstand hard surfacing area in close proximity better. The inclusion of a bespoke watering system would be advisable however for the trees within the car park hard surfacing given the eventual limited range for water uptake.

The scheme also shows double flowering common cherry on Sandy Lane West. Prunus avium is prone to large surfacing rooting and this can cause problems when adjacent to hard surfacing such as the adjacent pavement, concerns remain that as the scheme establishes, the roots of the cherries may disrupt the existing surfacing on Sandy lane west pavement and in the event lead to their removal. Bird cherry, Prunus padus "albertii" may be a suitable substitute.

The scheme further has oak and ash as tree species on Chiltern Road. They could be considered to have insufficient space to fully develop the crowns in this particular potentially confined location and it may be prudent to substitute with a smaller crowned species on Chiltern road and have a reduced number of ash/oak on the Winwick Road frontage adjacent to the existing mature ash to be retained.

The pedestrian access onto Winwick Road has thorny species in various sections of the proposed ornamental planting belts. There are several locations whereby non thorny species may be susceptible to being walked through where thorny species are absent from the mix. To avoid pedestrian damage, the scheme should have overlapping belts of the berberis / pyracantha to discourage desire lines being formed through the belts.

The intention to fence the site is welcomed, the western boundary, solely having knee rail would benefit from the extra deterrent of thorny species to back it up. In all other respects the submitted landscape appears satisfactory. The large ash scheduled for retention mid point along the Winwick road elevation should be adequately protected during the construction phase. It should therefore have heras or equivalent substantial fencing erected at 7m from the trunk in an arc around the portion of the crown within the site. It should be a pre condition that this fencing is erected prior to any construction works on the site and the fence to remain for the duration of the works. This exclusion zone should be stringently adhered to especially as both the tree and the site are readily visible from Winwick Road. Compaction of the soil within the crown spread will affect both the health and vigour of the tree and its loss would be more than regrettable.
Environment Agency

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

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. Surface water runoff rates from the existing site have been determined as part of the Flood Risk Assessment prepared by Shepherd Gilmour dated July 2012. Evidence will need to be provided at the detailed design stage to demonstrate that the existing drainage network is capable of accommodating and discharging such rates. 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 would request that the following condition is included on any planning approval.

**Condition**

The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff 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 would request that the following condition is included on any planning 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 users.
Environmental Health
I have considered the application and have no objection subject to the following conditions and/or informatives being applied should consent be given.

CONTAMINATED LAND - PRECOMMENCEMENT
Unless otherwise agreed with the Local Planning Authority (LOCAL PLANNING AUTHORITY), development works of any kind shall not begin until the following conditions have been satisfied and discharged by the LOCAL PLANNING AUTHORITY and written approval to commence development works has been issued by the LOCAL PLANNING AUTHORITY. All requirements to be completed in accordance with the following guidance references: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

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

- Preliminary Risk Assessment (PRA or Desk Study)
- Intrusive Site Investigation
- Generic Quantitative Risk Assessment (GQRA)
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal

PRA is the minimum requirement. DQRA only to be submitted if GQRA findings require it. The investigation(s) and risk assessment(s) must be undertaken by competent persons and all findings must form the subject of a written report.

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

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

In accordance with: Policy REP8 of the adopted Local Plan (23 January 2006); Policy QE6 of the Submitted Local Plan Core Strategy (September 2012); and Paragraph 121 of the National Planning Policy Framework (March 2012).
Disclaimer: Irrespective of any involvement by this LOCAL PLANNING AUTHORITY, the responsibility to address land quality issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site.

CONTAMINATED LAND - COMPLETION
Unless otherwise agreed with the Local Planning Authority (LOCAL PLANNING AUTHORITY), occupancy or use of the development shall not be permitted until the following conditions have been satisfied and discharged by the LOCAL PLANNING AUTHORITY. All requirements to be completed in accordance with the following guidance references: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

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

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

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

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

In accordance with: Policy REP8 of the adopted Local Plan (23 January 2006); Policy QE6 of the Submitted Local Plan Core Strategy (September 2012); and Paragraph 121 of the National Planning Policy Framework (March 2012).
Disclaimer: Irrespective of any involvement by this LOCAL PLANNING AUTHORITY, the responsibility to address land quality issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site.

Air Quality Condition
An air quality assessment shall be undertaken to assess the affect of the development on local air quality and to determine the impact of existing, and projected, air quality levels on the intended use, prior to the commencement of the development. The assessment shall be undertaken in accordance with technical guidance note LAQM.TG(09) to enable the significance of the development to be assessed against the National Air Quality Standards and Objectives prescribed by the Air Quality (England) Regulations 2000. The suitability of any dispersion model used shall be agreed with the LOCAL PLANNING AUTHORITY and the results of the assessment shall be validated against an agreed monitoring location.

It is strongly recommended that the applicant agrees the nature and scope of the assessment with the LOCAL PLANNING AUTHORITY.

Reason: To protect people’s health and the environment from adverse effects of air pollution in the interests of residential amenity.

Noise from Plant and Equipment
The building and any external plant shall be acoustically insulated in accordance with the Cheshire Environmental Associates Acoustic Report referenced as CEA 977 dated 26/11/2012. The report specifies a maximum noise level for external plant and equipment of 34dB(A) Leq(5 mins) @ 10 metres distance. Prior to the occupation of any unit, confirmation of equipment fitted and associated noise levels shall be submitted to the LOCAL PLANNING AUTHORITY for written approval.

Reason: To prevent an increase in background noise levels and protect the amenity of any residents.

Acoustic Barrier Detail
Detail of the specification and appearance of the acoustic barrier proposed along the Chiltern Avenue boundary shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the acoustic fence shall be erected prior to the occupation of the unit and shall be retained and maintained thereafter.

Reason: To prevent an increase in noise levels during deliveries and to protect the amenity of any local residents.

Hours Restriction (Deliveries or Waste Collection)
No deliveries to or waste collection from the development hereby approved shall take place outside of 07.00hrs and 22.00hrs Monday to Saturday and 08.00hrs and 18.00hrs on Sundays, Bank Holidays and public holidays.
Reason: - To protect residential amenity.

**Floodlights – Illumination**
Prior to the erection of the floodlights hereby approved details of the level of illumination, angling and cowling of the light sources shall be agreed in writing with the Local Planning Authority and the agreed scheme shall be implemented in full prior to the use of the lighting commencing and retained as thereafter.

Reason: - In the interest of protecting residential amenity.

**Food Premises**
The cooking equipment installed shall have an associated air extraction and filtration system; details of which shall be submitted to and approved by the LOCAL PLANNING AUTHORITY prior to the commencement of development.

Reason: - To safeguard the local environment from odours and noise.

**Advisory note - Food Cooking Establishments - Ventilation and Filtration Systems**
The overall aim of the ventilation and filtration system shall be to remove the grease and odours from the air stream before it discharges to the open air. You should satisfy yourself that the companies that are installing the system are competent and understand all aspects of ventilation extraction and filtration. Also ensure that they will guarantee that the proposed system to be installed at your premises will remove the offensive odours from the airflow, therefore minimising the occurrence of nuisance in the surrounding neighborhood from cooking odours.

The minimum specification should include the following: -

1. All cooking areas including ranges hobs and ovens shall have a cooker hood of sufficient area to collect all cooking fumes. This shall then pass through a **grease baffle filter**. The aim of which is to remove large particles of fume and grease from the airflow. It is good practice to purchase a second set of baffles to enable the continued operation of the ventilation extraction system whilst the other set are being cleaned. Do not operate the system without the baffles in place, as this will ruin the following filters.

2. A **renewable particle filter**, which shall efficiently remove all remaining fume / grease droplets before passing through

3. An **activated carbon filter** of sufficient size (as recommended by your installer) so to remove the odours from the gas stream. This shall be of sufficient size so as to provide minimum reduction in the velocity of the exhaust gas stream.
4. After the carbon filter/s the residual odours will need to be treated with an odour modifying system which uses essential oils or similar. This final part of the system attempts to combine the remaining odour molecules with an essential oil. This is claimed to neutralize the odorous molecules.

5. The final stack height shall be 1m above the roof height to disperse the residual odours and the terminal shall have no cap or cowl that will restrict the airflow.

6. It is imperative that the ventilation system enables the shop and cooking areas to be operated under negative pressure. This will ensure that the odours from all cooking processes pass through the ventilation system and not be allowed to disperse through the shop doors or windows. Sufficient ventilation openings shall be provided for incoming air to replace the displaced air passing through the ventilation extraction system.

7. Additional extract vents shall not be installed in the premises unless they pass through all the above filters.

8. All filters and baffles shall be checked for efficient operation every week, they shall be cleaned when necessary, and the particulate filter replaced when airflows become restricted. The carbon filter shall be replaced when cooking odours are no longer being captured.

9. Following installation, the carbon filters shall be checked for "life" by the owner after a period of operation. This testing shall establish the frequency with which the carbon filters shall be changed.

10. The essential oil neutralizing system be maintained in accordance with manufacturers instructions. The level of neutralizing fluid shall be checked daily and topped up as necessary.

11. The filtration and neutralizing system shall be installed inside the premises, so that all the filters and fluid containers can be readily accessed for maintenance.

12. A record of all filter changes shall be recorded in a log book held at the premises. This log book shall be available for inspection by officers of the local authority.

13. No obstructive cowl cap shall be fitted on the flue/chimney; the termination point shall be at least 1m above the eaves of any building to which it is attached.

NOTE if a chip frying range is fuelled by gas, then the fumes from the combustion of gas cannot pass through the extraction system and must be ventilated separately and in accordance with the health and safety requirements for the installation of gas appliances. If the combustion gas
extract system is combined with the extract from the frying range then it cannot be filtered in any way. This will result in cooking odours that will affect the neighborhood. It is not advised that this type of gas power range be fitted in an odour sensitive environment.

**Food Safety/Health & Safety Advice and Guidance**

The applicant is advised to seek further advice and guidance on Food Safety/Health & Safety matters from the Commercial Environmental Health Team.

Advice and guidance is provided free of charge and may assist the applicant with the smooth operation of the business.

Please contact the following number for further advice: 01925 442314

**Working Hours for Construction Sites - Informative:**

Works audible at the site boundary will not exceed the following times unless with the written permission of the LOCAL PLANNING AUTHORITY 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 LOCAL PLANNING AUTHORITY 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.

**Electric Charging Informative**

The applicant is advised to consider the installation of electric vehicle charging points in the proposed car park.

The provision of electric charging facilities is being promoted as a low emissions vehicular power source, thereby providing a positive contribution to reducing carbon emissions and improving the long term impact on local air quality from transportation.

Following request for clarification on acceptable opening hours, I have reviewed a number of public houses in similar locations near to residential and along busy roads.
The proposed hours for this application are not considered excessive and mirrors other similar venues give or take 30 minutes generally. The location of the pub adjacent to Winwick road will lead to generally higher ambient noise levels in the area due to passing traffic, although this will reduce as evening/night-time approaches.

Whilst Planning permission can set the overall extent of operating hours on this site, it is important to remember that the operator will also have to apply for a Premises Licence under the Licensing Act 2003. This will also review hours and may recommend similar hours to that proposed under planning permission. Unlike planning permission, the licence regime is up for constant review – so should local residents be impacted by unruly conduct by patrons or noise from general operation then it is possible that the licensing committee may review the licensed hours and make recommendations for change should problems occur.

To this end, I should include a couple of further informatives providing contact details for the Licensing team and reminder of control of patrons.

**Management of Premises: Informative**
The applicant should consider and implement any necessary mitigation measures to reduce the noise of patrons entering and leaving the premises or those smoking outside the premises. The adjacent residential uses may be susceptible from noise from people outside the premises – the applicant and/or landlord may ultimately be responsible for noise from such patrons outside the premises which may cause impacts on amenity or otherwise cause a statutory nuisance.

**Premises Licence; Informative**
The applicant will need to apply for a Premises licence for the sale of alcohol on the proposed use. The Licensing team at WBC will be able to provide advice and guidance on the application process. Licensing can be contacted on 01925 442119.

**Highways**
The application seeks approval for the development of a supermarket, two retail units, a drive thru restaurant and public house / restaurant, together with the formation of a new vehicular site access and pedestrian access points, car parking, servicing and landscaping.

1. **Proposed Development**

In terms of floorspace, the proposed development comprises the following:

- Discount Foodstore = 1418 sqm GFA
- Drive Thru Restaurant = 172 sqm GFA
- 2 x Retail Units = 186 sqm GFA
- Pub / Restaurant = 1017 sqm GFA
2. Proposed Site Access Arrangements

The site currently has existing vehicular access points on Sandy Lane West (to the north of Gough Avenue), and on Chiltern Road (to the north of Chiltern Crescent).

The proposed development seeks to close the existing vehicular access points and provide a new priority access to the site on Sandy Lane West (to the south of Gough Avenue). As shown on drawing number 023 – 01 / GA – 03, visibility splays of 2.4m x 42m will be provided at the proposed new access. The provision and maintenance of the site access visibility splays should be ensured by planning condition.

In addition, the proposed site plan also seeks to provide 3 pedestrian access routes between the development and the A49 Winwick Road and Chiltern Road. This will assist in ensuring the proposed development site is accessible and permeable by pedestrians.

3. Sandy Lane West – Proposed Highway Improvement Works

As the proposal will generate a need for HGV servicing of the proposed foodstore and pub / restaurant, in the interests of highway safety it is necessary to ensure that Sandy Lane West is widened to accommodate two way HGV flows to and from the site.

Revised site access arrangement track plot analysis plan drawing number 023 – 01 / ATR – 07 has been received. This demonstrates that two 16.5m length HGV’s will be able to pass safely on Sandy Lane West following works to widen the highway. The proposed widening works to Sandy Lane West have been reviewed by the Council’s Highways Design Manager who has confirmed that these are acceptable.

The plan also shows that a 2m wide footway on the north side of Sandy Lane West will be maintained along the section of highway to be widened. This will ensure satisfactory pedestrian access along Sandy Lane West is retained.

The above works to widen Sandy Lane West (which will need to be subject to the applicant entering into a S.278 agreement with the Council) should be ensured via planning condition.

In addition it is to be noted that as shown on revised site access and off site highways works plan drawing number 023-01/GA-03, forward visibility levels of 22m will be provided across the corner of the proposed development site. This will ensure that vehicles entering Sandy Lane West will benefit from appropriate forward visibility levels in accordance with the national guidance document “Manual for Streets”. The provision and retention of the above forward visibility splays should be ensured via planning condition.
4. Servicing

It is anticipated that HGV’s will be required to service the proposed foodstore and pub / restaurant.

Track plot analysis drawing number 023 - 01 / ATR-04 demonstrates that a HGV can access the proposed service area for the foodstore. However, in order to do this, it will be necessary to ensure HGV access across a number of parking bays within the site. This should be controlled via a planning condition which requires a site management / operation plan to be submitted, agreed and maintained thereafter.

The submitted track plot analysis also demonstrates that the proposed pub / restaurant can be adequately serviced by a HGV, and the drive thru coffee shop and small retail units (which are not expected to generate a need for HGV servicing) can be serviced from within the site.

5. Stage 1 Road Safety Audit

The original submitted proposals have been subject to a Stage 1 Road Safety Audit undertaken by the Council’s Road Safety Auditor. The Stage 1 Road Safety Audit raised the following highway safety issues:

1. Amended kerb radius on Sandy Lane West is inadequate in terms of deflection.

2. Requirement to ensure appropriate forward visibility of vehicles using Sandy Lane West.

3. Temporary traffic management signage to warn of a change in carriageway layout will be required at the proposed new access onto Sandy Lane West.

4. A proposed swept path analysis is required to demonstrate that a HGV can enter the site whilst a car is leaving.

5. The proposals do not show an adequate delivery area for the small retail units.

6. The existing hammer head turning area adjacent to the development on Toll Bar Road may attract parked vehicles, which may reduce the adequacy of this area for vehicle manoeuvring.

In response the following has been agreed / confirmed with the applicant:

1. The proposal for an amended kerb line on Sandy Lane West has been revised, and subject to detailed design (ensured within the required S.278 agreement), this is now considered acceptable.
2. Forward visibility splays on the entrance into Sandy Lane West (based on a 20mph mean speed requiring forward visibility splays of 22m) have now been proposed.

3. The applicant has agreed to provision of new temporary traffic management signage on Sandy Lane West.

4. The proposed access onto Sandy Lane West has been widened so that a HGV can pass whilst a car or another HGV is entering or leaving.

5. The three retail units have now been reduced to two in order to accommodate the required forward visibility splays on Sandy Lane West. As the retail units are relatively small in size, it is not anticipated that these will be serviced by HGV’s. Servicing is expected to take place from within the on site car parking areas.

6. The applicant has agreed that a No Waiting At Any Time (Double Yellow Line) Traffic Regulation Order should be progressed on Toll Bar Road.

Given the above, it is considered that the issues raised within the Stage 1 Road Safety Audit have now been satisfactorily addressed.

6. Proposed Parking Provision

6.1 Car Parking

As shown on the proposed site plan, it is proposed to provide 150 parking spaces to serve the development. This will include provision of 8 parent and child spaces at the foodstore, and 8 disabled spaces throughout the development site.

In terms of accordance with the Council’s adopted maximum car parking standards, it should be noted that levels of parking provision up to the maximum identified below in Table 1 below could theoretically be provided:

<table>
<thead>
<tr>
<th>Proposed Land Use</th>
<th>GFA (sqm)</th>
<th>Maximum Parking Standard</th>
<th>Maximum Parking Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discount Foodstore</td>
<td>1418</td>
<td>1 space per 16 sqm</td>
<td>89</td>
</tr>
<tr>
<td>Drive Thru Restaurant</td>
<td>172</td>
<td>1 space per 8.5 sqm GFA</td>
<td>20</td>
</tr>
<tr>
<td>2 x Retail Units</td>
<td>186</td>
<td>1 space per 22 sqm GFA</td>
<td>8</td>
</tr>
<tr>
<td>Pub / Restaurant</td>
<td>1017</td>
<td>1 space per 7sqm public floorspace</td>
<td>58 (Assuming 40% of GFA is public floorspace)</td>
</tr>
<tr>
<td><strong>Total Maximum Allowable Parking Provision</strong></td>
<td><strong>175</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 1: Potential Maximum Parking Provision
As can be seen above, the proposed provision of 150 car parking spaces would provide in the region of 85% of the maximum allowable parking provision (175 spaces). The provision of 150 spaces is considered to be acceptable in this instance, particularly considering the opportunities for shared parking use across the site, and the fact that the proposed land uses largely do not coincide in terms of their expected times of peak parking demand.

6.2 Cycle Parking

In terms of proposed cycle parking, the proposed site plan demonstrates provision of 5 Sheffield Stands by the entrance to the foodstore, 2 by the proposed retail units, and 3 by the pub / restaurant. The provision of 10 Sheffield Stands will provide 20 cycle parking spaces. Such levels of cycle parking provision are acceptable.

7. Likely Traffic Generation

The proposed development is expected to generate the following levels of traffic during the weekday AM and PM peak hours.

<table>
<thead>
<tr>
<th>Proposed Land Use</th>
<th>AM Peak (0800 – 0900 hours)</th>
<th>PM Peak (1700 – 1800 hours)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Arrivals</td>
<td>Deps</td>
</tr>
<tr>
<td>Discount Foodstore</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>Drive Thru Restaurant</td>
<td>37</td>
<td>34</td>
</tr>
<tr>
<td>2 x Retail Units</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Pub / Restaurant</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>62</strong></td>
<td><strong>52</strong></td>
</tr>
</tbody>
</table>

Table 2: Likely Traffic Generation

As can be seen above, the proposed development is expected to result in approximately 2 vehicle movements per minute in the AM peak hour and approximately 4.75 vehicle movements per minute in the PM peak hour.

8. Traffic Modelling

The submitted Transport Assessment examines the projected impact of the development on the junction of Sandy Lane West / Winwick Road / Cromwell Avenue during the Friday AM and PM peak hour periods and the Saturday PM peak hour period.

Initial modelling results suggested that without “optimisation” of the traffic signal timings at the Sandy Lane West / Winwick Road / Cromwell Avenue
junction, the traffic generated by the proposed development could be expected to have a detrimental impact, significantly increasing queuing and delay on the Sandy Lane West approach to the A49 Winwick Road in particular. Optimisation of the traffic signals has been suggested by the applicant in order to ensure that expected increases in queuing and delay on Sandy Lane West will be minimised.

It is therefore required that the applicant obtains confirmation that, in order to minimise expected increases in queuing and delay at the Sandy Lane West approach, the Council’s UTMC section are agreeable to the proposed optimisation of traffic signal timings at the Sandy Lane West / Winwick Road / Cromwell Avenue junction.

WBC Highways have also requested that a further assessment of current and projected queuing and delay on Sandy Lane West on a neutral weekday is undertaken. This work is currently being progressed by the applicant.

As the above issues are currently subject to the results of further queue counts and consultations with the Council’s UTMC section, an update in respect of these issues will need to be presented to Development Management Committee.

Notwithstanding the above, we would seek to ensure that a scheme of traffic signal improvements and signal timing changes are ensured by way of planning condition.

9. Required Traffic Regulation Orders

As noted within the Stage 1 Road Safety Audit, a scheme of No Waiting At Any Time (Double Yellow Line) parking restrictions will be required on Toll Bar Road, adjacent to the proposed development site.

Additionally, due to the proposed widening of Sandy Lane West (which will create greater opportunities for on street parking in this location) a scheme of No Waiting At Any Time parking restrictions will also be required.

In order to ensure that safe access to and from the proposed development site can be achieved at times of congestion on Sandy Lane West, a scheme of Keep Clear markings is required.

It should also be noted that due to the proposed widening works on Sandy Lane West, the replacement of ward boundary signage, street lighting columns and traffic signage will also need to be secured.

Progression of the above Traffic Regulation Orders should be ensured via planning condition, whilst the relocation of traffic and ward boundary signage and street lighting columns will need to be ensured as part of a S.278 agreement.
10. Framework Travel Plan

A Framework Travel Plan has been provided in support of the application. This seeks to ensure reductions in car travel to and from the development (primarily for staff). The Framework Travel Plan has been reviewed by the Council’s Travel Plan Officer and the following comments have been received.

“The framework travel plan is acceptable in this instance as it promises a full travel plan before occupation – we should condition this to ensure it happens.

The full travel plan should include details of how / when the staff induction packs will be collated and identify locations within the individual units where travel information will be displayed.”

A full travel plan for the site should therefore be ensured via way of planning condition.

11. Summary and Conclusions

No highways objections are raised in respect of the proposals, subject to attachment of the following planning conditions:

Prior to first occupation of the development, visibility splays of 2.4m x 42m as shown on drawing number 023 – 01 / GA – 03 shall be provided at the site access onto Sandy Lane West and shall be maintained thereafter. Nothing shall be erected or allowed to grow above 0.6m within the splays unless agreed in writing with the Local Planning Authority.

Prior to first occupation of the development, a scheme for the removal of redundant vehicular access points on Sandy Lane West and Chiltern Road and their reinstatement as footway 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.

Prior to first occupation of the development, the car and cycle parking spaces shown on drawing number 023-01/GA-03 shall be provided and shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Prior to first occupation of the development, the forward visibility area as marked on drawing number 023 - 01 / GA - 03 shall be provided and thereafter shall be kept clear of obstruction at all times and any landscaping within this area shall not at any time exceed a height of 0.6 metres above ground level.

No development shall commence until full construction details of the widening of Sandy Lane West / A49 Winwick Road have been submitted to and approved in writing by the Local Planning Authority. The approved widening works shall be implemented in accordance with approved details prior to the erection of any buildings hereby approved.
No development shall commence until a service delivery scheme has been submitted to the Local Planning Authority for approval. This shall include areas of car park that will not be used at delivery times and include details of signage (indicating when cars can and cannot park within designated areas). The approved service delivery scheme shall be fully implemented 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 temporary traffic management signage, Keep Clear markings and parking prohibitions on Sandy Lane West, and parking prohibitions on Toll Bar Road.

Prior to the commencement of the development, a scheme of traffic signal improvements and signal timing changes at the Winwick Road / Sandy Lane West / Cromwell Avenue junction shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme of traffic signal improvements and signal timing changes shall be implemented prior to first occupation of the development.

No building shall be occupied or used until such time as a Travel Plan has been submitted to and approved by the Local Planning Authority. The plan shall include measures for the management of car use and on-site car parking and a strategy to secure and sustain decreases in car use for travel to, from and at work and increases in car sharing, public transport use, cycling and walking. The Plan shall specify a plan period and contain relevant surveys, reviews and monitoring mechanisms and identify targets, timescales, phasing programme and management responsibilities.

Planning Policy
I would ask that you note the below comments from a planning policy perspective regarding the above application.

Proposals
The above planning application seeks the construction of a 1,418 sq m (gross) food supermarket, 279 sq m of A1 retail floorspace, a 166 sq m coffee shop with drive-thru facility and a pub restaurant together with associated pedestrian and vehicular access improvements, car parking, servicing and landscaping.

Retail development is defined as a main town centre use within the National Planning Policy Framework (NPPF) and the site lies outside of any centre designated by UDP Policy TCD1 and Policy SN4 of the emerging Local Plan Core Strategy.

The key policy consideration is to assess whether the proposed retail floorspace is appropriate and justified in this out of centre location.
Policy Considerations

National Planning Policy Framework - The NPPF maintains the approach set out in previous national guidance PPS4 (and the UDP) and continues to promote the importance of vital and viable town centres. It defines retail and leisure uses as main town centre uses which must be directed towards town centres or other centres. These centres are defined in Policy TCD1 of Warrington’s UDP and Policy SN4 of the emerging Core Strategy.

Para 24 of the NPPF states that “Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Paragraph 26 advises that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (or otherwise above 2,500sq m).

Paragraph 27 indicates that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; or the vitality and viability of the centre, it should be refused.

Regional Spatial Strategy - The RSS remains a consideration in Development Management decisions at present despite the Coalition Government’s intention to abolish it. Policy W5 seeks to promote retail investment where it assists in the regeneration and economic growth of the North West’s towns and city centres. Comparison retail facilities should be enhanced and encouraged in Warrington town centre.

Adopted Unitary Development Plan (UDP) - The key policy consideration for this retail proposal is Policy TCD1 ‘Hierarchy of Centres’ which seeks to direct retail development to the defined centres in the borough. Policy TCD5 (Out of Centre Retail Development) to which the applicant refers was not been saved by the Secretary of State and therefore does not form part of the Development Plan.

Emerging Local Plan Core Strategy - The approach to retail development in Warrington remains largely unchanged, as the result of the publication of the new National Planning Policy Framework on 27th March 2012 and the emerging Local Plan Core Strategy which was submitted to the Secretary of State on 19th September 2012. Given the advanced stage of production of the
Council's emerging Local Plan Core Strategy and advice set out in the National Planning Policy Framework (NPPF), the determination of the application should also be considered against the emerging Core Strategy Policies.

The NPPF identifies at paragraph 216 with regards to emerging 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 therefore considered to be particularly pertinent in Warrington given the Council has now submitted the plan to the Secretary of State. There have been some objections to the policy approach in respect of retail development outside of defined centres within the plan in previous periods of consultation. However the policies drafted are considered to be in conformity with the NPPF and therefore the Local Plan Core Strategy is considered to constitute a material consideration with regard to these proposals.

This retail proposal would need to be assessed against emerging policy PV4 ‘Retail Development within the Town Centre and Primary Shopping Area’. The weight that can be attributed to this policy must have regard to the fact that there are unresolved objections to this particular policy given the current stage of the emerging Core Strategy.

The policy outlines that where retail development over 500 sqm is proposed outside of the Primary Shopping Area (PSA), the applicant will be required to demonstrate that no suitable sites are available in more sequentially preferable locations to that proposed. Where there are no sites within the PSA, the proposal must demonstrate that there are no significant adverse impacts on the PSA and wider town centre.

Policy IW1 (The A49 Corridor) outlines that the Council and its partners will support and promote redevelopment and regeneration opportunities along the A49 corridor where they propose appropriate use (eg B1 (b&c)). The weight that can be attributed to this policy must have regard to the fact that there are unresolved objections to this particular policy given the current stage of the emerging Core Strategy.
**Sequential Assessment**

Section 4 of the applicants Retail Statement provides a brief sequential assessment seeking to satisfy the requirements set out in the NPPF and emerging Core Strategy Policy PV4. Paragraph 4.1 outlines that a ‘centre walk through’ concluded that there are a number of vacancies within and on the edge of Warrington Town Centre which range between 30 sqm and 2,170 sq m. Details of the units which have been considered have not been included in the supporting retail statement. The applicant concludes that although there are units available, they do not meet the everyday needs of the residents to the north of Warrington or fill the existing qualitative gap in the existing food provision in the area which the proposed development seeks to serve.

Paragraph 2.3 of the Good Practice Guide and Need, Impact and the Sequential Approach details that:

“At the local level, Policy EC1 advises that the evidence base should be informed by regional assessments, and should assess the detailed need for floorspace for main town centre uses. This includes identifying any deficiencies in the provision of local convenience shopping and other facilities which serve peoples day to day needs. The evidence base should also assess the capacity of existing centres to accommodate new town centre development, taking account of the role of changes in the hierarchy and identifying centres in decline where change needs to be managed.”

The Council’s Retail and Leisure Study 2006 & Update in 2009 forms part of the Council’s Core Strategy evidence base. The study only identifies an identified gap in convenience provision at Chapelford Urban Village. In addition, the associated drive through coffee shop is also likely to draw trade from across the borough and surrounding catchment areas rather than just serve residents within the immediate vicinity.

Consequently, it is therefore considered that the applicant has not properly fulfilled the policy requirements set out in para 24 of the NPPF.

**Impact on Investment in Centres**

The supporting retail statement identifies the importance of the Bridge Street development area and paragraph 4.11 notes that “the proposed development will have only a minor effect on trade in the town centre and thus could not be said to have any negative impact on investor confidence. Furthermore, the proposed discount supermarket is significantly smaller than the store discussed for the Bridge Street development which is likely to be occupied by one of the main supermarket operators. As such, the proposed store would not compete for the same market opportunity or retailers”. Therefore, it is concluded by the applicant that the proposed development would have no significantly adverse impact on future planned investment in Warrington Town Centre.

There is already a large amount of out of centre floorspace in the borough that directly competes with the Town Centre. Additional convenience floorspace and a drive through facility development could have a cumulative impact on
the Town Centre which could start to affect the viability of key corporate schemes such as Bridge Street.

**Impact on Town Centre Vitality & Viability**

Paragraphs 4.12 to 4.35 of the applicant’s supporting retail statement details the applicant’s retail impact assessment.

The assessment identifies the study area and provides tables to assess expenditure, likely impact on turnover and trade, population projections and sales densities.

This is a comprehensive retail assessment which uses some data from the Council’s Retail and Leisure Study (including catchment areas and commitment information). However, other information has not been presented on a like for like basis within the council’s retail study (including population and expenditure projections which use different years than those detailed in the Council’s retail study) and therefore it is difficult to assess the proposal on this basis.

Paragraph 4.33 of the statement correctly identifies that “It is not the purpose of the planning system to prevent competition between retailers rather the planning system should ensure new development is focused in the most appropriate location which in this case is the town centre.”

The statement goes onto add that, “It is therefore considered that the proposed development in addition to committed development would not have a significantly adverse impact on Warrington town centre. The development will increase consumer choice through the provision of a large modern format supermarket and will allow residents to meet their everyday shopping needs locally.”

Whilst the proposals may meet local shopping needs to a certain extent, it must be noted that the Council’s Core Strategy evidence which has been submitted to the Secretary of State in September 2012 concludes that expenditure capacity only begins to emerge for additional convenience goods floorspace in 2021 for around 228 sqm. By 2026 the expenditure capacity is anticipated to support around 1,009 sq m. The store is likely to be operational by 2014, significantly before capacity begins to emerge.

**Other material considerations**

The applicant outlines that there would be employment benefits through the provision of 94 full time equivalent jobs.

Contribution to economic growth has been given significant emphasis in the NPPF and this need to be balanced against the conformity of the proposals with the Council’s adopted development plan.

Additionally the potential aesthetic benefits to improving the A49 corridor which the proposal may bring also need to be balanced against the conformity of the proposals with the Council’s adopted development plan.
Conclusions

The applicant concludes that “the proposed development fully complies with the policies for town centres and retailing set out in the NPPF. The application site is within the most sequentially preferable location, capable of serving this catchment; The proposed development will bring forward the type of private sector investment supported by the NPPF; and the proposed development would not have a significantly adverse effect on the vitality and viability of Warrington Town Centre through increased consumer choice and an increase in overall turnover through increase trade retention. Accordingly, it is considered that there would be no significantly adverse impact on town centre trade arising from the proposed development either in isolation or when considered along with other committed developments.”

The proposal is considered contrary to National Policy and both the existing and emerging Development Plan. Planning law however requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Whether the potential benefits of job creation and improvement to the A49 corridor amount to a material consideration which would outweigh the harm from departing from the Development Plan, is a matter for the decision maker to conclude, in the context of balancing any harm from the proposal against the potential benefits.
<table>
<thead>
<tr>
<th>Application Number:</th>
<th>2012/21007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>LAND AT MARSH HOUSE LANE, MARSH HOUSE LANE, WARRINGTON, WA1 3QU</td>
</tr>
<tr>
<td>Ward:</td>
<td>FAIRFIELD AND HOWLEY</td>
</tr>
<tr>
<td>Development:</td>
<td>Proposed construction of 108 Affordable Dwellings Comprising 31 Apartments for the Elderly and 77 Dwellings Together With Associated Works</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Countryside Properties (UK) Ltd and Your Housing Group</td>
</tr>
<tr>
<td>13 Week expiry date:</td>
<td>10th March 2013</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Approve subject to Conditions</td>
</tr>
</tbody>
</table>
| Conditions:         | • Time Limit - 3 Years  
|                     | • Approved Plans - Listed  
|                     | • Dwellings to be constructed to Code for Sustainable Homes Level 3  
|                     | • No removal of vegetation between the 1st March and 31st August  
|                     | • No development - Submission of scheme of parking/speed restrictions  
|                     | • Development carried out in accordance with the submitted Flood Risk Assessment  
|                     | • No development - Submission of surface water regulation system  
|                     | • No development - Submission of plan to identify acceptable overland flood flow routing across site  
|                     | • No development - Submission of air quality assessment  
|                     | • No Occupation - Until car and cycle parking spaces/facilities laid out  
|                     | • No Occupation - Submission of contaminated land survey  
|                     | • No Development - Submission of acoustic mitigation measures  
|                     | • Fencing shall have a minimum raised 10cm clearance above ground level  
|                     | • No Occupation - Installation of bat and breeding bird boxes  
|                     | • Within 6 weeks - Delivery of affordable housing scheme  
|                     | • Within 6 Months - Implementation of landscaping scheme  
|                     | • Installation of non-opeing windows to bedroom windows (Plots 3 to 23 and 24 to 28) |
Reason for Referral

- This application is referred to Committee for decision because it is a major planning application.

Description

- The proposal is for 108 dwelling units, 31 of which are apartments for the elderly and 77 of which are dwellings in a mix of 2 and 3 bedrooms. The dwellings are for a mixture of affordable rent (essentially intermediate as opposed to social rent) and shared ownership.
- The layout is in the form of semi-detached properties and short terraces situated around a new loop road.
- Access to the proposed development would be taken from an existing junction and turning head arrangement on Marsh House Lane that had previously been formed to provide access to the adjacent Maynes Coaches Depot.
- The apartments for the elderly are proposed to be contained in a four storey block located on the Marsh House Land frontage. Access to the block will be from the rear off the new estate road.

Location

- The site is located approximately 0.5 miles northeast of Warrington Town Centre, within the inner urban area.
- It is on the south side of Marsh House Lane and is bounded by existing residential development to the west, a railway line to the south and Maynes Coaches Depot to the east. There is a Territorial Army Barracks enclosed by a 2.4 metre high wall on the opposite side of Marsh House Lane.
- The site comprises a rough piece of previously cleared and remediated land that is generally flat but has a gentle gradient running from south to north. There are no trees within the site, although there is some recent scrub growth.
- The residential development to the west (Carrington Park) has been recently completed and comprises 4 storey apartment blocks fronting on to Marsh House Lane and along the western boundary with the application site. The southern most section of the western boundary contains tow and three storey properties. The boundary is delineated with a fence of between 2 and 2.4 metres in height.
- The railway line to the south is elevated on an embankment that rises approximately 4 metres above the site level. There are a number of trees on the embankment.
- The Maynes Coach Depot along the southeastern boundary is set a slightly elevated level from the application site.
- The site is approximately 1.75 hectares (4.3 acres) in size.
Relevant History

- 2005/06963 – Proposed mixed use development comprising 569 dwellings and employment development – Approved 30th March 2006.
- 2009/14338 - Proposed construction of one retail unit (278 sqm) – Approved 12th May 2009.
- 2011/19054 – Outline application for proposed mixed residential scheme consisting of 62 Class C3 residential units and a 40 bed Class C2 residential institution – Withdrawn 16th October 2012.

Main Issues and Constraints

- Principle of Housing
- Residential Amenity
- Design Principles
- Highways
- Flooding
- Environmental Impacts
- Infrastructure

Key policy/guidance checklist

National Planning Policy Framework (NPPF)

Unitary Development Plan (UDP)

- Policy SOC1 Social Progress
- Policy DCS1 Development Control Strategy
- Policy DCS2 Planning Obligations
- Policy DCS7 Provision and Enhancing of Landscaping in New Development
- Policy LUT1 Land Use / Transportation Strategy
- Policy LUT2 Transport Priorities in Development Control
- Policy LUT5 Cycling
- Policy LUT12 Transport Impact Assessments
- Policy LUT20 Parking
- Policy HOU1 Housing Land
- Policy HOU2 Housing Development – Restrictions
- Policy HOU3 Housing Development – Development Control
- Policy HOU4 Open Space
- Policy HOU6 Housing Density & Mix
- Policy HOU13 Privacy and Daylight
- Policy HOU15 Affordable Housing
- Policy EMP5 Existing Employment Sites in Inner Warrington
- Policy REP1 Prudent Use of Resources
- Policy REP4 Protection of the Floodplain
- Policy REP5 Surface Water Run-off and Sustainable Drainage Systems
- Policy REP8 Land Contamination
- Policy REP9 Air Quality
- Policy REP10 Noise

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

### Appraisal

<table>
<thead>
<tr>
<th>UDP HOU1</th>
<th>PRINCIPLE OF HOUSING</th>
<th>The application site is within the defined town of Warrington and within this an area defined as Inner Warrington. These designations are common to both the Unitary Development Plan (UDP) and Local Plan Core Strategy (LPCS).</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOU2</td>
<td>Housing Land</td>
<td>The site constitutes a residual element of the former Carrington Wire site, the majority of which has since been successfully redeveloped for housing. The basis for approving the original planning application across the wider Carrington Wire site was that, owing to the retention of a degree of land for employment generating purposes (the land now subject to this application), it constituted a mixed-use development.</td>
</tr>
<tr>
<td>HOU15</td>
<td>Affordable Housing</td>
<td></td>
</tr>
<tr>
<td>EMP5</td>
<td>Existing Employment Sites in Inner Warrington</td>
<td>The justification for this approach was UDP Policy EMP5, an underlying objective of which was to retain, where possible, job opportunities within areas well served by public transport and within walking and cycling distance of residential areas with high levels of economic deprivation. This policy extended protection to all existing unallocated employment areas within Inner Warrington and was considered necessary to</td>
</tr>
<tr>
<td>LPCS CS1</td>
<td>Overall Spatial Strategy – Delivering Sustainable Development</td>
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<td>CS8</td>
<td>Strategic Locations – Inner Warrington</td>
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<td>SN1</td>
<td>Distribution and Nature of New Housing</td>
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<td>SN2</td>
<td>Securing Mixed &amp; Inclusive Neighbourhoods</td>
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secure a balance between central and accessible job opportunities versus largely car dependent significant job opportunities in peripheral locations (a legacy of Warrington as a New Town).

The LPCS looks to continue this particular element of the EMP5 approach through Policy CS8, which provides a strategic context for development within Inner Warrington. Policy CS8 requires development within the Inner Warrington area, amongst other things, to “ensure accessible employment and training opportunities for the local population are maintained and improved”.

A continuation of this approach stems from recognition that there remains a need to retain job opportunities in this central location in close proximity to and easily accessible from areas with high levels of economic deprivation.

Given the historical context of the application site and that it constitutes one of only a few such sites within Inner Warrington, the loss of the site must evidently be justified if such a loss is to be deemed acceptable within the context of the Development Plan.

It is acknowledged that Policy CS8 must operate within the context provided by the NPPF and specifically paragraph 22 which requires planning policies to “avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose”.

Paragraph 22 further states that “Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”.

The justification put forward in previous proposals on this land, to support the loss of this site for employment purposes, have not been accepted as adequate. However, the current proposal is supported by the most
comprehensive analysis to date of the attractiveness of the site from a commercial perspective. It’s conclusion that there no reasonable prospect of the site coming forward as originally ensilaged is accepted. Whilst this is unfortunate the reality is that there is no longer any legitimate reason to prevent, in principle at least, the site being redeveloped for an alternative non employment generating use. As such the proposal can not be considered contrary to Development Plan Policy CS8.

Policy SN1 of the Council’s emerging LPCS, which guides the nature and distribution of new housing within the Borough, specifies that “The majority of new homes delivered within the borough will be focussed on previously developed land within Inner Warrington inclusive of the Town Centre, where development will be welcomed as a catalyst to secure physical, environmental, social and economic regeneration in accordance with Core Strategy Policy CS8”.

LPCS Policy CS8 prescribes, through a criterion based approach, objectives which development proposals within Inner Warrington are expected to aid the delivery of. The proposal conforms with those objectives which relate to the delivery of housing and the redevelopment of underused and derelict land. As such it is considered that the proposals align with the Council’s spatial approach to housing land release.

Whilst assessment against the emerging LPCS is deemed most appropriate, it may also be beneficial to note that the proposal is also deemed to comply with UDP policies which govern housing land release. This owes to the proposed development clearly fulfilling two of the criterion specified in UDP Policy HOU2, in that if approved the proposal would contribute to:

- the regeneration of inner urban areas in need of investment and improvement; and
- the available supply of affordable or social housing in relation to identified needs.
In respect of affordable housing requirements, both the UDP (Policy DCS15) and LPCS (Policy SN2) require 20% of the total number of residential units proposed on schemes of 15 units or more on sites within Inner Warrington to be provided as affordable. It is noted that the submission proposes a level of provision (100%) considerably in excess of this requirement, driven by Registered Provider activity utilising funding secured through the Affordable Homes Programme. There are no objections to this level of provision which evidently complies with policy requirements.

With regards to the tenure mix of the affordable housing proposed. A mix of affordable rent (essentially intermediate as opposed to social rent) and shared ownership is proposed and is considered acceptable in principle.

The applicant proposes to secure the specified level of affordable provision by way of a condition an example of which they set out in paragraph 10.29 of the applicant’s Planning Statement. Securing the provision in this manner is deemed necessary and there are no objections to the imposition of the condition put forward to secure this objective.

The applicant has submitted a financial appraisal in support of their proposal. This demonstrates that the normal margins and particularly reasonable returns expected are well below what can be described as normally accepted levels. It is accepted that the viability margins of the proposals are very tight, a consequence of which is that the scheme can genuinely not sustain any infrastructure payments. It must also be noted that the Registered Provider in question is one of the Council’s approved partners, and having acted to secure public subsidy the Council can be assured that the scheme economics will have already been subjected to extensive scrutiny in the bidding and subsequent award of funding process (by the Homes and Communities Agency).
The principle of development is acceptable and adequate provision is made for affordable housing – to be secured via a condition.

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<tr>
<th>UDP DCS1</th>
<th>RESIDENTIAL AMENITY</th>
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<td>Development Control Strategy</td>
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<td>HOU3</td>
<td>Housing Development – Development Control</td>
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<td>HOU13</td>
<td>Privacy and Daylight</td>
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<tr>
<td>LPCS QE6</td>
<td>Environment and Amenity Protection</td>
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There have not been any objections from neighbouring properties in respect of perceived impact upon outlook, daylight or privacy.

Policy HOU13 of the UDP states that when considering proposals for housing development the Council will assess privacy and daylighting standards by reference to the following recommended distances:

For conventional house types up to two storeys in height:
- a minimum distance of 21 metres between main face elevations containing windows of living rooms; and
- a minimum distance of 13 metres between main face elevations containing windows of living rooms, and windows of living rooms and a gable or windowless elevation.

These distances may need to be increased where:
- there are significant differences in site levels; or
- residential properties of three storeys or more adjoin conventional house types.

Application of these standards to the current proposal demonstrates compliance with the 21m requirement. All the proposed dwellings retain adequate separation distances to existing dwellings in excess of the minimum requirements set out within policy HOU13. Drg no. SK318-PL-01 demonstrates that the separation distance to the nearest properties to the west (Monks Place - Carrington Park) would be 21 metres (window to window), whilst to the existing properties at the end of Rylands Drive that adjoin the southwest boundary of the site it would be 12.5 metres (gable to main elevation). Although, this represents a slight breach of the gable to main elevation privacy distance standard this not considered to be significant.
particularly when the application site is set a marginally lower level.

The proposal would not have a materially harmful impact upon the living conditions of existing residential properties.

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<th>UDP</th>
<th>DCS1</th>
<th>DESIGN PRINCIPLES</th>
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<td>Development Control Strategy</td>
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<td>DCS7</td>
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<td>Provision and Enhancing of Landscaping in New Development</td>
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<td>HOU4</td>
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<td>REP1</td>
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<td>SOC1</td>
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<td>CS1</td>
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<td>Decentralised Energy Networks and Low Carbon Development</td>
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<td>QE1</td>
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<td>Ensuring a High Quality Place</td>
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The application is accompanied by a Design and Access Statement (DAS) dated November 2012, which contains a Building for Life (BfL) assessment that gives the development a score of 14. Whilst, I have not undertaken a comprehensive assessment myself this seems to be a fair reflection of the standard of the development.

The Character
The BfL Assessment indicates that all of the house types and the apartment block are bespoke to the development and have been designed specifically to support the design principles of the scheme. Whilst, the designs are fairly simple it is considered that they are reflective of elements of both the modern and traditional local vernacular. The houses provide a sufficient degree of variety and interest and are of a satisfactory appearance. The only real drawback is the predominance of frontage car parking. Although this has to be balanced with achieving off-street parking in such a high density scheme.

Location
The site is located less than 1 mile from Warrington Town centre. It is on a main bus route and there are bus stops within 100 metres of the site entrance. There are local shops and services on Marsh House Lane/Orford Lane within 10 minutes walk. Therefore it is considered that the site is in a sustainable location.

Housing Mix & Density
The scheme is high density (62 Dwellings per hectare) with a limited mix of dwelling types consisting of 13 pairs of semi-detached, 14 short terraces of 3 or 4 properties and an apartment block containing 31 units. This is considered to be appropriate having regard to the central location of the site and the existing
property types in the area.

Construction
The BfL assessment states that construction specification would go beyond requirements of the current building regulations with all properties constructed to Code for Sustainable Homes (CfSH) level 3 and all internal layouts conform to the Lifetime Homes Standard. Whilst the energy efficiency element of Level 3 of the CfSH will not be higher than the current Building Regulations compliance with the code will achieve a more sustainable design overall with other elements of the design going beyond the statutory minimum.

Permeability
There is limited scope for increased the permeability of the site due to the nature of the surrounding uses. However, no opportunity has been taken to provide connections through to the adjoining Carrington Park development.

Public Open Space
The scheme does not propose to provide any public open space. It is argued that a significant contribution (£717,000) has already been made towards the provision of a new play area, POS and sports facilities as part of the adjoining Carrington Park development and that this should be sufficient to address any shortfall in terms of quantitative or qualitative provision in the area.

Landscaping
The landscaping proposals have been amended from those submitted originally. The revised details, shown on Drg no. DFD/MSH/L1 Rev D, are considered to be acceptable and will enhance the appearance of the development providing species that are suitable to the local environmental conditions and some features to encourage biodiversity.

Renewables
It is proposed to construct the dwellings for CfSH Level 3, proving high performance condensing gas boilers with energy efficient controls, energy efficient lighting and solar PV panels to each dwelling unit.
The proposal demonstrates satisfactory design principles – conditions recommended as necessary to ensure that principles implemented appropriately.

| UDP LUT1 | HIGHWAYS | The proposed scheme would not generate a significant increase in traffic levels or have any material impact upon the highway network over and above the employment use that already has consent. The mitigation of the traffic impact expected from the entire former Carrington Wire site has already been dealt with via a significant S106 contribution pursuant to the outline application (2005/06963). |
| LUT2 | | It is proposed to provide access to the site off the existing junction that serves Mayne’s Coach Depot. The access arrangements are considered acceptable subject to implementation of a No Waiting at Any Time (Double Yellow Line) Traffic Regulation Order in the vicinity of the site’s junction with Marsh House Lane. |
| LUT20 | Parking | The level of parking and cycle provision proposed is in accordance with the Council’s standards and is considered to be acceptable. |
| LPCS QE6 | Environment and Amenity Protection | The proposal would not have a materially harmful impact upon the highway network. Conditions are recommended to ensure the provision of adequate car and cycle spaces and the implementation of parking restrictions. |
| MP3 MP7 | Active Travel | | Transport Assessments and Travel Plans |

| UDP REP4 | FLOODING | Policy QE4 of the emerging LPCS indicates that only development proposals where the risk of flooding has been fully assessed and justified by an appropriate Flood Risk Assessment (FRA) will be supported. A site specific FRA is required for all development on sites of 1 hectare or more in Flood Zone 1 and all proposals in Flood Zones 2 and 3 and Critical Drainage Areas. |
| REP5 | Flood Protection | A site specific FRA has been submitted with the application. This demonstrates that Environment Agency (EA) flood maps show that the site is located in Flood Zone 1 and is |
| LPCS QE4 | Surface Water Run Off | | Flood Risk |
therefore at a low risk of annual probability of flooding (i.e. Less than 1 in 1000 years). Therefore, the Sequential and Exception Test are not considered to be necessary.

The Environment Agency have confirmed that the assessment is acceptable subject to appropriate conditions requiring the mitigation measures outlined in the FRA to be implemented in full and the submission of a surface water regulation scheme and a plan to identify acceptable overland flood flow routing across the development site.

**Conditions recommended ensuring the necessary mitigation measures are undertaken.**

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<th>UDP REP8</th>
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<th>LPCS CS1</th>
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<td><strong>ENVIRONMENT IMPACTS</strong></td>
<td><strong>Land Contamination</strong></td>
<td><strong>Air Quality</strong></td>
<td><strong>Noise</strong></td>
<td><strong>Overall Spatial Strategy – Delivering Sustainable Development</strong></td>
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<td><strong>Environment and Amenity Protection</strong></td>
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The site has already been subject to ground investigations undertaken as part of the wider Carrington Park development. The investigations identified that the level of ground contaminants present on site would not constrain residential development but that localised remedial measures are likely to be required. It is recommended that this can be dealt with be condition.

It is recommended that an air quality assessment should be undertaken to assess the affect of the development on local air quality and to determine the impact of existing, and projected, air quality levels on the intended use, prior to the commencement of the development. A condition is proposed to address this issue.

The acoustic report submitted by the applicant proposes the erection of acoustic fences to protect garden areas and ground floor windows of properties with a direct line of sight to Maynes Coach Depot. Along with Up-rated acoustic glazing and mechanical ventilation. The report also suggests alternative measures for those properties facing either the railway line or Marsh House Lane.

In addition, sealed (non-opening) windows are recommended for those bedroom windows with a line of sight to the Mayne’s Coaches yard (plots 3 to 23) and the bedroom windows of the
properties that front onto the new access road (plots 24 to 28).

The owners of the adjoining site (Mayne’s Coaches) have objected to the proposed development because of concerns regarding the impact on the continued use and expansion of the coach depot on the adjoining land. However, the Council’s Environment and Public Protection Service is satisfied that the proposed acoustic mitigation measures would be sufficient to protect the amenities of the occupiers of the proposed dwellings that back onto the existing coach depot.

*Conditions recommended ensuring the necessary remediation undertaken and the provision of acoustic mitigation to dwellings.*

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<th>UDP DCS1</th>
<th>INFRA-STRUCTURE Planning Obligations Engineering Services</th>
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<td>DCS3</td>
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<td>LPCS CS1</td>
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<td>MP10</td>
<td>INFRA-STRUCTURE Planning Obligations Engineering Services</td>
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**Education**

Children & Young People’s Services have confirmed that a contribution of £183,855 towards the provision of education places would be required based on the number of family dwellings proposed.

**Water**

Both the Environment Agency and United Utilities have not raised any objections to the proposals in respect of water/sewerage provision provided that the drainage proposed in the submitted Flood Risk Assessment (FRA) is implemented in full.

The applicant has submitted a financial appraisal in support of their proposal. This demonstrates that the normal margins and particularly reasonable returns expected are already well below what can be described as normally accepted levels. As such, it is considered that the scheme could not genuinely sustain any infrastructure payments. It should also be noted that the Registered Provider in question is one of the Council’s approved partners, and having acted to secure public subsidy the Council can be assured that the scheme economics will have already been subjected to extensive scrutiny in the bidding and subsequent award of funding process (by the Homes and Communities Agency).
Contributions from previous phases of Carrington Park:
- £50,000 towards community facilities
- £287,000 towards health facilities
- £700,000 towards transport improvements
- £121,000 towards a new play area and improved landscaping
- £596,000 towards POS and sports facilities
- On site provision of affordable housing

In light of the above a key decision is ultimately whether approving the scheme in the absence of any requested infrastructure contribution outweighs not approving the scheme at all. In making such a decision the risk that the allocated funding and hence opportunity (to deliver 108 affordable homes) could be lost to the Borough must legitimately be borne in mind.

It is accepted that the development could not genuinely sustain any infrastructure payments and that in any event adequate infrastructure is in place to accommodate development due to the contributes made for the previous phases of the Carrington Park Development.

**Consultation Responses**

**Planning Policy:**
No objections
The proposal is considered to be compliant with NPPF and emerging development plan. It aligns with the Council’s spatial approach to housing land release; conforms with the Development Plan’s affordable housing requirements, would not result in the unacceptable loss of green/open space and passes the sequential test with regards to flood risk. The proposals have been subject to a financial appraisal and it is accepted that the proposal would not be viable if it were subject to any infrastructure payments – Full comments are attached as part of the appendix.

**Environment Agency:**
No objections
The Environment Agency has no objection in principle to the proposed development provided that the measure(s) detailed in the Flood Risk Assessment submitted with the application are implemented and secured by
way of a planning condition. Additional conditions are also recommended to ensure the submission of a plan to identify acceptable overland flood flow routing across the development, the submission of a surface water regulation scheme and a scheme that deals with the risks associated with contamination of the site are submitted and agreed – Full comments are attached as part of the appendix.

Environmental Health:
No objections
No objections in principle to the proposed development. Conditions and/or informatives recommended relating to land contamination, air quality and the implement acoustic mitigation measures to the rear first floor habitable room windows of all the properties that back onto Mayne’s Coach Depot.

Highways:
No objections
The proposed site plan (Drg no.SK318-PL-01) is considered to be acceptable in terms of its design, layout and proposed car and cycle parking provision. Conditions are recommended to ensure the provision and retention of the proposed car and cycle parking facilities and the implementation of parking restrictions within the vicinity of the site and 20 mph speed restrictions within the site – Full comments are attached as part of the appendix.

United Utilities:
No objections
The development drainage scheme should be implemented in full accordance with the submitted Flood Risk Assessment (FRA) – Full comments are attached as part of the appendix.

Arboricultural Officer:
No objections
No trees of arboricultural value within the site. The amended landscaping proposals are acceptable and provide an appropriate species mix. It is recommended that the revised scheme is secured by way of a planning condition.

Natural Environment Officer:
No objections
No protected species have been found on the site and the development will have no impact on any designated sites. However, the BREEAM assessment recommends the provision of a number of features as part of the developments contribution to biodiversity. It is recommended that these features are secured by way of planning conditions.

Education:
No objections
A contribution of £183,855 towards the provision of education places would be required based on the number of family dwellings proposed. This funding would go towards creating places within the already full schools in the Fairfield & Howley and Orford wards.
Responses to Notification

Councillors:
None

Comment: None

Neighbours:
Letters of objection received from 1 person:

1. The coach company on the adjoining site moved to the site on condition of it not being next to any residential development.
2. The number of units proposed has increased to 108 from the 102 that were proposed in the previous application (2011/19054) that was withdrawn. This will only serve to increases the potential for noise nuisance complaints against the coach company.
3. The coach company operate 24 hours a day, 364 days a year.
4. The Noise Assessment undertaken by the applicant is flawed because it only took place over a single day.
5. No EIA has been submitted and no screening opinion was sought from the Council.
6. The criteria in Policy EMP5, which indentifies the circumstances under which the loss of employment land would be allowed has not been met.
7. The coach company provides much needed employment in Warrington.
8. The use of the land for SME’s would still be the most appropriate use.
9. The need for affordable housing should not outweigh the various other policies that are specifically against the development.
10. The proposed use of the site for residential purposes will impact on the continued use and expansion of the coach depot on the adjoining land.
11. Concern about the time allowed for consultation response.

Comment: See policy appraisal above in respect of the environmental impacts of the development. In respect the comments about the lack of an Environmental Impact Assessment (EIA) or screening opinion, the local authority has undertaken a screening opinion pursuant to Part 3, Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Whilst, the project falls within a description of development listed under Part 10(b) of Schedule 2, of the EIA Regulations 2011 and exceeds the indicative threshold of 0.5 Ha in column 2, the need for EIA is not considered to be triggered when the description of the proposal and the site are assessed against the selection criteria set out in Schedule 3 of those Regulations – having regard to the likely significance of environmental effects (with particular regard to its characteristics, the location of the site, and the characteristics of the potential impact).
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 subsequently acceptable and there are no justifiable grounds to withhold consent having regard to the emerging policies relating to housing restraint and retention of employment land. Particularly, when balanced against the proposal to provide 100% affordable housing. Adequate separation is retained to existing properties and there would be no material harm to outlook or privacy. The Layout and design of the dwelling units is acceptable and reflects the local vernacular. The proposed scheme would not generate a significant increase in traffic levels of have any material impact upon the highway network over and above the employment use that already has consent. The level of parking and cycle provision proposed is in accordance with the Council’s standards and is considered to be acceptable. The landscaping proposals are acceptable and will enhance the appearance of the development providing some features to encourage biodiversity. The FRA demonstrates that the site is at a low risk of flooding and surface water discharge rates, attenuation measures, overland flood flow routing, finished floor levels and land remediation can be satisfactorily addressed by way of appropriate conditions. The proposed acoustic mitigation measures are sufficient to protect the amenities of the occupiers of the proposed dwellings from the impacts of the surrounding transport networks and the existing coach depot. Provision can be made for bats, birds and hedgehogs. It is accepted that the development could not genuinely sustain any infrastructure payments (taking into account the viability information submitted with the application) and that in any event the majority of infrastructure is in place to accommodate development due to the contributions made for the previous phases of the Carrington Park Development. The proposals are therefore considered to be in accordance with the National Planning Policy Framework and the relevant provisions of Policies SOC1, DCS1, DCS2, DCS7, LUT1, LUT2, LUT5, LUT12, LUT20, HOU1, HOU2, HOU3, HOU4, HOU6, HOU13, HOU15, EMP5, REP1, REP4, REP5, REP8, REP9 and REP10 of the adopted Warrington Unitary Development Plan and Policies CS1, CS8, SN1, SN2, QE1, QE4, QE6, QE7, MP3, MP7 and MP10 of the emerging Local Plan Core Strategy.
Appendix – Consultees Full Comments

Planning Policy
Please find below comments from a planning policy perspective which relate to the above application. Comments have been structured around what are considered to be the key issues from a planning policy perspective. These include:

- clarifying the Development Plan against which the proposal is to be assessed;
- whether the loss of an employment location within Inner Warrington has been appropriately justified; and
- whether from a housing land supply perspective the proposal fits with the Council’s strategy and includes a satisfactory level and approach to the delivery of affordable housing provision.

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 (Unitary Development Plan) policies within Warrington because Warrington’s policies 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 importantly identifies at paragraph 216 with regards to emerging 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. There have been no significant
objections to the policy approaches (relevant to this application) within the plan in previous periods 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.

In conclusion the NPPF and policies of relevance within the emerging Local Plan Core Strategy are considered to constitute the most appropriate framework against which this proposal should be assessed.

Loss of Employment Opportunity:
The site constitutes a residual element of the former Carrington Wire site, the majority of which has since been successfully redeveloped for housing. The basis for approving the original planning application across the wider Carrington Wire site was that, owing to the retention of a degree of land for employment generating purposes (the land now subject to this application), it constituted a mixed-use development.

The justification for this approach was UDP Policy EMP5, an underlying objective of which was to retain, where possible, job opportunities within areas well served by public transport and within walking and cycling distance of residential areas with high levels of economic deprivation. This policy extended protection to all existing unallocated employment areas within Inner Warrington and was considered necessary to secure a balance between central and accessible job opportunities versus largely car dependent significant job opportunities in peripheral locations (a legacy of Warrington as a New Town).

The Local Plan Core Strategy looks to continue this particular element of the EMP5 approach through Policy CS8, which provides a strategic context for development within Inner Warrington. Policy CS8 requires development within the Inner Warrington area, amongst other things, to

"ensure accessible employment and training opportunities for the local population are maintained and improved"

A continuation of this approach stems from recognition that there remains a need to retain job opportunities in this central location in close proximity to and easily accessible from areas with high levels of economic deprivation.

Given the historical context of the application site and that it constitutes one of only a few such sites within Inner Warrington, the loss of the site must evidently be justified if such a loss is to be deemed acceptable within the context of the Development Plan.

It is acknowledged that Policy CS8 must operate within the context provided by the NPPF and specifically paragraph 22 which requires planning policies to

“avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose”.

82
Paragraph 22 further states *that*:

“Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”.

It is a matter of public record that the justification put forward in previous proposals on this land, to support the loss of this site from an employment opportunity perspective, has not been accepted as adequate. The current proposal is, however, supported by the most comprehensive analysis to date of the attractiveness of the site from a commercial perspective. Having considered this analysis I have no reason to contest its conclusions and as such must concede that there is at best only a very limited prospect of the site coming forward as originally envisaged – which in my opinion does not amount to a reasonable prospect. Whilst this is unfortunate the reality is that there is no longer any legitimate reason to prevent, in principle at least, the site being redeveloped for an alternative non employment generating use. As such the proposal can not be considered contrary to Development Plan Policy CS8.

**Housing Land Supply:**
Policy SN1 of the Council’s emerging Local Plan Core Strategy sets out the Council’s approach to managing the distribution and nature of new housing. This approach is inherently more pro-growth and therefore less restrictive than the existing UDP approach in order to ensure compliance with the NPPF but also to respond to evidenced local circumstances.

The application site is within Inner Warrington as defined by Policy CS8 of the emerging Local Plan Core Strategy. Policy SN1 identifies that the delivery of new homes on previously developed land within this area will be welcomed where it “acts as a catalyst to secure physical, environment, social and economic regeneration in accordance with Core Strategy Policy CS8”.

Core Strategy Policy CS8 identifies that development in the area should look, amongst other things, to:

- secure the maximum physical and environmental benefits from the re-use and redevelopment of underused, vacant and derelict land; and
- contribute to the delivery of new homes to help achieve the 60% target set out in Policy CS1, whilst ensuring that a mix of housing in terms of type, size and tenure is delivered to help meet identified needs and ensure that an attractive and balanced housing offer is available.

I am satisfied that the delivery of new homes at this site could contribute to a number of the objectives specified in Policy CS8 and as such would consequently comply with the provisions of Policy SN1. *As such the principle of the proposal from a housing land perspective is considered acceptable.*
Policy SN2 of the Council’s emerging Local Plan Core Strategy identifies that the Council will require schemes of 15 or more dwellings which are located within Inner Warrington to make 20% of the total number of units available as ‘affordable’ provision – a requirement which would apply to this proposal for 108 units. The proposal is however for a 100% affordable housing scheme, which providing a mixture of tenures across the site are secured there is no objection to.

The applicants identify in their planning statement that the tenure would be a mixture of affordable rent (essentially intermediate as opposed to social rent) and shared ownership. Also, of relevance is that an element of the proposal is proposed to be specifically for the elderly, which is welcomed and which could entail significant benefits in this locality by potentially freeing up larger properties (for which there is a priority need) currently under-occupied by elderly residents.

The applicant has a track record of working with Registered Providers in the Borough to enable affordable housing delivery of the nature proposed. The Registered Provider, Your Housing, also has a track record of delivery and is one of a small number of the Council’s approved Registered Provider partners. The legitimacy of the scheme is genuine as too is the fact that funding is in place to enable delivery, providing the site can be developed within the constraints (namely timescales) of that funding arrangement.

Given the legitimacy of the proposal I concur that the affordable housing can be secured by the imposition of a model condition, with no objection to that suggested at paragraph 10.29 of the applicant’s planning statement. Such an approach will also enable a true mixture of tenures to be negotiated and agreed which is considered important given the scale of proposal and hence need to avoid a mono-tenure estate.

With regards to the reasoning to support such a condition I would request that this, as opposed to that suggested in para. 10.30 of the applicant’s planning statement, instead reads:

To secure the provision of Affordable Housing, in accordance with the application submission, to contribute to meeting housing needs as identified in the Council’s Strategic Housing Market Assessment (2011) and Policy L5 of the Regional Spatial Strategy for the NW of England (2008), Policy HOU15 of the Council’s adopted UDP and associated Affordable Housing Supplementary Planning Document, as well as emerging Local Plan Core Strategy Policy SN2.

Subject to the imposition of the suggested planning condition there are no objections to the proposal from an affordable housing perspective.

Finally from a housing perspective, the proposal should be commended given its commitment to building the proposed homes to the nationally recognised Lifetime Homes standard. Such an approach ensures support from Local Plan Core Strategy Policy SN7 which seeks to improve health and wellbeing.
by a range of measures which includes securing dwelling types which are
designed to enable a greater degree of self independent living – which the
Lifetime Homes standard would deliver.

Viability:
It is generally accepted that the nature of affordable housing delivery is such
that profit margins and hence scope to cover abnormal and wider
infrastructure costs is limited. This is perhaps best reflected by the fact that
grant funded schemes are exactly that i.e. only viable by virtue of the fact that
grant (public subsidy) is bridging an already identified and accepted funding
gap.

The Community Infrastructure Levy which was introduced on the 6th April
2010, and as subsequently amended in 2011 and 2012, provides a very clear
steer identifying that social housing (which the regulations specify includes
intermediate/affordable rent and shared ownership tenures) should be exempt
from any CIL contributions. This exemption is most likely intended to reflect
the already marginal baseline viability of such proposals before infrastructure
contributions are even considered, alongside an acceptance of the need to
stimulate as opposed to dissuading much needed affordable housing delivery.

Warrington do not yet have a CIL charging schedule in place and as such
continue to operate a tariff based approach through a traditional planning
obligation mechanism. Restrictions which are to be introduced in 2014 will
however limit this approach and in reality force most Council’s down the CIL
route. CIL must therefore logically be regarded as a clear direction of travel.

The applicant has submitted a financial appraisal in support of their proposal.
This demonstrates that the normal margins and particularly reasonable
returns expected are already well below what can be described as normally
accepted levels. As such I concur with the applicant that the viability margins
of their proposal are very tight, a consequence of which is that the scheme
can genuinely not sustain any infrastructure payments. In the timescales
available I have not had an opportunity to arrange an in depth analysis of the
scheme economics as might otherwise routinely be conducted. Nevertheless I
have no reason to doubt any of the information presented. It must also be
noted that the Registered Provider in question is one of the Council’s
approved partners, and having acted to secure public subsidy we can be
assured that the scheme economics will have already been subjected to
extensive scrutiny in the bidding and subsequent award of funding process
(by the Homes and Communities Agency). It must also be acknowledged that
the developer in question also has a track record of delivery of similar
proposals within the Borough and will have themselves been subject to
detailed scrutiny by our approved partner Registered Provider.

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.
Having done this the proposal is considered, in principle at least, to conform
to Development Plan policies of relevance and as such there are no
objections from a planning policy perspective.

In light of the above a key decision is ultimately whether approving the
scheme in the absence of any requested infrastructure contribution outweighs
not approving the scheme at all. In making such a decision the risk that the
allocated funding and hence opportunity (to deliver 108 affordable homes)
could be lost to the Borough must legitimately be borne in mind.

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

The proposed development will only meet the requirements of the National
Planning Policy Framework if the following measure(s) as detailed in the
Flood Risk Assessment submitted with this application are implemented and
secured by way of a planning condition on any planning permission.
Therefore we request that the following planning condition is included on any
approval.

**Condition**
The development permitted by this planning permission shall only be carried
out in accordance with the approved Flood Risk Assessment (FRA) dated
November 2012, ref: w1301-121129-FRA by Waterco Ltd and the following
mitigation measures detailed within the FRA:

1. Restriction of surface water discharge from the development to a
   maximum rate of 33 l/s.
2. Provision of surface water storage attenuation. (Estimated to be in the
   region of 210-328 cubic metres below ground storage for the 30-year
   plus 30% rainfall event, with additional means of above ground storage
   necessary to store flows up to the 100-year rainfall event).
3. Construction of finished floor levels of all buildings to be set a minimum
   of 150mm above surrounding ground levels.
4. Identification and suitable mitigation for an appropriate overland flood
   flow route in the event of drainage design exceedence.

The mitigation measures shall be fully implemented prior to occupation and
subsequently in accordance with the timing / phasing arrangements
embodied within the scheme, or within any other period as may subsequently
be agreed, in writing, by the local planning authority.

To ensure that the surface water drainage design accords with the
requirements of the approved FRA we would ask that the following conditions
are also attached.

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

The scheme shall include the following information:

- completed copy of the hydraulic calculations used to design the surface water drainage system.
- all relevant plans and details of the drainage design.
- a summary document to link the strategy used in the drainage design to the previously approved Flood Risk Assessment (to clarify run-off rates, storage volumes, etc).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Condition**
The development hereby permitted shall not be commenced until such time as a plan to identify acceptable overland flood flow routing across the development has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

We are not aware of any information that has been presented to detail land contamination issues for this site and the proposed development.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Therefore we request that the following planning condition is included on any approval. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.
Condition
No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Environmental Health
I have considered the application and have no objection subject to the following conditions and/or informatives being applied should consent be given.

Identification of Acoustic Protection Measures to be implemented on site
The applicant shall submit a report detailing the specification of acoustic mitigation measures to be incorporated into the dwellings – following recommendations outlined within the submitted acoustic report - ‘Countryside Properties (UK) Limited, Marsh House Lane, Warrington, Noise Assessment, November 2012’ Job No LE11860, Report No 02 – Wardell Armstrong.
Submitted details should include, where necessary on a plot by plot basis, the acoustic fence specification and extent, glazing specifications and ventilation specifications. Once agreed in writing by the LPA, the applicant shall implement all agreed measures prior to the occupation of the dwellings.
Discharge of conditions may be on a plot by plot basis or by agreed clusters of plots. Once installed, all acoustic mitigation measures shall be maintained and retained thereafter.
Reason: To protect residential occupiers from impacts of noise from the surrounding transport networks and adjacent businesses.

Sealed Windows
Bedroom windows with a direct line of sight to the Mayne Coaches site shall be non-opening acoustically glazed windows. This requirement applies to the following plots only: 3 to 23 inclusive, plots 24 to 28 applies to bedrooms that front onto the new access road.

Reason: to protect residential amenity and to protect business interests of Mayne coaches arising from overnight activities on their adjacent site.

Contaminated Land - Completion
Unless otherwise agreed with the Local Planning Authority (LPA), occupancy or use of the development shall not be permitted until the following conditions have been satisfied and discharged by the LPA. All requirements to be completed in accordance with the following guidance references: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

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

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

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

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion. In accordance with: Policy REP8 of the adopted Local Plan (23 January 2006); Policy QE6 of the Submitted Local Plan Core Strategy (September 2012); and Paragraph 121 of the National Planning Policy Framework (March 2012).
Disclaimer: Irrespective of any involvement by this LPA, the responsibility to address land quality issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site.

Air Quality Condition
An air quality assessment shall be undertaken to assess the affect of the development on local air quality and to determine the impact of existing, and projected, air quality levels on the intended use, prior to the commencement of the development. The assessment shall be undertaken in accordance with technical guidance note LAQM.TG (09) to enable the significance of the development to be assessed against the National Air Quality Standards and Objectives prescribed by the Air Quality (England) Regulations 2000. The suitability of any dispersion model used shall be agreed with the LPA and the results of the assessment shall be validated against an agreed monitoring location. It is strongly recommended that the applicant agrees the nature and scope of the assessment with the LPA.

Reason: To protect people’s health and the environment from adverse effects of air pollution in the interests of residential amenity.

Working Hours For Construction Sites - Informative:
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.

Highways
The application proposes the construction of 108 affordable dwellings comprising 31 apartments for the elderly and 77 dwellings together with associated works.
Proposed site plan SK318-PL-01 has been reviewed with the Council's Highways Adoption Engineer and is considered to be acceptable in terms of its design, layout and proposed car and cycle parking provision.

In terms of access, it is noted that in order for the shared access arrangements between the site and the adjacent coach depot to remain unimpeded, it will be necessary to implement a No Waiting At Any Time (Double Yellow Line) Traffic Regulation Order in the vicinity of the site’s junction with Marsh House Lane. Additionally, to accord with the Council’s policy of ensuring all new residential layouts reflect 20mph design principles, the applicant will also be required to fund progression of a 20mph speed limit TRO within the site. The required TRO’s (which will cost in the region of £6,000 to implement) should be ensured via way of planning condition.

A short Transport Statement has been submitted in support of the proposals. This confirms that mitigation of the traffic impact expected from the entire former Carrington Wire site has already been dealt with via a significant (£700,000) S106 highways contribution, agreed and paid pursuant to planning application 2005/06963.

In view of the above, no highways objections are raised in respect of the proposals, subject to attachment of the following planning conditions:

“No development shall commence until a scheme / details have been submitted to and approved in writing by the Local Planning Authority to enable the Local Highway Authority to provide parking restrictions in the vicinity of the site access, and 20 mph speed restrictions within the site.”

“Prior to occupation of the development, the car and cycle parking spaces shown on proposed site plan SK318-PL-01 shall be made available and shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.”

**United Utilities**

This response is based on the details submitted on the planning application form.

United Utilities have no objection to the proposal provided that the following conditions are met:- The drainage design is implemented in full accordance with the FRA submitted.

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.

A water supply can be made available to the proposed development.

United Utilities can readily supply water for domestic purposes, but for larger quantities we will need further information.
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. 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.

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.

**Arboricultural Officer**
All tree substitutions have been carried out, although "Joseph rock" is not intermedia, the growth habit and form of the tree are suited to a confined area.

In all other tree related respects, requests have been complied with satisfactorily.

**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.

Submitted information
This application is accompanied by an Ecological Survey Report carried out by RSK Ltd, it was carried out 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.

Bats
There are no buildings on site or any trees with bat roost potential. The site does, however, hold feeding and commuting potential. This should be enhanced through the proposed development via suitable landscaping and the inclusion of bat roosting features within the proposed development. Its noted bat boxes are referenced in the BREAM assessment but they are not included on any of the proposals. If bat boxes are to be used they should be of the Schwegler (woodcrete) type but the applicant can also look at alternatives such as bat tiles and boxes that are integrated.

I would 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. Such proposals to be agreed by WBC. The proposals shall be permanently installed in accordance with approved details

Birds
The ecological survey was carried out during October. This is outside of the bird breeding season and therefore would not have identified which birds could be using the site. The site does hold potential for ground nesting birds which are known to be opportunistic and can easily move into large sites such as this which have short vegetation mixed with areas of bare ground. Should works (ground breaking, storage of materials clearance of vegetation etc) intend to commence between 1st March and 31st August a check for breeding birds on the site would be needed and a report submitted to us. The applicant should note if breeding birds are found no works which could disturb them could take place until after any young have fledged.
• No removal of vegetation shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the local planning authority.

_Nesting Birds Informative:_
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.

The BREAM assessment recommends bird boxes should be included as part of the developments contribution to biodiversity, I suggest the following condition is used:

• 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 including house sparrows and swifts. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

_**Insect boxes/Landscaping**_
The BREAM assessment recommends insect boxes although no details have been submitted to support the inclusion of these into the proposed scheme. I would suggest these are not included as they are of little value in an area where there is limited habitat for insects. A more appropriate alternative would be the inclusion in the landscaping plan of species of shrubs/plants that provide a food source for insects and where space is limited the use of natural climbing plants on unused walls or boundary fences (e.g. clematis, honeysuckle) would be welcomed. I’d recommend the landscaping is reviewed and species which are beneficial for insects are added to the scheme. A revised landscaping plan should be conditioned.

_Hedgehogs_
Hedgehogs are present in the area and a suffering dramatic decline. The site should not hinder the movement of hedgehogs and should enable access to gardens and feeding areas through the proposals. There is scope to accommodate hedgehog movement through the site by simply ensuring all fences/boundary treatments are set raised 10cm from the ground. This can be conditioned.
Application Number: 2012/21081

Location: FORMER GEORGE HOWARD SCRAPYARD AND 94 FOLLY LANE, FOLLY LANE, WARRINGTON, CHESHIRE, WA5 0NF

Ward: BEWSEY AND WHITECROSS

Development: Proposed 78 affordable homes of mixed tenure and demolition of adjacent dwelling (94 Folly Lane)

Applicant: Mulbury Homes Ltd

13 week expiry date: 20th March 2013

Recommendation: Approve subject to Conditions and no adverse implications arising from outstanding bat survey

Conditions:
- Development to commence within 3 years
- In accordance with approved plans
- Housing to be retained as affordable housing
- Tree protection on western boundary
- Landscaping scheme submitted and implemented
- Surface water drainage scheme
- Scheme to manage overland flow of surface water
- Materials to be submitted and agreed
- Parking spaces to be made available
- Noise mitigation measures to be implemented
- Finished floor levels to be agreed
- Land contamination characterisation - remediation scheme
- Land contamination verification - monitoring
- Scheme of traffic restrictions to be agreed
- Visibility splays to be provided
- A scheme of traffic counts, traffic modelling and revised signal timings at the junction to be agreed
- Cycle Parking to be Provided

Reason for Referral
- This application is referred to Committee for decision because it is a major planning application.
Description

- The site currently has planning permission for residential redevelopment to provide 152 one and two bedroom apartments in three storey blocks. This consent was granted in 2006 and subsequently renewed in 2011 and thus expires on the 2nd May 2014.
- The current application proposes a reduced number of units with a total of 78 dwellings, comprising 19 x two bedroom houses, 26 x five bedroom houses, 9 x one bedroom apartments and 24 x two bedroom apartments.
- The dwellings are intended for the social rented sector, and subsequently consist of 100% affordable housing provision.

Location

- The site consists of 1.31ha of land to the northern edge of Folly Lane.
- It is bounded by a railway line to the east, Hawthorn Industrial Estate to the north and to the west by housing which runs along Longshaw Street. There is also an industrial site on the opposite side of Folly Lane to the south.
- The site is currently vacant and was previously used as a waste disposal site. Previously it was used as a scrap yard by George Howard Ltd since 1914.

Relevant History

- Ref. 2003/01441 Proposed residential redevelopment to provide 152 one & two bedroom apartments in three storey blocks – Approved Subject to s106 - 6th March 2006 (expiry date 6th March 2011)
- Ref. 2007/11025 Proposed variation to planning application 2003/01441 for 152 one and 2 bedroom apartments changes consisting of the following: elevations to blocks 1 and 2, floor plans to blocks 1 and 2, footprint of block 2, central landscaping and parking areas - Approved 29th January 2008 (expired 29th January 2011). (Application related to changes to blocks 1 and 2, which front Folly Lane. The remaining three blocks were to remain as originally approved. The proposed changes consist of elevational, floor plan changes and the car parking layout).
- Ref. 2010/16391 Proposed construction of detached building for material recycling- Refused 22.07.10
- Ref. 2011/17700 Proposed extension of time limit for implementation of permission 2003/01441 – Approved 02.05.11 (expiry 02.05.14)

Main Issues and Constraints

- Principle of Housing
- Residential Amenity
- Design
• Highways
• Trees
• Flooding
• Noise
• Land Quality
• Air Quality
• Ecology
• Infrastructure

Key policy/guidance checklist

National Planning Policy Framework (NPPF)

Unitary Development Plan (UDP)
• Policy DCS1 Development Control Strategy
• Policy DCS2 Planning Obligations
• Policy DCS3 Engineering Services
• Policy GRN22 Protection and Enhancement of Landscape Features
• Policy HOU1 Housing Land
• Policy HOU2 Housing Development – Restrictions
• Policy HOU3 Housing Development – Development Control
• Policy HOU4 Open Space
• Policy HOU6 Housing Density & Mix
• Policy HOU13 Privacy and Daylight
• Policy HOU15 Affordable Housing
• Policy REP4 Protection of the Floodplain
• Policy REP5 Surface Water Run-off and Sustainable Drainage Systems
• Policy REP8 Land Contamination
• Policy REP10 Noise
• Policy REP14 Hazardous Uses / Installations
• Policy GRN4 Inset Villages
• Policy GRN18 Key Biodiversity Habitats and Priority Species
• Policy GRN21 Protection of Nature Conservation Resource
• Policy LUT1 Land Use / Transportation Strategy
• Policy LUT2 Transport Priorities in Development Control
• Policy LUT3 Walking
• Policy LUT5 Cycling
• Policy LUT7 Public Transport
• Policy LUT12 Transport Impact Assessments
• Policy LUT20 Parking
• Policy SOC1 Social Progress

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

### Appraisal

<table>
<thead>
<tr>
<th>PRINCIPLE OF HOUSING</th>
<th>Site is within Inner Warrington - designation common to both the Unitary Development Plan (UDP) and Core Strategy (CS).</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOU1 Housing Land</td>
<td>Policy SN1 of the emerging CS guides the nature and distribution of new housing within the Borough - “The majority of new homes delivered within the borough will be focussed on previously developed land within Inner Warrington inclusive of the Town Centre, where development will be welcomed as a catalyst to secure physical, environmental, social and economic regeneration in accordance with Core Strategy Policy CS8”.</td>
</tr>
<tr>
<td>HOU2 Housing Development – Restrictions</td>
<td>Policy CS8 sets out objectives which development proposals within Inner Warrington are expected to aid the delivery of - proposal conforms with these objectives, i.e. delivery of housing and the redevelopment of underused and derelict land - proposals consistent with the Council’s spatial approach to housing land release.</td>
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<tr>
<td>DCS15 Affordable Housing</td>
<td>Proposal also complies with UDP policies satisfying two of the criterion specified in UDP Policy HOU2 – “The regeneration of inner urban areas in need of investment and improvement”; and “The available supply of affordable or social housing in relation to identified needs”.</td>
</tr>
<tr>
<td>CS1 Overall Spatial Strategy – Delivering Sustainable Development</td>
<td>Both the UDP (policy DCS15) and CS (policy SN2) require 20% of the total number of residential units proposed on schemes of 15 units or more on sites within Inner Warrington to be provided as affordable – current proposal for 100% provision thus acceptable.</td>
</tr>
<tr>
<td>SN1 Distribution and Nature of New Housing</td>
<td>Notwithstanding the 20% target it is considered appropriate to secure 100% affordability in perpetuity by condition having regard to the form</td>
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<tr>
<td>SN2 Securing Mixed &amp; Inclusive Neighbourhoods</td>
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<tr>
<td>CS8 Strategic Location Inner Warrington</td>
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and tenure of the proposed housing being a suggested justification in respect of other planning objectives, e.g. viability information suggests that the scheme is unable to sustain a decentralised renewable energy source.

The principle of development is acceptable and adequate provision is made for affordable housing.

The implications for the living conditions of future occupiers of the site in terms of noise, air quality, design, landscaping, etc, are set out in the following sections - the site is sensitive having regard to the adjacent land uses, and this has been reflected in the particular layout proposed, e.g. blank elevations facing the railway, tree planting intermittent with the industrial estate to the north.

With regard to existing residential properties, there is likely to be a gain with the removal of a non conforming use in the form of the former scrap yard - the site is currently vacant and unsightly, and its redevelopment for housing would have obvious visual and economic benefits for the local area.

The most sensitive relationship with existing houses is plots 76, 77 and 78 - the scheme has been amended to ensure a 13m separation from the rear of the properties fronting Hawthorne Street, as well as, to move plots 75 and 76 further north out of the 45 line of sight from the rear of 9 Hawthorne Street.
The proposal would not have a materially harmful impact upon the living conditions of existing residential property.

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<thead>
<tr>
<th>Design</th>
<th>Character</th>
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<tbody>
<tr>
<td>The site context consists of areas of Victorian terraced housing with mixed with semi-detached housing dating from the 1950s/60s, as well as more recent modern housing off Longshaw Street. Within this context the proposed design of the new buildings would be acceptable, incorporating a traditional approach with a mix of apartments and conventional pitched roof two storey dwellings.</td>
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</table>

| Housing Mix & Density | The scale of the apartment block to the Folly Lane frontage adjacent the site access helps create a strong presence within the streetscape along Folly Lane. Units 22 to 25 to the east of the apartment block present rear elevations to Folly Lane however (as well as smaller ancillary bin and cycle store) – this can often be an undesirable arrangement with a preference for a more active and direct relationship with the streetscene. In the current circumstances this is mitigated by the gradient of the road as it increases upto the railway bridge – (this also allows the principle elevations of these plots to face onto the internal access road within the site) - belts of trees to the rear gardens of these plots would help provide a buffer to the adjacent road / bridge. |

| Location | The site is within a relatively accessible location within the inner part of Warrington with access to local facilities - Winwick Road, a key commercial corridor leading into the centre of Warrington is situated approximately 400m to the east, and there is an employment area to the south along Dallam Lane as well as shop and schools close by within Bewsey. |

| Housing Mix & Density | There is an adequate mix of housing consisting of two and five bedroom houses and one and two bedroom apartments - there is a greater emphasis on family housing than was the case with the previous scheme, which consisted purely of apartments - the proposed density is less than the |
previous scheme but is consistent with that of the surrounding area.

**Landscaping / Topology**
The site being a former scrap yard on the edge of an industrial employment area has little in the way of existing natural features to exploit - of the few trees that are on or adjacent the site very few are of any merit - the proposal does create an opportunity to improve the site in these terms to a modest extent with small areas of open space and residential gardens.

**Construction**
Supporting information states construction specification would go beyond requirements of building regulations with all properties constructed to code for sustainable homes level 3.

**Permeability**
Large areas of the site periphery are contained by existing development and the railway line to the east, thus reducing the capacity for increased permeability through the site - the scope for the introduction of an additional access via Hawthorne has been investigated but is not considered viable due to the site layout constraints and private ownership of the adjacent access road.

**Renewables**
The planning application includes an Energy Statement (ref: 01c44670 dated 17th December 2012) – the statement considers the scope for a decentralised renewable energy source to be incorporated within the housing scheme – this is dismissed as economically unviable as there would be residual costs to the developer following third party finance - increase construction costs would be circa 9-12% gross with no funding mechanism that would provide additional capital.

Remediation of contaminated land is also identified as a significant cost constraint - former site use as a scrap yard has added circa 6% to the normal construction costs.

As set out above the scheme would nevertheless be to Sustainable Homes Level 3 (CSH3) in addition to all criteria in the Housing Quality Indicators (HQIs), which measure the quality of
Broadly the design of the scheme is a response to its specific physical and economic limitations and against this background the form and appearance of the housing proposed is acceptable - there would be clear benefits from the reuse of a vacant scrap yard, and also improvements over and above the existing approved apartment scheme for the site.

<table>
<thead>
<tr>
<th>DCS1</th>
<th>HIGHWAYS Development Control Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>LUT1</td>
<td>Land Use / Transportation Strategy</td>
</tr>
<tr>
<td>LUT2</td>
<td>Transport Priorities in Development Control</td>
</tr>
<tr>
<td>LUT21</td>
<td>Parking</td>
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<tr>
<td>LUT3</td>
<td>Walking</td>
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<tr>
<td>MP3</td>
<td>Active Travel</td>
</tr>
<tr>
<td>MP7</td>
<td>Transport Assessments and Travel Plans</td>
</tr>
<tr>
<td>MP10</td>
<td>Infrastructure</td>
</tr>
</tbody>
</table>

Proposed Site Access

Proposed site plan 12-55-P02 shows visibility splays of 2.4m x 25m at the internal site access junctions, and visibility splays of 2.4m x 42m from the proposed site access onto Folly Lane. These are acceptable.

Junction of Folly Lane and Longshaw Street

Site observations by WBC Highways have confirmed that at present this junction experiences capacity difficulties at peak times due to a constrained carriageway width which is insufficient to accommodate a dedicated right turn facility from Folly Lane into Longshaw Street.

Consultations with the Council's Public Realm (Highways) section have confirmed that there is no scope to widen the junction to provide a dedicated right turn facility without the purchase and demolition of additional property.

However, there may be scope for changes to signal timings to be introduced at this junction to provide additional opportunities for right turning traffic from Folly Lane into Longshaw Street. If feasible, this would significantly aid traffic flow on Folly Lane and, in turn, egress opportunities when turning right out from the proposed development site.

Previous highways comments requested that the applicant undertakes traffic modelling of the junction of Folly Lane and Longshaw Street in order to determine whether signal timing changes can be introduced to improve traffic flows on Folly Lane, and in turn from the proposed development. It has been agreed with the applicant that this should be ensured by way of planning condition.

Required Traffic Regulation Order
Consultations with the Council’s Traffic Management section have confirmed that Keep Clear markings will be required at the site access junction with Folly Lane, to ensure that vehicles are able to egress from the site during times of congestion. Additionally it is also considered that No Waiting At Any Time (Double Yellow Line) parking restrictions will also be required at the site access. The applicant has confirmed these are acceptable and should also be ensured via way of planning condition.

Cycle Parking
Previous highways comments requested that cycle parking is ensured at the north east apartment block. This has not been addressed in the revised proposed site plan; however the applicant has confirmed that ensuring a scheme of cycle parking via way of planning condition is acceptable.

No highways objections are raised in respect of the proposals subject to conditions relating to ‘Keep Clear’ traffic restrictions on Folly Lane, ‘No Waiting At Any Time’ parking prohibitions on the site access, parking provision, adequate visibility splays, traffic modelling and cycle parking.

<table>
<thead>
<tr>
<th>GRN22</th>
<th>TREES</th>
<th>Protection &amp; Enhancement of Landscape Features</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>There are various trees within and adjacent the site:</td>
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<td>- The group of trees on the western boundary immediately adjacent the site (G6) should be retained to enable proposed tree planting to establish – tree protection required to ensure the existing crowns and root zones have sufficient room for incremental growth in the foreseeable future.</td>
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<tr>
<td></td>
<td></td>
<td>- The remaining trees on the site are of little amenity value and their removal is acceptable, i.e. a group of three trees on the Folly lane frontage have limited space in their current setting, a tree close to the now closed Hawthorne Street entrance is of little amenity value, and outside the site to the west is an area of predominantly natural regenerative growth of insufficient quality to require special protection measures.</td>
</tr>
</tbody>
</table>

With the safeguard of a condition to require adequate protection of trees on the western boundary, the proposal makes adequate
FLOODING

REP4
- Flood Protection

REP5
- Surface Water Run Off

QE4
- Flood Risk

provision for tree retention.

Flood Risk

The application includes a FRA (Stage I Flood Risk Assessment
REC Report: 44670p2r0 Issued: December 2012)
which reviews EA indicative flood mapping and
other relevant data - site outside any predefined
area that is deemed to be at risk from flooding by
rivers or other surface water bodies.

Potential groundwater flooding risk identified in the
central and southern sectors of the site where there
is a pluvial flood risk - current hardstanding here is
considered to be impermeable allowing for a risk of
accumulation of standing water in extreme rainfall
events - removal of this hardstanding and
development of the residential units, in addition to
increasing site levels in the areas of concern will
alleviate any likely groundwater flooding issues.

Surface water discharge would subsequently mimic
existing - percolation tests to be undertaken to
ascertain whether infiltration is a feasible method for
the disposal of surface water - discharge to mains
sewer to be agreed with UU - discharges above the
allowable rate would require attenuation for up to
the 1% annual probability event, including
allowances for climate change - discharge of
surface water should subsequently be by
Sustainable Drainage Systems (SuDS).

Risk to Controlled Waters

Site overlies sand deposits and a principal aquifer
lies within a groundwater source protection (zone
III) - FRA indicates that the site has been subjected
to a number of potentially contaminative uses.

The site has been subjected to a number of site
investigations which have identified that the land
has been impacted by hydrocarbons and inorganic
heavy metals - due to the age of the previous data.

Phase I report (Geo-Environmental Site
Assessment, REC Report: 4670p1r0 Issued:
December 2012) recommends (section 8.0) further
site investigation works are undertaken to enable
the risks to controlled waters to be fully assessed –
condition recommended.

Further assessment required to determine
| DCS1  | NOISE       | A series of noise surveys completed in order to measure the impact of road traffic, commercial activity and railway noise - outcome set out within the submitted Acoustic Report (Noise and Vibration Impact Assessment REC Report: 90163 Issued: 14th December 2012). Vibration Survey also conducted in order to measure the level of vibration generated by trains using the railway line to the west of the site - the level of vibration produced by passenger commuter trains and freight trains using the West Coast Mainline fall below the ‘low probability of adverse comment’ criteria as detailed in BS6472:2008. Noise Impact Assessment concludes that mitigation measures required ensuring a commensurate level of protection against noise for future occupants - noise levels within external amenity space fall below agreed criteria. Condition required to ensure adequate mitigation:  
- acoustic fence (approximately 2.6m, 2.1m along Folly Lane), minimum mass of 12.5kg/m², free from holes and sealed at base  
- upgraded glazing units  
- through-frame window mounted trickle ventilators incorporated into the glazing unit of habitable rooms (combined with a Mechanical Extract Ventilation (MEV) system which extracts air from the habitable rooms which have line of sight to the West Coast Mainline) |
| REP10 | Noise       | The submitted Phase I report (Geo-Environmental Site Assessment, REC Report: 4670p1r0 Issued: December 2012) includes a Conceptual Site Model (CSM) which identifies a number of significant pollutant linkages which have been considered as moderate to high risk given the highly contaminated nature of the land use and the high risk to groundwater and human health receptors. Several sources of contamination identified with potential contaminants including hydrocarbons, heavy metals, poly-chlorinated biphenyls (PCBs), poly-aromatic hydrocarbons (PAHs), volatile organic... |
| REP8  | LAND QUALITY| The submitted Phase I report (Geo-Environmental Site Assessment, REC Report: 4670p1r0 Issued: December 2012) includes a Conceptual Site Model (CSM) which identifies a number of significant pollutant linkages which have been considered as moderate to high risk given the highly contaminated nature of the land use and the high risk to groundwater and human health receptors. Several sources of contamination identified with potential contaminants including hydrocarbons, heavy metals, poly-chlorinated biphenyls (PCBs), poly-aromatic hydrocarbons (PAHs), volatile organic... |
compounds (VOCs), halogenated compounds/solvents and hazardous ground gases.

A detailed intrusive site investigation is required to confirm the findings of the initial CSM and to investigate the presence of below ground obstructions - also advised that a gas risk assessment is undertaken to establish the ground gas regime - a phase of enabling works comprising a site strip and cut/fill operation following the demolition of the existing structures and the removal of relict floor slabs/obstructions may be required to create the required development platform - also recommended that an asbestos survey is undertaken.

**Condition recommended ensuring the necessary investigation, remediation and validation undertaken.**

<table>
<thead>
<tr>
<th>REP9</th>
<th><strong>AIR QUALITY</strong> Air Quality</th>
</tr>
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</table>
|      | Having regard to vicinity of the Hawthorne and Kerfoot Business Parks and adjacent railway line used by diesel locomotives, the proposal has been the subject of an air quality assessment, (Air Quality Assessment, REC Report: 33296r1 Issued: 14th December 2012).

An odour screening assessment was conducted in order to provide consideration of potential sources in the vicinity of the proposals which could lead to complaints should the development be completed - this did not identify any type of industry which could lead to odour impacts on the site and, as such, no further assessment was undertaken.

Dispersion modelling was undertaken in order to quantify pollutant concentrations at the site and predict air quality impacts as a result of road vehicle exhaust emissions associated with traffic generated by the development - predicted pollutant concentrations were below the relevant air quality standard at the proposed site – site considered suitable for residential usage in regards to air quality.

Potential impacts during the operational phase of the proposed development may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site - assessment was therefore undertaken to quantify pollutant concentrations both with and without the proposals -
this indicated impacts on pollutant concentrations were not predicted to be significant at any sensitive location in the vicinity of the site.

**It is not considered that air quality impact is a significant constraint to the residential use of the site.**

<table>
<thead>
<tr>
<th>ECOLOGY</th>
<th>The applicant is in the process of providing an additional bat survey to confirm their absence on the site. The results of the survey to be updated to members.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Key Biodiversity Habitats and Priority Species</td>
<td></td>
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<tr>
<td>Protection of the Nature Conservation Resource</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>INFRA-STRUCTURE</th>
<th>Education</th>
<th>Planning Obligations</th>
<th>Engineering Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>DCS1</td>
<td>No response received from Children &amp; Young People's Services - no evidence of potential capacity deficit in local schools.</td>
<td>No provision is made for open space or children’s play provision - Bewsey neighbourhood has existing access to facilities - generally accepted that the nature of affordable housing delivery is such that profit margins and hence scope to cover abnormal and wider infrastructure costs is limited – this is a grant funded schemes and only viable due to public subsidy bridging funding gap - the scheme economics will have already been subjected to extensive scrutiny in the bidding and subsequent award of funding process (HCA) - CIL recognises social housing should be exempt from any CIL contributions reflecting marginal baseline viability.</td>
<td></td>
</tr>
<tr>
<td>DCS3</td>
<td>Public Open Space / Children’s Play / Sport &amp; Recreation</td>
<td></td>
<td></td>
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<td></td>
<td>Water</td>
<td>Adequate social and physical infrastructure in place to accommodate development.</td>
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</tbody>
</table>
Consultation Responses

Arboricultural Officer:
No objections
Only small area of trees to western boundary in need of protection with 6m clearance - full comments attached at Appendix

Education:
No comments received

Environment Agency:
No objections
Surface water and impact on controlled waters to be addressed - full comments attached at Appendix

Environmental Health:
No objections
Land quality condition recommended - full comments attached at Appendix

Highways:
No objections
Conditions recommended relating to traffic restrictions, parking provision, adequate visibility splays, traffic modelling and cycle parking.

Housing Services:
No objections
Proposal for affordable housing to be secured by condition supported

Nature Conservation Officer:
Comments appraisal to be added / updated to members

Network Rail:
No comments received

Planning Policy:
No comments received

Responses to Notification
Councillor Jeff Richards
No objection
I fully support housing on this site. When more detail comes forward I would like to see highway improvements to the junction of Longshaw Street especially as you approach from Kerfoot Street Bridge towards Folly Lane. I do have some ideas as how to achieve better flow of traffic at this busy junction.

Comment: See Highways policy appraisal above.
Councillor Steve Parish:
No objection
Access is off Folly Lane, as previously – Highways seemed to agree this (I’ve not checked their comments then). I could imagine that there could be some problems with people turning into the development from Folly Lane eastbound stopping traffic and adding to congestion. Are there any road improvements that could be incorporated, perhaps with s.106 agreement?

Comment: See Highways and Infrastructure policy appraisal above.

Neighbours:
One objection
I have seen this application in the Warrington Guardian. I am appalled to think that Bewsey needs more social housing. The houses that were recently built on the old Marsden site could not be sold to local people and were sold to social landlords and filled with anti social people bringing more anti social behaviour and drug dealers to the area. I would like you to accept this as my objection to this application.

I would also ask that the Council rethink this application due to the nature of the people it would bring to this already deprived area along with the amount of extra traffic and the traffic implications of coming in and out of the site onto Folly Lane or onto Longshaw Street which are already busy routes, Longshaw Street being a cut through whenever anything happens on Winwick Road or the motorway. Folly Lane and Longshaw Street are at a standstill some evenings during rush hour. We need more things for the children in the area to do not creating more housing and traffic in the area. We need money spending on the area in other ways to enhance it.

Comment: The principle of affordable housing is acceptable and there is no evidence to suggest that an approval of planning permission would give rise to anti social activity - Highway concerns addressed in above Highways appraisal.

Conclusions and reasons for recommendation/decision

The application involves the redevelopment of a contaminated brownfield site within inner Warrington. It is a 100% affordable housing scheme situated close to local services and facilities within an established residential / employment locality. It is therefore consistent with the Councils locational objectives for housing, which should be given significant weighting along side the generic presumption in favour of sustainable development advocated by the NPPF.

The design of the buildings is traditional in form and conventional in appearance and acceptable in this particular setting. There are no natural features worthy of retention on the site and due to the previous historical uses contamination is present, and further investigation and remediation would be necessary before construction can commence. Similarly further investigation
is required to determine land permeability and the potential for infiltration as a feasible method for the disposal of surface water. The implementation of the identified noise mitigation measures would be sufficient to ensure adequate living standards for future occupiers, and there are no constraints related to education, air quality, or water and sewerage provision. Subject to suitable conditions the proposal is acceptable from a highway point of view. Revisions to the scheme ensure that adequate outlook and daylight would be retained to the existing residential properties bordering the site, and the application is recommended for approval of planning permission subject to resolution of ecological issues.
Appendix – Consultees Full Comments

Arboricultural Officer
The trees both within and immediately adjacent to the site are in general of insufficient quality or poorly located to warrant the further protection of a preservation order. The group of trees on the western boundary both within and immediately adjacent to the site (G5/G6) could possibly be retained under planning conditions until proposed tree planting and/or landscape is of sufficient impact to effectively supplant these trees. The trees within G6 outside the site, being on third party land should have a minimum clearance of 6m to ensure the existing crowns and root zones have sufficient room for incremental growth in the foreseeable future. The group G5 running parallel with G6 are of little amenity value. If removal is required for the purposes this would not be contested as eventually, some overcrowding and competition with G6 will become more apparent with consequent light loss to the proposed properties. The group of three trees (T-T3) on Folly lane frontage have limited space in their current setting. Their proximity to the existing property is such that future incremental growth will compromise their position. If required there would be no objection to removal but any proposed landscaping scheme should make provision for replacement planting on or near the entrance to the site. G4 is of little amenity value. As it remains the intention to replace plant, removal would not be contested. W7 similarly is of insufficient impact to require special protection measures being predominantly natural regenerative growth.

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

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. Percolation tests should be undertaken to demonstrate whether infiltration is a feasible method for the disposal of surface water. 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.

Condition
The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff 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.

**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.

We have reviewed the Phase 1 Geo-Environmental Site Assessment for the above site, report ref: 44670p1r0, dated December 2012, with respect to potential risks to controlled waters from land contamination.

The site overlies sand deposits and a principal aquifer lies within a groundwater source protection zone III.

The report indicates that the site has been subjected to a number of potentially contaminative uses which include a scrap yard which has operated on site since the early 20th century.

The site has been subjected to a number of site investigations which have identified that the land has been impacted by hydrocarbons and inorganic heavy metals. However, due to the age of the previous data, the Phase I report detailed above recommends within section 8.0 that further site investigation works are undertaken to enable the risks to controlled waters to be fully assessed.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121). Given that additional works are required we consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment.
Condition
No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
   - all previous uses
   - potential contaminants associated with those uses
   - a conceptual model of the site indicating sources, pathways and receptors
   - potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason
To ensure that the risks to controlled waters are adequately assessed and mitigated.

Condition
No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason
To ensure a safe form of development which poses no unacceptable risk of pollution.
Condition
If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason
To ensure a safe form of development which poses no unacceptable risk of pollution.

Advice to LPA / Applicant

Waste on site
Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Waste to be taken off site
Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 ‘Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan’ and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

We recommend that developers should refer to our:
- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at www.environment-agency.gov.uk for further guidance
Environmental Health
Review of the ‘Phase 1 Geo-Environmental Site Assessment’ dated December 2012 prepared by REC Ltd undertaken:

The report includes a detailed site description following a site walkover/inspection; a review of historical mapping, geology, hydrogeology, site sensitivity, flooding issues and coal mining records in line CLR11; an assessment of the implications of any potential environmental risks, liabilities and development constraints associated with the site; and, preliminary recommendations on any potential development issues.

The Conceptual Site Model (CSM) identifies a number of significant pollutant linkages which have been considered as moderate to high risk given the highly contaminated nature of the land use and the high risk to groundwater and human health receptors.

Sources of contamination include two Above-ground Storage Tanks (ACTs), a former railway line, a number of cranes, a substation, a weighbridge, an infilled pond and madeground/demolition waste across the site. It would appear that the CSM does not specifically mention/include the electric box and telegraph poles adjacent to the ACTs, the large brick warehouse building, the asphalt/concrete hardstanding, an area of tipped material/demolition waste and the skip containing waste material; however it is acknowledged that a number of these sources are included as ‘madeground’.

Potential contaminants include hydrocarbons, heavy metals, poly-chlorinated biphenyls (PCBs), poly-aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), halogenated compounds/solvents and hazardous ground gases. There is also the potential for asbestos-containing materials (ACM) to be identified within the buildings on site; however none was noted during the site walkover. A previous desk study/site investigation was undertaken by RPS in May 2003 which involved the installation of 12no. boreholes and 25 no. trial pits. During the investigation madeground was encountered up to 5.5ombgl across the site along with elevated levels of hydrocarbons and heavy metals; in addition ground gas was detected.

It is recommended by REC Ltd that a detailed intrusive site investigation is undertaken to confirm the findings of the initial CSM and to investigate the presence of below ground obstructions. It is also advised that a gas risk assessment is undertaken to establish the ground gas regime. REC Ltd also suggest that a phase of enabling works comprising a site strip and cut/fill operation following the demolition of the existing structures and the removal of relict floor slabs/obstructions may be required to create the required development platform; this should be documented within the remediation strategy/statement. It is also recommended that an asbestos survey is undertaken.
I am in agreement with the recommendations above, however it is recommended that the full contaminated land condition (Conditions 1 & 2) is placed on any future approval.

**Contaminated Land - Precommencement**

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

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

- Preliminary Risk Assessment (PRA or Desk Study)
- Intrusive Site Investigation
- Generic Quantitative Risk Assessment (GQRA)
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal

PRA is the minimum requirement. DQRA only to be submitted if GQRA findings require it. The investigation(s) and risk assessment(s) must be undertaken by competent persons and all findings must form the subject of a written report.

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

**Reason:** To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

**In accordance with:** Policy REP8 of the adopted Local Plan (23 January 2006); Policy QE6 of the Submitted Local Plan Core Strategy (September 2012); and Paragraph 121 of the National Planning Policy Framework (March 2012).

**Disclaimer:** Irrespective of any involvement by this LPA, the responsibility to address land quality issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site.
Introduce new condition 13 for the CL completion issues.

**Contaminated Land - Completion**

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

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

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

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

**Reason:** To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

**In accordance with:** Policy REP8 of the adopted Local Plan (23 January 2006); Policy QE6 of the Submitted Local Plan Core Strategy (September 2012); and Paragraph 121 of the National Planning Policy Framework (March 2012).

**Disclaimer:** Irrespective of any involvement by this LPA, the responsibility to address land quality issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site.
**Working Hours For Construction Sites - Informative:**
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.**

Prior to the occupation of any dwelling hereby approved, the noise mitigation measures set out within the Noise and Vibration Assessment (REC Report: 90163 Issued: 14th December 2012) shall be implemented in full and retained at all times thereafter.

**Highways**
The application seeks approval for the provision of 78 affordable homes of mixed tenure and demolition of an adjacent dwelling.

Further to highways comments issued on the 8th February, proposed site plan 12-55-P02 has been reviewed and the following comments are offered.

**Proposed Site Access**

Proposed site plan 12-55-P02 now shows visibility splays of 2.4m x 25m at the internal site access junctions, and visibility splays of 2.4m x 42m from the proposed site access onto Folly Lane. These are acceptable and should be ensured via way of planning condition.

**Junction of Folly Lane and Longshaw Street**

Site observations by WBC Highways have confirmed that at present this junction experiences capacity difficulties at peak times due to a constrained carriageway width which is insufficient to accommodate a dedicated right turn facility from Folly Lane into Longshaw Street.
Consultations with the Council's Public Realm (Highways) section have confirmed that there is no scope to widen the junction to provide a dedicated right turn facility without the purchase and demolition of additional property.

However, there may be scope for changes to signal timings to be introduced at this junction to provide additional opportunities for right turning traffic from Folly Lane into Longshaw Street. If feasible, this would significantly aid traffic flow on Folly Lane and, in turn, egress opportunities when turning right out from the proposed development site.

Previous highways comments requested that the applicant undertakes traffic modelling of the junction of Folly Lane and Longshaw Street in order to determine whether signal timing changes can be introduced to improve traffic flows on Folly Lane, and in turn from the proposed development. It has been agreed with the applicant that this should be ensured by way of planning condition.

**Required Traffic Regulation Order**

Consultations with the Council’s Traffic Management section have confirmed that Keep Clear markings will be required at the site access junction with Folly Lane, to ensure that vehicles are able to egress from the site during times of congestion. Additionally it is also considered that No Waiting At Any Time (Double Yellow Line) parking restrictions will also be required at the site access.

The applicant has confirmed these are acceptable and should also be ensured via way of planning condition.

**Cycle Parking**

Previous highways comments requested that cycle parking is ensured at the north east apartment block. This has not been addressed in the revised proposed site plan; however the applicant has confirmed that ensuring a scheme of cycle parking via way of planning condition is acceptable.

**Summary and Conclusions**

No highways objections are raised in respect of the proposals subject to the following planning conditions:

“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 Keep Clear traffic restrictions on Folly Lane and No Waiting At Any Time parking prohibitions on the site access.”

“Prior to first occupation of the development, the parking spaces shown on drawing number 12-55-P02 shall be made available and shall be retained
thereafter unless otherwise agreed in writing with the Local Planning Authority."

“Prior to the first use of the access onto Folly Lane, visibility splays of 2.4m x 45m shall be provided at the junction, and splays of 2.4m x 25m shall also be provided at the internal site junctions as shown on drawing number 12-55-P02. Nothing shall be erected or allowed to grow above a height of 0.6m within the visibility splays unless otherwise agreed in writing with the Local Planning Authority.”

“Prior to first occupation of the development, a scheme of traffic counts, traffic modelling and revised signal timings at the junction of Folly Lane and Longshaw Street shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme of traffic signal amendments shall be implemented prior to first occupation of the development.”

“Prior to first occupation of the development, a scheme of cycle parking shall be submitted to and agreed in writing with the Local Planning Authority. Such scheme of cycle parking as is agreed shall be implemented prior to first occupation of the development and retained thereafter.”

In addition the following informative is offered:

In order to construct the internal highways within the site the applicant will need to enter into a S.38 agreement with the Council. To action, the applicant should contact Chris Bluck the Council’s Highways Adoption Engineer on 01925 442688.

Natural Environment Officer
[Comments to be added / updated to members]

United Utilities
This response is based on the details submitted on the planning application form. I will have no objection to the proposal provided that the following conditions are met:

• This site must be drained on a separate system combining on site before communicating with the public sewerage system. Surface water flows generated from the new development should be limited to a maximum discharge rate of 12 l/s as determined by United Utilities.

A separate metered supply to each unit will be required at the applicant’s expense and all internal pipe work 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 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.