

**DEVELOPMENT MANAGEMENT COMMITTEE****5 August 2020**

**Present:** Councillor J Grime (Chairman)  
Councillors P Carey, K Mundry, J Wheeler,  
L, Morgan, G Friend, B Barr, S Parish and S Wright

*This meeting was held remotely in accordance with the Coronavirus Act 2020 – Section 78*

**DM167 Apologies for Absence**

Apologies for absence were received from Councillors T McCarthy and B Maher.

**DM168 Code of Conduct – Declarations of Interest**

| Councillor | Minute          | Reason  | Action   |
|------------|-----------------|---|--|
| J Wheeler  | DM172           | Connection to objector  | No involvement with objection, remained in the meeting and took part in discussions and vote |
| S Parish   | DM171 and DM172 | Ward Member for area and Member of Omega Partnership Group                    | Remained in the meeting and took part in discussions and vote                                |
| J Grime    | DM172           | Member of Culcheth & Glazebury Parish Council who objected to the application | No involvement with objection, remained in the meeting and took part in discussions and vote |

**DM169 Minutes**

Resolved,

That the minutes of the meeting held on 5 August 2020 were agreed as a correct record and signed by the Chairman subject to an amendment to DM159 to state

|           |       |   |  |
|-----------|-------|---|--|
| J Wheeler | DM159 | Ward Member for the area covered by Stretton Parish Council who had objected to application | No involvement with objection, remained in the meeting and took part in discussions and vote |
|-----------|-------|---|--|

**DM170 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.

**DM171 2019/36241 - Phase 4-7, Omega South, Warrington, WA5 7XQ - Outline Planning Permission for the development of up to 617 residential units and mixed-use zone to include retail/food and drink uses (Use Classes A1; A2; A3; A4 and A5), Hotel (Use Class C1), Extra Care Facility (Use Class C2) and Non-Residential Institution (Use Class D1) with details of access only (all other matters are reserved for subsequent approval)**

The Director of Growth submitted the above report with a recommendation for approval subject to a S106 agreement and subject to decision from Secretary of State of whether to call in the application.

Members noted the content of the update report.

Members received a further written representation objecting to the application which is summarised as follows;

- (1) The conclusion of the case presented is that the strategic employment site in its approved guise for offices (Class B1a) is unlikely to be viable and that there is an unlikelihood of alternative employment use at the site (B2/B8 uses) being acceptable (Officer’s Report, paragraph 8.36)
- (2) An “unlikely to be viable” and “unlikelihood of alternative use” is quite a low bar to set for the Council to disregard its adopted development plan policy to promote strategic employment land for employment uses. It is also contradictory to statements set out in the report (paragraphs 8.7 to 8.9) that refers to the up-to-date evidence of the Council for its emerging Local Plan – the Economic Development Needs Assessment (EDNA), 2019
- (3) The Officer’s Report, paragraph 8.7, confirms the 11 hectares in question of consented B1(a) office space is included in the Council’s current realistic urban

employment land supply figure (my emphasis). And at paragraph 8.8, that even with acknowledgement of recent limited delivery of office options at Omega, though please note it does not record no delivery of office options recently, that the EDNA concludes that WBC still have a shortfall of B1(a) unmet office provision across the Borough (my emphasis again)

- (4) Officer's commentary on flexibility of employment uses on employment sites is irrelevant. The factual point is the Council's own evidence shows need and shortfall in provision for B1(a) office space across the Borough
- (5) The Report at paragraph 8.9 confirms that in addition that the EDNA identifies that there is still ongoing demand for B2/B8 options at Omega (paragraph 8.9)
- (6) It should be noted the EDNA is an up-to-date assessment of Borough-wide needs commissioned by and for the Council. The reports prepared by AY and JLL by the applicant and referred to in paragraphs 8.10 to 8.15 are not comparable evidence. They do not consider Borough-wide demand, they do not look to consider future needs of the Borough, and both are commissioned by and for the applicant that is seeking to redevelop the site for housing. Neither report can be considered impartial and both are narrowly focused. And neither report considers demand for other employment uses, i.e. B2 and B8. There is a clear reason for this because there is a clear demand for such uses, acknowledged by the applicant in its parallel application at St Helens and part of its case for very special circumstances to obtain outline permission for 3 speculative units within the Green Belt
- (7) The evidence against B2 and B8 uses is not based in a demand or supply case. It is instead a partial assessment of a speculative layout of a B8 unit to demonstrate it could not be achieved without detrimental harm to existing (east of Burtonwood Road) or future (land to south) residential amenity. Strongly dispute the findings of this exercise. Even on the basis of the presented evidence on layout and acoustic impact it is no basis to conclude all B2 and B8 uses would not be a viable option for the remaining 11 hectares, (paragraph 8.20). Firstly, the evidence does not concern viability but physical layout and acoustic impact. Secondly, the evidence only considers a specific scale, type and layout of B2/B8 development. Even if it is accepted the evidence is technically correct, this does not mean an alternative scale, type and layout of B2 or B8 use(s), or B1(b) or B1(c) uses for that matter, cannot be developed at the site. There is a total absence of evidence in this regard and there is no ability for officers to draw a conclusion that such development is non-viable and unlikely
- (8) The only available evidence to the committee is the EDNA (2019) report. And its evidence shows a demand for all employment uses across the Borough. Officers have not sought to contradict this evidence and it therefore must be given significant weight in your decision
- (9) Turning to Item 5, the second report confirms at paragraph 9.4 that officers do not intend to change the amount of employment land from 31.22 ha to be provided in land in St Helens through the Duty to Cooperate. Officers state, the Council remains of the view that this Statement of Common Ground is reflective of Warrington's current employment needs and therefore additional employment land generated as a result of the difference in site area between the allocation and planning application site boundaries is not required by Warrington

to meet our needs. The 31.2 ha confirmed need is a calculation found within Table 6 of the Proposed Submission Version Local Plan, 2019, in support of emerging Policy DEV4

- (10) Critical to this calculation is the Existing Supply at 83.91 ha which includes the existing 11 ha of land at Omega subject to this planning application. Existing supply that the EDNA evidence finds a shortfall against demand as set out before
- (11) Remove the 11 ha of land and the figure has to rebalance to meet the Total Requirement. The only areas that can be increased is either the St Helens Omega Extension or Green Belt Requirement within Warrington
- (12) The introduction to the Item 5 report states:

The site [St Helens application] is within the Green Belt and St Helens have a statutory duty to determine the application in accordance with the national planning policy on green belt development. The development is wholly within St Helens and there would be no impact on the Green Belt in Warrington
- (13) As a statement of fact, the St Helens application is of course outside Warrington's boundaries and has no impact on Green Belt within Warrington. However, determination of the application before Warrington (Item 4) will have an impact on the Green Belt in Warrington. And this is not set out by your officers as a material consideration
- (14) Because officers have confirmed the Council will not seek additional land at St Helens under its Duty to Cooperate, and confirmed the employment land requirement and evidence of the EDNA 2019 is valid, as a direct result of determination of the Omega Warrington application the Council will have to release a further 11 hectares of Green Belt land from within Warrington borough to meet employment needs
- (15) This is a Local Plan matter of course to decide where this land comes from. But it serves to demonstrate the point in our representations, which we urge you to read carefully, that the St Helens and Warrington applications are inextricably linked. That the decisions are capable of pre-determining matters that should properly be considered through the Local Plan, presenting a fait accompli on matters of the scale of Green Belt release in either Borough
- (16) Whether the development proposed predetermines and pre-empts a decision which ought to be taken in the Development Plan process by reason of its scale, location and/or nature or that there is a real risk that it might do so? It is clear from the two reports that the answer is yes. For this reason alone, members are urged to refuse the application before them and to recommend refusal to the application before St Helen's Council on grounds of prematurity
- (17) Legal advice relating to the interpretation of NPPF paragraphs 49 & 50, referred to in your Officer's Report (Item 4), paragraphs 8.23 to 8.27 advises that interpretation as to whether a proposal may be considered premature does not wholly sit within the definition of NPPF paragraph 49 (a) and (b). NPPF is clear it is unlikely to justify a refusal other than in the limited circumstance, but unlikely does not mean only. And we have previously drawn to the attention of officers two legal precedents in this matter. Members are not prevented from making a decision to refuse on grounds of prematurity by national policy
- (18) The decisions that underlie the proposals are requiring members to predetermine matters of unmet employment land needs, release of Green Belt

land to meet needs in absence of clear and overwhelming evidence that the 11 ha site cannot be developed for employment use and is predetermining matters of employment needs in two boroughs that can only be resolved through the Local Plan process .The proposal is also contrary to the adopted development plan and specifically Policy CS8. There is no clear evidence that the land is not required for retention in employment use. On the contrary, the best, comprehensive and up-to-date evidence available to the Council in its 2019 Employment Developments Needs Assessment, finds an on-going need for land for all employment uses across the Borough

- (19) The application should be refused on principle on the loss of employment land, contrary to Policy CS8 of the adopted development plan.

Resolved,

That application 2019/36241 be approved subject to conditions and S106 (should the Secretary of State not wish to intervene) with the amendment that affordable housing should be available in perpetuity.

**DM172 2020/36461 - Omega Zone 8, West of Omega South and South of the M62, St Helens - Adjacent Authority Application (St Helens Council) - Erection of a B8 logistics warehouse, with ancillary offices, associated car parking, infrastructure and landscaping; and Outline Planning Permission for Manufacturing (B2) and Logistics (B8) development with ancillary offices and associated access infrastructure works (detailed matters of appearance, landscaping, layout and scale are reserved for subsequent approval) St Helens Council Ref P/2020/0061**

The Director of Growth submitted the above report with a recommendation to raise no objections subject to conditions and s106 obligations.

Members noted the content of the update report.

Members received a written representations objecting to the application as detailed in DM172 and a further representation which is summarised as follows;

- (1) The application is currently on land designated green belt in St. Helens. The application to remove various plots of land within St. Helens has not been determined and will not be for some time, due to the very large response against the changes
- (2) The area contains many copses of woodland, a good number of which are ancient woodland from the Bold estate. The land is also quality farmland used for many years by local farmers
- (3) There is no connection, either business, traffic or community with St. Helens and there are no plans to install any infrastructure to enable connectivity to St. Helens. This lack of connection means that Great Sankey will be the beneficiary of all the heavy goods vehicles and cars and therefore the pollution that will

ensue. It also means many more vehicles on the local roads around Whittle Hall and Lingley Green

- (4) Finally this is not a development that St. Helens required, Warrington requested employment land from St. Helens with a business rates deal. There are brownfield sites available in Warrington and St. Helens

Resolved,

That the Development Management Committee approve the neighbouring authority response as detailed in the report and subject to the following additional points:

- The impact of the height of the proposed building (maximum 41metres) on the visual amenity of areas within Warrington is taken in to account in the decision making process.
- Consideration is given to any impact on the erosion of the greenbuffer between the Warrington and St Helens developed areas that would result from the development.
- The impacts on the local highway network in Warrington is considered during times when the M62 is not a viable option for traffic generated by the proposal either because of unplanned closures or significant hold-ups.
- Attention is drawn to the ancient woodland within the St Helens boundary and it is requested that the value of this is recognised and assessed appropriately.

In addition all representations received by Warrington Borough Council Local Planning Authority will be forwarded to St Helens Borough Council and it will be requested that these are taken in to account in the decision making process as detailed in the report.

**DM173 2020/36313 - 149, WARRINGTON ROAD, PENKETH, WARRINGTON, WA5 2EN - Proposed change of use from A1 (Shop) to A5 (Hot Food Takeaway) including alterations to the rear elevation to enable extract ventilation and odour control**

The Director of Growth submitted the above report with a recommendation for approval subject to conditions.

Members received a further written representation supporting the application which is summarised as follows;

- (1) Parking issues (of which the police are aware) already affect local residents. The consultation comments from Highways Department, although not objecting to the proposal, describes parking as already onerous. There is insufficient parking for no. 149, there being only one accessible space. The other off road spaces are allocated to the flat above 151
- (2) There is substantial loss of amenity for this primarily residential location. The current businesses operate to normal working hours apart from one late closing on Thursdays. The proposed opening hours are totally out of kilter, meaning late closing every day including Sunday
- (3) The required extraction fixtures will emit unacceptable noise levels as well as odours despite the required preventative measures (in practice they are not

100% efficient as evidenced at other takeaway outlets). These fixtures will, inevitably, be unsightly for the adjacent properties, particularly the one next door and those directly behind

- (4) There are at least TEN hot food takeaways (including two restaurants with takeaway offerings) within a half mile of this proposed change of use, seven of them along a stretch of less than one mile of Warrington Road (Stocks Lane to Grange Drive). Of the population of the UK, more than 60% is regarded as overweight and 30% obese. This, along with associated conditions such as diabetes, heart disease and cancer, is an enormous burden on our NHS (not to mention the the many complications and deaths encountered in patients with Covid-19). Hot food takeaways, by their very nature, provide food high in calories, saturated fats and monosodium glutamate. Yet another takeaway will exacerbate an already dire situation
- (5) The COVID-19 pandemic has cast a new critical lens on the effects of obesity and its direct link to greater rate of fatality and serious health issues for obese individuals whom contract COVID-19. As noted in the Department for Health and Social Care statement published on 27th July 2020 'living with excess weight puts people at greater risk of serious illness or death from COVID-19'. This is extremely concerning particularly in light of the wide scale obesity in England, as stated by Public Health England 'obesity is one of the biggest health crises the country faces, as 63% of adults in England are overweight or living with obesity and (around) 1 in 3 children leave primary school overweight or obese
- (6) In light of the correlation between COVID-19 and obesity the Department for Health and Social Care released a new public health policy on 27th July 2020 which involves restrictions on advertising and promotional deals on calorie-dense and unhealthy food, in order to promote weight loss and a healthy active lifestyle so as to reduce the risk of serious illness or death from COVID-19. Therefore, by changing 149 Warrington Road into a Hot Food Takeaway, this would directly contribute to enabling obesity and further increase the serious risks associated with COVID-19 to Warrington's population. The issue of obesity is not a novel issue as noted by Warrington Borough Councils in the Hot Food Takeaways Supplementary Planning Document 'fast food takeaways are without a doubt distracting people from making the healthier choice and are often a source of cheap, energy dense and poor nutrient foods'. Furthermore, the Hot Food Takeaways Supplementary Planning Document further stipulates Warrington Borough Council's commitment to adopt measures to tackle and reduce obesity in paragraph 2.23 which details that 'there is still much for us to do to halt the obesity crisis locally and nationally and to encourage people to actively eat more healthy more often.' The commitment to tackle the obesity crisis both locally and nationally would be entirely undermined by the addition of a new hot food takeaway on Warrington Road. Furthermore, the proposed takeaway would only seek to exacerbate the current crisis given the overabundance of takeaways which exist on Warrington Road itself, and within the Penketh area. As within a 1 mile radius of 149 Warrington Road there are 12 Hot Food Takeaways premises.

Resolved,

That application 2020/36313 be approved as per the Officer recommendation and conditions detailed in the report, with delegated authority to Officers to amend conditions to include opening hours if found to meet the requirements of the SPD in terms of distance from schools.

**DM174 2020/36836 - Swiss Cottage, Canal Side, Grappenhall and Thelwall, Warrington, WA4 3EX - Householder - demolition of a detached garage and the construction of a two storey side extension and part single and part double storey rear extension**

The Director of Growth submitted the above report with a recommendation for refusal.

Members received a further written representation supporting the application which is detailed as follows;

- (1) It is vitally important to recognise that no objections have been received to this proposal from any of the neighbours, nor from the parish council; in-fact the only objection is from the planning department
- (2) It is also important to recognise that this application is before the committee tonight due to the support of Councillor Biggin, who is a long-standing and well-respected Borough Councillor and also a member of the Parish Council
- (3) The proposals are similar, albeit slightly smaller, proposal than one which was refused in 2018 and dismissed at appeal in 2019. Since then the applicant has uncovered evidence to clearly demonstrate that the existing property had a sizeable residential outbuilding, broadly in the position of the current detached garage in 1948 - which therefore falls within the definition of being an original part of the dwelling and as such allows the size of this former outbuilding to be taken into account. It is clear that this is supported by the planning department and it is also clear that the proposed increase in size of the dwelling (27%) is well within the tolerances of the council's SPD.
- (4) The Applicant has, throughout, been open to suggestions to restore original features, including windows. A heritage assessment has been carried out and submitted as part of this proposal, by a very well-respected local heritage consultant, who has concluded 'that the proposed extension represents a considerable improvement over the existing garage and the public views that establish the contribution of Swiss Cottage to the Conservation Area. It further concludes that 'the public views of Swiss Cottage are obtained entirely from the canal side, and hence the bulk of the extension will be totally concealed. The intrinsic legibility of the original building will thus be entirely unaffected and concludes that the proposal will therefore enhance the contribution of Swiss Cottage to the conservation area
- (5) The front of the property is the only public vantage point; the proposed extension is set well back from the front elevation, it has a lower eaves and ridge height than the original house and consequently, it will not be read as part of the original



dwelling, it is clearly an extension and is clearly subordinate to the original dwelling - therefore the intrinsic legibility of the original dwelling will be unaffected

- (6) The removal of the current detached garage and its replacement with this proposal can only be seen as a benefit to the conservation area. Furthermore, when viewed from the front, the gap between the adjacent brick barn and the property, will be opened up which will allow improved views into the greenbelt beyond.

Resolved,

That application 2020/36836 be granted planning permission by delegated powers of the Development Manager subject to conditions including the removal of PD (contrary to officer recommendation).

Reasons for approval:

- (1) The application would not impact upon the openness of the greenbelt and would therefore accord with the principles of the NPPF
- (2) The application is not result in harm on the heritage asset; it would not adversely impact upon the character of the conservation area due to the location of the host dwelling, its orientation and the siting of the additions. It therefore accords with policy QE8 of the Core Strategy (2014)

**DM175 2020/36851 - Land between The Hawthorns, Pool Lane and 33 Chester Road, Walton, Warrington, WA4 6EP - Proposed Detached Dwelling (Resubmission of application 2020/36312)**

The Director of Growth submitted the above report with a recommendation for approval subject to conditions.

Members received a further written representation objecting to the application which is summarised as follows;

- (1) Permission has been denied by this very committee before due to the volume of traffic on Chester Rd and the potential danger to road users. Residents living on Pool Lane have noticed the traffic on Chester Road get heavier, this is only going to get worse. This has made entering and exiting Pool Lane from any direction increasingly more difficult and dangerous. Due the limited width of Pool Lane, there is no crossing possible which means any vehicle on Pool Lane causes an obstruction and potential threat to vehicles exiting Chester Road on to Pool Lane given their exit of Chester Road can be potentially prohibited. This also puts other users of Chester Road in danger
- (2) The traffic on Pool Lane is already heavy enough as it is. Grated that from a traffic count point of view the usage is low, but any further increase of traffic on Pool Lane puts residents of Pool Lane in danger and the potential for a catastrophic and fatal accident on Chester Road quite possible as vehicles leaving Chester Road can potentially be stopped in their tracks due to traffic on Pool Lane. A further

- development with a potential for 4 more vehicles, plus delivery traffic servicing this development creates a real life threat to the current residents of Pool Lane
- (3) The easiest place for any delivery vehicle servicing this new development to turn around will be to use a neighbouring driveway
  - (4) The clearing behind the listed cottage with the trees in the background is a landmark in the beautiful village, this will be gone as the new development will be clearly visible and we will lose that viewpoint forever. The clearing has also started to grow back again. Butterflies this year are everywhere in neighbouring gardens because of it, honey bees too, and the bats have returned and put on a spectacular show at dusk to feast on the flying insects which are now in abundance on that land. Neighbours have heard the foxes cry again, something not heard since the land was cleared
  - (5) If inclined to grant permission, request once more that consideration is given to move the property back a few meters to the original position plotted in application 2020/36312, as this current application has been moved considerably more forward towards Pool Lane. The obstruction to neighbouring properties in application 2020/36312 is far more acceptable than that of application 2020/36851.

Members received a further written representation supporting the application which is summarised as follows;

- (1) The principle of the development is clearly acceptable, the development plot is not part of an existing residential garden, it is a small-scale infill site set between two adjacent detached properties
- (2) There are a variety of different house types in the immediate vicinity, including Victorian terraced dwellings, large detached properties (approximately 20 years old), an early 19th century listed building (the adjacent 33 Chester Road), together with a car sales garage and a sewage pumping station. The design, siting and scale of the proposal fit very well into this setting
- (3) The proposal will not be visually harmful to the setting of any of the adjacent properties and in particular that of the adjacent listed building (33 Chester Road), nor will it compete with, or distract from, the significance of this listed asset
- (4) The proposal exceeds all of the required window interface distances to all of the dwellings in the vicinity by quite some margin, there will be no loss of privacy or residential amenity to any of the surrounding dwellings and the future residential amenity needs of future occupiers of the proposal will be fully met by this proposal
- (5) The proposal requires the removal of the hedge along the roadside boundary and all the trees are to remain on site; replacement ecological mitigation enhancement measures are to be provided to offset the loss of the hedge and no objections have been received to the proposal by the council's ecology consultant
- (6) The house itself falls within a flood zone 1. The flooding risk to the habitable room accommodation is negligible and future occupiers would be able to leave the site safely in a flood event
- (7) Some of the early planning applications at the site have been refused highway safety grounds, with one of these in 1993 (27 years ago) being dismissed on appeal

on that basis. Numerous things have changed since then, including the removal of significant levels of HGV traffic from Pool Lane itself (the adjacent residential development replaced a HGV operation some years ago) and also various highway improvements that have been carried out on Chester Road in the last 10 years, to take into account the Furness Rigby car sales development and the residential development on the former Ship Inn site. A traffic speed survey (which indicates low vehicle numbers and low vehicle speeds on Pool Lane and an accident history report (which indicates that there is no accident risk) have both been submitted as part of this application. You can see that the Council's highway engineers have no objections or concerns with highway safety or amenity.

Resolved,

That application 2020/36851 be approved as per the Officer recommendation and subject to conditions as detailed in the report.

#### **DM176 – Appeal Decision Summary**

The Committee received a report from the Director of Growth that detailed recent appeal decisions.

Resolved;

That the report be noted.

#### **DM177 – Revised Operating Procedures for Development Management Committee: 3 Month Review**

The Committee received a report from the Director of Growth that provided details to review measures temporarily agreed by Members at DMC on 6th May 2020 in response to remote operating procedures. Specifically the report seeks to review the delegation of matters from DMC to Officers and the frequency of Committee meetings. This is in accordance with the resolution of DMC that such process were to be reviewed at Committee within 3 months.

The report detailed applications that have been approved under powers delegated by DMC to Officers since 6th May. It demonstrates that the provisions meet with the objectives of maintaining DMC's autonomy over major or controversial applications that have wider than localised impacts whilst allowing smaller agendas, supported by the increased frequency of DMCs, that are more manageable in the current circumstances and have allowed resources to be directed to support other applications.

The report recommended that both the delegations and frequency continue until end of November (to be reviewed further at that point) to ensure operations continue to the satisfaction of Members of the Committee. A minor amendment was recommended in relation to the previous resolution in relation to delegated powers

which removes the necessity to consult with the Chief Executive where he has specific interest involving land or management relating to any application site or applicant.

Resolved;

- (1) That Members agree that applications detailed in paragraph 2.2 of the report continue to be delegated to the Director of Growth in consultation with the Chief Executive, unless the Director of Growth has responsibilities for any aspect of the management of any land or buildings to which the application relates; in that instance the application be delegated to the Chief Executive or Deputy Chief Executive. In instances where the Chief Executive has a specific interest involving land or management relating to any application site or applicant, delegation will fall solely to the Deputy Chief Executive or Director for Growth without Chief Executive consultation.
- (2) That the Development Management Committee will review amendments to the delegation at the end of November 2020
- (3) That future meeting dates are maintained as a 3 week cycle as far possible with arrangements for future meetings reviewed in November 2020.

Signed.....

Dated.....