

WARRINGTON Borough Council



To: **Members of the Development Management Committee**

Professor Steven Broomhead
Chief Executive

Councillors: Chair – T McCarthy
Deputy Chair – J Grime
P Carey, G Friend, B Maher, L Morgan, K Mundry,
R Purnell, S Wright, J Wheeler, B Barr, S Parish.

Town Hall
Sankey Street
Warrington
WA1 1UH

28 July 2020

Development Management Committee

Wednesday, 5 August 2020, 6.00pm

Venue – This meeting will take place remotely in accordance with the Coronavirus Act 2020 - Section 78

Members of the public can view this meeting by visiting
www.warrington.gov.uk/committees

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A G E N D A

Part 1

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

Item

1. Apologies for Absence

To record any apologies received.

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

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

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To confirm the minutes of the meeting held on 22 nd July 2020 as a correct record.	
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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**22 July 2020**

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

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

DM158 Apologies for Absence

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

DM159 Code of Conduct – Declarations of Interest

Councillor	Minute	Reason	Action
J Wheeler	DM162	Objected to the application	Stood down from the committee and took no part in discussions or vote
J Wheeler	DM163	Member of Stretton Parish Council who had objected to the application	No involvement with objection, remained in the meeting and took part in discussions and vote
B Barr	DM162	Connection to objector	Remained in the meeting and took part in discussions and vote
S Parish	DM164	Connection to applicant on a professional basis	Stood down from the committee and took no part in discussions or vote

DM160 Minutes

Resolved,

That the minutes of the meeting held on 8 July 2020 were agreed as a correct record and signed by the Chairman.

DM161 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.

DM162 2019/35889 - 179 London Road, Warrington, WA4 5BJ - Proposed construction of new dwelling - Alteration to windows of existing dwelling - Alteration to existing access

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

Members noted the content of the update report.

Members received a further 3 written representations objecting to the application which are summarised as follows;

- (1) Impact on existing property at 179 London
- (2) Loss of mature garden and trees
- (3) Increased traffic onto this stretch of London Road which is blind for its length between Dingleway and Broomfields Road
- (4) There has already been a new garden build at 181 London Road although that was a much smaller development it will generate additional traffic. The size of this proposed development will mean a significant number of cars at the property
- (5) Development is in a conservation area
- (6) Visual amenity of the locally listed sandstone wall which will be obscured by pavement parking
- (7) Pavement parking has already started and will be an unintended consequence of the original 5- bedroom house losing parking space to the new larger 6 /7 bedroomed property that is being built in the garden
- (8) The single access drive that only allows for one car to enter and exit at any time
- (9) The single access drive having 2 sets of electric gates at the top of the drive which act as a barrier to access for vehicles visiting the properties. Many will choose to park on the pavement rather than getting stuck on the drive, as the gates obscure the view to determine if a vehicle can be turned
- (10) Accessibility for pedestrians

- (11) Many pedestrians enjoy walking in and out of Stockton Heath along this stretch of London Road. Pavement parking will impact on accessibility. The pavement on the opposite side of the road is too narrow for use
- (12) During rush hour and when children are walking to and from the 3 local school sites, the over development of this plot will see an 6 extra cars (from the new build) entering and exiting this plot via a single access, single car width drive. It is widely recognised that this stretch of road gets busy and a speed camera is positioned out of sight further up the road
- (13) Over development of the garden of 179 London Road to create a 6 /7 bedroomed, 6 ensuite house that is not subservient to the original house. There are many consequences to this, not least in a conservation area the loss of flora and fauna and the impact on the ecology as a result of so many trees and shrubs being destroyed to accommodate the plans
- (14) The impact on the original house of the mass and size of the proposed build
- (15) It is clear from the plans that the development isn't being informed by anybody who will live in either property but rather by the company who purchased 179, London Road for development in July 2019, Rudding Holdings, a property development company based in the East of England
- (16) Residents of 22 Greenway directly back onto the proposed build. The proposal is an overdevelopment of the plot, it will have a very negative impact on the current 179, it adversely affects the visual amenity and it will have a harmful effect on the ecology of the area which will never be recovered
- (17) The new build, while being lower in height than the current 179 and maintaining building lines, has a larger footprint, a greater number of rooms and more parking spaces than the current 179
- (18) This proposed build will be in the stunning, verdant garden of a beautiful period house. 179 was designed to maximise sunlight and its outlook by being positioned on the north side of the plot overlooking the extensive garden. Its principal aspect is south-facing, within which at ground level is, from left to right, a sunroom with doors to the garden, a lounge with feature windows and an outside patio with pergola. On the first floor is the master bedroom which has a magnificent view over the garden
- (19) The alterations to the existing windows on this elevation and the construction of a new house will obliterate the views from these rooms and will severely compromise the view from the patio
- (20) The new build will place this side of the house, particularly the ground level, in shade through much of the day, particularly in late autumn, winter and early spring
- (21) Numerous trees are being removed to facilitate the new build. Obviously this will cause a dramatic loss of visual amenity to the current 179
- (22) To accommodate the proposed build, a total of fourteen trees, four hedges and nine groups of trees are potentially affected by the proposed development. The current garden through its size and location, and the significant variety of vegetation, provides a natural habitat for a vast array of wildlife. It also permits adjoining properties at the side and to the rear to sustain and encourage a very wide variety of birdlife

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

- (1) There are no objections from the Council's highway and arboricultural specialists and all policy requirements relating to the protection of residential amenity are met
- (2) Concerns of neighbours are understood and all issues raised have been addressed, including a large number which are not material planning considerations
- (3) This discussion has included review of a recent decision relating to a proposed dwelling on Grantham Avenue Walton where an appeal has been allowed following the refusal to grant planning, contrary to officer recommendation - 2019/35896
- (4) The sensitivity of development in the garden of an existing house is acknowledged but as it stands the Council does not have a policy which precludes such development and each case must be considered on its individual merits.
- (5) Whereas previous infill is of dubious architectural merit, the proposed development seeks to reflect the form and detailing of the existing 179 London Road, leaving two buildings of merit on sizeable plots and still with the benefit of a frontage to London Road dominated by an impressive sandstone wall surmounted by dense, mature planting. This aspect to London Road will result in limited impact on the street scene, with glimpses of the existing and proposed houses via the curved access serving both dwellings. The locally listed wall to the site frontage will refurbished, trees managed and planting enhanced

Resolved,

That application 2019/35589 be approved as per the Officer recommendation and conditions detailed in the report.

**DM163 2029/36269 - Walnut Tree Farm, Northwich Road, Stretton, Warrington, WA4 4PG
Change of Use – Proposed change of use from parking to B8 storage (part retrospective)**

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

Members noted the content of the update report.

Members received a further written representation objecting to the application from Stretton Parish Council which was received after the agreed deadline for submissions. Details of the submission were provided to the committee for their consideration by the Development Manager.

Resolved,

That application 2029/36269 be approved as per the Officer recommendation and conditions detailed in the report.

DM164 2020/36627 - 17, Honiton Way, Penketh, Warrington, WA5 2EY - Full Planning - Proposed Use of former retail premises as Funeral Director and mortuary

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

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

- (1) It is common for funeral directors to be situated within the community, they are often based in small shopping centres or visible on busy high streets
- (2) Stockton Heath's population is 6.3k and have 3 funeral directors to serve their community compared to the 8.6k Penketh residents who do not have 1
- (3) Funeral directors provide a service at a time when families need it most, having one situated within a community is helpful as relationships can be built with the business that will be caring for loved ones
- (4) A press release on this application was shared on social media group (Penketh Community) on 18th July, Around 95% of people who responded to the post were very supportive of having this business within the community
- (5) Within the drawings submitted there is provision for an arrangement office and will give the bereaved a space away from public view which will be sound proofed enabling the arrangements to be made in a dignified way
- (6) The site is between an opticians and a take away, a number of funeral directors operate next to food establishments across Warrington. Lovely Lane, Stockton Heath, Sankey and Thelwall have units next to or near eateries therefore Penketh location will be in keeping with the precedence set across the town
- (7) Access at the rear is in a servicing area and will not be operating as a hub for a large volume of deceased and therefore whilst access is required the area will be used as a minimum and likely to be a lot less than if the unit was used for another business type
- (8) Lack of privacy - rear of the units are overlooked by Meeting Lane Community Centre. There are plans in place to ensure there will be zero visibility of the deceased, full coverage of the transfer between the unit and the vehicle. The process will be handled professionally and will be done in such a manner that it provides dignity to the deceased along with the bereaved
- (9) No vehicles belonging to the business will be parked at the rear of the unit, this access will only be used for loading/unloading. In relation to parking on Honiton Way, this business will have limited footfall and therefore would not add any additional parking than if the unit were being used for something else.

Resolved,

That application 2020/36627 be approved as per the Officer recommendation and conditions detailed in the report.

DM165 Appeal Decisions Summary

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

Resolved;

That the report be noted.

Signed.....

Dated.....

DEVELOPMENT MANAGEMENT COMMITTEE DATE 5th August 2020

ITEM 4

Application Number:	2019/36241
Description of Development:	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)
Location Address:	Phase 4-7, Omega South, Warrington, WA5 7XQ
Applicant:	Omega Warrington
Ward:	Great Sankey North and Whittle Hall Burtonwood and Winwick
Site Allocation:	Policy CS8 – Strategic proposal, Omega
Number of representations received:	3
Reason for Referral:	The application is a departure from the development plan
Statutory expiry date:	30 September 2020
Recommendation:	Approve subject to conditions and S106 and subject to decision from Secretary of State of whether to call in the application
Case Officer:	Martha Hughes martha.hughes@warrington.gov.uk

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The site is allocated for employment purposes under policy CS8 of the Local Plan Core Strategy and benefits from an extant permission for B1 consent. It is considered that B1 use is unlikely to come forward due to matters relating to office demand.
- The applicant has demonstrated that B2/B8 as alternative employment uses consistent with Local Plan policy CS8 are also unlikely to be suitable at the site given the surrounding residential uses.

- The loss of employment land would not undermine future delivery of employment land within the borough as set out in the PSVLP.
- Residential use is considered to be an acceptable alternative use for the site and is supported in the NPPF in the absence of a 5 year housing land supply and would provide a policy compliant level of affordable housing.
- The wider Omega area benefits from good walking and cycling infrastructure implemented as the area has developed and the current proposal offers the opportunity to provide appropriate connections at the main access points. Highway contributions will be sought in relation to public transport improvements associated with the development and a condition to ensure travel plan co-ordination to increase sustainable travel.
- A holding direction has been received from the Secretary of State using his powers under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The LPA therefore must wait for a decision from the SoS as to whether the application should be referred to him for determination under Section 77 of the Town and Country Planning Act 1990.

OFFICER'S REPORT

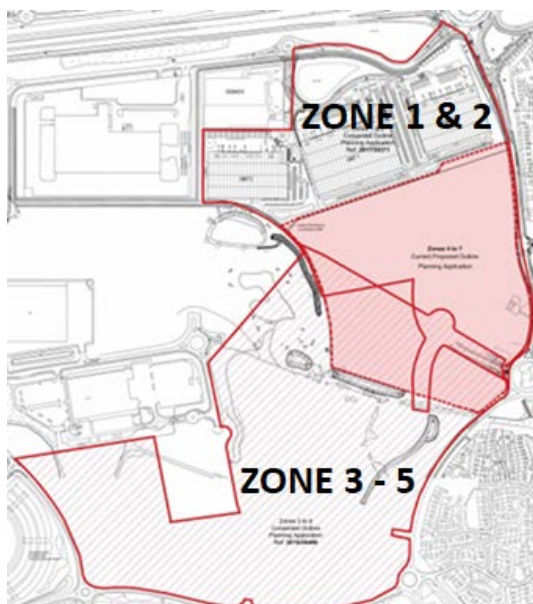
1. APPLICATION SITE AND SURROUNDINGS

- 1.1. The application site is approximately 24 hectares of land within the eastern part of the Omega south site, to the south of junction 8 of the M62.
- 1.2. The Site lies immediately west of Burtonwood Road and south of the remaining employment land in Zones 1 & 2 of Omega South for which Reserved Matters consent (2019/35646) has been granted for B2 / B8 development.
- 1.3. The 35 acre public open space that has been created as part of the Omega development, which is known as the "Green Heart" forms the western boundary of the application site.
- 1.4. To the east of Burtonwood Road is the residential areas of Kingswood and Westbrook, whilst to the south there is emerging residential phases being developed as part of the Omega development.
- 1.5. The applicant has submitted an indicative masterplan layout for the application site which shows the site within the wider context of existing and future consented residential development to the east and south and future/consented employment development that is currently on site within omega zone 1 and 2 to the north. The masterplan is indicative and does not have any formal status.



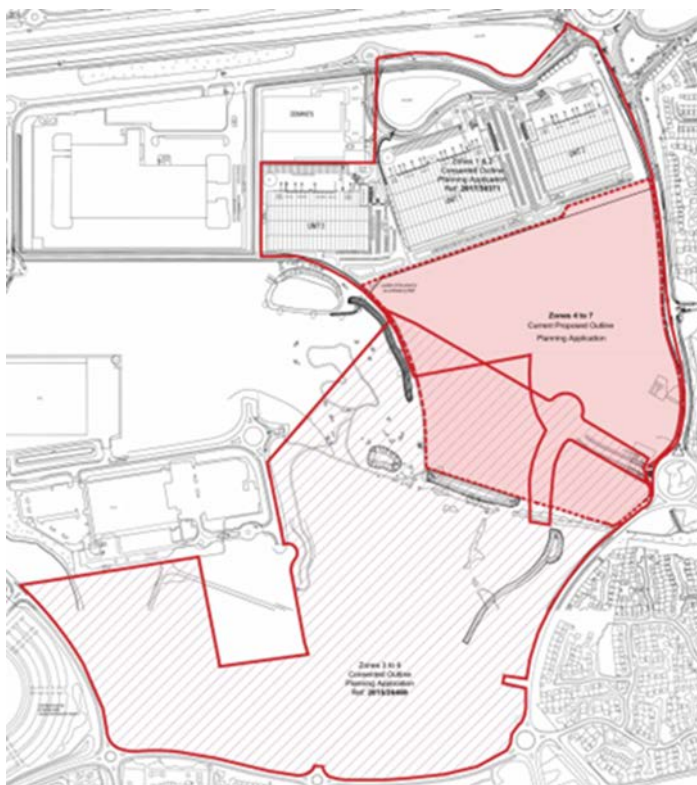
Drawing Number 00 053 rev P2 Illustrative Masterplan

- 1.6. The site encompasses areas previously included within Omega South Zones 1 & 2 and Omega South Zones 3-5, which currently benefit from extant outline planning permission for employment, commercial and residential development. For the purposes of this application, the application area is referred to as Omega South Phases 4-7, to tie in with the first three phases of residential development that have come forward at Omega South. The site is shown in the shaded area in the drawing below.



2. DESCRIPTION OF PROPOSAL

- 2.1. The proposals comprise primarily residential development, up to 617 units and a separate mixed-use zone. The application seeks consent for the following uses as part of the mixed use zone and across the wider site;
- retail/food and drink uses (Use Classes A1; A2; A3; A4 and A5),
 - Hotel (Use Class C1),
 - Extra Care Facility (Use Class C2)
 - Non-Residential Institution (Use Class D1)
- 2.2. The outline application seeks approval of the principle of the development and details of access only; all detailed matters (scale, layout, appearance and landscaping) are reserved for subsequent approval. The proposed main access points are at Burtonwood Road/Kingswood Road, Burtonwood Road/Whittle Avenue and the consented access road to Stanhoe Drive that will link the site to the wider area and beyond; these will be via footways and cycleways running alongside the proposed carriageways.
- 2.3. Although the application should be considered as a stand-alone application, it is material that part of the application site benefits from a previous outline consent (2015/26469) which has been implemented for the retail and commercial uses as well as residential development allowing for a further 317 dwellings to be built (subject to reserved matters approval). The applicant's Planning Statement includes the plan below showing the overlap between the previously consented area (hatched) for 2015/26469 and the current outline application area zone 4 – 7 (shaded red).



- 2.4. Given the existing permission (2015/26469) allows for a further 317 dwellings to be built, this application is considered to result in a net increase of 300 additional dwellings. The Design and Access Statement sets out that the proposed dwellings will provide a number of unit sizes which range from homes for first time buyers to large family dwellings. The residential dwellings will likely range from one to five bedroom homes of mixed tenure to accommodate affordable housing requirements in response to adopted planning policy.

3. LOCAL REPRESENTATIONS

General Public

- 3.1. The applications was publicised by 34 neighbour notification letters (and site notice/ press notice). As a result 3 objections have been received. One objection is submitted jointly with an objection to St Helens Borough Council relating to application P/2020/0061/HYBR (Omega West). These are summarised as follows:

Principle

- Don't just waste that great land at Omega by just building houses and warehouses on it
- Do we really need more houses on this land? Why not use the Fiddlers Ferry site for new housing?

Function of the Mixed Use Zone

- Pubs, bars, restaurants are needed like Stockton Heath. With all these new houses being built on omega already plus Great Sankey, Penketh, Whittlehall, Chapelford, Westbrook, Old hall, Hoodmanor, Callands there is a lot of people for a custom for these kind of places.
- Also should have shops, a hair dressers, pharmacy, local shop, estate agents.
- The mixed use zone has been reduced compared to the original plan for this area, and the remainder of the area has been allocated to more residential dwellings.

Social Infrastructure

- The supporting infrastructure is not in place to accommodate more housing.

Highways

- The surrounding roads are now gridlocked at peak times, and the health centres, schools etc have more patients / students than ever before, which results in long wait times.

Prematurity

- In relation to the Warrington residential application and the St Helens application it is queried '*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 both that there is a real risk that it might do so?’

- There are a number of factors that demonstrate justifiable grounds to refuse on prematurity even if it is considered either Warrington Local Plan or St Helen’s Local Plan is not substantially advanced.

EIA screening

- The Warrington application should be subject to EIA as with the St Helen’s scheme to understand the combined environmental effects of both proposals. Granting residential in Warrington has an intended consequence of additional employment land within the GB, difficult to see how the Warrington Scheme can be properly assessed as to its environmental impacts without EIA.
- The applicant’s suggestion of revocation of the B1a consent via s106 planning obligation cannot be argued to be necessary under CIL regs as the applicant’s case omits the possibility that some of the proposed B2/B8 floorspace of the St Helens scheme could be disaggregated into the Warrington employment allocation.
- In relation to the Warrington Scheme (residential application) it is Warrington Council’s position in its emerging plan that there is an unmet employment need, expressed through the Duty to Cooperate to provide circa 31 ha of employment land within the emerging St Helens Local Plan. Yet, it appears from the two applications schemes that there is an amount of employment land available within the existing Omega allocation, i.e. the B1a land. As this land is allocated for employment purposes should the B1a office development not proceed then the first alternative use should not be housing but other forms of employment use, i.e. B2 or B8 use.
- Applicant’s EIA is deficient in terms of disaggregation and sequential assessment.
- The two applications are inextricably linked and should be determined together and the Warrington scheme must fall within EIA in a combined assessment.

Emerging Local Plans

- The potential impact of the two schemes would serve to undermine the emerging evidence base to both plans. The loss of the B1a land will result in requirement for additional employment land and GB release either in Warrington or St Helens.

Omega Masterplan

- The status of the masterplan is questioned, applicant seeks to promote it but also in a contradictory way suggest it does not form part of the application for formal approval. If the masterplan has no formal status then it cannot be given and material weight in the planning balance. No public consultation is concerning when it is relevant to the Local Plan Review.
- The Planning Statement for the Warrington application presents little more than a summary of market conditions to explain why the B1a scheme cannot be delivered – limited weight if any weight at all should be given to this. Presumed that this is the same evidence that the Omega Masterplan revision is based on.

Lack of Public Consultation

- Both applications should be refused as contrary to adopted development plan policies for each respective authority and both applications raise significant matters that pre-determine their respective emerging Local Plans, and are, as such, premature per NPPF 49 & 50.

Ward Councillors

No comments received

Parish Council

No comments received

4. CONSULTEES

WBC Environmental Protection

Contaminated Land – no objection subject to conditions

Air Quality – no objections on air quality grounds

Noise - No objection subject to a condition to require further acoustic assessment, along with necessary acoustic mitigation, to be submitted with any reserved matters application and requirement for a Construction Environmental Management Plan. Further conditions required relating to the mixed use zone refuse collection, operating hours, plant and equipment, and Noise Management Scheme – D1 use for any creche, day nursery or religious venue.

Lighting - No objection subject to a condition relating to the mixed use areas, to assess lighting levels on and beyond the individual red line site boundary.

Warrington BC Transport Planning and Development Control

No objections subject to financial contribution for bus infrastructure provision of £120k per year for a maximum period of five years to secure a new hourly bus service operating from 0700 to 1900 Mondays to Saturdays. Details to be agreed in consultation with the Council's Specialist Transport Services Manager, and conditions to deal with the following;

- highway design and layout,
- Road Phasing and Completion Plan,
- Internal connection to pedestrian/cycle links,
- off-site highway improvement works,
- details of design and construction of the site access points,
- surface water drainage,
- Construction of internal highway infrastructure prior to occupation,

- Parking provision to be approved and implementation prior to occupation,
- Cycle parking provision,
- Construction, Highways & Environmental Management Plan (CHEMP),
- Travel Plan Co-ordinator,
- Residential Travel Plan,
- Provision of electric vehicle charging points, or passive provision.

WBC – Public Open Space provision

No objection subject to the following requirements sought in relation to the 300 additional 2bed + properties:

- Delivery of provision of equipped play space (aligned to a LEAP including 20/ metre buffers) on the application site.
- A financial contribution of £292,010 to facilitate provision of playing pitches.
- A financial contribution of £237,732 to facilitate provision of sports facilities.

WBC Education

No objection subject to the requested contributions of £1,119,510 and £873,234 towards the provision of new primary and secondary school places associated with the additional 300 residential units.

Employment Development Team Manager - Warrington & Co

No objection subject to a condition requiring a local employment scheme

NHS/ CCG

It has previously been requested that space is reserved within the development to provide a new primary health facility of approximately 1,500 sq.m, in accordance with the Warrington Strategic Estates Strategy.

WBC Flood Risk

No objections subject to the recommendations within the FRA and subject to a condition for the final design for the surface water drainage layout and attenuation to be submitted.

GMEU

No objection subject to conditions to require comprehensive Habitat and Landscape Creation and Management Plans at reserved matter stage, condition re protection of wild nesting birds, and design and construction of Sustainable Urban Drainage features into the site.

United Utilities

No objections subject to conditions requiring the surface water drainage scheme to be approved, and a condition to require that foul and surface water shall be drained on separate systems.

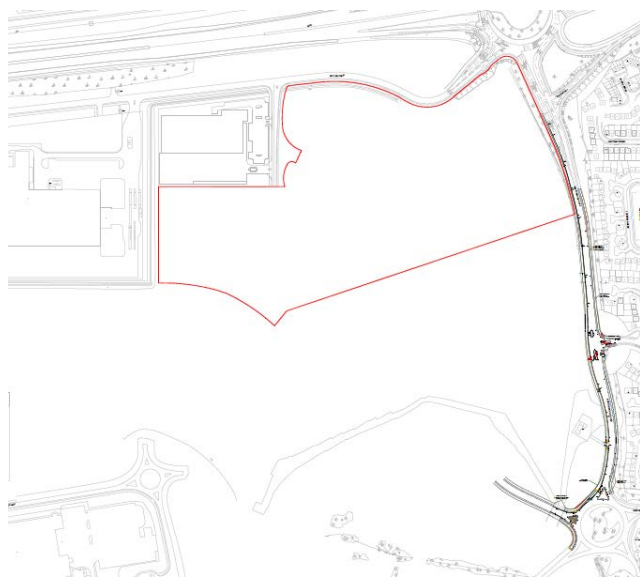
Cheshire Constabulary – designing out crime officer

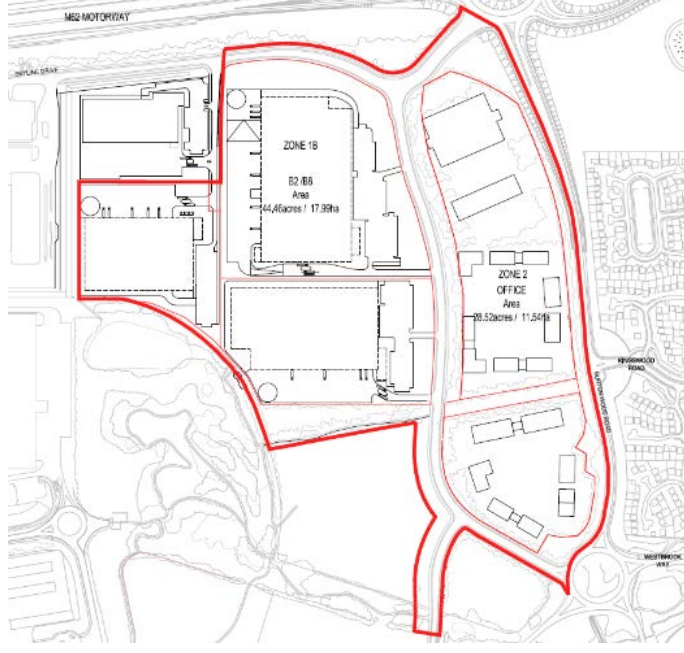
Detailed advice provided for consideration as part of the Reserved Matters submissions.

Highways England

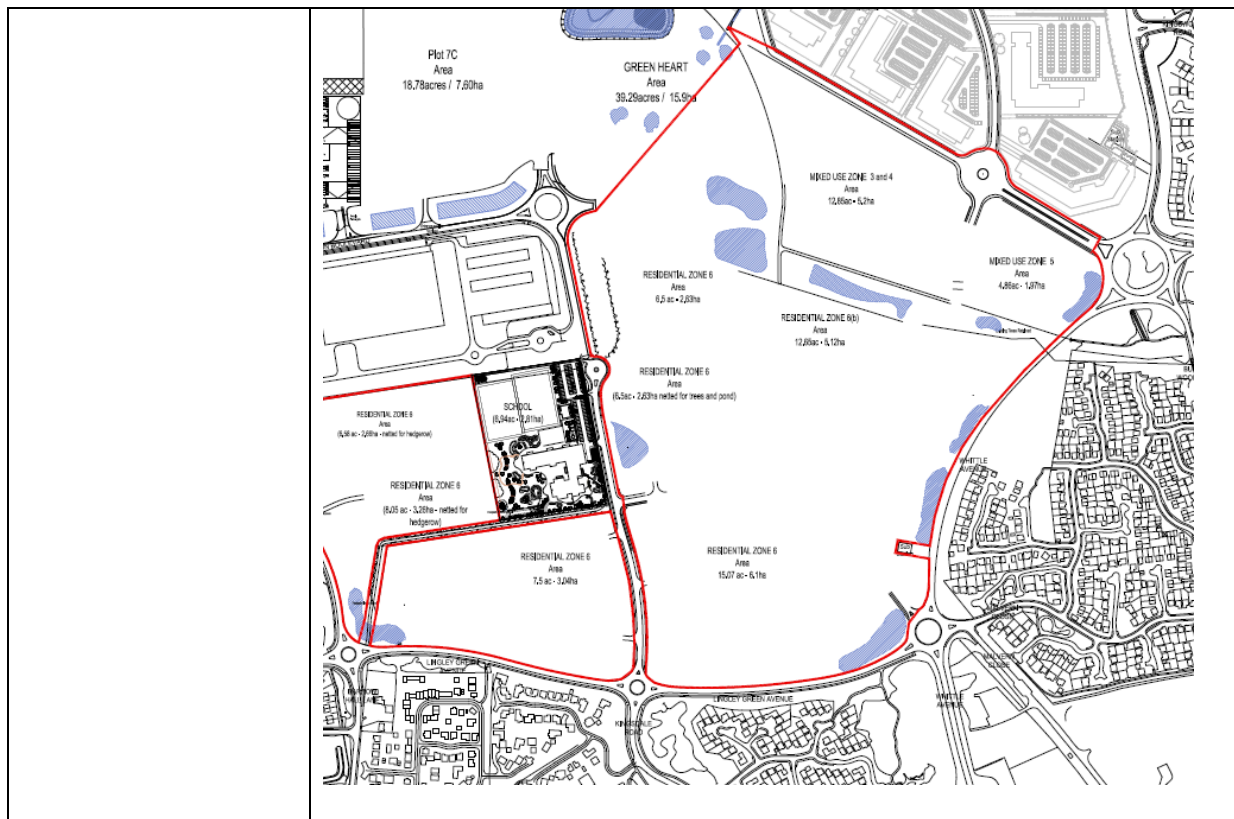
No objection subject to conditions requiring mitigation works including the widening works between M62 J8 and Skyline Drive / Fairchild Road roundabout and remarking of M62 exit slip to provide two lanes to Skyline Drive (as outlined in drawing 11191042_SK326). A future programme for monitoring traffic flow and travel patterns at M62 J8 and within the development site should be considered and where possible agreed with the developer, relevant planning authorities and Highways England

5. RELEVANT SITE HISTORY

Planning Ref:	2019/35646 Zones 1 & 2, Omega South
Description of Development	Reserved Matters Application (Major) - Application for the construction of three buildings for general industry (Use Class B2) and/or logistics/ warehousing (Use Class B8) with associated access, vehicle parking, infrastructure, ancillary office accommodation, gate house, swale zone, acoustic fence and landscaping - all reserved matters pursuant to outline planning permission 2017/30371.
Decision	Approved with conditions
Date of Decision	21.11.19
Site Location Plan	

Planning Ref:	2017/30371 Omega South zone 1 & 2
Description of Development	Outline application (major development); Proposed development consisting of manufacturing (B2) and distribution/ logistics (B8) (in a 30 per cent B2 to 70 per cent B8 ratio) and Office (B1a) floorspace with associated car parking, landscaping and infrastructure (detailed matters of appearance; landscaping; layout and scale are reserved for subsequent approval).
Decision	Approved with conditions
Date of Decision	13.9.17
Site Location Plan	(Indicative layout – not approved under this application) 

Planning Ref:	2015/26469 - Zones 3 to 6, Omega South
Description of Development	Outline Planning (Major) - Outline Planning Application for the creation of up to 1100 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 associated access, parking, landscape and infrastructure proposals (all other detailed matters are reserved for later approval). (The application is accompanied by an Environmental Impact Assessment)
Decision	Approved with conditions subject to s106
Date of Decision	1.6.2016
	PROPOSED LAND USE DRAWING (00)910 Rev. D (approved plan Condition 2)



6. PLANNING POLICY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken. Whilst third party representations are regarded as material planning considerations (assuming that they raise town planning matters) the primary consideration, irrespective of the source or number of third party representations received, remains the extent to which planning proposals comply with the Development Plan. The National Planning Policy Framework (NPPF) supports this legislative position and its contents are a material consideration in determining the application.

National Planning Policy Framework 2019 (NPPF)

- 6.2. The Revised National Planning Policy Framework (2019) (NPPF) confirms that decisions should apply a presumption in favour of sustainable development. Paragraph 7 of the document states that the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. This is balanced by Paragraph 9 which states that plans and decisions need to take local circumstances into account, so that they reflect the character, needs and opportunities of each area.
- 6.3. Where there are other specific, relevant, material issues raised in the NPPF these will be discussed within the Assessment below.

- 6.4. As stated above, the NPPF re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan, in the case of Warrington, refers to the Local Plan Core Strategy (2014).

Relevant Policies in the Local Plan Core Strategy (2014)

- CS1 – Overall Spatial Strategy – Delivering Sustainable Development
- CS2 - Overall Spatial Strategy - Quantity and Distribution of Development
- CS4 – Overall Spatial Strategy - Transport
- CS8 – Omega and Lingley Mere
- QE3 – Green Infrastructure
- QE4 – Flood Risk
- QE5 – Biodiversity and Geodiversity
- QE6 – Environment and Amenity Protection
- QE7 – Ensuring a High Quality Place
- MP1 – General Transport Principles
- MP3 – Active Travel
- MP4 – Public Transport
- MP7 – Transport Assessments and travel Plans
- MP10 - Infrastructure
- PV3 (Strengthening the Borough’s Workforce)
- SN1 – Distribution and Nature of New Housing
- SN2 – Securing Mixed and Inclusive Neighbourhoods
- SN4 – Hierarchy of Centres
- SN7 – Enhancing Health and Well-being

Supplementary Planning Documents

- Design and Construction
- Environmental Protection
- Standards for Parking in New Development
- Planning Obligations

Proposed Submission Version Local Plan & evidence base

- 6.5. The Proposed Submission Version Local Plan (PSVLP) regulation 19 consultation closed in June 19. The current published timetable for this Local Plan Review process expected submission to SoS in October 19 and EIP early 2020. It is now anticipated that the submission of the Local Plan will take place in autumn 2020.
- 6.6. It is considered that only minimal weight should be attached to the PSVLP.

7. PROCEDURAL MATTERS

- 7.1. The Secretary of State has issued a holding direction under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The

holding direction directs the Council not to grant permission on this application until he has made a decision as to whether the application should be referred to him for determination under Section 77 of the Town and Country Planning Act 1990.

- 7.2. In assessing this application, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010. It is considered that the application has no differential impacts.
- 7.3. The extant implemented planning permission 2015/ 26469 for residential development and mixed use/ commercial development at the site is considered to be a material consideration in the determination of the application.
- 7.4. A separate application at Omega Zone 8 is currently being considered by St Helens Borough Council, this does not affect the determination of this application within Warrington at Zones 4 – 7.
- 7.5. Prematurity in relation to the Warrington Proposed Submission Version Local Plan has been raised in objections, this matter is assessed below in relation to the principle of development.

8. ASSESSMENT

- 8.1. The key issues of this particular application relate to:
 - Principle of Development - acceptability of loss of employment use and additional 300 dwellings, housing land supply
 - Transportation issues - impacts on local highway network
 - Residential Amenity- impact on existing and proposed neighbours
 - Social infrastructure (including affordable housing)
 - Mixed use area (including retail and commercial uses)
 - Ecology
 - Other matters

Principle of the Development

- 8.2. The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development, with paragraph 8 advising that there are 3 objectives of sustainable development which the planning system should deliver - economic, social and environmental. This paragraph emphasises the role of the planning system to support strong, vibrant and healthy communities by ensuring that a sufficient range and number of homes to meet the needs of present and future generations can be provided and to create a high quality built environment with accessible local services, which reflect the community's needs and support its health, social and cultural well-being.
- 8.3. Chapter 5 of the NPPF outlines the need for planning policies and decisions to support the Government's objective of significantly boosting the supply of homes. Paragraph 67 states that the development plan should identify a supply of deliverable sites for the first

5 years of the plan period and developable sites or broad locations for growth for the remaining 10 years.

- 8.4. Based on the Strategic Housing Land Availability Assessment (SHLAA), Warrington is not currently able to demonstrate a 5 year housing land supply; based on the information contained in SHLAA 2019 it is considered that the council can only demonstrate up to a 3.7 year supply of deliverable housing land. As a result, paragraph 11 of the NPPF advises that the relevant development plan policies are considered 'out of date' and applications meeting the criteria of sustainable development should be granted planning permission. The exceptions to this are where:

- i 'the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed' or*
- ii 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole'.*

- 8.5. It is not considered that the application site is designated as any areas of assets of particular importance as defined by the NPPF and therefore the first exception cannot be applied to this application. The second exception is considered through the assessment of proposed development in this report.

Loss of the employment land

- 8.6. The site is allocated as employment land in the adopted Core Strategy under policy CS8 and this is maintained in the Proposed Submission Version Local Plan (PSVLP), albeit that very little weight can be attributed to the later in the decision making process. The northern part of the application site has an extant B1 office consent (outline application 2017/30371). The proposal for residential use is therefore a departure from the local plan position in the adopted Core Strategy and therefore the loss of employment land and the delivery of the Local Plan's employment land target is a key consideration.
- 8.7. National planning policy requires that through the Local Plan process, the Council meet our need for economic development. The calculation for the amount of land predicted to be required for economic growth in Warrington is based on past economic performance, which is predicted to continue into the future. This is set out in the Economic Development Needs Assessment (EDNA) 2019 which has been prepared as part of the evidence base for the emerging Local Plan. As part of the evidence base this is considered to be a material consideration relevant to the assessment of employment needs. The EDNA identifies circa 11 hectares of extant consented B1(a) Office space remaining at Omega South (Phases 1 & 2) and this is included in the Council's current realistic urban employment land supply figure.
- 8.8. The EDNA acknowledges that plans at Omega South include office options, of which there has been limited recent delivery in Warrington, but concludes that WBC still have a shortfall of B1(a) unmet office provision across the Borough. However, the EDNA recommends that policy should not be prescriptive on what B Class use can or cannot be located on specific employment sites, unless there are specific site reasons, e.g. proximity to housing.

- 8.9. EDNA also concludes that there is still ongoing demand for B2/B8 options at Omega, therefore, alternative employment uses for B2/B8 would need to be assessed, should the B1(a) use be considered to be no longer deliverable and or viable.
- 8.10. The applicant has undertaken an assessment of the deliverability of the consented B1 (a) Office provision. The submitted supporting information includes two office marketing reports from retained office agents for the site - Avison Young (AY formerly GVA) and Jones Lang LaSalle (JLL). The applicant's planning statement advises that the site has been actively marketed as an available site for large-scale B1 office development since achieving planning permission in 2007.
- 8.11. The marketing strategy has included:
- Marketing signage – Visible from M62 and surrounding roads
 - Detailed marketing particulars
 - Detailed 'development pack'
 - Extensive on-line presence through dedicated and third-party websites
 - Social media strategy
 - Coordinated tenant targeting strategies
 - Specific awareness and advertising campaigns
 - Dedicated awareness presentations/events
 - Full engagement with local and regional inward investment agencies
- 8.12. The applicant states that despite this co-ordinated marketing strategy, enquiries for large-scale B1 office development at the site have been extremely limited, which reflects the conclusions of the office market demand reports submitted with the Planning Statement.
- 8.13. The Market Reports conclude that:
- having marketed the opportunity for B1 offices at Omega South for over a decade, this use class is now considered unviable given prevailing rental levels and a desire from occupiers for more flexible lease terms;
 - there is a demonstrable lack of demand for large-scale design and build solutions in this location, either from existing Warrington based companies looking to expand or inward movers looking to relocate;
 - Omega suffers from the availability of large-scale new build opportunities at other locations within Warrington, such as Lingley Mere and Birchwood Park, which are more attractive to occupiers due to their ability to offer on- site amenity, campus style environments and excellent public transport and / or car parking; and
 - there is a lack of similar infrastructure at Omega South to support any form of B1 development, either speculative or pre-let and that provision of this as part of the first phase of development would prejudice the viability of the development.
- 8.14. The applicants Planning Statement concludes that the lack of demand for large-scale speculative or build to suit office development, combined with the significant up-front infrastructure costs that would be required to create the appropriate levels of amenity expected by the market, would mean that B1 at Omega would be unviable and could not be supported by a robust market appraisal.

- 8.15. On the basis of the supporting information submitted by the applicant it is accepted that it is unlikely that B1(a) Office development in this location will be delivered. This is due to the lack of appetite from the market for office development of this type in this particular location, attributed to lack of on-site facilities/lack of amenities/infrastructure.
- 8.16. Alternative B2/B8 uses have also been considered for the site, these uses would require planning permission but would be consistent with policy CS8. The applicant contends that due to the proximity of existing residential areas east of Burtonwood Road and also the existing and approved residential areas on Omega itself, the primary concern when considering the potential for additional B2 / B8 development on this part of the Omega site is the impact of operational noise, arising from any proposed B2/B8 development, on the residential properties.
- 8.17. The applicant has submitted an acoustic statement relating to the acoustic limitations associated with B2 / B8 logistics development at the application site having regard to the site characteristics and surrounding uses. The acoustic statement identifies that B2/B8 development located at the application site would give rise to increased noise impacts at dwellings east of Burtonwood Road and therefore greater potential for valid noise related complaints.
- 8.18. Whilst B2/B8 uses have been approved immediately to the north of zone 4 – 7 (application 2019/35646), the relationship with existing residential properties was considered to be acceptable due to the orientation of the service areas to the north of the new buildings and the appropriate level of mitigation provided by the embankments associated with Burtonwood Road and acoustic fencing required prior to operation of the units. The use of design led mitigation measures at the current application site, such as re-orientation development so that service areas are located away from the existing dwellings east of Burtonwood Road, would simply move the resulting impact to existing / proposed residential development on the opposite side at Omega, where the service yards would then be located. The applicant concludes that as a consequence, it is considered therefore that additional B2 / B8 logistics development is not a viable or appropriate alternative use for the application site.
- 8.19. WBC Environmental Protection Officer has reviewed the acoustic statement and accepts the conclusions as common sense interpretation of the site. The statement identifies that B2/ B8 development further south on the Omega site is likely to be highly problematic acoustically and would pose a much greater risk to residential amenity on noise grounds including the need for very significant mitigation on activities, access roads, site layout, boundaries etc. whilst not necessarily guaranteeing total success after such mitigation is applied.
- 8.20. It is therefore accepted that having regard to the applicant's acoustic report, B2/ B8 use would not a viable option for the remaining 11 hectares, due to noise related issues.
- 8.21. There are not considered to be any sequential test issues relating to future B1 use of the site and Local Plan Core Strategy Policy CS8, as the 11 hectares of B1 floor space is already consented and part of an extant planning permission, granted prior to the adoption of the Local Plan Core Strategy (2014), and this is acknowledged in Policy CS8.

- 8.22. In conclusion on the loss of employment uses, having regard to policy CS8 it is not considered that the proposed change of use to residential would undermine the overall delivery of employment land as set out in the PSVLP.

Prematurity

- 8.23. The matter of prematurity has been raised in an objection letter on the grounds of whether the application predetermines and pre-empt a decision which ought to be taken in the Development Plan Process by reason of its scale, location and/ or nature both.
- 8.24. Para 48 of the NPPF allows weight to be given to policies in emerging Plans, according to the stage of preparation/consultation (including objections)/submission. Para 49 of the NPPF is the definitive paragraph on prematurity and planning applications and sets out the following;

...in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

- 8.25. Both parts of the test at paragraph 49 of the NPPF need to be satisfied if an argument on prematurity were to be successful.

- 8.26. Paragraph 50 of the NPPF states that;

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

- 8.27. It is considered that neither para 49 a) or para 49 b) apply in relation to the application that relates to an additional 300 dwellings across the site (having regard to previous consents for residential development and the mixed use area). However it is recognised that in relation to para 49 a) there is an element of judgement and subjectivity involved in reaching a conclusion regarding the scale and cumulative effect of a development. However part b of the test is clearly not satisfied having regard to paragraph 50. The PSVLP is not at an advanced stage. It is considered that limited weight, if any, should be

given to the emerging Plan policies and the application does not meet the NPPF tests for prematurity.

Proposed additional housing development

- 8.28. There has been a significant under delivery years of homes in the borough over the last three years. Net annual completions since 2016 are 492 (2016/17); 359 (2017/18) and 503 (2018/19). This equates to an under delivery of 1226 homes over the past three years against the requirement of 902 (2016/17); 792 (2017/18) and 887 (2018/19).
- 8.29. As a result and as stated earlier in this report Paragraph 11 d) of the NPPF is engaged in relation to this application as the council cannot demonstrate a 5 year supply of deliverable housing land and therefore policies relevant to the supply of housing are regarded as out of date.
- 8.30. Para 11 d) states that plans and decisions should apply a presumption in favour of sustainable development and where the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.31. The application seeks consent for an additional 300 residential units at the site in addition to the 317 that have previously been consented. In the absence of a demonstrable 5 year housing land supply, the National Planning Policy Framework makes it clear that there should be a presumption in favour of sustainable development. Having regard to the previous section of the report and assessment of potential employment uses, together with the presumption in favour of sustainable development under para 11 d) of the NPPF it is considered that the principle of residential development on the site is acceptable.
- 8.32. Local Plan policy SN1 sets out the distribution and nature of new housing required, emphasising the need to ensure that the mix of housing in terms of type, size and tenure meets identified needs and ensures that an attractive and balanced housing offer is available. Whilst the mix of units will be finalised at the time of the reserved matters submission, it is expected that the applicant progresses a scheme that provides a range of different sized units.
- 8.33. The development would also result in the delivery of additional affordable homes in the Borough, The Council's latest Local Housing Needs Assessment (LHNA), published in March 2019, identifies a current need for affordable housing of 377 dwellings per annum. The level of delivery of affordable units over the previous 5 years before the publication of the LHNA is outlined in the table below:

Affordable Housing Delivery				
Year	Units	Need	Deficit	Source of Need
2014/15	101	172	71	
2015/16	162	220	58	Mid Mersey SHMA (Jan 2016)
2016/17	72	220	148	Mid Mersey SHMA ()
2017/18	86	230	144	Mid Mersey SMHA Update (May 2017)
2018/19	112	377	265	Warrington LHNA (Mar 2019)

- 8.34. There has obviously been a significant under delivery of affordable housing in recent years. The proposed development would clearly help meet this identified need for Warrington residents through the provision of affordable homes that would be secured via S106 agreement to ensure the affordable housing is delivered by a registered provider and secured for the lifetime of the development.
- 8.35. The applicant seeks a ten year consent for submission of reserved matters details. This is consistent with the timescales of the extant outline consent at the site 2015/26469.

Conclusion on the principle of development

- 8.36. In summary, in terms of matters of principle, residential development at the site is acceptable because;
- The assessment of future B1a development at the site has demonstrated that this is unlikely to be viable;
 - The unlikelihood of alternative employment uses at the site (B2/B8 uses) being acceptable;
 - It contributes to meeting identified needs with the borough in terms of housing deliverability;
 - The development delivers an appropriate amount of affordable housing on the site, meeting an identified need; and
 - It relates to the redevelopment of a previously-developed area
- 8.37. The principle of the proposed development is therefore acceptable when assessed against policy CS8 of the Local Plan and guidance within the NPPF subject to detailed assessment of other material considerations.

Transportation issues - impacts on local highway network

- 8.38. The site is close to junction 8 of the M62, no objections are raised by Highways England in relation to the strategic highway network subject to conditions to secure highway improvement works. These works, which have also been requested as necessary improvements to the local highway network by the Council's Highways Officer, relate to improvements to the M62 Junction between Junction 8 to the new roundabout at Fairchild Road.

- 8.39. In relation to the local highway network it is considered that the wider area benefits from good walking and cycling infrastructure implemented as the area has developed and the current proposal offers the opportunity to provide appropriate connections that will link the site to the wider area and beyond via footways and cycleways running alongside the proposed carriageways and conditions are recommended to secure this.
- 8.40. In relation to public transport funding of £120k per year for five years is sought towards a new hourly bus service to serve the new residential properties operating from 0700 to 1900 Mondays to Saturdays. This will be secured as part of the s106 agreement to allow suitable connection to public transport.
- 8.41. The vehicular access points and principles are considered appropriate to serve the level of development proposed with two principal access points to Burtonwood Road via the traffic signal junction at Kingswood Road and the roundabout at Whittle Avenue together with a bus/emergency services access via Stanhoe Drive.
- 8.42. New junction arrangements are proposed to the existing Kingswood Road traffic signal junction to incorporate a traffic signal control operating system that maximises the efficiency of traffic signal junctions. It is accepted that this will offer increased capacity through the junction and that the junction will operate more efficiently than the capacity assessments anticipate. Overall the assessment concludes that the access points will operate satisfactorily and the construction of the access arrangements can be secured by condition.
- 8.43. The impact on the wider road network has also been subject to capacity assessment which indicates minimal impact on the surrounding network with junctions operating within capacity apart from M62 junction 8 where improvement works would be secured as referred to earlier.
- 8.44. The Council co-ordinates a successful Travel Plan for the area primarily dealing with the industrial/commercial units but also combining with the existing residential zones. It is considered that the application site should be integrated with the existing Travel Plan arrangements as the most appropriate means to secure successful Travel Plan measures for the proposed development and this can be secured by condition.
- 8.45. Subject to the recommended conditions, the proposed development would accord with policies CS1; CS2, CS4, MP1; MP3; MP4; MP7; MP10, SN7 and QE6 of the adopted Local Plan Core Strategy for Warrington, and with the economic, social and environmental objectives of NPPF.

Residential amenity

- 8.46. The proposed development is compatible with the surrounding residential area which includes the existing residential properties to the east of Burtonwood Road as well as the residential units to the south within the Omega site. Future reserved matters application will deal with detailed layouts and relationship with existing residential properties and it is considered that this can achieve acceptable relationships. No Air Quality or contamination concerns are raised by Environmental Protection Officers.

- 8.47. The most sensitive relationship would be the area of the site proposed for residential development adjacent to the B2/B8 units to the north of the site off Skyline Drive. The acoustic assessment submitted with the application has considered the impact of the industrial development permitted to the northern edge of the site. This layout considered residential development and the layout, placement and design of the buildings was tailored to minimise any adverse impacts on residential amenity within the red line boundary of this application. The assessment concludes that minor mitigation may be required but is not a barrier to residential development on this site. Further assessment will be required once the design and layout of the site is submitted via reserved matters applications and this will be secured by condition.
- 8.48. In relation to lighting as part of the mixed use areas, a full condition has been recommended to assess lighting levels on and beyond the individual red line site boundary.
- 8.49. The principle of the location and range of uses included within the mixed use area has previously been established. The indicative layout shows the D1 use as part of the residential area and this would be a compatible use which does not raise any residential amenity concerns. In the representations received it is requested that the mixed use zone provides a range of services for existing local residents in addition to the new residents in the proposed dwellings, the range of uses within the mixed use zone has not changed from those granted outline planning permission in 2015. It is understood that residents would have a preference to see certain services provided, however, the detailed discussions over the layout and form of the mixed use zone would occur at reserved matters stage.
- 8.50. Acceptable levels of amenity for future residents of the site would be ensured via appropriate conditions, having regard to the B2/B8 uses to the north of the site. At outline stage, the proposal therefore complies with policies CS1 and QE6 of the adopted Local Plan Core Strategy for Warrington; with the Council's adopted Environmental Protection SPD and with paragraphs 180 and 182 of the NPPF, in relation to living conditions and in relation to existing businesses together with the environmental objective of sustainability.

Social infrastructure

- 8.51. In accordance with policies MP10, SN7, QE3 and QE7 and the Planning Obligations SPD, financial contributions would be sought towards open space, education and health requirements arising from the additional 300 dwellings proposed. Contributions are only being sought for the additional 300 dwellings as previous contributions have already been received from the applicant in relation to the 317 dwellings remaining to be built under application 2015/26469.

Open space

- 8.52. In relation to open space provision, on site delivery of equipped play space will be required as part of the reserved matters applications.

Sports Facilities and Playing Pitches

- 8.53. A financial contribution of £292,010 will be secured through s106 agreement to facilitate provision of playing pitches. And a financial contribution of £237,732 to facilitate provision of sports facilities (built facilities).

Education

- 8.54. In relation to Education provision, contributions of £1,119,510 and £873,234 are sought respectively towards the provision of new primary and secondary school places associated with the additional 300 residential units.

Health Care Facility

- 8.55. The s106 agreement would include obligations that ensure that space is reserved within the development to provide a new primary health facility of approximately 1,500 sqm. This requirement is based on work that the Council and our NHS Partners undertook in preparing the Warrington Strategic Estates Strategy which confirmed the need for additional GP facilities in west Warrington.
- 8.56. Given limited availability of opportunities to expand existing facilities and the scale of the Omega development, the strategy specifically identifies the need to secure a new health facility as part of the Omega development. The priority for the NHS/CCG is to secure space for a facility and this can be achieved through s106 agreement. The NHS will subsequently need to enter into a separate development agreement with the applicant to agree the terms and mechanism for the development of the new facility.
- 8.57. Up-to-date comments have not been received from the NHS in relation to their requirements, partly due to current Covid-19 priorities. Nevertheless, the previously proposed provision of a healthcare facility building is maintained in the application and will be secured as part of the s106 agreement.
- 8.58. In addition a Health contribution of £771 per residential unit will also be sought in accordance with the Planning Obligations SPD (up to max of 300 units as these are the additional units proposed at the site in addition to the consented 317 dwellings that could be constructed subject to further reserved matters approval under the implemented outline planning permission 2015/26469).
- 8.59. The proposed uses within the future development of the site also includes C2 use class – residential institutions which could come forward. The outline consent would therefore approve a care home facility, the details of which could come forward as part of a future reserved matters application and is consistent with the previous consent at the site. According to the Council's 2016 Strategic Housing Market Assessment (SHMA), there is a need for an additional 60 bed spaces per annum of such specialist care provision, reflecting Warrington's ageing population. The development therefore makes a positive contribution to facilitate an opportunity to meet this need.

Affordable housing

- 8.60. Local Plan Core Strategy Policy SN2 seeks to secure Mixed and Inclusive Neighbourhoods and establishes a 30% affordable housing provision target for proposals situated on previously developed/brownfield land for 10 or more dwellings where that site is located outside of Town Centre and Inner Warrington.
- 8.61. The preference is for this to be an on-site provision unless circumstances preclude this. In each case the provision to be made will be based on negotiation and agreement on a site by site basis. A lower proportion and/or a different tenure split may be permitted where it can clearly be demonstrated to the satisfaction of the Council that development would otherwise not be financially viable, and affordable housing provision is nevertheless being maximised.
- 8.62. The extant permission for Zones 3-6 (app ref. 2015/26469), which allows for up to 1,100 residential units, was accompanied by a viability appraisal which was independently reviewed. This is the extant permission which covers part of the current application site and allows for the 317 dwellings to come forward subject to reserved matters approval. Permission was granted subject to a s106 agreement which secured 20% of the units to be delivered as Starter Homes / Discount Market sale Units with restrictions to ensure that they must be retained as affordable units in perpetuity. On the basis of this extant outline planning permission which could be implemented to provide 20% affordable housing on this part of the site, it is not considered necessary to require a new viability appraisal to re-appraise this element of the proposal.

Starter Homes

- 8.63. A Starter Home is defined in the Housing and Planning Act 2016 as a new dwelling to be made available for purchase either as a freehold or leasehold interest to a first time buyer under the age of 40 for a discount of at least 20% below the Open Market Value of the property. Buyers under 40 years old who benefit from the Starter Homes initiative will not be allowed to sell (or rent) their properties for their full market value for five years following the initial sale.
- 8.64. At the time permission was granted in 2016, the government was encouraging Local Planning Authorities to take the opportunity to secure Starter Homes on other sites prior to the statutory and policy changes coming into full effect. These changes did not come into effect through further legislation following the Housing and Planning Act. Nevertheless, to deal with this eventuality the s106 agreement included the alternative provision to starter homes of discount market sale housing defined as at least 20% below open market value.
- 8.65. The current outline planning application, proposes 617 residential units, of which the principle of 317 were established from the existing consent above, and to which the existing affordable housing obligations should apply (20% starter homes/ discount market sale housing). This will be written into the new s106 agreement to secure 20% discount market sale housing and remove the provision for starter homes.

- 8.66. For the additional 300 units, the current Local Plan Core Strategy Policy and the Council's Supplementary Planning Guidance on Planning Obligations should be applied. 30% of units on-site should be affordable, split 50/50 between 'Affordable Rent Dwellings' (defined as rented housing provided by a Registered Provider and offered at a rent (inclusive of service charge where applicable) capped at 80% of local market rent or Local Housing Allowance, whichever is lower) and 'Intermediate' (normally provided as shared ownership in Warrington).
- 8.67. WBC's priority is the delivery of Affordable Rent Dwellings. Therefore rather than apply these two levels of provision (20% and 30%) across the site sequentially and thus only deliver the Affordable Rent Dwellings in the later phases of the Omega development, it is proposed that the following 'blended rate' will be applied throughout:-
- 10% of units to be discount market sale
 - 7.5% of units to be for Intermediate Housing; and
 - 7.5% of units to be for Affordable Rent.
- 8.68. This 25% 'blended rate' is an amalgamation of the previously approved 20% affordable housing requirement on the 'transferred' 317 units and the 30% requirement that will be applied to the 'new' 300 units. It is considered that this 'blended rate' will ensure that a combination of discount market sale / Affordable Rent Dwellings / Intermediate Homes is delivered within each individual phase of housing to be brought forward through this current outline application.
- 8.69. The mechanism for the delivery of the affordable housing will be secured through a new s.106 agreement.
- 8.70. Subject to the completion of a s106 agreement and relevant conditions, it is considered that the proposal will comply with Local Plan Core Strategy policies SN2 and MP10 as well as the Planning Obligations SPD in relation to social infrastructure and affordable housing.

Mixed use area

- 8.71. The range of uses proposed within the mixed use area are the same as the extant consent 2015/26469. The extant permission (which has been implemented and therefore subject to reserved matters approval the mixed use area can be built out) is a relevant material consideration and the principle of these uses as part of the site is therefore established and were considered against the relevant policy tests namely the requirements of the NNPF – for sequential and impact tests for main town centre uses, as well as policies CS2, CS8 and SN4 of the Warrington Local Plan Core Strategy.
- 8.72. These uses were accepted on the basis that there is a need to provide a range of complementary uses, to support the existing and proposed businesses and residential properties at Omega and to ensure a sustainable form of development. In terms of potential impact on existing centres, it was concluded that the retail impact of the application scheme is not at a level that will undermine the performance and viability of nearby stores or centres as a whole. Overall, it was accepted that the trade impacts of the proposed retail development at Omega would be outweighed by the benefits which the

wider scheme can deliver and that the proposed mix of retail and leisure uses would deliver the scale and type of ancillary facilities required to support the sustainable development of the Omega site.

- 8.73. An objection letter to the current application has raised the matter that the mixed use area is smaller in size, this has always been an indicative layout/ masterplan and future reserved matters application would deal with detailed proposals. It should also be noted that the D1 use is now indicated within the residential area and is removed from the mixed use area on the indicative layout.

Ecology

- 8.74. The application has been reviewed by the Council's ecology advisors Greater Manchester Ecology Unit. GMEU advise that the planned development, although very large in itself, is a part of the even larger overall Omega development. As part of the overall development this application site has been subject to a range of ecological surveys dating back to 2013, and including updated surveys undertaken in 2019. Taking into account past surveys the ecological survey effort undertaken to inform the application is regarded as sufficient and no additional surveys are required to be undertaken prior to deciding the application.
- 8.75. Mitigation for potential harm to species and compensation for losses of green space on the current application site have already been agreed in principle as part of the Omega Masterplans; in particular it is noted;
- The provision of the Omega Greenheart, a large area of strategic green infrastructure currently being created nearby
 - The former provision of financial contributions to the Council for off-site grassland habitat creation and enhancement offered as compensation for the losses to extensive areas of grassland on the site
 - The agreed mitigation strategy for the avoidance of harm to the protected species great crested newts, now implemented
- 8.76. Further mitigation and compensation measures specific to this application area are recommended that can be secured by condition;
- Comprehensive Habitat and Landscape Creation and Management Plans
 - Protection of nesting birds
 - Sustainable Urban Drainage features which could also act as useful wildlife habitats (e.g. rainwater gardens, open water bodies and new wetland areas).
- 8.77. Subject to conditions to secure appropriate mitigation and assessment at reserved matters stage. The application is therefore considered to be acceptable having regard to policy QE5 of the Local Plan and objectives of the NPPF.

Other matters

- 8.78. Objection has been received on the basis that the application should be subject to Environmental Impact Assessment (EIA). The objection states that the two applications

(zone 4 – 7 residential in Warrington and zone 8 Omega West – St Helens) are inextricably linked and should be determined together and the Warrington scheme must fall within EIA in a combined assessment.

- 8.79. It is considered that the residential application is a standalone application relating to a net increase of 300 dwellings and is therefore entirely capable of being assessed independently of any current proposals within St Helens. The applicant sought a screening opinion from the Council in August 2019 in relation to the 617 residential dwellings proposed (WBC ref 2019/35704). WBC screening opinion was issued on 19 September 2019 confirming that Environmental Impact Assessment (EIA) is NOT required for the specified development.
- 8.80. The statement of reasons for the screening opinion sets out that although the development proposal exceeds the indicative threshold at 10 (b) of schedule 2 of the EIA Regulations 2017 the Council considered that the need for EIA is NOT triggered when the description of the proposal and of the site are assessed against the selection criteria set out in Schedule 3 of those Regulations - having regard to the likely significance of environmental effects (with particular regard to its characteristics, the location of the site, and the characteristics of the potential impact).
- 8.81. The screening opinion also assessed the impacts of the project in the context of the significant growth at the Omega site in recent years together with the extant alternative permission for 317 out of the proposed 617 dwellings proposed.
- 8.82. In relation to the mixed use area, the principle of this has been established with the extant permission - application 2015/26469 which was accompanied by an Environmental Impact Assessment.

9. CONCLUSIONS AND RECOMMENDATIONS

- 9.1 The site is allocated for employment purposes under policy CS8 of the Local Plan Core Strategy and benefits from an extant permission for B1 consent. It is considered that B1 use is unlikely to come forward due to matters relating to office demand.
- 9.2 The applicant has demonstrated that B2/B8 as alternative employment uses consistent with Local Plan policy CS8 are also unlikely to be suitable at the site given the surrounding residential uses.
- 9.3 The loss of employment land would not undermine future delivery of employment land within the borough as set out in the PSVLP.
- 9.4 Residential use is considered to be an acceptable alternative use for the site and is supported in the NPPF in the absence of a 5 year housing land supply.
- 9.5 The wider Omega area benefits from good walking and cycling infrastructure implemented as the area has developed and the current proposal offers the opportunity to provide appropriate connections at the main access points. Highway contributions will

be sought in relation to public transport improvements associated with the development and a condition to ensure travel plan co-ordination to increase sustainable travel.

- 9.6 There is considered to be a tangible benefit to the early delivery of a proportion of affordable rented properties across the 617 dwellings proposed.
- 9.7 This application is a standalone application and there is no requirement for Environmental Impact Assessment.
- 9.8 A holding direction has been received from the Secretary of State using his powers under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Therefore, subject to the decision of the SoS as to whether the application should be referred to him for determination under Section 77 of the Town and Country Planning Act 1990, the application is recommended for approval subject to conditions and subject to S106 agreement to secure the following;
 - Public transport improvements £120k per year for five years
 - Obligation to limit final RM units on phases 6 & 7 - to no more than 159 dwellings (to ensure the net increase of only 300 residential units).
 - £292,010 to facilitate provision of playing pitches
 - £237,732 to facilitate provision of sports facilities (built facilities).
 - Primary school contribution of £1,119,510
 - Secondary school contribution of £873,234.
 - Health contribution of £771 per residential unit (up to max of 300 units)
 - Primary Health Care facility
 - Affordable housing provision
 - Public Art – scheme for delivery of public art

10. CONDITIONS

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined by condition 2 below, whichever is the later.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990

2. a) Details of the reserved matters set out below (the reserved matters) for each phase shall be submitted to the Local Planning Authority for approval within ten years from the day of this permission:
 - (i) layout;
 - (ii) scale;
 - (iii) appearance, and
 - (iv) landscaping.
- b) The reserved matters shall be carried out as approved.

- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990.

3. The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details and any subsequently approved reserved matters.

The details submitted at outline stage include;

- site location plan 00 051
- Illustrative master plan 00 053 rev P2
- 5968-P4-P7-GA-100 rev A – highway works general arrangement
- Transport Assessment (WSP Nov 19)
- Technical note (WSP March 2020).

Reason: For the avoidance of doubt and to define the permission.

4. No development shall commence on individual phases until a local employment scheme - including the delivery of jobs and/or training opportunities during the construction period - for the corresponding phase has been submitted to the local planning authority for approval. The scheme shall also outline the means of maximising the local impact from the development in terms of contracting and supply chain opportunities for local businesses and job opportunities for the local community/residents. The approved employment scheme shall be fully implemented.

Reason: In order to accord with Policy PV3 of the Warrington Core Strategy

5. Prior to occupation of each phase of the development a sustainable drainage management and maintenance plan for the lifetime of the relevant phase of development shall be submitted to the local planning authority and agreed in writing.

The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development having regard to the NPPF, Policy QE4 and QE6 of the Warrington Core Strategy and the Warrington SPD: Design and Construction.

6. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

7. Before construction of the individual uses or buildings hereby approved commences (excluding demolition, earthworks & remediation), a schedule of external materials and finishes to be used on the external surfaces (including samples where appropriate) - including the colour and treatment of external surfaces - to be used in connection with the corresponding development shall be submitted to and approved in writing by the Local Planning Authority, and the approved materials shall be used in the implementation of the development and thereafter so retained.

Reason: In the interests of visual amenity in accordance with policy QE7 of the Local Plan Core Strategy.

8. 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 of individual phases shall not commence unless and until the measures required by the British Standard for that phase 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.

9. A landscape management plan for individual phases, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any use or building on corresponding phases hereby permitted and the landscape management shall be carried out in accordance with the approved plan over the period specified.

Reason: To make provision for future management and maintenance in accordance with policies QE3 and QE7 of the Local Plan Core Strategy and with the adopted Design and Construction SPD.

10. Prior to commencement of development within any residential phase/ plot, details of the local equipped area of play (LEAP) within the site shall be submitted and approved in writing by the Local Planning Authority. This shall include measures for its maintenance and management. The LEAP shall be implemented in accordance

with the approved details prior to occupation of the relevant phase of development it is located within.

Reason: In order that the proposal accords with policies SN2; QE3; QE6 of the Warrington Core Strategy; with the Environmental Protection and Design and Construction SPDs and with the National Planning Policy Framework.

11. A Holistic Landscape Creation Plan for the entire site shall be submitted for approval as part of the first reserved matters application. Comprehensive Habitat and Landscape Creation and Management Plans shall then be submitted demonstrating consistency with the strategic plan as part of the detailed reserved matters applications for each phase of the overall application site.

The Landscape Creation and Management Plans shall make reference to:

- i. Description and evaluation of the features to be managed;
- ii. Ecological trends and constraints on site that may influence management;
- iii. Aims and objectives of management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. Preparation of a work schedule (including a 5 yr project register, an annual work plan and the means by which the plan will be rolled forward annually);
- vii. Personnel responsible for implementation of the plan;
- viii. Monitoring and remedial / contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority.

Reason: In the interests of protected species and their habitat in accordance with Circular 06/05, Wildlife and Countryside Act 1981 (as amended) and the Habitats (Natural Habitats, &c.) Regulations 2010 and in order to comply with the NPPF and Policy QE5 of the Warrington Core Strategy.

12. No removal of or works to any trees or shrubs or large-scale ground clearance works shall take place during the main bird breeding season 1st March and 31st July 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: In the interests of protected species and their habitat in accordance with Circular 06/05, Wildlife and Countryside Act 1981 (as amended) and the Habitats (Natural Habitats, &c.) Regulations 2010 and in order to comply with the NPPF and Policy QE5 of the Warrington Core Strategy.

13. Prior to occupation mitigation including the widening works between M62 J8 and Skyline Drive / Fairchild Road roundabout and remarking of M62 exit slip to provide

two lanes to Skyline Drive (as outlined in drawing 11191042_SK326) should be implemented, to ensure the junction lane use and exit geometry is consistent with traffic modelling submitted.

Reason: To ensure the safe operation of the strategic road network.

14. 2. No construction work relating to the proposed mitigation outlined above shall commence until the developer has submitted full design & construction details of the required improvements between M62 J8 and Skyline Drive / Fairchild Road roundabout and remarking of M62 exit slip; such details to be agreed by the LPA, in consultation with the SoS and shown in preliminary form on drawing 11191042_SK326, including:

- i) How the scheme interfaces with the existing highway alignment, carriageway, markings and lane designations;
- ii) Full signing and lighting details;
- iii) Confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations / departures from standards);

Highways England Planning Response (HEPR 16-01) January 2016iv) Independent Stage 1 and Stage 2 Road Safety Audits carried out in accordance with current Departmental (DMRB) and Advice Notes.

Reason: To ensure the safe operation of the strategic road network.

15. Except for site clearance and remediation no development on individual plots / phases shall take place until full details in the form of scaled plans and/or written specifications relevant to that individual plot/ phase have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- a) proposed highway layout including the highway boundary
- b) dimensions of any carriageway, cycleway, footway and verges
- c) visibility splays
- d) proposed buildings and site layout, including levels
- e) accesses and driveways
- f) parking provision
- g) drainage and sewerage system
- h) all types of surfacing (including tactile paving), kerbing and edging
- i) full working drawings for any structures which affect or form part of the highway network
- j) public transport infrastructure

The development shall be carried out in accordance with the approved drawings and details prior to first occupation of each phase of the development as identified in Chetwoods Drawing No. 4531-CA-00-XX-DR-A-00-053/P2 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development of the site and a satisfactory standard of highway design and construction in the interests of highway safety and the amenity and convenience of highway users together with suitable means of drainage.

16. Development shall be carried out in accordance with the Road Phasing and Completion Plans/ details as set out in this condition (received on 3.7.20) unless otherwise agreed in writing by the Local Planning Authority,
 - R3 South incl. Bus Gate & R3 N1 short stub. – 1042-RS3-GA-408 Rev _
 - R3 North 1 & R4 – 1042-RS3-GA-409 Rev B
 - R3 North 2 plus Second Junction Access to Burtonwood Road – 1042-RS3-GA-410 Rev B
 - Construction Access Plan 1042-RS3-GA-403 Rev A
 - SITE WIDE HAUL ROADS AND SITE COMPOUNDS 1042-RS3-GA-135

Reason: To ensure that roads serving the development are completed and thereafter maintained to an acceptable standard in the interests of safety; to ensure a satisfactory appearance to the highway infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

17. The development shall provide internal connected pedestrian/cycle links north to Skyline Drive, west to the Greenheart and south to the Taylor Wimpey residential site.

Reason: To ensure adequate accessibility to the wider area and encourage non-car modes of transport.

18. A scheme for the design and construction of off-site highway improvement works, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation prior to occupation of the 318th dwelling hereby approved.

For avoidance of doubt, the works shall include:

- i. Re-allocation of road space at M62 J8 to the principles of WSP Drawing No. 11191042_SK326/A
- ii. Widening of Skyline Drive between M62 J8 and Fairchild Road to the principles of WSP Drawing No. 11191042_SK329/A
- iii. Pedestrian/cycle infrastructure works necessary to facilitate the highway works
- iv. Replacement/upgrade of street lighting necessary as part of the detailed design.
- iv. Drainage works necessary to facilitate the highway works.

The approved scheme shall include Road Safety Audit and subsequently be implemented prior to first occupation of the development hereby approved.

Reason: To ensure that the sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not exacerbate unsatisfactory highway or transportation conditions.

19. Except for site clearance and remediation no development commence until a scheme for the design and construction of the site access points has been submitted to and approved in writing by the Local Planning Authority. The accesses shall be designed in accordance with the principles set out in the approved drawings.

For the avoidance of doubt, the site access to Burtonwood Road at Kingswood Road shall include the installation of a MOVA traffic signal control strategy.

The approved schemes shall subsequently be constructed and completed prior to first occupation of the development hereby approved. The accesses shall be kept available for use at all times.

Reason: In order that the Council is satisfied that the highway works are carried out to the appropriate standard and to enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users in the interests of road safety.

20. Reserved matters applications for individual plots/ phases shall include details of the proposed surface water drainage for the site and include measures to prevent the discharge of water on to the public highway.

Reason: To prevent unnecessary surface water from being deposited on to the highway thus causing a potential source of danger to other road users.

21. No dwelling/unit/plot within the development hereby approved shall be occupied or any first use commenced until that part of the internal highway infrastructure which provides access to the to the individual dwelling/unit/plot has been constructed to binder course surfacing level (or paved) and is available for use in accordance with the approved plans.

Reason: To ensure that satisfactory access is provided before the development becomes operative in the interests of road safety and the convenience of users of the highway.

22. Prior to first occupation/use of the approved dwellings/ premises within any individual phase of the development parking provision in line with the Council's current standards shall be provided for that phase, in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved parking provision shall be kept free for that specific use thereafter. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 2015 (or any Order revoking or re-enacting

that Order) no Building works which reduce this provision shall take place except following the express grant of planning permission by the Council.

Reason: To ensure adequate parking provision is made thereby avoiding hazards caused by indiscriminate parking and to encourage the benefit of natural surveillance and security in order to actively deter criminal activity, including vandalism.

23. Prior to first occupation/use of the approved dwellings/ premises within any individual phase of the development, cycle parking provision in line with the Council's current standards shall be provided for that phase, in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking provision shall be kept free for that specific use thereafter. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no Building works which reduce this provision shall take place except following the express grant of planning permission by the Council.

Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.

24. Prior to the commencement of any works on any individual phase, the developer shall provide in writing a Construction, Highways & Environmental Management Plan (CHEMP) to the LPA for written approval. The CHEMP shall review all demolition and construction operations proposed on site including logistics. It shall cover as a minimum the following areas of work on a phase by phase basis, identifying appropriate mitigation measures as necessary:

A. Highway and Traffic

- Construction traffic routes, including provision for access to the site. Entrance/exit from the site for visitors/contractors/deliveries.
- Temporary roads/areas of hard standing.
- Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements. For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway.
- Details of street sweeping/street cleansing/wheel wash facilities.

B. Site layout and Storage

- Proposed locations of Site Compound Areas.
- Siting of temporary containers.
- Location of directional signage within the site.
- Parking for contractors, site operatives and visitors.
- Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction.
- Storage of materials and large/heavy vehicles/machinery on site.

C. Environmental Controls

- Proposed Construction Hours, Proposed delivery hours to site, Phasing of works including start/finish dates.
- Details of activity on site outside the stated construction hours, e.g. workers / security on site, movement, setting up or dismantling of equipment, lighting, installation of services, etc.
- Environmental mitigation measures, including noise & vibration, dust and air quality measures mitigation measures including consideration of using low emission non-road mobile machinery. Details for the recycling/storage/disposal of waste resulting from the site. Consideration for joining a Considerate Contractors Scheme.

Once approved in writing, all identified measures within the CHEMP 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. The CHEMP and agreed requirements therein shall remain in force for the duration of all construction activities on site.

Any changes to the identified CHEMP 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.

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers.

25. The development shall not be occupied until the owners and occupiers of the site have appointed a Travel Plan Co-ordinator. The Travel Plan Co-ordinator shall be responsible for the implementation, delivery, monitoring and promotion of the Residential Travel Plan and Employee Travel Plan, including the day-to-day management of the steps identified to secure the sustainable transport initiatives. The details (name, address, telephone number and email address) of the Travel Plan Co-ordinator shall be notified to the Local Planning Authority upon appointment and immediately upon any change.

Reason: To ensure that an approved Travel Plans are implemented, in order to establish sustainable, non-car modes of transport.

26. Prior to the occupation of any dwelling, a Residential Travel Plan shall be submitted to and approved in writing by Local Planning Authority. The Plan shall include immediate, continuing and long-term measures to promote and encourage

alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to, the following:

- a) Production and distribution of an information pack for residents detailing travel options and information for all modes of travel
- b) Information on existing transport policies, services and facilities, travel behaviour and attitudes
- c) Access for all modes of transport
- d) Resource allocation including Travel Plan Co-ordinator and budget
- e) A marketing and communications strategy
- f) Appropriate measures and actions to reduce car dependence and encourage sustainable travel
- g) An action plan including a timetable for implementation of each of each of the above
- h) Mechanisms for monitoring, reviewing and implementing the travel plan

The Approved Residential Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

An annual report shall be submitted to the council no later than 1 month following the anniversary of the first occupation of the development for a period of 3 years. The annual report shall include a review of the Residential Travel Plan measures, monitoring data and an updated action plan.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable.

27. A scheme for the provision of electric vehicle charging points, or passive provision, including timeframe for implementation, shall be submitted prior to occupation of each phase of development and agreed in writing with the Local Planning Authority. The agreed scheme shall be provided in accordance with the approved timeframe for each phase and retained as such thereafter.

Reason: To ensure that appropriate provision for current and future electric and electric/hybrid vehicles and encourage more sustainable means of transport

28. Within 3 months of any part of the mixed use phase of development being brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to:

- a) Involvement of employees
- b) Information on existing transport policies, services and facilities, travel behaviour and attitudes
- c) Access for all modes of transport

- d) Targets for mode share
- e) Resource allocation including Travel Plan Co-ordinator and budget
- f) A parking management strategy
- g) A marketing and communications strategy
- h) Appropriate measures and actions to reduce car dependence and encourage sustainable travel
- i) An action plan including a timetable for the implementation of each such element of h above
- j) Mechanisms for monitoring, reviewing and implementing the travel plan

The Approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use.

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 3 years. The annual report shall include a review of the Travel Plan measures, monitoring data and an updated action plan.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable.

29. No development (other than demolition and site clearance works) shall take place on any individual phase of the development until the steps in Sections A and B below are undertaken for that phase:

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 (or individual phase therein) 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 (February 2019), 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 (NPPF Para179).

30. No individual phase shall 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.

Any individual phase shall not be taken into use until remediation and verification are completed for that phase. 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); Paragraphs 170(f) & 178 of the National Planning Policy Framework (February 2019), 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 (NPPF Para179).

31. The applicant shall submit with any reserved matters application relating to residential development a detailed scheme of acoustic mitigation measures to ensure that future residential properties (C2 and C3 uses) within that phase of development are adequately protected from noise sources both within and outside the development. This scheme shall achieve the internal noise levels set out below and include any transportation, industrial, commercial and entertainment noise and shall be based on findings from an appropriate noise assessment for the relevant phase of development.

The following noise levels shall be achieved in habitable rooms and outdoor areas as set out in BS8233:2014 and/or WHO Guidelines:

- Daytime Noise (07:00-23:00) Living Rooms & Bedrooms - 35 dB LAeq,16hr
- Daytime Noise (07:00-23:00) Dining Areas - 40 dB LAeq,16hr
- Daytime Noise (07:00-23:00) Outdoor Amenity Areas - 50 dB LAeq,16hr
- 55dB LAeq,16hr can be accepted in exceptional cases where normal mitigation cannot reach the 50dB level.
- Night time Noise (23:00 – 07:00) Bedrooms - 30 dB LAeq,8hr,
- Night time noise (23.00 – 07.00) Bedrooms - 45dBLAmax no more than 10-15 times per night (WHO guidelines)

These levels shall be capable of being achieved with windows open (except for short term purge ventilation) or alternatively with passive ventilation systems in the open position. For the purposes of calculation noise reduction through a partially open window should be assumed to be 15dBA.

If the above internal noise levels (or within 5dB of the stated levels) cannot be achieved with partially open windows, then the scheme shall also consider and identify relevant noise sensitive properties where a full MVHR system would be necessary to reduce the need to open windows. The location of such properties and the proposed MVHR system will need to be agreed in writing with the Local Planning Authority.

Prior to the first occupation of any residential unit within the relevant phase of development, all agreed mitigation measures identified by the scheme of acoustic mitigation and where identified by written agreement for MVHR locations, shall be implemented in full within that unit.

Reason: To ensure a satisfactory standard of living environment for incoming occupiers.

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

(February 2019); and Section 6 of the Environmental Protection Supplementary Planning Document (May 2013)

32. The refuse collection hours for any individual 'A', 'C1 & C2' or 'D' use class commercial unit, shall take place within the daytime period of between 07.00hrs and 23.00hrs.

Reason: To ensure a satisfactory standard of amenity for residential dwellings on and around the site through noise and general disturbance. 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 (February 2019); and Section 6 of the Environmental Protection Supplementary Planning Document (May 2013)

33. Delivery hours to any individual 'A' C1, C2 or 'D' use class commercial unit, shall only occur within the daytime period of between 07.00hrs and 23.00hrs.

Reason: To ensure a satisfactory standard of amenity for residential dwellings on and around the site through noise and general disturbance.

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 (February 2019); and Section 6 of the Environmental Protection Supplementary Planning Document (May 2013)

34. Operating Hours – Any A or D use class

Prior to the commencement of use of any individual 'A' or 'D' use class commercial unit, details of the proposed opening and/or trading hours for that unit shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the relevant unit shall only operate within the approved hours.

Reason: To ensure a satisfactory standard of amenity for residential dwellings on and around the site through noise and general disturbance having regard to policy QE6 of the Local Plan Core Strategy.

35. The applicant shall submit with any reserved matters application relating to any individual commercial unit or on any phase of the mixed-use zone (A1, A2, A3, A4, A5, C1, C2 or D1 use class areas), an external lighting scheme detailing a comprehensive assessment of lighting for that unit or phase. The scheme shall show levels of illumination around that phase (isolux drawings) and any overspill lighting beyond the physical site/phase boundary. Mitigation measures or installation requirements shall be clearly identified within the scheme as shall control measures such as time clocks/light sensors or other control methods. The approved scheme shall be implemented in full prior to the commencement of use of the lighting on that unit and or phase of development and shall be retained as approved thereafter.

Reason: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); and Paragraph 180(c) of the National Planning Policy Framework (February 2019); and Section 5 of the Environmental Protection Supplementary Planning Document (May 2013)

36. Prior to any A3, A4, A5, C1, C2 or D1 unit being first brought into use, an odour control scheme providing details of the cooking equipment and associated air extraction and odour abatement measures for that use shall be submitted to and approved in writing by the Local Planning Authority.

To enable the Local Authority Planning Department to assess the suitability of a ventilation scheme, information should be provided as set out in the Control of Odour and Noise from Commercial Kitchen Exhaust Systems, EMAQ+, 2018. The scheme shall identify an appropriate level of odour abatement for implementation which is commensurate to the level of odour likely to arise from the proposed use.

The approved scheme shall be implemented prior to the relevant unit being first brought into use and the installed equipment shall thereafter be operated and maintained in accordance with the manufacturer's instructions and shall be used at all times when any cooking activities are occurring.

Reason: To safeguard the local environment from disturbance or loss of amenity caused by odour, fumes, food droplets to nearby properties.

In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); and Section 3 and 6 of the Environmental Protection Supplementary Planning Document (May 2013)

37. All externally located plant or equipment on any A1, A2, A3, A4, A5, C1, C2 or D1 use shall not cumulatively cause an increase in the ambient background sound level at the boundary of the nearest residential property. Any equipment not able to meet this requirement shall be acoustically treated prior to the commencement of the use hereby permitted.

For the avoidance of doubt calculated rated sound levels from any externally mounted plant or equipment at the boundary of the nearest noise residential property should not exceed the existing background sound level in accordance with the results of a BS4142:2014 noise assessment.

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

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

(February 2019); and Section 6 of the Environmental Protection Supplementary Planning Document (May 2013)

38. Prior to the commencement of use of any D1 use which specifically involves a creche, day nursery or religious venue, a noise management scheme shall be submitted to and approved in writing by the Local Planning Authority. The noise management scheme shall consider any noise making activities that would be audible beyond the site boundary and identify appropriate controls or mitigation to limit such noise at the nearest residential property. Once approved, all identified controls and mitigation shall be implemented prior to the commencement of the use. Any changes to the range of activities undertaken on site after the noise management plan has been approved shall be subject to further noise management scheme review and additional mitigation or controls may be added as necessary.

Reason: To prevent an increase in background sound levels and protect the amenity of any residents. 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 (February 2019); and Section 6 of the Environmental Protection Supplementary Planning Document (May 2013)

39. Unless otherwise agreed in writing with the Planning Authority the approved maximum floorspace limits for development within the development hereby approved will be as follows:

- i. Hotel (Use Class C1) - 2,850 sqm GFA
- ii. Residential Institution (Use Class C2) - 80 beds
- iii. Supermarket (Use Class A1) - 2,000 sqm GFA
- iv. Shops (non-food) (Use Class A1) - 1,500 sqm GFA
- v. Financial & Professional Services (Use Class A2), Restaurants & cafes (Use Class A3) drinking Establishments (Use Class A4) and Hot Food Takeaways (Use Class A5) - 2,000 GFA
- vi. Non-residential Institutions (to include Primary Care Facility) (Use Class D1) - 1,500 sqm GFA

Reason: To define this permission.

11. PLAN EXTRACTS

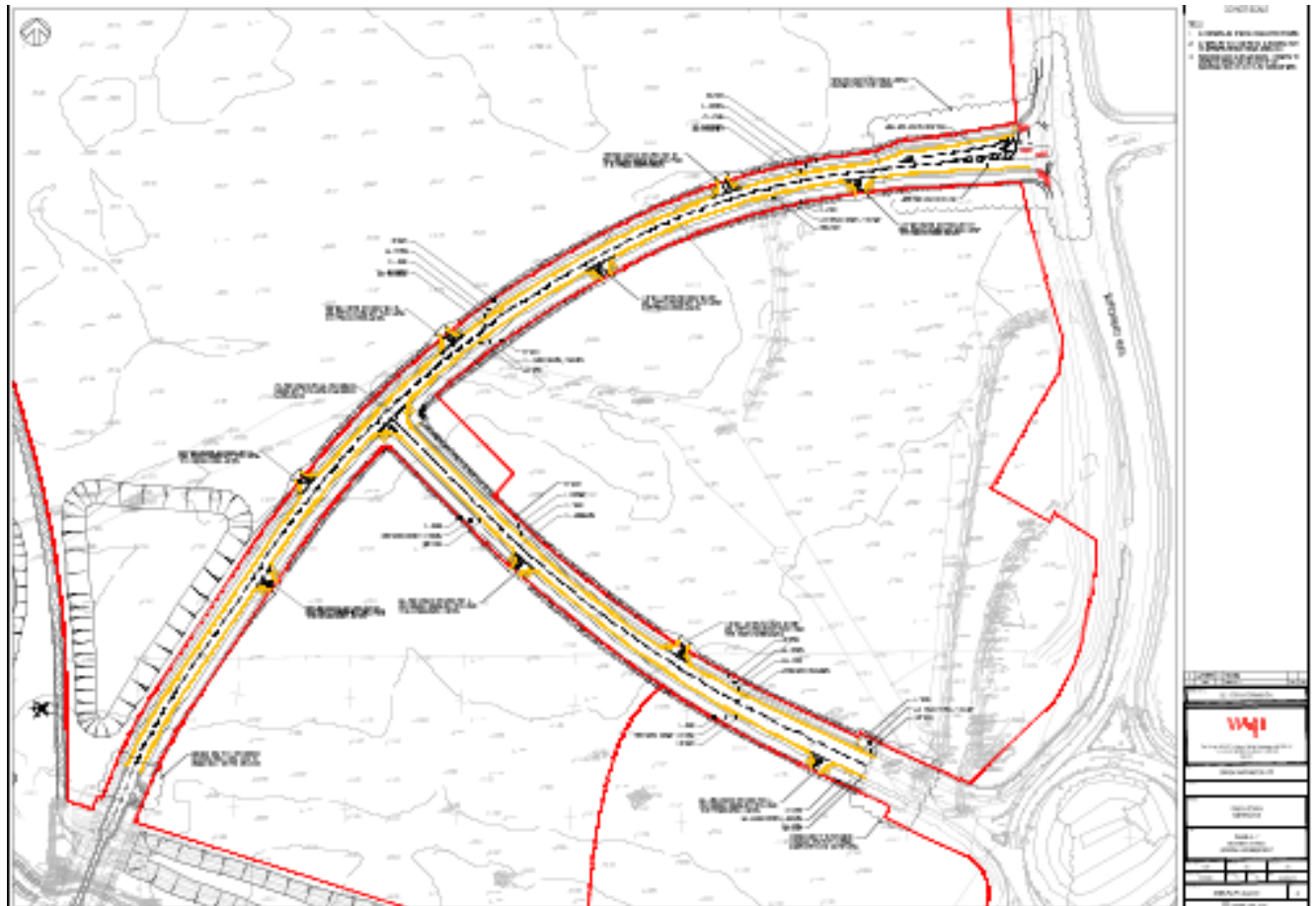
Site location Plan



Illustrative Masterplan



Access Details



2015/26469 illustrative masterplan (extant outline consent)

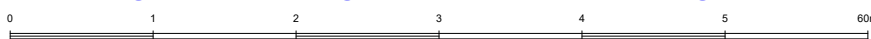




WARRINGTON
Borough Council



Warrington Borough Council Planning Department



DMC 5th August 2020
2020/36461

DEVELOPMENT MANAGEMENT COMMITTEE DATE 5 AUGUST 2020**ITEM 5**

Our reference:	2020/36461
Description of Development:	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
Location Address:	Omega Zone 8, West of Omega South and South of the M62, St Helens
Applicant:	Omega Warrington
Number of representations received:	18 received by Warrington BC
Reason for Referral:	At the request of the Director of Growth given the scale of the proposed development
Agreed date for comments to be provided to St Helens District Council:	7 August 2020
Recommendation:	Raise no objections subject to conditions and s106 obligations
Case Officer:	Martha Hughes

SUMMARY OF KEY REASONS FOR RECOMMENDATION

The Council has been consulted by St Helens Borough Council on a hybrid planning application for employment development immediately adjacent to our administrative boundary to the west of the existing Omega site.

It is recommended that no objection is raised in relation to the application for the following reasons:

- The proposed development would provide a proportion of employment land that would contribute towards Warrington's employment needs.
- It is considered that subject to effective mitigation, the impact on the local highway network is acceptable and will result in improvements to public transport in the local area.
- The development is capable of effective mitigation to ensure that the impact upon local residents and adjoining businesses by reason of noise, light pollution or a reduction in air

quality. It is not considered the development will have an unacceptable impact upon visual amenity.

- The site 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.
- St Helens have a statutory duty to consider the impact of the proposal on flood risk, ecology and climate change, including trans-boundary impacts, in accordance with adopted planning policy and through consultation with statutory consultees.

OFFICER'S REPORT

1. APPLICATION SITE AND SURROUNDINGS

- 1.1. The application site is located wholly within the St Helens Borough Council administrative boundary and also within the Green Belt as designed in the St Helens Local Plan.
- 1.2. The site area is approximately 75.3ha of land to the west of the existing Warrington Omega South employment development, and immediately to the south of the M62 motorway. The site is bounded to south and west by a mixture of agricultural land and woodland.
- 1.3. The site would be accessed from Catalina Way off Skyline Drive.
- 1.4. Warrington Borough Council have been consulted as the adjoining authority given the location of the site being immediately adjacent to Warrington Borough Council's administrative boundary. The decision on the planning application will be taken by St Helens Borough Council subject to referral to the Secretary of State.

2. DESCRIPTION OF PROPOSAL

- 2.1. The application is a hybrid application which seeks full planning permission for the 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).
- 2.2. The application site comprises 75.3 ha and the total floorspace proposed by the application (full application and outline elements together) is 205,500 sqm. It is proposed that there will be a 30% B2 (Manufacturing)/70% B8 (Logistics) split within this total floorspace.
- 2.3. The full application seeks detailed approval for this part of the site to meet a 'live' occupier led requirement for a bespoke, purpose-built development for TJ Morris. Whilst the outline part of the hybrid application is a largely a speculative proposal but also includes an area for future expansion of the TJ Morris site.

Full Planning Application

- 2.4. The site area for the full application is 35.91ha. The full application site is located in the northern part of the wider application site, immediately to the south of the M62 and west of the existing Omega South development.
- 2.5. The full application seeks consent for 81,570 sq.m (878,012 sq.ft) B8 logistics warehouse with ancillary office development comprising of a 3-storey structure providing main reception / staff facilities / Goods In and Transport Office.
- 2.6. The maximum building height proposed is approx. 41m to the ridge to meet the bespoke requirement of the intended occupier for highbay area to house a fully automated storage and racking system. The remainder of the Unit will be approximately 29.4m in height.
- 2.7. The application includes details of 576 parking spaces. The warehouse will also incorporate a service yard with 383 HGV / trailer parking spaces.

Outline Planning Application

- 2.8. The outline planning application seeks permission for access to the site via Catalina Way, all other matters are reserved for consideration at reserved matters stage.
- 2.9. The site area for the outline application is 39.52ha, this is split with the main part of the outline site area to the south of the proposed warehouse (Unit 1) building proposed by the full application but does also includes an area of future expansion land for Unit 1 (to the east). A combined floorspace of up to 123,930 sq.m (1,333,9710sq.ft) across the outline site area is proposed, an indicative layout has been provided with the application that indicates this split between the Unit 1 expansion land and three separate warehouse buildings to the south (referenced as units 2, 3 & 4). Parameters Plans submitted with the application assumes max building heights for units 2 - 4 of 19m to ridge height.
- 2.10. The applicants submission states that the 5 ha of land proposed for future area of expansion for Home Bargains/ TJ Morris is put forward on the basis that *'the occupier also has a requirement for expansion land to accommodate either further growth to the unit itself or additional complementary logistics floorspace, linked to the use, as part of the business in the future.'*

3. AMENDED PLANS

- 3.1. St Helens re-consulted WBC as adjoining authority in relation to additional information received in May 2020 (updated planning statement, updated alternative site assessment, applicant's responses to consultee comments including highway engineer's comment).
- 3.2. A further consultation was received on 3rd July on the basis of the following information;
 - an addendum to the applicant's Environmental Statement – to address ecology, landscape and drainage issues.
 - Additional visualisations.

- Additional information to support the Planning Statement
- highways technical note 2 responding to Highways England's comments.

4. LOCAL REPRESENTATIONS

4.1. General Public

4.2. Although WBC have been consulted as an adjoining authority and statutory publicity requirements lie with St Helens Borough Council, WBC have also publicised the application by way of 13 neighbour notification letters and through the erection of a site notice and notice in the local press. This consultation is non-statutory and St Helens as the determining authority have undertaken the statutory consultation on the application. We will send all letters received to St Helens to ensure that they are taken into account in the decision making process.

4.3. As a result of the consultation we have undertaken, 16 objections have been received from residents/ interested parties. These are summarised as follows:

Local Plan matters:

- The determination of the zone 8 application would be premature to WBC and St Helens local plan
- Applicants justification for Unit 1 (Home Bargains Unit) relies on it meeting the needs arising for employment land / jobs for St Helens and not Warrington, but the speculative B2/B8 use is to meet the needs of Warrington in its emerging WLP. This is not justified and if only the full application part of the proposals were progressed this this would be broadly commensurate with Warrington's identified need under the Duty to Cooperate

The Liverpool City Region Evidence base relied upon for the applicant's justification for the need has not been objectively assessed.

Green Belt considerations:

- Criticism of applicant's green belt assessment
- Lack of Very Special Circumstances to clearly outweigh the harm to the Green Belt (in particular for the speculative proposals proposed by the outline part of the planning application)
- Concern regarding this development resulting in further development in the Green Belt to the west and south into St Helens along the M62

Impact upon Highway Network:

- The local road network is already at capacity, in particular concerns around impact along A57 and Lingley Green Avenue.
- Increase in the number of vehicles including HGVs and vehicles associated with the 500 car parking spaces will have an impact upon highway safety, in particular concerns raised over proximity of the site to primary schools.

- The development benefits St Helens but is accessed via Warrington Roads
- The absence of suitable public transport options will also result in an increase in the number of vehicles in the area.

Visual Amenity:

- The units at a height of up to 40 metres will have a significant impact upon the character of the landscape and will be highly visible.

Air Quality and Noise Impacts:

- The air quality of the area at present is not acceptable and this development will only have a further detrimental effect.
- The development will be a 24 hour 7 day a week operation and the noise generated from vehicle movements and the operations of the units will have a detrimental impact upon amenity

Ecology:

- The development encroaches into greenfield land and will result in the loss of habitat for animals and plants, many of which will have already been moved from the existing Omega site

Flooding:

- The site is prone to flooding and this development will not improve the situation

Ward Councillors – *no comments received*

Parish Council

Great Sankey PC

Object on the following grounds;

Local Plan matters:

- Reference to 4.6.2 of St Helens Submission Draft Local Plan (SDLP) which confirms that the development is being sought by Warrington Borough Council; 4.6.2 Warrington Council has identified scope for a site at Omega South West within St. Helens Borough to be developed to help meet its employment needs but adequate consultation on this has not taken place.

Green Belt:

- Green Belt – questions expansion of TJ Morris at existing base on the East Lancashire Road

- The specific locational advantage of the site that the applicant includes as VSC should be fully outlined
- Urban sprawl – the proposed extension of Omega will leave a section of Green Belt to the west of the site towards Clock Face Road which will come under pressure for further development and the application will set a precedent contributing towards urban sprawl.
- Insufficient evidence re alternative non green belt sites.

Highways matters:

- St Helens SDLP recognises need for improved public transport and active travel links to the omega site – the planning app fails to address this.
- Road network was built to support development at Omega for housing, offices, science park, leisure facilities and hotel rather than the logistics park that now prevails which operates 24/7 and 365 days a year.
- Increased traffic demand – disagree that existing road network can meet the demand even with improvements.
- HGVs on local roads rather than junction 8. Proposal includes 383 HGV parking spaces which will only exacerbate existing problems
- Another 500 parking spaces proposed will only add to existing traffic problems
- Highway provision for the further 3 warehousing units proposed in outline part of the application is not detailed within the scope of the application. Also further development on omega south for warehousing and housing is not acknowledged.
- Additional motorway junction should be explored – failure to do this will result in erosion of the wellbeing and community spirit for existing residents of Great Sankey.
- No detail of any discussions or agreements with bus companies re new or improved service to link the station with omega south.

Great Sankey PC also raise concerns over lack of consultation with the local community.

Culcheth and Glazebury Parish Council

Request that WBC object to the application on the following grounds;

Green Belt:

- We also are concerned about the loss of Green Belt and “green lungs”.

Highway matters:

- Motorways are frequently congested and blocked by accidents, causing traffic to use our local roads as “rat runs” with further blockages and congestion.
- Although this site is South West of our villages traffic will use the M62 and the rest of the motorway network and affect our residents.

Air quality:

- Adverse impact on air quality and congestion on motorways and local roads in

Warrington.

- We do not want deteriorating air quality and more homes affected by vibrations from large lorries in our villages.

Wider context:

- This application does not exist in isolation: it has to be seen as part of the accumulation of permissions, applications and proposals for distribution centres and development in the Green Belt in St. Helens, Wigan and Warrington.
- We have already asked for some of the regional applications to be called in by the Secretary of State and this application should be included.

5. **CONSULTEES**

WBC Environmental protection

No objection subject to recommended conditions are requested in relation to lighting, noise, odour abatement, vibration and construction management plan

WBC Highways response (Summary)

No objection subject to conditions:

Access:

Application lies within St Helens boundary although access is achieved via Warrington's road network. Means of access is via Catalina Way which is wide 10m carriageway road with footway/cycle facilities and is appropriate for level of development. The access arrangements require approval of Warrington Council as Highway Authority and any planning approval does not imply tacit consent should any issues of concern be outstanding.

Adoption, management and maintenance:

The design and construction of the proposed road layout raises some practical issues in respect of appropriate specification, adoption and future maintenance not least due to the remoteness of the site from the St Helens highway network. Although such issues can be addressed as part of any detailed design process it would be appropriate to impose a condition relating to future management and maintenance of the new layout.

The fact that the application will be determined by St Helens as Planning Authority also raises some issues in that tacit consent of the Highway Authority may not be imposed by any planning consent. Given that the sole means of access, both primary and secondary/emergency, requires works to Warrington's highway ongoing co-operation is sought in respect of imposed conditions and S106 obligations resulting from the planning consultation exercise so that no procedural issues arise should and when Highway Authority consent for works be sought.

Proposed highway works will require the developer to enter into a S278 Agreement with the Council with all works being funded by the developer at nil cost to the Council.

Impact on the network:

The impact on the wider road network has been subject to capacity assessment and indicates minimal impact on the surrounding network. The capacity assessments take account of committed development throughout the area and include the new residential proposals within Omega (which replaces consented office space). This approach is considered acceptable in highway terms but does require a commitment to ensure that no consented B1 development will proceed should this application be granted; should this commitment not be secured then additional traffic modelling and assessment will be required.

The key impact occurs at M62 Junction 8 where conditions at the M62 westbound off-slip, the southern circulatory carriageway and the Skyline Drive arm combine to highlight capacity and queuing issues.

To address these issues a mitigation scheme has been agreed which involves the reallocation of road space using road markings to accommodate two traffic lanes from the westbound off-slip through to Skyline Drive and physical works to create a two lane entry and exit arrangement at Skyline Drive continuing through to the new roundabout at Fairchild Road. The physical works to Skyline Drive create additional capacity at the entry arm and also ensure that no traffic movements at the exit arm will create potential obstruction that may affect capacity through the circulatory carriageway. The mitigation works are considered appropriate and can be secured by condition.

Therefore the existing network is appropriate to cater for development subject to B1 trips being removed and improvements works at M62 J8.

Public transport improvements:

Site is not served by public transport but appropriate provision can be secured via a S106 Agreement and it is considered appropriate to seek funding towards a diversion/enhancement of the B52 service to allow suitable connection to public transport; this will require a contribution of £180,000 per year for five years. The possibility of diverting the existing No.13 service to serve daytime staff may be included in this commitment as it is a potential option for improving bus services. The public transport contributions would likely require a S106 Agreement between the applicant, the Planning Authority and Warrington Borough Council.

Parking:

Parking provision for the B8 unit does not meet Warrington's current parking standards but is understood that it has been provided with the specific operations of the proposed occupier in mind. The level of parking provision is a matter for St Helens but it may be appropriate for any consent to be limited to a named occupier. On-street parking, particularly related to heavy goods vehicles, has been an issue in and around Omega and extensive parking restrictions are in force on the Warrington road network to prevent

indiscriminate parking issues; it is likely that similar restrictions would be required on the new road network formed by this development.

Travel Plan:

Development should be incorporated into existing Omega Travel Plan management to influence movements to the site. A figure of £10,000 per year for a minimum period of ten years is sought to allow a co-ordinated approach to Travel Planning and alignment with the existing Omega Travel Plan. Details to be agreed in consultation with the Council's Smarter Travel Choices Manager.

Highways England – response to St Helens BC

No objection subject to conditions relating to highway improvements/ mitigation works, 2m high fence along eastern boundary, drainage and construction plan working method statement.

6. RELEVANT SITE HISTORY

N/A

7. PLANNING POLICY

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the planning applications to be determined in accordance with the Development Plan unless material planning considerations support a different decision being taken. Whilst third party representations are regarded as material planning considerations (assuming that they raise town planning matters) the primary consideration, irrespective of the source or number of third party representations received, remains the extent to which planning proposals comply with the Development Plan. The National Planning Policy Framework (NPPF) supports this legislative position and its contents are a material consideration in determining the application.

National Planning Policy Framework 2019 (NPPF)

- 7.2. The Revised National Planning Policy Framework (2019) (NPPF) confirms that decisions should apply a presumption in favour of sustainable development. Paragraph 7 of the document states that the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. This is balanced by Paragraph 9 which states that plans and decisions need to take local circumstances into account, so that they reflect the character, needs and opportunities of each area.
- 7.3. Where there are other specific, relevant, material issues raised in the NPPF these will be discussed within the Assessment below.
- 7.4. As stated above, the NPPF re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless

material considerations indicate otherwise. The development plan, in the case of Warrington, refers to the Local Plan Core Strategy (2014).

Local Plan Policy

- 7.5. As St Helens are the determining local planning authority, it is their Local Plan (Core Strategy, 2012) that is the development plan that should be taken into account in the determination of the planning application. In accordance with legislative requirements, as set out above, the applications should be determined in accordance with the Development Plan unless material planning considerations indicate otherwise.

8. EQUALITIES ACT (2010)

- 8.1. In determining this application, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010. It is considered that the application has no differential impacts.

9. ASSESSMENT

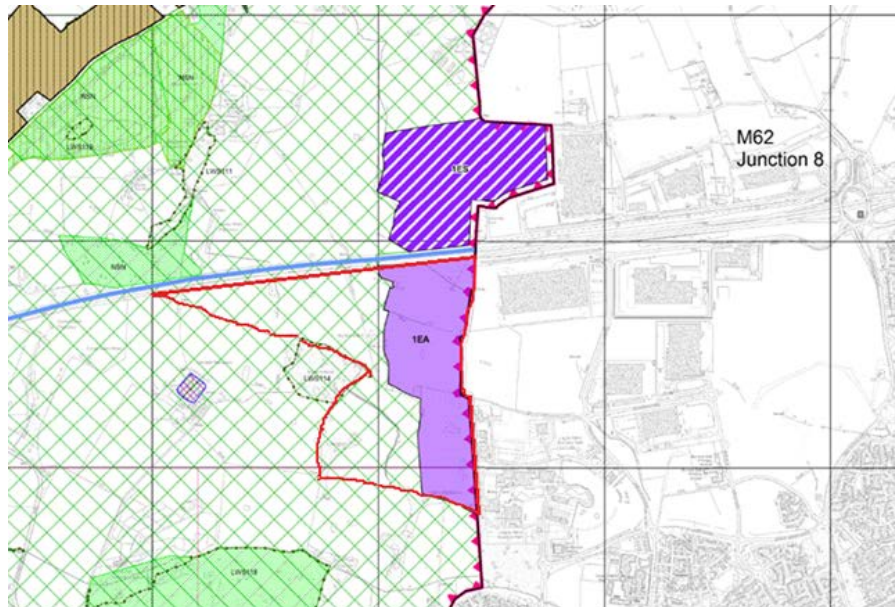
- 9.1. The key issues for consideration relate to:

- The Principle of the Development
- Highways & Transportation Matters
- Residential Amenity/ impact on local business
- Equipped Play, Open Space/ Sport & Recreation
- Ecology/ Local Wildlife Site and Trees
- Design/ Impact on Character & Appearance
- Drainage/ Flood matters
- Planning Obligations
- Other matters

Principle of Development

Local Plan Position (St Helens and Warrington)

- 9.2. The emerging St Helens Local Plan identifies part of the application site (31.22 ha) suitable site for B2 / B8 development under proposed Employment Allocation 1EA (Omega South Western Extension). The emerging St Helens Local Plan is still in draft form and has not been submitted for examination in Public accordingly the weight to be given to the plan is a matter for St Helens in determining the planning application.
- 9.3. The submitted planning application at approximately 75.3ha is greater than the area identified in the emerging St Helens Local Plan, the extract below from the St Helen's Local Plan Review proposals map identifies the proposed employment allocation shown in solid purple (1EA) and the approximate outline of hybrid application outlined in red.



- 9.4. The applicant in their Planning Statement have stated that the development will help to meet the employment land supply needs of both St Helens and Warrington Borough Council's. In 2019 the Council agreed with St Helens through a Statement of Common Ground produced ahead of Regulation 19 consultation as part of the preparation of both Councils emerging Local Plans that that the employment figures attributed to the 31.22 ha proposed allocation would count towards Warrington's employment needs. Whilst a final Statement of Common Ground will need to be agreed ahead of submission of the emerging Local Plan for Examination in Public, 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.
- 9.5. On this basis, discussion has taken place with St Helens regarding the 44.08 ha of employment land that is in addition to the 31.22ha allocation within the planning application site boundary. It is understood that this is being considered in light of the applicant's case for Very Special Circumstances within the Green Belt and an identified unmet need for strategic B8 uses in the wider Liverpool City Region (LCR).
- 9.6. Warrington would see benefits from the job creation as a result of the proposed development and in accordance with the Statement of Common Ground a proportion of the site will contribute towards our employment requirement in the emerging Local Plan. Nevertheless, it is recommended that any representation from WBC to St Helens should seek assurances that an agreement is in place with the LCR regarding the need for the proposed development and be clear that the Statement of Common Ground reflects the required amount of employment land to meet Warrington's needs.

Green Belt

- 9.7. The application site is wholly within the Green Belt as designated in St Helens adopted Core Strategy 2012. The emerging St Helens Local Plan allocates part of the application site for employment development and proposes that it is removed from the Green Belt.

- 9.8. Local planning authorities are required by the National Planning Policy Framework (NPPF) to ensure that substantial weight is given to any harm to the Green Belt. Paragraph 145 sets out that the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it meets with any of the defined exceptions in paragraphs 145 or 146. None of these exceptions appear to apply and therefore the proposals should be considered to be inappropriate development in the Green Belt.
- 9.9. As the development constitutes inappropriate development it is by definition, harmful to the Green Belt and the NPPF is clear that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.
- 9.10. The applicant in their submission to St Helens have set out a range of very special circumstances that they consider clearly outweigh the harm to the Green Belt and any other harm resulting from the proposed development. This will be assessed by St Helens and a decision as to whether very special circumstances do exist will be reached in their decision making process. The application due to the scale of the development in the Green Belt will also need to be referred to the National Planning Casework Unit for consideration if the Secretary of State wishes to intervene and call in the application for him to take the final decision.
- 9.11. It is recommended that our representation to St Helens stresses the importance of ensuring that any decision reached on the application is compliant with the aims and objectives of National Planning Policy for proposals affecting the Green Belt and the decision is taken in accordance the development plan (St Helens Core Strategy 2012) unless material consideration indicate otherwise.

Highway Matters

- 9.12. The application seeks approval for access into the application site via Catalina Way and all vehicles entering and leaving the site will do so via roads in the Warrington highway network. The application is in close proximity to Junction 8 of the M62 and the impact of the Strategic Highway has been considered alongside the impact upon the local highway network.

The impact on the highway network

- 9.13. The impact on the wider road network has been subject to capacity assessment and indicates minimal impact on the surrounding network. The capacity assessments take account of committed development throughout the area and include for the new residential proposals within Omega (should planning permission be granted for application 2019/36241). These Capacity assessments have been undertaken without including the trips associated with the B1a office accommodation that is consented on the Omega site in Warrington. It is the applicant’s intention not to build out this B1a accommodation and are willing to provide St Helens with a Unilateral Undertaking that formally restricts any B1a development under planning permission 2017/30371 (Outline application (major development); Proposed development consisting of manufacturing

(B2) and distribution/ logistics (B8) (in a 30 per cent B2 to 70 per cent B8 ratio) and Office (B1a) floorspace with associated car parking, landscaping and infrastructure (detailed matters of appearance; landscaping; layout and scale are reserved for subsequent approval)). It is important to be clear that this is an action the applicant can take without the residential development being sought under 2019/36241 being granted. Alongside the removal of the B1a trips, the modelling has indicated that mitigation is required to offset the impact of vehicle movements on the local highway network.

- 9.14. The proposed mitigation is intended to address the key impact of the traffic generated by the proposed development at M62 Junction 8 where conditions at the M62 westbound off-slip, the southern circulatory carriageway and the Skyline Drive arm combine to highlight capacity and queuing issues. To address these issues a mitigation scheme has been proposed which involves the reallocation of road space using road markings to accommodate two traffic lanes from the westbound off-slip through to Skyline Drive and physical works to create a two lane entry and exit arrangement at Skyline Drive continuing through to the new roundabout at Fairchild Road. The physical works to Skyline Drive create additional capacity at the entry arm and also ensure that no traffic movements at the exit arm will create potential obstruction that may affect capacity through the circulatory carriageway. These mitigation works are considered appropriate and would be subject to a S.278 agreement between the applicant and WBC to deliver the highway improvement works that are required to facilitate the proposal. The S278 Agreement will cover the implementation of the mitigation works at Skyline Drive and M62 Junction 8, the continuation of Catalina Way and the creation of a footway/cycleway/emergency access link between the site and Omega Boulevard.
- 9.15. Representation received have raised the opportunity for an additional junction to be added to the M62 which provides and access to this application site. The detailed highway modelling that has been undertaken deems that this is not necessary given the capacities within the existing highway network (if the B1a Trips are given up). It is also suggested by the applicant that the site constraints including land levels and electricity pylons mean that a junction is not feasible. Highways England have reviewed the application and are satisfied that subject to the implementation of the mitigation works set out in paragraph 9.14 the impact upon the strategic highway network is acceptable.
- 9.16. On the basis of the mitigation to M62 Junction 8 and Skyline Drive being implemented prior to the commencement of any operations on the application site, it is considered that the existing network is appropriate to cater for development subject to B1 trips being removed.

Public Transport improvements

- 9.17. The site is not currently served by public transport but appropriate provision can be secured via a S106 Agreement and it is considered appropriate to seek funding towards a diversion/enhancement of the B52 service to allow suitable connection to public transport; this will require a contribution of £180,000 per year for five years. It is understood that St Helens are likely to seek contributions towards bus services that serve their administrative area but are likely to pass through areas of Warrington and this could provide opportunities to improve access for Warrington residents in addition to the improvements to the B52 service. These matters will need to be the subject of further

discussions and will include the possibility of diverting the existing No.13 service to serve daytime staff and/or other services will be considered as part of the commitment in improving services. Therefore it is considered the most appropriate way to secure the improvements is via a S106 Agreement between the applicant, St Helens Council as the local planning authority and Warrington Borough Council.

Parking

- 9.18. Parking provision for the B8 unit does not meet Warrington's current parking standards but is understood that it has been provided with the specific operations of the proposed occupier in mind. The level of parking provision is a matter for St Helens but it may be appropriate for any consent to be limited to a named occupier or subject to a car park management plan. St Helens are requested to give consideration to this matter.
- 9.19. On-street parking, particularly related to heavy goods vehicles, has been an issue in and around Omega and extensive parking restrictions are in force on the Warrington road network to prevent indiscriminate parking issues; it is recommended that similar restrictions would be required on the new road network formed by this development. It is likely that should planning permission be granted that the responsibilities for management and maintenance of the new roads within the site would be transferred from St Helens to Warrington BC under Section 8 of the Highways Act. This will allow a consistent approach to the entire Omega road network in respect of design, specification and maintenance and highway functions such as maintenance, street cleaning, gritting, street lighting etc. will be undertaken by Warrington at nil cost i.e. with all expense met by St Helens. This process will allow for a consideration of parking enforcement and ensure that the restrictions are enforced as the current Omega site in Warrington is fully covered with parking and loading restrictions and we do enforce. As the Section 8 cannot be confirmed at this time, it is recommended that these issues are raised in our response to this application so they can be considered by St Helens and appropriate mechanisms to secure the necessary solutions can be agreed. This is background information provided for the benefit of Members and the process sits entirely outside of planning control.

Travel Plan

- 9.20. Any development on the application site should be incorporated into existing Omega Travel Plan management to influence movements to the site. The Travel Plan allows a consideration of how sustainable transport measures can be adapted to reflect the needs of local residents and businesses within Omega by ensuring it is adaptable and open to review it can respond to new demands from different local areas. A figure of £10,000 per year for a minimum period of ten years is therefore sought in our response to St Helens to allow a co-ordinated approach to Travel Planning and alignment with the existing Omega Travel Plan.
- 9.21. In conclusion, it is considered that the impact upon the local highway network is considered to be acceptable and it is recommended that our response raises no objection to the proposed development subject to suggested conditions, delivery of the highway improvement works and financial contributions are sought from the applicant towards public transport improvements and travel plan coordinator through S.106 agreement between St. Helens, OWL and WBC.

Impact upon the character of the area

- 9.22. The detailed proposals subject to an application for full planning permission as part of the submitted hybrid application would result in two main buildings, a logistics warehouse and an ancillary office building. The outline planning permission element of the hybrid application seeks permission for 123,930 sq.m of employment floorspace and an indicative layout shows this provided in 3 separate buildings with a maximum ridge height of 19 metres set by a parameter plan.
- 9.23. The application site is bounded to the east by the existing Omega which comprises a number of buildings of significant scale that are comparable to those proposed by the outline application although it is accepted that at 41 metres the unit proposed as part of the full planning application is of a greater scale than the existing buildings. The site is adjoined in all other directions by open agricultural land and/or woodland.
- 9.24. The application has been submitted with documents that assess the developments impact upon the established character of the area and mitigation in the form of areas of planting are proposed. It is accepted that the development will have an urbanising effect and therefore be a significant change to the character of the area, however, it is not considered that an objection to the application should be raised on these grounds subject to St Helens District Council being satisfied that the harm caused to the character of the area is outweighed by the benefits of granting planning permission.

Impact upon the amenities of local residents

Noise and Disturbance

- 9.25. The Environmental Statement submitted to St Helens includes a chapter on acoustics which has considered likely noise impacts from both ambient storage and chilled storage, and on that basis recommends potential mitigation options for each scenario - such as acoustic barriers and restriction on external activities in certain areas, in order to protect nearby commercial interests and residential properties along Bembridge Close.
- 9.26. The area of the application site subject to the application for full planning permission plot to the north is considered to be located sufficiently remotely from the noise sensitive receptors within the Warrington BC area not to have any significant adverse impacts upon them so specific mitigation is not necessary to protect them from the proposed building and the associated site activities proposed.
- 9.27. The outline planning permission area of the site (to the southern part of the wider red line boundary) is much closer to noise sensitive receptors and therefore needs to be considered much more carefully for potential impacts on amenity. However, as at this stage, the proposal is outline with matters of appearance, landscaping, layout and scale being reserved for subsequent approval, the mitigation measures proposed through the Environmental Statement can only be based on an indicative site layout which may not actually be the final layout for the site. To address the fact that mitigation proposed now may be ineffective should the layout proposed by subsequent reserved matters applications differ from the indicative layout, it is necessary to recommend to St Helens that noise outputs from the site and activities to minimise impacts on noise sensitive

receptors are subject to planning conditions. This will allow for mitigation to be tailored to address the noise generated by the proposed development when more details are known at the reserved matter stage.

- 9.28. There is also consideration for wider site noise issues from other noise sources be it from vehicle movements around the site, be it from mobile plant and equipment such as electric or diesel powered chiller units, or other mobile plant and equipment associated with the proposed uses. Whereas the level of noise generated by the proposed building subject to full planning permission, there are uncertainties around what the final proposals will be for the outline elements of the proposal. However, it is considered that the range of impact caused can be mitigated to fall within acceptable levels and therefore no objection should be raised on the noise generated by the proposals subject to appropriate planning conditions.
- 9.29. Construction impacts have been reviewed and have been determined to pose some risks to amenity mainly through the proximity of the outline areas of the site to sensitive receptors. The full permission area is likely to pose no significant adverse impacts provided that acceptable hours are utilised. Construction Environmental Plan conditions are recommended to address general site controls for a variety of Environmental Protection impacts this should be sufficient to address the aforementioned risks.
- 9.30. Piling has been considered separately within the assessments. Controls and monitoring have been suggested including consideration of low impact methods where conditions dictate. The impact related with this is mainly for the outline area of the proposal given the closer relationship between this part of the site and adjoining occupiers but conditions can ensure the impact is within acceptable levels.
- 9.31. Floor Floating has not been detailed within the construction assessment but it may have some potential impacts for the outline area if floor floating is required. This is not a given for any B8 use but when required, can have adverse impacts on residential amenity primarily through the final part of the process when the concrete is curing. The day nursery would not be impacted significantly by this with overnight or late evening works, but the residential properties along Bembridge Close may be impacted. It is therefore recommended that conditions should be used to address piling impacts but also floor floating if required.

Lighting

- 9.32. Given the proposed use of the buildings on the application site are likely to be a 24 hour, 7 day a week operation, consideration of any overspill lighting beyond the physical site boundary which reaches nearby sensitive sites is necessary to ensure that the impacts on amenity are adequately mitigated. On this basis, it is recommended that our response to St Helens recommends a condition to require the submission of a comprehensive assessment of lighting details prior to the erection of any external lighting on site.

Overshadowing/Loss of Outlook

- 9.33. Given the scale of the proposed development it is essential to consider the potential for impacts on the amenities of adjoining residents through the overshadowing or loss of

outlook arising as a result of the development. On the basis of the significant separation distances between any adjoining residential occupier and the proposed development, it is considered that no harmful impact upon visual amenity would arise.

Air Quality

- 9.34. The application has been submitted with an air quality assessment which has considered different scenarios to take into account worse case if nationally predicted reductions are not realised. Under worse case, this predicts one location, the Travel Lodge adjacent to the M62, which will continue to exceed national standards. This location is within the motorway AQMA. The impacts from the development though will not have significant impacts and the Travelodge is not considered as sensitive due customers for the hotel would not be staying for prolonged periods. As a result of this only hotels which are likely to have permanent residents are considered to be relevant receptors from an Air Quality perspective. Therefore based upon the above, there are no Air Quality objections or suggested conditions required to be raised with St Helens.
- 9.35. In summary it is considered that subject to recommending conditions to adequately mitigate the impacts arising from the proposed development, no objection should be raised with St Helens on the basis of the impact upon the amenities of local residents or adjoining businesses.

Ecology

- 9.36. The applicant has submitted an Environmental Statement that assesses the likely significant effects arising from the Proposed Development upon biodiversity. This assessment has identified that a number of mitigation measures are necessary to ensure that the impact upon biodiversity is acceptable. This matter will be reviewed by St Helens and their ecological advisors and it is considered no objection should be raised in our response subject to adequate mitigation measures being carried out to address any impact.

Flood Risk

- 9.37. The majority of the application site is located within Flood Zone 1, although there are some small areas which are located within Flood Zone 2. Whittle Brook which is classified by the Environment Agency as a main river is located along the western boundary of the site. The National Planning Practice Guidance sets out the appropriate uses and FRA requirements for land in each flood zone and for the purposes of flood risk analysis the proposed development is classified as 'less vulnerable' on this basis the development is appropriate in Flood Zones 1 and 2. Given the nature of the development and the proximity to a main river, St Helens Council will be required to consult a number of statutory consultees including the Environment Agency, it is therefore recommended that no objection is raised in our response subject to this consultation resulting in no objection being raised from statutory consultees in relation to flood risk.

Other Matters

- 9.38. The scale of the proposed development provides the opportunity for the use of renewable technologies or other carbon cutting measures to mitigate against climate change. It is understood that measures including the use of renewable technologies (Photovoltaic panels and Solar thermal systems) to generate 10% of the total energy consumption), Manufacturer selection, to include options that use less energy intensive materials, more robust and durable components, recycled materials and minimising packaging and wasted materials; and Supplier selection, including the use of local suppliers to minimise transport-related emissions. It is recommended that our response highlights that St Helens should look to ensure that climate change is a key consideration in the determination of the application and these measures are implemented to ensure the impact is minimised.

10. CONCLUSIONS AND RECOMMENDATIONS

- 10.1. It is recommended that the response to St Helens Borough Council raises no objections to the proposed development subject to the following requirements:

- Assurances that an agreement is in place with the Liverpool City Region regarding the 44.08 ha of employment land and unmet need for strategic B8 uses in the wider Liverpool City Region.
- Determination of the application in accordance with the policy on Green Belt development in the National Planning Policy Framework
- Financial contributions from the applicant towards public transport improvements and travel plan coordinator through S.106 agreement between St. Helens, OWL and WBC:
 1. £180,000 per year for five years as funding towards a diversion/enhancement of the B52 service to allow suitable connection to public transport.
 2. A figure of £10,000 per year for a minimum period of ten years is sought to allow a co-ordinated approach to Travel Planning and alignment with the existing Omega Travel Plan
- A commitment from OWL to not undertake any further development on the Omega Warrington site under planning permission 2017/30371 that would result in the vehicular trips associated with the B1a office reducing the capacity of the local highway network to accommodate the proposed development.
- A commitment to explore opportunities to reduce the developments impact upon climate change.
- Planning Permission being granted subject to the suggested conditions at section 11 of this report to ensure highway impacts upon the local highway network and amenities of local residents and adjoining businesses are adequately addressed

11. CONDITIONS

Required Conditions to satisfy Warrington Highway issues

1. Prior to occupation of Unit 1 the Phase 1 roads as shown on WSP Drawing No. 5969-

Z8-GA-117/B shall be built to the approved standards and available for use. No development except site clearance and remediation shall commence on other units until a Road Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Road Phasing and Completion Plan shall set out the development phases and the standards to which roads serving each phase of the development will be completed.

Reason: To ensure that roads serving the development are completed and thereafter maintained to an acceptable standard in the interests of safety; to ensure a satisfactory appearance to the highway infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

2. The roads shall be maintained in accordance with the management and maintenance details outlined in The Management & Maintenance of Omega Roadways Document (July 2020) until such times as a private management and maintenance company has been established or until such time as an agreement has been entered into under the Highways Act 1980.

Reason: To ensure that roads serving the development are maintained to an acceptable standard in the interests of safety; to ensure a satisfactory appearance to the highway infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

3. The development hereby approved shall be limited to the following gross floor areas within the Use Class categories defined by the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification):

- Use Class B2 - 61650sq.metres;
- Use Class B8 - 143850sq.metres.

Reason: To ensure that the highway network is adequate to cater for the proposed development.

4. The development shall provide internal connected pedestrian/cycle links north to the M62 overbridge of PRow 102, west to Catalina Way and west to Omega Boulevard/Orion Boulevard to the principles of Chetwoods Drawing No. 4150-CA-00-00-DR-A-05100/SK9 in accordance with a timetable for implementation to be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure adequate accessibility to the wider area and encourage non-car modes of transport.

5. Except for site clearance and remediation no development shall commence on units other than Unit 1 until a scheme for the design and construction of off-site highway improvement works, including timetable for implementation, has been submitted

to and approved in writing by the Local Planning Authority. For avoidance of doubt, the works shall include:

- i. Reallocation of road space at M62 J8 to the principles of WSP Drawing No. 11191042_SK326/A
- ii. Widening of Skyline Drive between M62 J8 and Fairchild Road to the principles of WSP Drawing No. 11191042_SK329/A
- iii. Pedestrian/cycle infrastructure works necessary to facilitate the highway works
- iv. Replacement/upgrade of street lighting necessary as part of the detailed design.
- iv. Drainage works necessary to facilitate the highway works.

The approved scheme shall include Road Safety Audit and subsequently be implemented prior to first occupation of the development hereby approved.

Reason: To ensure that the sufficient measures are taken such that the highway network can accommodate the development and that the traffic generated does not exacerbate unsatisfactory highway or transportation conditions.

- 6. Except for site clearance and remediation no development shall commence until a scheme for the design and construction of off-site highway improvement works, including timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. For avoidance of doubt, the works shall include:

- i. Creation of a pedestrian/cycle/emergency link between the site and Omega Boulevard/Orion Boulevard.
- ii. Replacement/upgrade of street lighting necessary as part of the detailed design.
- iii. Drainage works necessary to facilitate the highway works.

The approved scheme shall include Road Safety Audit and subsequently be implemented prior to first occupation of the development hereby approved.

Reason: To ensure adequate access for emergency services, accessibility to the wider area and encourage non-car modes of transport.

- 7. Except for site clearance and remediation no development commence until a scheme for the design and construction of the site access point to Catalina Way has been submitted to and approved in writing by the Local Planning Authority. The access shall be designed in accordance with the principles set out in the approved drawings.

For the avoidance of doubt, the site access shall include pedestrian/cycle linkage and details of the interface between the respective highway boundaries.

The approved schemes shall subsequently be constructed and completed prior to first occupation of the development hereby approved. The access shall be kept available for use at all times.

Reason: In order that the Council is satisfied that the highway works are carried out to the appropriate standard and to enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users in the interests of road safety.

8. The development shall not be implemented until the surface water drainage of the site has been designed to prevent the discharge of water on to the public highway within Warrington. The drainage design shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent unnecessary surface water from being deposited on to the highway thus causing a potential source of danger to other road users.

9. Prior to the commencement of any works on site, the developer shall provide in writing a Construction, Highways & Environmental Management Plan (CHEMP) to the LPA for written approval. The CHEMP shall review all demolition and construction operations proposed on site including logistics. It shall cover as a minimum the following areas of work on a phase by phase basis, identifying appropriate mitigation measures as necessary:

A. Highway and Traffic

- Construction traffic routes, including provision for access to the site
- Entrance/exit from the site for visitors/contractors/deliveries.
- Temporary roads/areas of hard standing.
- Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements. *For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway.*
- Details of street sweeping/street cleansing/wheel wash facilities.

B Site layout and Storage

- Proposed locations of Site Compound Areas.
- Siting of temporary containers.
- Location of directional signage within the site.
- Parking for contractors, site operatives and visitors.
- Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction.
- Storage of materials and large/heavy vehicles/machinery on site.

C Environmental Controls

- Proposed Construction Hours, Proposed delivery hours to site, Phasing of works including start/finish dates.
- Details of activity on site outside the stated construction hours, e.g. workers / security on site, movement, setting up or dismantling of equipment, lighting, installation of services, etc.

- Environmental mitigation measures, including noise & vibration, dust and air quality measures mitigation measures including consideration of using low emission non-road mobile machinery. Details for the recycling/storage/disposal of waste resulting from the site. Consideration for joining a Considerate Contractors Scheme.

Once approved in writing, all identified measures within the CHEMP 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. The CHEMP and agreed requirements therein shall remain in force for the duration of all construction activities on site.

Any changes to the identified CHEMP 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.

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers.

10. Prior to occupation of the development hereby permitted bus stop/shelter infrastructure shall be provided within the development site in accordance with precise scheme details relative to the phasing of development that have first been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To establish measures to encourage more sustainable non-car modes of transport and ensure that the development is sustainable.

11. The development shall not be occupied until the owners and occupiers of the site have appointed a Travel Plan Co-ordinator. The Travel Plan Co-ordinator shall be responsible for the implementation, delivery, monitoring and promotion of the Travel Plan, including the day-to-day management of the steps identified to secure the sustainable transport initiatives. The details (name, address, telephone number and email address) of the Travel Plan Co-ordinator shall be notified to the Local Planning Authority upon appointment and immediately upon any change.

Reason: To ensure that an approved Travel Plan is implemented, in order to establish sustainable, non-car modes of transport.

12. Within 3 months of each unit of development being brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to:

- a) Involvement of employees
- b) Information on existing transport policies, services and facilities, travel behaviour and attitudes
- c) Access for all modes of transport
- d) Targets for mode share
- e) Resource allocation including Travel Plan Co-ordinator and budget
- f) A parking management strategy
- g) A marketing and communications strategy
- h) Appropriate measures and actions to reduce car dependence and encourage sustainable travel
- i) An action plan including a timetable for the implementation of each such element of the above
- j) Mechanisms for monitoring, reviewing and implementing the travel plan

Each approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use.

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 3 years. The annual report shall include a review of the Travel Plan measures, monitoring data and an updated action plan.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable.

13. A scheme for the provision of electric vehicle charging points, or passive provision, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be provided prior to first occupation of each unit and retained as such thereafter.

Reason: To ensure that appropriate provision for current and future electric and electric/hybrid vehicles and encourage more sustainable means of transport.

Environmental Health Conditions

External Lighting Assessment Condition

14. Prior to the erection of any external lighting on site for any individual plot, the developer shall submit a comprehensive assessment of lighting details for the entire plot. The scheme shall show levels of illumination around the plot (isolux drawings) but shall also show any overspill lighting beyond the physical site boundary which reaches nearby sensitive sites. Mitigation measures or installation requirements shall be clearly identified within the scheme as shall control measures such as time clocks/light sensors or other control methods. Once approved, the agreed scheme shall be implemented in full prior to the commencement of use of that lighting and shall be retained as approved thereafter.

Reason: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); and Paragraph 180(c) of the National Planning Policy Framework (February 2019); and Section 5 of the Environmental Protection Supplementary Planning Document (May 2013)

Noise Condition: Insulation of Buildings (Activities, Plant and/or Equipment) Scheme

15. All reserved matters plots shall be acoustically insulated to a scheme submitted to and approved in writing by the LPA before the use on that plot commences. The scheme shall include all proposed activities and any associated plant and/or equipment associated with that plot. The scheme shall ensure, through an appropriate noise assessment, that the cumulative rated specific sound level from all proposed activities, plant and/or equipment does not exceed the existing background sound level at the boundary of the nearest noise sensitive property – in accordance with BS4142:2014 methodology where appropriate. Any mitigation or other control methodologies identified by the approved scheme shall be implemented in full prior to the commencement of the use of that plot and shall be maintained and retained, in full, for the duration of the use.

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

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 (February 2019); and Section 6 of the Environmental Protection Supplementary Planning Document (May 2013)

Construction Phase - Noise Condition: Pile Foundations

16. All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to the following hours:

- Monday – Friday: 09:00 – 17:30 hrs
- Saturday: 09:00 – 13:00 hrs
- Sunday and Public Holidays: Nil

In addition to the above, prior to the commencement of development the developer shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement: The method statement shall include the following details:

- Details of the method of piling
- Days / hours of work

- Duration of the pile driving operations (expected starting date and completion date)
- Prior notification to the occupiers of potentially affected properties
- Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Reason: To minimise any increases in background sound levels and vibration levels and to protect the amenity of any residents or other nearby noise sensitive uses.

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 (February 2019); and Section 6 of the Environmental Protection Supplementary Planning Document (May 2013)

Construction Phase - Noise Condition: Floor Floating (Polishing Large Surface Wet Concrete Floors)

17. All floor floating operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. In addition, prior to the commencement of any floor floating activities, the developer shall submit, in writing, a method statement, to be approved by the Local Planning Authority prior to the commencement of floor floating activities. The floor floating work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

1. Details of the method of floor floating
2. Days / hours of work
3. Duration of the floor floating operations (expected starting date and completion date)
4. Prior notification to the occupiers of potentially affected properties
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Reason: To prevent an increase in background noise levels and protect the amenity of any residents or other nearby noise sensitive uses.

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 (February 2019); and Section 6 of the Environmental Protection Supplementary Planning Document (May 2013)

B2 Uses – Odour Abatement

18. Prior to the occupation of any individual plot which is proposed to be occupied for uses falling within Use Class B2, a suitable scheme for the extraction and ventilation of any process odours and fumes (including acoustical silencing if deemed necessary) shall be submitted to and approved by the LPA. Before any use

commences the scheme shall be installed and commissioned to the satisfaction of the LPA, and agreed in writing by the LPA.

Reason: To protect nearby residents from undue noise and disturbance (including fumes, odours and vibration) that would cause demonstrable harm to residential and commercial amenity and to preserve the quality of the local environment in accordance with policies CS1 and QE6 of the adopted Local Plan Core Strategy for Warrington; and with the Environmental Protection Supplementary Planning Document (May 2013).

B2 Uses – Vibration

19. Prior to the commencement of any B2 use hereby permitted on any individual plot, the operator shall submit a scheme to the LPA detailing any sources of vibration which may be detectable at other nearby premises. The scheme shall detail any mitigation measures proposed to minimise such vibration to levels that will not cause alarm or distress at neighbouring premises in accordance with British Standards. Once approved in writing by the LPA, all agreed mitigation measures shall be implemented prior to the commencement of use.

Reason: to protect the amenity of neighbouring businesses and residential properties from the impacts of vibration in accordance with policies CS1 and QE6 of the adopted Local Plan Core Strategy for Warrington; and with the Environmental Protection Supplementary Planning Document (May 2013).

Prior Submission Condition: Construction Environmental Management Plan

20. Prior to the commencement of any works on any individual plot 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 that individual plot 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.

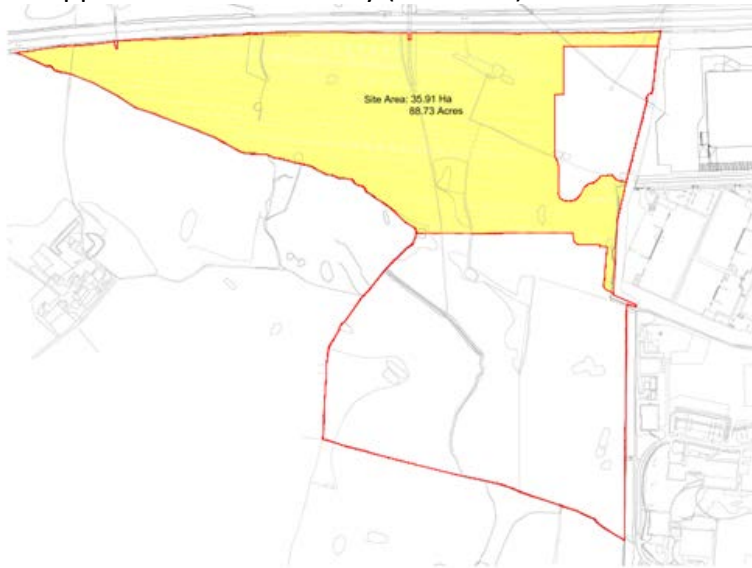
Any changes to the identified CEMP mitigation measures from either the regular review process or following receipt of a complaint shall be forwarded to the Local Planning Authority within 24hrs of a change being agreed or implemented.

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 (February 2019); and Sections 3 and 6 of the Environmental Protection Supplementary Planning Document (May 2013).

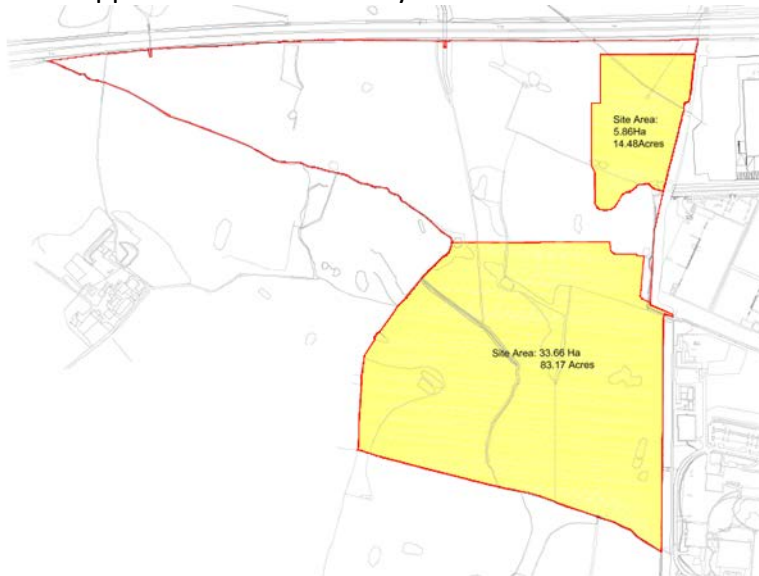
12. PLAN EXTRACTS

Full application site boundary (TJ Morris)



Detailed Application Boundary
For design & access statement refer to separate document prepared by AJA Architects.

Outline application site boundary

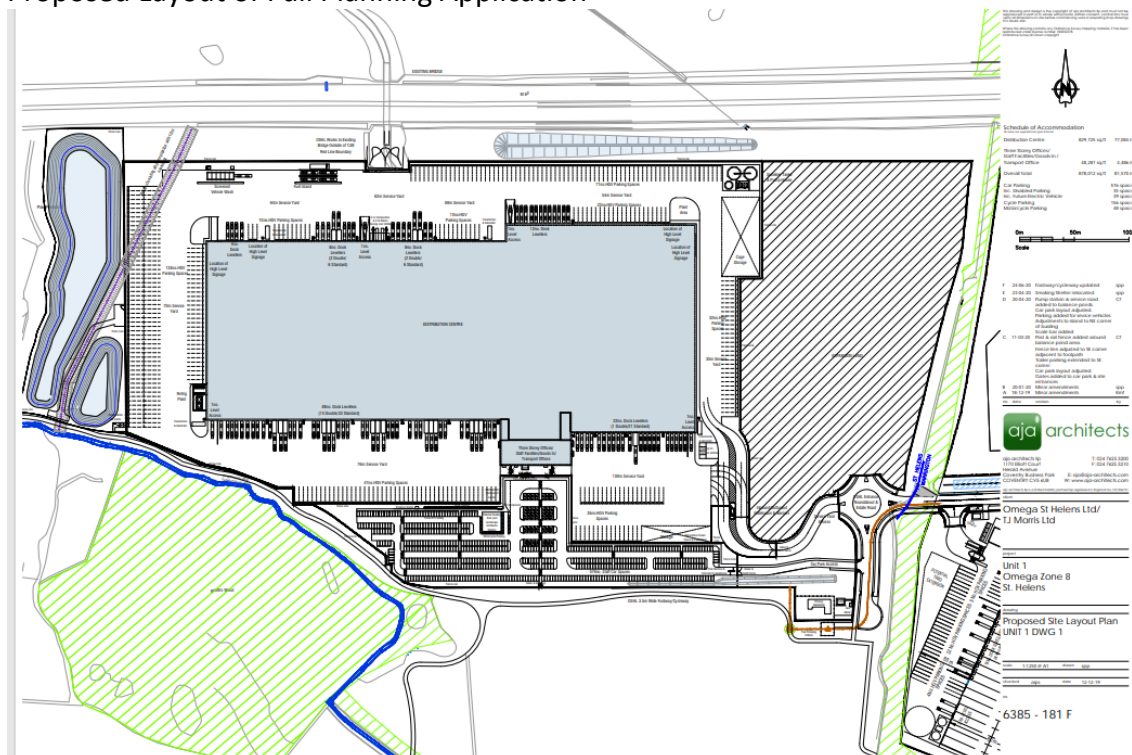


Outline Application Boundary

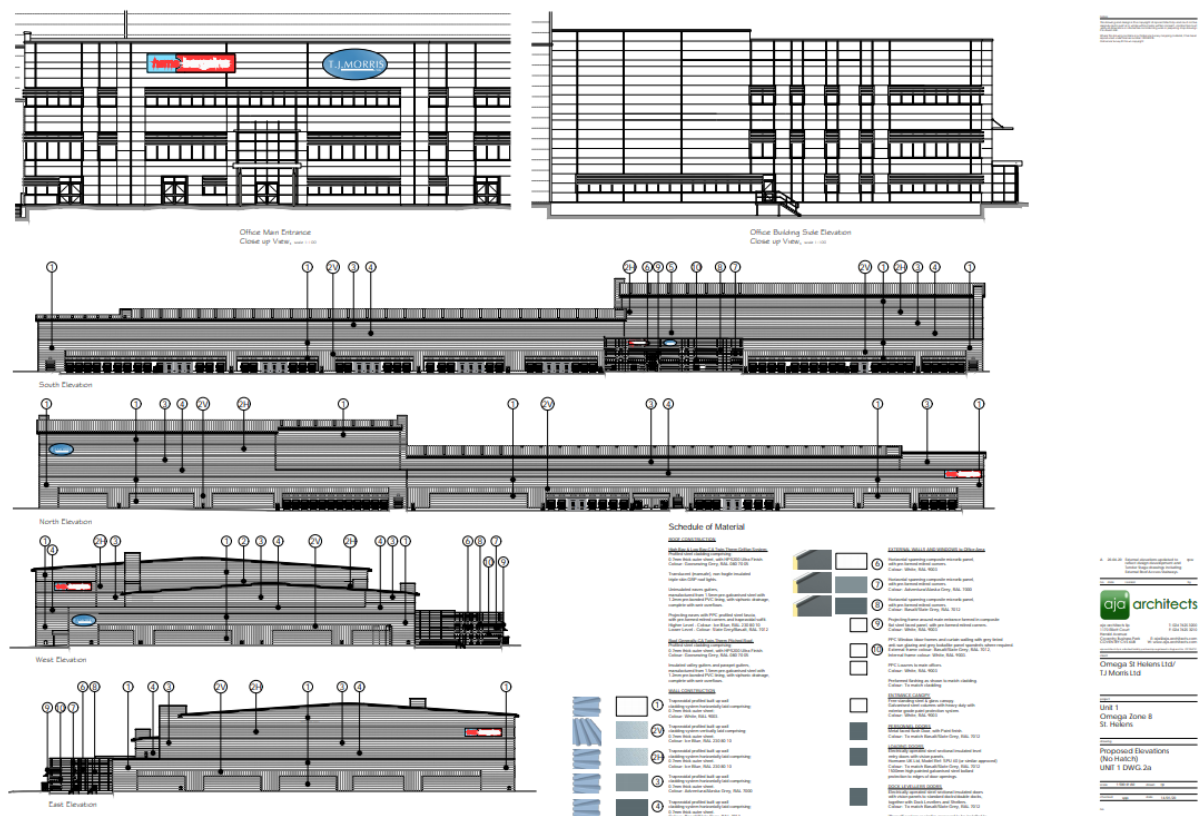
Indicative masterplan omega west (zone 8);



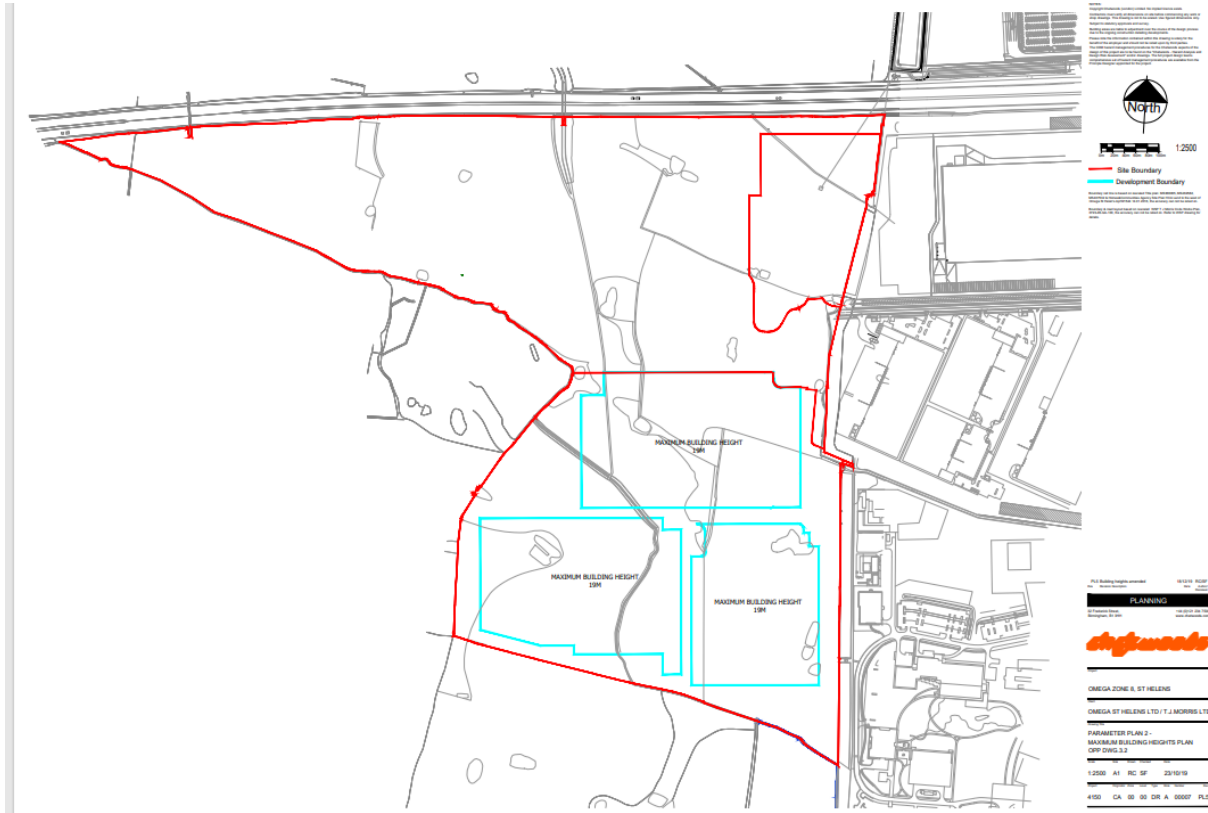
Proposed Layout of Full Planning Application



Full Planning Application – Elevations



Outline Planning Application Parameters Plan – Maximum Building Heights

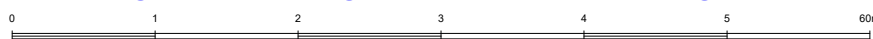




WARRINGTON
Borough Council



Warrington Borough Council Planning Department



DMC 5th August 2020
2020/36313

DEVELOPMENT MANAGEMENT COMMITTEE DATE 5th AUGUST 2020**ITEM 6**

Application Number:	2020/36313
Description of Development:	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
Location Address:	149, WARRINGTON ROAD, PENKETH, WARRINGTON WA5 2EN
Applicant:	The Old Ropery Consortium C/O Mason Partners
Ward:	Penketh & Cuerdley
Site Allocation:	None
Number of representations received:	10
Reason for Referral:	Parish and Councillor Call In
Statutory expiry date:	12th August 2020
Recommendation:	Approve Subject to Conditions
Case Officer:	Natalie Blackhurst natalie.blackhurst@warrington.gov.uk

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of a hot food takeaway in this location is considered acceptable.
- The development is acceptable in relation to highway safety
- The development would retain the area character and would not result in significant harm to the street scene.
- The living conditions of adjacent occupiers are not unduly harmed.

OFFICER'S REPORT TO PLANNING COMMITTEE

1. APPLICATION SITE AND SURROUNDINGS

- 1.1 The premises form part of a small neighbourhood retail parade located on Warrington Road, Penketh.
- 1.2 The site to which the application relates has a floor area of approximately 187m², and is currently vacant.
- 1.3 The building itself is a two storey, end terraced property, set within a parade of three commercial properties including a beauty salon and a hairdressers. The last known use of the application premises was as shop falling within the A1 use class. The upper floor is currently vacant.
- 1.4 There is an existing attached garage to the side of the property which is set back from the main front elevation of the building. To the side of this garage is a residential property at number 147 Warrington Road which has a close board timber fence and mature planting along the common boundary with the application site.
- 1.5 To the front of the site is an area of hardstanding and also a dropped kerb to allow access to the garage. At the opposite end of the parade there is another dropped kerb but this is intended to provide access to the hair salon at the other end of the row. Concrete bollards are located directly to the front of the premises prohibiting through access along the whole frontage of the site.
- 1.6 Parking is restricted to the front of the parade of shops between 8am-6pm Monday to Saturday for two hours only with no return within 2 hours.
- 1.7 At this point along Warrington Road the predominant land use is residential with some sporadic commercial uses, notably the parade of shops which accommodate the application site, a function room facility a short distance to the east on the same side as the application property, the telephone exchange building directly facing the site, and a small convenience store, a hot food takeaway and two public houses approximately 120m-150m to the west.

2. DESCRIPTION OF PROPOSAL

- 2.1 The proposal involves the change of use of the existing building at ground floor from a shop falling within the A1 Use Class to a Hot Food Takeaway (A5 Use Class). The ground floor of the premises has previously been used as an off licence and a bridal shop, however these both would fall within the A1 use class. The first floor is currently vacant and has previously been used in connection with the ground floor operation. This application will retain the first floor use in connection with the ground floor A5 use.
- 2.2 Alterations are proposed to the rear elevation of the building to accommodate fume extraction equipment comprising a 3.4 metre high external flue when measured from the roof level of the ground floor. The flue would terminate 1.2 metres above the existing ridge

line of the building and is set towards the outer edge of the building away from the attached property at number 151 Warrington Road.

- 2.3 The proposed hours of use of the hot food takeaway are: Monday to Saturday: 10am to 11pm, and Sundays & Bank Holidays 10am to 10.30pm and would employ the equivalent of 3 full time staff.
- 2.4 There is no dedicated car parking included within the proposals.

3. AMENDED PLANS

- 3.1 Amended plans were negotiated and submitted by the applicant and have resulted changes to the original submission, which can be summarised as:

- Inclusion of a bin store to the rear
- Rearrangement of the flue to run across flat roof

- 3.2 Consideration has been given to the necessity to re-consult on the amended plans received. In this instance it is considered that the proposed amendments do not constitute substantial differences or fundamental change to the originally submitted proposal. The LPA has acted fairly and reasonably taking in to account the duty to fully consider representations from interested parties and considers that nobody has been deprived of the opportunity to make any representations that they may have wanted to make on the application as amended due to the nature of the change/s. Notwithstanding this, all representations received are outlined below and are appraised against planning policy (where they are material in determining the application) within the assessment.

4. LOCAL REPRESENTATIONS

4.1 Ward Councillors

Councillors Dirir, Keane and Fellows were consulted on the application on the 23rd January 2020. Three letters were received in response (Cllr's Dirir and Keane, and an Independent Parish Councillor - Mr Craig Leniham) requesting that the application be heard by Members of the Development Management Committee for the following reasons:

Principle:

- Penketh has far too many takeaways already

Highway safety:

- There is insufficient parking on the small frontage to the shop.
- A takeaway will generate a higher volume of customers in vehicles than the present category of use. This would lead to dangerous parking on the A562. This change of use, therefore should be refused on the grounds of Highway Safety.

Residential Amenity:

- Impact upon the amenity of nearby residential occupiers

Crime and anti-social behaviour:

- Potential for increased anti-social behaviour

4.2 Parish Council

- 4.21 Penketh Parish Council were notified of the application on the 23rd January 2020. An objection was received. The following issues were raised:

Parking

- Parking is a major concern, local Police can confirm this, parking in the lay by is two hours and it is very limited and any spaces are allocated to the existing businesses, any other parking would obstruct one lane of the dual carriageway.
- Obstructions and poor parking already occurs along this area including causing issues to resident's entering and leaving their driveways.

Odours Smells and Noise

- Odours and smells are a concern as this is a residential area, this area already has litter problems from other units and the provision of a hot food takeaway would make the matter worse.
- Noise would be a concern from refrigeration units, deliveries, customers late at night and possible anti-social behaviour, it is believed health and safety would be at risk.

Other Factors

- On a further note current obesity rates are climbing and concerns were made to proximity of another hot food take out to local schools.

- 4.23 Overall and in summary, the Parish Council feels this will have adverse impact on the residents who live locally.

4.3 General Public

- 4.31 The applications was publicised by 32 neighbour notification letters. As a result 10 objections have been received. The objections are summarised as follows:

Amenity

- The ventilation/extraction equipment is too close to residential garden and will cause smells and noise
- Accumulation of smells and odours arising from other nearby hot food uses and this will exacerbate this

- Increase in vermin
- Increase in litter

Highways

- There is already a parking problem along this part of Warrington Road and this will be exacerbated
- Illegal parking
- Highways obstruction to one lane of the dual carriageway
- The previous use had relatively low footfall, the proposed use will have more short term visitors
- There is no dedicated car parking for the commercial uses in the row, only the 2 hour maximum stay layby to the front.

Other issues

- The works have already started
- The garden of the property is unkempt
- Decrease in value of nearby properties

5 CONSULTTEES

- 5.1 WBC - Environment and Transport - No objection - The impact is similar to the existing use, however the parking profile will probably be different. There are no objections on highway related grounds, and no conditions or informatives have been requested from the Highways Department.
- 5.2 WBC - Environment and Public Protection - No objection subject to conditions - this is a speculative development for a Hot Food Takeaway with no final user identified at this time. The proposal details external appearance of the flue and following modification is deemed to be acceptable. No details of the level of odour abatement required has been provided however an equipment specification can be provided prior to the commencement of use.
- 5.21 Noise - No objection subject to condition - a BS4142 type of assessment will be required to accompany the odour abatement system to ensure that neighbouring and nearby residential amenity is not adversely impacted by plant noise. It has been confirmed that the first floor use will be tied to the ground floor use, on that basis, no concerns are raised in terms of noise or odour impacting upon a separate use.
- 5.22 Hours of Operation - The stated hours are considered acceptable in relation to noise and disturbance which may come from the proposed use, however a condition limiting trading hours should be included to ensure trading hours are restricted to those applied for. These hours would not be dissimilar to those which would be expected from previous uses.
- 5.23 Overall no objections to the scheme subject to conditions and informatives in relation to cooking equipment, noise and hours of operation.

- 5.24 Waste Management - Due to the narrow access down the side of the unit that 3x domestic sized waste bins will be located in a central location to the rear of the property away from residential properties as shown on the amended plans, which would be secured by means of condition, not only to require that the bin store is constructed but also that it is utilised for the storage of bins only.

6 RELEVANT SITE HISTORY

Planning Ref:	A02/45929
Description of Development	Retrospective Application For The Installation Of Two Single Sided Free Standing Advertisement Display Units
Decision	Refused
Date of Decision	21 st October 2002
Planning Ref:	99/39538
Description of Development	One internally Illuminated Fascia Sign
Decision	Approved with Conditions
Date of Decision	17 th June 1999
Planning Ref:	98/38913
Description of Development	Retrospective application for the display of internally illuminated shop sign
Decision	Refused
Date of Decision	18 th August 1998
Planning Ref:	98/388863
Description of Development	Proposed Display of an internally illuminated shop fascia sign
Decision	Refused
Date of Decision	8 th January 1999
Planning Ref:	90/25813
Description of Development	Display of Illuminated Shop Sign
Decision	Approved
Date of Decision	8 th August 1990
Planning Ref:	89/24044
Description of Development	Extension to Existing Off Licence
Decision	Approved with Conditions
Date of Decision	4 th October 1989
Planning Ref:	89/23044
Description of Development	Erection of Internally Illuminated Fascia Sign
Decision	Approved
Date of Decision	10 th February 1989
Planning Ref:	88/22914
Description of Development	Extension to Off- licence for additional storage & First floor domestic side extension
Decision	Refused

Date of Decision	15 th February 1989
Planning Ref:	87/20942
Description of Development	Erection of Roller shutters to shop front
Decision	Approved subject to Conditions
Date of Decision	17 th February 1988
Planning Ref:	81/11942
Description of Development	Erection of garage and Bottle Store
Decision	Approved with Conditions
Date of Decision	24 th June 1981
Planning Ref:	77/4895
Description of Development	Display of Internally Illuminated Shop Sign
Decision	Approved
Date of Decision	21 st September 1977
Planning Ref:	76/3901
Description of Development	Erection of a single storey extension to provide bottle store
Decision	Approved with Conditions
Date of Decision	26 th January 1977

7 PLANNING POLICY

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken. Whilst third party representations are regarded as material planning considerations (assuming that they raise town planning matters) the primary consideration, irrespective of the source or number of third party representations received, remains the extent to which planning proposals comply with the Development Plan. The National Planning Policy Framework (NPPF) supports this legislative position and its contents are a material consideration in determining the application.

7.2 National Planning Policy Framework 2019 (NPPF)

The National Planning Policy Framework (2019) (NPPF) confirms that decisions should apply a presumption in favour of sustainable development. Paragraph 7 of the document states that the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. This is balanced by Paragraph 9 which states that plans and decisions need to take local circumstances into account, so that they reflect the character, needs and opportunities of each area.

7.3 Where there are other specific, relevant, material issues raised in the NPPF these will be discussed within the Assessment below.

7.4 As stated above, the NPPF re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan, in the case of Warrington, refers to the Local Plan Core Strategy (2014).

7.5 Relevant Policies in the Local Plan Core Strategy (2014)

- CS1 – Delivering Sustainable Development
- QE6 – Environment and Amenity Protection
- QE7 – Ensuring a High Quality place
- MP1 – General Transport Principles

7.6 Supplementary Planning Documents

- Hot Food Takeaways SPD
- Environmental Protection SPD
- Design and Construction SPD
- Standards for Parking in New Development SPD

8 EQUALITIES ACT (2010)

8.1 In determining this application, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010. It is considered that the application has no differential impacts.

9 ASSESSMENT

9.1 The key issues which arise as a result of this proposal relate to the following:

- Principle of Development
- Impact upon the Character of the Area
- Impact Upon Residential Amenity
- Highway Matters

9.2 Principle of Development

9.3 Policy CS1 of the Adopted Core Strategy states that throughout the borough, development proposals that are sustainable will be welcomed and approved without delay. In order to be sustainable, developments must accord with national and local policy taking into account all other material planning considerations, and must have regard to, amongst other things:

- The need to develop sites, services and facilities in appropriate locations accessible by public transport, walking and cycling
- The need to make the best use of existing transport, utility, social and environmental infrastructure within existing settlements, and ensure additional provision where need to support development
- The need to safeguard environmental standards, public safety, and residential amenity

- 9.4 The development site is located on a major road linking Warrington with Liverpool, in a highly sustainable location and major transport routes. The site is within walking and cycling distance of a number of other local facilities and also residential properties. The site is not identified specifically as part of a Local or District Centre. The Hot Food Takeaway does not refer to local parades in relation to the level of concentration of such uses.
- 9.5 The location for development of this type of development is considered to be acceptable in principle, subject to all other material planning considerations, including the impact of the development upon residential amenity, which are discussed below.
- 9.6 The Adopted Hot Food Takeaway SPD requires that when considering the location of hot food takeaway the concentration of similar uses should be taken into account. However this policy relates more to the concentration of Hot Food Takeaways within town and designated local centres. However objections have been raised in relation to an over-concentration of such uses in Penketh.
- 9.7 It is identified that the application premises is currently vacant and bringing this back into uses would be of a benefit to the local area and the economy. It is not considered that there is an over-concentration in this area, with the closest similar use being approximately 150m from the site. The Hot Food Takeaways in this area are sporadic in their distribution, and there does not appear to be a cluster of similar uses in any one location. The objections received in relation to issues of obesity, health and proximity to a school are acknowledged, however as previously discussed, the proposed use would not lead to an overconcentration of similar uses and is relatively small scale, and is unlikely to have a detrimental impact.
- 9.8 Impact upon the Character of the Visual Amenity of the Area
- 9.9 Policy QE7 of the Adopted Core Strategy requires that the Council will look positively upon proposals that are designed to; be sustainable, durable, adaptable and energy efficient; create inclusive, accessible and safe environments; function well in relation to existing patterns of movement and activity; reinforce local distinctiveness and enhance the character, appearance and function of the street scene, local area and wider townscape; harmonise with the scale, proportions and materials of adjacent and/or existing buildings; maintain and respect the landscape character and, where appropriate, distinctiveness of the surrounding countryside; use the density and mix of development to optimise the potential of the site without damaging the character of the area; and be visually attractive as a result of good architecture and the inclusion of appropriate public space.
- 9.10 The proposed development would entail the change of use of the premises with only slight alterations to the rear elevation to include the installation of the extraction flue. The flue would be relatively discreet with a projection above the hipped side ridge of the roof plane. As a result of this the flue would be somewhat visible in the street scene, however due to its location to the rear with the majority being screened by the main building and it being at high level, it is not considered that it would be overly intrusive or have any detrimental impact upon the character of the area or the visual amenity of the street scene.

- 9.11 The flue would be visible from Arlington Drive to the rear, however there is mature planting along the rear common boundary which provides some screening. It is considered necessary to impose a condition to require that the colour of the flue is agreed prior to its installation.
- 9.12 In addition to the flue it is proposed that a bins store is located within the rear garden area of the property. The proposed bins store would be located centrally in relation to the rear elevation of the property and would be capable of accommodating three domestic bins. The provision of a commercial sized bin would not be possible due to the narrow passageway to the front of the site. Should a commercial bin be required this would be required to be kept at the front of the premises, and it was considered that the provision of three small bins would be more acceptable and have less of an impact upon the overall visual amenity of the streetscene. Warrington Borough Council Environmental Protection Team have advised that three domestic sized bins would be sufficient to service the proposed use.
- 9.13 Overall it is considered that the proposed development would not have a detrimental impact upon the character of the area or detract from the overall visual amenity of the area and therefore would be in accordance with Policy QE7 of the Adopted Core Strategy.
- 9.14 **Impact upon Residential Amenity**
- 9.15 Policy QE6 requires that the Council, in consultation with other Agencies, will only support development which would not lead to an adverse impact on the environment or amenity of future occupiers or those currently occupying adjoining or nearby properties, or does not have an unacceptable impact on the surrounding area.
- 9.16 Further to this the Hot Food Takeaway SPD goes on to address the proximity of Hot Food Takeaways on Environmental and Residential Amenity. The assessment of the appropriateness of Hot Food Take Away Locations should have regard to the existing use; the proximity of residential properties to the premises; the potential odour impacts and any mitigation measures; potential noise impacts from plant and equipment; the proposed opening hours and any potential off site noise disturbance associated with the operation of a takeaway premises and the siting of refuse storage and proximity to residential premises.
- 9.17 Existing Use
- 9.18 At present the property is vacant however its last use was as an A1 retail unit. Historically the premises have been used as an off-licence. It is considered that the proposals would bring back into use a vacant property which at present provides no benefit to the local community or the economy.
- 9.19 It is reasonable to expect that the A1 use of the premises could have similar opening hours to those currently proposed, especially bearing in mind the previous use as an off licence. It is acknowledged that most recently the premises were used for a bridal shop, but the principle of siting a use with the potential of longer opening hours at this location has historically been accepted. It is considered that the proposed opening hours of the Hot

Food takeaway would not be dissimilar to that of an off licence and are considered to be relatively sympathetic to the surrounding land uses.

9.20 Proximity of Residential Properties to the Premises & Noise Disturbance

9.21 There are residential properties to the side and rear of the site, however this is a relatively small scale commercial proposal set within a small parade of other commercial uses. There are no other hot food takeaways in this row and indeed none within the immediate area. It is not considered that this proposal alone would lead to any detrimental increase in noise and disturbance to nearby residential occupiers. The site stands on a busy thoroughfare and any noise generated from the use would not be highly noticeable over and above the background noise level of normal activity in the area.

9.23 The proposals include an extraction flue to the rear of the property which could have the potential to cause some noise disturbance, however the specification of the proposed equipment can be managed so as not to cause any significant noise disturbance to nearby residential occupiers. A condition has been attached to require the details and specifications of the flue to be submitted prior to the first use of the premises as a hot food takeaway.

9.24 Potential Odour Impacts & Mitigation measures

9.25 The proposed flue would also aid the removal of smells and odours from the building and disperse them at high level so as not to cause any loss of amenity to surrounding neighbours. The smells and odours created from within the building can be mitigated against through odour abatement systems. The applicant has confirmed that the upper floor would be tied to the ground floor use and would not be used as a separate unit of accommodation. A condition is however attached to ensure that sufficient odour abatement systems are put in place to reduce the potential for smells and odours traversing into the adjoining property.

9.26 Potential Off Site Noise Disturbance

9.27 The site lies on a busy thoroughfare and therefore it is reasonable to expect that some level of background noise will already be present in this location. Neighbours have raised the issue of an increase in noise, disturbance and anti-social behaviour from outside of the premises. However given the built up nature of the area it would not be reasonable to expect that all noise would be solely from the proposed use. Any issues of noise disturbance or anti-social behaviour are issues of public order and covered by separate legislation.

9.28 Siting of Refuse Storage

9.29 The applicant has proposed a bin store, accommodating three domestic sized wheelie bins to the rear of the premises to serve the proposed use. The refuse store is sited out of view of any residential properties close to the rear of the building thus having no impact upon the streetscene. Neighbours have raised the issue of litter, and the lack of bins, however it is noted that there is an existing public bin directly outside of the premises. The scale of the

development is not such that it would be likely to generate large amounts of rubbish outside of the premises and bins are to be provided within the building itself. The facilities for the disposal of rubbish are considered to be adequate so as not to cause any significant issues of littering in the immediate area.

- 9.30 Overall it is considered that residential amenity would not be unduly harmed as a result of the development taking place for the reasons outlined above and subject to the imposition of appropriate conditions. The development therefore would be in accordance with Policy QE6 of the Adopted Warrington Borough Council Core Strategy and The Hot Food Takeaways SPD.
- 9.31 Highways Matters
- 9.32 The Hot Food Takeaways SPD states that the impact of such a use on the safety of pedestrians and road users will be taken into account having regard to the existing use of the site, the existing traffic conditions, the availability of public parking provision in close proximity to the premises, including on street car parking, the availability of an adequate loading and unloading area.
- 9.33 Warrington Borough Council Environment and Transportation Highways Officers have assessed the proposal and have commented that the proposed development is no more onerous than the existing in highway terms.
- 9.34 There is customer parking available for the existing units to the front of the site in a layby and for employees to the front and side of the building. Beyond the lay-by there is little available space for customer parking without causing obstruction. Customer parking is shared with the adjacent business and is effectively only two spaces.
- 9.35 Whilst it is acknowledged that there is only a small amount of car parking, any vehicle which is parked illegally is subject to other legislation. Any planning permission would not give visitors the right to park illegally or cause obstruction. This is a legal matter and cannot be controlled through the planning process.
- 9.36 Neighbours have raised the issue of how the conclusions of the Highways officers have been reached. This can be summarised as follows:
- 9.37 The decision is based on considering the impacts over and above the existing situation. There is no scope for removing or ignoring the existing land use status.
- 9.38 Information for traffic generation and parking demand is based on generic data from TRICS which is a data base (which is universally accepted within the industry) and our parking standards which are supported by research and existing data such as the Census.
- 9.39 The relevant parking standards are :

A1: 1 space per 16 sqm gross floor area
A5: 1 space per 7sqm of public area

- 9.40 The proposed use would only devote a small proportion of the floor space to customer/shop front. Only 2/3 parking spaces are needed to meet standards. This is less than the existing use (and minor shortfalls cannot be considered as grounds for objection or refusal anyway even if they occur). In light of this, the net impact is negligible or arguably positive. It is also noted that the other uses within the parade may not require the use of the layby at the same time of the day as this proposed use. 9.40 In any event the proposals are for a relatively small scale operation, and only intended for meeting a local need. As previously mentioned the site is in a highly accessible location, and can be reached using a range of sustainable transport means.
- 9.41 Driver behaviour such as unlawful or inconsiderate parking is not a planning issue, but an enforcement issue and cannot be used as grounds for refusal. Based on national guidance therefore there are no grounds for refusal in terms of highway safety. There are no demonstrable changes to public safety or severe impacts as a result of the development taking place and for these reasons it is considered that the proposed development would be acceptable in relation to highway safety.

10 CONCLUSIONS AND RECOMMENDATIONS

It is considered that on the basis of the submitted plans and information the proposal is acceptable as it will not have any significant or detrimental impact upon visual or residential amenity nor would it have any detrimental impact upon highway safety subject to the use of appropriate conditions. As such the proposal complies with Local Plan Core Strategy Policies and planning policies set out in the NPPF.

11 CONDITIONS SCHEDULE

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 21st June 2019
- (b) Submitted (Amended) drawing No's:
 - MP 01105725_002 (Amended Proposed Floor Plans and Elevations) received 17th June 2020
 - MP01105725_003 REVA (Location & Block Plan)

received on 30th December 2019 & Amended Plans received 17th June 2020

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. Prior to the commencement of use, details of the cooking equipment and associated air extraction and filtration system shall be submitted to the Local Planning Authority. The details shall form part of a scheme to control odour from the proposed development and to reduce the impact at nearby residential properties. The scheme shall identify an appropriate level of odour abatement for implementation which is commensurate to the level of odour likely to arise from the proposed use. Once the scheme is approved in writing by the Local Planning Authority, it shall be implemented as approved prior to the commencement of trading, the installed equipment shall thereafter be operated and maintained in accordance with the manufacturer's instructions and shall be used at all times when any cooking activities are occurring. To enable the Local Authority Planning Department to assess the suitability of a ventilation scheme, information should be provided as set out in the Control of Odour and Noise from Commercial Kitchen Exhaust Systems, EMAQ+, 2018.

Reason: To safeguard the local environment from disturbance or loss of amenity caused by odour, fumes, food droplets to nearby properties in accordance with Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); and Section 3 and 6 of the Environmental Protection Supplementary Planning Document (May 2013)

4. Prior to commencement of use full details of the cooking equipment and associated air extraction and filtration system shall be submitted to the Local Planning Authority. The details shall form part of a scheme to control noise from the proposed development and to reduce the impact at nearby residential properties. The scheme shall identify an appropriate level of noise abatement. Any externally located plant or equipment shall not cause an increase in the ambient background sound level at the boundary of the nearest residential property. Any equipment not able to meet this requirement shall be acoustically treated prior to the commencement of the use hereby permitted. For the avoidance of doubt calculated rated sound levels from any externally mounted plant or equipment at the boundary of the nearest noise sensitive residential property should not exceed the existing background sound level in accordance with the results of a BS4142:2014 noise assessment.

Reason: To prevent an increase in background sound levels and protect the amenity of any residents 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 (February 2019); and Section 6 of the Environmental Protection Supplementary Planning Document (May 2013)

5. Prior to first use of the premises as a hot food takeaway the flue shall be installed in accordance with the approved drawings and the specifications agreed in conditions 3 and 4 of this permission unless otherwise agreed in writing by the Local Planning Authority.

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

nearby residential occupiers and to conform with Policy QE6 of the Adopted Warrington Borough Council Core Strategy.

6. The use hereby approved shall only open between the hours of Monday to Saturday: 10am to 11pm, and Sundays & Bank Holidays 10am to 10.30pm unless otherwise agreed in writing by the Local Planning Authority.

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 nearby residential occupiers and to conform with Policy QE6 of the Adopted Warrington Borough Council Core Strategy.

7. Prior to the first use of the building as a hot food takeaway the bin store as shown on plan number (DWG MP 01105725_002) shall be constructed and made available for use. The bin store shall remain for so long as the use hereby approved is in operation and shall only be utilised for the storage of refuse receptacles. At no time shall bins be stored in any other location, unless for the purposes of collection.

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 neighbours, and to conform with Policies QE6 and QE7 of the Warrington Borough Council Core Strategy.

8. Prior to the installation of the flue, full details of the materials and colour shall be submitted to and approved in writing by the Local Planning Authority. The flue shall be treated in the approved colour within two months of its installation and shall remain as such for the lifetime of the use unless otherwise agreed in writing by the Local Planning Authority.

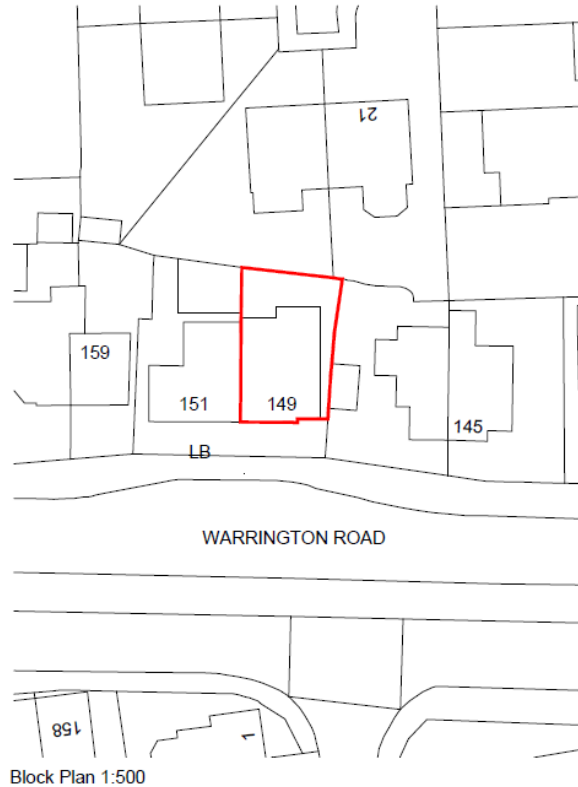
Reason: for the avoidance of doubt and to enable Warrington Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and neighbours, and to conform with Policies QE6 and QE7 of the Warrington Borough Council Core Strategy.

9. The first floor of the property shall only be used as ancillary to the ground floor use, and shall at no time be used as a separate dwelling unless express permission is given in writing by the Local Planning Authority.

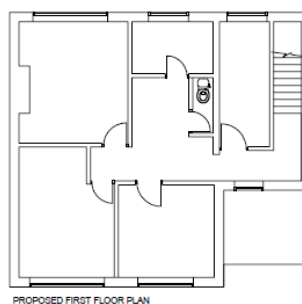
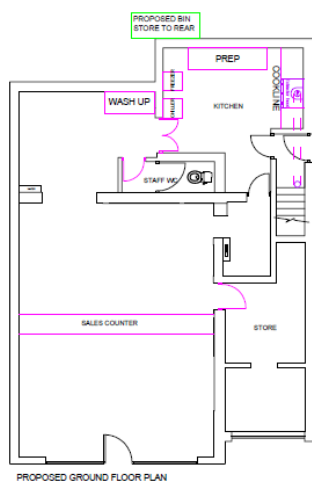
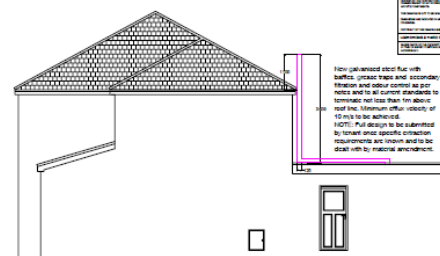
Reason: For the avoidance of doubt and to protect the amenities of future occupiers in accordance with Policy QE6 of the Adopted Warrington Borough Council Core Strategy.

12 PLANS

Location Plan & Block Plan:



Amended Proposed Floor Plans & Elevations:



NOTES

- To be used subject to the following conditions:
- To be used subject to the following conditions:
- To be used subject to the following conditions:

REVISIONS

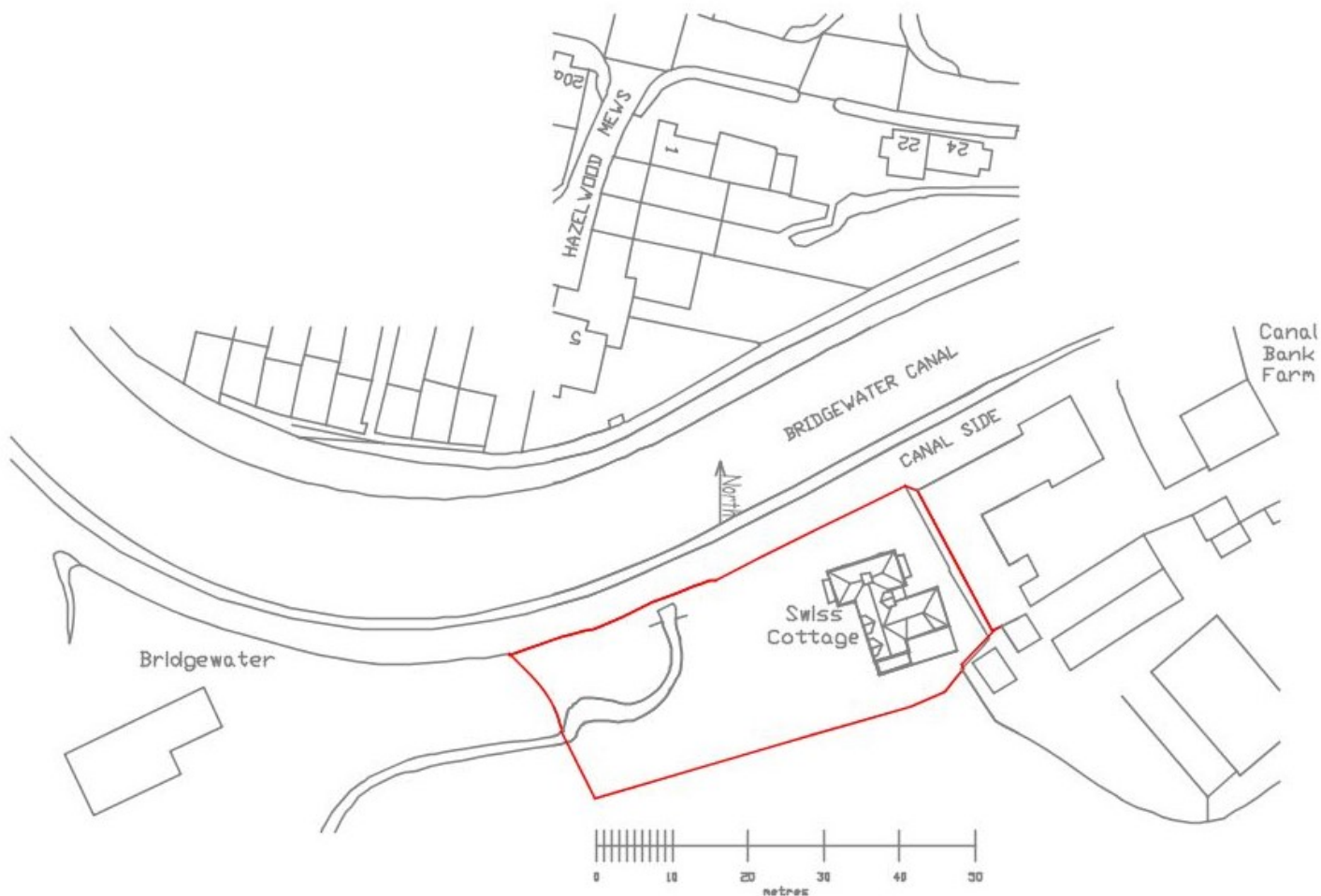
NO.	DESCRIPTION	DATE
1	Initial design	10/10/2023
2	Revised design	15/10/2023
3	Final design	20/10/2023

PLANNING

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ARTICLE 35 STATEMENT

Officers have worked with the applicant in a positive and proactive manner in order to seek solutions to the issues relevant to the proposed development, consistent with the requirement in the National Planning Policy Framework (NPPF), paragraph 38.

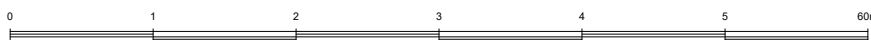


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WARRINGTON
 Borough Council



Warrington Borough Council Planning Department



DMC 5th August 2020
 2020/36836

DEVELOPMENT MANAGEMENT COMMITTEE DATE 5TH AUGUST 2020

ITEM 7

Application Number:	2020/36836
Description of Development:	Householder - demolition of a detached garage and the construction of a two storey side extension and part single and part double storey rear extension
Location Address:	Swiss Cottage, Canal Side, Grappenhall and Thelwall, Warrington, WA4 3EX
Applicant:	Mr & Mrs Dexter
Ward:	Grappenhall
Site Allocation:	Unallocated
Number of representations received:	1
Reason for Referral:	Councillor call in for the reasons set out in the report below
Statutory expiry date:	01/06/2020
Recommendation:	REFUSE
Case Officer:	Colette Redman Colette.redman@warrington.gov.uk

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- By virtue of its scale and massing, the proposal would be disproportionate to the original dwelling and therefore have an unacceptable impact on the openness of the Green Belt.
- The development would cause less than substantial harm to the Conservation Area, but would have no wider public benefits to outweigh the harm.
- The design of the proposal is acceptable and would not have a detrimental impact on the defined local character.
- The living conditions of adjacent occupiers would be protected from undue harm subject to conditions.

OFFICER'S REPORT TO PLANNING COMMITTEE

1. APPLICATION SITE AND SURROUNDINGS

- 1.1 The application site comprises a detached, mid-late 19th Century cottage located next to the Bridgewater Canal. There is an area of hard standing to the front of the property used for parking, as well as a detached garage which would be demolished as part of the proposal. The immediately surrounding area is rural in character, the site being located within the Green Belt and Grappenhall Village Conservation Area.
- 1.2 The original property would have been of modest proportions and has been extended on numerous occasions over time. There is an existing outrigger to the dwelling, the second storey of which is constructed within the roof space. There is also what appears to be a later single-storey rear extension, as well as the aforementioned detached garage which is located in the space of a former outbuilding.
- 1.3 The application site occupies a large plot, the closest neighbouring property being Canal Bank Farm to the eastern boundary. The western and southern boundaries of the plot are shared with Greenbank Cottage, although the houses themselves are located a significant distance apart. Much of the nearby land on this side of the Bridgewater Canal is agricultural, with a more built up residential area to the opposing side.

2. DESCRIPTION OF PROPOSAL

- 2.1 The applicant seeks permission for a part single- part two-storey extension to the side and rear of the property which would mostly replace an existing outrigger. Some of the existing outrigger, itself a previous addition to the original dwelling, would remain and this is the element which would be extended at ground floor rather than the main house. At ground floor the extension would be approximately 10.2m in width and have a rear projection of around 8.5m from the existing outrigger and around 10.3m from the rear elevation of the original house. At first floor the extension would have a rear projection of around 6.6m and a maximum width of 10.2m. An existing detached garage would also be demolished to make room for the proposals.
- 2.2 The development would be rendered and have slate roof tiles to match the materials of the main house. The side projecting element at first floor would have a hipped roof in line with that of the original dwelling, though the rear projection would have a gable end. There would be four dormers added to the roof at first floor, one to the eastern side elevation, two to the western side and one to the rear of the side projection. There would also be a balcony to the back of the rear projection. At ground floor, the single-storey elements would have a flat roof.

3. LOCAL REPRESENTATIONS

3.1 Ward Councillors:

Councillors Biggin and Bate were notified of the proposed development on 22nd May 2020. No objections were made against the application, with a letter of support received

from Councillor Biggin stating that the proposal would give the property a more cohesive design and appearance. Councillor Biggin's letter also requested that the application be decided at Development Management Committee were the application to be recommended for refusal.

3.2 Grappenhall and Thelwall Parish Council:

Grappenhall and Thelwall Parish Council were notified of the proposed development on 22nd May 2020. No objections were made against the scheme.

3.3 Residents:

The proposal was publicised by a site notice erected on 19th May 2020, with adjoining neighbours being notified of the scheme by letter on 27th May 2020. No comments or objections were received.

4. **CONSULTEES**

WBC Conservation Officer

An objection was raised against the scheme on the grounds that the proposed extension would have a detrimental impact on the character and appearance of the original dwelling, and by extension the character and appearance of the Conservation Area.

5. **RELEVANT SITE HISTORY**

Planning Ref:	2018/31916
Description of Development	Householder - Proposed demolition of a detached garage and the construction of a two storey side extension and part single and two storey rear extension
Decision	Refused and dismissed at appeal (APP/M0655/D/18/3219512)
Date of Decision	4 th October 2018, appeal dismissed 20 th March 2019
Planning Ref:	81/11872
Description of Development	Erection of a single-storey extension with balcony above.
Decision	Approve with conditions
Date of Decision	8 th May 1981
Planning Ref:	74/0779
Description of Development	Erection of a double garage
Decision	Approve with conditions
Date of Decision	31 st October 1974

6. **PLANNING POLICY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material

planning considerations support a different decision being taken. Whilst third party representations are regarded as material planning considerations (assuming that they raise town planning matters) the primary consideration, irrespective of the source or number of third party representations received, remains the extent to which planning proposals comply with the Development Plan. The National Planning Policy Framework (NPPF) supports this legislative position and its contents are a material consideration in determining the application.

National Planning Policy Framework 2019 (NPPF)

- 6.2 The Revised National Planning Policy Framework (2019) (NPPF) confirms that decisions should apply a presumption in favour of sustainable development. Paragraph 7 of the document states that the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. This is balanced by Paragraph 9 which states that plans and decisions need to take local circumstances into account, so that they reflect the character, needs and opportunities of each area.
- 6.3 Where there are other specific, relevant, material issues raised in the NPPF these will be discussed within the Assessment below.
- 6.4 As stated above, the NPPF re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan, in the case of Warrington, refers to the Local Plan Core Strategy (2014) and the Associated Supplementary Planning Documents.

Relevant Policies in the Local Plan Core Strategy (2014):

- Policy CS1 Overall Spatial Strategy – Delivering Sustainable Development
 - Policy CS2 Overall Spatial Strategy – Quantity and Distribution of Development
 - Policy QE6 Environment and Amenity
 - Policy QE7 Ensuring a High Quality Place
 - QE8 Historic Environment
- 6.5 The Council has prepared a number of Supplementary Planning Documents to guide development in the Borough, documents relevant to this proposal include:
 - Design & Construction SPG
 - House Extensions Guidelines SPG2

7. EQUALITIES ACT (2010)

- 7.1 In determining this application, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010. It is considered that the application has no differential impacts.

8. ASSESSMENT

The key issues of this particular application relate to:

- The principle of the development
- Design, Impact on Local Character and Heritage Asset
- Residential Amenity

Principle of Development

- 8.1 The development proposed would be residential in nature which would be in keeping with the residential character of the existing property. However, the location of the property within the Green Belt is an important factor to be considered. The NPPF states that an exception to inappropriate development in the Green Belt includes “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”. As a guideline Warrington’s Householder SPD defines a disproportionate addition as being “an increase in floorspace of more than a third (both previous and proposed extensions)...to the original dwelling”. In addition to this, the prominence and design of proposals must not cause damage to the openness or character of the Green Belt.
- 8.2 A previous application for a very similar development (2018/31916) was refused on the grounds that it constituted inappropriate development within the Green Belt. The decision was appealed and dismissed on 20th March 2019. Although the overall design is the same, the proposed development which forms this application has been slightly modified to reduce the additional floorspace by around 3m², and further information regarding the outbuildings on site as of 1948 (and therefore falling within the definition of original according to the NPPF) has been provided. The additional information takes the form of plans, historic photographs and Ordnance Survey plans, including a written testimony from a former occupant of neighbouring Canal Bank Farm. In the original application from 2018, the applicants put forward that the detached garage should not be included as a previous extension as it is located on the site of the aforementioned outbuilding which existed in 1948 and therefore forms part of the original property. The existence of the outbuilding was not necessarily disputed, but at the time no detailed evidence was available to demonstrate the size and nature of the outbuildings, and for this reason the Local Authority did not take them in to account when assessing the increase in floorspace. The additional information submitted with this application serves as evidence of the existence of the structure, as well as its size and use.
- 8.3 Assuming that the information regarding the dimensions of the outbuildings as they stood in 1948 is accurate, and there is no known contradictory evidence to suggest otherwise, the proposed extension would amount to an addition in floorspace of around 27% to the original dwelling, which would fall within the tolerance of the SPD. However, the prominence of the proposed development in relation to the original dwelling and buildings on site must also be considered in terms of the impact on the character of the Green Belt. The existing outrigger and garage, as well as the outbuildings which once stood in the garage’s location, are visually subservient to the main house; these are and were small outbuildings with space between them. Although the increase in floorspace

may not be more than a third of the original house, the proposals would significantly increase the overall prominence of the property within the Green Belt. In particular, a two-storey extension larger than the main house itself would be far more prominent than the original dwelling, both in terms of the actual dwelling and any former buildings on site. The development would add significant scale and bulk to the size of the original dwelling and would therefore be disproportionate to it.

- 8.4 The information regarding the original outbuilding does provide further information about the extent of what would be included in the original floorspace and would bring the development within the tolerance of the SPD. However, as well as being disproportionate, the proposed extension would also have an adverse impact on the openness of the green belt in this location. The development proposed would still have a harmful impact on the character of the Green Belt by virtue of its height and volume, and would remove the existing break in the built environment. The development would still appear highly prominent in comparison to the original dwelling and single-storey outbuilding, and for this reason the principle of development is not acceptable. The proposal does not comply with the NPPF or the Householder SPD.

Design, Impact on Local Character and Heritage Asset

- 8.5 Local Plan Core Strategy Policy QE8 states that development proposals affecting heritage assets must;
- adopt a strong vision of what could be achieved which is rooted in an understanding of the asset's significance and value, including its setting
 - avoid the unnecessary loss of and any decay to the historic fabric which once lost cannot be restored
 - recognise and enhance the asset's contribution to the special qualities, local distinctiveness and unique physical aspects of the area

In relation to matters of design, Policy QE7 of the Local Plan Core Strategy states that development must;

- Reinforce local distinctiveness and enhance the character, appearance and function of the street scene, local area and wider townscape; and
- Harmonise with the scale, proportions and materials of adjacent and / or existing buildings.

- 8.6 The application site is located within Grappenhall Village Conservation Area and as such the impacts on the heritage asset must be assessed. Although the previous application was only refused by the Local Authority due to its impact on the openness of the Green Belt, the Inspectorate also refused the application at appeal as it would not preserve or enhance the character or appearance of the Conservation Area. Specifically, the Inspector considered that the existing gap between the main house and garage, *“and the restricted height of the existing garage contribute to the openness of the Green Belt in this location. This gap would be removed, and although the footprint of development would move further away from the side boundary, the scale of two storey built form across the*

frontage would increase significantly. This would harm the openness of the Green Belt. This openness also makes a positive contribution to the character and appearance of the CA, and it follows that this would also be harmed by the proposal". The Inspector's previous decision is material in considering the current proposal, given the similarities between this and the previous scheme, and this assessment is echoed in the comments of the Conservation Officer, who has recommended that the application be refused. Whilst the demolition of the garage would improve the appearance of the Conservation Area as its design is not in keeping with the main house and in turn the character of the Conservation Area, the extension proposed would remove the existing gap between buildings on site.

- 8.7 As the property is surrounded by private land, much of the development would not be highly visible from public vantage points and the majority of the extension would not be visible when viewing the property from the front. However, the property still has a substantial presence and the side projecting element of the proposal would be highly visible along Canal Side. Though visible, this element of the proposal would be set well back from the main front elevation and would not be attached to the main house, but would extend from the outrigger. This part of the roof would be hipped to match the main house and the height of the ridge would be lower than that of the original dwelling. Despite this, the visibility of the two-storey extension from the front would alter the currently symmetrical appearance of the house and would draw attention away from the original cottage, which in the existing situation is still the most dominant feature as the previous extensions to the house itself are all located to the rear. In addition, the development would not incorporate or reinstate any features of the original cottage. Previously inappropriate interventions, specifically UPVC windows which do not reflect the original proportions of openings to the property, would be replicated on the proposed extension. For this reason the development would also not tie in adequately with the character of the original cottage.
- 8.8 The harm to the heritage asset has been assessed as less than substantial. According to the NPPF, where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. There are no known public benefits of the proposal which would outweigh the harm to the Conservation Area and none have been put forward by the applicant. The extensions would also not be visually subservient to the original dwelling in terms of their size, massing and design. For these reasons the development would not comply with the NPPF, Policy QE8, or Policy QE7 of the Core Strategy.

Residential Amenity

- 8.9 Local Plan Core Strategy Policy QE6 states that development must;
- "...respect the living conditions of existing neighbouring residential occupiers and future occupiers of new housing schemes in relation to overlooking/loss of privacy, outlook, sunlight, daylight, overshadowing, noise and disturbance;"*
- 8.10 The impacts of the proposals on the living conditions of neighbours have been assessed. Although the property itself and the proposed extension would be located relatively close

to the shared boundary with Canal Bank Farm at a minimum distance of 4.4m, the buildings closest to the boundary are not residential in nature and the farm house is located out of sight from the application plot. Greenbank Cottage is also located a significant distance away from Swiss Cottage, so the development would not be visible to this neighbour. The properties located to the opposite side of the Bridgewater Canal are also at a significant distance from the application site and would not have direct views of any part of the proposals. In this case, it is not considered that the development would have any impacts on the privacy, outlook, or natural light received by any neighbouring dwellings. For this reason it is compliant with Policy QE6 of the Core Strategy and the Householder SPD.

9. CONCLUSIONS AND RECOMMENDATIONS

- 9.1 The application is recommended for refusal for the following reasons.
- 9.2 The principle of development is unacceptable as the proposed development, by virtue of its design and volume, would have an unacceptable impact on the spacious character of the Green Belt and would therefore be inappropriate development. As such the proposed development is not in accordance with the National Planning Policy Framework, or Policies CC1 and CS5 of the Local Plan Core Strategy.
- 9.3 There would be no significant public benefits of the proposal which would outweigh the less than substantial harm to the character and appearance of Grappenhall Village Conservation Area, and the design of the development would have an unacceptably harmful impact on the defined local character. The development therefore conflicts with Policies QE8 and QE7 of the Local Plan Core Strategy.
- 9.4 There would be no unacceptable impacts on the living conditions of neighbours or on the local highway network and the proposal would be in accordance with Policy QE6 of the Local Plan Core Strategy and the Householder SPD.

10. SITE PHOTOS AND PLANS



View southwards of front elevation.



View westwards of side elevation.



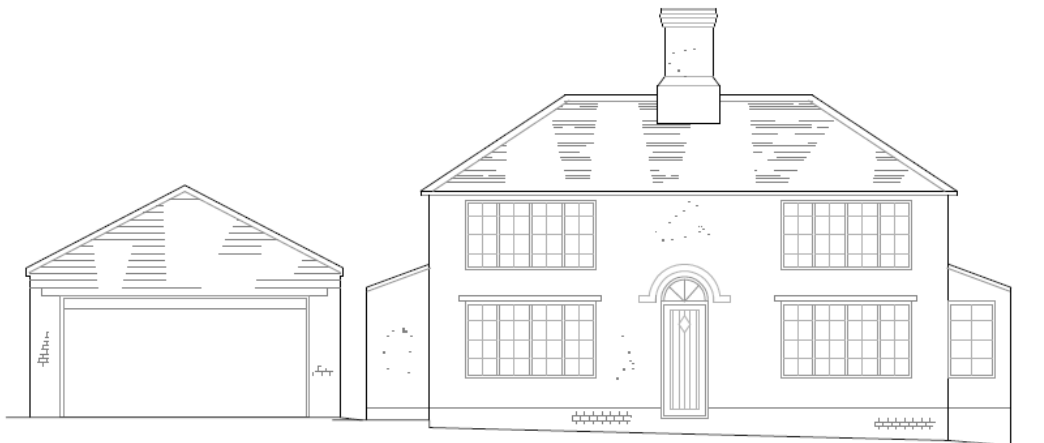
View northwards of rear elevation.



View southwards to front of detached garage.



View eastwards of rear garden and neighbouring farm buildings.



EXISTING FRONT ELEVATION



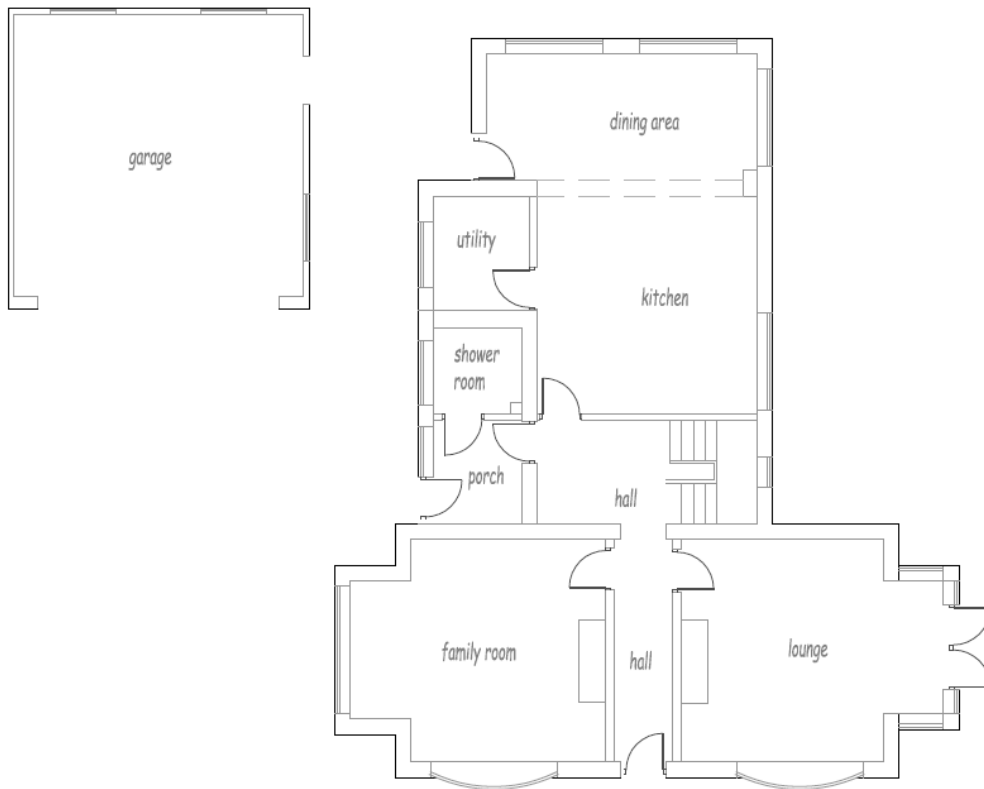
EXISTING SIDE ELEVATION



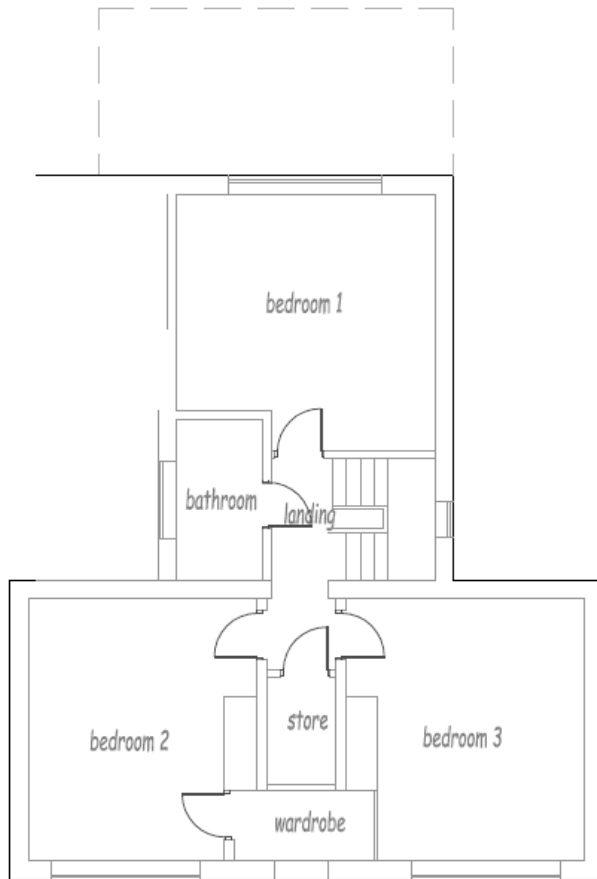
EXISTING REAR ELEVATION



EXISTING SIDE ELEVATION



EXISTING GROUND FLOOR PLAN

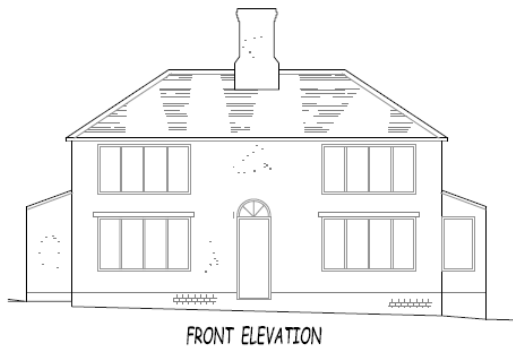


EXISTING FIRST FLOOR PLAN

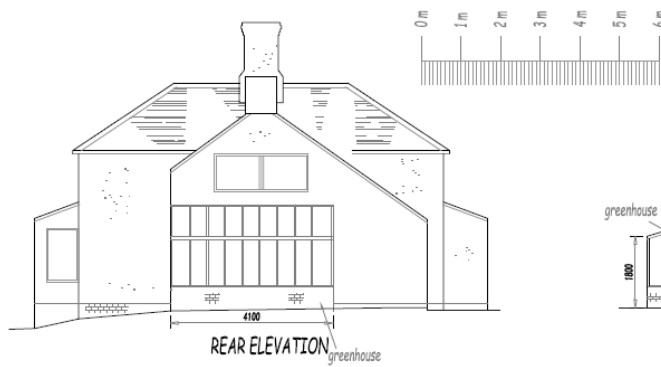


EXISTING SITE PLAN (1:200)

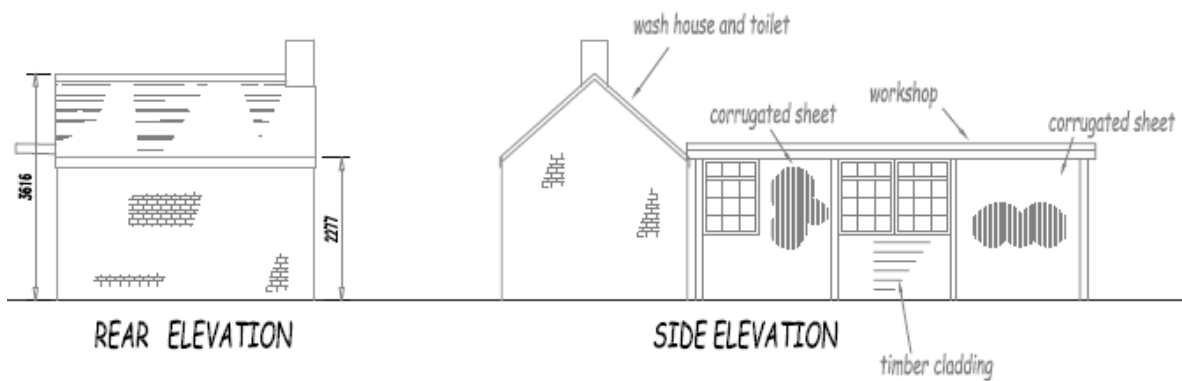
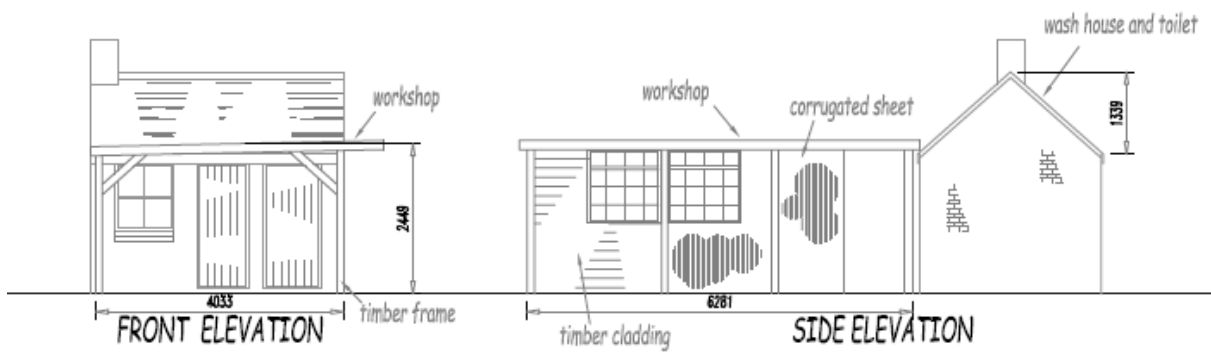
HOUSE ELEVATIONS FROM JUNE 1948

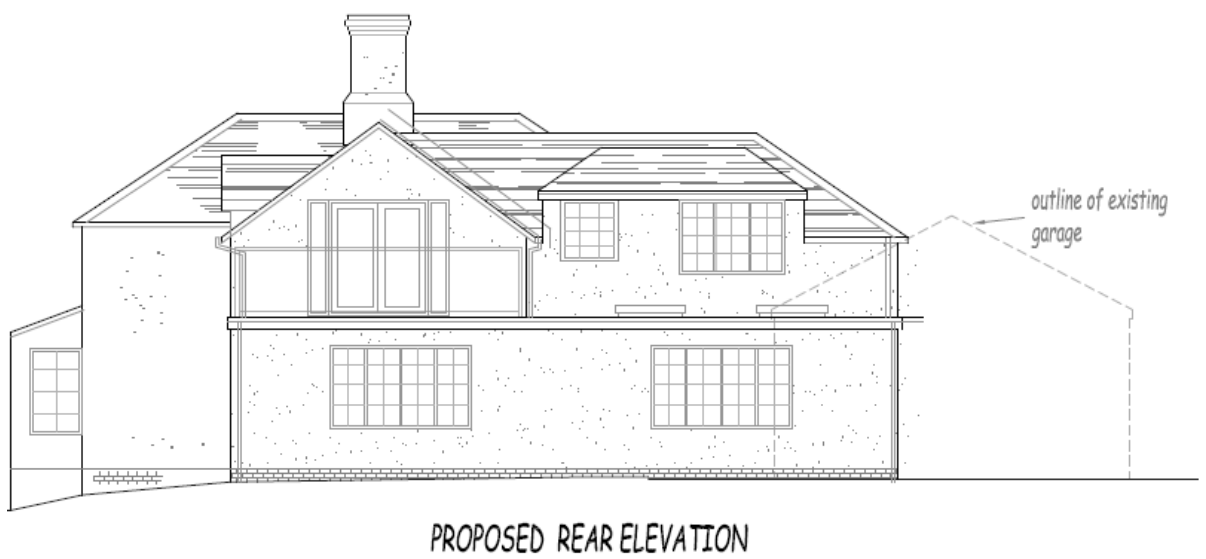
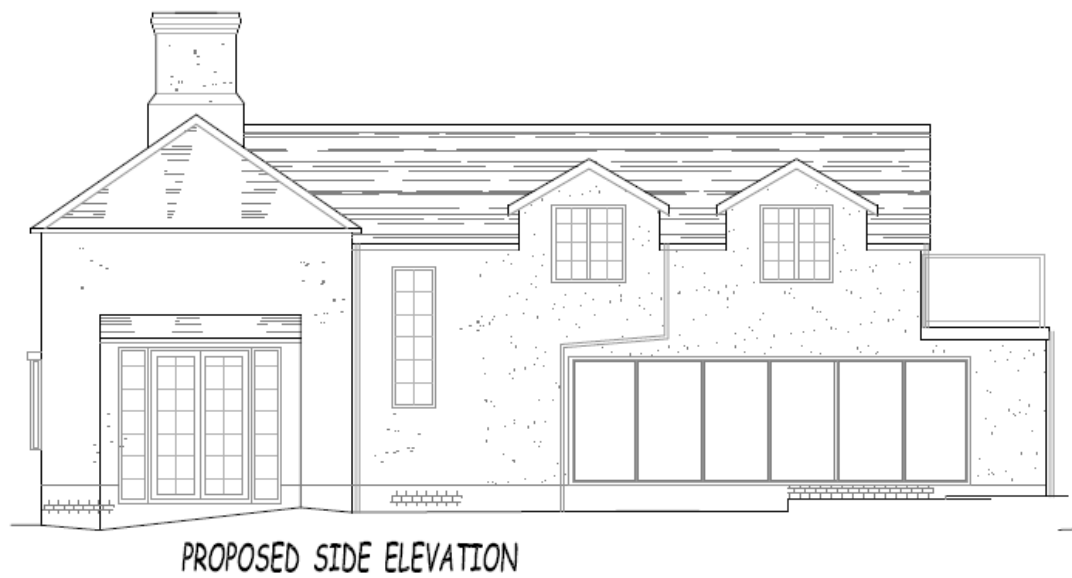
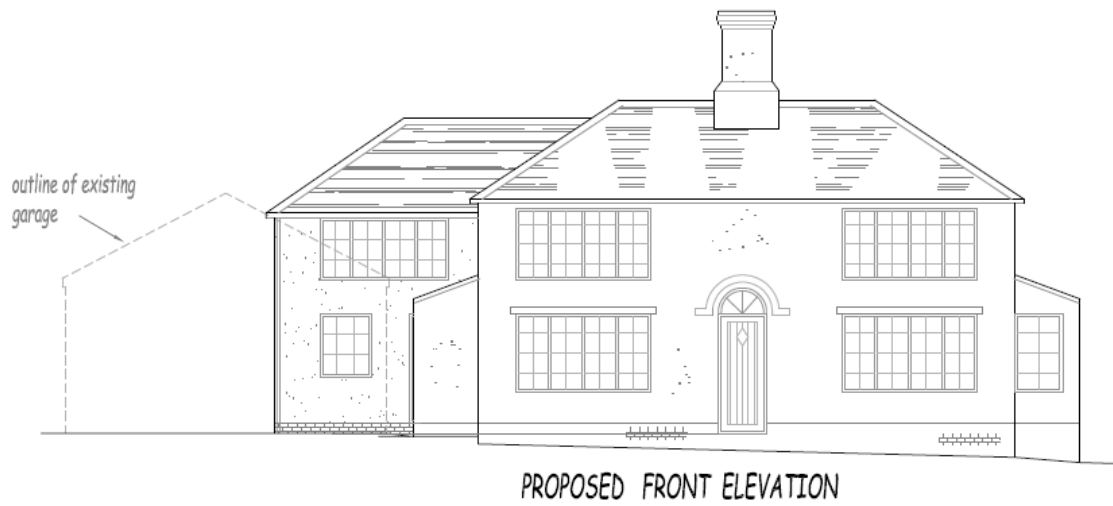


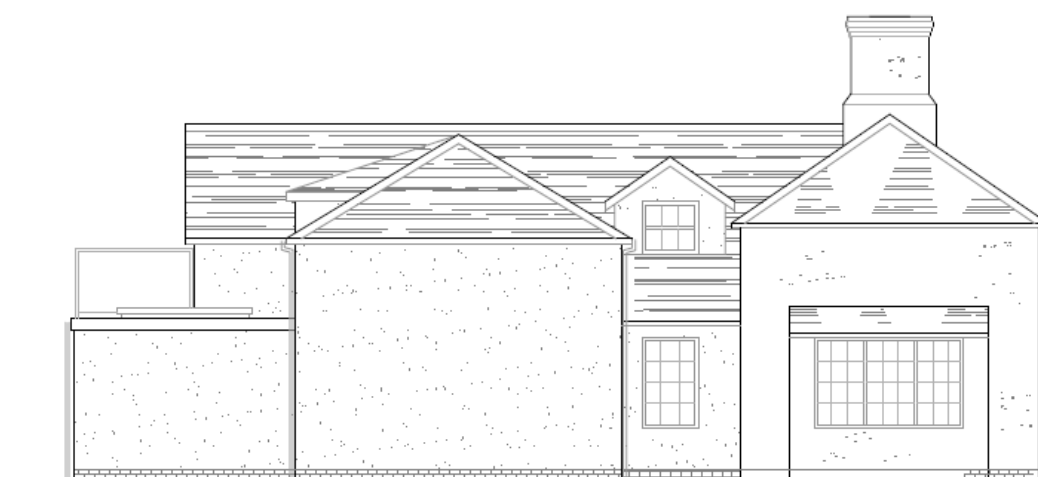
greenhouse footprint - 10.50m²
greenhouse volume - 23.72m³



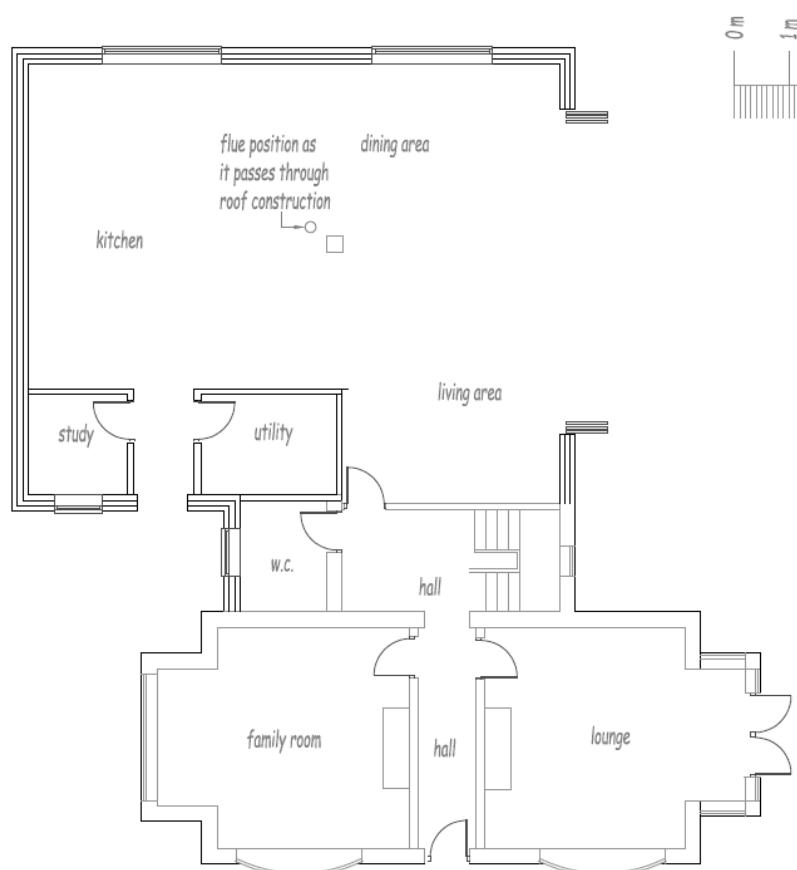
OUTHOUSE INFORMATION FROM JUNE 1948



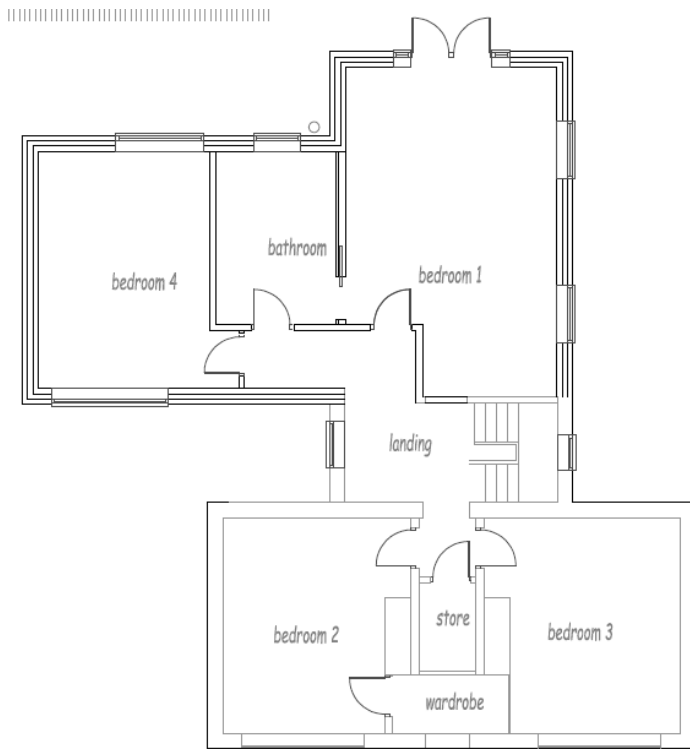




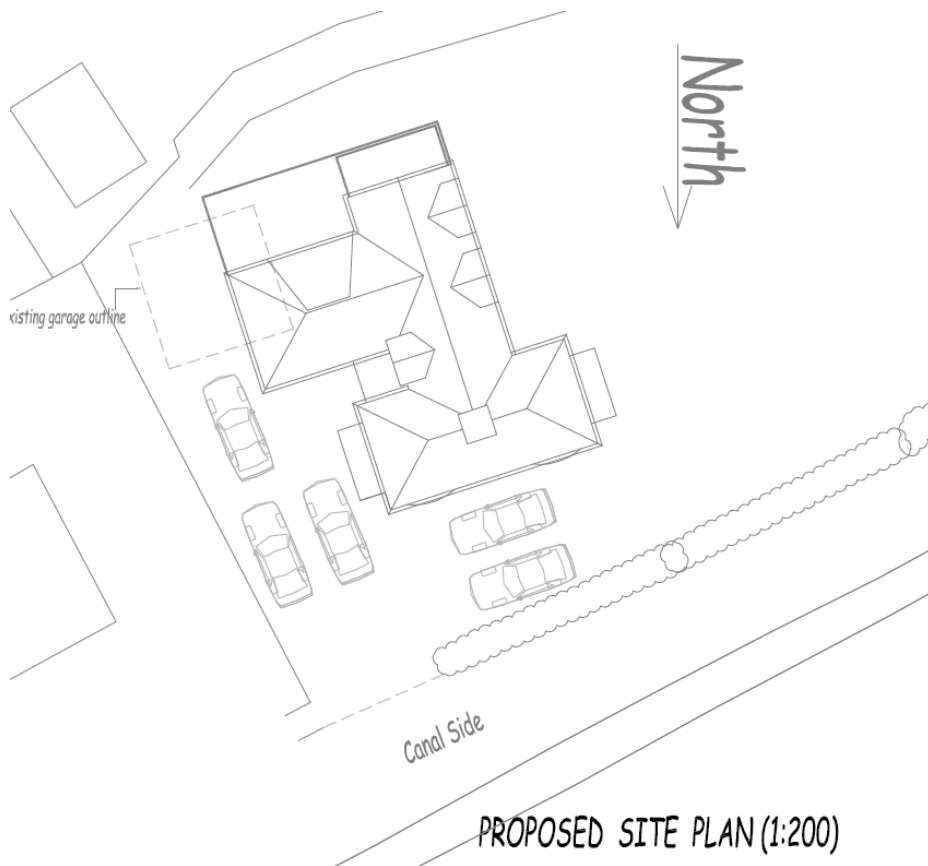
PROPOSED SIDE ELEVATION



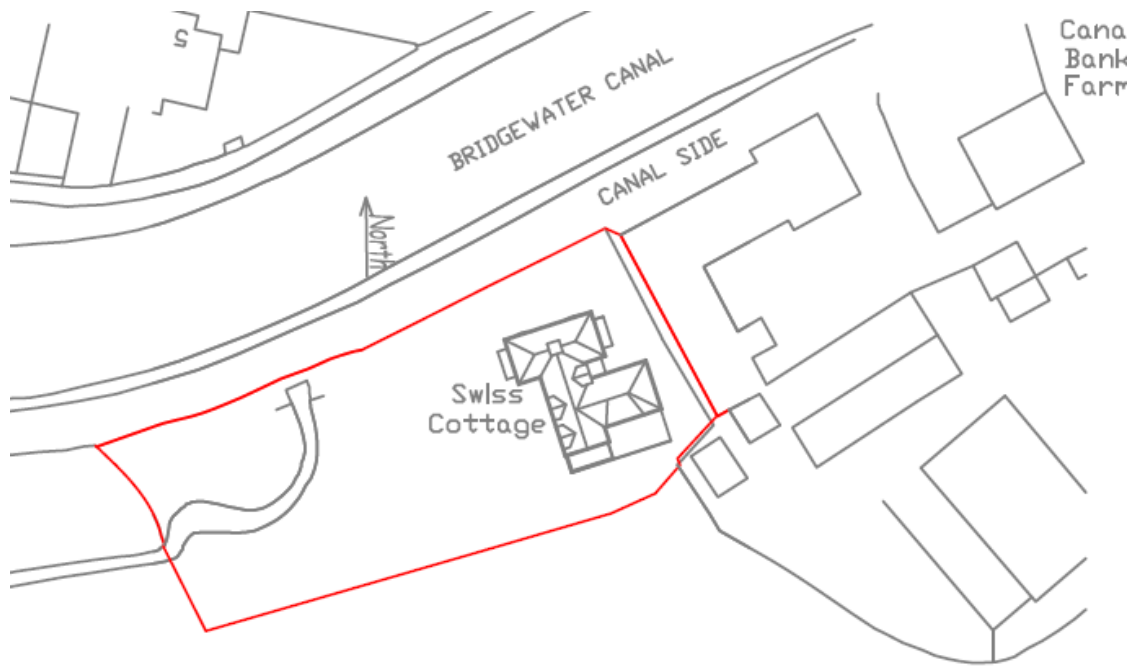
PROPOSED GROUND FLOOR PLAN



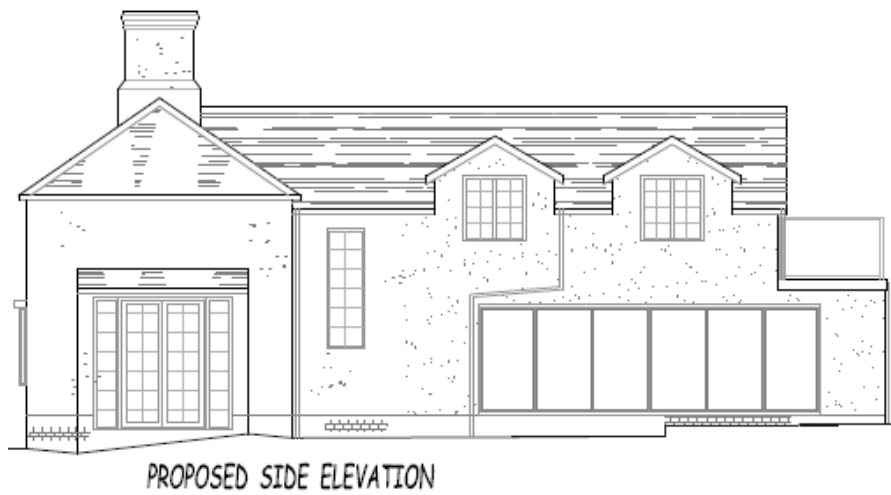
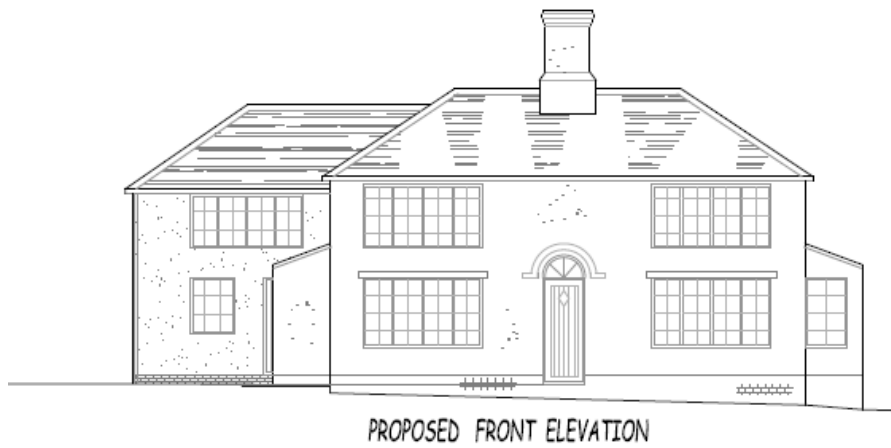
PROPOSED FIRST FLOOR PLAN



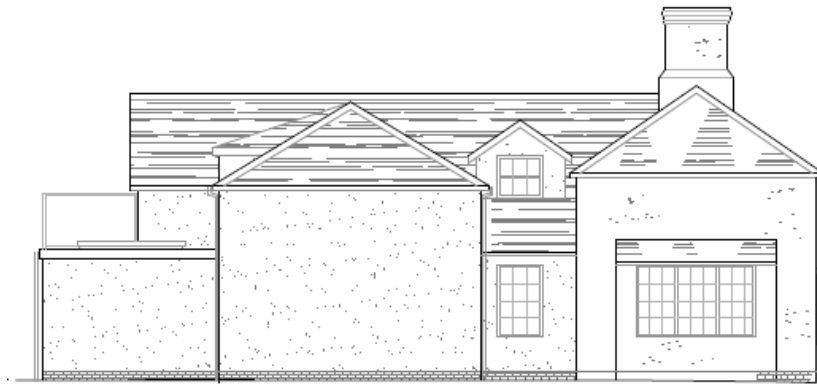
PROPOSED SITE PLAN (1:200)



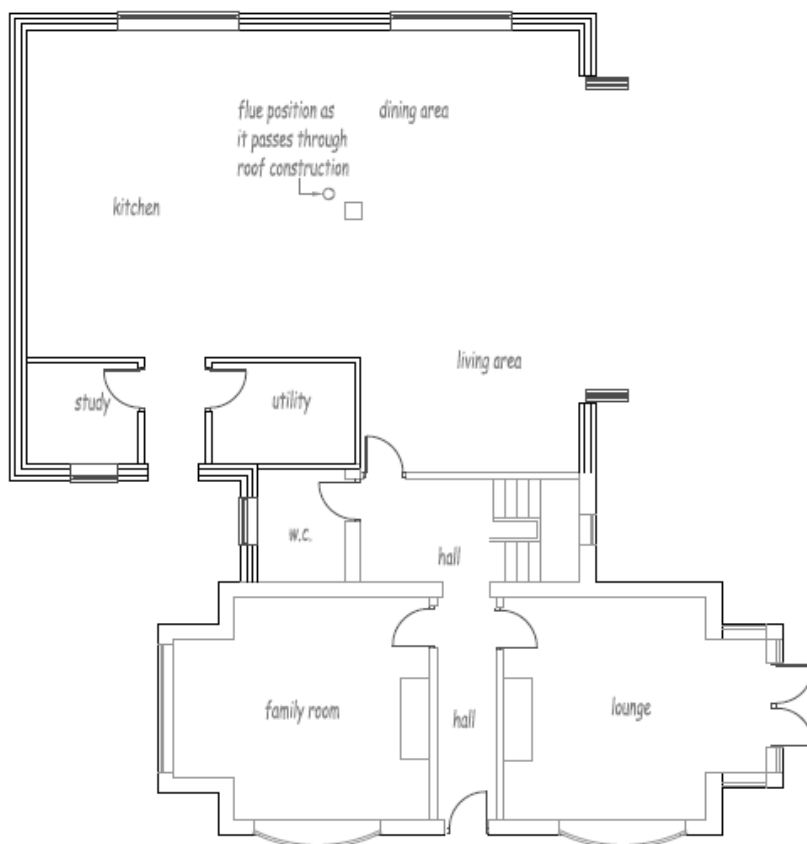
Location Plan showing Proposed Extension



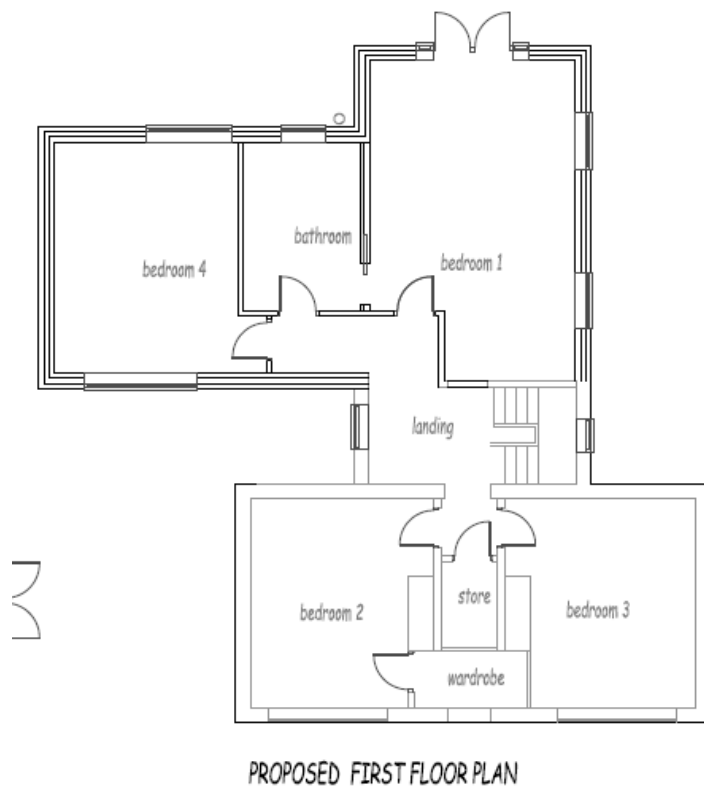
Previously Refused Plans (2018/31916)



PROPOSED SIDE ELEVATION



PROPOSED GROUND FLOOR PLAN



ARTICLE 35 STATEMENT

Officers have worked with the applicant in a positive and proactive manner in order to seek solutions to the issues relevant to the proposed development, consistent with the requirement in the National Planning Policy Framework (NPPF), paragraph 38.



DEVELOPMENT MANAGEMENT COMMITTEE DATE 5th AUGUST 2020**ITEM 8**

Application Number:	2020/36851
Description of Development:	Proposed Detached Dwelling (Resubmission of application 2020/36312)
Location Address:	Land between The Hawthorns, Pool Lane and 33 Chester Road, Walton, Warrington, WA4 6EP
Applicant:	Urban Homes (NW) Ltd
Ward:	Stockton Heath
Site Allocation:	N/A
Number of representations received:	4
Reason for Referral:	Parish Council Objection
Statutory expiry date:	11.08.2020
Recommendation:	Approve, subject to conditions
Case Officer:	Matthew Coyne Matthew.coyne@warrington.gov.uk

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of a residential infill development in this location is considered acceptable.
- The development is considered to be of an appropriate design and scale for this location and would not impact on the character of the street scene or the setting of the nearby Listed Building.
- The development is not considered to cause harm to any residential amenity
- The development is not considered to result in a detrimental impact on highway safety or amenity at either the access to the site or the junction of Pool Lane. Furthermore an acceptable standard of parking is provided.
- The development will not have an unacceptable impact upon flood risk.
- The impact of the development upon any protected species has been assessed and subject to appropriate mitigation is acceptable.

OFFICER'S REPORT TO PLANNING COMMITTEE

1. APPLICATION SITE AND SURROUNDINGS

- 1.1 The application site is an area of grassed land on the north west side of Pool Lane, laying south of the Hawthorns (a residential property) and north of 33 Chester Road (a residential Grade II Listed Building – also known as Pool Cottage). Pool Lane is a short cul-de-sac off of the north side of Chester Road (A56) and just south of the Manchester Ship Canal, just west of the Chester Road Swing Bridge.
- 1.2 The site is an area of predominantly grassed land which slopes uphill away from Pool Lane to the back of the site. There is an existing hedgerow along the southern boundary of the site and a number of trees along the north western boundary.
- 1.3 The application site does not contain any listed buildings and is not situated within a designated conservation area. The site is to the north of Pool Cottage (33 Chester Road), a Grade II Listed Building. The access to the site and a small section of the front part of the site is contained within Flood Zone 2.

2. DESCRIPTION OF PROPOSAL

- 2.1 The proposals seek planning permission for the construction of a detached dwelling on land between The Hawthorns and 33 Chester Road. The building would be constructed in an 'X-shape' with two storey forward and rear projections. Due to the changing land levels across the site, the dwelling would be built into the slope of the land (allowing for the two storey rear projection to appear as a single storey projection (the first floor being at ground level and the ground floor being subterranean).
- 2.2 The building would be of a relatively traditional design, with gabled dual pitched roofs; exposed rafter feet; and a brick dentil course between ground and first floor. The proposals would be constructed of a traditional brick, under a blue slate roof. Its windows and doors would be constructed of timber.

3. AMENDED PLANS

- 3.1 None requested or received.

4. LOCAL REPRESENTATIONS

4.1 Ward Councillors

No comments were received.

It is noted that Cllr Harris objected to the previous application (2020/36312) on the matters relating to highway safety and design. No comments were received on this application.

4.2 Parish Council

Walton Parish Council objects to the proposal on the following grounds:-
- overdevelopment and too large for the plot (01.05.2020).

4.3 General Public

The applications was publicised by 16 neighbour notification letters. As a result 4 objections have been received from residents. These are summarised as follows (full comments can be found on the application file):

4.4 *Residential Amenity Comments*

- Loss of privacy
- Overbearing form of development
- Obscuring views

4.5 *Visual Amenity Comments*

- Overdevelopment of the site
- Too large for the plot
- Visibility of the site from public viewpoints

4.6 *Heritage Comments*

- Harmful impact on the heritage of the listed site
- Too close to listed building

4.7 *Ecology Comments*

- Impact on wildlife

4.8 *Highways Comments*

- Access issues
- Highway safety concerns – particularly with the junction at Chester Road
- Service vehicles/delivery vehicles could cause issues on Pool Lane

4.9 *Flood Risk and Drainage Comments*

- Drainage issues

5. **CONSULTEES**

- 5.1 WBC Conservation Officer – No objections, subject to the submission and approval of materials (30.04.2020)

- 5.2 WBC Transport Planning and Development Control – ‘no objections’. The Highways Officer advises that the comments which were made in regard to the earlier application are still applicable. 9 conditions were recommended relating to: surface water drainage; visibility splays; pedestrian visibility splays; access; surfacing materials; no gates; parking arrangements; construction method statement; and electric vehicle charging points (27.04.2020).
- 5.3 WBC Environmental Health – ‘no objections’ subject to conditions regarding a land contamination report and noise (28.04.2020).
- 5.4 United Utilities – comments were made in regard to drainage and water supplies (24.04.2020).
- 5.5 Environment Agency – No comments received.

6. RELEVANT SITE HISTORY

Application	Description	Decision
2020/36312	Full Planning - Proposed Detached Dwelling	Withdrawn 18/03/2020
2017/31064	Full planning application – Proposed construction of pair of semi-detached 4 bedroomed dwellings with off street parking	Withdrawn 02/02/2018
2003/01782	Outline planning application – for detached dwelling	Withdrawn 28/01/2004
93/30003	Outline planning application – for one dwelling	Refused 28/04/1993. Appeal Dismissed 12/10/1993
88/22930	Outline planning application – for erection of one detached house.	Refused 08/03/1989

7. PLANNING POLICY

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken. Whilst third party representations are regarded as material planning considerations (assuming that they raise town planning matters) the primary consideration, irrespective of the source or number of third party representations received, remains the extent to which planning proposals comply with the Development Plan. The National Planning Policy Framework (NPPF) supports this legislative position and its contents are a material consideration in determining the application.

7.2 National Planning Policy Framework 2019 (NPPF)

The National Planning Policy Framework (2019) (NPPF) confirms that decisions should apply a presumption in favour of sustainable development. Paragraph 7 of the document states that the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. This is balanced by Paragraph 9 which states that plans and decisions need to take local circumstances into account, so that they reflect the character, needs and opportunities of each area.

7.3 Where there are other specific, relevant, material issues raised in the NPPF these will be discussed within the Assessment below.

7.4 As stated above, the NPPF re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan, in the case of Warrington, refers to the Local Plan Core Strategy (2014).

7.5 Relevant Policies in the Local Plan Core Strategy (2014)

- CS1 – Delivering Sustainable Development
- CS2 – Distribution Of Development
- CS3 - Maintaining A 10 Year Forward Supply Of Housing Land
- CS4 – Transport
- SN1 – Distribution And Nature Of New Housing
- QE4 – Flood Risk
- QE5 – Biodiversity and Geodiversity
- QE6 – Environment And Amenity Protection
- QE7 – Ensuring A High Quality Place
- QE8 – Historic Environment
- MP3 – General Transport Principles

8. **EQUALITIES ACT (2010)**

8.1 In determining this application, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010. It is considered that the application has no differential impacts.

9. **ASSESSMENT**

9.1 The key issues of this particular application relate to:

- Principle of Development
- Visual Amenity
- Impact on Heritage Assets
- Residential Amenity
- Highway Safety

- Ecology
- Flood Risk

9.2 Principle of Development

9.3 The principle of development is to be assessed against Policy CS1 of the adopted Local Plan which seeks to ensure that development proposals that are sustainable will be supported within the borough, in line with the NPPF.

9.4 Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Where local plan policies that are most important for determining an application are out of date, planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The Council can only demonstrate a 3.70 year supply of deliverable housing land and therefore does not currently have the 5 year housing land provision as required by the methodology within the NPPF. The lack of a 5 year housing land supply is a material consideration in the determination of this application to which significant weight should be attached.

9.5 Policy SN1 of the Local Plan states that, in accordance with Policy CS2, 80% of new homes to be delivered within the borough will be focused on previously developed land. In terms of distribution, 60% of new homes will be delivered within Inner Warrington inclusive of the Town Centre, where development will be welcomed as a catalyst to secure physical, environmental, social and economic regeneration in accordance with Local Plan Core Strategy Policy CS9. It goes on to state that within all of the boroughs defined settlements, the Council will support proposals which (amongst others) '*constitute small-scale, low-impact infill development*'.

9.6 Policy CS 3 states that, '*should monitoring indicate that an on-going, 5 years' deliverable and a subsequent 5 years' supply of developable housing land can no longer be sustained or where it can be demonstrated that housing need cannot be met within Warrington, the Council will review its housing land provision, and bring on-stream additional housing sites as required, with priority given to encouraging the reuse of previously developed land and avoiding sites in the Green Belt where possible*'.

9.7 The proposed development constitutes a small-scale, infill development plot within the settlement of Lower Walton. It is, therefore, considered to be development in a sustainable location.

9.8 Having regard to the above, the principle of development is considered to be acceptable, in accordance with Policies CS1, CS2 and SN1 of the Local Plan and Government guidance contained within the NPPF. This is subject to the other material considerations as outlined below.

9.9 Visual Amenity

9.10 Section 12 of the NPPF relates to achieving well-designed places. Para.124 states that good design is a key aspect of sustainable development, is indivisible from good planning, and

should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions (Para.130). The emphasis on good design is continued within the Government's National Design Guide (September 2019).

- 9.11 Policy QE7 of the Local Plan states that the Council will support proposals which reinforce local distinctiveness and enhance the character, appearance and function of the street scene, local area and wider townscape and be visually attractive as a result of good architecture and the inclusion of appropriate public space.
- 9.12 The proposals seek planning permission for the construction of a detached dwelling on land between The Hawthorns and 33 Chester Road. The building would be constructed in a 'X-shape' with a two storey forward projection; 2 x two storey side projections; and a two storey rear projection. Due to the changing land levels, sloping uphill away from the road, the dwelling would be built into the slope of the land (allowing for the two storey rear projection to appear as a single storey projection (the first floor being at ground level and the ground floor being subterranean).
- 9.13 The building would be of a traditional design, with gabled dual pitched roofs; exposed rafter feet; and a brick dentil course between ground and first floor. The proposals would be constructed of a traditional brick, under a blue slate roof and its windows and doors would be constructed of timber.
- 9.14 The proposed dwelling would front directly onto Pool Lane, with the adjacent house of The Hawthorns backing onto Pool Lane. It is considered that the proposal would provide an acceptable layout and would continue the pattern development around Chester Road and into Pool Lane. It would also sit well within the proposed plot. The rear elevation would be adjacent to the car parking area serving 23-32 Chester Road.
- 9.15 The proposed development would be approximately 4.8m to the eaves and 7.7m tall to the ridge, with the south eastern projection being approximately 6.8m tall to the ridge. The development site is noticeable from public domain, particularly from the junction at Walton New Road. Nevertheless, the proposed development would be of an appropriate scale and would transition between 33 Chester Road (which is set at a lower level) and The Hawthorns (which is a larger form of development – being approximately 5.5m tall to the eaves and 9.1m to the ridge and set at a higher level than the proposed development).
- 9.16 The area is comprised of a variety of different house types including large detached properties of relatively modern construction (situated within the Hawthorns), a row of Victorian terraced dwellings; and larger detached properties of more traditional construction along Walton New Road. The proposals are of a traditional character and takes cues from properties in the surrounding area. A traditional design approach is considered to be appropriate for the sites position.
- 9.17 Having regard to the above the proposals siting, scale and design are considered to be appropriate and acceptable and would therefore be in accordance with Policy QE7 of the Local Plan Core Strategy and Government guidance contained within the NPPF.

9.18 Impact on Heritage Assets

- 9.19 Considerable weight and importance should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect Listed Buildings and Conservation Areas respectively. These duties affect the weight to be given to the factors involved.
- 9.20 Section 66 of the Planning [Listed Building and Conservation Areas] Act 1990 states that “*in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*”
- 9.21 Para. 190 of the NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Para. 194 of the NPPF goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 9.22 Policy QE8 Warrington Local Plan Core strategy states that the *Council seeks to ensure that the fabric and setting of heritage assets... are appropriately protected and enhanced in accordance with the principles set out in National Planning Policy*. The Council acknowledges the *significance and value of heritage assets by identifying their positive influence on the character of the environment and an areas sense of place; their ability to contribute to economic activity; act as a catalyst for regeneration and their ability to inspire the design of new development* - this accords with para’s 185 and 192 of the NPPF.
- 9.23 The NPPF glossary defines the setting of a heritage asset as “*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*”
- 9.24 Case law has confirmed that the setting of a listed building should include views between the development and the listed building in both directions and any other relevant view from the site. Furthermore, Historic England’s document – ‘The Setting of Heritage Assets’, which looks at development in urban areas considers that, the protection and enhancement of setting is linked to townscape and urban design considerations; the consequent visual harmony or congruity of development and townscape attributes such as enclosure, definition of streets and spaces and spatial qualities.
- 9.25 It is acknowledged that the setting of the Grade II Listed Pool Cottage (33 Chester Road – adjacent to the application site) has changed over time, its rural setting has become more urbanised. Whilst, to some extent, the introduction of a new dwelling on the application site would result in further urbanisation of the area, the visual impact of the development on the setting of the listed building is mitigated by;

- Location within the plot - placing the new building behind the side building line and to the rear of the listed building;
 - Lowering the ground levels within the site so that the ground floor level of the new property is the same as the ground floor level of the adjacent Listed Building;
 - The ridge height of the proposed house is approximately 63cm higher than that of the adjacent Listed Building, but is approximately 3 metres lower than The Hawthorns, which is located on the north western boundary of the application site. The overall height, scale and massing of the new building would provide a graduated interface between the listed building and the much larger property at The Hawthorns.
- 9.26 It is considered that the proposed scheme would not be visually harmful to the setting of the listed building in terms of its scale and massing and location within the plot. The proposed development would have a marginally higher ridge line than 33 Chester Road and would not, therefore, have a detrimental impact on the skyline. Furthermore, the proposed development would not compete with nor distract from the significance of the asset.
- 9.27 The Conservation Officer raises no objections to the proposals and notes states that this proposal would not have a negative cumulative impact on the setting of the historic asset and it would not adversely impact on views of and from the asset, which play an important part in the way the asset is experienced, including its setting.
- 9.28 The Conservation Officer recommends details of the materials to be used, as well as the boundary treatment with Pool Lane to be submitted for approval.
- 9.29 Having regard to the above, the development is not considered to result in any harm to the designated heritage asset, in accordance with Policy QE8 of the Local Plan Core Strategy; Government guidance contained within the NPPF; and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 9.30 Residential Amenity
- 9.31 Policy QE6 of the Local Plan states that only development proposals which would not lead to an adverse impact on the environment or amenity of future occupiers or those currently occupying adjoining or nearby properties will be supported.
- 9.32 The proposed development would be separated from the Hawthorns by between approximately 4.5m and 5.5m (at a tapering angle). There is a first floor side facing window on the existing property of The Hawthorns. However, from the approved plans for this house, it does not appear to serve a habitable room (it serves an ensuite – although it does not appear to have obscure glazing) and as such, would not be impacted by the development. The side elevation (fronting the Hawthorns) does not have any first floor side facing windows and therefore there would be no loss of privacy in this regard.
- 9.33 The proposed development would be situated approximately 18.6m from the rear elevation of Pool Cottage (33 Chester Road), which would be set at an oblique angle from the side elevation of the proposed development. Given a lack of any proposed fenestration on this elevation and the separation distance, it is considered that the proposed

development would not result in a loss of privacy to any occupiers. The development would also accord with the interface distances within the House Extension Guidelines SPD – which requires a minimum of 13m between principal windows and blank gable walls.

- 9.34 Notwithstanding the above, having regard to the siting and scale of the proposed development, it is not considered to be overbearing on any neighbouring occupier.
- 9.35 The proposed development would afford the future occupiers with sufficient indoor and outdoor amenity space and would, therefore, be acceptable in this regard.
- 9.36 Having regard to the above, the proposed development is considered to be acceptable in accordance with Policy QE 6 of the Local Plan Core Strategy and Government guidance contained within the NPPF.
- 9.37 Highway Safety
- 9.38 Policy CS4 of the Local Plan sets out the Council’s strategic objectives in regard to transport within the borough. The Policy states that, in accordance with Policy CS2, development will be located to reduce the need to travel, especially by car (this is also supported by policies MP1, MP3 and MP7). Policy QE6 also states that consideration will be made to the effect and timing of traffic movement to, from and within the site and car parking including impacts on highway safety.
- 9.39 The proposal is for a 4 bedroomed dwelling, which requires 3 allocated off-street car parking spaces in accordance with the Standards for Parking in New Development SPD. The proposals meet this requirement.
- 9.40 It is noted that previous planning applications at the site have been refused on highway safety grounds – particularly due to the access arrangements with the junction at Pool Lane with the A56. One of these applications (93/30003) was subsequently dismissed at appeal on this basis.
- 9.41 The Highways Engineer has thoroughly assessed the application and raises no objections to the proposals (subject to conditions). There are a number of differences in the current site constraints which would allow for this matter to be reconsidered. For example:
 - The street no longer has any significant HGV traffic and therefore width is less of an issue;
 - The current site provides adequate parking;
 - The earlier applications did not provide any evidence to prove that satisfactory pedestrian or vehicular visibility splays were achievable;
 - Manual for Streets replaced Design Manual for Roads and Bridges with less stringent visibility requirements in 2007;
 - The houses at the end now provide adequate turning for service vehicles so although still technically a cul-de-sac there is no need for reversing into the classified roads;
 - Planning guidance now requires us to demonstrate “severe” impact or clear safety issues to refuse an application;
 - The inspector cited policy ENV 2 and referred to undue nuisance or danger;

- The Inspector also referenced visibility to the left as an issue (leaving Pool Lane particularly to turn right) but Manual for Streets is clear that you would only need to see the far side of the road as far as the island to be considered acceptable (this is less than the normal requirement where vehicles could be overtaking).
- 9.42 The Highways Engineer advised that the applicant has undertaken surveys of the road which establish low traffic flows and low speeds as a matter of fact. This information requires the visibility to be assessed based on the conditions, as opposed to the speed limit. In addition the applicants have optimised the access and set it back to provide inter-visibility for pedestrians (2m by 2m splay for pedestrian safety as there is no footway).
- 9.43 The small housing development to the north west of the applications site (including The Hawthorns) appears to have replaced a HGV operation. It is, therefore, considered to be a reduction in volume and lighter vehicle movements from the previous arrangement. Now these dwellings are in situ it would be unreasonable to argue that one additional dwelling would result in an intensification of this access.
- 9.44 Having regard to the above, the development is not considered to result in a detrimental impact on highway safety or amenity and would be in accordance with Policies MP1, MP3 and MP7 of the Local Plan Core Strategy and Government guidance contained within the NPPF.
- 9.45 Ecology
- 9.46 Policy QE 5 of the Local Plan states that *the Council will work with partners to protect and where possible enhance sites of recognised nature and geological value. These efforts will be guided by the principles set out in National Planning Policy and those which underpin the strategic approach to the care and management of the borough's Green Infrastructure in its widest sense.*
- 9.47 The NPPF at paragraph 175 sets out the approach that Local Authorities should apply when determining proposals which affect habitats and biodiversity.
- 9.48 The application site is situated within a suburban area, albeit close to a water source and some mature trees (situated on the eastern side of Pool Lane). The majority of the existing site is laid to grass, with some trees along the boundary with The Hawthorns and established hedgerow along the boundary with Pool Lane. It appears that, in the past, some de-vegetation may have occurred. Nevertheless, the site is considered to have low potential for the biodiversity and ecology.
- 9.49 The proposals require the removal of the hedge along the front boundary of the site. All other tree will remain on site. Replacement ecological mitigation and enhancement measures are considered reasonable to off-set this loss.
- 9.50 Subject to a condition requiring the above, it is unlikely that the proposed development would impact on any protected species. The development would therefore be in accordance with Policy QE 5 of the Local Plan Core Strategy and Government guidance contained within the NPPF.

9.51 Flood Risk

9.52 Policy QE 4 of the adopted Local Plan Core Strategy states that The Council will only support development proposals where the risk of flooding has been fully assessed and justified by an agreed Flood Risk Assessment.

9.53 A site specific Flood Risk Assessment is required for:

- Proposals of 1 hectare or greater in Flood Zone 1 and Critical Drainage Areas as defined by the SFRA and
- all proposals for new development in Flood Risk Zones 2 and 3, and
- proposed minor development or change of use in Flood Risk Zones 2 and 3 where a more vulnerable use may be susceptible to other sources of flooding.

9.54 The access for the application site is situated within Flood Zone 2 according to the Government's flood map for planning. The dwelling itself would be wholly sited within Flood Zone 1 (the least susceptible to flooding).

9.55 According to the Government's standing advice, development of a 'more vulnerable use' (such as dwellings) are appropriate within Flood Zones 2. It is also noted that, due to the sloping nature of the site, the flooding risk to the habitable room accommodation for the proposed property is negligible. The future occupiers would be able to leave the site, in a flood event.

9.56 Furthermore a Flood Risk Assessment has been submitted in support of the application which confirms that the flooding risk to the habitable room accommodation for the proposed property is negligible.

9.57 Having regard to the above, the proposed development is considered to be acceptable in accordance with Policy QE 4 of the Local Plan Core Strategy and Government guidance contained within the NPPF.

10. CONCLUSIONS AND RECOMMENDATIONS

10.1 The principle of development is considered to be acceptable, in accordance with Policies CS1, CS2 and SN1 of the Local Plan and Government guidance contained within the NPPF.

10.2 The development by virtue of its siting, scale design, is not considered to be harmful to the visual amenity of the locality or the setting of the adjacent Listed Building, in accordance with Policies QE7 and QE 8 of the Local Plan Core Strategy and Government guidance contained within the NPPF.

10.3 The development is not considered to cause harm to the residential amenity of any neighbouring occupier, through being an overbearing form of development or a loss of privacy, in accordance with Policy QE 6 of the Local Plan Core Strategy.

- 10.4 The development is not considered to result in a detrimental impact on highway safety or amenity, in accordance with Policies QE6, MP1, MP3 and MP7 of the Local Plan Core Strategy and Government guidance contained within the NPPF.
- 10.5 Furthermore, for the reasons set out in this report, the development is considered to be acceptable in regard to ecology and flood risk, in accordance with Policies QE4 and QE 5 of the Local Plan Core Strategy.
- 10.6 Having regards to the above, it is recommended that planning permission be GRANTED, subject to the conditions set out in section 11 of this report.

11. SCHEDULE OF 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 strict accordance with the following documents:

- Application Form
- Design and Access Statement
- Flood Risk Statement
- HERITAGE ASSESSMENT SUPPORTING REVISED PROPOSAL (March 2020)
- Contaminated Land Screening Assessment Form
- Location Plan – 1:1250
- 0700420 - Existing Site Plan
- 1156 – Ground Floor/Site Plan
- 1156.1 – Site Plan
- 1156.2 – Street Elevation
- 1156.3 – Cross Section Through Site
- 0730420 – Bedroom 3 Window Privacy Plan
- 0740420 – Bedroom 4 Window Privacy Plan
- 0710420 – Proposed Drainage Plan
- 0720420 – Proposed Parking 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 QE7 of the Warrington Core Strategy.

3. Notwithstanding the approved plans and documents, details of the materials to be used in the construction of the development hereby approved, shall be submitted to and approved in writing prior to any development above slab level. Thereafter, the development shall be carried out in accordance with the approved details

Reason: In order to ensure a satisfactory appearance of the development and to comply with Policy QE7 of the Warrington Core Strategy and the Warrington SPD: Design and Construction

4. Notwithstanding the approved plans and documents and prior to the construction of any boundary details, full details of the boundary enclosures, including their position, height and material of construction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved and completed prior to the first occupation of the dwelling hereby approved.

Reason: In order to ensure a satisfactory appearance of the development and to comply with Policy QE7 of the Warrington Core Strategy and the Warrington SPD: Design and Construction

5. The development shall not be taken into use until the works in Section A and B below are undertaken and completed:

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); Paragraphs 170(f) & 178 of the National Planning Policy Framework (February 2019), 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.

6. An acoustically treated mechanical ventilation system for the property shall be fitted prior to the first occupation of the dwelling hereby approved. The ventilation system may include the use of appropriately specified acoustic trickle vents but will expect details of a mechanical means of forced ventilation over and above background ventilation rates to improve comfort in such rooms thereby reducing the need to open windows for comfort conditions and subject occupants to unacceptable noise from excessively loud road traffic. A manually controllable boost facility shall also be included. Details of proposed units shall be approved in writing by the LPA prior to their installation. 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 (February 2019); and Section 6 of the Environmental Protection Supplementary Planning Document (May 2013)

7. Prior to any development above slab level, details of ecological mitigation and enhancement measures, to be included at the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwelling, the approved measures shall be carried out and installed in accordance with the approved details.

Reason: In order to comply with Circular 06/05 and in order to comply with the NPPF and Policy QE5 of the Warrington Core Strategy.

8. Prior to the commencement of the development hereby approved, a surface water drainage scheme (designed to prevent the discharge of water on to the public highway) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To prevent unnecessary surface water from being deposited on to the highway thus causing a potential source of danger to other road users.

9. No part of the development hereby approved shall be occupied until the visibility splays defined on Drawing No. 1156.1 are cleared of all obstructions to visibility exceeding 600mm in height above footway level. The visibility splays shall subsequently be maintained free of any visual obstruction thereafter.

Reason: To ensure adequate visibility at the street junction or site access in the interests of road safety.

10. No part of the development shall be brought into use until visibility splays of 2 metres by 2metres have been provided on each side of the access. The depth shall be measured from the back of footway; and the width measured outward from the edges of the access. The splays shall be created clear of obstructions to visibility at or above a height of 0.6 metres above footway level. Once created, the visibility splays shall be maintained clear of any obstruction and shall be retained at all times.

Reason: To provide the driver of a vehicle using the access and other users of the public highway with adequate inter-visibility in the interests of road safety.

11. The dwelling shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users in the interests of road safety.

12. Before the access is used for vehicular purposes, that part of the access extending from the nearside edge of the highway boundary of Pool Lane for a minimum distance of 5 metres into the site shall be appropriately paved in a bound material such as tarmacadam, concrete, block pavements or other material approved in writing by the Council as Local Planning Authority.

Reason: To prevent loose surface material/debris from being carried on to the public highway thus causing a potential source of danger to other road users in the interests of road safety.

13. No gates or other means of obstruction shall be placed across the vehicular access formed as part of this development.

Reason: To permit vehicles to pull clear of the carriageway when entering the site in the interests of road safety.

14. Notwithstanding the details shown on the approved plans, parking space adequate for not less than three cars to be stored clear of the highway shall be provided within the curtilage of the dwelling prior to first use of the development hereby permitted. The parking facilities so provided shall be kept free for that specific use thereafter. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that order), no building works which impeded the parking provision, shall take place except following the express grant of planning permission by the Council.

Reason: To ensure adequate secondary off-street parking space is provided/maintained, without overhanging of the footway in order to maintain unimpeded visibility for all road users, to ensure the safe and free flow of traffic and to assist pedestrian safety.

15. No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of enabling and construction has been submitted to and approved in writing by the Council as Local Planning Authority.

The method statement shall include, but not be limited to:

- Construction traffic routes, including provision for access to the site
- Entrance/exit from the site for visitors/contractors/deliveries
- Location of directional signage within the site
- Siting of temporary containers
- Parking for contractors, site operatives and visitors
- Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction
- Temporary roads/areas of hard standing
- Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements
- Storage of materials and large/heavy vehicles/machinery on site
- Measures to control noise and dust
- Details of street sweeping/street cleansing/wheelwash facilities
- Details for the recycling/disposing of waste resulting from demolition and construction works
- Hours of working
- Phasing of works including start/finish dates

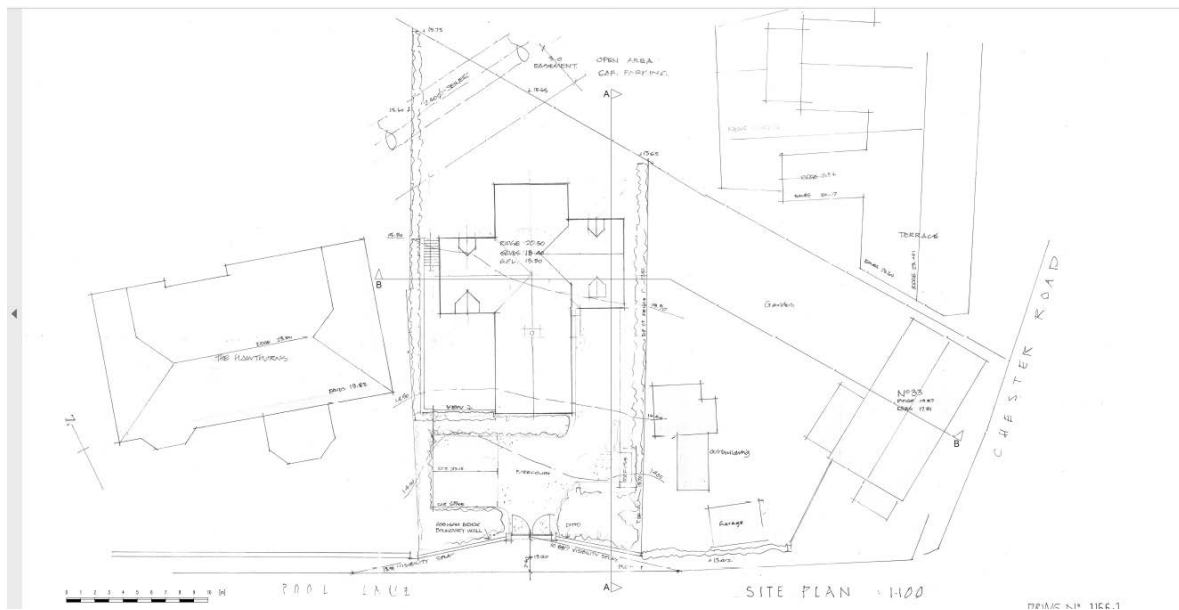
The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.

Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers and safeguard highway safety.

16. A scheme for the provision of electric vehicle charging points, or passive provision, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be provided prior to first occupation of each unit and retained as such thereafter.

Reason: To ensure that appropriate provision for current and future electric and electric/hybrid vehicles and encourage more sustainable means of transport.

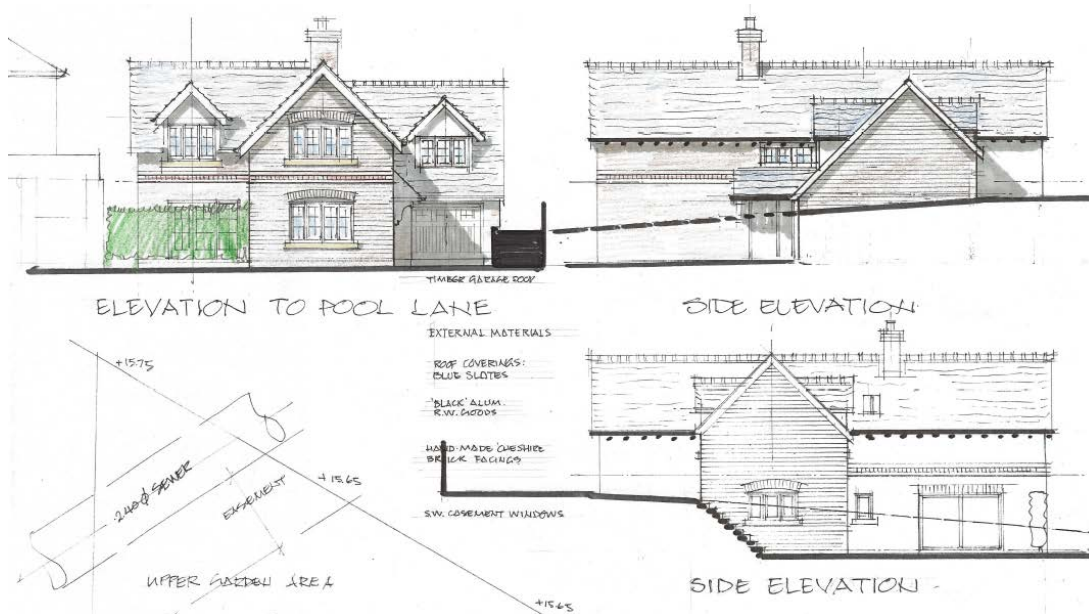
12. PLAN EXTRACTS



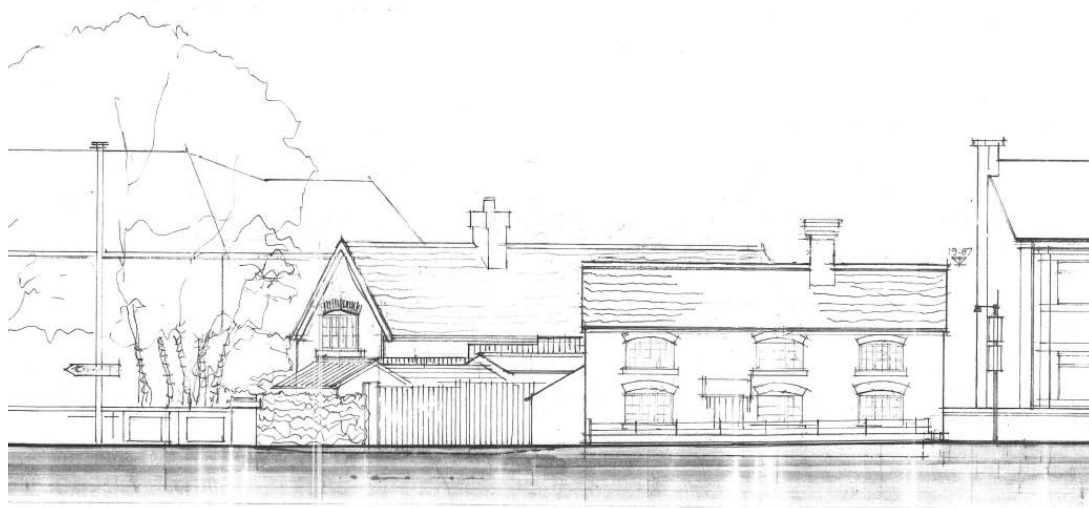
Proposed Block Plan



Proposed Floor Plans and Rear Elevation Drawing



Proposed Elevation Plans



STREET ELEVATION ALONG CHESTER ROAD to warrington—

Street Elevation Plan from Chester Road



View Looking at the site from New Walton Road. 33 Chester Road in foreground of photo.



Pool Lane – Site on right of photo.



Application Site – The Hawthorns on the left.

ARTICLE 35 STATEMENT

Officers have worked with the applicant in a positive and proactive manner in order to seek solutions to the issues relevant to the proposed development, consistent with the requirement in the National Planning Policy Framework (NPPF), paragraph 38.

WARRINGTON BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
DATE OF COMMITTEE: 5th August 2020

Report of the:	Director of Growth
Report Author:	Niki Gallagher
Contact email:	Niki.gallagher@warrington.gov.uk
Contact telephone:	01925 442403

TITLE OF REPORT: APPEAL DECISIONS SUMMARY

1. PURPOSE OF THE REPORT

- 1.1 To inform members of the Development Management of recent appeal decisions.

2. BACKGROUND

- 2.1 On average Development Management deal with over 2,000 applications for planning and associated consents annually. Decisions, including those made by the Development Management Committee (DMC), can be subject to challenge through appeals made to the Planning Inspectorate. Most commonly these relate to applications that have been refused but they can also relate to conditions associated with applications that have been approved.
- 2.2 At the meeting of the Development Management Committee (DMC) held on 28th May 2020, it was agreed that appeal decisions made by the Planning Inspectorate would be communicated to DMC as they became available.

3. APPEAL DECISIONS

The following appeal decisions are attached for Members of the Committee to note.

Appeals Decided						
App No	Location	Proposed Development	Decision Level	Appeal Decision Date	Appeal Decision	Costs Awarded
2019/35742	Greenscene Nursery, Burford Lane, Lymm, Warrington, WA13 0SE	Full Planning - Erection of two dwellings	Delegated	20/07/2020	Dismissed	No
2019/36283	12, BEDFORD STREET, STOCKTON HEATH, WARRINGTON, WA4 6LY	Householder - Proposed single storey rear extension and conversion of outhouses.	Delegated	14/07/2020	Part Allowed/ Part Dismissed	No

Full details are provided in Appendix 1.

- 3.1 The Council have been notified that the following appeals have been submitted to the Planning Inspectorate since the DMC meeting of 08/07/2020. Unless otherwise stated we have not received a start date for these applications as yet; the start date will set the timetable for the appeal and we will not commence publicity on an appeal unless directed to by the Planning Inspectorate by means of this additional correspondence.

Appeals Received						
App No	Location	Proposed Development	Decision Level	Date Appeal Lodged	Appeal Start Date	Requested Appeal Type
2018/32179	Site bordered by Chapel Lane and Manchester Road, Rixton, Warrington	Full Planning (Major) - Proposed construction of part three storey, part two storey 74 bedspace dementia care home (Use Class C2), together with ancillary facilities (laundry, cinema, salon lounge and dining) and associated access, parking, landscaping and external works (resubmission of application ref: 2015/26873)	Delegated	15/07/2020		Informal Hearing
2019/35678	THE BLACKBURNE ARMS, ORFORD GREEN, ORFORD, WARRINGTON, WA2 8PL	Full Planning (Major) Demolition of existing public house and construction of 52 affordable retirement units (x22 2Bed and x30 1Bed) and associated landscaping	Committee	14/07/2020		Written Representations
2020/36980	60, FIR TREE LANE, BURTONWOOD AND WESTBROOK, WARRINGTON, WA5 4LN	Full Planning - Proposed detached dwelling	Delegated	15/07/2020		Written Representations

4. CONFIDENTIAL OR EXEMPT

- 4.1 All information is already within the public domain.

5. FINANCIAL CONSIDERATIONS

- 5.1 There are no financial considerations associated with these appeal decisions.

6. RISK ASSESSMENT

- 6.1 There are no risks associated with these appeal decisions.

7. EQUALITY ISSUES

- 7.1 There are no equality issues associated with these appeals.

8. CONSULTATION

8.1 No consultation was considered necessary for this report.

9. REASON FOR RECOMMENDATION

9.1 To keep DMC Members updated on appeal performance.

10. RECOMMENDATION

10.1 To note the outcome of these appeals.

11. BACKGROUND PAPERS

11.1 N/A

APPENDIX 1

APPEAL DECISIONS

Appeal Decision

Site visit made on 15 June 2020 by Hilary Senior BA (Hons) MCD MRTPI **by**

Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 July 2020

Appeal Ref: APP/M0655/W/19/3243857 Greenscene Nursery, Burford Lane, Lymm, Warrington WA13 0SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David McClean (Ellesmere Park Property Developers Ltd) against the decision of Warrington Borough Council.
 - The application Ref 2019/35742, dated 30 August 2019, was refused by notice dated 29 November 2019.
 - The development proposed is erection of two dwellings.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt and character and appearance of the area;
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons*Whether the Proposal would be Inappropriate Development*

4. The appeal site is located on the edge of Broomedge village which is washed over by the Green Belt as defined in Policy CC1 of the Warrington Borough Council Adopted Core Strategy (2014) (the Core Strategy). There is no dispute between the parties that the site lies outside the settlement boundary as defined in the Core Strategy.
-
5. The site, which has an open character and appearance, was previously in use as a garden nursery and retains single storey buildings to the rear of the site along with associated hardstanding. The appeal proposal is for two detached two storey dwellings, including separate garages and associated parking areas with a new shared access onto Burford Road.
 6. Paragraph 143 of the NPPF states inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF says the construction of new buildings in the Green Belt should be regarded as inappropriate development unless certain listed exemptions apply. One of these exceptions is where development would constitute 'limited infilling in villages' (Paragraph 145e). The terms limited and infilling are not defined in the Framework.
 7. My attention has been drawn to a High Court Ruling¹ which it was held that the boundary of a village defined in a local plan may not be determinative for the purpose of identifying a village. In this case, the defined settlement limit is relatively close to the appeal site and there is a distinct change of character between areas within the settlement boundary and the appeal site. Within the defined settlement, development along Burford Road is more densely built with dwellings quite close to the highway and with a formal appearance of maintained verges on one side of the road and terraced properties on the other. These characteristics change when the village boundary is reached. Development then becomes more sporadic and on the side of the road where the appeal site is located, is set back from the road in well landscaped plots creating a semi-rural character and appearance. As such, the appeal site is not considered to be within the village, either as defined in the Core Strategy or when assessed on the ground.
 8. Even if the appeal site was found to be within a village, Policy CC1 indicates that limited infilling should constitute a small break between existing development and have an affinity with the built form of the settlement. In this case the site does not lie within a continuous frontage of development as the sporadic development to each side of the site is set back from the road and visually separate from it. On that basis I am not persuaded that the site constitutes a small break in the built form of the village.

¹ Julian Wood v SSCLG and Gravesham Borough Council [2015] EWCA Civ 195

9. I acknowledge that recent development has taken place in the vicinity of the site, including the 14 single storey park homes. Although I do not have the details of the development before me, from the site visit I noted that the development is set back from highway and the development is of a low density and therefore not prominent in the street scene. It is not visible from the appeal site. I also note from the evidence that the scheme was assessed as previously developed land and met the requirement of the Framework.
 10. The appellant has provided appeal decisions relating to limited infilling in villages¹ which have been allowed. I do not have the full details of those appeals before me. However, in all cases the Inspectors found that the appeal sites were well related to the existing settlement and were determined as infill within villages and were therefore not inappropriate development in the Green Belt. These cases are not therefore directly comparable to the proposal before me.
-
11. For the above reasons the proposal does not constitute limited infilling in the Green Belt and would not fall within any other exception category set out in paragraph 145 of the Framework. It therefore constitutes inappropriate development in the Green Belt.

Effect on Openness

12. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness in this context could be taken to mean the absence of built development. Openness and permanence are essential characteristics of the Green Belt.
13. I do not have details of the volume of the proposed dwellings, or indeed the volume of the existing structures on the site. However, the proposal would significantly increase the amount of built development towards the front of the site, due to both its position within it and the two-storey nature of the proposal. It would therefore be significantly more visible than the existing structures from viewpoints along Burford Lane. Whilst existing landscaping, and mature trees to the rear of the site, would screen the development to an extent there would nevertheless be a degree of harm to the Green Belt by way of loss of openness, in addition to that arising from the inappropriate nature of the development.

Character and Appearance

14. The appeal site is a large site set within the open countryside. Having been disused as a garden centre for some time, the site is now predominantly grassed. The remaining single storey structures associated with the former business are set to the rear of the site and are not highly prominent in the public realm. Whilst they are in a deteriorating condition, they are compatible with the site's rural location and do not have an adverse impact on the character or appearance of the area. Whilst I acknowledge that the site is

¹ APP/G2245/w/16/3142246, APP/R0660/W/16/3156493 and APP/R0660/W/18/3201548

currently overgrown, it nevertheless makes a positive contribution to the open appearance and rural character of the countryside.

15. The dwellings would be of a size commensurate with the dwellings in the vicinity of the site. However, the introduction of a pair of substantial dwellings of a suburban appearance, including the accessway and an area of hardstanding for parking of vehicles, in this location would cause harm to the character and appearance of the area. I acknowledge that this would be a means by which the overgrown nature of the site would be remedied, but any benefits in this respect would be significantly outweighed by the harm caused by the development.
16. Consequently, this would result in additional harm, contrary to Policy QE7 of the Core Strategy which seeks to ensure that development reinforces local distinctiveness of the surrounding countryside

Other Considerations

17. Both parties agree that the Council is unable to demonstrate a five year supply of housing land. The proposal would provide two units of residential accommodation, with associated economic benefits. These are, albeit limited, benefits of the scheme.

Very Special Circumstances

18. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. I have found that the proposal would be inappropriate development in the Green Belt and that it would be harmful to the openness of the Green Belt. In addition, the proposal would cause harm to the character and appearance of the area. These matters collectively carry substantial weight.
19. As set out above there are some limited benefits to the proposal in terms of the provision of housing. However, paragraph 11d) of the Framework is clear that the presumption in favour of sustainable development does not apply where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Land designated as Green Belt is listed in footnote 6 as one such policy. As such the benefit from the provision of additional housing does not outweigh the harm I have identified.
20. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. As such the proposal would conflict with Policies CS5 and CC1 of the Warrington Borough Council Adopted Core Strategy (2014) and with Green Belt policy as set out in paragraphs 143145 of the Framework.

Recommendation

21. Accordingly, for these reasons, and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR

Appeal Decision

Site visit made on 6 July 2020 by **Alison**

Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2020

Appeal Ref: APP/M0655/D/20/3252171 12 Bedford Street, Stockton Heath, Warrington WA4 6LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Andrea Sollory against the decision of Warrington Borough Council.
 - The application Ref 2019/36283, dated 19 November 2019, was refused by notice dated 4 March 2020.
 - The development proposed is a single storey rear extension and conversion of outhouses.
-

Decision

1. The appeal is dismissed insofar as it relates to the single storey rear extension. The appeal is allowed insofar as it relates to the conversion of outhouses and planning permission is granted for the conversion of outhouses at 12 Bedford Street, Stockton Heath, Warrington WA4 6LY in accordance with the terms of the application, Ref 2019/36283, dated 19 November 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans in so far as relevant to that part of the development permitted: Site Location Plan; Existing and Proposed Plans and Specifications Dwg No 01; Existing and Proposed Elevations and Sections Dwg No 02.
 - 3) The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in the appeal is the effect of the proposed extension on the living conditions of the occupiers of No 11 Bedford Street with particular regard to light and outlook.

Reasons

3. The appeal property is a terraced house that has a 2 storey rear outrigger with single storey outhouses beyond. At ground floor level the main rear elevation of the adjoining house (No 11) contains a window that faces down the rear yard, and a window on the outrigger that faces No 12. In addition, the outhouses on this property have been converted into a habitable room that

<https://www.gov.uk/planning-inspectorate>

Appeal Decision APP/M0655/D/20/3252171

contains a number of windows which also face the host property. These are all close to the common boundary which at present is marked by a wall which is around 1.8m high closest to the houses but which then reduces to approximately 1.6m. The orientation of the properties, the existing outrigger on No 12 and the boundary wall already restrict the outlook of the windows on No 11 and mean that they receive little direct sunlight.

4. The proposed extension would be close to the common boundary and project as far as the outrigger does. It would also be significantly taller than the existing boundary wall. Whilst, due to the orientation of the properties the extension would not result in any significant additional overshadowing, it would have an adverse impact on the amount of light received, particularly by the window on the main rear elevation of No 11. Moreover, the scale and mass of the extension and its position close to the boundary, would result in it having an overbearing impact on the adjoining dwelling, exacerbating the poor outlook the windows already have.
5. The appellant has suggested that under permitted development rights they would be able to build a similar extension which did not project as far. Be that as it may, such an extension is not as substantial as the proposal now before me, and so its impact would not be as great.
6. The Council have not raised any objection to the conversion of the outhouses into living accommodation. Nothing I have seen or read leads me to a different conclusion in this regard. As this element is clearly severable from the rear extension, I consider that this part of the proposal can be allowed on its own.
7. Overall, I consider that the conversion of the outhouses would be acceptable but that the proposed extension would have an unacceptable impact on the living conditions of the occupiers of No 11 Bedford Street with particular regard to light and outlook. Accordingly, the proposed extension would conflict with Policy QE6 of the Warrington Local Plan Core Strategy (adopted July 2014) which requires that developments should respect the living conditions of existing neighbouring occupiers.
8. The appellant has highlighted that Policy QE6 also refers to the need to take into account permitted development rights. However, that bullet point refers to the ability and effect of using permitted development rights to change use within the same Use Class without needing to obtain planning consent. As such, this does not apply to the appeal scheme as the permitted development rights referred to are not for changes of use.

Conclusion and Condition

9. For the reasons set out above, I conclude the appeal should be allowed in respect of the conversion of the outhouses, but dismissed in respect of the

single storey rear extension. In addition to the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition is required to control the external appearance of the converted outhouse.

Alison Partington

INSPECTOR

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WARRINGTON BOROUGH COUNCIL DEVELOPMENT MANAGEMENT COMMITTEE 5th August 2020

Report of the: Director for Growth

Report of Author: Niki Gallagher

Contact Details: niki.gallagher@warrington.gov.uk

Telephone: 01925 442403

TITLE OF REPORT: Revised Operating Procedures for Development Management Committee: 3 Month Review

1. PURPOSE OF THE REPORT

- 1.1 This report seeks 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.
- 1.2 The report details 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.
- 1.3 The report recommends 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 is 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.

2. BACKGROUND

- 2.1 The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 was introduced on 4th April 2020 and allowed for the Development Management Committee to operate remotely through the use of technology. The introduction of this legislation was welcome in allowing the continued determination of applications that would otherwise have been stalled in their consideration. To facilitate this different processes and technology have been introduced to DMC, which are administered in the context of other variables that are outside of the control of the Council Members and Officers, such as broadband speed and the potential for general disturbance. During DMC on 6th May it was therefore considered prudent to examine the wider functions of DMC to establish the potential for efficiencies whilst ensuring that the

core function of the Committee was retained. Specific consideration was given to the Council's Constitution. This was updated in January 2020 and states:

6.1 *The following matters are reserved to the Development Management Committee:- All decisions with respect to planning matters (including the granting of planning permissions and decisions with respect to enforcement of planning matters), and tree preservation orders; in the following circumstances:-*

(a) *Planning applications for development which are major* development and have given rise to material planning objections received from ten persons or more at the end of the statutory consultation period and the Director of Environment and Transport is minded to recommend approval of planning permission.*

** Defined as development of 10 or more residential units or 1,000 sq.m or more of industrial, commercial or retail floor space. Where the number of units or floor space is not defined a site area of 1 hectare or more should be used. (Renewal or time extension or Section 84 (Variation of condition) applications are excluded from the definition for the purposes of referral unless considered appropriate by the Director);*

(b) *Any application for development which is significantly contrary to the provisions of the Development Plan and is recommended for approval;*

(c) *Approval of, or consultation upon, planning policy documents in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments thereto;*

(d) *Any application for development where a notice in writing, and within 21 days of being notified by the Local Planning Authority (21 days is inclusive of weekends and bank/public holidays), has been given to the Director of Environment and Transport by a ward Councillor for the relevant ward within which the application site is located, requiring the Committee to decide the application and identifying, to the satisfaction of the Director of Environment and Transport, relevant planning reasons for the referral;*

(e) *Any application for development where a notice in writing, and within 21 days of being notified by the Local Planning Authority (21 days is inclusive of weekends and bank/public holidays), has been given to the Responsibilities of Council, Cabinet, Regulatory & Other Committees Director of Environment and Transport by a Town or Parish Council, for the relevant ward within which the application site is located, which has expressed a view contrary to the officer recommendation and identifying, to the satisfaction of the Director of Environment and Transport, a relevant planning reason(s) for referral;*

- (f) *Any application for development in which the Council has a significant interest in the proposal or the application relates to Council owned land or is submitted by an employee or elected member of the Council;*
- (g) *Any application for development which as a consequence of the scale of objection or for any other reason the Director of Environment and Transport deems it to be appropriate or expedient for the matter to be referred to the Committee;*
- (h) *Confirmation of a Tree Preservation Order where objection to the proposed order has been received and not been withdrawn;*
- (i) *Determination of an enforcement matter where the Director of Environment and Transport considers it appropriate, particularly where there may be significant costs implications for the Council or where the action may have a significant personal or financial implication for those involved.*

2.2 Further to this at DMC on 6th May Members resolved:

- (1) That the following types of applications be delegated to the Director of Growth in consultation with the Chief Executive;
 - (e) Household planning applications where objections are received from Parish Councils.*
 - (f) Applications on Council owned land or with Council interest where no *material* objections have been received and where the Director of Growth does not have responsibilities for any aspect of the management of any land or buildings to which the application relates. *
 - (f) Personal applications made by Council employees (with the exceptions of members of the Senior Leadership Team and those employed within Development Management and Planning Policy, which would continue to be referred to DMC).*
 - Other: Section 73 applications (material amendments) for developments falling within the identified categories in the constitution but where the representations received are *not* materially specific to the proposed change.*

*Exemption – any application that has previously been considered by DMC and deferred for further information/ clarifications.

In addition, delegated authority was also provided for the following type of application to the Chief Executive/ Deputy Chief Executive:

- (f) Applications on Council owned land or with Council interest where no *material* objections have been received and where the Director of Growth has

responsibilities for any aspect of the management of any land or buildings to which the application relates.

- (2) For the Chairman and Development Manager to agree the frequency of future remote Development Management Committee meetings dependent on application deadlines.
- (3) That the arrangements detailed in resolutions (1) and (2) be reviewed by Officers in 3 months' time.

2.3 Transparency and accountability have been retained within the planning process and decisions continue to adhere to policies within Warrington's Local Plan Core Strategy (2014) in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act 2004. All delegated reports have ensured that all representations have been taken in to account in the decision making process and these are published on the Council's website. Although any delegated decision can be referred back to the delegating Committee by the Director for Growth if that was considered appropriate in that particular circumstances, this has not been considered necessary within the 3 month review period.

3. Update: Delegations from DMC to Officers and comments on frequency of meetings

3.1 Between DMC's resolution on 6th May and the writing of this report, 16 applications have been considered by Officers which would have otherwise been considered by DMC. To put this in a wider context, DMC have dealt with 26 applications since the introduction of remote Committees (including those on the agenda for 5th August). Details of the delegated applications are recorded in the table below for information:

Application Number	Address	Description of Development	Officer Decision	Reason for consideration at DMC under constitution
2020/36439	Land at Lymm Dam, Church Road, Lymm, Warrington, WA13 0QS	Proposed siting of timber clad steel cabin with pitched roof which has been converted into a toilet for public use.	Approved subject to conditions	Council application/ council owned land
2020/36508	Woolston Neighbourhood Hub, Hall Road, Woolston, Warrington, WA1 4PN	Proposed change of use for part of Woolston Neighbourhood Hub, to allow for office space	Approved subject to conditions	Council owned land
2020/36327	Padgate Library, Fearnhead Cross, Insall Road, Poulton-with-Fearnhead, Warrington, WA2 0HD	Full Planning – Proposed removal of existing porch canopy and replacement of existing windows with new.	Approved subject to conditions	Council application/ council owned land
2019/36270	3 Brookfield Close, Lymm, Warrington,	Householder – Proposed extension and alterations to	Approved subject to	Objection from Lymm

	WA13 0QN	existing dwelling including side and rear extensions, increase of roof height, formation of attached single storey entrance link.	conditions	Parish Council
2019.36320	480 Warrington Road	Householder - single storey side extension (garage)	Approved subject to conditions	Objection from Culcheth and Glazebury Parish Council
2020/36484	Queens Gardens, Palmyra Square North, Bewsey and Whitecross, Warrington.	Full Planning - Proposed demolition of partially collapsed wall at the south west corner of Queen's Gardens and to rebuild the wall to match existing height and profile	Approved with conditions	Council application/ council owed land
2020/36684	Land on the Corner of Dallam Lane and Tanners Lane, Warrington, WA2 7JQ	Full Planning - Proposed change of use from D1 to adopted highway (Sui Generis). demolition of existing building and brick wall; the construction of a new brick wall and re-surfacing of the car park	Approved with conditions	Council application/ Council owned land
2020/36671	Land on the Corner of Dallam Lane and Tanners Lane, Warrington, WA2 7JQ	Listed building consent - Proposed change of use from D1 to adopted highway (Sui Generis). demolition of existing building and brick wall; the construction of a new brick wall and re-surfacing of the car park	Approved with conditions	Council application/ Council owned land
2020/36363	Warrington Museum & Library, Bold Street, Warrington, WA1 1DR	Listed building - Proposed Re-roof of welsh slate looking at a 50/50 recondition reuse scope of works, Flat roof areas to be stripped and renewed with a bonder product roofing system. Existing glazing to be replaced like for like. All existing gutters to be replaced like for like.	Approve with conditions	Council application/ council owned land
2020/36662	Land North of Cavendish Avenue, Birchwood Park, Warrington	Full Planning (Major)- Proposed formation of temporary car park	Approved with Conditions	Council owned land
2020/36878	7- 8, Fearnhead Cross Insall Road, Poulton-With-Fearnhead WA2 0HD	Full Planning - Proposed change of use to betting shop (Sui Generis); Installation of new shopfront and roller shutters; Installation of one	Approved with conditions	Council owned land

		new satellite dish and three AC condenser units on the rear elevation to be used in connection with the betting shop.		
2020/36879	7- 8, Fearnhead Cross Insall Road, Poulton-With-Fearnhead WA2 0HD	Advertisement - Proposed Signage	Approved with conditions	Council owned land
2020/36759	Walton Hall, Walton Hall Gardens, Walton Lead Road WA4 6SN	Listed Building - Proposed creation of store cupboard to first floor	Approved subject to conditions	Council application/ council owned land
2020/36946	Town Hall, Sankey Street, Bewsey And Whitecross, Warrington, WA1 1UH	Listed Building - Replacement AV Equipment in the Council Chamber	Approved subject to conditions	Council application/ council owned land
2020/36907	11, Culcheth Hall Farn Barns, Withington Avenue WA3 4AN	Householder - Erection of single storey side extension including internal works and minor works to existing elevations.	Approved subject to conditions	Objection from Culcheth and Glazebury Parish Council
2020/36976	7, Abingdon Avenue, Woolston, Warrington WA1 4HF	Householder - Proposed Single Storey Side/Rear and Front Extension and canopy	Approved subject to conditions	Council Employee

3.2 The above table clearly demonstrates that the principal benefit of the proposed changes, which were to reduce the number of applications to be considered by DMC allowing smaller agendas that would be more manageable in the current circumstances, has been realised. It is noted that the number of applications has been limited on remote agendas to a maximum of 6 although this has varied largely in response to the complexity of applications. Within the period it has been considered necessary to introduce 2 additional DMCs above those on the 3 week cycle (there have been a total of 7 DMCs that have operated remotely, including 5th August) and this has in part been as a result of the implications of covid-19 and associated workflows. It is not considered DMCs would need to be operated with such frequency in the future however the volume of applications during this period, when considered alongside the new ways of working, clearly indicates that a 3 week cycle is effective and efficient.

3.3 Members will be mindful of the relationship of *appropriate* development to supporting economic recovery and it is important that decisions continue to be made in a timely way. Furthermore significant delays in the decision making process could have reputational and financial implications and result in WBCs loss of control as decision making authority if applicants choose to appeal against non-determination to the Planning Inspectorate.

4. CONFIDENTIAL OR EXEMPT

4.1 N/A

5. FINANCIAL CONSIDERATIONS

5.1 N/A

6. RISK ASSESSMENT

6.1 The decision for members to delegate applications attributed to them in the constitution to officers could be subject to challenge as expectations regarding the 'new normal' are embedded. However it is considered that the recommendations in this report are justified based on the processes that need to be operated for efficient remote meetings. It is therefore considered that any risks are not significant however, notwithstanding this, it is suggested that the delegation is revisited at the end of November to reassess whether the proposal remains satisfactory to DMC and any change of circumstances would be assessed at that time.

7. EQUALITY ISSUES

7.1 In making this recommendation, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010. It is considered that the application has no differential impacts.

8. CONSULTATION

8.1 N/A

9. REASON FOR RECOMMENDATION

9.1 The reason for the recommendation is in direct response to the procedural changes necessary to facilitate DMC remotely in response to the Coronavirus pandemic. The volume of applications under consideration combined with new operating procedures necessitate increased frequency of meetings and further delegations in order to progress with making timely decisions. Whilst the legislation allowing remote DMCs to take place will be in force until at least May 2021, it is suggested that the frequency and amendments to the scheme of delegation agreed by DMC are reviewed at the end of the November to ensure that the changes implemented continue to successfully meet their objectives within the context of any change in circumstances.

9.2 The amendment to the previous resolution removing the need to consult with the Chief Executive when he has specific interest in the site or applicants would enhance transparency and probity in the decision making process.

10. RECOMMENDATION

- 10.1 It is respectfully recommended that the applications detailed in paragraph 2.2 of this 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 it is recommended that delegations fall solely to the Deputy Chief Executive or Director for Growth without Chief Executive consultation. It is further recommended that the amendments to the delegation are further reviewed with DMC at the end of November.
- 10.2 It is further recommended that Members consider the frequency of DMCs and the appropriateness of maintaining a 3 week cycle, as opposed to the 4 week cycle previously implemented for physical meetings, to be reviewed at the end of November.