To: Members of the Development Management Committee

Councillors:

Chair – T McCarthy
Deputy Chair – J Richards
B Axcell, B Barr, D Earl, G Friend, T Higgins, L Hoyle, C Jordan, L Ladbury, F Rashid, G Settle

28 February 2012

Development Management Committee
Thursday, 8 March 2012 at 6.30pm

Council Chamber, Town Hall, Sankey Street, Warrington

Agenda prepared by Jennie Cordwell, Democratic Services Assistant – Telephone: (01925) 442111, Fax: (01925) 656278, E-mail: jcordwell@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**

Members are reminded of their responsibility to declare any personal or prejudicial interest that 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 16 February 2012 as correct records.

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


5. **Results of Planning and Enforcement appeals**

5.1 15 Templeton Drive, Warrington

5.2 22 Smith Drive, Warrington

5.3 137 Old Chester Road, Higher Walton, Warrington

5.4 217 Chester Road, Grappenhall

5.5 Camsley Grange Farm, Camsley Lane, Lymm

**Part 2**

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

**NIL**

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DEVELOPMENT MANAGEMENT COMMITTEE

16 FEBRUARY 2012

Present: Councillor T McCarthy (Chair)  
Councillors B Axcell, B Barr, G Friend, K Gleave  
(substituting for D Earl), T Higgins, L Hoyle, L Ladbury, G Settle and J Richards

DM56 Apologies for Absence

Apologies were received from Councillors D Earl, C Jordan and F Rashid.

DM57 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 K Gleave</td>
<td>DM 56</td>
<td>Cllr Gleave had previously expressed an opinion in support of the application</td>
<td>Cllr Gleave stepped down from the Committee and spoke in support of the application</td>
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DM58 Minutes

Resolved,

That the minutes of the meeting held on 26 January 2012 were agreed as a correct record and signed by the Chair.

DM59 Planning Applications

Resolved,

That -

1. pursuant to the Town and Country Planning Act 1990, Planning (Hazardous Substances) Act 1990 the applications for permission to develop land be considered and dealt with in the manner agreed and entered into the Planning Register;

DM60 2011/18571 - Former Fiat Warehouse, Off Winwick Road, Warrington, Cheshire WA2 8JR - Proposed demolition of existing buildings and construction of new employment units and remodelling of existing buildings for research and development, light industry, general industry and storage or distribution (use classes B1(b), B1(c), B2 and B8) along with two new road junctions at Winwick Road and Cromwell Avenue, associated car parking and landscaping.
Agenda Item 3

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

Resolved,

That planning application 2011/18571 be approved subject to conditions.

DM61 2011/18583 - Alban Retail Park, Hawleys Lane, Warrington
Proposed construction of five new retail units (Use Class A1), one new restaurant unit (Use Class A3), change of use of unit 2a from motorist centre to A1 retail, improvements to existing retail units including new lobby entrances, new façades, and new servicing access with associated car parking and landscaping. Creation of new road junction with Winwick Road and improvements to existing access off Hawleys Lane

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

Members were advised at the meeting that there was no longer a requirement for a Section 106 Agreement to be provided with this application.

Resolved,

That planning application 2011/18583 be approved subject to conditions.

DM62 2011/19241 - Santa Rosa Boulevard, Great Sankey, Warrington, WA5 3AL - Proposed construction of new primary school building, associated car parking, external multi-use games and play area with new pedestrian and vehicular access. The relocation and recladding of existing nursery provision unit onto the same site with associated playground and independent access

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

A representation was heard in support of the officer recommendation.

Resolved,

That planning application 2011/19241 be approved subject to conditions.
DM63 Report on the Development at Rushgreen Road, Oughtrington (Land adjacent to the Farmer Arms Public House, Rushgreen Road, Oughtrington, Lymm - Proposed erection of 10 affordable dwellings (shared ownership); the construction of a new access road off Sandy Lane, car parking and hard and soft landscaping including new boundary treatments)

A report was submitted by the Executive Director for Environment and Regeneration that provided Members with information about the issues relating to the delivery of affordable housing at Rushgreen Road, Oughtrington. The application had been approved at the sub-committee meeting of 26 October 2011.

The report presented to Members in October 2011 contained the following paragraph:

*Note applicant is willing to enter into a S.106 agreement to ensure that the properties remain affordable in perpetuity, & request an occupancy condition to ensure that affordable housing, secured by an appropriate method, remains in perpetuity.*

The S106 (Section 106) agreement had been drafted and it became apparent that circumstances existed where 100% ownership could be attained by those offered the opportunity to occupy the affordable housing. Those initially acquiring a share of the property could “staircase” the proportion of the property they owned until 100% ownership was reached. This in and of itself was not a concern. Many affordable housing schemes allowed this to happen; indeed in the report to committee this eventuality was made clear. It had however become clear that when a person had managed to acquire a 100% interest the property in question would cease to be an affordable house and would no longer be subject to the terms of the S106 agreement. It became a matter of concern that this position had not represented to members in the sub-committee report or at the sub-committee meeting in a sufficiently comprehensive manner.

Therefore, it was considered that prior to completing the S106 agreement Members should have the opportunity to consider the position again and reaffirm their previous decision in the light of this further explanation.

Resolved,

That application 2011/18631 proceed subject to the amended Section 106 Agreement.

DM 64 Section 106 Quarter 2 & 3 Annual Performance Report 2011/12 (July 2011 –December 2011)

The Committee considered the report of the Executive Director of Environment and Regeneration Services which provided an update on the status of planning
obligations and S106 Agreements for the 2nd and 3rd quarter of the 2011/2012 financial year. The report included details of active developments where S106 provisions had been triggered and developments which were yet to commence.

The reported noted the economic climate and reduced scale of development activity that continued to be evident in the borough. Despite this, Warrington was continued to secure commuted sums through the planning obligations process and ensured that developments would progress when the economic climate improved.

Members were provided with highlights of the Quarterly Performance Report between 1 July 2011 and 31 December 2011, Value of Agreements Signed, Notable Agreements Signed, Payments Received, Monitoring Receipts and Expenditure.

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

Resolved,

That the Committee noted the report.

Signed………………………

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

Thursday 8\textsuperscript{th} March 2012

Start 6.30pm

<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>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>2011/19010</td>
<td>Prospect Farm, Prospect Lane, Rixton-With-Glazebrook, Warrington, WA3 6EH Proposed 2m high boundary fence (lawful development certificate)</td>
<td>Planning Permission not Required</td>
</tr>
<tr>
<td>2</td>
<td>8</td>
<td>2011/19014</td>
<td>Prospect Farm, Prospect Lane, Rixton-With-Glazebrook, Warrington, WA3 6EH Retrospective application for upgrade of existing track surface.</td>
<td>Approve</td>
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</tbody>
</table>
Reason for referral
This application has been referred to Committee in view of the objections from Rixton Parish Council and Councillors’ Bowden and Brinksman, (who also requests that Members visit the site prior to making a decision).

Description
• This application for a Lawful Development Certificate has been submitted in accordance with Section 192 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
• Members should note that this is not an application for planning permission and is simply a request as to whether the erection of a 2 metres high fence is lawful (i.e.: does not in fact require planning permission).
• The application seeks confirmation that a 2 metres high fence around the perimeter of the existing site is development that is permitted by virtue of the Town and Country (General Permitted Development) Order.
• In this case, the fence has already been erected around the site in question and consists of timber posts at 2 metre centres with a mesh infill.

Location
• The site lies approximately 2 kilometres to the north of the existing junction of Manchester Road and Hollybush Lane.
• The site was originally an open field and has been recently been used for clay pigeon shooting events. Soil/rubble has been imported onto the site and used to create soil mounds/repair existing tracks/a parking area 2 wooden buildings have also been erected on the site without planning permission. The applicant is in the process of submitting a retrospective planning application for such works.

Relevant History
• 2011/18349
  o Change of use of land to clay pigeon shooting
  o withdrawn
• 2011/19009
• Change of use of land to clay pigeon shooting
  • withdrawn

2011/19014
  • Retrospective application to upgrade existing track
  • no decision to date

Main Issues and Constraints
The main issue for consideration is whether the erection of the fence meets the criteria contained within Schedule 2 Part 2 of the Town and Country (General Permitted Development) Order and not whether the fence is/is not acceptable from a planning point of view. Debate over the use of the site, authorised, lawful or otherwise if of no relevance to the consideration of this application.

Key policy/guidance checklist
The determination of an application for a Certificate of Lawfulness is not required to be considered against the policies of the Development Plan.

Responses to Notification

Rixton with Glazebrook Parish Council
Object as per comments on previously withdrawn planning applications:
  a) Concern regarding additional traffic on un-made road with no passing bays and impact on users of footpaths in terms of public safety
  b) Danger to users of railway line
  c) Impact on nearby nature conservation areas (Rixton SAC and Risley Moss)
  d) Impact on Green Belt – (hardstanding & buildings)
  e) Noise nuisance

Comment: Above comments are not relevant in the determination of a Certificate of Lawfulness application

Councillor Brinksman
Objects on the following grounds:
  a) all applications for the site are interlinked
  b) loss of amenity/affect on culture to residents in close knit rural area
  c) would/has resulted in loss of wildlife/nesting bird/land of local ecological value
  d) local roads not capable of supporting traffic movements/movements from heavy vehicles
  e) would adversely affect a tranquil area of the Borough popular with joggers, cyclists, birdwatchers, and ramblers who use local pedestrian routes
  f) results in loss of a “green lung”, which is also designated green belt and the only bit of green between Warrington and Manchester
  g) building erected on site could be hired out to supplement income in the evenings and at slack times for likes of wedding receptions and birthdays, etc.
h) Satellite navigation systems indicate the route to the site from the A57 along Holly Bush Lane, which is a further intrusion.
i) recommends that Members visit the site prior to reaching a decision

Comment
a) this application (and that for the retention of the existing repair/upgrade of the existing track) are the only 2 current applications being determined and can be dealt with separately to the current unauthorised works that have taken place on the land where clay pigeon shooting is taking place.

b) , c), d), e), f), g), h), i) Unfortunately, such comments are not relevant in the determination of a Certificate of Lawfulness application

Councillor Bowden
Objects:
a) level of development on the site undertaken without planning permission is unacceptable, (buildings/earth mounds)
b) adversely affects the immediately adjoining RISLEY Moss (a “Green Flag” site) and a SSSI.
c) Results in harm to adjoining residents through noise
d) Clay pigeon shooting results in activities close to members of the public
e) Works to the existing track have already been undertaken, with the intent of gaining access to the clay pigeon shooting area

Comment
a) current application is to assess whether planning permission is required for a 2 metre high fence – other unauthorised activities will be subject to a subsequent planning application or enforcement action
b) , c), d), e) Unfortunately, such comments are not relevant in the determination of a Certificate of Lawfulness application

Councillor Settle (on behalf of Warrington Nature Conservation Forum)
Strong objections:
a) -adjoins 2 sites of significant nature reserves and close to Woolston Eyes SSSI
b) no recognition of the designated sites/important habitats/species nearby – no assessment of impact on such matters
c) proposal would impinge on tranquillity of the area and its visitors/footpath users in particular the all year round disturbance to birds

Comment: Above comments are not relevant in the determination of a Certificate of Lawfulness application

Risley Moss Action Group
Object:
a) would create noise pollution and disturb adjoining nature reserves/endangered species
b) noise levels previously undertaken by application inaccurate
c) wildlife report submitted by applicants incomplete/inaccurate
d) lead shot could contaminate local water courses
e) impact on local roads would be significant via large increase in vehicles

Neighbours
17 Objections:
a) fencing/importation of material/buildings have already been constructed on the site – applicant continues to undertake works without planning permission
b) dust, pollution and noise nuisance has occurred via shooting etc
c) access is a public footpath used by walkers, cyclists and joggers
d) site is close to important areas for nature conservation and site was grade 1 agricultural land – use of land leads to danger
e) level of traffic completely unsuitable for this location - access road was built by our ancestors for horses to farm not large numbers of motorised vehicles with subsequent damage to local roads/tracks
f) inappropriate on green belt land
g) junction of A57/Hollybush Lane narrow – danger to existing road users
h) despite applicants assurances, highly likely that vehicles would access the site via direct route (on Hollybush Lane) rather than alternative route via Prospect Lane
i) vehicles would access site past existing dwellings creating noise/disturbance in otherwise tranquil area
j) existing shoots further away nearby can be heard clearly
k) no consultation with local community
l) proposed tree screening would take considerable time to achieve screening effect
m) use of site for school children may well involve coaches using local roads
n) 2 metre high fence is an eyesore
o) Shooting takes place close to existing public footpaths and leads to danger to users

Comment: Above comments are not relevant in the determination of a Certificate of Lawfulness application – appearance of the fence is immaterial is determining whether planning permission is/is not required

Assessment
- Schedule 2 Part 2 Class A of the Town & Country Planning) General Permitted Development Order states that the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure is development that is permitted, provided that:
  a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level;
  b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed two metres above ground level;
- The existing tracks north of Prospect Lane which provide access to the site are privately owned and therefore the public do not have a right to pass and re-pass and the do not fall within the definition of a “highway”.
- The nearest “highway” is located over 260 metres away to the south.
- The fence, as erected is no higher than 2 metres above the ground and is therefore “lawful” in that it benefits from a general planning permission granted by the Town and Country Planning (General Permitted Development) Order 1995
Conclusions and reasons for recommendation/decision
The fencing as built is lawful by virtue of compliance with Schedule 2 Part 2 Class A of the Town & Country Planning) General Permitted Development Order 1995
Reason for referral
This application has been referred to Committee in view of the objections received from Rixton Parish Council, Birchwood Town Council and Councillors’ Bowden and Brinksman, (who also requests that members visit the site prior to reaching a decision)

Description
- Retrospective planning permission is sought for the retention of works previously undertaken to an existing private track to the north of Holly Bush Lane.
- Retrospective planning permission is sought for the retention of approximately 200mm of hardcore/road planings which have been previously laid over an approximately 260 metres length of the existing private track from its junction with Prospect Lane northwards towards the land currently used for clay pigeon shooting.
- The existing track afforded access to an existing agricultural field which is subsequently being used for clay pigeon shooting under the permitted rights contained in the Town & Country (General Permitted Development) Order 1995 – Schedule 2, Part 4, Class B, which allow such activity to take place for 28 days in any calendar year.
- Material has been imported onto the site and used to create soil mounds/a hardsurfaced and 2 wooden buildings have also been erected on the site without planning permission. The applicant has stated that a retrospective planning application is in the process of being submitted for the above unauthorised works already undertaken on the remainder of the site. If planning permission is not granted it would be appropriate to consider enforcement action.
- The current retrospective application therefore seeks planning permission for the retention of a small part of those unauthorised works (i.e.: the repair of the existing track) and does not seek retrospective planning permission

Reason for referral
This application has been referred to Committee in view of the objections received from Rixton Parish Council, Birchwood Town Council and Councillors’ Bowden and Brinksman, (who also requests that members visit the site prior to reaching a decision)
to retain the soil mounds/a hardsurfaced area and 2 wooden buildings that have also been erected without planning permission.

Location
- The site lies approximately 2 kilometres to the north of the existing junction of Manchester Road and Holly Bush Lane
- The land lies within the Green Belt and lies immediately to the south of an existing railway line
- To the north of the existing railway line lies Risley Moss (a Special Area for Conservation/European Site of International Importance), whilst Woolston Moss Site of Importance for Nature Conservation is located approximately 150 metres to the west.
- Vehicular access is gained either via Holly Bush Lane (from the A57) or via Prospect Lane the east). Prospect Lane is a designated public footpath, whilst the access track subject of this application is a privately owner track

Relevant History
- 2011/18349
  - Change of use of land to clay pigeon shooting
  - withdrawn
- 2011/19009
  - Change of use of land to clay pigeon shooting
  - withdrawn
- 2011/19010
  - Certificate of Lawfulness application for 2 metre high fencing
  - no decision to date

Main Issues and Constraints
- Visual impact on green belt/countryside - appropriateness in green belt
- Ecological impact
- Impact on adjoining residents
- Highway impact

Key policy/guidance checklist:
Policy DCS1 – Development control strategy
Policy REP10 - Noise
Policy GRN1 – Green Belt
Policy GRN2 – Environmental Protection & Enhancement
Policy GRN3 – Development Proposals in the Countryside
Policy GRN15 – Sites of International Importance for Nature Conservation
Policy GRN17 – Sites of Local Importance for Nature Conservation
Policy GRN22 – Protection & enhancement of landscape features
Policy DCS7 – Provision & enhancement of landscaping in new development
Planning Policy Guidance Note No.2 Green Belts

Warrington Borough Council Unitary Development Plan (unless stated)

<table>
<thead>
<tr>
<th>Impact on residents</th>
<th>DC Strategy</th>
<th>Nearest residential properties located at</th>
</tr>
</thead>
<tbody>
<tr>
<td>DCS1</td>
<td></td>
<td></td>
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<tr>
<td>GRN2</td>
<td>Environmental protection &amp; enhancement</td>
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<tr>
<td>REP10</td>
<td>Noise</td>
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- Prospect Farm – 340m to east
- Woodend Lane – 600m to south-east
- Holly Bush Lane – 300m to south
- Pallister Close – 840m to north-west

- Retrospective works have involved only minor increase in appearance/level of track – no visual harm has resulted
- Retrospective works have effectively infilled existing potholes and ruts in an otherwise existing private track – no new track created – although the repair works have enabled the easier access to the land upon which clay pigeon shooting is taking place, those works have/would not result in a greater level of activity than would be permitted through the Town and Country Planning (General Permitted Development) Order (i.e.: the use of the land for no more than 28 days in any calendar year – no greater level of traffic activity has/would occur and no greater levels of noise experienced by local residents.

<table>
<thead>
<tr>
<th>Green Belt/impact on countryside</th>
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<tbody>
<tr>
<td>GRN1</td>
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<tr>
<td>Planning Policy Guidance Note No.2 (PPG2)</td>
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<td>GRN2</td>
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<td>GRN3</td>
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<th>Highway safety</th>
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<tr>
<td>DCS1</td>
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<td>GRN3</td>
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- Repair of track via engineering works considered to be appropriate development in the green belt - no loss of openness would result (not a new track - merely upgrade of existing track – not significantly wider than former track)
- No conflict with purposes of including land in green belt – does not contribute to urban sprawl/encroachment in the countryside
- Appearance of track not significantly different to previous other than repair of potholes/ruts – although some planings/imported material can still be seen to margins of track - condition requiring such small areas to be grassed/seeded etc could be attached
- Track relates well to rural setting – dark road planings not viewed as incongruous visual feature in immediate/distant views

- Minor repair works to existing track - have/would not result in a greater level of activity than would be permitted through the Town and Country Planning (General Permitted Development) Order (i.e.: the use of the land for no more than 28 days in any calendar year – no greater level of traffic activity has/would occur and no greater levels of traffic visiting/leaving the site would therefore result
- No disruption to existing public footpaths – track in question is private
| Ecological Impact | Sites of International Importance for Nature Conservation | • Track is located 190m to east of existing Risley Moss (site of local importance for nature conservation) – 210m to south of Risley Moss (site of international/national importance for nature conservation)  
• Bearing in mind minor physical repair works to existing track undertaken – no harm results to adjoining nature reserves  
• Planning permission not required for continued use of track for vehicles associated/gaining access to land used for clay pigeon shooting (up to 28 days in any calendar year) |

**Responses to Notification**

Rixton with Glazebrook Parish Council  
Object as per comments on previously withdrawn planning applications:  
a) Concern regarding additional traffic on un-made road with no passing bays and impact on users of footpaths in terms of public safety  
b) Danger to users of railway line  
c) Impact on nearby nature conservation areas (Rixton SAC and Risley Moss)  
d) Impact on Green Belt – (hardstanding & buildings)  
e) Noise nuisance

Comment: Repair works to existing track appropriate in the green belt – approval would not sanction additional use of track by vehicles other than those associated with permitted 28 day use of land for clay pigeon shooting

Birchwood Town Council  
Object:  
a) Application should not be considered separately from other unauthorised works undertaken  
b) Planning permission should have been sought before works undertaken  
c) Is track suitable for use by emergency vehicles/refuse wagons?

Comment  
a) Retrospective planning consent is sought purely for the retrospective works to the access track and not for any other unauthorised activities/works – approval of the current application would not mean that any other retrospective planning application which may be received would be considered any more favourably  
b) It is not an offence to carry out development without first obtaining planning permission and the applicant has exercised his right to apply retrospectively  
c) The works carried out have merely repaired an existing track rather than form a new access. There is therefore no requirement to widen it to allow such access, which would in itself could well lead to far greater visual harm in this location.

Councillor Brinksman
Objects on the following grounds:

a) all applications for the site are interlinked
b) loss of amenity/affect on culture to residents in close knit rural area
c) would/has resulted in loss of wildlife/nesting bird/land of local ecological value
d) local roads not capable of supporting traffic movements/movements from heavy vehicles
e) would adversely affect a tranquil area of the Borough popular with joggers, cyclists, birdwatchers, and ramblers who use local pedestrian routes
f) results in loss of a “green lung”, which is also designated green belt and the only bit of green between Warrington and Manchester
g) building erected on site could be hired out to supplement income in the evenings and at slack times for likes of wedding receptions and birthdays, etc.
h) Satellite navigation systems indicate the route to the site from the A57 along Holly Bush Lane, which is a further intrusion.
i) recommends that Members visit the site prior to reaching a decision

Comment

a) this application (and that for a certificate of lawfulness for the retention of the existing fence) are the only 2 current applications being determined and can be dealt with separately to the current unauthorised works that have taken place on the land where clay pigeon shooting is taking place.
b) The minor repair works to the track are not considered (in themselves) to have adversely affected the amenity of the local area and its residents
c) The repair works (to an otherwise previously existing track) have not resulted in any significant harm to the ecological importance of the local area
d) The specific works to the track have not resulted in a significant increase in vehicles using local roads - Planning permission not required for continued use of track for vehicles associated/gaining access to land used for clay pigeon shooting (up to 28 days in any calendar year)
e) The track in question is not a public right of way although it does intersect with an existing footpath to the south, (Prospect Lane)
f) The relatively minor physical works to the existing track have not resulted in significant visual harm to the green belt or its openness.
g) The buildings erected on the site are not part of this application. It is likely that a planning application will be submitted for the retention of such buildings, otherwise enforcement action is likely to be instigated.
h) This application is purely for the retention of the works undertaken to a 260 metre length of access track and not to allow the use of any land for activities which require planning permission
i) Members may wish to visit the site to assess the visual impact of the works.

Councillor Bowden

Objects:

a) level of development on the site undertaken without planning permission is unacceptable, (buildings/earth mounds)
b) adversely affects the immediately adjoining RISLEY Moss (a “Green Flag” site) and a SSSI.
c) Results in harm to adjoining residents through noise
d) Clay pigeon shooting results in activities close to members of the public
e) Works to the existing track have already been undertaken, with the intent of gaining access to the clay pigeon shooting area
Comment
a) other unauthorised activities will be subject to a subsequent planning application or enforcement action
b) The repair works (to an otherwise previously existing track) have not resulted in any significant harm to the ecological importance of the local area
c) The retention of the works undertaken to repair/upgrade the track would not lead to significantly increased noise experience by local residents
d) Clay pigeon shooting can take place on the land to the north for a period of no more than 28 days in any calendar year without the need for planning permission
e) The applicant has not committed any offence by undertaking such works without the necessary planning permission. The retrospective planning application submitted seeks consent for those works.

Councillor Settle (on behalf of Warrington Nature Conservation Forum)
Strong objections:

a) adjoins 2 sites of significant nature reserves and close to Woolston Eyes SSSI
b) no recognition of the designated sites/important habitats/species nearby – no assessment of impact on such matters
c) proposal would impinge on tranquillity of the area and its visitors/footpath users in particular the all year round disturbance to birds

d) other unauthorised activities will be subject to a subsequent planning application or enforcement action
b) The repair works (to an otherwise previously existing track) have not resulted in any significant harm to the ecological importance of the local area
c) The retention of the works undertaken to repair/upgrade the track would not lead to significantly increased noise experience by local residents
d) Clay pigeon shooting can take place on the land to the north for a period of no more than 28 days in any calendar year without the need for planning permission
e) The applicant has not committed any offence by undertaking such works without the necessary planning permission. The retrospective planning application submitted seeks consent for those works.

Risley Moss Action Group

Object:
a) would create noise pollution and disturb adjoining nature reserves/endangered species
b) noise levels previously undertaken by application inaccurate
c) wildlife report submitted by applicants incomplete/inaccurate
d) lead shot could contaminate local water courses
e) impact on local roads would be significant via large increase in vehicles

Comment: No visual harm to character of rural area – no greater noise/highway activity results via additional use of track by vehicles other than those associated with permitted 28 day use of land for clay pigeon shooting

Neighbours

28 Objections:
a) application is a resubmission of earlier applications under another guise - application does not cover all of the unauthorised works undertaken
b) would adversely affect/destroy the area, the adjoining ecologically important areas and its protected /threatened wildlife
c) contrary to green belt policy – no very special circumstances
d) adversely affects residents amenity/enjoyment of area via noise disturbance
e) works have carried on without planning permission
f) access is a public footpath used by walkers, cyclists/joggers prior to material being imported onto it
g) level of traffic use too high for small/narrow track and involves additional use of existing junction of Holly Bush Lane and Manchester Road–dangerous - track was built for horses/agricultural activities not motorised vehicles

h) applicant does not own/control Prospect Lane

i) large quantities of builders rubble have been deposited on the track some of which are of a hazardous nature and is dangerous

Comment

a) The current retrospective application therefore seeks planning permission for the retention of a small part of those unauthorised works (i.e.: the repair of the existing track) and does not seek retrospective planning permission to retain the soil mounds/a hard surfaced area and 2 wooden buildings that have also been erected without planning permission

b) Works have not extended the existing width of the existing track and have merely repaired its surface – the works undertaken have not harmed the ecological importance of the adjoining areas

c) Works considered to be appropriate in the green belt – no loss of openness/harm to the purposes of including land in the green belt

d) would not result in a greater level of activity than would be permitted through the Town and Country Planning (General Permitted Development) Order (i.e.: the use of the land for no more than 28 days in any calendar year – no greater level of traffic activity has/would occur and no greater levels of noise experienced by local residents.

e) not an offence to carry out development without first obtaining planning permission and the applicant has exercised his right to apply retrospectively

f) this part of the track in question is not a public right of way

g) Minor repair works to existing track - have/would not result in a greater level of activity than would be permitted through the Town and Country Planning (General Permitted Development) Order (i.e.: the use of the land for no more than 28 days in any calendar year – no greater level of traffic activity has/would occur and no greater levels of traffic visiting/leaving the site would therefore result

h) Prospect Lane to south is a public right of way not under the ownership of the applicant, the track subject of the current application is

i) Application seeks retrospective consent for importation of material to repair the track. It should be noted that the repair of such tracks (where the adjoining land is used for agricultural purposes) does not normally require planning permission

Conclusions and reasons for recommendation/decision

Retrospective planning permission is considered appropriate in view of the developments’ compliance with the advice contained in Planning Policy Guidance Note No.2 (Green Belts) and Policies DCS1, GRN1, GRN2, GRN3 and REP10, based on its appropriateness in the green belt and the lack of visual, noise harm arising to the character of the area and local residents.
WARRINGTON BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE
8th March 2012

Report of the: Executive Director Environment and Regeneration Services
Report Author: Michael Davies – Principal Planning Officer
Contact Details: Email Address: mdavies@warrington.gov.uk
Telephone: 01925 442813

Ward Members:

1. SUMMARY PAPER – REPORT ON:
   Results of Planning and Enforcement appeals.

2. Purpose of the Report:
   To advise members of the results of appeals.

3. Recommendations:
   To note the reports.

4. Reason for Recommendation:
   To inform Members of the results of appeals.

5. Confidential or Exempt:
   Not applicable

6. Financial Considerations:
   None.

7. Risk Assessment:
   Not required.

8. Equality Impact Assessment:
   No equality impact assessment is considered to be required.
9. Consultation:

Not relevant

10. Clearance Details *(Record of clearance of report)*:

<table>
<thead>
<tr>
<th>Name</th>
<th>Consulted</th>
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<tbody>
<tr>
<td>Relevant Executive Board Member</td>
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<tr>
<td>Relevant Executive Director</td>
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<tr>
<td>Solicitor to the Council</td>
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<td>S151 Officer</td>
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<td>Relevant Head of Service</td>
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11. Background Papers:
Planning application and appeal documents

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peter Axford</td>
<td><a href="mailto:paxford@warrington.gov.uk">paxford@warrington.gov.uk</a></td>
<td>01925 442827</td>
</tr>
</tbody>
</table>
REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2011/18828
APPEAL REF: M0655/D/11/2166677

LOCATION: 15 Templeton Drive, Warrington

DESCRIPTION: Single storey rear extension

OFFICER RECOMMENDATION: Refuse

APPEAL DECISION: Allow

MATERIAL CONSIDERATIONS:
Impact on the amenity of the neighbour at 34 Canada Close

INSPECTOR’S FINDINGS:
• Separation distance between the face of the proposed rear elevation and 34 Canada Close would be 17 metres – which is 4 metres less than that set out in policy HOU13
• However, the interface distances set out in policy HOU13 are recommended minima – the circumstances of individual cases must be assessed carefully
• A 1.6 metre high close boarded fence marks the rear boundary of the appeal site boundary. Below that is a narrow alley and then the boundary fence of the garden of 34 Canada Close – which is at a slightly lower level, but no overlooking would be caused

EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:
• Inspector very clear that the interface distances set out in HOU13 are recommended minimum distances only

UNITARY DEVELOPMENT PLAN
HOU8; HOU13
APPLICATION REF: 2011/18824
APPEAL REF: M0655/D/11/2166440

LOCATION: 22 Smith Drive, Warrington

DESCRIPTION: Two storey side and rear and single storey side and front extension

OFFICER RECOMMENDATION: Refuse

APPEAL DECISION: Dismiss

MATERIAL CONSIDERATIONS:
Impact on the street scene

INSPECTOR’S FINDINGS:
- Single storey element would project beyond both of the front elevations of adjacent dwellings – but its visual impact would not be severe – due to boundary screening. Were this to change, then it would be prominent and would reduce space to the front of the house
- Overall, the scheme generally complements the character of the house – but the two storey element would be of substantial scale and the side elevation would significantly extend towards the side and front boundaries
- The side elevation would visually dominate – especially as it would be a largely blank wall
- Open setting of the corner property would be compromised
- Extension would be a bulky presence

EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:
- Routine support for Officer view

UNITARY DEVELOPMENT PLAN
HOU8; HOU13
SPG2
WARRINGTON BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
8th March 2012

REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND REGENERATION  
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2011/18481  
APPEAL REF: M0655/D/11/2166578  

LOCATION: 137 Old Chester Road, Higher Walton, Warrington  

DESCRIPTION: Two storey side and rear extension

OFFICER RECOMMENDATION: Refuse

APPEAL DECISION: Allow

MATERIAL CONSIDERATIONS:
- Whether the proposal would preserve or enhance the character or appearance of Higher Walton Conservation Area

INSPECTOR’S FINDINGS:
- The Council have no objections to the design and scale of the proposed extensions
- The scheme has been sensitively designed
- Council’s concerns focus on impact of the extension on two trees within the garden – and the impact this would have on the character and appearance of the conservation area
- Birch tree is a tall and mature specimen; its is one of several in this locality; canopy spread towards the house would leave in excess of 3m before it would touch the building as extended – but any further extension of its canopy would be limited; extension would not compromise current or future health of this tree
- The sycamore is self-seeded and stands in a confined space and is less impressive than the birch, is contorted and has suffered considerable pruning in the past; its removal would not have a seriously harmful effect on the conservation area

EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:
- Inspector was not impressed by the argument that the extension would harm trees which contribute positively to the character and appearance of the Higher Walton Conservation Area – despite this being the firm view of the Council’s Tree Officer

UNITARY DEVELOPMENT PLAN  
BH8; GRN22
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
8th March 2012

REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2011/18561
APPEAL REF: M0655/D/11/2164817

LOCATION: 217 Chester Road, Grappenhall

DESCRIPTION: Take down existing conservatory and construct a two storey side extension

OFFICER RECOMMENDATION; Refuse

APPEAL DECISION: Dismiss

MATERIAL CONSIDERATIONS:
- Impact on character and appearance of the existing building and on the area.

INSPECTOR’S FINDINGS:
- Semi-detached house on corner plot
- Extension would conflict with SPG – as it would extend the house without any break lines in the walls or roof or reduction in scale
- Design strive to replicate existing features – but instead creates the impression of a short terrace rather than a pair of semis
- Extension would not balance the single storey extension on the adjoining house – as it would be much larger than it
- In combination with the rear dormer, the proposal would be unduly dominant and would detract from character and appearance of the existing building
- Although the extension would extend well beyond the building line at this end of Albert Road, this in itself would not be harmful to the character of the area – were it not for its scale, lack of subordination and the prominence of the site
- Site is prominent in long views; from the open countryside and is at a higher level than Albert Road
- The proposal would be unduly prominent in the streetscene and would detract from the character of the area
- There are many examples of dormers and side extensions in the wider area – including two other allowed on appeal – but these demonstrate subordination to their host properties, and have features which reduce their impact on the street scene
EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:
• Inspector set out the need to decide this case on its merits – rather than to be led by other appeal decisions nearby
• Inspector noted lack of objection from neighbours; one letter of support and desire of applicant for the application to be reported to committee for decision – but none of this altered his view.

UNITARY DEVELOPMENT PLAN
SPG2 and SPGB
Policies DCS1; DCS9 and HOU8
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
8th March 2012

REPORT OF THE EXECUTIVE DIRECTOR OF ENVIRONMENT AND REGENERATION
TOWN & COUNTRY PLANNING ACT 1990 – RESULT OF APPEALS

APPLICATION REF: 2010/17082
APPEAL REF: M0655/D/11/2159733

LOCATION: Camsley Grange Farm, Camsley Lane, Lymm
DESCRIPTION: Change of use from agricultural to commercial use (Class B1c) and single storey side extension

OFFICER RECOMMENDATION; Approve

COMMITTEE DECISION: Refuse

APPEAL DECISION: Allow

MATERIAL CONSIDERATIONS:
Impact on highway safety

INSPECTOR’S FINDINGS:
- Planning permission has been granted for the erection of an agricultural building on the site on two occasions - however the building on site is larger than either of the approved schemes
- Extension would be in addition to the building as erected
- Existing building is immune from enforcement action – and would remain on site whatever the outcome of this appeal
- Site is in open countryside and green belt
- Site would use existing access from Camsley Lane, although it is proposed to widen the access lane and improve the visibility splays
- Building is used as a base for window manufacturing and a building firm and for the storage of ice cream vans
- Agree with Council that re-use of the building would be appropriate in green belt
- Council’s concerns stem from volume of traffic on the A56 and the location of access on a bend, close to two bus stops, the junction with Stockport Road and Warrington Road and another access into a commercial site
- No evidence that the change of use would cause a significant increase in the volume of traffic entering and leaving the site
- No objection from WBC Highways, subject to improved visibility splays
- Waiting buses would not cause serious problems of visibility
- Council does not consider that bus stop needs to be re-located
- There would be no serious impact on highway safety
• Building is some distance from residential properties – and as B1 uses are acceptable within residential areas - the use is unlikely to harm living conditions

EXECUTIVE DIRECTOR OF ENV & REGEN COMMENTS:
• Inspector did not agree with Committee’s assertion that a serious highway safety problem would result – concurring instead with Highway Officer advice

UNITARY DEVELOPMENT PLAN
DCS1; LUT1; LUT2; EMP10; GRN3 & GRN6
## Development Management Committee

**Thursday 8th March 2012**

### Decisions

<table>
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<tr>
<th>Item</th>
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<tr>
<td>1</td>
<td>2</td>
<td>2011/19010</td>
<td>Prospect Farm, Prospect Lane, Rixton-With-Glazebrook, Warrington, WA3 6EH Proposed 2m high boundary fence (lawful development certificate) Defer to enable consideration concurrently with planning application for wider development of the site</td>
<td>Planning Permission not Required</td>
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<td>2011/19014</td>
<td>Prospect Farm, Prospect Lane, Rixton-With-Glazebrook, Warrington, WA3 6EH Retrospective application for upgrade of existing track surface. Defer to enable consideration concurrently with planning application for wider development of the site</td>
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