



**WARRINGTON**  
Borough Council

Pablo Iglesias,  
Grated Apple  
The Piggery  
2, Wigsey Lane  
Warburton  
WA13 9JL

Professor Steven Broomhead  
Chief Executive

Steve Park  
Director of Growth

3rd Floor New Town House  
Buttermarket Street  
Warrington  
WA1 2NH

devcontrol@warrington.gov.uk

01925 442819

**SUBJECT TO SECTION 106 LEGAL AGREEMENT**

Town and Country Planning Act 1990

Application for Full Planning Permission

**NOTICE OF DECISION ON PLANNING APPLICATION**

**APPLICATION NO:** 2020/36310  
**PROPOSAL:** Full Planning - Proposed Two storey Day Nursery, with associated parking and external play areas  
**LOCATION:** Plot 2010 Lingley Mere Business Park, Lingley Green Avenue, Great Sankey, WA5 3LP  
**DECISION:** THE BOROUGH COUNCIL HAS DECIDED TO **GRANT PERMISSION** SUBJECT TO THE FOLLOWING CONDITION(S);

**CONDITION(S) & REASON(S)**

- 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 17th January and 10th February 2020.

(b) Submitted drawing No's 18007 AP(04)01 P0; 18007 AP(04)00 P1; 18007 AP(05)01 P; 18007 AP(9-) 01 P0 received on 17th January 2020 and Amended Design and Access Statement received 10th February 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) None of the buildings hereby approved shall be used/occupied until a bin storage scheme has been submitted to and approved by the Local Planning Authority. The approved bin storage scheme shall be implemented prior to first use/occupation of the development hereby approved and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy QE7 of the Warrington Core Strategy.

- 4) No development shall begin until details of site levels have been submitted and approved in writing by the Local Planning Authority.

Reason:- In the interests of the successful development of the site and to comply with LPCS Policies QE6 and QE7 and the NPPF.

- 5) Prior to any above ground works, full details of all facing and roofing materials to be used in the construction of the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. This shall include specification, manufacturers details and photographs. Only approved materials shall be implemented on site in accordance with approved plans.

Reason: In order to comply with Policy QE7 of the Warrington Core Strategy and the Warrington SPD: Design and Construction

- 6) Contaminated Land Condition: Characterisation & Remediation Strategy  
No development (other than demolition and site clearance works) shall take place until the steps in Sections A and

B below are undertaken:

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

- Preliminary Risk Assessment (PRA or Desk Study)
- Generic Quantitative Risk Assessment (GQRA) informed by a Intrusive Site Investigation
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal

Completing a PRA is the minimum requirement. DQRA should only 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 be submitted in writing to and agreed with the LPA. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

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

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

7) Contaminated Land Condition: Completion

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

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

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

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

The site shall not be taken into use until remediation and verification are completed.

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

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion. In accordance with: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); 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).

- 8) Prior to the commencement of use, a noise management scheme for the operation of the nursery shall be submitted to the Local Planning Authority for written approval. The noise management scheme shall review all noise making activities and shall identify appropriate control methodologies for reducing and/or limiting noise in the outdoor areas which is likely to be audible at nearby residential properties. This may consider activities permitted within the outdoor areas, times and durations of activities across the permitted operational hours, restrictions on number of children outside at any given time or other considerations not discussed here. The scheme shall be reviewed periodically to monitor its ongoing effectiveness but shall be reviewed again within a week of receipt of any justified noise complaint. Once approved, the scheme and all identified control measures (in the latest update) shall be implemented as agreed and shall be maintained for the duration of use.

Reason: To provide an ongoing monitoring and control review to prevent an increase in noise levels and protect the amenity of any residents due to the external activities of the childrens nursery. 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)

- 9) Except for site clearance and remediation no development shall commence until a scheme for the design and construction of a 2m wide footway between the nursery pedestrian access and main Lingley Mere Business Park access, including timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to first occupation of the development hereby approved.

Reason: To ensure that adequate provision is made for pedestrian access to the site; and to establish measures to encourage non-car modes of transport and to comply with LPCS MP3 and the NPPF..

- 10) The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. The parking and servicing areas shall be retained as such thereafter.

Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance and to comply with LPCS Policies MP1

and MP3 and the NPPF..

- 11) Except for site clearance and remediation no development shall take place until a scheme for the provision of cycle parking in accordance with the Council's current standards has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such 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 and to comply with LPCS Policy MP3 and the NPPF..

- 12) The number of children attending the development hereby approved shall not exceed 104 at any one time.

Reason: To ensure that the highway network is adequate to cater for the development proposed and in order that the traffic generated by the development does not exacerbate unsatisfactory highway/transportation conditions and to comply with LPCS Policies MP1 and MP3 and the NPPF.

- 13) Prior to first occupation of any building(s) hereby approved a satisfactory programmed landscaping scheme which shall include hard surfacing, means of enclosure, planting of the development - incorporating a replacement tree planting provision, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the development, shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented during the first planting season following the completion of development and any tree or shrub planted which dies or is felled, uprooted, willfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality and to comply with Policy QE7 of the Warrington Core Strategy and the Warrington SPD: Design and Construction.

- 14) Prior to the commencement of the development of each phase, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions and designed to prevent the discharge of water onto the public highway shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be carried out in accordance with the approved details.

Reason: In order to secure satisfactory drainage for the development and to manage the risk of flooding and pollution. The drainage details will need to be installed and understood at an early stage in the development process and therefore it is appropriate to require this detail prior to commencement of development.

- 15) Foul and surface water shall be drained on separate systems.

Reason: In order to secure satisfactory drainage for the development and to manage the risk of flooding and pollution.

### **INFORMATIVES**

- 1) Noise Informative: Working Hours For Development Sites

In the interests of residential amenity, the applicant/agent/developer is strongly advised to adopt the following

recommended construction/demolition hours for all works on site.

Works audible at or beyond the site boundary should not occur outside of Monday to Friday 08.00hrs to 18.00

hrs, Saturday 08.30hrs to 13.30hrs and at no time on Sundays or Public/Bank Holidays.

Noisy or disruptive works carried on outside of these hours are much more likely to raise objections or complaints

by local residents (due to disturbance) to the redevelopment of the site which may, in turn, result in formal action

being pursued by Public Protection Services to enforce the recommended hours.

Contact: For more advice and guidance on recommended construction/demolition hours or

construction/demolition methods, please contact an officer from Public Protection on 01925 442589.

Information Informative: Environmental Protection Supplementary Planning Document (SPD)

For advice concerning Environmental Protection matters [Contaminated Land Assessments, Air Quality

Assessments, Odour Assessments, Noise or Lighting requirements] please refer to the Environmental Protection

Supplementary Planning Document on the Warrington Borough Council website:

[https://www.warrington.gov.uk/downloads/file/4089/spd\\_environmental\\_protection](https://www.warrington.gov.uk/downloads/file/4089/spd_environmental_protection)

Contact: For further verbal advice please contact the Contaminated Land team on 01925 442581, Mr Richard

Moore regarding Air Quality on 01925 442596 or Mr Steve Smith regarding Odour, Noise or Lighting on 01925

442589.

Lighting Informative: Installation of Lighting Schemes

Any external area lighting should be designed and installed by competent persons. The system should be

designed according to best practice in respect of glare, light spill, efficiency and

appropriate hours of operation based on the need for the lights. Advice can be obtained from: Institution of Lighting Professionals, Regent House, Regent Place, Rugby, CV21 2PN. <https://www.theilp.org.uk/home/> or other equivalent professional organisations.

- 2) Trees shall not felled during the optimum time of year for bird nesting (March to August inclusive) unless nesting birds have been shown to be absent by a suitably qualified person).

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**IMPORTANT**

This decision relates solely to planning legislation, and does not grant authority under the Building Regulations, nor any other legislation that might be required. The guidance notes enclosed with this decision notice will help you to understand this decision, your rights and other things you may have to do.

DATED 09-Jul-2020

SIGNED:



Niki Gallagher  
Development Manager  
Development Management

## NOTES

- This decision is not an approval under the Building Regulations, nor is it a Listed Building or Conservation Area Consent for demolition or other works, consent to display advertisements, consent to lop or fell protected Trees (unless immediately required in connection with the carrying out of the development and the Council has confirmed in writing that all conditions relating to details which affect trees have been satisfied), or authority to close/divert a public right of way. It relates to the development described. Carrying out of a different form of development could result in enforcement action. You should therefore seek advice in writing on any proposed amendment or alteration.
- The formation or alteration of footway crossings and other highway works must be to the specification of the Council as Highway Authority. Please refer to the Highways Department at New Town House, Buttermarket Street, Warrington prior to commencement.
- The granting of planning permission should not be taken as indicating that the requirements of legislation concerned with public health, public safety, and pollution control or food hygiene have been satisfied. Please refer to the Environmental Health Section at New Town House, Buttermarket Street, Warrington prior to commencement.
- The opening of a place of work, premises into which the public will go or an educational facility gives rise to a legal duty to make provision for the needs of the disabled.
- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision to refuse planning permission for a householder application or for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. These types of process **do not** apply to any in circumstances where an appeal against the refusal to grant listed building consent or conservation area consent is submitted at the same time as an appeal against the refusal to grant planning permission.
- If this decision relates to the same or substantially the same land and development as is or subsequently becomes the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice, or within 12 weeks in the case of a householder or minor commercial application of the date of this notice whichever period expires sooner.



- You can appeal to the Planning Inspectorate against the decision, including any conditions imposed by the Council (your formal rights are set out below). If you wish to appeal, you should do so by writing to The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at [www.planningportal.co.uk/info/200207/appeals](http://www.planningportal.co.uk/info/200207/appeals) within 6 months of the decision date.
- If this decision relates to the same or substantially the same land and development as is or subsequently becomes the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice, or within 6 months of the date of this notice whichever period expires sooner.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you feel your application was not dealt with properly, you can write to The Executive Director for Economic Regeneration, Growth & Environment who will investigate in accordance with the Council's complaints procedure.