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.

Item 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.
<table>
<thead>
<tr>
<th>Item</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>Minutes</td>
</tr>
<tr>
<td></td>
<td>To confirm the minutes of the meeting held on 12 December 2018 as a correct record.</td>
</tr>
<tr>
<td>4.</td>
<td>Planning Applications (Main Plans List)</td>
</tr>
</tbody>
</table>

**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

12 December 2018

Present: Councillor T McCarthy (Chairman)
Councillors J Grime (Deputy), B Barr, J Flaherty, G Friend, B Maher, L Morgan, P Walker, J Wheeler and S Wright

DM91 Apologies for Absence

No Apologies were received.

DM92 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>J Grime</td>
<td>DM98/106</td>
<td>Son has apartment with developer, and she is a guarantor.</td>
<td>Remained in the room and took part in the meeting</td>
</tr>
<tr>
<td>B Barr</td>
<td>DM99</td>
<td>Was a Ward Member</td>
<td>Remained in the room and took part in the meeting</td>
</tr>
<tr>
<td>B Barr</td>
<td>DM101</td>
<td>Lives in close proximity to DM101</td>
<td>Remained in the room and took part in the meeting</td>
</tr>
<tr>
<td>J Flaherty</td>
<td>DM103</td>
<td>Was a Ward Member</td>
<td>Remained in the room and took part in the meeting</td>
</tr>
<tr>
<td>P Walker</td>
<td>DM97</td>
<td>Member of Appleton Parish Council</td>
<td>No involvement with the applications, remained in the room and took part in the meeting</td>
</tr>
<tr>
<td>J Wheeler</td>
<td>DM96</td>
<td>Had made comments</td>
<td>Comments made and stepped down</td>
</tr>
<tr>
<td>J Wheeler</td>
<td>DM97</td>
<td>Had made comments</td>
<td>Stepped down and made comments against DM97</td>
</tr>
</tbody>
</table>
L Morgan  DM95/105  Was a Ward Member  Remained in the room and took part in the meeting

J Grime  DM 100  Lives in the Ward  Remained in the room and took part in the meeting

S Wright  DM 97  Lives in the Ward  Remained in the room and took part in the meeting

S Wright  DM 98/106  Was a Ward Member  Remained in the room and took part in the meeting

DM93  Minutes

Resolved,

That the minutes of the meeting held on 7 November 2018 were agreed as a correct record and signed by the Chairman.

DM94  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.

DM95  2018/31871 – Former A J Beer and Co Timber Yard Site, Station Road, Latchford, Warrington, WA4 2AD Full Planning (Major) - Proposed redevelopment of previously developed land comprising three 5-storey apartment blocks creating 189 apartments with associated site access, parking areas, open space, landscaping and external works.

DM105 Refers

DM96  2018/32125 – Land North of Hall Lane, Lower Stretton, Warrington, WA4 4NY. Variation of condition - Proposed Variation of Conditions 1 (approved plans), Condition 3 (occupation of site) and 5 (number of caravans/mobile homes on site) of planning permission 2011/18728 to allow for the replacement of 1no. touring caravan
with 1no. mobile home.

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

A site visit took place.

Members noted the content of the update report.

Representations were heard in support of and against the application.

Resolved,

That application 2018/32125 be approved with conditions as per the officer recommendation and update report

DM97 2018/32772 – 6 Hartfield Gardens, Appleton, Warrington, WA4 5QJ.
Householders - Proposed retention of first floor side extension, single storey front extension and part 2 storey/ part single storey side extension

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

A site visit took place.

Members noted the content of the update report.

Representations were heard in support of and against the application.

Resolved,

That application 2018/32772 be approved with conditions as per the officer recommendation.

DM98 2018/33037 – Formerly, Town Hall Chambers, 1, Town Hill, Bewsey and Whitecross, Warrington, WA1 2NQ. Full Planning (Major) - Proposed erection of a 6 storey building containing 39 apartments with garden terrace and machinery on the roof and the retention of the existing basement for parking following the demolition of the existing bank building.

DM106 Refers

DM99 2018/33239 – 60, Star Lane, Lymm, Warrington, WA13 9LN - Full Planning (Major) - Proposed Demolition of existing dwelling and outbuildings/storage and erection of 17 dwellings with associated access road and parking
Application withdrawn by applicant prior to committee.

**DM100** 2018/33284 – 30, Millbrook Close, Culcheth And Glazebury, Warrington, WA3 5LT. Householder - Proposed single storey rear extension (resubmission of 2018/32416)

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

A site visit took place.

Members noted the content of the update report.

Representations were heard in support of and against the application.

Resolved,

That application 2018/33284 be approved with conditions as per the officer recommendation.

**DM101** 2018/33298 – Lymm Hotel, Whitbarrow Road, Lymm, Warrington, WA13 9AQ. Full Planning (Major) - Proposed demolition of existing hotel and construction of a mixed use development of a 66 Bed Residential Care Home (Use Class C2), a Block of 45 Retirement with Care Apartments (Use Class C2), and a Children's Nursery (Use Class D1), and associated parking, landscaping and infrastructure. (Resubmission of Application ref 2017/31811).

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

A site visit took place.

Members noted the content of the update report.

Representations were heard in support of and against the application.

Resolved,

That application 2018/33298 be approved with conditions as per the officer recommendation and update report with two additional conditions:

1. Restriction on hours of use of the external playspace associated with the nursery.
2. Maximum number of children permitted to be on roll at the nursery to be no more than 90.
DM102 2018/33778 – Land Bounded by Delta Crescent, Westbrook Crescent, Cromwell Avenue and Westbrook Way, Full Planning (Major) - Proposed Erection of 79 residential dwellings (including 24 affordable homes), access, public open space, landscaping and associated works (Resubmission of 2018/32808)

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

Members noted the content of the update report.

Representations were heard in support of the application.

Resolved,

That application 2018/32778 be approved with conditions as per the officer recommendation and update report and subject to the signing of an s106 agreement.

DM103 2018/33803 – Oakwood Avenue Community Primary School, Oakwood Avenue, Fairfield And Howley, Warrington, WA1 3SZ. Full Planning - Proposed single storey classroom rendered flat roof extension courtyard infill to junior block of 60 sq

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

Members noted the content of the update report.

Resolved,

That application 2018/33803 be approved with conditions as per the officer recommendation.

DM104 Exclusion of the Public (including the press)

Decision: That members of the public (including the press) be excluded from the meeting by reason of the confidential nature of the following items of business to be transacted being within category 3 of Schedule 12A Local Government Act 1972 (Rule 10 of the Access to Information Procedure Rules) and the public interest in disclosing the information is outweighed by the need to keep the information confidential.
DM105 2018/31871 – Former A J Beer and Co Timber Yard Site, Station Road, Latchford, Warrington, WA4 2AD Full Planning (Major) - Proposed redevelopment of previously developed land comprising three 5-storey apartment blocks creating 189 apartments with associated site access, parking areas, open space, landscaping and external works.

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

A site visit took place.

Members noted the content of the update report.

Representations were heard in support of and against the application.

Resolved,

That application 2018/31871 be approved with conditions as per the officer recommendation and update report.

DM106 2018/33037 – Formerly, Town Hall Chambers, 1, Town Hill, Bewsey and Whitecross, Warrington, WA1 2NQ. Full Planning (Major) - Proposed erection of a 6 storey building containing 39 apartments with garden terrace and machinery on the roof and the retention of the existing basement for parking following the demolition of the existing bank building.

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

A site visit took place.

Members noted the content of the update report.

Representations were heard in support of the application.

Resolved,

That application 2018/33037 be approved with conditions as per the officer recommendation and update report.

Signed……………………………

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

**Wednesday 9th January 2019**  
**6:30pm**

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
</tr>
</thead>
</table>
| 1    | 3    | 2018/33287 | Field House, Higher Lane, Lymm, Warrington, WA13 0RL  
Full Planning - Proposed construction of two dwellings including demolition of existing buildings (resubmission of 2017/31699)                                                                 | Approve Subj S106 |
| 2    | 26   | 2018/33494 | To The West Side Of, Holcroft Lane, Culcheth, Warrington  
Full Planning - Proposed temporary compound to store materials in connection with the upgrade of the M62                                                                 | Approve         |
| 3    | 38   | 2018/33696 | Suite 7, Oak Tree Barns, Hatton Lane, Hatton, Warrington, WA4 4BX  
Variation of Condition - Application to vary Condition 5 (Working Hours) on previously approved application 2017                                                                 | Approve         |
| 4    | 53   | 2018/33741 | Land At Westbrook Crescent, Opposite Petrol Filling Station, Westbrook, Warrington  
Full Planning - Engineering works to highway and verges                                                                                                              | Approve         |
Old Telephone Exchange, Common Lane, Culcheth And Glazebury, Warrington, WA3 4HA
Full Planning - Timber Cladding to Front Elevation of Shop Premise, alterations to entrance and retention of storage container.

5 And 6, Tanning Court, Fairfield And Howley, Warrington, WA1 2HF
Full planning - Proposed refurbishment of building including changes to external facade, replacement of roller shutters with brick/block cavity to match existing with new windows to match

Former garages site behind/adjacent to 2, Former Garages, Longshaw Street, Warrington, WA5 0HT
Full Planning - Proposed 4x two bedroom apartments for affordable rent with associated external works on currently vacant land previously used for garages
Reason for referral

Lymm Parish Council has requested that the application is refused, which is contrary to the Officer recommendation of approval.

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 surroundings

The application refers to an area of land associated with a residential dwelling known as the ‘Field House’. The property lies in countryside between the village of Broomledge and the larger settlement of Lymm. The property and associated land lie within the North West Green Belt.

The existing dwelling is accessed from a long entrance driveway off the southern side of the A56 and set back around 200 metres from the road. As well as the main dwelling there is also a converted barn and a detached garage on the site. The barn was granted planning permission in 2016 for
conversion to an independent residential unit and it would appear this conversion has taken place.

To the west and the north of the existing properties lies a garden area enclosed by a Beech hedge. Beyond this garden area lies an open grassed area. This application specifically refers to part of this land. At the far northern end of the site lies a small coppice of mature trees which fronts the A56. Both the grass area and coppice lie within the overall residential unit of the Field House.

The site is predominantly surrounded by agricultural land on both sides and to the rear, although there is a ribbon of development along both sides of the A56 at this location. A Public Right of Way runs along the boundary of the field lying to the east of the application site.

Proposal

The application proposes to demolish the existing buildings on the site, consisting of the main dwelling, converted barn and garage, and erect two new detached residential dwellings within the northern half of the grassed area lying between the existing buildings and the coppice.

Relevant site history

Withdrawn : 5 June 2018
Withdrawn 9 February 2017

2015/26758 : Proposed Barn Conversion into a Residential Unit.
Approved 2 March 2016

97/35901 : Proposed single storey extensions to gables to form larger breakfast room and lounge, family room and study, first floor extension to form bath/dressing room, cloaks and bathroom.
Approved 28 March 1997

94/31653 : Two Storey Lounge Bedroom with En-suite Extension to east elevation and two storey family room/breakfast area and two bedroom extension to west elevation with new porch in the form of a conservatory to rear elevation.
Refused : 18 May 1994

77/4501 : Rebuilding of Outstandings to form playroom, utility room and garden store.
Approved 13 July 1977

77/4261 : Erection of a double garage.
Approved 11 May 1977

75/1684 : Outline application for the erection of two bungalows.
Refused : 21 August 1975

Planning Policies

National Planning Policy Framework
Chapter 2 – Achieving Sustainable Development
Chapter 5 – Delivering a Sufficient Supply of Homes
Chapter 9 – Promoting Sustainable Transport
Chapter 11 – Making Effective Use of Land
Chapter 12 – Achieving well-designed places
Chapter 13 – Protecting Green Belt Land
Chapter 16 – Conserving and Enhancing the Historic Environment

Local Plan Core Strategy
CS1 – Delivering Sustainable Development
CS2 – Quantity and Distribution of Development
SN1 – Distribution and Nature of New Housing
QE6 – Environment and Amenity Protection
QE7 – Ensuring a High Quality Place
QE8 – Historic Environment
MP1 – General Transport Principles
CC1 – Inset and Green Belt Settlements
CC2 – Protecting the Countryside
Consultation Responses

Warrington Borough Council Highways
No highway objection to the proposal.

The development is located outside of the town centre and as such the Council's Parking Standards for area B should be applied. The Council's Parking Standards require 3 allocated spaces and 1 visitor space for each of the proposed 4+ bedroom properties. The standard off-street parking bay dimension is 2.5 x 5m. Spaces that do not comply with the minimum required standard will not be classified as suitable provision.

It is considered that the proposed area of hard standing is sufficient to accommodate the parking demand with space provided for vehicles to manoeuvre and exit the development site onto the adopted highway of Higher Lane in forward gear.

The application proposes to utilise the existing access from the adopted highway of Higher Lane. This is considered to be acceptable to the Local Highway Authority as the proposal would not intensify the use of the development site due to the demolition of the existing residential properties to the rear of the site.

The developer is not required to demonstrate adequate visibility at the existing access as the proposal would not intensify the use of the development site.

It is anticipated that the proposal will adopt the existing development site arrangements for refuse collection and servicing.

Warrington Borough Council Environment & Public Protection
Contaminated Land:
This is a large scheme for a sensitive end use located on land that is not currently designated as Potentially Contaminated Land (PCL). There do not appear to be any significant potential ground gas generation sources within 250m of the subject site. However current procedures as set out with the Council's Environmental Protection Supplementary Planning Document (EP-SPD) where there are new sensitive end users proposed would require the standard Contaminated Land Preparatory Works and Contaminated Land Completion Conditions to be attached to any consent granted for the scheme. Consideration of potential soil, groundwater and ground gas contamination issues would be required in accordance with the Contaminated Land Conditions.
Noise:
The proposal is located within a Defra noise mapped area for road noise. There may be some noise impacts on the incoming residents of the proposed development from road traffic noise (A56). On this basis a noise informative has been recommended for uprated glazing. There do not appear to be any other external noise sources that could impact the development. A noise Informative has also been recommended for recommended working hours for demolition and construction activities to protect nearby residential properties.
No objections subject the above.

Warrington Borough Council Tree Officer
The site is currently laid to open grassland with mature trees lining the boundaries and a wooded copse being held to the north of the site, none of which are currently subject to an active tree preservation order.
The proposal aims to retain the majority of the tree stock, with the exception of the removal of a small sparse section of hedgerow (H4) and two mature trees held to the south east corner of the wooded copse; to facilitate the proposed access into the site from the existing road. The two trees in question are a mature Sycamore and Oak (please see below), I would not oppose the removal of the Sycamore given its limited views to the wider area. The loss of the Oak is regrettable given its potential age, however it is of asymmetrical form through suppression and as with the Sycamore wider views are limited with obstruction from surrounding vegetation. Should this tree be removed impacts to skyline views would be limited by the remaining canopy cover. Should you be minded to support the application I would recommend that a level of mitigation planting be considered to offset mature tree losses from the location. Mitigation could be placed within the redline boundary to the open ground within the south portion of the site and be included within any landscape design.
Should the above removals be agreed, the protective measures included within the submitted Arboricultural Method Statement (TRE/FHHL/Rev A) would be generally satisfactory to reduce development impacts to remaining tree stock.
Greater Manchester Ecology Unit
The updated surveys have been carried out by suitably qualified ecologists and are to appropriate and proportionate standards. I have no reasons to disagree with the findings of the report, which conclude that the development proposal will not have any substantive harmful impacts on ecology.

Therefore there are no objections to this application on ecological grounds.

Cheshire Archaeology Planning Advisory Service.
A brief review of available historic mapping has revealed that Field House was in existence from at least the early 19th century. The site is first depicted on the 1837 Tithe Map of Lymm, which records Field House as Plot 1555, House, Buildings and Garden, owned and occupied by Issac Ridgway. Subsequent Ordnance Survey mapping reveals that both the house and outbuilding to the north-east remained largely unaltered until the present day.

Given the above Field House is certainly of historical value and therefore does have archaeological significance on a local level. As the proposed development will result in the total loss of the remaining structures, the Cheshire Archaeology Planning Advisory Service (APAS) would recommend that should planning permission be granted for this, or any similar scheme, Field House and its associated out building should be subject to an archaeological record prior to demolition. APAS would recommend that this work should conform to a Level 2 Building Survey in line with the guidance set out in Section 5.2 of Understanding Historic Buildings: A Guide to Good Recording Practice (2016), published by Historic England.

United Utilities
In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the applicant to consider the following drainage options in the following order of priority:
1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.
We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

Notification Responses

Ward Councillors
No comments received to date

Lymm Parish Council
Object to the application on grounds it is on the Green Belt.
Neighbours

One representation has been received in response to this application. In summary the following points are made:

- The proposal will be detrimental to highway safety. The presence of 2 independent dwellings entering and leaving the single narrow drive onto Higher Lane will be dangerous. The A56 carries a large volume of traffic, including articulated lorries, and the designated speed limit is often exceeded. Visibility is poor and the Applicant has no control over the height of the field hedge to the east alongside the A56.

- The eastern boundary line is incorrect. The mouth of the existing access lies on neighbouring land. The boundary line is the centre of the north/south hedge.

- Views from the PROW will be ruined by the development.

- The development will be detrimental to wildlife living in the copse of trees at the far northern end of the site, especially nesting birds.

- The development will impact on the roots of three large mature Oak trees in the site. The Arboricultural Impact Assessment mentions the felling of trees but does not specify which ones.

- The consistency of the Council in relation to Green Belt policy is questioned. The site for proposed houses is clearly separated from the garden of the Field House by a mature Beech hedge.

- The site is prone to flooding, which would be exacerbated by the proposed new dwellings and hardstanding.

- There will be increased pressure on an overloaded sewerage system.

- Currently there are uninterrupted views from the A56. In winter months the views will be severely interrupted by the building of houses.

- The demolition of the existing buildings is inappropriate and unnecessary.

- Will the site of the existing dwellings become a brownfield site after their demolition, allowing more development.

- The design of the houses is very suburban and they will appear out of place in a rural setting.

- Some statements considered to be misleading in the Design and Access Statement are detailed.

Observations

The application concerns the development of two replacement dwellings within the application site, following demolition of the existing properties. The main issues to consider are as follows:

(i) Principle of development within the Green Belt.
(ii) Impact of the proposal on the character and appearance of the application site and surrounding area.
Principle of Development within the Green Belt

The NPPF states that the construction of new buildings within the Green Belt should be regarded as inappropriate development, which, by definition, is harmful to the Green Belt and should not be supported except in very special circumstances. However, a number of exceptions to this overarching policy are set out in paragraph 145 of the NPPF, and it is under this paragraph that this proposal is justified and deemed to be appropriate development.

One of the stated exceptions under paragraph 145 of the NPPF is the partial or complete redevelopment of 'previously developed land'. The supporting statement submitted with the application originally justified this proposal under this exception policy. Reference was made to the High Court decision of Dartford Borough Council v Secretary of State for Communities & Local Government (CO/4129/2015). This ruled that residential gardens outside built up areas should be classified as previously developed land in accordance with the definition provided within the NPPF. Following on from this it was argued that this application site was part of the garden area of the Field House, and therefore the proposal would constitute the appropriate development of a previously developed site.

However, Officers did not accept this original justification for the proposal. Whilst the application site is in the same ownership as Field House, it is not considered to be this property’s ‘garden’ area. It is considered that the formal garden area and residential curtilage of the property is clearly apparent on the site as the area to the west of the dwelling and a smaller area to the north. A Beech hedgerow then clearly separates this from the larger expanse of grass lying to the north, where the new houses are proposed. This land is considered to be more of akin to a paddock or merely open land lying within the overall site, a situation not uncommon with large country houses with substantial amounts of land associated with them.

Therefore the application site is not deemed to constitute ‘previously developed land’, as it is not considered to form the original, formal garden area of the dwelling.

However, notwithstanding this, paragraph 145 of the NPPF also allows for the replacement of an existing building, provided the new building is in the same use and not materially larger than the one it replaces.

Under this application three buildings, two residential dwellings and a freestanding garage, are to be replaced with two new dwellings. The following volume figures have been provided by the Agent to demonstrate that the proposed new buildings on the site will not be materially larger than the buildings being replaced. These figures are not contested by the Council, other than the percentage reduction in volume which is believed to be 0.6%
rather than 6%. It is noted that the ridge height of House 2 is notably higher than the existing barn and garage, although the eaves height is similar to the existing barn. Notwithstanding this, taking all the figures into account it is considered that the proposed development will not be materially larger than the existing buildings.

<table>
<thead>
<tr>
<th></th>
<th>Footprint</th>
<th>Volume</th>
<th>Gross Floor Area</th>
<th>Ridge Height</th>
<th>Eaves Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing House</td>
<td>156</td>
<td>848</td>
<td>227.8</td>
<td>7.7</td>
<td>5.4</td>
</tr>
<tr>
<td>Existing Garage</td>
<td>45</td>
<td>166</td>
<td>39</td>
<td>4.7</td>
<td>2.2</td>
</tr>
<tr>
<td>Existing Barn</td>
<td>65.7</td>
<td>323</td>
<td>113.4</td>
<td>5.1</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total Existing</strong></td>
<td><strong>266.7</strong></td>
<td><strong>1337</strong></td>
<td><strong>380.2</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed House 1</td>
<td>116</td>
<td>676.2</td>
<td>193</td>
<td>7.4</td>
<td>4.1</td>
</tr>
<tr>
<td>Proposed House 2</td>
<td>115</td>
<td>652</td>
<td>183</td>
<td>6.9</td>
<td>4.2</td>
</tr>
<tr>
<td><strong>Total Proposed</strong></td>
<td><strong>231</strong></td>
<td><strong>1328.2</strong></td>
<td><strong>376</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Difference</strong></td>
<td>35.7</td>
<td>8.8</td>
<td>4.2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The proposed dwellings are a 13% reduction in footprint, 6% reduction in volume and 1% reduction in gross internal floor area in comparison to the existing buildings to be demolished. The proposed ridge and eaves are also no greater than the existing house.

There is no requirement under the NPPF for the new buildings to be located on the same footprint as the existing buildings. In this case, although there is some distance between the existing and replacement dwellings, they will still lie within the same site and this is deemed to be acceptable.

However, it is considered that the existing dwellings and garage must be demolished, and the land reinstated to open countryside, before any development is commenced on the new dwellings. Without this prerequisite the proposal would be contrary to policy, as the new buildings would be additional rather than replacement buildings and as such would represent inappropriate development, which by definition is harmful to the Green Belt.

A S106 agreement is deemed to be the most appropriate method to secure this requirement and it has been agreed that such an agreement will be entered into prior to the release of the decision notice.

Permitted Development rights will also be removed in relation to extensions and the erection of outbuildings, to ensure in the long term that the proposal continues to be compliant with policies in relation to development in the Green Belt.

In relation to the impact of the proposal on the openness of the Green Belt it is argued within the application that the relocation of the buildings further
towards the existing built up area along Higher Lane will represent an improvement over the current situation, in which the buildings are located significantly further back into the countryside. The site of the removed buildings will be returned to grass land and this will have a positive impact upon the openness of green belt.

This argument is further illustrated in the excerpt below from the Design and Access Statement.

![Residential land use](image)

It is considered that there are some merits to this argument and overall the proposal, subject to the removal of the existing buildings, will have a positive impact on the openness of the Green Belt at this location. It also supports one of the stated purposes of the Green Belt set out in the NPPF, which is to safeguard the countryside from encroachment.

National policy in relation to development within the Green Belt is reinforced under policies CS5 and CC2 of the Local Plan Core Strategy and the proposal is deemed to be also compliant with these policies.

The concerns raised by the Parish Council and in the public representation in relation to development within the Green Belt are noted, however, it is considered, for the reasons stated above, that the proposal does constitute appropriate development and is acceptable in principle, providing a S106 Agreement is entered into to secure the demolition of the existing buildings.
prior to commencement of any new development. It is stressed that approval on the basis that the new dwellings are replacement dwellings would not set a precedent for further development, as the site would not be deemed to be previously developed land.

Design of the new dwellings and the impact on the character and appearance of the surrounding area

Policy QE7 of the Warrington Borough Council Core Strategy states that the Council should look positively upon proposals which are designed to maintain and respect the landscape character and distinctiveness of the surrounding countryside.

Amended plans were received during the course of the application which altered the design of the proposed houses from that originally submitted. This was in response to concerns raised that the original design of the dwellings was very suburban in appearance and out of keeping with the surrounding rural area, a comment also made in the public representation received on the proposal.

The proposal is still for two no. four bedroom dwellings, however, unlike the initial scheme, where identical dwellings were shown, the dwellings now proposed have different designs to each other and are slightly angled towards each other rather than lying side by side. One dwelling will have an ‘L’ shaped footprint and the other a conventional rectangular footprint. The design of the dwellings has also significantly altered. The dwellings now proposed are far simpler in design and considered to be more in keeping with the rural character of the area.

The application indicates that the new dwellings are to be constructed from brick under a slate roof. A condition will be added to the permission for final materials to be agreed prior to construction.

An appropriate rear garden area is indicated for each dwelling which is commensurate with the existing residential curtilage and garden areas of the existing dwellings. A condition for a landscaping scheme to be provided for prior approval is added to the permission, to include the provision of details such as hard surfacing and boundary treatment, to ensure these are appropriate.

The dwellings will be largely screened from the A56 by the coppice in front of the site. The new dwellings will be visible from the Public Right of Way running alongside the site but, as stated earlier, a strong argument can be made that the visual impact on the landscape and openess of the countryside will be reduced by the relocation of the buildings to be closer to the road. The land where the existing buildings are sited will need to be reinstated to open countryside and it is envisaged that the S106 Agreement in relation to the demolition of the existing buildings will also contain the terms of how this will be achieved and how the land will be retained as open countryside going forward.
It is therefore considered that the amended scheme for the proposed development accords with the aims of policy QE7. The proposed new dwellings are considered to be appropriate in design and should not have any adverse impact on the character and appearance of the area.

The existing properties to be demolished do have some architectural and historic interest, as outlined in the consultation response from Cheshire Archaeological Services. However, they are not statutory or locally listed buildings and it is not considered that an objection to their replacement could be reasonably upheld. As stated above, their removal is completely necessary for the proposal to be deemed appropriate development within the Green Belt. However, the condition recommended by the Archaeological Service in relation to recording them will be added to the permission.

Impact on Residential Amenity
Due to the separation distance to any neighbouring properties it is not considered that this proposal, and the proposed siting of the replacement dwellings, will have any adverse impact on the residential amenity of neighbouring occupiers. In this respect the proposal is therefore compliant with policies CS1 and QE6 of the Warrington Borough Council Core Strategy, which identify the need to safeguard public amenity and respect the living conditions of existing neighbouring occupiers. The respective siting and separation distances between the new dwellings is also acceptable and should ensure a good standard of amenity for the future occupiers of these dwellings.

Parking and highway safety
Concerns are raised within the representation in relation to highway safety issues arising from additional vehicles accessing the site. However, it is important to note that there will be no actual net increase in the number of dwellings and in principle no intensification of the use of the existing access from the A56. The Council’s Highways Officer has raised no objections to the access, which is deemed to have an acceptable standard of visibility for the number of dwellings it will serve.

Adequate space has been identified within the site for the three parking spaces for each dwelling, which is consistent with the requirement under the adopted parking standards. The arrangements for refuse collection will be as for the existing dwellings.

The development is therefore considered to be in accordance with policies CS1 and QE6 of the Warrington Borough Council Core Strategy and the Parking Standards SPD.

Drainage
It is noted that the representation raises concerns that the site is prone to flooding, however, it does not lie within Flood Zones 2 or 3 or within an area identified as a critical drainage area. It is therefore considered that an appropriately designed surface water drainage system should be able to mitigate any drainage problems. The condition recommended by United
Utilities in respect of this is added to the permission.

Arboricultural Matters
A coppice of trees lies to the north of the proposed development site and a number of mature trees around the site boundaries. In light of this an Arboricultural Method Statement was received with the application and within this a Tree Protection Plan. A condition is added to the permission to state that the recommendations of this statement and the tree protection plan should be implemented.

Concerns have been raised within the representation over the potential impact that the development could have on the trees surrounding the site. The Arboricultural Survey advises that two trees are to be felled to enable access to the houses, a Sycamore and an Oak. The Council’s Tree Officer has confirmed that this is acceptable. Albeit regrettable that the Oak tree will be lost it is not deemed to be of sufficient value to justify protection through the imposition of a Tree Preservation Order.

Due to the size of the application site it is likely to be difficult to plant a replacement tree of the same nature, however, a condition is added to the permission for the provision of a landscaping scheme for prior approval, in which it is envisaged that some replacement planting will be indicated.

Once development commences the proposed protection measures should be sufficient to protect any trees to be retained.

Conclusion
The proposed replacement dwellings on the application site constitute appropriate development within the Green Belt and the proposal is acceptable in principle under the current, relevant planning policies.

Recommendation
Approve subject to conditions and the signing of a S106 Agreement for the existing dwellings on the site to be demolished prior to commencement of development on the new dwellings and for the land returned to open countryside.

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

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

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

   (a)The planning application form received by Warrington Borough
Council on 26 July 2018.

(b) The following submitted drawings:
- Location Plan, drawing number L01, revision A
- Proposed Site Plan, drawing number 1176 106, revision D
- House 1 Proposed Elevations, drawing number 1176 109, revision A
- House 2 Proposed Elevations, drawing number 1176 110, revision A
- House 1 Proposed Floor Plans, drawing number 1176 107, revision B
- House 2 Proposed Floor Plans, drawing number 1176 108, revision B

Reason: for the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy QE7 of the Warrington Core Strategy, adopted July 2014.

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

Reason: The site is within an area of known or potential archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy QE8 of the Warrington Local Plan Core Strategy, adopted July 2014. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

4. No development (other than demolition and site clearance works) shall take place until the steps in Sections A and B below are undertaken:

A: CHARACTERISATION: With specific consideration to human health, controlled waters and wider environmental factors, the following documents must be provided (as necessary) to characterise the site in terms of potential risk to sensitive receptors:
- Preliminary Risk Assessment (PRA or Desk Study)
- Generic Quantitative Risk Assessment (GQRA) informed by an Intrusive Site Investigation
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal

Completing a PRA is the minimum requirement. DQRA should only to be submitted if GQRA findings require it.

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY:
As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy shall submitted in writing to and agreed with the LPA. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial
Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

The actions required in Sections A and B shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion, in accordance with: Policy QE6 of the Warrington Local Plan Core Strategy, adopted July 2014, Paragraph 121 of the National Planning Policy Framework (March 2012) and Section 4 of the Environmental Protection Supplementary Planning Document (May 2013). This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed by submission of an assessment report before work commences.

5. The development shall not be taken into use until the following requirements have been met and required information submitted to and approved by the Local Planning Authority (LPA):

A: REMEDIATION & VERIFICATION: Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report must be submitted to the LPA for approval.

B: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously-unidentified contamination encountered during development works must be reported immediately to the LPA and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation/verification measures proposed as necessary) and a revised remediation and verification strategy submitted in writing and agreed by the LPA.

C: LONG-TERM MONITORING & MAINTENANCE: If required in the agreed remediation or verification strategy, all monitoring and/or maintenance of remedial measures shall be carried out in accordance with the approved details.

The site shall not be taken into use until remediation and verification are completed. The actions required to be carried out in Sections A to C above shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).
Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion, in accordance with: Policy QE6 of the Warrington Local Plan Core Strategy, adopted July 2014, Paragraph 121 of the National Planning Policy Framework (March 2012), and Section 4 of the Environmental Protection Supplementary Planning Document (May 2013).

6. No development shall take place above slab level until samples or full details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials. Materials samples shall be made available to view on site and shall NOT be deposited with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to comply with Policy QE7 of the Warrington Local Plan Core Strategy, adopted July 2014 and the Warrington SPD: Design and Construction

7. No development shall take place above slab level until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. This shall include details of any means of enclosure, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works. The approved scheme shall be implemented during the first planting season following the completion of development and any tree or shrub planted which dies or is felled, uprooted, wilfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, in accordance with Policy QE7 of the Warrington Local Plan Core Strategy, adopted July 2014 and the Warrington SPD: Design and Construction (2010).

8. The development hereby approved shall be carried out in full accordance with the submitted Arboricultural Method Statement and Tree Protection Plan. All trees to be retained on site shall be protected in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall continue until the development has been completed.

Reason: To ensure that the trees on the site are protected during
construction works in the interests of local amenity, and in order to comply Policy QE7 of the Warrington Local Plan Core Strategy, adopted July 2014 and the Warrington SPD: Design and Construction.

9. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Reason: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with policy QE4 of the Warrington Local Plan Core Strategy, adopted July 2014.

10. Prior to the first occupation of the dwelling hereby approved the vehicular access and parking spaces indicated on approved drawing number 1176 106, revision D shall be laid out and properly consolidated, surfaced and drained and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: To ensure adequate off street parking and that the development accords with Policies QE6 and MP1 of the Warrington Local Plan Core Strategy, adopted July 2014.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development shall take place within the curtilages of the dwellinghouses hereby approved under classes A, B, D and E of Part 1 of Schedule 2 of the Order unless a planning application for that development has been first submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control development within the Green Belt and to safeguard the character and visual amenities of the area, in accordance with Policies CS5 and CC2 of the Warrington Local Plan Core Strategy, adopted July 2014.
Appendices

Appendix 1 - Drawings/Plans

Location Plan

Block Plan
House 1
House 2

House 2 Proposed Front Elevation
1:50

House 2 Proposed Side East Facing Elevation
1:50

House 2 Proposed Rear South Facing Elevation
1:50

House 2 Proposed Side West Facing Elevation
1:50

House 2 Proposed Ground Floor Plan
Appendix 2 - Photographs of the Site

Application Site
Buildings to be demolished
DEVELOPMENT CONTROL COMMITTEE DATE 09-Jan-2019

ITEM 2

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>2018/33494</th>
</tr>
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<tbody>
<tr>
<td>Location:</td>
<td>To The West Side Of, Holcroft Lane, Culcheth, Warrington</td>
</tr>
<tr>
<td>Ward:</td>
<td>Culcheth, Glazebury and Croft</td>
</tr>
<tr>
<td>Development</td>
<td>Full Planning - Proposed temporary compound to store materials in connection with the upgrade of the M62</td>
</tr>
<tr>
<td>Date Registered:</td>
<td>17-Oct-2018</td>
</tr>
<tr>
<td>Applicant:</td>
<td>bmJV (Joint Venture of Bam Nuttall Ltd a3 3</td>
</tr>
<tr>
<td>8/13/16 Week Expiry Date:</td>
<td>11-Dec-2018</td>
</tr>
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Reason For Referral

The Parish Council has objected to the application

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 an agricultural field located adjacent to Holcroft Lane. The entrance to the site is currently tarmacked with a gate preventing access to the field. The entrance is located on a bend in the road with trees and vegetation located on one side. The site is located within the Green Belt.

Temporary planning permission is sought to create a compound associated with the works to alter the M62 into a Smart Motorway and the site is approximately 500 metres to the north of the M62. The compound is proposed to be on site for approximately 1 year. The compound is proposed to consist
of 1 storage building, 1 welfare block including a canteen and toilet block and 1 gate hut and open air storage. It is proposed to create soil bunds to the north-east and south-east boundaries and the existing access track to the site would be upgraded. It is proposed that all existing trees and hedges are to remain in place.

The 3 buildings are proposed to be single storey with a maximum height of 2.5 metres. 650 metres to the south of the site is the Holcroft Moss Site of Special Scientific Interest which is part of the wider Manchester Mosses Special Area of Conservation (SAC). SAC’s are strictly protected sites designated under the EC habitats directive.

The application was submitted with a Habitat Regulations Assessment.

**Planning History**

No planning history

**Main Issues and Constraints**
- Green Belt
- Openness of the Green Belt
- Impact on Residential Amenity
- Highway impact
- Ecology

**Planning Policies**

NPPF

Warrington Local Plan Core Strategy policies:
- Policy CS1 – Overall Spatial Strategy – Delivering Sustainable Development
- Policy CS2 – Overall Spatial Strategy – Quality and Distribution of Development
- Policy CS4 – Overall Spatial Strategy – Transport
- Policy PV1 – Development in Existing Employment Areas
- Policy QE5 – Biodiversity and Geodiversity
- Policy QE6 – Environment and Amenity Protection
- Policy QE7 – Ensuring a High Quality Place
- Policy MP1 – General Transport Principles
- Policy MP6 – Transport Infrastructure
- Policy MP10 – Infrastructure

**Response to Consultation**

A site notice has been displayed on the site and 4 representations have been received against the application. The representations are summarised below:

- No consultation with local residents;
- Detrimental impact on highway safety;
- Should be warning signs;
- Road surface needs to be kept clear of material;
• No bund proposed on the access side which is where majority of residents are;
• Impact on residential amenity;
• Site will operate 24 hours a day 6 days a week;
• No information regarding the likely traffic entering and leaving the site;
• Entrance is unsuitable for HGV access;
• Noise at unsocial hours

Culcheth Parish Council
This is an initial objection.
We have serious concerns about this application.
Holcroft Lane is an important “cross country” route connecting North Warrington through to Irlam. It is well used at certain times of the day and on the frequent occasions when the M6 and M62 are congested or blocked. It is also a route for farm vehicles and lorries.
It has several bends, including the one by the entrance to this site, and there have been accidents. If this road is blocked the alternatives are not easy and lead to wider congestion.
We expected to see details of numbers and timing of proposed vehicle movements and how they would impact on existing traffic. There should also be mitigation proposed for this difficult bend, and ways of avoiding congestion.
We note there are 6 workers on site but also parking for over 30 vehicles. Will their journeys be staggered?
Has there has been contact with residents of Hanging Birch Farm, the houses behind and the farm opposite, to discuss traffic and noise? We note that there will be bunds on two sides of the compound but why not on the side towards Hanging Birch (sometimes called Birchtree) farm?
It is important that the trees and hedgerows are retained and the land returned to agriculture afterwards.
Are there any details of the illumination of the site and mitigation for residents and wildlife?

Environmental Protection Team:
No objection subject to the bund being created prior to the commencement of use of the site

Greater Manchester Ecology Unit
The updated information addresses the concerns regarding the outstanding information for the Habitat Regulations Assessment.

Following the receipt of the additional information, the proposal is not considered to have an impact on Manchester Mosses SAC.

Great Crested Newts – the proposal is not considered to have an impact on Great Crested Newts, however, it is recommended that a condition requiring the submission of reasonable avoidance measures is added to any planning permission.
Health and Safety Executive – No objection

Highways: No objection subject to the requested conditions being added to any permission

Highways England: No objection

Natural England: No comment

OBSERVATIONS

Principle of Development
The application is for temporary permission to use a piece of land as a compound associated with works to the M62 motorway to turn the motorway into a smart motorway. The compound consists of storage facilities for the construction materials, storage buildings, canteen, gate hut and a welfare and toilet block. The site is proposed to be surrounded on two sides (northeast and southeast) by a topsoil bund with the entire compound being surrounded by 2 metre high heras panel fencing. The bund is required as it is proposed to scrape the existing topsoil off the site and store it prior to relaying it following the removal of the compound.

The site is located in the Green Belt so the principle of development is hinged on whether the development is appropriate development and if it is considered to be inappropriate development then do very special circumstances exist to overcome the inappropriate development.

Green Belt
The application site is located within the Green Belt as identified by the Local Plan Core Strategy Policies Map. As set out in the National Planning Policy Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping the land permanently open; the essential characteristics of Green Belts are the openness and permanence.

The NPPF outlines certain types of development that are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it and these include:

- Engineering operations; and
- Local transport infrastructure which can demonstrate a requirement for a Green Belt location

The use of the land for the temporary compound associated with the works on the M62 would be acceptable in principle if they are considered to fall within any of the above categories as they would be considered to be appropriate development. There is debate as to whether the proposal is considered to fall within the above categories and as the proposal is considered to have a temporary impact on the openness and visual amenity of the Green Belt, it is considered that Very Special Circumstances would need to be demonstrated for the development.
The agent has provided very special circumstances in relation to this application and they are:

- Proximity of the compound in relation to the slip roads off Holcroft Lane to both the eastbound and westbound carriageways;
- Strategic location at approximately the mid-point of the J10-12 Smart Motorway works which would provide an efficient and journey saving location;
- Suitable distance from the Holcroft Moss SSSI so as to give negligible risk of adverse effects;
- Limited number of residential properties so minimises nuisance;
- Topsoil bunds will offer sound attenuation to local properties;
- Access to the site is an existing ready-made heavy vehicle bell mouth entrance; and
- Compound is only required for a limited period of time

It is considered that the limited timescales involved in the proposal, the infrastructure nature of the project and the very special circumstance provided are considered to overcome the inappropriate development in the Green Belt.

**Openness of the Green Belt**

The site is as an existing agricultural field with an existing hardstanding entrance to it and it is surrounded by fields to the east, south and west with Holcroft lane the north-eastern boundary of the site. Significantly further to the south is the M62 motorway.

The proposal is for the creation of a temporary storage compound consisting of open storage and 3 buildings (gate hut, store and welfare) of differing sizes with a maximum height of 2.5 metres and a bund to the north-east and south-east boundary of the site and the bund is proposed to have a maximum height of 2.5 metres.

The diagrams below show the location of the mounds along with the buildings and roads:
The field aspect of the application site is located on a lower level than Holcroft Lane. The access to the site is located to the northwest of the main element of the site with the existing trees on the site separating the access from the main storage area. It is proposed that all of the trees are to be retained on site.

The material for the bund would be the existing top soil for the site and it would be re-laid across the site once the compound was removed. The buildings and the bund would be visible from Holcroft Lane and it is therefore acknowledged that the proposal would have an impact on the visual amenity of the area in the short term as it would change the landscape through the creation of a more undulating landscape than before. The proposal is therefore considered to have an impact on the openness of the Green Belt and the proposal would therefore conflict with the purpose of including land within the Green Belt. However, the bunds are not a permanent feature and would be reused in the restoration of the site. Therefore the temporary nature of the application and the need for the works to be undertaken to the M62 have to be balanced against the harm to the Green Belt. The submitted very special circumstances are considered to outweigh the harm to the Green Belt.

To not allow this modest development could have potential economic implications. In considering the above it is therefore considered that the very special circumstances exist which would clearly outweigh the harm identified.

The proposals are therefore considered to comply with the provisions of the NPPF and CS5 of the Local Plan Core Strategy.

Impact on Residential Amenity
Policy CS1 identifies the need to safeguard residential amenity, while policy QE6 states that consideration should be had to the need to respect the living conditions of existing neighbouring residential occupiers. The NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The application site context, nature of proposals, and proximity to sensitive
properties (i.e. residential dwellings) is such that the proposals would not have a detrimental impact through overbearing, loss of daylight or privacy. The main consideration in this instance is the impact that the proposals would have on neighbouring properties through noise, dust and disturbance from the traffic and storage of materials at the compound during the time the compound is used in connection with the works to the M62 motorway.

There are no residential properties immediately adjoining the site. However based on the site location plan there is a residential properties over 120 metres to the south-east of the application site and residential properties over 170 metres to the north-west. The residential properties are within the DEFRA noise mapped area due to their proximity to the M62 motorway and the night time noise levels in this area have been modelled at being between 50-55dB in the area. The separation distance of 170 metres would result in natural attenuation of the noise of circa 45dB which would mean that for noise to be audible and impact upon residential amenity, then noise levels at the temporary storage compound would have to constantly be at 85dB or over. It is unlikely that this level of noise would be of this level as this is more akin to the noise generated by a construction site rather than a storage compound.

The application includes a bund on the northeast and southeast boundary of the site and this bund is proposed to be up to 2.5 metres from the topsoil scrapings from the site. While this would act as a rudimentary noise barrier, this is not considered to be essential as the distance attenuation to the nearest property and the elevated night time background noise is considered to be a more significant factor in relation to noise arising from the storage compound. It is considered that the levels generated by the storage use will be well below a level that would have a detrimental impact on residential amenity.

The proposal is not considered to have an unacceptable impact on the living conditions of neighbouring properties and is considered to comply with the provisions of the NPPF and policy QE6 of the Local Plan.

Highways
The application is for a temporary compound located adjacent to an existing B road and is proposed to utilise an existing entrance to the site with the entrance to the site being re-surfaced. The application proposes that the site will be subject to lighting and it is considered necessary to add a condition to any permission to control the location and direction of the lights to ensure that they do not have a detrimental impact on highway safety.

In relation to vehicle movements, it is expected that up to 4 heavy goods vehicles per hour would visit the site during the day shift and this shift is until midnight. This involves 8 vehicle movements for the heavy good vehicles. The site has been designed so that the vehicles will enter and leave the site in a forward manner. The site also includes the parking for the private cars that the employees would use to arrive at the compound before being transported to the working site. To ensure that there is no debris on the roads, it is proposed that a road sweeper will attend the site regularly and this is subject to a
recommended condition.

In relation to the visibility of the site, this is considered to be acceptable subject to signage being placed on the highway to notify drivers of the compounds location.

With the proposed conditions, the proposal is not considered to have a severe impact on the highway network.

**Ecology**

The application site lies within 600 metres of Holcroft SSSI which is part of the wider Manchester Mosses SAC. The ecological appraisal submitted with the application states that the proposal has the potential for an indirect impact on the SAC and a Habitat Regulation Assessment is required. The submitted Habitat Regulations Assessment and the additional submitted information has proved that the proposal is not considered to have a detrimental impact on either the SAC or SSSI. However, it is recommended that a condition be added to any permission requiring the submission of a construction management plan to deal specifically with the impact on the SAC.

The application was also submitted with a great crested newt survey and this survey found that there are 5 ponds within 500 metres of the site that have the potential to support great crested newts. It is considered that due to the lack of habitat connectivity between the ponds and the development site that the risk to great crested newts is low. To prevent accidental harm to great crested newts it is considered necessary to add a condition to the permission requiring the submission of reasonable avoidance measures in relation to Great Crested Newts.

The trees on the site have been surveyed for their potential to support bats and one tree has been identified as having a low potential to support bats. The application states that none of the existing trees are to be removed and it is considered necessary to add a condition stating that none of the existing trees are to be removed from the site.

With the proposed conditions the proposal is not considered to have a detrimental impact on the protected sites and species and complies with the provisions of the NPPF and policy QE5 of the Local Plan.

**Balancing Exercise**

The LPA has identified harm by reason of inappropriate development in the Green Belt and harm caused to the openness of the Green Belt. To not allow this modest development could have potential economic implications. In considering the impact on the Green Belt it is therefore considered that the very special circumstances exist which would clearly outweigh the harm identified.

With the proposed conditions, the proposal is not considered to have an unacceptable detrimental impact on the residential amenity of the residential
properties, does not have a detrimental impact on highway safety and would not have a detrimental impact on the protected sites and species.

**Recommendation**

This application is recommended for approval with conditions.

**Conditions**

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

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

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

   (a) The planning application forms, design and access statement, Habitat Regulations Assessment and additional information received by Warrington Borough Council on 23/10/2018

   (b) Submitted drawing numbers Sk/aj/BBP1210/hol.plan/001; Sk/aj/BBP1210/hol.plan/002 (Rev A); DRG/mb/hol.plan/003 Rev 01; Sk/aj/BBP1210/hol.ELEV/004 (Rev A); and Sk/aj/BBP1210/hol.ELEV/005 (Rev A) received on 23/10/2018.

   Reason: for the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy QE7 of the Warrington Core Strategy.

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning authority

   Reason: To ensure that the development will be of a satisfactory appearance and to comply with Policy QE7 of the Warrington Core Strategy and the Warrington SPD: Design and Construction

4. The development hereby approved shall be removed and the site and access road returned to original condition within 18 months of the date of commencement of development.

   Reason: The proposal is temporary in nature and the application is only appropriate if the site is returned to it's original condition.

5. Provision shall be made for highway cleaning as and when any detritus is deposited on the highway. The highway shall be kept clear of mud, stone or other materials at all times.
Reason: To preserve highway safety and to comply with policy MP6 of the Local Plan.

6. Prior to the use of the site, a scheme for the site lighting shall be submitted to and agreed in writing with the local planning authority. The lighting shall be installed and operated in strict accord with the approved details only.

Reason: To ensure that the development does not have a detrimental impact on highway safety, the movement of protected species and the residential amenity of neighbouring properties and to comply with the provisions of the NPPF and policies QE6 and MP7 of the Local Plan.

7. Signage associated with the site shall be placed off-highway to maintain existing visibility splays at the access if required.

Reason: To preserve highway safety and to comply with policy MP6 of the Local Plan.

8. Prior to the commencement of the development hereby permitted, a method statement detailing the Reasonable Avoidance Measures (RAMs) to be adopted in order to avoid and/or minimize any unforeseen disturbance impacts on local Great Crested Newt populations during the course of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the RAMs detailed in the approved method statement.

Reason: To ensure the protection of the Great Crested Newts and to comply with the provisions of the NPPF and policy QE5 of the Local Plan.

9. No removal of or works to any hedgerows, trees or shrubs or clearance of vegetation that may be used by breeding birds shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that birds are protected and their habitat enhanced, in accordance with Circular 06/05, the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, & c.) Regulations 2010 and in order to comply with the NPPF and Policy QE5 of the Warrington Local Plan Core Strategy.

10. Prior to the commencement of development including site clearance, a construction ecological management plan shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details. The submitted
managment plan shall include details of how the Manchester Mosses SAC are to be protected from the development.

Reason: To protect the Manchester Mosses SAC and to comply with the provisions of the NPPF and policy QE5 of the Local Plan.

11. All trees and hedges on the site shown as being retained shall be protected in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall continue until the development has been completed.

Reason: To ensure that the trees on the site are protected during construction works in the interests of local amenity, and in order to comply Policy QE7 of the Warrington Core Strategy and the Warrington SPD: Design and Construction.
DEVELOPMENT CONTROL COMMITTEE DATE 9-Jan-2019

ITEM 3

Application Number: 2018/33696
Location: Suite 7, Oak Tree Barns, Hatton Lane, Hatton, Warrington, WA4 4BX
Ward: Appleton
Development Variation of Condition - Application to vary Condition 5 (Working Hours) on previously approved application 2017/31754
Date Registered: 10-Oct-2018
Applicant: Mr Hannon
8/13/16 Week Expiry Date: 04-Dec-2018

Reason for Referral to Committee

The application is referred to the Development Management Committee on the following grounds:

- Hatton Parish Council have raised an objection to the application.
- Cllr. Prof. Brian Axcell - Borough Councillor for Appleton, Hatton, Stretton and Higher Walton has objected to the planning application and has requested that the application be considered by this Committee if a recommendation for approval is proposed.
- The application has been submitted by an elected member of the Council.

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

The site is located on south side of Hatton Lane, approximately 550m from its junction with the A49 (London Rd) at Stretton.

This application relates to suite 7, a single storey conversion of a former agricultural building, which forms part of a larger group of converted
buildings. The surrounding properties operate as offices [B1] and beauty treatment clinic [sui generis]. A residential dwelling, Oak Tree Farm is located on the eastern boundary of the site. The site is largely surrounded by open countryside.

The site is located with the Green Belt.

The office area is 56 sqm.

Proposals
The applicant is seeking to modify Condition 5 on planning application 2017/31754. This application proposed a change of use from Workshop (B2) to Offices (B1) and was approved on 8th March 2018 subject to a number of conditions.
Condition 5 relates to the operational hours permitted at the property and reads as follows;

“No customer or employee shall be admitted to, or allowed to remain on, the premises outside the hours stipulated on the application form (08.00-20.00 on Mondays to Fridays & 09:00-13:00 on Saturdays), unless otherwise agreed in writing with the Local Planning Authority.
Reason: For the avoidance of doubt, in order to enable the Local Planning Authority to retain control over the development the interests of neighbour amenity, having regard to policy DCS1 of the adopted Warrington Unitary Development Plan.”

This condition stipulates the same hours of operation as the other suites within this complex of buildings as approved under planning application 2012/1984.
The applicant is seeking to amend the condition to read;
“No customer or employee shall be admitted to, or allowed to remain on, the premises outside the hours stipulated on the application form (07.30-20.00 on Mondays to Fridays and 08:00-14:00 on Saturdays), unless otherwise agreed in writing with the Local Planning Authority.
Reason: For the avoidance of doubt, in order to enable the Local Planning Authority to retain control over the development the interests of neighbour amenity, having regard to policy DCS1 of the adopted Warrington Unitary Development Plan.”
The revised condition would relate solely to Suite 7, Oak Tree Barns.
The reason for the requested modification of the condition is stated as being to allow the construction company to access files and drawings outside the existing company operating hours.

Relevant Planning History
- 2012/19884 - Proposed change of use of agricultural building into offices a workshop and bike store with associated parking. – Approved 11th December 2012.
• 2013/21876 - Discharge of conditions - Application for removal of conditions as per previously approved application 2012/19884 - conditions 6 (Roosting Bats), 8 (Breeding Birds), 11 (Hard Surfacing) and 12 (Foul Surface Water) to be discharged – condition discharged dated 26/09/2013.

• 2017/31754 - Proposed change of use of Suite 7 from workshop (B2) to Offices (B1) – Approved 8th March 2018. Office area - 56 sqm.

• 2018/32521 – Proposed change of use from B1 to Sui Generis (Beauty Treatment Clinic). Approved 23 May 2018.

• 2018/33234 - Variation of Condition - Application to vary Condition 9 (working hours) on application 2012/19884 to 7:30am - 8:00pm Monday to Friday and 8:00am - 2:00pm on Saturdays. Withdrawn by applicant.

Relevant Enforcement History

ENF/10/02924 - Alleged unauthorised development – Planning application submitted 17/01/2013 - Suite 7 was previously occupied by a gym which was subject to an enforcement notice. The authorised use of the building was as a workshop ancillary to the offices on the site. The gym use ceased, the notice complied with, and an application ref. 2017/31754 was submitted for a proposed change of use from workshop (B2) to offices (B1).

With respect to the wider site, a Breach of Condition Notice was served targeting non-compliance with the approved hours of use and adherence to the approved car park layout for 2012/19884, which was the original consent for the change of use of agricultural building into offices.

Further to the commencement of the B1 use in suite 7, complaints were again received in respect of breach of hour’s condition for this new use. The use was operating outside the approved hours, as had been the case with other suites on the site previously.

The occupier of suite 7 was advised to adhere to the approved hours and submit a condition variation application if they wished to vary them. An application was submitted but complaints still received during the determination period of the application. Letters were sent to the occupier on the 22nd August 2018 and 11th October 2018 requesting that the existing approved hours be adhered to until such time as consent is granted for any new hours of operation. No further complaints have been received since the second letter was sent.

Planning Policies

National Planning Policy Framework
Chapter 2 - Achieving Sustainable Development
Chapter 11 - Making Effective Use of Land.
Chapter 6 – Building a strong, competitive economy.

Noise Policy Statement for England
Noise Guidance – Ministry of Housing, Communities and Local Government.
March 2014.
Planning Practice Guidance - Noise

Local Plan Core Strategy

CS1 – Delivering Sustainable Development
CS2 – Quantity and Distribution of Development
QE6 – Environment and Amenity Protection

Supplementary Planning Documents
Design and Construction SPD
Environmental Protection SPD

Notification Responses

Hatton Parish Council - The Council objects on the basis of the impact the proposal would have on the amenity of residents nearby. It is considered that it would increase the amount of light and noise pollution to the residential property and would set a precedent for the other suites at Oak Tree Barns thereby resulting in further loss of amenity to the occupants of Tree Farm. The Parish Council can see no justification for any variation to Condition 9 of the original planning permission [equivalent to Condition 5 of 2017/31754] which limits working hours at the premises. The Parish Council understands that the existing conditions are being breached on a regular basis and neighbouring residents have evidence to support this.

Ward Councillor - Cllr. Prof. Brian Axcell objects to the planning application on the grounds of the loss of amenity for neighbouring residential properties, in particular Oak Tree Farm. When the barns were converted for commercial use, a planning condition was imposed to restrict the hours of operation on the site to 0800 to 2000 Mondays to Fridays and 0900 to 1300 on Saturdays. This condition was imposed for a good reason, namely, to protect the amenity of neighbouring residential properties.

The application is for access to files and drawings outside these hours, from 0730 Mondays to Fridays. The proposed starting time is later than in a previous application (2018/33234) but it would still cause a loss of residential amenity. The applicant can already increase his office hours in the evenings on Monday to Fridays to 8 pm without the need for a planning application, given the planning condition for the site as a whole. The limit on working hours for Saturdays should remain, as should the existing limit for working hours for Mondays to Fridays.

Neighbours – 2 letters of objection have been received. Grounds of objection:

- The proposed extended hours of operation would set a precedent for all businesses on the site to work later in the evenings, thereby increasing the potential for noise and disruption, particularly during the summer months when people are in their gardens. People can be
heard, conducting business on their mobile phones whilst they are working, and we would want to avoid this noise disruption extending into the evenings.

- Planning consent number 2012/19884 contained several conditions that were put in place because it was recognised that, since the office development is in a residential area, and particularly close to a residential property, it would have a detrimental effect in terms of noise and other disturbance i.e. loss of residential amenity.

- Planning application 2017/31754 was granted specifically for Suite 7 following change of use to B1 Office Use but has the same conditions as 2012/19884 attached to it. The interests of the neighbour amenity, which are cited in the reason for the condition, have obviously not and cannot change.

- The proximity of the Suite to the residential property means that the noise from vehicles coming and going, banging doors, radios and voices and other noise such as car alarms and horns can clearly be heard from our house and in particular, in the bedrooms. Also car lights and lights from the offices reflect into our bedroom windows during the hours of darkness. It is therefore completely unacceptable for anyone to be on site earlier than 8.00am Monday to Friday or 9.00am Saturday. Persons being on site earlier than the prescribed has a detrimental effect on our health because of the extreme fatigue and stress caused by lack of sleep, rest and relaxation.

- The applicant should have been aware of the hours of operation of the site when he acquired the property as they had already been in place for 6 years. This should have informed his decision as to whether the property was suitable for his purposes. The applicant has regularly breached his conditions by being on site at 7 am, contrary to the advice given by the Council’s Officers.

- An earlier start and a later finish on Saturdays will take away one of the two days we have in a week on which we can rest beyond 8am (assuming that all tenants comply with the current condition). A later finish also impinges on our 1.5 days per week in which we can enjoy peace and quiet at home and in the garden (again, providing breaches are not committed).

- The site has been monitored, in accordance with a request from WBC Enforcement, in respect of the comings and goings that have regularly occurred before 8am. The results clearly show that most of the time the applicants are just starting their normal day to day business before 8am rather than just viewing plans. There have been; meetings resulting in multiple vehicles on site car doors banging, radios, shouting and laughing to each other; cleaners arrived regularly just after 7am making a lot of noise talking and banging while getting their cleaning equipment out of their vehicle; more than one company vehicle arrived on site shortly after 7am and the drivers proceeded to move equipment from one vehicle to another. This causes a lot of noise while they bang around in the back of their vans and talk to each other as they work; employees once arrived on site just after 7am and set up an electrical saw in the car park. Although they did not use the saw straight away, the fact is that there was a lot of noise setting it up and then the men
stood around talking in the car park; employees regularly arrive on site and then remain in the office and so they are actually just starting their normal working day early.

- The company apparently have around 50 employees. If permission were to be given for an earlier starting time at the development, there is nothing to stop any or indeed all of these coming in at 7.30am or earlier.
- The reasons why they need to visit the premises make no difference to the disturbance caused.
- The applicant has said that his business hours are 8.00am until 4.30pm Monday to Friday. The need to visit the premises out of his company hours can easily be at the other end of their working day as the permitted hours for the development are already until 8.00pm (Monday to Friday). This gives them 3.5 hours after their normal hours (Monday to Friday) in which they can go into the office to view their plans ready for the following day, or they can come on Saturday morning between 9.00am and 1.00pm without causing any further disturbance to residents.
- The approval of the revised operational hours would set a precedent for the operators of the other suites on the site, resulting in multiple vehicles arriving on site early with the consequential noise and light disturbance for us trying to sleep yards away.
- The current permitted hours are 12 hours per day Monday to Friday and 4 on Saturday giving a total of 64 hours per week. This gives sufficient of time for tenants and their employees to do what they need to do to run their businesses, including viewing plans. If they cannot, then the answer is for them to move to somewhere else, not make the lives of the neighbours unbearable.
- Planning consent was given for a small office development in a rural and residential location and conditions for its use were put in place to reflect this and its effects on the nearby dwellings.

**Consultation Responses**

**Highways**
The additional working hours would not impact on highways, therefore there are no objections.

**Environmental Protection**
No objections to the revised hours of operation.

**Observations**

**Principle of Development**
Policy CS2 states that Green Belt development will only be allowed where it is considered to be appropriate in accordance with national policy. The development of the wider site was approved on the basis that it included the re-use of buildings of permanent and substantial construction and therefore accorded with Green Belt policy. The use of this former agricultural building as
an office was approved under planning application 2017/31754 on the basis that it was small scale and consistent with the rest of the converted units on the site. A number of conditions were attached to the planning approval including an hours of operation condition, as outlined above, which is consistent with the hours of operation for the other suites in the building complex.

The principle of the use of the building has been established under the 2017 permission. The restriction on the operating hours of the business was attached to the consent in order to ensure that it did not have an adverse impact on the amenities of adjacent residents. In order to establish whether the revised variation of the operating hours would be acceptable, it is necessary to consider whether the proposed operating hours would adversely impact on the amenities of adjacent residents.

Residential Amenity

One of the core planning principles of the NPPF is to seek to achieve sustainable development and to build a strong, responsive and competitive economy. Para.117 states that planning decisions should promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Policy QE6 of the Core Strategy states that consideration should be had to the need to respect the living conditions of existing neighbouring occupiers in relation to overlooking/loss of privacy, outlook, sunlight, daylight, overshadowing, noise and disturbance and fumes and odours. Policy CS1 also requires the decision maker to have regard to the need to safeguard environmental standards and residential amenity.

The NPPF para.180 in respect of noise issues states that planning policies should aim to amongst other things; “mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid giving rise to significant adverse impacts on health and quality of life as a result of new development”

Residential properties are located to the east and west of the site. Oak Tree Farm is located adjacent to the eastern boundary of the site. A 2 metre high fence [approx.] and a row of evergreen trees form the boundary between the two sites. Car parking spaces are laid out adjacent to this boundary.

In granting planning permission, it is considered appropriate to impose conditions in order that development proposals can proceed, where it would otherwise be necessary to refuse planning permission. Notwithstanding the fact that a B1 office use is considered to be an acceptable use in a residential area, a condition was considered to be necessary on the 2017 consent, to limit the hours of operation of the office business in order to protect residential amenity.

The applicant now seeks to have access to his business premises outside the
permitted hours of operation in order to access documents associated with his work and has submitted this application to vary his operating hours. The accessing of files and documents would fall within the general remit of the B1 Use Class.

It is noted that the applicant has operated outside the permitted hours specified in the relevant condition. Following complaints from residents, the Council’s enforcement section have taken action to require that the condition is complied with. The existing condition can and is being enforced. If the Council is minded to vary the hours of operation, any new condition would also be enforceable. The fact that the applicant has not, on occasion, adhered to his existing hours of operation, would not justify a refusal of consent.

Recent Case Law recognizes that, disturbance arising from the use of a site plus a combination of vehicular and pedestrian activity associated therewith, should be a consideration in the determination of planning applications particularly if the application site is near to residential property or in rural areas. Where such noise is likely to create an unacceptable level of disturbance to local residents, the imposition of conditions should be considered to ameliorate any adverse effects. This approach is supported by Planning Practice Guidance, which also advocates the use of planning conditions to restrict activities allowed on sites at certain times, differentiating as appropriate between different times of day. The impact of noise can override other planning considerations, but it should not be considered in isolation, separately from the economic, social and other environmental dimensions of a proposed development.

In making decisions LPA’s are advised to take account of the acoustic environment and to consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved

The adjacent residents have raised concerns relating to the operation of Suite 7 prior to 8.00am. They have stated that the noise creates sleep disturbance and a reduction in their quality of life resulting from a change in the acoustic character of the area. In the guidance, this is referred to as having a ‘Significant Observed Adverse Effect Level’. In these circumstances the guidance recommends that the planning process should be used to avoid this effect occurring, by use of appropriate mitigation.

The Noise Policy Statement for England (NPSE) notes that response to noise is subjective and is affected by many factors. In this instance it is the source and level of the noise together with the time of day it occurs that is causing concern. The fact that the noise is occurring in the early morning, when there is less background noise and the residents are more sensitive to the noise because they are trying to sleep, means that it is having greater adverse effect than if it were occurring during the day. The now superseded PPG24 – Planning and Noise advised that night commenced at 2300 and ended at 0700, on this basis, the proposed revised hours of operation would fall outside
the previously accepted definition of nighttime. Current Planning Practice Guidance relating to noise does not specify what constitutes ‘night hours’ for the purposes of rest and sleep.

Neighbour concerns regarding noise and disturbance are noted however, it is normally advised that 23:00 to 07:00 are the hours for rest and sleep and this view is supported by Environmental Protection Officers. A start time of 7:30 is considered to be acceptable during weekdays –Monday to Friday as it would fall within the normal parameters outlined above. The later start time of 08.00 on Saturdays is also considered to be acceptable.

Given the nature of the operation, it is considered that the extended hours of operation could be introduced without causing any significant degree of harm to the living conditions of adjacent residential properties.

Rural Economy
The NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas through the conversion of existing buildings. It should be recognised that sites to meet local business in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. In these circumstances development should be sensitive to its surroundings.

The property is located in a rural area outside a settlement boundary. Access to the site is largely dependent on private transport.

The Noise Policy Statement for England and the National Planning Policy Framework (which reflects the Noise Policy Statement) does not expect noise to be considered in isolation, separately from the economic, social and other environmental dimensions of any proposed development. It is clear that the extended hours would support the continued operation of this rural business. This would result in economic benefits for the area which would, subject to the enforcement of the revised hours of operation, outweigh any significant adverse effect on the amenity of local residents.

Light Pollution
Para.180 of the NPPF states that planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Objections have been raised relating to disturbance from car head lights and from lights in the office, in the early hours of the morning. It is noted that the side of the property that faces the application site only has windows at ground floor level in the gable wall. These windows are obscured by a close boarded 2 meter high fence and trees which run the length of the boundary. At the front of the house, the lower windows are obscured by a 2 metre high wall. The first floor, front windows may be affected by lights from cars entering the car park although this will be partially mitigated by the presence of the wall. There are small external lights on the buildings around the courtyard however, these are of domestic scale and character. There are no lighting columns in the courtyard. The office has blinds at the windows and the front of the building faces onto the fence/landscaped area. There would be no adverse
impact from lights, on the residential property as a result of the office being
occupied.
The use of the offices premises at 7.30 am is not considered to be
unreasonable in terms of any increased effects of light pollution given the
layout of the site and the existing presence of substantial screening on the
boundary. In addition, it is considered that the operation of the premises from
7.30 am would not conflict with the accepted parameters for sleep and rest,
i.e. 11pm and 7am.

Precedent
If any of the other units in the courtyard were to submit an application to vary
their hours of operation, then the impact on adjacent residents would be re-
evaluated. Each application must be considered on its merits and in
accordance with the relevant policy and guidance at the time of the
determination of the application.

The proposal is considered to accord with Policies CS1 and QE6 of the Core
Strategy and the NPPF.

Recommendation
The proposed revised hours of operation, as detailed below, are
recommended for approval;
“No customer or employee shall be admitted to, or allowed to remain on, the
premises outside the hours stipulated on the application form (07.30-20.00 on
Mondays to Fridays and 08:00-14:00 on Saturdays), unless otherwise agreed
in writing with the Local Planning Authority.
Reason: For the avoidance of doubt, in order to enable the Local Planning
Authority to retain control over the development the interests of neighbour
amenity, having regard to policy DCS1 of the adopted Warrington Unitary
Development Plan.”

Conditions

1. No customer or employee shall be admitted to, or allowed to remain
on, the premises outside the hours stipulated on the application form
(07.30-20.00 on Mondays to Fridays and 08:00-14:00 on Saturdays),
unless otherwise agreed in writing with the Local Planning Authority.
Reason: For the avoidance of doubt, in order to enable the Local
Planning Authority to retain control over the development the interests
of neighbour amenity, having regard to policy DCS1 of the adopted
Warrington Unitary Development Plan

2. Prior to first use of development, a scheme for secure covered cycle
parking shall be submitted to and approved in writing by the local
planning authority. The approved scheme shall be provided prior to first
use of the unit as B1 and retained for use as such thereafter.

Reason: So that the development provides for the needs of cyclists and
provides a choice of modes of transport in accordance with Policies
QE6 and MP3 of the Warrington Core Strategy.
3. Prior to first use of development, a scheme for parking shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be provided prior to first use of the unit as B1 and retained for use as such thereafter.

Reason: In order to ensure that there is adequate car parking on the site in the interests of highway safety and in order to comply with the Council’s car parking standards (Warrington SPD: Standards for Parking in new Development).

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

(a) The planning application forms, design and access statement and additional information received by Warrington Borough Council on {06/12/2018}
(b) Submitted drawing No’s {Site Plan: Oaktree Barn, Hatton Lane, Hatton, Warrington, 18/12/BP, 18/12/LP, Suite 7 Plan, Existing and proposed Workshop floor plan, Suite 7 Plan Existing and Proposed} received on {06/12/2017}.

Reason: for the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy QE7 of the Warrington Core Strategy.

5. The development hereby approved shall be commenced before the 8 March 2021.

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

*Appendix 1* – Drawings

**Application Site - Context**

**Suite 7 Plan – Oak Tree Barns, Hatton Lane**
Appendix 2 – Photographs of Site

Front Elevation of Suite 7

Western Boundary of the site showing location of Oak Tree Farm [Residential Property closest to the site]
View from inside the site showing relationship with Oak Tree Farm
ITEM 4

Application Number: 2018/33741
Location: Land At Westbrook Crescent, Opposite Petrol Filling Station, Westbrook, Warrington
Ward: Chapelford and Old Hall
Development: Full Planning - Engineering works to highway and verges
Date Registered: 12-Oct-2018
Applicant: Ryden LLP
8/13/16 Week Expiry Date: 06-Dec-2018

Reason for Referral to Committee

The application relates to Council owned land

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 site is separated in two by Westbrook Crescent with the majority of the site being to the south of Westbrook Crescent and a small section of the site being to the north. There is an area of the landscaping to the south of the main site that serves the adjacent residential development and to the north of the site is the Westbrook District Centre.
The proposal is for alterations to the existing road and footpath along Westbrook Crescent. The footpath to the south of Westbrook Crescent is proposed to be extended south into the existing landscaping. There is also areas of tactile paving proposed to the east of the existing Westbrook Centre access road and in a corresponding location to the south of Westbrook Crescent.

Relevant Planning History

No planning history, however, the site is adjacent to the following applications:

2018/32584 - Variation of Condition (Major) - Variation of the approved plans on planning application 2016/28907 to alter the petrol filling station and road layout on the previously approved scheme for the reconfiguration and regeneration; demolition of existing offices including shop units below, modified car park & access roads, construction of colleague training facility, construction of new retail (A1) & commercial leisure (A2, A3 and D2), redevelopment of petrol filling station & shop and related public realm/landscape improvements – approved with conditions

2016/28907 - Full Planning (Major) - Proposed reconfiguration and regeneration; demolition of existing offices including shops units below, modified car park & access roads, construction of colleague training facility, construction of new retail (A1) & commercial leisure (A2, A3 and D2), redevelopment of petrol filling station & shop and related public realm/landscape improvements – approved with conditions

Planning Policies
National Planning Policy Framework
Matters relating to the delivery of sustainable development and economic growth.

Local Plan Core Strategy
CS1 – Delivering Sustainable Development
CS2 – Quantity and Distribution of Development
CS4 – Overall Spatial Strategy – Transport
SN4 – Hierarchy of Centres
QE6 – Environment and Amenity Protection
QE7 – Ensuring a high quality place
MP1 – General Transport Principle
MP7 – Transport Assessments and Travel Plans

Supplementary Planning Documents
Design and Construction
Environmental Protection
Standards for Parking in New Development

Consultation Responses
Parish Council (s) – No response.

WBC Highways – No objection.

Notification Responses
Neighbours – one letter has been received and it is summarised below:
- Would request that buses do not park in the layby for longer than required as it makes it difficult for residents to leave the junction; and
- Needs to be some enforcement to ensure that HGV drivers do not park on the road to go into the centre as causes traffic impact

Observations

Principle
Policies CS4 and QE6 in the Local Plan Core Strategy (LPCS) are the most relevant ones to the proposal. The application site forms part of the wider Westbrook area and is part of the highway network serving the Westbrook District Centre.

The principle of amending the road and footpath in this location is considered to be acceptable subject to an analysis of the impact on highway safety.

Residential Amenity

One of the 12 core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Policy CS1 of the Warrington Borough Council Core Strategy identifies the need to safeguard public amenity. Policy QE6 of the of the Warrington Borough Council Core Strategy identifies that consideration should be had to the need to respect the living conditions of existing neighbouring occupiers in
relation to overlooking/loss of privacy, outlook, sunlight, daylight, overshadowing, noise and disturbance.

The application site is located with residential properties to the south of the site and Westbrook Centre (a mixed use commercial centre including retail, leisure, school and medical centre) to the north. The proposal is not considered to have a detrimental impact on the residential amenity of the existing neighbouring properties.

It is considered that the proposal does not have an impact on the residential amenity of the existing residential properties in relation to the issues above. The proposal is therefore considered to be in accordance with policies CS1 and QE6 of the Warrington Borough Council Core Strategy and the amenity policies in the NPPF.

**Highways/ Transportation Matters**

The Council’s Highways team has reviewed the submitted information and has no objection to the scheme. The application is for engineering works to highway and verges. The Local Highway Authority is satisfied that the proposed works suitably mitigate the traffic impacts of the Asda redevelopment scheme. The applicant has entered into a Section 278 agreement with the Council for the proposed works. This is at the full cost of the applicant and at zero cost to the Council.

The proposal is not considered to have a detrimental impact on highway safety. The proposal is considered to comply with policy MP1 of the Local Plan.

**Recommendation**

Approve subject to conditions.
Conditions

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

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

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

   (a) The planning application forms, design and access statement and additional information received by Warrington Borough Council on 18/10/2018

   Reason: for the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy QE7 of the Warrington Core Strategy.
DEVELOPMENT CONTROL COMMITTEE DATE 9-Jan-2019

ITEM 5

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<tr>
<th>Application Number:</th>
<th>2018/33763</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Old Telephone Exchange, Common Lane, Culcheth And Glazebury, Warrington, WA3 4HA</td>
</tr>
<tr>
<td>Ward:</td>
<td>Culcheth, Glazebury and Croft</td>
</tr>
<tr>
<td>Development</td>
<td>Full Planning - Timber Cladding to Front Elevation of Shop Premise, alterations to entrance and retention of storage container.</td>
</tr>
<tr>
<td>Date Registered:</td>
<td>31-Oct-2018</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Courtyard Carpets</td>
</tr>
<tr>
<td>8/13/16 Week Expiry Date:</td>
<td>25-Dec-2018</td>
</tr>
</tbody>
</table>

Reason for Referral to Committee

Culcheth and Glazebury Parish Council has requested that the application is refused, which is contrary to the Officer recommendation of approval.

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 surroundings

The application refers to a site occupied by a retail business known as ‘Courtyard Carpets’. The site is located in the centre of the village of Culcheth and within the boundary of the Culcheth Village Neighbourhood Centre, as defined under the Local Plan Core Strategy.

The building lies between the rear elevations of ‘The Courtyard’, a building containing a row of shops with office premises above, and ‘The Parade’ a two storey terrace of properties with ground floor retail premises.

The site itself comprises an existing, single storey pitched roof building with a
parking area to the front.

Culcheth is defined under policy CC1 of the Warrington Core Strategy as an Inset settlement in the Green Belt. Within these settlements development proposals are permitted providing they comply with national planning policy and are sustainable in terms of policy CS1.

Proposal

Retrospective planning permission is sought for the following:
- The installation of timber cladding on the front elevation of the building and alterations to the entrance.
- A metal storage container unit located on the south eastern side of the site, between the building and site boundary.

Relevant site history

2018/33757 : Advertisement Consent for the front elevation sign. Approved 5 December 2018

2012/21004 : Proposed change of use to toy and book shop with small cafe area, widening of front main access door for wheelchair access and new shop window formed to front elevation. Approved 29 January 2013


95/33672 : Proposed Change of Use from vacant BT Telephone Engineering Centre to offices and storage of fabrics. Approved 6 September 1995
94/32672 : Proposed Change of Use from vacant BT Telephone Engineering Centre into hot food takeaway.
Refused 18 November 1994

Planning Policies

National Planning Policy Framework
Chapter 2 – Achieving Sustainable Development
Chapter 12 – Achieving well-designed places

Local Plan Core Strategy
CS1 – Delivering Sustainable Development
SN4 – Hierarchy of Centres
QE6 – Environment and Amenity Protection
QE7 – Ensuring a High Quality Place
CC1 – Inset and Green Belt Settlements

Supplementary Planning Documents
Design and Construction SPD 2010

Consultation Responses

No consultations have been made for this application.

Notification Responses

Ward Councillors
No comments received to date

Culcheth & Glazebury Parish Council
Objection.

The skip still appears on the plans.

We believe the cladding is inappropriate and not in keeping with the street scene. The original render was far better.

The Old Telephone Exchange is in a prominent position at the junction of Wigshaw and Common Lanes and so street scene and off-road parking are important. It is also an access to the "new" telephone exchange behind.

The plans submitted have a changed entrance, a changed use A1 only, from A1/A3 and a permanent skip at the front as well as the wooden cladding and the storage container at the side.

We strongly object to the skip because, together with its overflowing contents, it reduces the off-road parking as well as having an adverse impact on the streetscene.
We do not object to the storage container- would it be considered temporary?

We do not object to the repositioned entrance but it should be part of the application

Officer note to some of the above points:

- The skip had been removed from the site at the date of the site visit and an amended plan has been received in which the skip is no longer shown.

- The application description was also altered during the course of the application to include the new entrance to the building.

- No permission for change of use is required. The premises was previously occupied by a bookshop & café, a mixed A1/A3 use. In accordance with Class 3, Part A of the Town and Country Planning (General Permitted Development) Order 2015 permission is not required for the change of use back to a purely A1 retail use.

Neighbours
No letters of representation have been received in response to this application.

Observations

The main issue in relation to this application is the impact that the works have had on the character and appearance of the application site and the wider area.

- External Works to the Building

The front elevation of the building has been clad in horizontal timber boarding. The Design and Access Statement states that this work was done by the new occupier in order to “provide a more elegant and aesthetic principal elevation”, adding that prior to this the render was cracked and it was felt that it detracted from the appearance of the area.

Prior to the cladding installation the front elevation was rendered and painted white. The photographs below illustrate the changes made to the front elevation.
The timber cladding has been in place for around a year and the Parish Council has raised concerns that it is not in keeping with the street scene. These concerns are acknowledged and it is agreed that the new cladding probably has made the building more conspicuous than before, however, the siting of the building is also taken into account. It is set back around 15 metres from the road, behind a parking area, and lies between the rear elevations of two terraces. It generally has a quite unobtrusive setting and is not considered to be a prominent building within the overall streetscene.

The public house opposite the site has some similar elements of timber cladding in its signage and has quite a large timber structure providing a covered outdoor seating area attached to its front elevation. Further along the
road the ‘Smokehouse’ restaurant building has been predominantly timber clad and has a far more prominent position in the street scene. Therefore there is some precedent for the material in the area.

Taking these factors into account it is not considered that the works have had any serious adverse impact on the appearance of the street scene.

The original entrance door to the building and a window in the front elevation have also both been replaced with one new central entrance. This is a relatively minor alteration and is not considered to have any harmful impact on the appearance of the building.

Policy QE7 states that the Council should look positively upon proposals which are designed to reinforce local distinctiveness, enhance the character, appearance and function of the streetscene, local area and wider townscape and harmonise with adjacent materials. Opinions may differ in relation to whether the cladding has had a positive impact on the appearance of the building and meets the criteria of this policy. However, overall it is not considered that that it has resulted in any serious harm to the appearance of street scene at this location and it is not considered that the impact of the works are sufficiently detrimental to merit refusal of the application.

- Container

The application also concerns the retention of a storage container to the side of the building in connection with the carpet/flooring sales business. The container is located between the building and the side boundary of the site, which is marked by a 2 metre fence and hedgerow. It is around 6 metres by 3 metres in size.

The container itself does not enhance the appearance of the site, however, it is recognised that it is not a permanent structure. Its siting does not take up any available parking spaces or restrict access to the site. In addition, the siting of the container means there is no detrimental impact on the amenity of any neighbouring occupiers. The Agent has advised that it is not anticipated
that it will be required by the business in the long term and therefore a condition to only allow this element for a temporary period would be acceptable. In view of the temporary nature of the storage container and the potential impact on visual amenity it is considered that such a condition would be appropriate and this is therefore added to the decision notice.

Conclusion

The storage container and the installation of the external timber cladding and other alterations to the building which have been carried out are not considered to result in any serious adverse impact on the character and appearance of the application site or wider locality. The proposal is deemed to comply with the relevant planning policies and is recommended for approval.

Recommendation

Approve subject to conditions.

Conditions

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

   (a) The planning application form and design and access statement received by Warrington Borough Council on 19 October 2018.
   (b) The following submitted drawing received on 12 December 2018 Proposed Plans, Proposed Elevation, Block Plan, drawing number MD18-002.

   Reason: for the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy QE7 of the Warrington Core Strategy.

2. The container hereby permitted shall be for temporary use only and shall be removed from the site within 2 years of the date of this permission, after which the land shall be retained to its former state.

   Reason: The building hereby approved is not considered suitable as a permanent form of development and is permitted on a temporary basis to safeguard visual amenity and comply with Policy QE6 of the Warrington Local Plan Core Strategy.
Appendices

Appendix 1 - Drawings/Plans

Block Plan

Elevation

- Timber cladding to front elevation only following cracking and deterioration of render to principal elevation.
- 3 no. new external lights with dusk/dawn sensors.
- Courtyard carpeta signage. Size as existing building sign.
- New entrance doors to showroom following the modification to the existing window and door.
## Reason for Referral to Committee

The application relates to Council owned land.

## 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 surroundings

The application refers to two council owned office units within Tanning Court.

Tanning Court is made up of three separate buildings which between them contain 20 individual business units specifically built for light industrial and office uses. Units 5 and 6 are middle units located within the northernmost building, which contains 5 other units.

The site lies close to Warrington Town Centre and within Food Zone 3 of the River Mersey.
Proposal

Planning permission is sought for the following alterations to the units:

- **Front Elevation**
  - Installation of two first floor replacement windows.
  - Installation of a new access ramp with handrail leading up to the door of unit 6.

- **Rear Elevation**
  - Replacement of the full height roller shutter doors on both units with new windows and brick infill.
  - Installation of two replacement first floor windows.

Relevant site history

2018/33255: Lawful Development Certificate - Proposed refurbishment of building including changes to external facade, replacement of roller shutters with brick/block cavity to match existing with new windows to match. Withdrawn 11 October 2018.

2009/15688: Proposed installation of a generator and enclosure to the rear, extension of existing air conditioning plant enclosure & associated demolition and re-instatement of 'W' shaped wall to the rear of units 5 & 6 Tanning Court. Approved 1 March 2010

82/13034: Erection of units for light industrial warehousing and office development. Approved 12 May 1982

Planning Policies

**National Planning Policy Framework**
Chapter 2 – Achieving Sustainable Development
Chapter 6 – Building a Strong, Competitive Economy
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.

**Local Plan Core Strategy**
CS1 – Delivering Sustainable Development
CS2 – Quantity and Distribution of Development
CS9 – Strategic Location - Inner Warrington
QE4 – Flood Risk
QE6 – Environment and Amenity Protection
QE7 – Ensuring a High Quality Place

**Supplementary Planning Documents**
Design and Construction SPD 2010

Consultation Responses
No consultations were made for this application.

Notification Responses

Ward Councillors
No comments received to date.

Parish Council
Unparished area.

Neighbours
No letters of representation have been received in response to this application.

Observations

This application concerns external alterations to two units within a Council owned building which has permission for use as offices/warehousing.

The most significant alteration will be the replacement of the existing large roller shutter doors on the rear elevations of the units. These were installed on all units within Tanning Court at the time it was built, reflecting the dual use of the building as offices/warehousing.

The application advises that the roller shutter doors on these particular units have not been used for several years. It is the intention to use the units as offices, with the floor plans indicating that new internal openings are to be made to link the two units together. Replacing the roller shutter doors with new windows and facing brickwork to match the existing building will allow a better internal layout for its current use. If in the future the building reverts back to a warehousing use the alteration could be reversed fairly easily and the doors reinstated.

The roller shutter doors are a common feature of all of the units within the development, however, access to the door to unit 6 has since been partially blocked by the installation of a generator which was granted permission in 2010 and now dominates the rear elevation of the building. It is not considered that the proposed alterations under this application will have any adverse impact on the character and appearance of the building or its setting in the wider development.

The front elevation will see the installation of a new ramp up to the door of unit 6 to allow disabled access and replacement of the existing windows. These alterations should generally update and enhance the appearance of the building.

Policy QE7 of the Warrington Borough Council Core Strategy states that the Council should look positively upon proposals which are designed to harmonise with existing buildings and enhance the character, appearance and
function of street scene and local area. It is considered that this proposal accords with the aims of this policy.

In addition, the proposed alterations should have no adverse impact on the amenity or any neighbouring occupiers. The proposal therefore also accords with Policy QE6 which seeks to protect this. Also it is noted that the building lies within Flood Zone 3, however, as there will be no increase in built development, and no change in use to a more vulnerable use, a site specific Flood Risk Assessment is not deemed to be necessary. The proposal will not add to the risk of flooding elsewhere.

**Conclusion**

The proposed alterations to the building harmonise with the scale, proportions and materials of the existing building and respect the living conditions and amenity of existing neighbouring occupiers. The proposal therefore complies with the relevant planning policies and is recommended for approval.

**Recommendation**

Approve subject to conditions.

**Conditions**

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

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

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

   (a) The planning application form and design and access statement received by Warrington Borough Council on 9 November 2018.
   (b) The following submitted drawings received on 9 November 2018.
   Tanning Court Planning Application Location Plan, drawing number SP18-003-0100-01, revision A
   Tanning Court Site Compound Location Plan, drawing number SP18-003-0100-02, revision A
   Proposed First Floor Ceiling Plan, drawing number LEBJ0810/06, revision A
   Proposed First Floor Units 5 & 6 Works, drawing number LEBJ0810/04, revision A
   Proposed Ground Floor Plan.

   Reason: for the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy 72.
3. The brick to be used in the infilling of the existing openings within the building shall match in colour, texture and coursing those used on the existing building.

Reason: To ensure the use of appropriate materials, in the interests of the visual amenities of the locality and in order to comply with Policy QE7 of the Warrington Core Strategy and the Warrington SPD: Design and Construction
Appendices

Appendix 1 - Drawings/Plans
Appendix 2 - Photos of site
APPLICATION NUMBER: 2018/33931

**Location:** Former garages site behind/adjacent to 2, Former Garages, Longshaw Street, Warrington, WA5 0HT

**Ward:** Bewsey and Whitecross

**Development:** Full Planning - Proposed 4x two bedroom apartments for affordable rent with associated external works on currently vacant land previously used for garages

**Date Registered:** 07-Nov-2018

**Applicant:** Ms. Letwenjuk

**8/13/16 Week Expiry Date:** 01-Jan-2019

**Reason for Referral**

The application site is within the ownership of Warrington Borough Council.

**Site and Proposal**

The site is a former domestic garage site (for approximately 15 garages) which previously served surrounding properties. The site was cleared several years ago and is currently an area of open, hard standing with no specific current use.

To the north is open land, to the east the rear gardens areas of properties on Marshall Avenue, to the south and west semi-detached properties on Dagnall Avenue and Longshaw Street.

An existing access point is located adjacent to No. 233 Longshaw Street. A field access gate is also located close to the junction with Longshaw Street.

The application proposes a scheme for 4 new affordable apartments for rent within a two storey block subdivided centrally, and joined by short flat roofed link. The apartments would all be 2 bed rooms with a parking space each and access to shared garden space.

Dallam local centre is within a 2 minute walking distance of the site to the south, which comprises of a convenience store and pharmacy together with 20 new properties as part of planning approval 2015/26262 part of wider regeneration plans for the area.
Relevant Planning History

Planning Appeal – current appeal for the refusal 2018/32579. The Council have submitted a statement, it is thought a decision will be issued from the Inspectorate in the New Year.
2018/32579 – 6 new affordable apartments for rent with associated external works. Refused 19/7/18
Refused for the following reason:
‘The proposed unadopted shared vehicular and pedestrian access is considered to be a substandard carriageway width and is inadequate to accommodate safe pedestrian and vehicular movements to and from the site. The proposal would be detrimental to pedestrian and highway safety with potential for vehicles to have to reverse out onto the highway due to the lack of passing spaces and pedestrians using the access would be at risk when cars try to pass in a confined space. The proposal is therefore contrary to policy QE6 of the Local Plan Core Strategy having regard to guidance within Warrington Design Guidance Note DGN1: Parking and Servicing.’

Planning Policy

National Planning Policy Framework (NPPF) 2018
Chapter 5 – Delivering a sufficient supply of homes
Chapter 12 – achieving well designed places

Warrington Core Strategy
Policy CS1 Overall Spatial Strategy-Delivering Sustainable Development
Policy CS 2 Overall Spatial Strategy-Quantity and Distribution of Development
Policy CS 3 Overall Spatial Strategy - Transport
Policy SN1 Distribution and Nature of New Housing
Policy SN2 Securing Mixed and Inclusive Neighbourhoods
Policy QE3 Green Infrastructure
Policy QE6 Environment and Amenity Protection
Policy QE7 Ensuring a High Quality Place
Policy MP1 General Transport Principles

Supplementary Planning Documents
Environmental Protection SPD
Design and Construction SPD
Standards for Parking in New Development SPD

Consultation Responses

Environmental Health
I have no objections subject to the following Conditions and Informatives being applied should consent be given.
Prior Submission Condition: Construction Environmental Management Plan (CEMP)
Noise Condition: Uprated Acoustically Treated Mechanical Ventilation – Bedrooms and Lounges
United Utilities

Conditions on foul water and surface water drainage scheme.

Highways

Whilst highways confirm the site is within a sustainable location, they object to the proposal based on the following:

- The geometry of the access makes the site unsuitable for two-way traffic and the internal layout prevents servicing by large vehicles. As such highways object to the proposals on grounds of highway safety and lack of service access.
- The proposals rely on an existing sub-standard access which is less than four metres wide for much of its length. It has no footway or lighting and no visibility at the junction with the highway, due to third party land and vegetation issues.
- WBC’s policy would be to adopt an access for five or more properties. A Maintenance Plan would therefore be required by way of condition, with a further condition to prevent gates being placed within 25m of the highway, in the interest of highway safety.
- Regardless of adoption, the access should comply with basic safety orientated design criteria, particularly where its operation impacts on highway safety.
- The basic requirements for a two-way access are a 4.8m carriageway with 2m footways (or 2m service strips in some private drive situations). Widening is required on bends and at junctions and lighting should be provided.
- Visibility splays of 2.4 by 25m and 2m by 2m (at back of footway) are required for safe egress. There should be nothing built planted or allowed to grow above 600mm within the visibility splay and it should be within the control of the developer or highway authority. The proposals do not achieve either splay and therefore raise an objection on highway safety grounds.
- It should be noted that there are gates serving the proposed site and the adjacent fields to further complicate the access issues.
- The length of the access dictates that service (and emergency) vehicles would have to enter the site. In order to facilitate servicing a turning head is required sufficient for a 12m rigid vehicle to enter and leave the site in forward gear. It is not known if the existing road construction is suitable for HGVs in terms of load bearing.
- The applicant should refer to DGN1 for further guidance on servicing. Swept path analysis for a 12m rigid vehicle should be included with any
application.

- It should be noted that bin storage is required to be at the rear of properties and the Council’s design guide states that residents should not transport waste more than 30m to any storage point and waste collection vehicles should be able to get within 25m of the storage point. The proposed arrangements for collection would require hardstanding and management of existing vegetation (including a mature tree) and refuse. It would also obscure the required visibility splays. This is not compliant with WBC’s refuse collection policies.

- A short section of sub-standard, unadopted access would only be considered where forward visibility and passing spaces allowed opposing vehicles to negotiate passage without impact on the highway.

- In this instance it is likely that opposed vehicles (including cars) would reverse into the highway blindly. Larger vehicles would have to reverse in or out of the site to make deliveries. Any parking on the access road would prevent HGV access.

- The shared use route would be vulnerable for road users and would be at risk when cars try to pass in a confined space. The access is therefore not acceptable and raises an objection on highway safety grounds.

- The parking standards require five spaces, however they should include disability parking, enlarged spaces and provision for electric vehicle charging. In addition, cycle and motorcycle parking should be provided. The overall parking provision is therefore not acceptable and adds to the objection.

Notification Responses

Neighbours
No comments received to date

Observations
The key differences to this application and the refused application 2018/32579 are as follows:

- reduction in the number of units on the site from 6 to 4
- reduction in overall height of the units from 3 storey to 2
- reduction in number of parking spaces to 6

Principle of Housing
Policy SN1 relates to housing development and states that support will be given to schemes which provide a solution to environmental or social problems associated with a site; or present an opportunity to widen the type, size and affordability of available housing, through reference to need evidenced by the Council, in sustainable locations which are well served by existing infrastructure; or support the delivery of or help create the density of population to support the operation of neighbourhood hubs and local shops and services. The proposal lies within the defined settlement boundary and is consistent with all the objectives above, and will provide 4 affordable units on a brownfield site.

Highways
As detailed in the consultation responses, highways have concerns over the
following areas:

- site access which wouldn’t support two way traffic
- insufficient space for a footpath
- refuse collection unable to collect from within the site, with bins wheeled to the entrance of the site and collected, whilst this may be some distance (approx. 40m)

A new access is not being sought as part of this application. The previous use would have meant that vehicles used the site on a regular basis and would have used their judgement on entering and existing the site in a safe way. Whilst the use is different, the scale of the development (4 apartments in total) with 6 car parking spaces will mean that the site is not heavily congested, in comparison with the former garage.

The previous servicing of the site was for domestic garages. The proposed use will alter the level of servicing in terms of visits to the site from delivery vehicles. Refuse collection will be collected on Longshaw St; whilst not the preferred arrangements with highways, it is considered that this and the other highways issues identified can be dealt with by appropriate conditions as attached.

Design

A key design objective for new housing development is to create a place with a locally inspired or otherwise distinctive character. Policy QE6 of the Warrington Core Strategy states that the Council would only support development which would not lead to an adverse impact on the environment and would not have an unacceptable impact on the surrounding area. Policy QE7 requires development to reinforce local distinctiveness and enhance the character, appearance and function of the street scene, local area and wider townscape.

The submission includes a Design and Access Statement intended to demonstrate how the proposal enhances the existing local character. The principle of the 3 storey apartments had been accepted in the previous application due to the location and overall design approach. The reduction in overall scale to 2 storeys is more appropriate to the area given the surrounding properties are 2 storeys and is considered to be an improvement in the overall design.

Scale, materials

The apartments will have a ridge height of 9m and eaves height of 6.1m. The apartments will form two blocks which are linked by a central entrance/service area. The blocks have been positioned to work with the elongated shape of the site and surrounded properties to the east, west and south.

The site has open views to the north so the window openings have been increased on this elevation. Vertical render panel features help to break up the south elevation and provide more vertical interest.

The main use of facing material is red brick which sits in with the immediate properties. Additional detailing of render window surround, brick headers, recessed entrance doorway and feature brick panelling is taken from the nearby Harrison Square development.

The roof design replicates the predominant pitch which is found on all the surrounding properties.

The site does not have a street frontage, although will be visible from the
entrance road off Longshaw Street. In line with Policy QE7, the scale, materials and general design are appropriate especially with the reduction to 2 storey and help to enhance an otherwise vacant site.

Residential Amenity
Policy QE6 states that development will only be supported when it will not lead to an adverse impact on the environment or amenity of future occupiers. As set out in the House Extension Guideline, when considering proposals for housing development the Council will assess privacy and day lighting standards by reference to 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.

The proposed apartments retain satisfactory separation distances to the surrounding properties:

- A 21m separation distance is achieved from the rear outrigger of properties on Longshaw Street to the west, which is considered appropriate given the greater height of the building
- A 19m, separation distance is achieved from the front elevation of the apartment blocks to the rear outrigger of properties to the south on Dagnall Avenue however there are no windows on the side elevation (east elevation)
- A separation distance of 22m will be achieved from the eastern elevation to the rear properties on Marshall Avenue.

There would not be any significant loss of light or outlook to existing properties.

Landscaping
The proposal includes a mixture of hard and soft landscaping. A grassed area wraps around the apartment blocks, giving shared amenity space for the occupiers.

Affordable housing
The scheme is submitted by a Housing Association, as such all units will fall under the ‘affordable’ umbrella. This site is part of a series of new housing in this area of Warrington which are all intended to be initially let on an affordable rent. As the site is less than 10 units, a formal affordable housing statement is not required and Central Government policy does not require any formal contribution via a Section 106 agreement.

Conclusion
The proposal involves the redevelopment of an existing previously developed site in an accessible location close to local facilities and services. In line with paragraph 11 of the NPPF, there is considered to be a presumption in favour of granting planning permission.

The principle of residential development is acceptable and the scheme would
make a contribution to the availability of affordable housing within the borough and also a small contribution towards meeting the Housing Land Supply deficit.
With suitable safeguards set out within the recommended conditions there would be no material adverse implications for the living conditions of existing residential property. The design of the scheme has sufficient interest and variety within the context of traditional built form in the locality.

Recommendation
Approve subject to conditions

**Conditions**

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

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

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

   (a) The planning application forms, design and access statement and additional information received by Warrington Borough Council on 7/11/18
   (b) Submitted drawing No's L.01, L.70, L.60, L.53, L.02 received on 7/11/18.

   Reason: for the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy QE7 of the Warrington Core Strategy.

3. Foul and surface water shall be drained on separate systems.
   Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with the following policies of the Warrington Core Strategy: Policy QE6 Environment and Amenity Protection; Policy QE7 Ensuring a High Quality Place

4. A surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.
   The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.
The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

5. A Maintenance Plan shall be submitted to and agreed in writing with the local planning authority. The agreed plan shall be in place prior to first occupation and remain active thereafter. The plan shall include, but not be limited to details of frequency of inspections, responsibilities for and funding of repairs. The plan shall include as a minimum maintenance of drainage, lighting, hard and soft areas of landscaping. Reason In the interests of residential amenity in accordance with policy QE6 of the Warrington Core Strategy

6. A scheme for refuse collection shall be submitted to and agreed in writing with the local planning authority. The plan shall be in place prior to first occupation and shall be adhered to thereafter. Reason In the interests of residential amenity in accordance with policy QE6 of the Warrington Core Strategy

7. A scheme for parking shall be submitted to and agreed in writing with the local planning authority. The scheme as agreed shall be provided prior to first occupation and be retained for use as such thereafter. The scheme shall include provision for residents and visitor parking, disability parking, cycle and motorcycle parking and provision for electric vehicle charging. Reason: In the interests of highway safety, in accordance with policies QE6 and QE7 of the Warrington Core Strategy

8. A scheme for pedestrian access shall be submitted to and agreed in writing with the local planning authority. The scheme as agreed shall be provided prior to first occupation and be retained for use as such thereafter. The scheme shall include physical protection for pedestrians in the form of kerbs, bollards or similar. Reason: In the interests of highway safety, in accordance with policies QE6 and QE7 of the Warrington Core Strategy

9. A scheme for priority through the constrained section of access shall be submitted to and agreed in writing with the local planning authority. The scheme as agreed shall be provided prior to first occupation and be retained for use as such thereafter. The scheme shall include signage and road markings to establish priority for incoming vehicles. Reason: In the interests of highway safety, in accordance with policies QE6 and QE7 of the Warrington Core Strategy

10. Prior to the commencement of any works on site, the developer shall provide in writing a Construction Environmental Management Plan (CEMP) to the LPA for written approval. The CEMP shall review all construction operations proposed on site and shall cover as a minimum the following areas of work on a phase by phase basis, identifying appropriate mitigation measures as necessary: Proposed locations of Site Compound Areas, Proposed Routing of deliveries to Site
Compounds or deliveries direct to site, Proposed delivery hours to site, Proposed Construction Hours, Acoustic mitigation measures, Control of Dust and Air Quality on site and consideration for joining a Considerate Contractors Scheme.

The CEMP shall consider in each case issues relating to construction and demolition - noise, dust, odour, control of waste materials and vibration - where not detailed in a separate condition. Once approved in writing, all identified measures within the CEMP shall be implemented in accordance with the requirements therein and shall be reviewed on a regular basis and in case of receipt of any justified complaint.

Any changes to the identified CEMP mitigation measures from either the regular review process or following receipt of a complaint shall be forwarded to the Local Planning Authority within 24hrs of a change being agreed or implemented.

Reason: To prevent an increase in background noise levels and protects the amenity of any residents. In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); Paragraphs 180(a) & 182 of the National Planning Policy Framework (July 2018); and Sections 3 and 6 of the Environmental Protection Supplementary Planning Document (May 2013)

11. The developer shall install acoustically treated mechanical ventilation to bedrooms and lounge areas. Details of proposed units shall be submitted to and approved in writing by the LPA. Once approved, all agreed ventilation equipment shall be installed and commissioned prior to first occupation of the site and shall be maintained and retained thereafter.

Reason: To protect the amenity of future occupiers from the effects of noise and to reduce the need to open windows thereby rendering acoustic protection provided from glazing ineffective. In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); and Paragraphs 170(e) & 180(a) of the National Planning Policy Framework (July 2018); and Section 6 of the Environmental Protection Supplementary Planning Document (May 2013)

12. No development (other than demolition and site clearance works) shall take place until the steps in Sections A and B below are undertaken:

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

- Preliminary Risk Assessment (PRA or Desk Study)
- Generic Quantitative Risk Assessment (GQRA) informed by a Intrusive Site Investigation
• Detailed Quantitative Risk Assessment (DQRA)
• Remedial Options Appraisal
Completing a PRA is the minimum requirement. DQRA should only to be submitted if GQRA findings require it.

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY:
As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy shall submitted in writing to and agreed with the LPA. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

The actions required in Sections A and B shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion. In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); Paragraphs 170(f) & 178 of the National Planning Policy Framework (July 2018), and Section 4 of the Environmental Protection Supplementary Planning Document (May 2013).

Disclaimer: Irrespective of any involvement by this LPA, the responsibility to address contaminated land issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site.

13. The development shall not be taken into use until the following requirements have been met and required information submitted to and approved by the Local Planning Authority (LPA):
A: REMEDIATION & VERIFICATION: Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report must be submitted to the LPA for approval.

B: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously-unidentified contamination encountered during development works must be reported immediately to the LPA and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation/verification measures proposed as necessary) and a revised remediation and verification strategy submitted in writing and agreed by the LPA.
C: LONG-TERM MONITORING & MAINTENANCE: If required in the agreed remediation or verification strategy, all monitoring and/or maintenance of remedial measures shall be carried out in accordance with the approved details.

The site shall not be taken into use until remediation and verification are completed. The actions required to be carried out in Sections A to C above shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

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

In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); Paragraphs170(f) & 178 of the National Planning Policy Framework (July 2018), and Section 4 of the Environmental Protection Supplementary Planning Document (May 2013).

Disclaimer: Irrespective of any involvement by this LPA, the responsibility to address contaminated land issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site.
Appendix 1 – Proposed plans

Appendix 2 – Proposed elevations

FRONT ELEVATION 1:100
Aerial image block plan of the existing site
View looking east into the site

View looking south/east in the site
View looking north

View of the site entrance (google images 2012)
Aerial extract from Cheshire Maps 1970 showing the former garages on the site