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

30 April 2013

Development Management Committee

Thursday, 9 May 2013 at 6.30pm

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

Agenda prepared by Julie Pickles, Democratic and Member Services Officer –
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A G E N D A

Part 1

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

Item 1. Apologies for Absence

To record any apologies received.

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

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

To confirm the minutes of the meeting held on 18 April 2013 as a correct record.

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


Attached as a separate document

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

Report of the Executive Director of Environment and Regeneration Services

5.1 57 Middleton Lane

5.2 Doeford Close

6. **Planning Enforcement Performance 2012/2013**

Report of the Executive Director of Environment and Regeneration Services

7. **Planning Application Performance 2012/2013**

Report of the Executive Director of Environment and Regeneration Services

8. **Section 106 Annual Performance 2012/2013 (April 2012 – March 2013)**

Report of the Executive Director of Environment and Regeneration Services

9. **PASC and DMC Site Visit Protocol**

Report of the Executive Director of Environment and Regeneration Services
Part 2

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

Nil
DEVELOPMENT MANAGEMENT COMMITTEE

18 APRIL 2013

Present: Councillor T McCarthy (Chair)
Councillors J Davidson, G Friend,
T Higgins, L Hoyle, C Jordan,
L Murphy, J Richards and G Settle

DM120 Apologies for Absence

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

DM121 Code of Conduct – Declarations of Interest

There were no declarations of interests received.

DM122 Minutes

Resolved,

That the minutes of the meeting held on 28 March 2013 were agreed as a correct record and signed by the Chair.

DM123 Planning Applications

Resolved,

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

DM124 2012/20943 – Field off Tannery Lane, Penketh, Warrington – Proposed timber stable block, associated yard area and access track

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

This application had been deferred from the previous meeting of the committee held on 28 March 2013 to enable a site visit to take place.

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

Resolved,
That consideration of application 2012/20943 as per amended plan (185112 Revision B) be approved subject to the following additional conditions:

(1) Planning permission is approved subject to the hedge fronting Tannery Lane being permanently retained at a minimum of 2.2 metres in height.
Reason: In the interests of amenity and to accord with Policy QE 6 of the Warrington Core Strategy, saved Policies DCS1 and DCS7 of the Warrington Unitary Development Plan and the National Planning Policy Framework.

(2) A continuous and matching fence shall be permanently erected and retained between the site and the public right of way. There shall be no vehicular access to the site from the public right of way.
Reason: To ensure that vehicular access takes place only from Tannery Lane in the interests of safety and to accord with Policy QE6 of the Warrington Core Strategy and Policy LUT2 of the Warrington UDP.

(3) The development hereby approved shall be removed from the site and the land restored to its condition prior to planning permission being approved should the stables cease to be used as stables for a continuous period of six months.
Reason: In order to accord with paragraphs 80 and 89 of the National Planning Policy Framework.

(4) There shall be no external lighting on the site or on the stables unless express planning permission has first been obtained from the Local Planning Authority.
Reason: In the interests of visual and residential amenity and to accord with Policy QE 6 of the Warrington Core Strategy, saved Policies DCS1 of the Warrington Unitary Development Plan and the National Planning Policy Framework.

DM125 Results of Planning and Enforcement Appeals

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

<table>
<thead>
<tr>
<th>Application/Appeal Reference</th>
<th>Location and Description</th>
<th>Committee/Delegated Decision</th>
<th>Appeal Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/19858</td>
<td>452 Warrington Road, Culcheth, Warrington, WA3 5QX</td>
<td>Refuse</td>
<td>Allowed</td>
</tr>
<tr>
<td>APP/M0655/</td>
<td>Change of use from</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Resolved,

That the report be noted

Signed………………………

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

**Thursday 9th May 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>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3</td>
<td>2012/20756</td>
<td>Land between Joy Lane and Wrights Lane, Burtonwood, Warrington, WA5 4DF</td>
<td>Approve</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Proposed golf driving range including a single-storey building, fencing, car parking and associated landscaping (resubmission of 2005/05300)</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>18</td>
<td>2012/20808</td>
<td>The Hermit Inn, Golborne Road, Winwick, Warrington, WA2 8SN</td>
<td>Approve</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Proposed residential development of 12 no. units</td>
<td>sub sec 106</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Agreement</td>
</tr>
<tr>
<td>3</td>
<td>35</td>
<td>2013/21223</td>
<td>Land at the junction of Stocks Lane and Warrington Road, Penketh, Warrington</td>
<td>Approve</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>New shop development consisting of 1 no. A1 (food retail) / A2 unit, and 2 no. A1 (non-food retail) / A2 units with 2 no. apartments above, new vehicular access point and car parking facilities. (Resubmission of 2012/20875)</td>
<td></td>
</tr>
</tbody>
</table>
4 51 2013/21266 Former United Utilities Depot, Land off Chester Road, Walton, Warrington, Cheshire, WA4 6EP
Proposed change of use of land and depot (B8) to use as car sales and building for car preparation; alterations to elevations and to access and associated landscaping; siting of two portable buildings to provide toilet and offices; construction of a new 2m high boundary screening fence to south west boundary and associated works

5 69 2013/21379 Land Adjacent To Stanford House, Garrett Field, Warrington, WA3 7BH
Application to extend time limit for implementation of permission 2010/15826 (Proposed four storey office building, with 150 associated car parking spaces on an existing car park, and a new decked and surface car park on the site adjacent to Standford House to relocate displaced car parking spaces (revision of application 2009/15157)

6 78 2013/21417 Gemini 8, Appollo Park, Charon Way, Burtonwood And Westbrook, Warrington
Application to extend the time limit for submission of reserved matters and implementation of permission 2007/11923 (Outline application for B1, B2 and B8 uses, Hotel (C1), pub/restaurant (A3 / A4) including provision of access and on site infrastructure, provision of internal estate road, plateau formation, drainage and associated works)

7 86 2013/21546 Former George Howard Scrapyard and 94 Folly Lane, Folly Lane, Warrington, WA5 0NF
Proposal for 78 dwellings for affordable rent, demolition of adjacent dwelling (94 Folly Lane), and associated access roads and parking (resubmission of application 2012/21081)
Reason for Referral to Committee

This application is referred to Committee for decision due to an objection from Burtonwood and Westbrook Parish Council and from Cllr Terry O’Neill.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8 - The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1 - The right of peaceful enjoyment of possessions and protection of property.

Site and Proposal

The application site is located immediately to the north of the main urban area of Warrington, approximately 150 metres to the north of junction 8 of the M62. The site is bounded by Joy Lane to the north, Burtonwood Road to the east and Wrights Lane to the south and west. The inset village of Burtonwood lies approximately 1000 metres to the north. The application site is approximately 6.3 hectares in size and is currently in agricultural use.

The application site itself is relatively flat with a gentle slope north to south. Beyond the site the land rises gently to the north up to Burtonwood village. It is well screened from the south and west by scrub planting and broadleaved woodland, which forms part of the boundary planting to the regional employment site of Omega. The remaining boundaries are fairly open with either low hedgerows or no boundary treatment. There is open farmland to
the north, west and east. There is a large mature oak tree on the western boundary of the site. There are two residential properties immediately adjacent to the application site. Fingerpost Farm is situated part way along the northern boundary of the application site near the junction of Clay Lane, Burtonwood Road and Joy Lane. Whilst, Highfield is located on Joy Lane near to the northwest corner of the application site.

The proposal seeks full planning permission for the creation of a golf driving range that would be open to the public. The development would incorporate a single-storey building which would contain 20 bays, a teaching area, reception/office, store room, toilets and changing rooms. It would also include a landscaped fairway, car park to accommodate 30 vehicles and landscaped areas around the periphery of the site that would incorporate a wildlife pond, a meadow and woodland planting. The building is proposed to be located at the western end of the site with the car park at the rear and the fairway running in a west to east direction. The main building would measure 94 metres by 7.825 metres by 5.06 metres high with a 15 metre by 8.81 metre central outrigger on the rear elevation. It would be clad in treated western red cedar with a laurel green eternit roof covering. The fairway would be enclosed by net fencing varying in height between 2.4 metres and 5 metres. The scheme does not include any proposals for floodlighting.

Relevant Planning History

2005/05300 - Proposed golf driving range including erection of two-storey building, fencing, floodlighting and car parking - Refused 22nd April 2005.

Comment: Reasons for refusal were due to: the development including elements that were not considered to constitute essential facilities for outdoor sport and recreation; the visual impact in a rural setting; the perceived harm to the living conditions of the occupiers of adjacent residential properties by virtue of noise and visual disturbance; encroachment in to the landscaped buffer that forms the boundary of the adjacent Omega development and defines the Green Belt boundary.

Planning Policies

National Planning Policy Framework (NPPF)

Unitary Development Plan (UDP)

- Policy DCS1 Development Control Strategy
- Policy DCS7 Provision and Enhancing of Landscaping in New Development
- Policy LUT1 Land Use / Transportation Strategy
- Policy LUT2 Transport Priorities in Development Control
- Policy LUT20 Parking
- Policy GRN1 The Green Belt
- Policy GRN2 Environmental Protection and Enhancement
- Policy GRN3 Development Proposals in the Countryside
- Policy GRN9 Outdoor Activities in the Countryside
- GRN22 Protection and Enhancement of Landscape Features
- GRN24 Woodland Planting
- Policy REP1 Prudent Use of Resources
- Policy REP2 Protection of the Best and Most Versatile Agricultural Land
- Policy REP10 Noise

**Local Plan Core Strategy (LPCS)**
- Policy CS1 Overall Spatial Strategy – Delivering Sustainable Development
- Policy CS4 Overall Spatial Strategy – Green Belt
- Policy QE3 Green Infrastructure
- Policy QE5 Biodiversity and Geodiversity
- Policy QE6 Environment and Amenity Protection
- Policy QE7 Ensuring a High Quality Place
- Policy CC2 Protecting the Countryside

**Notification Responses**

**Councillors: Objection received from Councillor Terry O’Neill**
1. Impact on the setting of the Green Belt.
2. Inadequate road infrastructure to serve the development.
3. Loss of open green space to accommodate hardstanding area/car parking.
4. Loss of openness of field on approach to village of Burtonwood.

**Burtonwood and Westbrook Parish Council: Objection**
1. Impact on the Green Belt.
2. Impact of additional traffic.
3. Impact on residential amenity.

**Neighbours: Letters of objection received from 8 neighbouring properties**
1. Impact on the Green Belt.
2. Significant increase in traffic using the surrounding lanes and going through Burtonwood village.
3. Car park will overspill onto the surrounding lanes.
4. Impact on amenity of nearby residential properties.
5. Loss of Green Belt land designated for agricultural purposes.
6. Unsustainable form of development.
8. Light pollution.
9. Psychological impact on elderly residents of Fingerpost Farm.
10. Loss of trees worthy of protection.
11. Loss of wildlife habitat.
12. The 5 metre high fencing will be an eyesore.
13. Anti-social behavior.

**Neighbours: Letters of support received from 1 neighbour**
1. The development of a sports venue in the Green Belt could enhance the appearance of the area as a whole.
2. Not visually intrusive due to proposed warehousing on adjacent land.
3. The proposed pond, tree, hedgerow planting will provide additional wildlife habitat.

Consultation Responses

Environmental Health - No objections
An acoustic assessment will be required to determine what extent of acoustic fencing that will be necessary for protecting the residential amenity of Finger Post Farm. There is also an issue of safety from balls flying over after a bad hit but adequate ball netting to guidance standards should be able to address this. In addition, conditions are recommended to control the hours of operation and prevent the use of any floodlighting.

Highways – No objections
The revised access arrangements, shown on Drg no. 570/01/12D, are considered to be acceptable and will negate the need for the revocation of Traffic Regulation Orders on Wrights Lane. Conditions are recommended relating to the need for the construction of passing places on Joy Lane and the provision of visibility splays at the site access onto Joy Lane.

Arboricultural Officer: No objections
There is a large area of native woodland planting on the southern boundary of the site, which is proposed to be retained. The intention to augment this planting with additional woodland planting, both along the southern, eastern and northern boundaries is welcomed. The revised access arrangements, shown on Drg no. 570/01/12D, will allow for the retention of the mature Oak tree on Wrights Lane, as such the proposals are considered to be acceptable from an arboricultural point of view. There are no precise details (numbers, species, sizes, centres or maintenance regime) of the proposed landscaping scheme. The provision of native woodland planting, of appropriate sizes and numbers with an adequate maintenance regime should be secured by condition(s).

Natural Environment Officer: No objections
The applicant is proposing to allocate a proportion of the northern section of the site as meadow for ground nesting bird habitat, which will include a pond and associated landscaping. This is welcomed and should provide additional foraging habitat for bats and other species. The revised access arrangements, shown on Drg no. 570/01/12D, will allow for the retention of the mature Oak tree on Wrights Lane. Conditions are recommended relating to the time of year when site clearance can be undertaken; the provision of nesting habitat for roosting bats and birds; the provision of a habitat management plan and limiting the level of lighting at the site.

Observations

Principle/Green Belt
The site for the proposed development (6.3 hectares) lies in the open countryside in the north of the borough between the main urban area of Warrington and the inset village of Burtonwood. It is designated as Green Belt on both the adopted Warrington Unitary Development Plan (UDP)
proposals map and the emerging Local Plan Core Strategy (LPCS) proposal map.

The Planning, Design and Access Statement refers to the relevant paragraphs of the National Planning Policy Framework (NPPF) with respect to Green Belt considerations and notes that there is a change in emphasis between the NPPF and PPG2 regarding new buildings for outdoor sport and recreation (paragraph 5.7 of applicant's statement). It identifies that there is no longer a requirement for such buildings to be “essential” and that they now just have to satisfy the less rigorous test of being “appropriate” (paragraph 5.8 of applicant's statement). However, it does not clarify that there is still the requirement for appropriate development to preserve the openness of the Green Belt and not to conflict with the purposes of including land within it. Nevertheless, the statement lays out an argument, supported by several appeal decisions, to justify that the proposals should be considered to be essential facilities for outdoor sport and recreation and hence be regarded as appropriate development in the Green Belt (paragraphs 5.9 to 5.35 of applicant’s statement).

It is evident that the scheme has been scaled down from the previous one that was refused in 2005 (2005/05300) and notwithstanding that the current proposals are slightly larger in scale (if not in user capacity) than the appeal decisions that have been referred to (90 metres in length compared to 60 metres) officers agree with the applicants assessment that the proposals are appropriate development in the Green Belt.

The NPPF, UDP and the emerging LPCS all support sustainable development and outdoor sport and recreation facilities, particularly on the urban fringe where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this respect it is considered that in general terms the scheme is in a confined location and will not require any prominent features that would impact on the openness of the landscape.

Loss of Agricultural Land
Policy REP2 of the adopted UDP states that development will not be permitted on the best and most versatile agricultural land (defined as Grades 1, 2 and 3a) in the borough whilst Policy CC2 of the emerging LPCS indicates that development proposal in the countryside which accord with Green Belt policy will be supported provided that it can be demonstrated that there would be no detrimental impacts on agricultural interests. The proposals involve the development of Grade 2 agricultural land. However, the majority of the site would remain open and free from development. Therefore, it is considered that there would not be a significant loss of agricultural land and the land could be easily reverted to agricultural use if required.

Design
In terms of the detailed design Policies GRN2, DCS1 and GRN3 of the UDP require that development proposals in the countryside should ensure that; the detailed siting of any development is compatible with the rural character of the surrounding area and is not intrusive in the landscape; relates satisfactorily to
its rural setting both in terms of its immediate impact and from distant views, and that vehicle and cycle parking facilities are provided in accordance with the Council’s parking standards. Policies GRN2 and DCS1 require all development to protect visual amenity. Whilst, Policy GRN3 requires that for development proposals in the countryside any associated servicing and parking facilities or plant, equipment or storage is not intrusive. Policies CS1, QE7 and CC2 of the emerging LPCS have similar criteria.

The application site is located on gently sloping land that rises up towards Burtonwood Village to the north and slopes down towards the M62 Motorway to the south. There is a change in level of approximately 10 metres between these two points with a change in level of approximately 2 metres across the application site. The site is concealed from view from the M62 and land further to the south by established structure planting around the northern boundary of the Omega regional employment site. Warehousing that is under construction will minimise any views of the application site still further when it is completed. In addition the site is not easily visible from Burtonwood Village to the north. The proposals will maintain existing landscape features, including mature trees and hedgerows where they exist and will supplement this with additional native planting.

This proposal includes a building that has been substantially reduced in size and repositioned from the scheme that was refused consent in 2005. The building is to be constructed of timber with an eternity roof covering having a fairly utilitarian appearance not dissimilar to main modern agricultural buildings. Whilst it would be over 90 metres in length it would have a fairly low profile with the majority of the structure being only 4 metres in height. The building together with the associated car parking and access road would only occupy a small proportion of the overall site and would be positioned in the least visually intrusive location within the site (southwest corner) being bordered on two sides by the established landscaping buffer for the adjoining Omega site. The majority of the site would remain as open grassland, albeit managed.

In addition to the operational development described above, the proposals also include the erection of mesh fencing to prevent balls straying outside of the fairway. The fencing varies in height from 2.4 metres up to 5 metres. The driving range is to be fenced with 4 metre high mesh fencing to the south and north, with the exception of the section to the rear of Finger Post Farm where it is proposed to extend up to 5 metres. The eastern curved end of the driving range around the end of the fairway is proposed to be 2.4 metres.

The application is supported by a Visual Impact Assessment (VIA) (by Agathoclis Beckman Landscape Architects dated May 2012), which assesses the landscape impact of the development, including the proposed fencing. Whilst accepting that there would be some visual impact of the development from some vantage points, particularly until the additional landscaping has become established the overall conclusion is that the proposed development would appear as a clearing in a wooded area, with the proposed building being a low key, visually unobtrusive structure, largely hidden by planting.
(paragraph 54 of assessment) and any distance views would be limited to views from the north east and to a lesser extent the east. It is considered that the VIA that has been undertaken presents a fairly accurate reflection of the existing conditions around the site and the likely visual impact of the proposals. Therefore it is considered that the proposed development would not have a significant detrimental impact on the character or appearance of the rural area or the openness of the Green Belt.

**Residential Amenity**

Policies DCS1, GRN2, GRN9 of the UDP seek to protect the amenity of nearby residents from harm due to noise, smells, vibrations and visual intrusion. In addition, policy REP10 does not permit development that would result in harm to the health or amenity of people living nearby through noise pollution. Policy QE6 of the emerging LPCS contains similar criteria.

The level of vehicular traffic will be restricted by the number of bays available and the opening hours will be limited to daylight hours (as no floodlighting is proposed). Therefore it is considered that the development will not have an unacceptably adverse impact on neighbouring properties from vehicular movements or the hours of operation. Both of the properties (Highfield and Finger Post Farm) that lie immediately adjacent to the site have fairly substantial screening within their own boundaries which will limit the visual impact of the development from those properties.

Whilst the noise levels will be relatively low there is the potential for ball hits to be audible at Finger Post Farm. They have a distinct noise and are likely to occur on a regular basis through the daytime. However, it is considered that any potential noise impact could be mitigated by erecting acoustic fencing at the rear of Finger Post Farm. Similarly, the issue of safety from balls flying over after a bad hit could be adequately controlled by the erection of the proposed ball netting to guidance standards. The Council’s Environmental Health Officer raises no objection to the proposal on noise or disturbance grounds subject to conditions.

**Highways**

The proposed development would not generate a significant increase in traffic levels or have any material impact upon the highway network. The access arrangements have been revised from when the application was originally submitted. The amended Site Plan, Drg no. 570/01/12D, now proposes to take vehicular access from Joy Lane rather than Wrights Lane as was originally intended. The revised access arrangements will negate the need for revocation of Traffic Regulation Orders on Wrights Lane in order to gain access to the site.

In addition, the proposed Site Plan, Drg no. 570/01/12D, includes a 6m wide site access, sufficient to accommodate two way turning manoeuvres and visibility splays of 2.4m by 43m in both directions. As the proposed access onto Joy Lane is situated at a point where the carriageway gradually narrows down to below 4.5m, it is proposed to create a passing place on Joy Lane on approach to the site access. The creation of a passing place and
maintenance of visibility splays will ensure adequate visibility and access/egress to the site. The level of parking provision proposed is in accordance with the Council's standards and is considered to be acceptable.

In conclusion, there are no objections to the proposals from a highway perspective, subject to the imposition of suitable conditions to ensure the provision and retention of the passing place on Joy Lane and the visibility splays.

Biodiversity
The Natural Environment and Rural Communities Act (2006), places a duty on local authorities to have regard to the conservation of biodiversity in exercising their functions. One of the key aspects of the NPPF is that planning decision should aim to conserve and enhance biodiversity and incorporate it into and around developments. Paragraph 118 indicates that where a planning decision would result in significant harm to biodiversity which cannot be 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. Policy GRN22 of the UDP requires development proposal to identify and protect important landscape features and Policy GRN24 seeks to ensure that new development for recreational activities that require extensive land and which are appropriate development in the Green Belt to provide for the establishment of trees and woodland. LPCS Policies QE3 and QE7 have similar aspirations.

The application is supported by an Ecological Impact Assessment (by Cameron Crook Associates dated Oct 2011). The survey was carried out at an appropriate time of the year and to national recognised standards. No European Protect Species were present on site, however bats were found to be using the site for foraging/commuting and ground nesting birds (UK and Cheshire Priority Species) were confirmed as using the site for breeding purposes.

The proposals would result in the loss of an agricultural field which is presently used by ground nesting birds. However, the applicant proposes to retain a proportion of the northern section of the site as meadow for ground nesting bird habitat. This area will also contain a pond and associated landscaping. The access to the site has been amended to allow the retention of the mature Oak tree on Wright’s Lane. No lighting is proposed with the scheme. Therefore, it is considered that the proposals will provide additional foraging habitat for bats whilst maintaining nesting habitat for breeding birds and other species and retain key landscape features that have high biodiversity value. In addition, the indicative landscaping proposals indicate a significant amount of additional woodland planting that could provide further foraging areas for priority farmland bird species if accompanied by a suitable habitat management plan.
Recommendation

Approve subject to Conditions

Conditions

- Standard Time Limit
- List of approved plans
- No development - Bird breeding season
- No Development - Submission of materials
- No Development - Submission of details of passing place
- No Development - Submission of scheme for protecting trees
- No Development - Submission landscaping scheme
- No Development - Submission of bat/bird nesting scheme
- No Development - Submission of noise assessment
- No Use - Implementation of visibility slpays
- No Use - submission of method of construction access/car parking
- No Use - Submission of habitat management plan
- No Use - Submission of opening hours
- No floodlighting
Appendix 1 – Drawings/Plans

Location Plan – showing context in relation to Burtonwood village and M62.

Proposed Site Plan (Drg no. 570/01/11 B)
Proposed Driving Range Building – Plans and Elevations (Drg no. 570/01/14).

Sections (Drg nos. 570/01/12 D and 570/01/13 B)
Appendix 2 – Photographs of Site

View looking west towards Finger Post Farm from SE corner of site (Note screening around the farm).

View looking SW across site from junction of Burtonwood Rd and Tan House Lane.
View looking south across site from public footpath adjacent to Highfield (Note EP screening at far side of field).

View looking north from junction of Wright’s Lane and Joy Lane showing the screening to “Highfield”.
View looking east from Wright’s Lane. Finger Post Farm is in the distance on the left and the EP screening to Omega and Wright’s Lane is on the right.

View from Junction 8 of the M62 looking northwest towards the application site. “Highfield” is on the right skyline. The proposed building would be above the orange/white vans (Note this view would now be obscured by the new warehouse that is under construction on Omega North, which is in the foreground).
Reason for Referral to Committee

This is a major application exceeding 10 dwellings in number.

Human Rights

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

Site and Proposal

The proposal is for a residential development of 12 units. The scheme has been amended with the omission of one unit, and previously 13 units were proposed. All the dwellings are detached properties, served from a single access from Golborne Road via informal relatively narrow access roads which run through an area of green amenity space designated as Village Green (see Photograph 1, Appendix 2).

The site is a former public house with associated car parking and gardens. The building is designated as a Locally Listed Building. The site is bounded by existing properties accessed from Golborne Road and properties on Gerosa Avenue to the north. Farm buildings and fields are located to the east, with woodland to the south. Golborne Road (A573) bounds the site to the west. The site is located within the Greenbelt in the Hermitage Green area of Winwick, approximately 1 mile from Winwick village centre. The total area of
the application site is 0.7 hectares, which gives a housing density of 23 dwellings per hectare.

** Relevant Planning History **

89/23564 – Erection of ground floor extension and conservatory - Approved with conditions 13/09/89
89/24373 – Erection of ground floor kitchen extension to rear - Approved with conditions 04/10/89
90/25734 – Erection of pre-case concrete garage for storage of dry goods - Approved with conditions 11/07/90
93/30488 – Proposed single storey extension to kitchen/ cellar and formation of new rear entrance - Approved with conditions 11/06/93
2004/03960 – Proposed rear function room - Refused 15/10/04
2004/04796 – Proposed construction of function room to rear of existing building - Approved with conditions 16/02/05

** Planning Policy **

** National Planning Policy Framework (NPPF) **

** Unitary Development Plan (UDP) **

Policy GRN1 Green Belts
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 SUDS
Policy REP8 Land Contamination
Policy GRN18 Key Biodiversity Habitats and Priority Species
Policy GRN21 Protection of Nature Conservation Resource
Policy LUT1 Land Use / Transportation Strategy
Policy LUT2 Transport Priorities in Development Control
Policy LUT20 Parking
Policy BH5 Locally Important Buildings
Policy BH14 Archaeological Evaluations
Core Strategy (CS) Emerging Policy

Policy CC1 Inset and Green Belt Settlements
Policy CS1 Overall Spatial Strategy
Policy SN1 Distribution and Nature of New Housing
Policy SN2 Securing Mixed & Inclusive Neighbourhoods

Notification Responses

Neighbours: Objection from 10 neighbouring properties

1. Loss of light from house adjacent boundary – difference in levels – new dwelling very large – would dominate boundary and overshadow garden - land levels higher than Gerosa Avenue – will overpower and dominate adjacent residential properties.
2. Intrusive within landscape - visual assessment does not include views from Gerosa Avenue this most dominant views of the development.
3. Site in Green Belt – inappropriate development – no very special circumstances.
4. Proposal would add to surplus housing supply – contrary to UDP housing policies.
5. Dwellings too large and out of character.
6. Additional traffic problems.
7. Trees and green areas should be retained.
8. Rural location would be harmed by new dwellings.
9. Pub should be restored as a community facility.
10. Plots 10 and 11 are very near farm buildings which contain animals - noise and smells from buildings would impact upon future occupiers leading to the curtailment of existing farm business.
11. Several house extensions refused permission close by due to Green Belt designation.
12. Statement that bus service to Hermitage Green incorrect.
13. No details of sewerage / lighting / substation relocation.
14. Loss of privacy to no.11 Gerosa Avenue from elevated position and height of plot 11.
15. Site should be developed with bungalows in keeping with existing buildings.
16. Applicant has no heritage experience.
17. Proposal is not a sustainable form of development – no presumption in favour of development - proposed development reliant on carbon emitting cars for access.
18. Precedent if approved.
19. Access across green dangerous.
20. Loss of locally listed building.
21. Hermitage name should be retained.
22. Inadequate community consultation.
23. Nearby land will soon be subject to major development with implications for traffic and living conditions of future occupiers (strategic rail-freight interchange terminal).
24. Original footprint compared to the proposed development is (inc 15% over build) more than 90% increase - buildings including roads and car park 25% increase.
25. Houses should be no higher than existing building.
26. Solar panels should be incorporated to address climate change objective.
27. Archaeology survey required.

Additional two responses received in respect of revised plans, reiterating previous objections and referencing ‘Right to Light’.

Letter of objection received from Newton-Le-Willows Residents and Friends Association

1. Proposal would not comply with paragraph 89 of NPPF – would harm openness of Green Belt.
2. Nearby land will soon be subject to major development with implications for traffic and living conditions of future occupiers (strategic rail-freight interchange terminal).
3. Neighbours: Support from 1 neighbouring property

1. Proposal better than use as pub.

Consultation Responses

Arboricultural Officer
Planting belt on the eastern elevation has a main function as a screen when seen from further afield. The belt will require some remedial work and maintenance in the form of thinning and restocking to fully realise its potential.

It would be possible to affect a viable green screen by having a row of semi fastigiated species at 3m centres, 1m north of the mid point between the gable and fence with a row of feathered trees 1m south of the mid point alternating with the stock on the north line.

Archaeological Officer
The site was visited during the construction of the rear extension to the inn in 2005 in order to inspect the foundations. This work was carried out in accordance with an access condition attached to the planning consent and came about because of local and member interest in the historical significance of the site.

The work carried out in 2005 produced no results of archaeological interest. It is not considered that any further archaeological mitigation should be carried out.

There may be a case for a programme of building recording, in view of the possible early date for parts of the fabric. This might take the form of a Level II survey, as defined in current English Heritage guidance.
Environmental Health
Land quality condition recommended.

Flood Risk Team
Surface water scheme to be agreed

Highways
Adequate provision is made for access to the garages and driveways of plots 1-3. A Stage 1 Road Safety Audit has been undertaken which is acceptable. Due to the narrow widths of the access routes between the site and the A573 Golborne Road, a scheme of No Waiting at Any Time (Double Yellow Line) parking restrictions is necessary. A scheme for improvement of the existing access routes between the site and the A573 Golborne Road is also required.

Nature Conservation Officer
To be verbally updated.

Observations

Heritage Asset
The existing building on the site is Locally Listed. Policy BH5 states that development proposals likely to have an adverse effect on a building or structure on the Local List will not be permitted unless it can be clearly demonstrated that there are reasons for the development which outweigh the need to safeguard the particular local or historic value involved.

NPPF (para. 128) states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage asset assessed using appropriate expertise where necessary.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

A Level 2 historic building recording survey has been undertaken (Blair Poole & Cat Rees, L – P: Archaeology, 2nd April 2013). This assessment is considered proportionate to the assets' importance. The results of the survey suggest that the structure dates from between 1839 and 1849. Associated research indicates that there had been seven phases of modification and extension to the structure between 1849 and 2005.

Although it is clear that Hermitage Green lies within a historic landscape and cartographic evidence shows that the village was established by at least the
18th century, it is not thought that the standing building pre-dates the Victorian period. Internally it is stated that the building had been modified numerous times since its construction. Although fire damage and vandalism made detailed inspection impossible it is clear that much of the original fabric and layout has been removed. The cellars represent the only intact element of the original construction. These are Victorian vaulted brick cellars, which only occupy the footprint of the mid 19th century phase of construction.

Having regard to the submitted historic building recording survey, the comments of the County Archaeological Officer, the scope to make provision for a programme of building recording as well as the overall condition of the building and its viability for reuse, it is considered that minimal weighting should be attributed to the building’s loss.

Sustainability
There are three dimensions of sustainable development given in NPPF.

The economic role for land use planning is to ensure that sufficient land of the right type is available in the right places and at the right time to support growth. The applicant has provided supporting information in respect of the economic benefits of the proposal (see Drawing 1, Appendix 1). The Localism Act 2011 allows financial considerations to be taken into account in the determination of a planning application. It amends Section 70(2) of the Town and Country Planning Act 1990 to make ‘local finance’ a material consideration. The New Homes Bonus will generate a sum for the local area of £162,000.

The social role that planning should play revolves around the support it gives to maintaining strong, vibrant and healthy communities. There is evidence of anti-social activity associated with the site and its redevelopment for housing has benefits in social terms with the removal of the vacant public house. The proposal also makes provision for off site affordable housing.

Finally, the environmental role for planning is mainly geared towards protecting and enhancing the environment. This embraces the protection of valued landscapes, the enhancement of biodiversity and development in areas with the lowest probability of flooding. Having regard to the existing developed brownfield nature of the site, the proposal is acceptable in these terms subject to specific controls, i.e. landscaping, surface water drainage, precautionary bats measures. A condition is recommended to ensure that the proposal incorporates measures to minimise carbon dioxide emissions and the impact of climate change.

NPPF places a presumption in favour of sustainable development (paragraph 14). The proposed development is sustainable. It should be approved unless material considerations indicate otherwise.

Green Belt
Residential development within the Green Belt is ordinarily inappropriate development. The supporting information in respect of the current application
states that the proposal is justified having regard to para. 89 (bullet point 6) of the NPPF which lists the exceptions to inappropriate development:

"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."

Whilst it is considered that some form of site redevelopment for residential development could be justified against this policy background, it not considered that such provisions allow for the disproportionate substitution of existing buildings, and the key test is subsequently whether the proposal would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The current proposal would replace the existing public house with 12 dwellings. Inevitably there would be an increase in built form over and above the existing situation with a much larger coverage of buildings. A large area of the existing site is covered by hardstanding and car park area, and if consideration is given to this (along with the existing buildings) as the existing development area, then the increase is not as significant (see Photograph 2, Appendix 2).

Notwithstanding the above it is considered that the proposal goes beyond the parameters set out above in para 89 of NPPF. Having regard to the particular merits of the scheme, there is considered to be several other aspects which should be attributed some positive weight:

1. The NPPF sets out a strong emphasis upon encouraging and facilitating provision of housing.
2. The existing buildings have suffered fire damage and are now deemed unsafe. If planning permission is refused it is likely that the site would remain undeveloped.
3. The existing buildings and car park area are very unsightly and there is scope to introduce a visual improvement (see Photographs 4 & 5, Appendix 2).
4. A contribution of £90,000 towards off site provision for affordable housing has been agreed with the applicant.
5. A contribution of £8,573.76 towards “a borough wide deficit of equipped play provision” has been agreed.
6. The application submission includes a Visual Impact Assessment assessing the dominance of site within the wider context. This concludes that visual impact of the development can be reduced with mitigation – this is accepted in principle. (There are issues related to the effectiveness of screening / landscaping dealt with below).

In summary, the proposal is not considered to be fully consistent with para. 89 of the NPPF as the replacement built form would inevitably be greater than
what is existing with some consequent impact upon openness. This could however be mitigated, and this combined with the wider benefits the scheme would bring is considered, on balance, to be sufficient to address the impact upon the Green Belt (i.e. special circumstances prevail). The principle of development within the Green Belt is therefore acceptable subject to conditions and a section 106 agreement to secure the stated elements which counterbalance the loss of openness.

Residential Amenity
The original scheme as submitted located plot 11 on the northern boundary of the site adjacent to no. 12 Gerosa Avenue. It is estimated that there is a difference in land levels between Gerosa Avenue and the application site of approximately 1.94m. This would have resulted in the plot 11 dwelling being particularly visible and dominant from the front elevation windows of no.11 Gerosa Avenue, and the front, side and rear of 12 Gerosa Avenue.

The application has subsequently been amended with the omission of a dwelling (from 13 to 12), and the relocation of the dwelling on the north boundary further within the site. This has created capacity for the introduction of a planting belt to help screen the site when viewed from Gerosa Avenue. The separation between the existing and proposed buildings is 14.7m side to side, (see Drawing 2, Appendix 2). The revised scheme is not considered to have a significant detrimental impact upon the living conditions of adjacent properties with the safeguard of a condition to secure implementation of this belt. (This would consist of a row of semi fastigiated species at 3m centres 1m north of the mid point between the gable and fence with a row of feathered trees 1m south of the mid point alternating with the stock on the north line - see Drawing 3, Appendix 1).

Design
The elevations to the buildings provide adequate articulation and interest. The scheme has been amended to incorporate more features that are present locally, such as pitched cottage style tiled canopies over principle entrances, chimneys, and render (see Drawing 4, Appendix 1).

The bungalows of Gerosa Avenue have a close relationship with each other with a principal elevation separation of only 14m and access via a narrow single width private road (see Photograph 3, Appendix 2). As set out above the proposed dwelling on the northern boundary of the site has a sensitive relationship with Gerosa Avenue, having an approximate 1.94m elevated ground level. The setting in of the building from the boundary to retain a 14.7m side to side distance and the introduction of a planting belt does however go some way to address this.

Highways
The scheme has been amended to ensure adequate reversing space from the garages and driveways of plots 1-3 along the site frontage. The revised planning layout incorporates 3m radii to the private drives and the removal of private garden areas from the adopted footway (see Drawing 5, Appendix 1). This is acceptable.
A Stage 1 Road Safety Audit has been completed in respect of the proposed access arrangements between the site and the A573 Golborne Road. This indicates that the arrangements are acceptable.

Due to the narrow widths of the access routes between the site and the A573 Golborne Road, a scheme of 'No Waiting at Any Time' (Double Yellow Line) parking restrictions is necessary. This will help to ensure that two way traffic flows between the site and Golborne Road can be maintained.

As the existing access routes between the site and the A573 Golborne Road have no formal drainage arrangements, and substandard kerbing and street lighting provision, a scheme to ensure their improvement is also required.

Trees
The planting belt on the eastern elevation has a main function as a screen when seen from further afield. The belt would require some remedial work in that it would need some maintenance in the form of thinning and re stocking to fully realise its potential.

The southern boundary relies heavily on existing thorn and semi mature elms. The elms cannot be relied upon to provide long term cover to the area as elm is once again succumbing to Dutch Elm disease on or about the same age range as the existing tree stock. The thorns are in the form of an informal hedge but make a considerable screen to the southern part of the site.

With the selective retention of trees within the site supplemented with additional landscaping, including the new planting belt to the northern boundary, the proposal is satisfactory from an arboricultural point of view.

Flooding
The planning application indicates that that surface water is to be disposed of via a main sewer. This is acceptable provided that United Utilities have agreed to adopt the whole surface water system and the system would not flood any part of the site in a 1:30 year return period design storm. The proposed drainage layout for the site thus needs to be agreed.

Land Quality
The site is not previously contaminated land but would be occupied by residential dwellings and gardens. Having regard to the sensitive end use the Environmental Health Department recommends land quality investigation.

Ecology
The site is the subject of a Bat Survey scheduled for 2nd May 2013, the outcome of which will be updated to Members.
Infrastructure

Affordable Housing:
A contribution of £90,000 towards off site provision for affordable housing has been agreed with the applicant.

Public Open Space / Children’s Play / Sport & Recreation:
A contribution of £8,573.76 has been agreed towards the borough wide deficit of equipped play provision as required by the “Affordable Housing Open Space and Recreation Provision SPD”. This is 12 plots at £714.48 per plot.

Water:
No response received from United Utilities. There is no evidence of significant constraints in respect of water / sewerage provision.

Recommendation

Approve subject to Section 106 Agreement

Conditions

- Development to commence within 3 years
- Development to proceed in accordance with approved plans
- Scheme of carbon dioxide emission reduction to be submitted, agreed and implemented
- Tree protection scheme to be submitted, agreed and implemented
- No trees, shrubs, hedges to be removed, unless shown for removal on approved plans
- Finished floor levels of buildings, roads, footways, to be submitted, agreed and implemented
- Surface water regulation scheme to be submitted, agreed and implemented
- Materials to be agreed
- Scheme of archaeological work to be agreed and implemented
- Footway improvements to be implemented
- Car parking spaces to be made for use and retained
- Permitted development restrictions related to plot 10 (adjacent 12 Gerosa Avenue)
- Scheme of landscape maintenance and management to be agreed
- Land contamination investigation to be undertaken
- Land remediation to be undertaken where necessary
- Parking prohibitions to be in place on access route from Golborne Rd prior to development commencing
Drawing 5

Appendix 2

Photograph 1
Recommendation

Approve subject to Section 106 Agreement

Conditions

- Development to commence within 3 years
- Development to proceed in accordance with approved plans
- Scheme of carbon dioxide emission reduction to be submitted, agreed and implemented
- Tree protection scheme to be submitted, agreed and implemented
- No trees, shrubs, hedges to be removed, unless shown for removal on approved plans
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- Surface water regulation scheme to be submitted, agreed and implemented
- Materials to be agreed
- Scheme of archaeological work to be agreed and implemented
- Footway improvements to be implemented
- Car parking spaces to be made for use and retained
- Permitted development restrictions related to plot 10 (adjacent 12 Gerosa Avenue)
- Scheme of landscape maintenance and management to be agreed
- Land contamination investigation to be undertaken
- Land remediation to be undertaken where necessary
- Parking prohibitions to be in place on access route from Golborne Rd prior to development commencing
Reason for Referral to Committee

This application is subject to neighbour comments of 10 or more.

Human Rights

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

Site and Proposal

Planning permission was granted in January 2012 for a new commercial building containing three units with both A1 and A2 use classes. A further application with a revision for a larger building accommodating two apartments above was submitted in November 2012, and withdrawn in January 2013 due to concerns related to traffic, parking, and the size of the larger building.

This current scheme subsequently reduces the size of the building from that previously proposed and provides additional highway evidence. The apartments would be privately rented on the open market and are both 2 bedroom units. The building is split into 3 equal shop units which have
customer shop front entrances (1 no. A1 (food retail) / A2 unit, and 2 no. A1 (non-food retail) / A2 units).

There is a communal staff and delivery access to the rear via the car park. A small communal kitchen and disabled WC is also provided. The access to the apartments is a single door on the west elevation (Stocks Lane) which leads to a communal staircase. Both apartments have 2 bedrooms a lounge, kitchen and bathroom.

The original approved single storey building had a ridge height of 5.3m (ref. 2011/18815). The previous application (ref. 2012/20875) proposed a new roof with a ridge height of 9m. The current scheme has subsequently been amended to reduce the height of the building to 7m. It is stated that the gable end facing Victoria Road reflects the style of the public house gable end which faces the new building.

The new building would be constructed from rustic facing brick and grey concrete tiles. The shop fronts and windows would be wood. As with the previous application the new access would be from Stocks Lane adjacent to Victoria Road.

The site area is 582sqm with a proposed building footprint of 248sqm as per the previous application and it is located in the same position on the site. Immediately to the east is St Paul’s Church. Planning permission was granted in 2008 for a new church building. To the west on the opposite side of Stocks Lane is the Crown and Cushion Public House. To the south on the opposite side of Warrington Road is a row of commercial premises and to the north of the site residential properties fronting Victoria Road.

Relevant Planning History

Ref 2010/17398 Proposed use of land as hand car wash facility – Refused 9th January 2011

Ref 2011/18815 Proposed new commercial building containing three units with both A1 and A2 use classes – Approved 5th January 2012

Ref 2012/20875 Proposed new commercial building containing three units with both A1 and A2 use classes, two apartments above, new vehicular access point and car parking facilities – Withdrawn 3rd January 2013

Planning Policy

National Planning Policy Framework (NPPF)

Unitary Development Plan (UDP)

Policy DCS1 Development Control Strategy
Policy LUT20 Parking
Policy REP10 Noise
Policy REP11 Odours
Policy HOU1 Housing Land
Policy HOU2 Housing Development – Restrictions
Policy HOU3 Housing Development – Development Control
Policy HOU13 Privacy and Daylight

Core Strategy (CS) Emerging Policy

Policy SN1 Distribution and Nature of New Housing

Notification Responses

Councillors: Letter of objection received from Councillor David Keane
Please note my objection to the aforementioned application. My concerns are as follows:
1. General massing of the proposed building and associated impact on locality.
2. Insufficient proposed parking and associated highway safety issues.

In the interests of democracy I would welcome a referral to committee should the recommendation be one of approval.

Penketh & Cuerdley Parish Council: Letter of objection received
1. The piece of land concerned is considered far too small for three retail outlets, two apartments and sufficient car parking facilities.
2. The area is already congested and parking is poor for existing retailers.
3. The Parish are concerned about the size of the units and would like assurances if approved that they would not be for take away purposes.
4. The proposal appears close to the boundary causing safety issues on a hazardous corner.

Neighbours: Objection from 17 neighbouring properties
1. Already a lack of parking and severe traffic congestion - minimal parking provided - danger to pedestrians – impinged visibility at junction – already big increase in traffic over recent years – no provision for delivery vehicles.
2. Building out of character – two storey developments on this corner obtrusive – would obscure St Paul’s Church - overdevelopment of the site – higher than adjacent buildings – modern design inconsistent with traditional buildings.
3. Loss of outlook for residents of Victoria Road – too close to the adjacent public house.
4. Already more than sufficient amenities in the immediate area – no need for proposal.
5. Previous public car park was fine – loss of facility for local residents.
7. Noise from ventilation equipment.
Consultation Responses

Environmental Health
Land quality, delivery and noise insulation conditions recommended.

Highways
See appendix 3 for detailed comments.

United Utilities: No objections
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.

Observations

Principle
As with the existing approved scheme, the amount of retail floorspace is such that that the proposal would meet the needs of the immediate locality without impacting upon the retail hierarchy. The principle of residential uses above the ground floor units is also acceptable.

The headline objective of the NPPF sets out a strong presumption in favour of sustainable development. The current proposal involves the redevelopment of an existing previously developed site in an accessible location close to local facilities and services. There is therefore considered to be a presumption in favour of granting planning permission.

Residential Amenity
Policy HOU13 of the UDP states that when considering proposals for housing development the Council would assess privacy and day lighting standards by reference stated 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 is required, 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.

Although not directly applicable in the current circumstances as the proposal is for a mixed use development, it is still considered that the stated interface distances are relevant. The most sensitive interface is with the residential properties to the north of the site. A separation of 27m is retained which is considered sufficient to retain adequate daylight and outlook, even with the increased size of the building (see drawing 1).
The buildings on the three remaining sides are non-residential and less sensitive, and it is not considered that the proposal would be of significant detriment to the use of these buildings.

Design
As with the previous schemes the proposed building has site coverage of built form less than 50%. The height has been reduced from the previous application from 9m to 7m and incorporates a single storey element. The proposed building is lower than both the adjacent public house, and the nearby residential properties of Victoria Avenue. It is considered that the proposal would not have a significantly overbearing impact upon the adjacent streetscenes (see drawing 2).

Highways
See appendix 3 for detailed observations.

Land Quality
Having regard to the sensitive end use the Environmental Health Department recommends land quality investigation

Recommendation
Approve subject to Conditions

Conditions
- Development to commence within 3 years
- Development to proceed in accordance with approved plans
- No customers outside the hours of 08.30hrs and 18.00hrs on any day
- No collection refuse or deliveries outside of 07.00hrs and 22.00hrs on any day
- Building to be acoustically insulated in accordance with approved scheme
- Visibility splays of 2.4m x 42m junction of Stocks Lane eastwards across the site frontage
- Visibility splays of 2m x 70m to the north and 2m x 24.4m to the south from the site access on Stocks Lane
- Scheme for removal of redundant access points/pedestrian crossing points/ kerbing/tactile paving to be approved and implemented
- Car/cycling spaces to be made available and retained
- No amalgamation into larger unit(s)
- No development shall commence until loading and parking restrictions are in place
- Materials to be agreed
- Details of any lighting to be agreed
- Planting to northern boundary to be implemented
- Land contamination investigation to be undertaken
- Land remediation to be undertaken where necessary
Appendix 2
Photograph 1

Photograph 2
Appendix 3
Further to the original application submission, the proposed description of development has now been amended so as to seek permission for:

“New shop development consisting of 1 no. A1 (food retail) unit / A2 unit, and 2 no. A1 (non-food retail) / A2 units with 2 no. apartments above, new vehicular access point and car parking facilities.” (Resubmission of application 2012/20875).

Background
Planning application 2011/18815 granted consent for the construction of 3 commercial units on this site, with all units having permission for both A1 (Shops) and A2 (Financial and Professional Services) uses. In respect of the A1 (Shops) uses, it should be noted that application 2011/18815 granted approval for all 3 units to potentially be food retail units. Food retail uses (which in this case would be likely to be local food convenience stores) are amongst the highest traffic generators of all permitted A1 and A2 uses.

Planning permission 2011/18815 included provision of 10 car parking spaces (including 1 disabled space) for the 3 retail units, along with a single space for delivery vans and 2 cycle stands. Access was proposed from a new 5m wide junction with Stocks Lane, with visibility splays (2m x 70m northwards and 2m x 24.4m southwards) secured through a planning condition.

Planning application 2013/21223 originally proposed to add 2 residential apartments above these approved commercial units and A1 / A2 uses with 10 car parking spaces to be provided. However, following concerns raised by WBC Highways about a potential lack of parking for the approved uses, a revised proposed site plan (ref: 95/12/BP) has been provided. The revised site plan now includes an additional car parking space taking total parking provision to 11 spaces, with 2 of these spaces to be reserved for the residential dwellings. The plan also still includes provision of a delivery van space.

Additionally, in view of concerns over a potential lack of parking, the applicant has amended the description of proposed development so as to limit the uses on site to a single unit for A1 food retail (54sqm) whilst the remaining 2 units would be A1 non-food retail or A2 Financial and Professional Services (gross floor areas of 49sqm & 51sqm).

Access and servicing arrangements will remain the same as with previously approved planning permission 2011/18815.

Proposed Access Arrangements
As before it is proposed to serve the site via a new 5m wide access onto Stocks Lane. A previous planning application on this site which proposed access onto Warrington Road was refused on highway safety grounds (due to
inadequate junction spacing). Therefore, the only realistic option to access the site is by creating an access onto Stocks Lane.

In respect of the junction of Stocks Lane and Warrington Road, Proposed Block Plan (With visibility splays) 95/12/BP demonstrates that a visibility splay of 2.4m x 42m can be provided to the east from Stocks Lane where it meets Warrington Road.

**N.B.** The actual visibility splay provided within the application site is based on a splay of 2.4m by 70m being provided, however this is only constrained outside of the application site by the wall of the adjacent St Pauls church. The proposed new retail units will therefore maintain existing visibility levels at the junction of Stocks Lane and Warrington Road.

In respect of the site access junction onto Stocks Lane, the proposed site plan shows a splay of 2m x 70m being provided to the north, with a splay of 2m x 24.4m being provided to the south where it then extends over the junction of Warrington Road and Stocks Lane.

The above visibility splays are acceptable and should be ensured via planning condition.

**Previous Site Access Arrangements**

It is noted that the proposed access arrangements will not utilise existing historic site accesses onto Stocks Lane and Warrington Road. These should therefore be removed and the affected footway made good in order to ensure a high standard of pedestrian environment surrounding the site.

In addition, it is also noted that there is no formal footway crossing point for pedestrians across the junction of Warrington Road towards Station Road. It would be of significant benefit if this could be provided as part of works to remove redundant access points on Warrington Road.

The above works should be ensured via planning condition.

**Deliveries and Servicing**

Given the relatively small individual sizes of the proposed units, it is not anticipated that large delivery vehicles such as HGV’s will be required to attend site, provided that the 3 units are not in future amalgamated into one larger single unit. If planning permission was granted we would seek to control this eventuality by way of planning condition.

In addition to the 11 proposed parking spaces, the proposed site plan also includes provision of a dedicated parking bay for deliveries. In its proposed position within the site this should be adequate to cater for deliveries by vans or Light Goods Vehicles.
Proposed Parking Provision

It is proposed to provide 9 parking spaces to serve the proposed retail units (which now comprise 54sqm of A1 food retail and 100sqm of A1/A2 non-food retail) and 2 spaces for the residential units.

The proposed floor space would generate the following maximum allowable parking provision in accordance with the Council’s adopted maximum parking standards:

- A1 Food Retail = 1 space per 16sqm = 4 spaces max.
- A1 Non Food Retail = 1 space per 22sqm = 2.5 spaces per unit max.
- A2 Financial and Professional Services = 1 space per 25sqm = 2 spaces per unit max.
- Residential = 2 spaces per dwelling or 1.5 spaces per dwelling in communal areas = 2 spaces per dwelling max.

It can be seen that the development would result in a maximum allowable provision of between 12 and 13 spaces depending on the precise mix of the retail units and if providing up to 2 spaces per apartment. However, 9 spaces would be the maximum allowable provision for the retail units.

Therefore it can be concluded that the proposed provision of 9 car parking spaces to serve the retail development and 2 spaces dedicated to residential use will be in general accordance with the Council’s adopted maximum parking standards.

In addition, the proposals also make allowance for the provision of one disabled parking bay within the 9 proposed spaces for the retail units.

Finally, the proposed site plan includes provision of 2 no cycle stands on Stocks Lane adjacent to the units. This is sufficient to accommodate the parking of 4 bicycles, and is welcomed.

Future Traffic Generation

The future traffic generation and car parking demand of the proposals can be estimated by reference to the TRICS national trip rate database which contains information on the traffic generated by similar sites across the country.

As stated above, the applicant has confirmed that there will be a single food retail (A1) unit and 2 non-food retail (A1/A2) units. In the TRICS database the food retail unit is most comparable to a convenience store whilst the remaining 2 units can be compared against the local shops use type. The apartments are assumed to be private flats.

Table 1 below demonstrates the likely arrivals and departures for each of the proposed uses for each 1 hour period on a weekday.
Table 1 demonstrates that the vehicle arrivals for the retail units will be broadly similar at all times of the day with no distinct peaks of arrivals. Similarly the departures of vehicles are broadly in line with arrivals. Table 2 presents the same data but for a weekend.

<table>
<thead>
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<th>Time Period</th>
<th>1 x Food Retail Unit</th>
<th>2 x Non-Food Retail Units</th>
<th>2 x Apartments</th>
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<td>Departures</td>
<td>Arrivals</td>
</tr>
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<td>08:00-09:00</td>
<td>5</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>09:00-10:00</td>
<td>4</td>
<td>3</td>
<td>5</td>
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<tr>
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<td>20:00-21:00</td>
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Table 1 – Expected Weekday Traffic Generation

Table 2 – Expected Weekend Traffic Generation

Table 2 demonstrates that the food retail unit is expected to be busier during a weekend. However, this increased activity would be offset by the lower number of vehicles associated with the non-food retail units during these times.

Expected Parking Accumulation

The applicant has submitted a TRICS parking accumulation assessment in order to demonstrate that there is sufficient parking provision for both proposed residential and retail uses. The data presented by the applicant has
been checked by WBC Highways and is considered to be broadly representative of average traffic generation and parking levels, although lower or higher demand could be expected depending on the eventual end users of the site.

The accumulation assessment is summarised in Table 3 for the worst case weekday period.

It should be noted that this parking accumulation is based on the number of arrivals and departures in a 1 hour period (as shown in Tables 1 and 2) and does not take account of how the vehicles arrive within the 1 hour period.

<table>
<thead>
<tr>
<th>Time Period</th>
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<td>Spare Cap (No.)</td>
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Table 3 – Expected Car Parking Accumulation

Table 3 – Expected Car Parking Accumulation

Table 3 demonstrates that with all proposed uses (retail and residential) there is expected to be, on average, a maximum of 8 vehicles parking during any 1 hour weekday period which is likely to occur between 2pm and 5pm. This would result in there being 27% spare capacity available within the car park during these times.

In view of the above, the applicant has demonstrated that even with the 2 residential apartments above the retail units that the proposed 11 space car park is of an adequate size to accommodate expected car parking demand for the proposed uses.

Traffic Regulation Order

Notwithstanding the above comments, the potential impact of any parking on street in the vicinity of the development has also been considered.
It is noted that the existing No Waiting At Any Time (Double Yellow Line) Traffic Regulation Order at the junction of Stocks Lane and Warrington Road stops short of covering the area of the proposed site access. Any parking in this location would be unacceptable as it could hinder the flow of traffic on Stocks Lane and potentially block visibility from Victoria Road.

Consultations with the Council’s Traffic Management Section have confirmed that the existing TRO could be extended in the vicinity of the proposed site access to protect any areas on Stocks Lane where on street parking could take place. Accordingly, we would request that a scheme of on street parking and loading restrictions in the vicinity of the proposed site access on Stocks Lane is progressed by way of planning condition.

Summary

Further to previous comments by WBC Highways, the application now seeks permission for just one unit to be available for food retail uses, with increased on-site parking provision to provide a total of 11 car parking spaces on site. This has allowed the applicant to demonstrate that the proposed car parking provision should be sufficient to cater for expected car parking demand.
Application Number: 2013/21266

Location: Former United Utilities Depot, Land off Chester Road, Walton, Warrington, Cheshire, WA4 6EP

Ward: HATTON, STRETTON AND WALTON

Development: Proposed change of use of land and depot (B8) to use as car sales and building for car preparation; alterations to elevations and to access and associated landscaping; siting of two portable buildings to provide toilet and offices; construction of a new 2m high boundary screening fence to south west boundary and associated works

Applicant: Messrs Furness Rigby

8/13/16 Week Expiry Date: 31-Mar-2013

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8 - The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1 - The right of peaceful enjoyment of possessions and protection of property.

Reason for Referral to Committee

Councillor Paul Kennedy has requested that the application be determined by Committee if the recommendation is for approval. In addition 10 (ten) objections (inclusive of Councillor Paul Kennedy) have been received in response to the planning application publicity.

Site and Proposal

Site and Surrounding Area
This application relates to land north of the A56 Chester Road. The site covers an area of 0.28 hectare and is bounded by Pool Lane to the north east,
Chester Road to the south east, a narrow lane that accesses residential properties to the south west and by a sewage works to the north west.

In the wider area beyond Pool Lane are residential properties including, on the main road frontage, 33 Chester Road, which is a Grade II Listed Building. On the opposite side of Chester Road there are two dwellings, the former Ship Inn that is now a restaurant and Springbrook Nurseries. Beyond the lane to the south west is Pear Tree Farm, another Grade II Listed building. This lane also provides access to the farm’s former outbuildings that are also covered by the listing and that are now in use as dwellings. Beyond the sewage works is the Manchester Ship Canal.

The site is a storage and distribution depot (B8) with an existing access onto the A56 Chester Road. The site itself is currently occupied by a single double height corrugated iron faced workshop building and is surrounded by extensive tree and bush planting to all boundaries particularly to Pool Lane where there is a deep belt of planting. The site is comparatively flat and features areas of hard standing, rough surfacing and cleared vegetation. There is a low concrete wall to the Chester Road frontage. A small watercourse runs close to and parallel to the north east (Pool Lane) boundary of the site.

The building, which is located centrally on the site, measures approximately 14m by 9m and has a height of just over 5m.

Access to the site is currently from the lane between the site and Pear Tree Farm close to its junction with Chester Road

The Proposal
The application as originally submitted proposed to change the use of the site from a depot to a car sales use and the use of the building for car preparation. In addition the existing access was to be widened by removing a section of highway wall 5.5m towards Chester Road.

Since the application was submitted the description of the proposed development has been augmented to include the following:
- recladding and reroofing of the building;
- the siting of two portable buildings;
- alterations to the elevations of the building through the installation of windows and replacement doors; and
- the erection of a 2m high close boarded wooden screen fence to the south west boundary.

Further the increase in the width of the proposed access has been increased in an easterly direction by a further 1.8m to 7.3m.

The layout of the site shows that only two trees would be removed at the entrance with all other trees remaining and being supplemented by additional hedge and tree planting. The two portable buildings would be located along
the south west elevation of the existing building, in approximately the same position as the previously approved portable buildings on the site.

Ten customer and staff parking bays would be provided on the rear boundary with the sewage works and the area for vehicle display would be to the north east of the site such that there would be no display of cars on the boundary with the lane to the south west. There would be a car display area to the front boundary but this would be behind the line of existing trees. The main building would be used for car preparation and no bodywork repairs are proposed.

It is proposed to operate the use between the hours of 9am to 6pm Mondays to Fridays and 10am to 4pm on Saturdays, Sundays and public/bank holidays.

While the location of signage is indicated on the submitted plans any such signs would need to be subject to a separate application for advertisement consent.

The agent has stated that the applicant currently operates a car sales business on a site a very short distance away on the west side of Chester Road, opposite the Gainsborough Road junction and that they have occupied and run this business for over 25 years. However, there is little or no on-site parking for visitors and the site is leased rather than owned. The purchase of the application site offers the opportunity for the applicant to invest in their business on their own site.

**Relevant Planning History**

2012/20700 - Proposed change of use of land and depot (B8) to use as car sales and building for car preparation; alterations to access and associated landscaping – Pending consideration

This application is very similar to the current application but relates only to the change of use of the site and building and to a minor widening of the access.

2006/09335 - Siting of portable building – Approved

99/39016 - Siting of modular building - Approved

80/10811 – Change of use of the former highways depot to car repairs and spraying - Refused

77/5379 - Renewal of permission for use as haulage and repairs depot - Refused.
Planning Policies

National Planning Policy Framework

Regional Spatial Strategy

DP1 - Spatial Principles
DP4 - Best Use of Existing Resources
DP7 - Promote Environmental Quality
RDF1 - Spatial Priorities
W1 – Strengthening the Regional Economy
RT4 – Management of the Highway Network
EM1 – Integrated Enhancement and Protection of the Region’s Environmental Assets
MCR6 – Strategic framework for Warrington

Unitary Development Plan

LUT1 – Land Use / Transportation Strategy
EMP1 – Employment Development
GRN2 – Environmental Protection and Enhancement
REP1 – The Prudent Use of Resources
DCS1 – Development Control Strategy
SOC1 – Social Progress
LUT2 – Transport Priorities in Development Control
LUT3 – Walking
LUT5 – Cycling
LUT20 – Parking
EMP6 – Employment Development in Other Areas of the Borough
GRN10 – Protection and Enhancement of Urban Greenspace
GRN13 – Riverside and Canalside Development
GRN22 – Protection and Enhancement of Landscape Features
REP4 – Protection of the Flood Plain
REP5 – Surface Water Run-off and Sustainable Drainage Systems
REP6 – Surface Water Quality
REP7 – Ground Water Quality
REP8 – Land Contamination
REP10 – Noise
REP13 – Hazardous Uses / Installations
DCS7 – Provision and Enhancement of landscaping in New Development

Local Plan Core Strategy

CS1 – Overall Spatial Strategy – Delivering Sustainable Development
SN6 – Sustaining the Local Economy and Services
QE4 – Flood Risk
QE5 – Biodiversity and Geodiversity
QE6 – Environment and Amenity Protection
QE7 – Ensuring a High Quality Place
QE8 – Historic Environment
Notification Responses

The occupiers of neighbouring properties were notified of both the application and the amended description.

Ten letters of objection have been received.

The grounds for objection are as follows:

- The proposals conflict with the Inspector's decision on the appeal against the refusal of application A01/43806 relating to land at ‘The Acorns’, Chester Road in that the proposal would have a significant increase in the amount of traffic on the lane that serves the three residential properties. The Inspector considered that the increase in traffic generated by two additional dwellings would have a detrimental effect on the levels of privacy and quiet enjoyment experienced by the occupiers of ‘Walnut Tree Farm’.
- The existing traffic situation would be made much worse making it dangerous for vehicles, cyclists and pedestrians. Car transporters entering and leaving the site will be particularly dangerous.
- Vehicles turning into the site will cause damage to the retaining wall to the Grade II Listed Pear Tree Farm.
- Loss of privacy.
- Loss of amenity.
- Loss of security.
- Loss of green space.
- The site has not operated as a depot for many years.
- Wildlife will be harmed.
- The operation will pollute adjacent watercourses.
- The operation will be noisy.
- The ‘Safety Audit’ is inaccurate, misleading and incomplete.
- There may be hazardous chemicals that pose a threat to public health and safety.
- Investigation of ground gases has been inadequate.

Cllr Kennedy objects to the application on the grounds that the site is on a very dangerous section of main road and the proposed development will add a further serious hazard through drivers slowing and stopping to look at cars for sale and through vehicles entering and leaving the site.
He asks it to be noted that he has requested that a pedestrian crossing be installed in the area.

He asks that the issue of bat roosting on the site is clarified.

Finally he requests that members of the Committee visit the site.

Walton Parish Council asks that the application be refused. The parish Council has the following concerns:

- The additional traffic will be dangerous
- The entry and egress of car transporters will cause danger and confusion to other road users
- The display of vehicles and associated signage and bunting will attract the attention of motorists
- The use of portable buildings is not appropriate
- The felling of trees is not appropriate.
- The site is a blot on the landscape and should be improved. Use for car sales will not improve the site.

The Parish Council asks that if the local planning authority is minded to approve the application conditions are attached with regard to limiting the amount of tree felling, limiting the period for which portable buildings can be used, preventing visitors exiting right from the site.

Consultation Responses

Environment Agency
There is no objection in principle to the proposed development on the basis that there is no further encroachment on to the river corridor.

The site is shown as being within both flood zones 2 and 3, which is medium to high probability of river/tidal flooding. However the submitted FRA contains modelling data for the unnamed water course to the eastern boundary of the site. The results of this modelling show that the ground levels on site are greater than the 1 in 100 flood event and therefore acceptable.

The submitted details do not include any ecological reports regarding the site and in particular the watercourse on the eastern side. There are records of water vole in the general area. This is a fully protected species under the Wildlife and Countryside Act 1981 and it is an offence to intentionally or recklessly damage, destroy or obstruct access to any structure or place used by a water vole for shelter or protection; to intentionally or recklessly disturb water voles whilst occupying a structure or place used for that purpose; and to intentionally kill, injure or take water voles.

Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential it is protected.
Environment Protection
There is no objection subject to conditions and informatics being applied should consent be given.

Highways
No objection. Detailed update to follow at the committee meeting.

Observations
It is considered that the main planning considerations relevant to this development are:

- the principle of the development
- highway safety
- the effect on the setting of listed buildings
- the effect on the character of the area
- the effect on the amenity of neighbouring residents

The principle of the proposed development

The NPPF identifies a series of core planning principles, of which “encouraging the effective use of land by reusing land that has been previously developed” is a key principle. The efficient use or reuse of existing resources is a policy approach which is consistent with the approach identified within RSS policy DP4. As the proposed development site has been previously developed it is therefore clear that the proposed scheme would be in accordance with this core planning principle.

The site has previously been used as a depot by a variety of users and it is considered that the lawful use of the site falls within use class B8 of the Town and Country (Use Classes) Order 1987. Several of the objections refer to the site as being a valuable green space but it is not considered that the site can properly be considered green space or that policy GRN10 is relevant in this instance.

It is acknowledged that the site has not been intensively used for many years and that the narrowness of the existing access limits the ease with which it can be used. However, this also means that the site could be put to a more intensive use than has previously occurred without any need for planning permission and the narrowness of the existing access would mean that highway safety concerns would result from such an intensification of use.

The inconsistency of the proposed development with a previous appeal decision has been referred to in several of the letters of objection. This appeal, in 2002, related to a completely different site to the rear of The Acorns (one of the pair of listed buildings to the rear of Pear Tree Farm that are accessed from the lane to the south west of the application site) and to the erection of a pair of dwellings.
In his decision letter dismissing the appeal the Inspector stated that there were two main issues in the appeal case:

1. Whether a grant of permission would be premature in terms of the green belt boundary;
2. The effect of the proposal on the setting of adjacent listed buildings

Under a section of his decision letter titled ‘other matters’ the Inspector agrees with concerns raised by the occupiers of Walnut Tree Farm, the adjoining dwelling, that the additional traffic generated by the two dwellings would have a detrimental effect on the privacy and quiet enjoyment experienced by the occupiers of Walnut Tree Farm. In reaching this conclusion the Inspector took into account that the residents of Walnut Tree Farm experienced the effect of occasional pedestrian and vehicular traffic generated by The Acorns and that the proposal would result, at best, in a doubling of that traffic. It was this doubling of traffic that was considered to constitute a detrimental effect.

This situation is in no way comparable to the application where traffic would not pass any of the three dwellings served by the existing lane and where the established and lawful use of the site allows the possibility of greater levels of traffic to enter and leave the appeal site without the need for permission.

It is considered that the principle of the proposed development is acceptable and in accordance with both development plan policy and the NPPF.

**Highway safety**

Consideration of highway matters has formed one of the key aspects of this application. The application proposes a widening of the existing access. Retractable bollards would be installed at the site entrance to ensure no unauthorised vehicular entry outside of operating hours. Ten parking spaces for staff and visitors are proposed and a turning area for a car transporter is provided within the site.

Since the application was submitted, and as a result of concerns expressed by officers the application has been amended to widen the access such that a car transporter could enter and leave the site in a safe manner. The additional widening is to be achieved by additional removal of a short section of the boundary wall towards the east, away from the residential properties that are accessed from the lane to the south west. In addition improvements to the highway have been introduced following further dialogue with the safety audit team and the principle highway engineer. These improvements were not included in the first application 2012/20700 nor in the original application now under consideration. These improvements are required should permission be granted and would be paid for by the applicant and would need to be implemented before any use of the site for car sales began.

In detail the highway improvements are as follows:

- Install white lining to reduce lane widths to allow a hatched area to the nearside of exiting vehicles thereby forcing exiting drivers to the right, away from the pedestrian crossing point allowing greater inter-visibility and retaining an over run area for a car transporter
• Extend the no waiting restrictions
• Warning signs to be installed at the exit to the site, alerting drivers to potential cyclists
• A solid bollard is to be installed to the corner of the western entrance from Chester Road, such that no vehicle approaching from the south west will venture on to the kerb or paving
• Tactile paving installed on the Chester Road pavement either side of the entrance

The applicant's agent has stated that online advertising has changed the nature of car sales, particularly for the sale of second hand cars, which is the applicants business and which is proposed here. Customers tend to be 'car led' in their search, so that cars are found through the internet before a customer will physically visit a car sales site. The applicant considers it unlikely that cars will be delivered by car transporter and most cars are picked up by designated drivers from auction rooms are other sources. There are occasions though when a car transporter may be used to deliver cars to the site. The agent has stated that a normal day for the applicant involves only half a dozen customer visits with customers having identified the car that they are interested in before their visit rather than a customer visiting as a result of simply passing the site. The application is car sales and any permission would run with the land and not this particular applicant.

While car transporter visits may be rare they must be catered for though and the applicant has now, following further design changes, succeeded in demonstrating how such vehicles can enter and leave the site safely.

The lawful use of the site could result in traffic using the site without the need for planning permission. It is considered that the proposed use would generate less traffic than could be generated by worst case scenario uses to which the site could be put without the need for planning permission.

The improvements to the highway detailed above are considered sufficient to ensure that the use can operate safely without detriment to highway safety. The highway officer no longer objects to the application subject to the works outlined above being implemented and as such there are no objections on highway grounds.

Design

NPPF paragraph 56 states, “The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Paragraph 63 states that, “great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.” Paragraph 64 however states that, “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of and area and the way it functions.”
The proposal results in the recladding of the existing building on the site resulting in an improvement in its appearance. With regard to the portable buildings these would both be sited adjacent to the existing building. They would be set back from the main road frontage and are screened by significant existing tree planting. Portable buildings have been approved on the site twice before and given that the proposed use is a business it will be in the interests of the operator that the buildings are maintained in good appearance and are not allowed to become unsightly.

It is therefore considered that the proposed design is acceptable in accordance with development plan policy and the NPPF.

**Effect of the development on Listed Buildings**

RSS policy EM1 states that proposals should protect, conserve and enhance the historic environment.

NPPF requires that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. It also points out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It points out that significance can be harmed or lost through development within its setting.

The recladding of the main building would improve its appearance and the siting of the portable buildings to the immediate south west of this building would be similar to the location of the previously approved portable buildings on the site. In fact one of the previously approved portable buildings was located closer to the lane to the south west than is now proposed.

Pear Tree Farm stands on elevated ground and is separated from the application site by the lane that serves as access to further properties to the rear of Pear Tree Farm. Outside of the application boundary is a line of tall evergreens and the application proposes the erection of a 2m high close boarded wooden fence on the site boundary. There would be no display of cars on the south west boundary of the site and the majority of cars would be displayed on the side of the site furthest from Pear Tree Farm.

The two listed dwellings to the rear of Pear Tree Farm are better screened and there would be no car sales in the vicinity of the boundaries of the site closest to these listed dwellings. As such it is considered that there would be little effect on the setting of these two listed buildings and that their significance as heritage assets would not be harmed.

33 Chester Road is also listed but is separated from the site by Pool Lane and a thick belt of tree and shrub planting. As such it is considered that there would be little effect on the setting of this listed building and that its significance as a heritage asset would not be harmed.
It is therefore considered that the effect of the proposed development on the setting of listed buildings is acceptable in accordance with development plan policy and the NPPF.

**Character of the area**

While there is significant tree and shrub planting the increasingly neglected and unsightly building on the site does detract from the character of the area. Indeed the parish Council in its response to the application points out that the site is a “blot on the landscape” and their assessment is not disagreed with.

In this context the improvements to the building and the general improvements that will be brought about through the use of the site are balanced against the open uses and paraphernalia associated with car sales. The site is well screened and the area that can be used for the display of vehicles is such that only a small proportion of the main road frontage could be used for the display of more than a single line of vehicles. It is therefore considered that the proposed use would not have a detrimental effect on the character and appearance of the area.

Conditions are attached that limit the area that can be used for the display of cars to that shown on the submitted plans and that limit activities that can take place outside of the workshop building.

It is therefore considered that the effect of the proposed development on the character of the area is acceptable in accordance with development plan policy and the NPPF.

**Effect on the amenity of neighbouring residents**

A 2m high close boarded wooden fence is to be erected along the boundary to the lane that also provides access to the three dwellings to the south west. This boundary is already well planted that partially screens the application site from these dwellings and additional tree and shrub planting is proposed.

The use is not one that generates significant levels of noise and a condition is attached that restricts operations taking place outside of the workshop building. No bodywork repairs are proposed to take place. The use is not one that generates high numbers of traffic movements. The recladding of the existing building would improve its appearance.

Given this context, and as referred to above in discussing the previous appeal decision, it is not considered that the appeal proposals would have any significant effect on the amenity of neighbouring residents in accordance with development plan policy and the NPPF.
Loss of trees

Only two trees are to be removed and their removal is necessary in order to ensure that car transporters can access and egress the site safely. None of the trees on the site are protected.

Additional tree planting will take place that adequately compensate for the loss of trees.

Notification Responses

Most of the grounds of objection raised by the notification responses have been addressed above.

Turning to those that have not been covered it is not considered that the proposals result in any loss of privacy to neighbouring residents as there are no windows above ground floor level and the entrance to the site is clearly marked.

With regard to security the bringing back into use of the site is considered to have the potential to benefit the security of neighbours through the increased presence on the site as much as it may reduce it through increasing activity by bringing more people into the immediate vicinity.

The site is not considered to be green space and the proposals result in additional tree planting. There is no reason to believe that wildlife would be harmed to any material extent, that adjacent watercourses would be polluted or that contamination has not been adequately investigated. A condition is attached restricting operations that might be normally associated with car sales. Car sales in itself are not a noisy activity.

A revised safety audit has been submitted and this is written by the Borough Council and not by the applicant or their agents.

A habitat survey of the site has been undertaken and it states there is no potential bat roosting habitat on site. The trees are not large enough to support cavities. The corrugated metal building is not considered suitable to support a bat roost. The tree belts along the boundaries of the site are potential foraging routes for bats. There is an old bat box on the site but it has no bottom to it and so is not suitable as a bat roost.

Consultation Responses

The Environment Agency response incorrectly states that no habitat survey was submitted with the application. It does address the issue of water voles and the watercourse on the site and concludes that there no evidence of water vole was noticed during the survey and the stream is not considered to be optimum water vole habitat.
Summary

The proposed development brings back into use a previously developed site that has a lawful use that could result in more traffic than would be generated by the proposed use. The use of the site is acceptable and as a result of site improvements, existing planting and proposed conditions, the use would not have a detrimental effect on the amenity of neighbours, the character of the area, highway safety or the setting of neighbouring listed buildings.

Recommendation

Approve subject to Conditions

Conditions

- Standard Time limit -full 3 years
- Highway improvements
- In accordance with submitted plans nod.
- Materials - Submission
- Protective fencing
- External lighting
- Landscape scheme
- Sales of vehicles
- Hours of operation
Appendix 1 – Drawings

Existing site layout

Proposed site layout
Proposed workshop elevations

Proposed plans and elevations for office and WC
Proposed site entrance

Appendix 2 – Photographs of Site

Aerial photograph of the site
Street view photograph off Chester Road when leaving Warrington
Plans List  Item 5  09-May-2013

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>2013/21379</th>
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<tbody>
<tr>
<td>Location:</td>
<td>Land Adjacent To Stanford House, Garrett Field, Warrington, WA3 7BH</td>
</tr>
<tr>
<td>Ward:</td>
<td>BIRCHWOOD</td>
</tr>
<tr>
<td>Development:</td>
<td>Application to extend time limit for implementation of permission 2010/15826 (Proposed four storey office building, with 150 associated car parking spaces on an existing car park, and a new decked and surface car park on the site adjacent to to Standford House to relocate displaced car parking spaces (revision of application 2009/15157)).</td>
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<tr>
<td>Applicant:</td>
<td>Capital &amp; Provincial</td>
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<tr>
<td>8/13/16 Week Expiry Date:</td>
<td>26-May-2013</td>
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Reason for Referral to Committee

This application involves a scheme of major development of more than 1000sqm floor area.

Human Rights

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

Site and Proposal

The application is for an extension of time for the implementation of a planning permission by grant of a new permission for the development authorised by the original permission. This measure has been introduced in order to make it easier for developers and LPA’s to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these
applications should be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, LPA’s should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission.

The site is located alongside the A574 Birchwood Park Avenue within Birchwood Business Park. The site is bordered by a business park to the north, and south, and the existing office building Stanford House to the east occupied by Opal Telecom. Beyond Stanford House to the east is the residential area along Delenty Drive. There is also a residential area at Heather Close beyond an embankment and landscaped area on the opposite side of Birchwood Park Avenue.

Immediately to the north of the site is an area of landscaping designated as Urban Green Space. A pedestrian connection runs adjacent the site linked to Birchwood Park Centre, which is approximately 500m north-west of the site. The site is within a designated Employment Area.

The original consent is for an office building of 5,091sqm. The building has 5 storeys, 4 storeys of office accommodation above ground level and car parking in a basement level. Replacement parking would be provided to replace parking lost by the introduction of the building and there would be no overall loss of car parking for the existing office on the site. The proposed replacement parking would be partly contained on a deck to the south west of Stanford House.

**Relevant Planning History**

Ref. 2010/15826 Proposed four storey office building, with 150 associated car parking spaces on an existing car park, and a new decked and surface car park on the site adjacent to Stanford House to relocate displaced car parking spaces (revision of application 2009/15157) – Approved 3rd March 2013

Ref. 2009/15157 Proposed four storey office building with underground car parking, additional surface car parking and associated landscaping - Withdrawn 22nd January 2010

Ref. 2008/12206 Proposed additional car parking – Approved 24th March 2008

Ref. 2006/08953 Proposed additional car parking – Refused 29th December 2006

Ref. 2004/03986 Erection of an office building (B1), provision of car parking – Approved 15th December 2004

Ref. 2004/02854 Retrospective proposal for erection of externally illuminated mobile phone effigy sign – Approved 16th June 2004
Ref. 99/40680 Outline application for office (b1) 382 car parking spaces, access and associated works – Approved 10th February 2000

Ref. 99/39549 Extension to existing car park (for 35 spaces) – Withdrawn 1st July 1999

Ref. 96/35439 Proposed extension/adaptation of existing car parking & landscaping – 7th November 1996

Ref. 92/28990 Proposed extension to automatic telephone exchange to house standby generator – Approved 3rd July 1992

Planning Policy

National Planning Policy Framework (NPPF)

Unitary Development Plan (UDP)

Policy DCS1 Development Control Strategy
Policy DCS3 Engineering Services
Policy DCS7 Provision and Enhancement of Landscaping in New Development
Policy REP10 Noise
Policy LUT1 Land Use / Transportation Strategy
Policy LUT2 Transport Priorities in Development Control
Policy LUT5 Cycling
Policy LUT20 Car Parking
Policy EMP4 Development in Existing Employment Areas
Policy GRN2 Environmental Protection and Enhancement
Policy GRN10 Urban Greenspace
Policy GRN22 Protection and Enhancement of Landscape Features
Policy REP5 Surface Water Run-off and Sustainable Drainage Systems

Core Strategy

Policy QE3 Green Infrastructure
Policy QE4 Flood Risk
Policy QE7 Ensuring a High Quality Place
Policy SN6 Sustaining the Local Economy and Services

Notification Responses
None

Consultation Responses

Environment Agency
Previous comments repeated. Surface water regulation scheme required.
Environmental Health
No objections subject to the previous conditions being reattached.

Highways
There are no significant changes in circumstances relevant to highways matters since the granting of planning approval 2010/15826, no highways objections are raised in respect of the proposed extension of time limit.

Highways Agency
No objections

Observations

Material Changes
As set out above it is necessary to determine development plan policies and other material considerations which may have changed significantly since the original grant of permission.

There would not subsequently appear to have been any material changes on the ground to suggest that the merits of the scheme should be considered differently, and the consultation responses received from statutory bodies restate previous comments.

There has however been a material change in respect of the development plan with the abolition of Regional Spatial Strategy, and the introduction of the NPPF which sets out a strong presumption in favour of sustainable development. The current proposal involves the redevelopment of a brownfield site occupied by an existing car park within a designated employment area. There is therefore considered to be a stronger presumption in favour of granting planning permission than there was with the previous application.

Residential Amenity
The nearest residential properties are situated at Heather Close, which is more than 40 metres away from the new office building with intermittent trees, an embankment, and landscaping along Birchwood Park Avenue. Of these properties only two have a direct interface in an easterly direction towards the new building. It is not therefore considered that the proposal would have a significant adverse impact upon the outlook of any residential properties, or create considerable noise or disturbance that would adversely affect residential amenity.

The residential area in the vicinity of Stanford House has experienced problems in the past with overspill parking from the existing office use. Concerns were previously expressed in respect of the loss of car parking for the existing office, in order to accommodate the new office. The proposal does however make provision for replacement parking for Stanford House (386 spaces maintained), and it is not therefore considered that the proposal would give rise to amenity problems for nearby residential property by virtue of overspill parking.
Design
The building was designed to provide column free internal spaces, which necessitated the creation of a structural facade. This arrangement is expressed in the external appearance of the building with the creation of a strong frame, clad with pre-cast concrete panels. This frame is then in-filled with panels of slate / glazing, creating a strong contrast between the structural frame and the panels. On the southeast elevation the glazing is angled and recessed to create shading. On the southwest (front) elevation the glazing is again recessed and has an additional external blind system to mitigate solar gain and create a layered elevation. This elevation is divided into two clear elements with the office wings clearly articulated against the glazed atrium entrance.

Generally the design of the building is contemporary and practical and reflects its intended office function. It provides a sufficient degree of interest and variety so as to enhance the quality of the surrounding business park, and is consistent with the predominant character of the employment area. At four storeys high above ground level, the building would inevitably represent a very distinctive and prominent element of the streetscene along Birchwood Park Avenue. The scale and massing of the building is nevertheless consistent with a previously approved scheme, as well as other office buildings in the vicinity of the site, and would not therefore appear discordant.

Visual Impact
The proposal was amended to make better provision for landscaping around the periphery of the site. In particular the proposal provided replacement parking provision for Opal Telecom, including the introduction of a car deck to the southeast of Stanford House. The elevated position of the car deck had the potential to represent an obtrusive feature, and was originally located close to the eastern boundary of the site. The scheme was subsequently amended to relocate the car deck further away from the boundary with the introduction of an intermittent 12m belt of landscaping to mitigate its visual dominance. This was considered to be acceptable, with the visual impact of the car deck restricted to views from the within the site itself.

Sustainability
The previous application included an Energy Statement. The report considered the use of ground source heat pumps providing both heating and cooling or labyrinth cooling through Earth Ducts. A condition required implementation of suitable energy conservation and low carbon energy measures at the appropriate time.

Flooding
The site is within Flood Zone 1. The location of the proposed office building is a car park area, and it was not therefore considered to be an overly sensitive location, and a condition to ensure implementation of a suitable
surface water management scheme as part of a Flood Risk Assessment was considered sufficient to address any concerns.

**Highways**
The traffic impact of the development was not considered to be a significant constraint. A new vehicular access is proposed necessitating the relocation of two bus stops on Birchwood Park Avenue. The proposal provided for a new footpath link to the segregated footpath to the north of the development. It also incorporated new footpath provision along the site frontage to the relocated bus stops where currently there is no footpath access. Provision for 28 cycle stands are to be provided within the undercroft parking area. Various transport improvements were proposed in order to accommodate the new pedestrian, cycle and car access arrangements, as outlined above, including installation of two bus shelters on Birchwood Park Avenue, a TRO revision to accommodate the new access and bus stop relocation, and provision of new footway link north to the off road network and south to roundabout of Birchwood Park Ave and Garrett Field.

**Recommendation**

Approve subject to Conditions

**Conditions**

- Development to commence within 3 years
- Development to be in accordance with approved plans
- Car parking spaces to be made available prior to use
- Details of materials to be submitted and agreed
- Landscaping to be implemented
- Building & external plant to be acoustically insulated
- Travel plan to be submitted and agreed
- Renewable energy measures to be incorporated
- Trees to be protected
- Flood Risk Assessment and surface water drainage scheme to be submitted and agreed
- Existing parking provision for Standford House to remain until replacement parking available
- Scheme for improved cycle access to be submitted and agreed
- Signage to be erected advising against no access against the flow of traffic behind the building
- Scheme to be agreed for improvements to Birchwood Park Avenue for new pedestrian, cycle & car access
<table>
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<th><strong>Application Number:</strong></th>
<th>2013/21417</th>
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<tbody>
<tr>
<td><strong>Location:</strong></td>
<td>Gemini 8, Appollo Park, Charon Way, Burtonwood And Westbrook, Warrington</td>
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<tr>
<td><strong>Ward:</strong></td>
<td>WESTBROOK</td>
</tr>
<tr>
<td><strong>Development:</strong></td>
<td>Application to extend the time limit for submission of reserved matters and implementation of permission 2007/11923 (Outline application for B1, B2 and B8 uses, Hotel (C1), pub/restaurant (A3 / A4) including provision of access and on site infrastructure, provision of internal estate road, plateau formation, drainage and associated works).</td>
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<td><strong>Applicant:</strong></td>
<td>CDP Ltd</td>
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<td><strong>8/13/16 Week Expiry Date:</strong></td>
<td>29-May-2013</td>
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**Reason for Referral to Committee**
This application involves a scheme of major development of more than 1000sqm floor area.

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

**Site and Proposal**
The application site was formerly the southern section of the Burtonwood Motorway Service Area (MSA). The northern section on the opposite side of the M62 motorway remains operational as a motorway service area. On the 12th March 2008 outline consent was granted (ref. 2007/11923) for the redevelopment of the site with the following mix of uses:

- B1(c), B2 and B8 uses (3.18ha)
- C1 hotel & A3/A4 pub/restaurant (0.77ha or 3100sqm floorspace)
- B1a offices (B1a) (2.03ha)
Reserved matter applications have subsequently been submitted specifically for the hotel, pub / restaurant elements of the outline proposal. Condition 2 (of 2007/11923) requires the submission of reserved matters within 5 years of the date of consent, i.e. 12th March 2008. This application thus proposes an extended period of time for the submission of the remaining elements of the outline consent beyond 12th March 2013.

The western part of the site is occupied by a grouping of hotel and food and drink uses consented by the reserved matter applications since 2008. To the east is the remaining area of the outline application site, not yet redeveloped. Beyond this to the east is the Gemini Employment Area. To the south is Charon Way. On the opposite side of Charon Way is the Butts Green residential development.

**Relevant Planning History**

Ref. A00/41032 Outline application for redevelopment for B1 and A3 (restaurant), and C1 (hotel), purposed with ancillary facilities including petrol filling station – Approved 4th May 2000

Ref. A02/44863 Undertake development granted by planning permission ref. A00/41032 without compliance with conditions 5 and 7 – Approved 8th May 2002

Ref. 2005/06242 Proposed variation of condition 1 of planning permission A02/44863 to allow submission of reserved matters later than 12th August 2005 – Approved 13th September 2005

Ref. 2007/11284 Proposed submission of reserved matters pursuant to outline planning permission 2005/06242 – Approved 12th March 2008

Ref. 2007/11923 Outline application for B1, B2 and B8 uses, Hotel (C1), pub/restaurant (A3 / A4) including provision of access and on site infrastructure, provision of internal estate road, plateau formation, drainage and associated works, all other matters to be reserved for later approval – Approved 3rd December 2008

Ref. 2007/10632 Proposed renewal of planning permission 2005/06242 for outline permission for redevelopment for B1 & A3 (Restaurant) and C1 (Hotel) purposes with ancillary facilities including petrol filling station – Withdrawn 20th February 2008


Ref. 2010/17251 Resubmission of previously approved reserved matters permission 2010/16150 (revised details of public house/hotel and removal of two substations from scheme) – Approved 15th October 2010

80
Ref, 2012/19514 Reserved matters application for details of access, appearance, landscaping, layout and scale for restaurant following outline approval 2007/11923 (B1, B2 & B8 uses, hotel and pub/restaurant - Approved

Planning Policy

National Planning Policy Framework (NPPF)

Unitary Development Plan (UDP)

Policy DCS1 Development Control Strategy
Policy DCS3 Engineering Services
Policy DCS7 Provision and Enhancement of Landscaping in New Development
Policy REP10 Noise
Policy LUT1 Land Use / Transportation Strategy
Policy LUT2 Transport Priorities in Development Control
Policy LUT5 Cycling
Policy LUT20 Car Parking
Policy EMP4 Development in Existing Employment Areas
Policy GRN2 Environmental Protection and Enhancement
Policy REP5 Surface Water Run-off and Sustainable Drainage Systems

Core Strategy

Policy QE3 Green Infrastructure
Policy QE4 Flood Risk
Policy QE7 Ensuring a High Quality Place
Policy SN6 Sustaining the Local Economy and Services

Notification Responses
None

Consultation Responses

Environment Agency
No objections. Previous comments repeated.

Environmental Health
No objections subject to the previous conditions being reattached.

Highways
No objections. No material since previous approval.

Highways Agency
No objections.

United Utilities
No objections
Observations

Material Changes
There would not appear to have been any material changes on the ground to suggest that the merits of the scheme should be considered differently than the proposal from 2008, and no new issues are identified by the consultation responses received from statutory bodies.

There has however been a material change in respect of the development plan with the abolition of Regional Spatial Strategy, and the introduction of the NPPF which sets out a strong presumption in favour of sustainable development. The current proposal involves the redevelopment of a vacant brownfield site on the edge of a designated employment area next to the M62 motorway. There is therefore considered to be a stronger presumption in favour of granting planning permission than was the case with the previous application.

Character / Visual Impact
As before the siting, layout and landscaping of the site are reserved for subsequent approval. There remains scope to introduce the residual elements of the original outline consent without causing any visual impact or harm to the character of the area. The indicative layout drawing shows the footprint of a number of sizeable industrial and office buildings to the north and east of the site. Such buildings could be accommodated within their setting having regard to the proximity of similar industrial and commercial buildings within the Gemini Employment Area. The nearest residential development situated at Butts Green is an adequate distance away on the opposite side of the Charon Way Link Road.

Highways
The original scheme made provision for the formation of a controlled junction with Charon Way. This element has now been implemented, and subsequently the highway infrastructure is in place to meet the requirements of the both the existing development, and the outstanding elements that will need to be subject to future reserved matters.

Environmental Impact
The outline consent from 2008 was subject to conditions relating to various elements in order to control the environmental implications of the proposal, e.g. drainage, travel plan, car parking, protected species, ecological management, recycling, land quality, lighting, plant, floor levels, etc. Some of these elements have been addressed with condition discharge applications and the submission of details, with certain elements to be addressed with the ongoing development of the site.
Recommendation

Approve subject to Conditions

Conditions

- Reserved matters to be submitted and approved
- Reserved matters application(s) to be made to LPA within 5 years. Development to commence within 2 years of last RM
- Unless agreed, gross floor area not to exceed: HOTEL / PUB / RES=0.77HA; B1(C) B2 / B8=3.18 HA; B1(A) OFFICES=2.03 HA.
- No development on or adjacent to mway embankment where embankment or earthworks at risk
- No drainage from the site shall run off into the motorway drainage system
- The car parking/servicing area shall be retained for use solely for those purposes
- Travel Plan to be submitted and approved in liaison with the SOS
- Car parking in accordance with Councils standards
- Repeat bat survey to be undertaken for any remaining buildings to be demolished
- No demolition/veg removal in bird breeding season
- A scheme for the recycling, storage and collection of refuse from each building to be submitted and agreed
- Contamination scheme to be submitted and approved
- Details of any lighting to be agreed
- Buildings and plant to be acoustically insulated
- Levels to be in accordance with approved drawings
- Approved Flood Risk Assessment to be implemented
- Surface water regulation system to be agreed and implemented
- Surface water to be passed through an oil interceptor
- Scheme for disposal of foul and surface waters to be agreed and implemented
- No change of use to retail (A1) use
- There shall be no direct pedestrian or vehicular access to or from the M62 motorway
Appendix 2

Photograph 1

Hotel and Restaurant Earlier Phases of Development Granted Reserved Matter Approval

Photograph 2

Pub / Restaurant Earlier Phases of Development Granted Reserved Matter Approval
Reason for Referral to Committee
This is a major application exceeding 10 dwellings in number.

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

Site and Proposal
This application is a resubmission of a recently refused proposal. The previous application (ref. 2012/21081) was refused due to concerns relating to the tenure of the scheme and highway issues.

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 renewed in 2011 and expires on the 2nd May 2014.

As with the previous scheme the current application proposes a reduced number of units with a total of 78 dwellings, comprising 19 x two bedroom houses, 26 x three 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.
The site itself 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.

Relevant Planning 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).

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)

Ref. 2012/21081 Proposed 78 affordable homes of mixed tenure and demolition of adjacent dwelling (94 Folly Lane) – Refused 8th March 2013

Planning Policy

National Planning Policy Framework (NPPF)

Unitary Development Plan (UDP)

Policy DCS1 Development Control Strategy
Policy DCS2 Planning Obligations
Policy DCS3 Engineering Services
Policy GRN22 Protection and Enhancement of Landscape Features
Policy HOU1 Housing Land
Policy HOU2 Housing Development – Restrictions
Policy HOU3 Housing Development – Development Control
Policy HOU4 Open Space
Policy HOU6 Housing Density & Mix
Policy HOU13 Privacy and Daylight
Policy HOU15 Affordable Housing
Policy REP4 Protection of the Floodplain
Policy REP5 Surface Water Run-off and Sustainable Drainage Systems
Policy REP8 Land Contamination
Policy REP10 Noise
Policy GRN18 Key Biodiversity Habitats and Priority Species
Policy GRN21 Protection of Nature Conservation Resource
Policy LUT1 Land Use / Transportation Strategy
Core Strategy (CS) Emerging Policy

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

Notification Responses

Neighbours
One objection received. Do not need another new housing estate in the area, having recently had the new estates built on Bewsey Road (the old Greenings site) and Longshaw Street (the former Marsden site) Marsden Site (Calgarth Avenue). As I understand it of the 100 units built only 1% was sold to private individuals the rest sold to social and private landlords attracting unsociable tenants and adding to the antisocial behaviour we have in the area. The site is untidy and not maintained.

I feel that if this new site at George Howards is allowed to proceed the houses will be once again sold to social landlords/private landlords, and will be rented out to unsuitable tenants and the area will have further antisocial behaviour brought upon it due to the houses not being sold to private individuals.

There will be a further impact on the road system which at peak times (especially when anything happens on Winwick Road or the Motorways) is at full stretch.

There is no suitable access from the scrap yard. It would be unsafe to access from the scrap yard onto Folly Lane due to the excessive traffic congestion at peak times and Hawthorne Avenue is unsuitable for the amount of traffic as it is a small residential street.

I would be grateful if you could take my comments into consideration, I understand that there were plans to build houses on Dallam Park and now that St Marks Church is up for sale this seems set to proceed. If it does this will cause more antisocial behaviour and traffic problems. What the area needs is regeneration and more things for the teenagers/unemployed to engage in not more houses/traffic.
None
Consultation Responses

Arboricultural Officer
No objections. Previous comments reiterated. Only small area of trees to western boundary is in need of protection with 6m clearance.

Education
No objections. There is however an issue with capacity within local schools.

Environment Agency
No objections. Previous comments reiterated. Surface water and impact on controlled waters, to be addressed.

Environmental Health
No objections. Previous comments reiterated. Land quality condition recommended.

Highways
No objections. Traffic regulation order and transport improvements required in order to address the increased traffic from the proposal.

Housing Services
Proposal supported and would secure a much needed source of affordable housing provision for Warrington.

Nature Conservation Officer
No objections. No adverse implications for protected species. Results of updated bat survey accepted. There is no direct evidence of bat use found but precautionary methods advised.

Network Rail
No objections provided that a distance of 28 metres is retained between the proposal and the railway boundary.

Observations

Principle of Housing
The site is within Inner Warrington, a designation common to both the Unitary Development Plan (UDP) and Core Strategy (CS).

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".

Policy CS8 sets out objectives which development proposals within Inner Warrington are expected to aid the delivery of. The proposal conforms to these objectives, i.e. delivery of housing and the redevelopment of underused
and derelict land. The proposals are subsequently consistent with the Council’s spatial approach to housing land release.

The 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”.

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. The current proposal is for 100% provision.

Notwithstanding the 20% target it is considered appropriate to secure 100% affordability in perpetuity by condition having regard to the form 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.

**Sustainability**

There are three dimensions of sustainable development given in NPPF.

The economic role for land use planning is to ensure that sufficient land of the right type is available in the right places and at the right time to support growth. The delivery of 78 dwellings would contribute to the sustainability and long-term viability of local services in Bewsey through increasing the available household income and potential expenditure. Research conducted by the Home Builders Federation (HBF) (Building a Recovery: ‘How tackling the housing crisis can rebuild economies across the country’, December 2010) estimates that house-building creates approximately 1.2 full time equivalent jobs for every dwelling built. Broadly speaking it should be recognised that the development would make a valuable contribution towards on-going affordable housing requirements in Warrington with an investment value of £8.4m.

The social role that planning should play revolves around the support it gives to maintaining strong, vibrant and healthy communities. The proposal makes provision for social housing and family accommodation that would complement the vibrancy of the local community.

The environmental benefits of the proposal are clear with the redevelopment of a vacant Scrapyard.

NPPF places a presumption in favour of sustainable development (paragraph 14). The proposed development is sustainable. It should be approved unless material considerations indicate otherwise.

**Tenure**

One of the two reasons for refusal for the previous scheme related to a lack of demonstration that the proposal would suitably include a mixed tenure of affordable residential properties. Policy SN2 of the Warrington Core Strategy
states that 50% of the required affordable provision should be for social rent and 50% for intermediate housing. This latter housing type is defined as housing at prices and rents above those of social rent, but below market price or rents. This can include shared equity products, low cost homes for sale and intermediate rent. The current submission includes additional information addressing this.

The most recent needs assessment for Warrington is set out in the Mid–Mersey Strategic Housing Market Assessment (SHMA) and indicates a substantial increase in the estimated need for affordable housing at between 419 - 477 dwellings per year. This assessment forms part of the evidence base for the forthcoming Core Strategy examination and effectively updates the earlier Warrington SHMA.

Given this projected increase in need, it is possible that the level of affordable housing provision will fall against targets for the 2010-2015 periods. In these circumstances it remains important to maximise any opportunity to deliver additional affordable housing.

Affordable rent is an intermediate form of affordable housing (with rents calculated at 80% of open market rents) which is different and complementary to the prevailing mix of social rent and private home ownership in the adjoining neighbourhoods of Bewsey and Dallam, where a high proportion of former council houses have been sold under the right-to-buy. The affordable rent for a three bed property would be £120 per week which compares with a social rent of between £81 and £91 per week.

Early indications arising from the welfare reform changes are leading to alterations in the demand and bids for certain types of properties, resulting in differences to how properties are now allocated following bids. For example, there are more bids made for 2 bed properties due to the large number of those affected by the spare room subsidy that need to downsize. However, there are substantially less bids now made for 3 bed houses by those on housing benefit which means these are more accessible for those who are in employment. So whilst the tenure is all affordable rent this will generate a more varied mix in terms of the economic circumstances of tenants.

The current application offers a 100% affordable quota which compares very favourably with the maximum 20% quota for brownfield sites which could be achieved through negotiations, especially in the context of the increased need identified in the Mid-Mersey SHMA.

Additionally in the current financial climate there is no evidence of demand for market housing on this site which could deliver any significant affordable provision. This is borne out by the fact that the existing outline consent for 152 apartments has failed to attract developer interest, even with a very low obligation to deliver only 3 affordable units. In contrast, the current application will deliver 78 affordable homes of intermediate tenure. This represents a positive material planning consideration in affordable housing terms and it is
therefore not considered that the proposal would materially conflict with the aims and objectives of policy SN2.

Residential Amenity
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 (see Photograph 2).

The most sensitive relationship with existing houses is plots 76, 77 and 78. The scheme was amended to ensure a 13m separation from the rear of the properties fronting Hawthorne Street, as well as move plots 75 and 76 further north out of the 45 degree line of sight from the rear of 9 Hawthorne Street (see Drawing 1).

Character
The site context consists of areas of Victorian terraced housing with mixed 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 (see Drawings 2 - 4). The scale of the apartment block to the Folly Lane frontage adjacent the site access helps create a strong presence within the streetscene 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 (see Photograph 1 & Drawing 2). 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 three 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 renewable energy sources 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. The subsequent increase in construction costs is estimated at 9-12% gross with no funding mechanism that would provide additional capital. Remediation of contaminated land is also identified as a significant cost constraint with the former site use as a scrap yard having added approximately 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 housing schemes funded by Homes and Communities Agency (HCA).

Highways
Proposed Site Access
Adequate provision is made for 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
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. This would mitigate the external impacts of the development on the local highway network, and 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. It is considered that there is scope for a scheme to address this and a condition is recommended accordingly.

**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.

**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.

**Trees**

There are various trees within and adjacent the site. 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 is required to ensure the existing crowns and root zones have sufficient room for incremental growth in the foreseeable future.

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.

**Flooding**

**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. The site is outside any predefined
area that is deemed to be at risk from flooding by rivers or other surface water bodies. Potential groundwater flooding risk is 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 the existing situation. Percolation tests are to be undertaken to ascertain whether infiltration is a feasible method for the disposal of surface water. Discharge to the mains sewer is to be agreed with United Utilities. 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
The site overlies sand deposits and a principal aquifer lies within a groundwater source protection (zone III). The FRA indicates that the site has been subjected to a number of potentially contaminative uses which has resulted in a number of site investigations which have identified that the land has been impacted by hydrocarbons and inorganic heavy metals. The 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.

Noise
A series of noise surveys completed in order to measure the impact of road traffic, commercial activity and railway noise. The outcome is set out within the submitted Acoustic Report (Noise and Vibration Impact Assessment REC Report: 90163 Issued: 14th December 2012).

A Vibration Survey has also been 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 falls below the ‘low probability of adverse comment’ criteria as detailed in BS6472:2008.

The Noise Impact Assessment subsequently concludes that mitigation measures are required ensuring a commensurate level of protection against noise for future occupants. Noise levels within external amenity space fall below agreed criteria.

The recommended mitigation to be secured by condition is as follows:

- 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)

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 are 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. It is 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. It is also recommended that an asbestos survey is undertaken.

Air Quality
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. The predicted pollutant concentrations were below the relevant air quality standard. The site is subsequently considered suitable for residential usage in respect of 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. The assessment was therefore undertaken to quantify pollutant concentrations both with and without the proposals.
indicated impacts on pollutant concentrations were not predicted to be significant at any sensitive location in the vicinity of the site.

**Ecology**
The application has been the subject of an Ecological Assessment (Extended Phase 1 Habitat & Arboricultural Survey, REC Report: 60003p1r0, 13th December 2012). The recommendations of the assessment are a nesting bird check prior to site works, and an accurate assessment pf the extent of Japanese knotweed and rhizome spread.

Bat emergence surveys have also been recommended on two buildings. A further updated survey found no direct evidence of bat use but precautionary methods have been advised, and conditions are recommended to address these elements.

**Infrastructure**

**Education**
Having regard to the type of accommodation, there may be an additional pressure placed on school places, but given the wider benefits of the scheme and the estimated number of resulting pupils (14), it is considered that that if they actually materialise evenly spread across all year groups then Children’s Services can cope with the additional numbers. If they come in a ‘bulge year’, then it is anticipated that they may be accommodated within the wider area although not in Bewsey. If further family residential development is proposed in the Bewsey area then there will be a clear requirement for developers to mitigate the impact of their development and additional school accommodation will need to be constructed.

**Public Open Space / Children’s Play / Sport & Recreation**
No provision is made for open space or children’s play provision. Bewsey neighbourhood has existing access to facilities and it is generally accepted that the nature of affordable housing delivery is such that profit margins and hence scope to over abnormal and wider infrastructure costs is limited. This is a grant funded schemes and only viable due to public subsidy bridging the 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.

**Water**
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.
Recommendation

Approve subject to Conditions

Conditions

- Development to commence within 3 years
- Development to proceed in accordance with approved plans
- Scheme for the development to be delivered as affordable housing to be agreed and implemented
- Tree protection scheme agreed and implemented
- Landscaping scheme to be agreed and implemented
- Scheme for limiting surface water runoff agreed and implemented
- Scheme to manage overland flow of surface water to be agreed and implemented
- Materials to be agreed and implemented
- Parking to be made available and retained
- Noise mitigation to be implemented in accordance with approved details
- Levels to be agreed and implemented
- Land contamination investigation to be undertaken
- Land remediation to be undertaken where necessary
- Keep Clear traffic restrictions on Folly Lane & No Waiting At Any Time prohibitions on the site access

- Visibility splays of 2.4m x 45m at junction with Folly Lane. Splays of 2.4m x 25m internal junctions
- Scheme of transport improvements vicinity junction of Folly Lane and Longshaw Street
- A scheme of cycle parking to be agreed and implemented
- Features for roosting bats to be installed
- Repeat bat survey if no development after one year
Appendix 1

Drawing 1

- 13m separation retained
- Plots 77 & 78 amended from 3b to 2b
- Original position of plots 75 & 76

Drawing 2

Drawing 3
Appendix 2

Photograph 1
southern embankment leading up to Folly Lane Bridge

Photograph 2
site currently vacant and unsightly
Photograph 3

vacant buildings adjacent to residential properties

Photograph 4

western boundary of site – trees outside boundary
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
DATE OF COMMITTEE  8 MAY 2013

Report of the: Executive Director of Environment and Regeneration
Report Author: Daniel Hartley - Development Control Manager
Contact Details: Email Address: dhartley@warrington.gov.uk
                              Telephone: 01925 442809

Ward Members: All

TITLE OF REPORT: Results of planning application appeals

1. PURPOSE OF THE REPORT
   (a) Land off Doeford Close, Culcheth, WA3 4DL
   (b) 57 Myddleton Lane, Winwick, WA2 8LN

2. BACKGROUND
2.1 To advise members of the results of appeals.

3. REPORT BODY
3.1 Please see the enclosed

4. CONFIDENTIAL OR EXEMPT
4.1 Not applicable

5. FINANCIAL CONSIDERATIONS
5.1 None

6. RISK ASSESSMENT
6.1 Not required

7. EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT
7.1 No equality impact assessment is considered to be required

8. CONSULTATION

8.1 Not relevant

9. REASON FOR RECOMMENDATION

9.1 To inform Members of the results of appeals

10. RECOMMENDATION

10.1 To note the reports

11. BACKGROUND PAPERS
   Planning application appeal decisions attached

Contacts for Background Papers:

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

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Appeal Decision

Site visit made on 25 March 2013

by C L Sherratt DIP URPI MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 April 2013

Appeal Ref: APP/M0655/D/13/2193040
57 Myddleton Lane, Winwick, Warrington, Cheshire, WA2 8LN

• The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
• The appeal is made by Mr Rod Blackie against the decision of Warrington Borough Council.
• The application Ref 2012/20749 was refused by notice dated 4 February 2013.
• The development proposed is a two storey side and rear extension and loft conversion.

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed extension on:
   (a) the character and appearance of the host dwelling;
   (b) the character and appearance of the street scene / surrounding area;
   and
   (c) the living conditions of the occupiers of the neighbouring property (number 59 Myddleton Lane).

Reasons

3. The existing property is a semi-detached two-storey dwelling. It benefits from a single storey side and rear extension that wraps around the property. It occupies almost the full width of the property to the rear and part of the side elevation. The proposed extension would involve an extension above the existing ground floor addition together with a small addition to the side which would reduce the set back from the front elevation.

4. Policy DCS1 of the Warrington Unitary Development Plan (UDP) requires development proposals to be of a high standard achieving a number of objectives. Policy DCS9 requires alterations and extensions to existing buildings to be designed to complement the scale and general massing of the existing building and provide a sympathetic relationship between old and new fabric. Policy HOU8 relates specifically to dwelling houses, and applies to all proposals for alterations and extensions to existing buildings. Extensions and alterations will be permitted where a number of criteria are met. These include that it respects the character of the original dwelling and harmonises with it in scale, proportions and materials and it preserves the essential character of the street and surrounding area.
5. The proposed extension would result in a significant increase in the size of the property over and above the original dwelling. As the neighbouring property is a bungalow, the overall increase in the mass of the side elevation would be clear and apparent in the street scene when viewed from the east. Despite the proposed set back from the front elevation and the lower ridge height, the proposal would nevertheless be of an overall scale and footprint that would engulf and dominate the original proportions of the property, neither respecting nor harmonising with the original. The proposal would therefore be contrary to relevant policies in this regard.

6. A further criterion of Policy HOU8 is that the extension or alteration does not cause unreasonable harm to the amenity of occupiers of adjacent properties through overlooking or overshadowing of living rooms or garden areas. The neighbouring bungalow contains secondary windows in the side elevation facing the proposed extension. There would be no immediate overlooking. It is acknowledged by the Council that limited weight is ordinarily afforded to the protection of secondary windows. Whilst I do not doubt that the extension would have a greater impact than say a 2m high fence or caravan parked alongside, I do not consider it would compromise the living conditions that the occupiers of the property can reasonably expect to enjoy, to such an extent as to result in adverse harm; particularly bearing in mind that the property would still enjoy principal windows to the front and rear. The resultant extension would be of a scale that would appear overbearing and unduly imposing from the relatively small rear garden area of the bungalow. The proposed development would therefore result in adverse harm to the living conditions of the neighbouring property by reason of overbearing impact when viewed from the rear garden area, contrary to UDP Policy HOU8 and DCS1.

7. I am not persuaded by the other examples of extensions referred to by the appellant that the proposed development would not have an unacceptable impact. Whilst the appellant may choose to exercise opportunities to extend under the provisions of the Town and Country Planning (General Permitted Development) Order (as amended) (GPDO) should planning permission be refused, this would not provide sufficient justification to set aside relevant development plan policies; the GPDO allows extensions of specific dimensions that are deemed to be acceptable.

8. Whilst I recognise the needs of the family for additional accommodation and the benefits for them to remain in the immediate area, the development would exist long after the particular personal circumstances of the family have ceased to be material. As such, the personal circumstances of the appellant and his family would not justify development that would be contrary to the development plan.

9. To conclude, I consider the proposed development would conflict with relevant UDP policies that are not inconsistent with the National Planning Policy Framework that confirms that good design is a key aspect of sustainable development, in indivisible from good planning, and should contribute positively to making places better for people.

C Sherratt

INSPECTOR
Appeal Decision

Inquiry held on 12 & 13 March 2013
Site visit made on 13 March 2013

by P J Asquith  MA(Hons) MA MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 April 2013

Appeal Ref: APP/M0655/A/12/2187508
Land off Doeford Close, Culcheth, Warrington, WA3 4DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Redrow Homes Ltd (Lancashire Division) against the decision of Warrington Borough Council.
- The application Ref. 2012/20175, dated 8 June 2012, was refused by notice dated 25 October 2012.
- The proposal is residential development comprising 26 dwellings, access roads and landscape works.

Decision

1. The appeal is allowed and planning permission is granted for residential development comprising 26 dwellings, access roads and landscape works at land off Doeford Close, Culcheth, Warrington, WA3 4DL in accordance with the terms of the application Ref. 2012/20175, dated 8 June 2012, subject to the conditions set out in the attached schedule.

Main Issues

2. From all I have read, seen and heard I consider the two main issues in this case are:
   - The proposal’s impact on residential and public amenity as a result of the loss of an area of open land; and
   - Whether the proposal accords with planning policy in terms of the location and provision of residential development.

Reasons

Background

3. The appeal site forms part of the former Newchurch Hospital site which was redeveloped in the 1990s by the appellant company and its predecessor in a number of phases to create 214 dwellings. Just over 1.6ha in extent, the site is generally level and comprises an area of maintained grassland save for a narrow treed strip along its northern boundary with the Jibcroft Brook. It is separated by post and rail fencing to its southern side bordering Doeford Close and to the west from an area of public open space, although since the summer of 2012 taller screen fencing has been also erected.
4. The site currently falls within a safeguarding zone connected with an explosives storage depot to the north and this is said to have been a major constraining factor in the site not being brought forward for residential development. Changes at the depot would mean that the safeguarding zone could be reduced, with the site no longer being within it if the Explosive Licence granted by H M Inspectorate of Health and Safety (Explosives) (HSE) is amended or varied. In the event of planning permission being granted, an accompanying Section 106 (S106) obligation would prevent development on the site until amendment of this licence; there is an agreement between the appellant and the operator of the explosives storage depot, Orica UK Ltd, that in the event of planning permission being granted for residential development on the site Orica would apply to the HSE for licence amendments.

5. There are incomplete records available relating to the planning history of the redevelopment of the hospital site, in part, because of the Council’s failure to retain planning files and documents predating 1996. Nonetheless, what is not in dispute is that the appeal site is subject to the provisions of a S106 agreement dating from 1991. This placed an obligation requiring the majority of the site (except for the narrow strip along its northern edge which was to be tree planted) to be maintained in an open, weed-free condition and was to be used for either outdoor recreation, agriculture or such other use as may be granted planning permission. The land has been maintained as grassland though the appellant’s witness indicated that it had never been subject to any of the uses mentioned in the agreement. It is common ground between the appellant and the Council that no obligation was placed upon the landowner by the S106 agreement to make the land available as public open space.

6. The scheme would provide 18 detached houses arranged around two culs de sac together with eight smaller ‘cottage mews’ dwellings arranged in two terraces off a third cul de sac, these latter properties intended to be affordable housing. Subject to the imposition of appropriate conditions the Council takes no issue with the design, mix, density, layout and landscaping of the scheme. Nor does it have concerns relating to highways, access or infrastructure provision, impact on ecology or the relationship with existing neighbouring residential occupiers within Doeford Close and impact in respect of matters such as privacy. I have no reason to come to a contrary view on these matters.

7. A site-specific Flood Risk Assessment supported the application. This included additional hydrological and hydraulic modelling investigation of the Jibcroft Brook to more accurately define the flood risk zones within the application site. It has resulted in a reduction of the anticipated floodplain extent within the site compared with Environment Agency (EA) flood maps. As a result of this the EA is satisfied as to flood risk and impact subject to finished floor levels of the dwellings being at least 600mm above the 1 in 100 year flood level (taking account of climate change). The Council similarly takes no issue on this matter. Although flood risk was a concern raised on behalf of some existing Newchurch Village residents, I have no reason to come to a different view to that of the EA or Council.

Planning policy

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1 It was however suggested on behalf of the appellant at the Inquiry that the cropping of grass from the site constituted agricultural practice.
8. The Council’s reason for refusal refers to various policies of the Warrington Unitary Development Plan (UDP) 2006. Policy DCS1 is a general policy requiring development proposals to be designed to a high standard. Policy GRN2 requires, amongst other matters, that in determining planning applications the Council will protect and enhance valuable green spaces, playing fields and recreational facilities within or adjoining the urban area. The unacceptable loss of green space within the built-up areas of the borough will not be permitted under Policy GRN10. Under this policy proposals will be assessed against a range of criteria including the effect of loss on the level, availability and accessibility of recreational facilities, children’s play provision and public open space in the neighbourhood, taking into account the needs of future generations. Furthermore, the policy goes on to state that in areas shown to be deficient in open space, sports or recreational provision, in either quantity or quality, proposals will be expected to contribute to their enhancement or provision.

9. Within the context of the Inquiry reference was also made to Policy HOU4. This sets out the levels of children’s play, public open space and sport and recreation facilities that will be expected to be provided associated with schemes for family housing either on-site or via appropriate contributions for off-site provision relating to open space.

10. Reference is also made to Policy QE3 of the Submission Local Plan Core Strategy (SLPCS) of September 2012. This sets out the Council’s approach to the provision, care and management of the borough’s green infrastructure including the protection of existing provision and the function this performs. Both the Council and the appellant suggest that weight such be given to the emerging SLPCS as it is at an advanced stage. However, it has yet to undergo its formal Examination and although there is agreement between the appellant and the Council as to the general consistency with guidance in the National Planning Policy Framework (the Framework), at this stage full weight cannot be given to its policies.

Loss of open land

11. The Council’s reason for refusal suggests that the proposal would result in the permanent loss of an area of open space which has historically acted and been used as an area of public amenity and for public enjoyment. It is apparent that, in the past, the appeal site formed part of playing fields associated with the former hospital. Objections from Newchurch residents refer to the site being used for a wide range of activities including games playing and dog walking. The site has been fenced, with gates for access for maintenance equipment, although until the fairly recent screen fencing was erected the nature of the post and rail fencing would no doubt have made physical access to the site relatively easy for many. Nonetheless, other than for an event to mark the millennium, the appellant strongly suggests public access has not been authorised and that such access should be regarded as trespass.

12. At the Inquiry it was stated that an application had been made by residents to register the site as a Town or Village Green. The Council suggests that there is clear evidence of public use and enjoyment of the site and that this may have given rise to a right for the public to use the site which will be protected if Village Green status was to be conferred. However, this assessment is a matter for a different forum. I must view the present proposal on the basis on the evidence before me that whilst under the terms of the 1991 extant S106
agreement the land is to remain in an open condition, no authorised public access to, and use of, the site exists. Variation of or amendment to the existing S106 agreement would also be a matter for a different forum.

13. Part of the Council’s case at the Inquiry appeared to be on the basis that loss of the site to residential use would prevent the making good of a claimed deficiency in open space provision within the Newchurch estate. However, the basis of the Council’s refusal was not on the potential future use of the site but on its historic and current use and amenity and how its loss would impact on local residents.

14. In terms of any supposed deficiency, the 1991 S106 agreement delivered the public open space required for phase I of the hospital redevelopment (the land to the west of the appeal site which was transferred to the Council). Phase II of the redevelopment, which received planning permission as a result of a series of applications, took place without calls being made on the appeal site to provide public open space. Whatever the reason for this, whether the Council concluded that the land was not required for this function or there was some degree of incompetency on its part at that period in not securing the land as public open space, must be open to some speculation in the absence of a full detailed history. Nonetheless, analysis of what public open space exists within the Newchurch estate suggests that in terms of extent there is no actual deficiency when judged against present applied standards. Further, when the appeal proposal is judged in terms of what open space it should itself provide, the off-site contributions that would be secured through the accompanying S106 obligation are compliant with the Council’s present requirements.

15. The Council has an adopted Supplementary Planning Document (SPD) on Open Space and Recreation Provision. Based on a requirement for public open space provision of 40m² per dwelling, which stems from UDP Policy HOU4, the level of public open space within the wider Newchurch development is exceeded; this being made up of four existing parcels of land. It is the case that the wider development does not include a LAP, LEAP or formal sports provision. However, at the Inquiry the appellant indicated that it had never been asked to fund or provide such facilities other than meeting the SPD requirements and discussing how off-site contributions to public open space might be spent. The Council has never alleged conflict with Policy HOU4 or the SPD and it was accepted at the Inquiry that the site-specific merits of the proposal did not breach these. In any event, the S106 obligation now offers the opportunity for perceived deficiency in formal play space to be addressed.

16. The Council sought to argue that the existing public open space is in qualitative and utility terms somewhat deficient because of, amongst other matters, constraints imposed by trees and location, particularly the small parcel of land referred to at the Inquiry as site 3 – adjacent to Doeford Close. Nonetheless, these areas fall within the typologies of public open space set out in the SPD.

17. Open space can have amenity value even if there is no public access to it. The Council has not sought to argue that the appeal site should be retained in its current form on this basis. I have no doubt that (until the erection of screen fencing) there would have been pleasant if unexceptional views over the site from close at hand within Doeford Close. The site is contained by trees along

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2 It is apparent that the area is known locally as both Newchurch and Newlands
3 LAP - Local Area for Play; LEAP – Local Area for Equipped Play
its northern and eastern boundaries, the great majority of which are to be retained, with open countryside within the Green Belt beyond. Whilst I appreciate the expressed concerns of certain local residents, outlook from existing houses to the southern side of Doeford Close would be affected but the planning system does not exist to protect private, as opposed to public, views.

18. Public views of the site are restricted to those from Doeford Close with more distant ones from the nearby public footpath running to the north-west and from where the proposed development would be seen within the context of the existing housing at Newchurch. The site has no significant landscape or nature conservation value. Given the retained trees along the northern and eastern boundaries the proposed development would have no negative impact on the visual amenity of the adjoining Green Belt. In my judgement the site has no overarching public amenity value in terms of its intrinsic visual qualities as open land such that its loss to a well-designed residential scheme should be resisted on this basis.

19. On this issue I conclude that the proposal would not lead to an unacceptable loss of open space that would materially detrimentally affect residential and public amenity. It would not be contrary to the thrust of UDP Policies DCS1 and GRN2 or SLPCS QE3. Nor would it run counter to UDP Policy GRN10 given its compliance with Policy HOU4 and the SPD.

Location and provision of residential development

20. In its reason for refusing planning permission the Council does not suggest that the proposal conflicts with policy concerning the broad locational or quantitative provision of housing. However, this was a theme developed at the Inquiry. It is common ground between the appellant and the Council that there are aspects of housing policy within the UDP which are inconsistent with the Framework, specifically HOU1 and HOU2 which seek to withhold the release of sites. In such circumstances paragraph 14 of the Framework is applicable. This indicates that planning permission should be granted where relevant development plan policies are out-of-date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Further, the appellant and Council agree that weight should be attached to the SLPCS given its stage of preparation and consistency with the Framework.

21. The Council accepted at the Inquiry that the proposal would accord with SLPCS Policy CC1. This identifies Culcheth as a settlement inset within the Green Belt where new-build development will be allowed providing it is compliant with the Framework and is sustainable. SLPCS Policy SN1 is supportive of development in settlements such as Culcheth if, amongst other matters, it constitutes small-scale, low-impact infill development.

22. The Council’s Local Plan Core Strategy Examination Clarification Housing Scale & Distribution was produced in response to the examining Inspector’s identified issues requiring clarification. This has been informed by the Council’s Strategic Housing Land Availability Assessment of 2011. Within the Clarification document the appeal site is shown as a suitable but constrained housing site. The SLPCS does not define ‘infill’. The site is within the inset boundary of the settlement and the appellant has suggested that it is within this context that the proposal would be infill. Having regard to the nature of other identified potential housing sites shown within the Clarification document I consider it is
not realistic to ascribe within this context the narrow common definition of infill as the filling of a small gap in an otherwise continuously built-up frontage.

23. It is perhaps more accurate to define development on the site as ‘rounding-off’, as the appellant has also done. However, I do not see this as putting the development outside the scope of the policy; the development would be within the inset boundaries of Culcheth. Within the Clarification document it is apparent that the appeal site is the largest of the potential housing sites identified. Whilst ‘small-scale’ is also not defined, within the context of the size and nature of Culcheth, with a population in the region of 9,000, it is not unreasonable to suggest that 26 dwellings is ‘small scale’. The Council makes no case that the site is not sustainable. Therefore, in terms of the locational aspects of housing development I see no fundamental conflict with relevant policies of the emerging Local Plan Core Strategy.

24. Also to be considered in the balance are the facts that the development would deliver 30% affordable housing, would be likely to result in 34 full-time equivalent (FTE) direct construction jobs and over 100 FTE indirect jobs together with receipts for the Council in the form of the New Homes Bonus. Although the borough is healthily placed in respect of the supply and delivery of housing provision, the scheme would make a small contribution to the intent of the Framework to boost house building. These would amount to specific benefits of the scheme that weigh in its favour.

Conclusions

25. It is therefore my overall conclusion that, subject to the obligations provided through the S106 agreement and the imposition of conditions as set out below, the proposal would not harmfully affect residential and public amenity. The scheme would also accord with guidance in the Framework and the thrust of emerging development plan policies in respect of the location and provision of residential development.

Conditions and S106 Agreement

26. A list of suggested conditions agreed between the Council and the appellant was attached to the Statement of Common Ground and discussed at the Inquiry. I have considered these conditions in light of the discussion that took place and having regards to advice within Circular 11/95 The Use of Conditions in Planning Permissions.

27. A condition is necessary specifying the plans to which the permission relates, for the avoidance of doubt and in the interests of proper planning. I shall impose a condition to help ensure the adoption of suitable energy minimization, conservation and low carbon energy measures. In the interests of appearance and character of the area, conditions are necessary relating to the protection of trees and shrubs to be retained, implementation of planting, the management of the communal area that would lie outside the residential curtilages of the proposed dwellings, and to ensure that the external materials of the development are as specified on the approved plans. Conditions relating to ground levels and the provision of a sustainable urban drainage system are required to prevent flooding.

28. In the interests of highway safety, conditions are necessary relating to the provision of parking and visibility splays. I have imposed conditions along the lines of those suggested to promote the use of the site by wildlife including
bats, birds, hedgehogs and aquatic/amphibian species and to protect species from light spillage in the adjacent brook corridor. A condition is also required relating to the removal of non-native invasive Himalayan Balsam. Because of evidence of past use of the site and the possibility of contaminated made-ground, a condition is required to ensure more detailed site investigation and any necessary remediation is undertaken in order to minimise the risks of pollution. I have imposed a somewhat simpler condition to that suggested.

29. A S106 Agreement was handed in at the Inquiry. However, in light of evidence and discussion at the Inquiry it was decided that a revised S106 obligation should be produced to include a financial contribution towards the cost of providing an equipped play area within the existing estate, together with a play equipment maintenance contribution. This revised concluded obligation was submitted in accordance with an agreed timetable after the close of the Inquiry.

30. The agreement includes a clause terminating the previous S106 agreement dated 8 March 2013. In addition, the new S106 provides the mechanism for securing the provision of the affordable housing element of the scheme, the provision and agreement of an open space specification and its provision within the appeal site, an off-site open space contribution and a contribution towards improving pedestrian crossing facilities in Common Lane. It also contains the agreement not to implement the planning permission without the Explosives Licence relating to Orica depot having been amended or varied to exclude the appeal site from within the safeguarding zone connected with it. I am satisfied that the S106 agreement is reasonable, relevant and necessary in relation to the proposal and that it is compliant with Section 122 of the Community Infrastructure Levy Regulations 2010.

Other matters

31. I have taken account of all other matters raised but I have neither seen nor heard anything sufficient to outweigh the conclusions reached above that the scheme is acceptable.

P J Asquith

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with The following approved plans:

- Plots 1-8 Plans & elevations
- Plot 9 Plans and elevations
- Plot 10 Plans and elevations
- Plot 11 Plans and elevations
- Plot 12 Plans and elevations
- Plot 14 Plans and elevations
- Plot 15 Plans and elevations
3) Prior to the construction of any dwellings an Energy Statement which demonstrates how the development to which it relates minimises energy demand and generates a proportion of its energy requirement from decentralised renewable and/or low carbon sources, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully incorporated as part of the construction of the buildings and shall remain operational for the lifetime of the development.

4) Prior to the commencement of development a scheme for the protection from construction damage of all trees/shrubs/hedgerows shown as being retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any site works commence and shall be retained during the period of construction.

5) No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, damaged or destroyed without the prior written approval of the Local Planning Authority.

6) There shall be no raising of ground levels within the 1 in 100-year flood plain as identified on the approved ‘Detailed site layout – CDC/DSL/001’.

7) The development hereby permitted shall not be commenced until such times as a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of these details an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the Local Planning Authority. Development shall be implemented in accordance with the approved scheme.

8) The development hereby permitted shall not be commenced until such time as a scheme for the management of overland flow from surcharging of
the site’s surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed ground levels and the proposed finished floor levels. Development shall be implemented in accordance with the approved scheme.

9) Prior to the occupation of any dwelling a scheme shall be submitted to and approved in writing by the Local Planning Authority relating to the management and maintenance of the communal area coloured green on the ‘Land disposal layout’ drawing (No. CDC/DSL/005). The scheme shall be implemented as approved.

10) Development shall only be carried out in accordance with the approved material specifications in drawing No. CDC/DSC/002 rev A.

11) Prior to the occupation of each individual residential unit, parking provision shall be made available for that unit in accordance with the detailed site layout drawing (No. CDC/DSL/001) or any subsequent approved amended drawing.

12) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

13) Notwithstanding the fencing boundary treatment shown on the approved drawing ‘Construction details Ref. CDCBSTD01’, the fencing shall have a minimum raised 10cm clearance above ground level.

14) Prior to the construction of any dwelling a scheme for the incorporation of features suitable for use by roosting bats shall be submitted to and approved in writing by the Local Planning Authority. The proposed features shall be permanently installed in accordance with the approved details.

15) Prior to the construction of any dwelling a scheme for the incorporation of features suitable for use by breeding birds, including house sparrows and starlings, shall be submitted to and approved in writing by the Local Planning Authority. The features shall be permanently installed in accordance with the approved details.

16) Prior to the construction of any dwelling full details of a scheme for the eradication of Himalayan Balsam within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation, shall identify the extent of the Himalayan Balsam on a scaled plan and shall be implemented in accordance with the approved scheme.
17) No development shall commence until a fully detailed scheme for the provision of ponds within the site, including details of the size, profile, depth and any aquatic planting and timescale for implementation has been submitted to and approved in writing by the Local Planning Authority. The ponds shall be constructed in accordance with the approved scheme.

18) The landscaping plan No. 4103.02 rev C (or any subsequent revised landscaping plan) shall be carried out no later than six months from the date of the commencement of the residential use. Any trees or plants/grassed areas which within a period of five years from the date of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written approval to any variation.

19) Prior to the construction of any dwelling, a lighting plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall ensure ecological receptors remain dark and unaffected from light spill. Lighting shall be implemented and thereafter retained in accordance with the approved plan.

20) Prior to the first residential occupation of a dwelling on the site, visibility splays of 2.4m x 40m as shown on drawing no. CDC/DSL/001 rev A shall be provided from all access points in both directions on Doeferd Close and shall be retained thereafter with nothing being erected or allowed to grow above a height of 0.6m within the splays unless otherwise agreed in writing by the Local Planning Authority.
APPEARANCES

FOR THE APPELLANT

Paul G Tucker QC instructed by Iain Mason, Solicitor, Redrow Homes Limited

He called

Graham Mark Trewhella
BA(Hons) MCD MRTPI Partner Cass Associates

FOR THE LOCAL PLANNING AUTHORITY

Vincent Fraser QC instructed by Tim Date, Solicitor, Warrington Borough Council

FOR INTERESTED PARTIES

Geoffrey Hardern on behalf of Newchurch Village Residents

DOCUMENTS

1. Letter of notification of the Inquiry and list of those notified
2. Draft replacement S106 Agreement
3. Review of open space across Newlands Village
4. Counsel advice relating to the meaning of ‘open condition’
5. Schedule of open land within Newchurch Village compiled by the Council
6. Aerial photograph showing Culcheth neighbourhoods and plan showing these in relation to the borough
7. Appellant’s opening submissions
8. Photographs of open space within Newchurch Village
9. Plan showing the location of open space adjacent to Doeford Close
10. Statement of CIL compliance
11. Bundle of historic photographs of Newchurch Village
12. Proposed modification to Policy SN1 of the submitted Warrington Local Plan Core Strategy
13. Closing remarks of Newchurch Village residents (Mr Hardern)
14. Council’s closing submissions
15. Appellant’s closing submissions
16. Concluded S106 Agreement, dated 22 March 2013
17. Submission Local Plan Core Strategy, September 2012
18. Warrington Unitary Development Plan, operative 23 January 2006
TITLE OF REPORT: Enforcement performance and activity for the 2012-13 period.

1. PURPOSE OF THE REPORT

1.1 To provide members with a summary of planning enforcement performance for the 2012-13 period

2. BACKGROUND

2.1 This report provides Members with an indication of the current performance of the Enforcement Team over the past 12 months, against which future improvements to the service can be assessed. Members may recall that the Development Control Service is in the process of being re-structured and additional resources are in the process of being provided in both the determination of planning applications and the enforcement side of the service.

2.2 The Enforcement Team currently comprises a total of 4 members of staff (3.8 full time equivalent posts), which is to be increased to 6 members of staff (5.8 full time equivalent posts). A Senior Enforcement Officer is to join the Team in the near future (subject to satisfactory references) and a Compliance/Monitoring Officer is also due to join the Team on 1st July 2013.

2.3 The re-structuring of the Section has enabled a Principal Officer to directly oversee/management the Enforcement Team. There is therefore now a more focussed, “hands on” approach to the management of the Team.
3. PLANNING ENFORCEMENT PERFORMANCE FOR 2012-13

Enforcement enquiries received 2012-2013

3.1 A total of 351 enforcement enquiries were received in the period 2012-2013:

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Enquiries received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.4.2012 – 30.6.2012</td>
<td>77</td>
</tr>
<tr>
<td>1.7.2012 – 30.6.2012</td>
<td>92</td>
</tr>
<tr>
<td>1.1.2013 – 31.3.2013</td>
<td>91</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>351</strong></td>
</tr>
</tbody>
</table>

Enforcement enquiries closed 2012-2013

3.2 A total of 370 enforcement cases were closed over the past 12 months:

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Enquiries received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.4.2012 – 30.6.2012</td>
<td>70</td>
</tr>
<tr>
<td>1.1.2013 – 31.3.2013</td>
<td>87</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>370</strong></td>
</tr>
</tbody>
</table>

Types of enforcement enquiries closed 2012-2013

3.3 The following provide an idea of the types of enforcement cases closed over the past 12 months:

**1.4.2012 – 30.6.2012**

<table>
<thead>
<tr>
<th>Type of Enquiry</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unauthorised advertisements</td>
<td>28%</td>
</tr>
<tr>
<td>Untidy land</td>
<td>3%</td>
</tr>
<tr>
<td>Unauthorised changes of use</td>
<td>16%</td>
</tr>
<tr>
<td>Breaches of conditions/section 106</td>
<td>8%</td>
</tr>
<tr>
<td>Agreements</td>
<td></td>
</tr>
<tr>
<td>Unauthorised building works/other</td>
<td>45%</td>
</tr>
<tr>
<td>unauthorised development</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reason</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unauthorised advertisements</td>
<td>18%</td>
</tr>
<tr>
<td>Untidy land</td>
<td>4%</td>
</tr>
<tr>
<td>unauthorised changes of use</td>
<td>18%</td>
</tr>
<tr>
<td>Breaches of conditions/section 106 Agreements</td>
<td>18%</td>
</tr>
<tr>
<td>Unauthorised building works/other unauthorised development</td>
<td>42%</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Reason</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unauthorised advertisements</td>
<td>18%</td>
</tr>
<tr>
<td>Untidy land</td>
<td>4%</td>
</tr>
<tr>
<td>unauthorised changes of use</td>
<td>20%</td>
</tr>
<tr>
<td>Breaches of conditions/section 106 Agreements</td>
<td>12%</td>
</tr>
<tr>
<td>Unauthorised building works/other unauthorised development</td>
<td>46%</td>
</tr>
</tbody>
</table>

### 1.1.2013 – 31.3.2013

<table>
<thead>
<tr>
<th>Reason</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unauthorised advertisements</td>
<td>17%</td>
</tr>
<tr>
<td>Untidy land</td>
<td>6%</td>
</tr>
<tr>
<td>unauthorised changes of use</td>
<td>18%</td>
</tr>
<tr>
<td>Breaches of conditions/section 106 Agreements</td>
<td>17%</td>
</tr>
<tr>
<td>Unauthorised building works/other unauthorised development</td>
<td>42%</td>
</tr>
</tbody>
</table>

### Reasons why enforcement enquiries were closed 2012-2013

3.4 The following tables provide an indication of the reasons why enforcement cases were closed in the period 2012 – 2013:


<table>
<thead>
<tr>
<th>Reason</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>The breach was rectified (ie: usually via negotiation/persuasion)</td>
<td>30%</td>
</tr>
<tr>
<td>It was not expedient to take enforcement action (ie: the breach was trivial/not significant to cause harm and warrant the submission of a retrospective planning application or an enforcement notice)</td>
<td>24%</td>
</tr>
<tr>
<td>No breach of planning control was found (ie: the breach was permitted development or did not in fact require planning permission)</td>
<td>46%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Event</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>The breach was rectified (ie: usually via negotiation/persuasion)</td>
<td>17%</td>
</tr>
<tr>
<td>It was not expedient to take enforcement action</td>
<td>21%</td>
</tr>
<tr>
<td>(ie: the breach was trivial/not significant to cause harm and warrant</td>
<td></td>
</tr>
<tr>
<td>the submission of a retrospective planning application or an</td>
<td></td>
</tr>
<tr>
<td>enforcement notice)</td>
<td></td>
</tr>
<tr>
<td>No breach of planning control was found</td>
<td>62%</td>
</tr>
<tr>
<td>(ie: the breach was permitted development or did not in fact require</td>
<td></td>
</tr>
<tr>
<td>planning permission)</td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Event</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>The breach was rectified (ie: usually via negotiation/persuasion)</td>
<td>23%</td>
</tr>
<tr>
<td>It was not expedient to take enforcement action</td>
<td>25%</td>
</tr>
<tr>
<td>(ie: the breach was trivial/not significant to cause harm and warrant</td>
<td></td>
</tr>
<tr>
<td>the submission of a retrospective planning application or an</td>
<td></td>
</tr>
<tr>
<td>enforcement notice)</td>
<td></td>
</tr>
<tr>
<td>No breach of planning control was found</td>
<td>52%</td>
</tr>
<tr>
<td>(ie: the breach was permitted development or did not in fact require</td>
<td></td>
</tr>
<tr>
<td>planning permission)</td>
<td></td>
</tr>
</tbody>
</table>

### 1.1.2013 – 21.3.2013

<table>
<thead>
<tr>
<th>Event</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>The breach was rectified (ie: usually via negotiation/persuasion)</td>
<td>20%</td>
</tr>
<tr>
<td>It was not expedient to take enforcement action</td>
<td>28%</td>
</tr>
<tr>
<td>(ie: the breach was trivial/not significant to cause harm and warrant</td>
<td></td>
</tr>
<tr>
<td>the submission of a retrospective planning application or an</td>
<td></td>
</tr>
<tr>
<td>enforcement notice)</td>
<td></td>
</tr>
<tr>
<td>No breach of planning control was found</td>
<td>52%</td>
</tr>
<tr>
<td>(ie: the breach was permitted development or did not in fact require</td>
<td></td>
</tr>
<tr>
<td>planning permission)</td>
<td></td>
</tr>
</tbody>
</table>

3.5 The following tables provide details of the formal Notices served over the past 12 months:
Planning Contravention Notices served

3.6 Planning Contravention Notices are formal Notices served where the LPA believe unauthorised development has taken place. They require the recipient to provide answers to various questions posed (for example what has been constructed on the site? who owns the site? When is a retrospective planning application to be submitted? etc). The recipient of such a Notice is required to respond to the questions posed within 21 days, otherwise an offence has been committed.

<table>
<thead>
<tr>
<th>Date Range</th>
<th>Notices</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.4.2012 – 30.6.2012</td>
<td>0</td>
</tr>
<tr>
<td>1.7.2012 – 30.6.2012</td>
<td>0</td>
</tr>
<tr>
<td>1.1.2013 – 31.3.2013</td>
<td>4</td>
</tr>
</tbody>
</table>

Breach of Condition Notices served

3.7 Breach of Condition Notices are served where condition attached to a planning permission have been breached. There is no right to appeal against such a Notice, however appeals against subsequent prosecutions are heard in the Magistrates Court.

<table>
<thead>
<tr>
<th>Date Range</th>
<th>Notices</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.4.2012 – 30.6.2012</td>
<td>0</td>
</tr>
<tr>
<td>1.7.2012 – 30.6.2012</td>
<td>0</td>
</tr>
<tr>
<td>1.1.2013 – 31.3.2013</td>
<td>3</td>
</tr>
</tbody>
</table>

Enforcement Notices served

3.8 Enforcement Notices are served where unauthorised development takes place. Such Notices will usually require the removal of unauthorised buildings and the reinstatement of the land to its former condition. Appeals against this type of Notice can be made.

<table>
<thead>
<tr>
<th>Date Range</th>
<th>Notices</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.4.2012 – 30.6.2012</td>
<td>0</td>
</tr>
<tr>
<td>1.7.2012 – 30.6.2012</td>
<td>0</td>
</tr>
<tr>
<td>1.1.2013 – 31.3.2013</td>
<td>3</td>
</tr>
</tbody>
</table>
Enforcement Notice Appeals

3.9 The following table gives an idea of the number of Enforcement Notice appeals made in the past 12 months:

<table>
<thead>
<tr>
<th>Period</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.4.2012 – 30.6.2012</td>
<td>2</td>
</tr>
<tr>
<td>1.7.2012 – 30.6.2012</td>
<td>0</td>
</tr>
<tr>
<td>1.1.2013 – 31.3.2013</td>
<td>1</td>
</tr>
</tbody>
</table>

3.10 There are currently 2 outstanding enforcement notice appeals under consideration, at 5b Clay Lane, Burtonwood and at Prospect Farm, Rixton. An enforcement notice was served at 5b Clay Lane following the construction of an unauthorised building and track at 5b Clay Lane and the decision of the Planning Inspectorate is awaited. A public Inquiry will be held following the serving of an Enforcement Notice to the occupier/owner of Prospect Farm, Rixton which required the cessation of clay pigeon shooting and associated activity.

Stop Notices served

3.11 Stop Notices are used when unauthorised development takes place and immediate action is required to prevent significant harm continuing:

<table>
<thead>
<tr>
<th>Period</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.4.2012 – 30.6.2012</td>
<td>0</td>
</tr>
<tr>
<td>1.7.2012 – 30.6.2012</td>
<td>0</td>
</tr>
<tr>
<td>1.1.2013 – 31.3.2013</td>
<td>0</td>
</tr>
</tbody>
</table>

Compliance/Monitoring of planning permissions/conditions

3.12 Over the past 12 months the Enforcement Team has monitored over 281 cases where development has commenced in order ensure that planning conditions/the requirements of any Section 106 Agreement are complied with.

3.13 Over the past 12 months the Enforcement Team has monitored over 175 cases where we have been notified that an application for a premises Licence (or a variation of an existing licence) has been made, in order to assess whether planning permission is required/has been granted/or is not required in each particular case. In this respect, close liaison with the Councils’ Building Control Section and Licensing Section has been undertaken.

3.14 There are currently 153 outstanding enforcement enquiries under consideration by the Enforcement Section.

4. CONFIDENTIAL OR EXEMPT

4.1 Not confidential or exempt
5. FINANCIAL CONSIDERATIONS
5.1 No financial considerations

6. RISK ASSESSMENT
6.1 No risks identified

7. EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT
7.1 Equality impact assessment not required.

8. CONSULTATION
8.1 No consultations necessary

9. REASON FOR RECOMMENDATION
9.1 To ensure that members are kept informed in terms of enforcement workload and activity.

10. RECOMMENDATION
10.1 That members note the report

11. BACKGROUND PAPERS
None

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard Evans</td>
<td><a href="mailto:revans@warrington.gov.uk">revans@warrington.gov.uk</a></td>
<td>442806</td>
</tr>
</tbody>
</table>

12. CLEARANCE DETAILS

<table>
<thead>
<tr>
<th>Name</th>
<th>Consulted</th>
<th>Date Consulted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Executive Board Member</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SMB</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Relevant Executive Director</td>
<td>Yes</td>
<td>25/4/13</td>
</tr>
<tr>
<td>Solicitor to the Council</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>S151 Officer</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Relevant Head of Service</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
TITLE OF REPORT: Planning Application Performance for the 2012-13 Period.

1. PURPOSE OF THE REPORT
1.1 To provide members with a summary of planning application performance for the 2012-13 period relative to statutory planning application determination timescales.

2. BACKGROUND

2.1 The Planning Guarantee was announced as part of the Government’s Plan for Growth in March 2011, alongside a number of proposals to streamline the planning application process and related consents. The Guarantee gives a clear time limit within which all planning applications should be decided, even where an appeal has been made. It does not replace the existing statutory time limits within which planning authorities should decide applications (13 weeks for major applications, 8 weeks for others). The Government has said that no application should spend more than 26 weeks with either the planning authority or the Planning Inspectorate if the guarantee is to be met. The Government is still yet to confirm the additional specific details/targets in respect of the Planning Guarantee but it is likely that it will be focussed on major planning application determination times as well as the number of appeals allowed on appeal.

2.2 The Government has indicated that those Councils that consistently under perform will be placed in “special measures”. In these cases applicants will be able to bypass the Local Planning Authority and apply for planning permission from the Planning Inspectorate. It is likely that the Local Planning Authority will still have to do the planning application administration but will have no say in the decision making process and will not receive a planning fee.

2.3 Government is still to consult on the criteria for deciding which Councils are designated ‘poor performing’ allowing applications to be submitted directly to the Planning Inspectorate as proposed in the Growth and Infrastructure Bill (currently being considered in the House of Lords).

2.4 There appears to be no immediate threat of special measures at this moment in time in respect of current/historic planning application performance for Warrington Borough Council. Major planning application performance was poor in the last
quarter but this was partly as a result of a number of historic planning applications being determined following the finalisation of historic Section 106 agreements. However, major planning application performance needs to be closely monitored for the 2013-14 period.

2.5 One measure suggested by the Government would see Councils placed in special measures if they fail to decide on major applications within 13 weeks less than 30 per cent of the time over a two-year period. It is quite feasible that the Government could introduce measures relating to other planning applications in the future (eg minor and other applications). A second measure suggested in the impact assessment would see authorities placed in special measures if their proportion of major decisions overturned on appeal is greater than 20 per cent over two years

2.6 Major planning application performance at Warrington was 57% for the 2012-13 period. Whilst there are no risks in terms of the potential for "special measures" it is important that planning application performance remains a focus in respect of both delegated (officer) decision making and Committee decision making. The 8 week and 13 week statutory determination expiry dates are now included at the top of each planning application report appearing on the PASC and DMC agendas. Amendments to the Council’s Constitution are currently being considered by the Council in respect of the type (and hence number) of planning applications to be determined by PASC/DMC. New validation checklists and a pre-planning application advice protocol has been prepared for adoption. A DMC/PASC Site Visit protocol has been prepared to be considered on this agenda. Coupled with other process efficiency measures it is envisaged that these changes will have a positive impact on planning application performance for the 2013-14 period. A report will be prepared for DMC in May 2014 to see if there has been an improvement in planning application determination time performance relative to the 2012-13 period.

2.7 The precise benchmarks for assessing poor performance have "yet to be finalised" by Government and will be subject to consultation. The Development Control service is introducing a number of changes, improvements and efficiencies as a means of delivering the best service possible with the resources to hand. This is focussing on both the speed and quality of decision making and making more and better information available on the Council’s web site. It is clear, however, that speed of decision making in Development Management remains very much on the Government’s agenda.

3. SUMMARY OF PLANNING APPLICATION PERFORMANCE FOR 2012-13

3.1 The charts and tables below provide a summary of planning application performance for the 2012013 period. The standards/ targets have been imposed locally. However, the Government used to have national indicator (NI 157) standards for planning application performance and these were as follows:

- 60% of major planning applications decided within 13 weeks
- 65% of minor planning applications decided within 8 weeks
- 80% of other planning applications decided within 8 weeks
3.2 It has not been possible to achieve the targets set locally for the 2012-13 period. However, positive steps are now being taken to make changes and improvements in Development Control to ensure that there is a marked improvement for the 2013-14 period. That said the performance for the 2012-13 period has not been particularly unacceptable when judged against the former national indicator standards. There is, however, room for improvement.

3.2 For the 2013-14 period it is proposed that the following standards are recommended (these targets are seen as being more realistically achievable):

- 70% of major planning application decided within 13 weeks.
- 75% of minor planning applications decided within 8 weeks
- 80% of other planning applications decided within 8 weeks

**PERFORMANCE FOR 2012-13**

<table>
<thead>
<tr>
<th></th>
<th>April-June</th>
<th>July-September</th>
<th>October-December</th>
<th>January-March</th>
<th>Cumulative (Full Year)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Majors WBC</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Target 80% /</td>
<td>69.20%</td>
<td>63.80%</td>
<td>60.00%</td>
<td>36.30%</td>
<td>57.70%</td>
</tr>
<tr>
<td>Former National</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Target 60%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Minors WBC</strong></td>
<td>76.00%</td>
<td>64.20%</td>
<td>58.30%</td>
<td>60.80%</td>
<td>63.90%</td>
</tr>
<tr>
<td>Target 65% /</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Former National</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Target 65%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Others WBC</strong></td>
<td>86.20%</td>
<td>74.00%</td>
<td>63.90%</td>
<td>78.20%</td>
<td>76.50%</td>
</tr>
<tr>
<td>Target 80% /</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Former National</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Target 80%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Planning Appeals Performance 2012-13

<table>
<thead>
<tr>
<th></th>
<th>April-June</th>
<th>July-September</th>
<th>October-December</th>
<th>Jan-March</th>
</tr>
</thead>
<tbody>
<tr>
<td>Majors (LTarget 80%)</td>
<td>69.20%</td>
<td>63.80%</td>
<td>60.00%</td>
<td>36.30%</td>
</tr>
<tr>
<td>Minors (LTarget 65%)</td>
<td>76.00%</td>
<td>64.20%</td>
<td>58.30%</td>
<td>60.80%</td>
</tr>
<tr>
<td>Others (LTarget 80%)</td>
<td>86.20%</td>
<td>74.00%</td>
<td>63.90%</td>
<td>78.20%</td>
</tr>
</tbody>
</table>
4. CONFIDENTIAL OR EXEMPT
4.1 Not confidential or exempt

5. FINANCIAL CONSIDERATIONS
5.1 Not applicable

6. RISK ASSESSMENT
6.1 No risks identified other than those identified in the report.

7. EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT
7.1 Equality impact assessment not required.

8. CONSULTATION
8.1 No consultations.

9. REASON FOR RECOMMENDATION
9.1 In order that members are kept informed in terms of planning application performance.

10. RECOMMENDATION
10.1 That members note the report.

11. BACKGROUND PAPERS
None

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel Hartley</td>
<td><a href="mailto:dhartley@warrington.gov.uk">dhartley@warrington.gov.uk</a></td>
<td>442809</td>
</tr>
</tbody>
</table>

12. CLEARANCE DETAILS

<table>
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<tr>
<th>Name</th>
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</tr>
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<tbody>
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<td></td>
</tr>
<tr>
<td>SMB</td>
<td>No</td>
<td></td>
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<tr>
<td>Relevant Executive Director</td>
<td>Yes</td>
<td>15/04/13</td>
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<tr>
<td>Solicitor to the Council</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>S151 Officer</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Relevant Head of Service</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
TITLE OF REPORT: Section 106 Annual Performance Report 2012/13 (April 2012 – March 2013)

1. PURPOSE OF THE REPORT

1.1 This report provides an update for members relating to the status of planning obligations and S106 Agreements.

2. BACKGROUND

2.1 The attached report details progress of S106 Agreements for the 4th quarter and full financial year 2012/13. The report includes details of active developments where S106 provisions have been triggered and developments which are yet to commence.

3. REPORT BODY

Section 106 Agreements
Quarter 4 & Annual Performance Report

Annual Performance Report 2012/13

<table>
<thead>
<tr>
<th>SECTION 106 HIGHLIGHTS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Value of Agreements Signed (2012/13)</td>
<td>£2,106,145.00</td>
</tr>
<tr>
<td>Payments Received (2012/13)</td>
<td>£2,812,273.00</td>
</tr>
<tr>
<td>Monitoring Fees Received (2012/13)</td>
<td>£1,560.00</td>
</tr>
</tbody>
</table>

Table 1: Annual Review 2012/13
1 Highlights of Quarter 4 – 1st January 2013 – 31st March 2013

SECTION 106 HIGHLIGHTS

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value of Agreements Signed (1st January 2013 – 31st March 2013)</td>
<td>£1,535,645.00</td>
</tr>
<tr>
<td>Payments Received 1st (January 2013 – 31st March 2013)</td>
<td>£504,138.00</td>
</tr>
<tr>
<td>Monitoring Fees Received (1st January 2013 – 31st March 2013)</td>
<td>£1,290.00</td>
</tr>
</tbody>
</table>

Table 2: Quarter 4 (1st January 2013 – 31st March 2013)

2 Agreements

2.1 Six Section 106 Agreements were signed between the 1st April 2012 and the 31st March 2013. The agreements provide a potential total income of £2,106,145.00.

Notable Agreements Negotiated:

2.2 Financial Contributions- All of the agreements negotiated in the last financial year (2012/13) involved financial contributions from developers. These included:

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Development Site</th>
<th>Date Signed</th>
<th>Development Details</th>
<th>Amount</th>
<th>S.106 Details</th>
<th>Triggers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/19163</td>
<td>PLOT R, LAKESIDE DRIVE, BEWSEY AND WHITECROSS, WARRINGTON, WA1 1RW</td>
<td>05/04/2012</td>
<td>Proposed construction of office building for B1 (A &amp; B) use including car parking and landscaping.</td>
<td>£50,000.00</td>
<td>Monies to be utilised towards the provision of a bus service to and around Centre Park</td>
<td>Prior to occupation of any of the buildings of the development</td>
</tr>
<tr>
<td>2011/18861</td>
<td>3-9, CHETHAM COURT, WARRINGTON, WA2 8RF</td>
<td>25/07/2012</td>
<td>Proposed change of use of Units 3-9, Chetham Court to create 6 new units, including a coffee shop (A3/A5 Use) and five A3/A4 Use units, the reconfiguration and creation of associated car parking and the</td>
<td>£250,000 (Max)</td>
<td>Highway and environmental improvements along the A49 corridor immediately adjacent to the land up to but not including the junction with the M62 but including the Calver Road Roundabout.</td>
<td>On the 1st occupation after the date of unit 1 by a tenant carrying on any use within classes A3, A4, or A5 - £10,000. On the 1st occupation after the date of unit 2 by a tenant carrying on any use within classes A3, A4, or A5 - £10,000. On the 1st occupation after the date of unit 3</td>
</tr>
</tbody>
</table>
Agenda Item 8

<table>
<thead>
<tr>
<th>Council Ref.</th>
<th>Description</th>
<th>Date</th>
<th>Amount</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/20047</td>
<td>Former HMS Gosling, Lady Lane, Croft, Warrington, WA3 7AY</td>
<td>12/10/2012</td>
<td>Proposed demolition of existing buildings and construction of 25 No 4/5 bed houses (with solar panels), access and landscaping (resubmission of 2011/19144).</td>
<td>£270,000.00</td>
</tr>
<tr>
<td>2011/19313</td>
<td>POLICE TRAINING CENTRE, GREENWAY, POULTON-WITH-FEARNHEAD, WARRINGTON, WA1 3EG</td>
<td>08/03/13</td>
<td>Demolition of existing buildings and application for outline planning permission for residential development of up to 220 new dwellings with associated open space, landscaping and infrastructure (all matters reserved).</td>
<td>£1,485,645.00</td>
</tr>
<tr>
<td>2012/20007</td>
<td>BANK PARK DEPOT, KENDRICK STREET, BEWSEY AND WHITECROSS, WARRINGTON,</td>
<td>27/02/13</td>
<td>Proposed demolition of existing building and associated parking and construction of part 2, part 3 storey office</td>
<td>£50,000.00</td>
</tr>
</tbody>
</table>
Agenda Item 8

<table>
<thead>
<tr>
<th>WA1 1UZ</th>
<th>building with associated parking, site entrance and landscaping.</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/19226 LAND OFF WATERWORKS LANE, WINWICK, WARRINGTON, WA2 8LH</td>
<td>18/08/12 Proposed drilling of exploratory borehole; erection of containerised units and associated plant and equipment; extraction of mine gas to generate electricity; substation; lighting post; fencing; gates and ancillary plant.</td>
<td>£500 Towards Air Quality Monitoring</td>
<td>Prior to commencement</td>
</tr>
</tbody>
</table>

Table 3: Section 106 Agreements Signed in 2012/13

3 Payments Received

3.1 The total payments received during the financial year 2012/13 were £2,812,273.00. Table 4 lists the payments received during this period:

<table>
<thead>
<tr>
<th>App No</th>
<th>Address</th>
<th>Money Received</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/19313</td>
<td>Police Training Centre, Greenway, Poulton – with- Fearnhead, Warrington, WA1 3EG, (Bruche)</td>
<td>£1,485,645.00</td>
<td>Affordable Housing and POS</td>
</tr>
<tr>
<td>99/40635</td>
<td>Chapelford Urban Village</td>
<td>£180,000.00</td>
<td>Highways (Bus Service Provision)</td>
</tr>
<tr>
<td>99/40635</td>
<td>Chapelford Urban Village</td>
<td>£55,990.00</td>
<td>Car parking facilities</td>
</tr>
<tr>
<td>99/40635</td>
<td>Chapelford Urban Village</td>
<td>£220,000.00</td>
<td>Changing room facilities</td>
</tr>
<tr>
<td>2011/19226</td>
<td>Land at Heritage Green, Winwick</td>
<td>£500.00</td>
<td>Air Quality Monitoring</td>
</tr>
<tr>
<td>2010/17091</td>
<td>Eagle Ottawa</td>
<td>£10,000.00</td>
<td>Traffic Regulation Order in the vicinity of the site. (1st instalment)</td>
</tr>
<tr>
<td>99/40635</td>
<td>Chapelford</td>
<td>£230,000.00</td>
<td>Play area equipment</td>
</tr>
<tr>
<td>2011/18512</td>
<td>Next</td>
<td>£126,000.00</td>
<td>Highways</td>
</tr>
<tr>
<td>2010/17091</td>
<td>Eagle Ottawa</td>
<td>£10,000.00</td>
<td>Traffic Regulation Order in the vicinity of the site. (2nd instalment) (£15,000 outstanding)</td>
</tr>
<tr>
<td>2010/16581</td>
<td>Saxon Park East</td>
<td>£53,586.00</td>
<td>Play Area Provision</td>
</tr>
<tr>
<td>2010/16581</td>
<td>Saxon Park East</td>
<td>£125,552.00</td>
<td>Pedestrian and cycle improvements.</td>
</tr>
<tr>
<td>2012/20007</td>
<td>Bank Park</td>
<td>£50,000.00</td>
<td>Highways Improvements.</td>
</tr>
<tr>
<td>2010/16177</td>
<td>Land Western End of Greenalls Avenue</td>
<td>£250,000.00</td>
<td>Affordable Housing</td>
</tr>
<tr>
<td>2012/20721</td>
<td>Total Fitness</td>
<td>£10,000.00</td>
<td>POS</td>
</tr>
<tr>
<td>2012/20721</td>
<td>Total Fitness</td>
<td>£5,000.00</td>
<td>Highways</td>
</tr>
</tbody>
</table>

Total £2,812,273.00

Table: 4 2012/13 Receipts

Monitoring Receipts:

<table>
<thead>
<tr>
<th>App No</th>
<th>Address</th>
<th>Date</th>
<th>Amount Received</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/18861</td>
<td>Chetham Court</td>
<td>14/08/12</td>
<td>£235.00</td>
<td>Monitoring</td>
</tr>
</tbody>
</table>
### Agenda Item 8

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Amount</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009/15420</td>
<td>Farrell Street South</td>
<td>£35.00</td>
<td>Monitoring</td>
</tr>
<tr>
<td>2012/20199</td>
<td>86 Rushgreen Road</td>
<td>£350.00</td>
<td>Monitoring</td>
</tr>
<tr>
<td>2012/20626</td>
<td>Battery Lane</td>
<td>£940.00</td>
<td>Monitoring</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>£1560.00</td>
<td></td>
</tr>
</tbody>
</table>

Table: 5 Monitoring Receipts

#### 3.2 Notable payments received were:

- **2011/19313 - Police Training Centre** (Greenway, Poulton – with-Fearnhead, Warrington, WA1 3EG).
  
  Affordable housing: **£1,100,000.00** - Towards the provision of affordable housing in the borough.

  Play Area Contribution - **£55,900.00** – Towards the provision of play area equipment in the vicinity of the site.

  Sport and Recreational Contribution – **£329,745.00**- Towards the provision of new or the improvement of existing sport and recreational facilities in the vicinity of the site.

- **99/40635 - Chapelford Urban Village** (The Header House and Former Burtonwood Repairs Depot, Burtonwood Road, Great Sankey, Warrington, WA5 3AW).

  Highways: **£180,000.00** - Towards the provision of a bus service.

  Car Parking: **£55,990.00** - Towards the provision of car parking facilities at the school to support the changing facilities.

  Changing Room Facilities: **£220,000.00**- Towards the provision of changing room facilities at the primary school

  Play Area Equipment in Dakota Park: **£230,000.00** - Towards the provision of play area equipment in Dakota Park.

- **2011/18512 – Next** (810 Europa Boulevard, Burtonwood and Westbrook, Warrington, WA5 7TY).

  Highways: **£126,000.00** - Towards the provision of a footpath/cycleway within the vicinity of the site.

- **2010/16581 - Saxon Park East** (Off Old Liverpool Road, Warrington, WA5 1BA).

  Play Area: **£53,586.00** – Towards the provision of a new play area/enhancement of the existing play area in the Sankey Recreation Ground.
**Agenda Item 8**

Highways: **£125,552.00** - Towards pedestrian and cycle improvements along Barnard Street and Forrest Way.

- **2010/16177 - Land Western End of Greenalls Avenue** (Land at Western End of, Greenalls Avenue, WARRINGTON, WA4 6RJ)

  Affordable Housing: **£250,000.00** – Towards the provision of affordable housing in the borough.

### 4.0 Expenditure:

#### 4.1. Current schemes in the process of being implemented.

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/Location</th>
<th>Total Contribution Received</th>
<th>Description/ Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005/06963</td>
<td>Land at Former Carrington Wire, Warrington</td>
<td>£700,000.00</td>
<td>Highways - Long Lane improvements are now complete. Final accounts are now being finalised. This is expected to be completed at year end.</td>
</tr>
<tr>
<td>2010/16581</td>
<td>Saxon Park East</td>
<td>£125,552.00</td>
<td>Highways - Right of way works have been completed.</td>
</tr>
<tr>
<td>2006/09635</td>
<td>Woolston Grange Avenue, Birchwood</td>
<td>£800,000.00</td>
<td>Highways - Following the feedback from the local residents / ward cllrs and Longbarn Residents Association – highways are progressing with an order to 'stop up' the footbridge, with a view to removing the structure in the summer.</td>
</tr>
<tr>
<td>2007/11895</td>
<td>Grappenhall Motors Co, 194-196 Knutsford Road, Grappenhall, Warrington</td>
<td>£20,000.00</td>
<td>Highways - Pedestrian improvements/ resurfacing of the carriage way to East View have been completed. Invoices have been received accordingly.</td>
</tr>
<tr>
<td>2009/15034</td>
<td>Warrington Baths Site</td>
<td>£64,428.00</td>
<td>Highways: Crossing works are to be implemented in Legh Street. Works are expected to roughly take about 6 – 8 weeks.</td>
</tr>
<tr>
<td>2009/14880</td>
<td>Woolston Grange Avenue, Birchwood, Warrington, Cheshire (UU)</td>
<td>£60,000.00</td>
<td>Highways: Bus service provision to the site. The bus service has been commissioned. The funding will support the service for the next 3 years</td>
</tr>
<tr>
<td>2003/00110</td>
<td>Wilderspool Causeway/Gainsborough Rd</td>
<td>£30,000.00</td>
<td>Parks and Open Space: Footpath works are now complete in Wilderspool Park.</td>
</tr>
<tr>
<td>2006/08672</td>
<td>Land at Thelwall New Road, Warrington</td>
<td>£16,674.00</td>
<td>Parks and Open Space: Monies to be utilised in Morris Brook Park. The Wren bid has been successful. The play area is currently out for tender.</td>
</tr>
<tr>
<td>99/40635</td>
<td>Chapelford Urban Village</td>
<td>£220,000.00 + £55,990.00</td>
<td>Education: Changing room facilities and car park have been implemented as part of part of the Chapelford Primary School.</td>
</tr>
</tbody>
</table>
Agenda Item 8

Further detailed information regarding the progress of individual schemes and contributions received to date can be found in the appendices.
APPENDICIES

1. **Appendix 1** - Total Obligations Value and Status and Ward

2. **Appendix 2** - Highways review of outstanding section 106 monies.

3. **Appendix 3** - Public open space review of outstanding section 106 monies.

4. **Appendix 4** - Education review of outstanding section 106 monies.

5. **Appendix 5** - Primary care trust review of outstanding section 106 monies.

6. **Appendix 6** - Affordable housing review of outstanding section 106 monies.

7. **Appendix 7** - Environmental Improvements review of outstanding section 106 monies
### Appendix 1 Total Obligations Value by Status and Ward (March 2013)

<table>
<thead>
<tr>
<th>Ward</th>
<th>Number of Agreements</th>
<th>Total Obligation Value</th>
<th>Not Started</th>
<th>Under Construction</th>
<th>Development under construction however, currently suspended</th>
<th>Scheme complete with outstanding obligations</th>
<th>Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appleton</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Bewsey and Whitecross</td>
<td>18</td>
<td>£6,648,496.00</td>
<td>£601,500.00</td>
<td>£574,428.00</td>
<td>£150,000.00</td>
<td>£1,178,168.00</td>
<td>£4,144,400.00</td>
</tr>
<tr>
<td>Birchwood</td>
<td>4</td>
<td>£239,117.00</td>
<td>£100,000.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£129,117.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Burtonwood and Winwick</td>
<td>2</td>
<td>£40,375.00</td>
<td>£500.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£38,875.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Culcheth, Glazebury and Croft</td>
<td>2</td>
<td>£270,000.00</td>
<td>£270,000.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Fairfield and Howley</td>
<td>7</td>
<td>£3,587,014.16</td>
<td>£199,059.16</td>
<td>£1,038,515.00</td>
<td>£390,440.00</td>
<td>£1,959,000.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Grappenhall and Thelwall</td>
<td>2</td>
<td>£46,674.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>0.00</td>
<td>£46,674.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Great Sankey North</td>
<td>4</td>
<td>£2,116,467.34</td>
<td>£1,869,972.34</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£246,495.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Great Sankey South</td>
<td>2</td>
<td>£200,535.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£200,535.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Hatton, Stretton and Walton</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Latchford East</td>
<td>11</td>
<td>£1,224,000.00</td>
<td>£81,000.00</td>
<td>£251,000.00</td>
<td>£622,000.00</td>
<td>£270,000.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Latchford West</td>
<td>6</td>
<td>£1,357,907.00</td>
<td>£0.00</td>
<td>£1,263,347.00</td>
<td>£0.00</td>
<td>£94,560.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Lymm</td>
<td>7</td>
<td>£755,910.00</td>
<td>£135,000.00</td>
<td>£275,834.00</td>
<td>£0.00</td>
<td>£345,276.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Orford</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Penketh and Cuerdley</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Poptars and Hulme</td>
<td>0</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Poulton and Fearnhead</td>
<td>1</td>
<td>£1,485,645.00</td>
<td>£1,485,645.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£0.00</td>
</tr>
<tr>
<td>Rixton and Woolston</td>
<td>4</td>
<td>£973,144.80</td>
<td>£113,144.80</td>
<td>£0.00</td>
<td>£0.00</td>
<td>£860,000.00</td>
<td>£0.00</td>
</tr>
</tbody>
</table>
## Appendix 2 Current Status of Section 106 monies – Highways

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003/00652</td>
<td>Land at Grange Avenue/Kingsway</td>
<td>£69,000.00</td>
<td>All works have been completed. Awaiting final invoices.</td>
</tr>
<tr>
<td>2010/16581</td>
<td>Saxon Park East Off Forrest Way, Warrington</td>
<td>£125,552.00</td>
<td>New Contribution. The contribution is to provide footpath works in the vicinity of the site.</td>
</tr>
<tr>
<td>A01/44253</td>
<td>Golden Square, Warrington</td>
<td>£3,344,400.00</td>
<td>All works have been completed. Final accounts are currently being prepared.</td>
</tr>
<tr>
<td>2004/03119</td>
<td>Gemini 8, Europa Boulevard, Warrington</td>
<td>£17,850.00</td>
<td>Expenditure complete. Awaiting further detail regarding the implemented schemes/projects.</td>
</tr>
<tr>
<td>2005/06963</td>
<td>Land at Former Carrington Wire, Warrington</td>
<td>£700,000.00</td>
<td>A49 and Long Lane works are now complete. Awaiting final accounts</td>
</tr>
<tr>
<td>2007/11351</td>
<td>Land at 6, Birchwood Park</td>
<td>£32,500.41</td>
<td>Monies are to be utilised towards improvements to Birchwood Station. Awaiting further detail regarding timescales.</td>
</tr>
<tr>
<td>2006/09635</td>
<td>Woolston Grange</td>
<td>£800,000.00</td>
<td>All covenants in the agreement have been completed. Further consultation has been completed regarding additional crossings and the removal of the footpath bridge. This is likely to be implemented Summer 2013.</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Amount</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>2007/11895</td>
<td>Grappenhall Motors</td>
<td>£20,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pedestrian improvements / resurfacing works have been completed on the carriage way to East View.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008/12406</td>
<td>Marks and Spencer</td>
<td>£194,110.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All works are completed. Awaiting final invoices.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2006/07553</td>
<td>Lakeside Drive</td>
<td>£267,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contribution for the wider strategic network. Initial expenditure has included lining works at Brian Bevan Island/ Church Street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P/2003/1461</td>
<td>Vulcan</td>
<td>£60,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A scheme to improve highways safety in Alder Root Lane including the installation of traffic controls in the vicinity of the railway over bridge within the Borough of Warrington. Design brief produced.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2009/15103</td>
<td>Ainscough Rd/ Dewhurst Rd</td>
<td>£21,576.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monies are to be utilised towards improvements to Birchwood Station. Awaiting further detail regarding timescales.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2009/15034</td>
<td>Warrington Baths Site</td>
<td>£64,428.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monies to be utilised towards the costs of financing traffic measures and initiatives within a 3 mile radius of the development. Works are underway to implement a crossing on Legh Street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2009/14880</td>
<td>Woolston Grange Avenue, Birchwood, Warrington, Cheshire (UU)</td>
<td>£60,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The bus service has been commissioned. The funding will support the service for the next 3 years.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2011/17717</td>
<td>Red Cott Farm Lymm</td>
<td>£50,634.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Local transport contribution – Towards identified measures and initiatives for the local transport network.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2011/17845</td>
<td>Birchwood Shopping Centre, Dewhurst Road, Birchwood</td>
<td>£75,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pedestrian Contribution (The Provision of 2 pedestrian crossings on Dewhurst Road, one to serve as a link between the Development and the station, and the other near to the junction with Benson Road). No progress - new contribution.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2011/18512</td>
<td>810, EUROPA BOULEVARD, BURTONWOOD AND WESTBROOK, WARRINGTON, WA5 7TY (Next)</td>
<td>£126,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>New Contribution towards footway and cycle improvements.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012/20007</td>
<td>BANK PARK DEPOT, KENDRICK STREET, BEWSEY AND WHITECROSS, WARRINGTON, WA1 1UZ</td>
<td>£50,000.00</td>
<td>New contribution towards highways improvements within a 1 kilometre radius of the site.</td>
</tr>
</tbody>
</table>
### Appendix 3 Current Status of Section 106 monies - Public Open Space

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003/00248</td>
<td>South of Brian Bevan Island, Chester Road</td>
<td>£54,560.00</td>
<td>Tree management works are completed.</td>
</tr>
<tr>
<td>2003/00110</td>
<td>Wilderspool Causeway/Gainsborough Rd</td>
<td>£30,000.00</td>
<td>All footpath works in Wilderspool Park are completed.</td>
</tr>
<tr>
<td>2006/08021</td>
<td>Land to the rear of 25-29, Church Street, WARRINGTON</td>
<td>£10,000.00</td>
<td>The contribution is to be utilised in the development/ improvement of play / sport/ recreational facilities within a 5 kilometres radius of land within 7 years of the date of payment of the contribution. Monies have been used to provide athletic equipment at Victoria Park. Invoices have been received – awaiting final accounts.</td>
</tr>
<tr>
<td>2006/08548</td>
<td>Lingley Autos, Lingley Road, Great Sankey</td>
<td>£31,637.60</td>
<td>The contribution has been paid in instalments. The monies are to be utilised towards the provision/ improvement of POS within a 5 mile radius of the site. POS have allocated the monies towards play area improvements at Fresh Water Close.</td>
</tr>
</tbody>
</table>

### Appendix 4 Current Outstanding Balance of Section 106 monies - Education

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>A01/44411</td>
<td>Hubert Jones site</td>
<td>£145,000.00</td>
<td>Contribution received following the production of a report that presented educational investment in the Lymm area since the implementation of the Hubert Jones Development – Detailed within the S.106 Agreement) Monies received. Education is to consider further educational requirements in the area to utilise monies received.</td>
</tr>
</tbody>
</table>
Towards the improvements of secondary school resources in the vicinity of the site. Contribution received in instalments due to the current financial climate. Full contribution has now been received. Monies to be utilised towards educational investment at Great Sankey High School.

Towards the costs of improving accommodation in schools in the area.

### Appendix 5 Current Outstanding Balance of Section 106 monies - Primary Care Trust

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007/09991</td>
<td>Marsden Vanplan, Longshaw Street, Warrington</td>
<td>£50,000.00</td>
<td>PCT are currently in the process of implementing additional health facilities in the area.</td>
</tr>
<tr>
<td>2005/06963</td>
<td>Carrington Wire</td>
<td>£55,000.00</td>
<td>New Contribution - PCT notified</td>
</tr>
<tr>
<td>2007/10646</td>
<td>Walton Locks Development</td>
<td>£48,250.00</td>
<td>New Contribution – PCT Notified - The contribution is to be used towards the costs of providing new health care facilities or extending or improving existing healthcare facilities within a 5km radius of the site to meet health care needs arising from the development.</td>
</tr>
</tbody>
</table>

### Appendix 6 Current Outstanding Balance of Section 106 monies - Affordable Housing

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>A02/45573</td>
<td>Land At Liverpool Road, Great Sankey</td>
<td>£175,000.00</td>
<td>Commuted sums towards the authorities affordable housing programme.</td>
</tr>
<tr>
<td>2003/01258</td>
<td>Land Adjacent to 'The World Club'</td>
<td>£85,000.00</td>
<td>Commuted sums towards the authorities affordable housing programme.</td>
</tr>
</tbody>
</table>
### Agenda Item 8

2006/08274  Land Adjacent to Manchester Ship Canal  £500,000.00  Commuted sums towards the authorities affordable housing programme.

2006/08808  Whittle Hall 16, Warrington  £264,000.00  Commuted sums towards the authorities affordable housing programme.

2010/16847  Boothshill House, Lymm  £225,000.00  Commuted sums towards the authorities affordable housing programme.

2011/19313  Bruche  £1,100,000.00  New Contribution - Commuted sums towards the authorities affordable housing programme.

### Appendix 7 Current Outstanding Balance of Section 106 monies - Environmental Improvements

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Name/ Location</th>
<th>Original Contribution</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007/09937</td>
<td><strong>Land at John Street/Winwick Street, Warrington</strong></td>
<td>£150,000.00</td>
<td>Detailed design work complete - implementation this financial year.</td>
</tr>
<tr>
<td>2004/04708</td>
<td><strong>Cheshire Lines</strong></td>
<td>£50,000.00</td>
<td>Detailed design work complete - implementation this financial year</td>
</tr>
<tr>
<td>2005/06460</td>
<td><strong>Former Christadelphian Hall, Museum Street</strong></td>
<td>£12,350</td>
<td>New owner (Purchase complete) Contribution received – Towards environmental improvements in the vicinity of the site.</td>
</tr>
</tbody>
</table>
4. CONFIDENTIAL OR EXEMPT

4.1 Not applicable

5. FINANCIAL CONSIDERATIONS

5.1 Whilst the securing of commuted sums clearly has wider financial considerations the report is provided for information.

6. RISK ASSESSMENT

6.1 Not applicable

7. EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT

7.1 Not applicable

8. CONSULTATION

8.1 Not applicable

9. REASON FOR RECOMMENDATION

9.1 The report provides an update for members relating to the status of planning obligations and S106 Agreements.

10. RECOMMENDATION

10.1 That the contents of the report are noted

11. BACKGROUND PAPERS

None

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melanie Hughes</td>
<td><a href="mailto:mhughes6@warrington.gov.uk">mhughes6@warrington.gov.uk</a></td>
<td>442841</td>
</tr>
</tbody>
</table>

12. CLEARANCE DETAILS

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
<th>Consulted</th>
<th>Date Consulted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Executive Board Member</td>
<td></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SMB</td>
<td></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Relevant Executive Director</td>
<td>Andy Farrall</td>
<td>Yes</td>
<td>29/04/13</td>
</tr>
<tr>
<td>Solicitor to the Council</td>
<td></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>S151 Officer</td>
<td></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Relevant Head of Service</td>
<td></td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
COMMITTEE DATE - 9th May 2013

Report of the: Executive Director of Environment and Regeneration
Report Author: Daniel Hartley
Contact Details: dhartley@warrington.gov.uk
Telephone: 01925 442819

Ward Members: All

TITLE OF REPORT: PASC and DMC Site Visit Protocol

1. PURPOSE OF THE REPORT
1.1 To consider a suggested protocol for planning committee site visits to ensure that
(i) there is a clear and consistent approach laid out (ii) that site visits are better organised to enhance member decision making, (iii) the majority of site visits take place, where necessary, before committee meetings, (iv) the number of meetings that the public have to attend relating to one planning application is usually one and (v) as many decisions as possible are made within the statutory 8 and 13 weeks timescales.

2. BACKGROUND
2.1 To consider a suggested protocol for planning committee site visits to ensure that
(i) there is a clear and consistent approach laid out (ii) that site visits are better organised to enhance member decision making, (iii) the majority of site visits take place, where necessary, before committee meetings, (iv) the number of meetings that the public have to attend relating to one planning application is usually one and (v) as many decisions as possible are made within the statutory 8 and 13 weeks timescales.

2.2 Members of the Development Management Committee (DMC) discussed site visits and deferrals at the January 2013 DMC. There has also been some discussion about this matter at the Planning Improvement Board meeting that took place on 28th March 2013. Following these discussions it was considered appropriate to prepare a protocol for site visits to be considered by DMC.

2.3 In the last 6 months there have been 35 planning application decisions deferred pending site visits. This accounted for 31% of all planning applications appearing on the PASC and DMC agendas (ie 35 out of 113 planning applications). This has had some negative impact on planning application performance. Undoubtedly there were good reasons for deferring making decisions pending member/officer site visits but it is considered that a protocol may mean that in the future there is less need to do this. In turn this would
mean that the public / applicants attended fewer meetings and that more decisions were made within the statutory 8 / 13 week timescales. The latter is particularly relevant given that applicants can appeal against non determination of planning applications if decisions are not made within 8 / 13 week timescales and in addition the Government has indicated that it will place Local Planning Authorities in “special measures” if they consistently underperform.

2.4 There are occasions when it is absolutely appropriate to defer consideration of a planning application pending a site visit by Councillors. This is particularly the case when members need to go onto a private site, accompanied by a planning officer, to judge the impact of a proposal. However, as a general rule members of the relevant Planning Committee can visit some sites in advance of Planning Committee meetings and in their own time. This is particularly relevant where the site can be viewed from a public view point (eg. road or footpath). In these cases it is not always necessary for officers to be in attendance.

3. SUGGESTED PROTOCOL

3.1 It is prudent to keep the number deferred planning application decisions for site visits to a minimum for the following reasons:

- It can be that members of the public and applicants have to attend more than one planning committee meeting.
- It can result in planning application decisions being made outside of the 8 and 13 week statutory determination periods - as a consequence this means (i) that applicants can appeal to the Planning Inspectorate against non-determination of the application and (ii) it puts the Council at increased risk in terms of adverse planning application performance – the Government is introducing legislation that would put Authorities that consistently underperform into “special Measures” (this means that for Major planning applications applicants would be able to apply direct to the Planning Inspectorate thereby by-passing the Local Planning Authority and the local decision making process).
- Servicing planning committees (including site visits) is time consuming and costly – confining site visits to those visits that are absolutely necessary, and with a consequent reduction in deferrals, will lead to efficiencies.

3.2 For the above reasons the following protocol is suggested:

PROTOCOL

- Where appropriate officers will include photographs / application drawings at the end of each planning committee report – the format of committee reports is to be changed.

- Where facilities allow officers will ensure that copies of plans / photographs are available in electronic format at committee meetings.
• Where a planning application proposal and its impacts can be fully considered from a public viewing point (e.g., a public road or a public footpath) members shall visit sites themselves and in advance of Planning Committee meeting.

• Wherever possible, and where a planning application is scheduled to be considered by a Planning Committee, Councillors should request a site visit well in advance of a planning committee meeting. Requests for such a site visit would be in instances where there is a specific need for planning officer attendance — for example, where the site is private and there is a specific need to enter such a site to fully consider impacts. Requests for site visits should be made by Councillors at notification stage and in writing to Devcontrol@warrington.gov.uk.

• Officers will send a list of officer/member site visit requests from Councillors to the Chairman in advance of the Planning Committee meeting. The Chairman will then decide on which sites to visit in advance of the Planning Committee meeting. The site visits will normally take place on the Friday before the Planning Committee meeting — Democratic and Members Services will send Councillors details of site visits in advance of the Friday visits. An officer will attend the site visit(s) and will have a copy of the planning application(s) to hand.

• The protocol would not preclude the potential for members to still defer consideration of a planning application for a site visit. It is envisaged, given the application of the above protocol, that this would normally follow debate and be confined to those cases where there is a specific need for Councillors to enter a site with officers to view specific impacts. Councillors should give reasons for site visits in instances where applications are deferred at Planning Committee meetings.

4. CONFIDENTIAL OR EXEMPT
4.1 Not confidential or exempt

5. FINANCIAL CONSIDERATIONS
5.1 None.

6. RISK ASSESSMENT
6.1 No risks identified.

7. EQUALITY AND DIVERSITY/EQUALITY IMPACT ASSESSMENT
7.1 No risks identified.

8. CONSULTATION
8.1 None.
9. **REASON FOR RECOMMENDATION**

9.1 That members agree a protocol so that (i) there is a clear and consistent approach laid out (ii) that site visits are better organised to enhance member decision making, (iii) the majority of site visits take place, where necessary, before committee meetings, (iv) the number of meetings that the public have to attend relating to one planning application is usually one and (v) as many decisions as possible are made within the statutory 8 and 13 weeks timescales

10. **RECOMMENDATION**

10.1 That site visits are arranged and take place in accordance with the protocol

11. **BACKGROUND PAPERS**

None

Contacts for Background Papers:

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel Hartley</td>
<td><a href="mailto:dhartley@warrington.gov.uk">dhartley@warrington.gov.uk</a></td>
<td>01925442 819</td>
</tr>
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12. **CLEARANCE DETAILS**

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<tr>
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<td>SMB</td>
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<tr>
<td>Relevant Executive Director</td>
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<td>15/04/13</td>
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<tr>
<td>Solicitor to the Council</td>
<td>Yes</td>
<td>15/04/13</td>
</tr>
<tr>
<td>S151 Officer</td>
<td>No</td>
<td></td>
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<tr>
<td>Relevant Head of Service</td>
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