

# Public Document Pack



## Development Control Committee

Monday, 7 November 2016 6.30 p.m.  
Civic Suite, Town Hall, Runcorn

A handwritten signature in blue ink that reads 'David W R'.

**Chief Executive**

### **COMMITTEE MEMBERSHIP**

Councillor Paul Nolan (Chair)
Councillor Keith Morley (Vice-Chair)
Councillor John Bradshaw
Councillor Arthur Cole
Councillor Robert Gilligan
Councillor Ron Hignett
Councillor Carol Plumpton Walsh
Councillor June Roberts
Councillor Dave Thompson
Councillor Bill Woolfall
Councillor Geoff Zygodllo

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or [ann.jones@halton.gov.uk](mailto:ann.jones@halton.gov.uk) for further information.*

*The next meeting of the Committee is on Tuesday, 6 December 2016*

**ITEMS TO BE DEALT WITH  
IN THE PRESENCE OF THE PRESS AND PUBLIC**

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	<b>1 - 3</b>
<b>2. DECLARATIONS OF INTEREST</b>	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item.	
<b>3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE</b>	<b>4 - 55</b>
<b>4. MISCELLANEOUS ITEMS</b>	<b>56 - 58</b>

***In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.***

**DEVELOPMENT CONTROL COMMITTEE**

*At a meeting of the Development Control Committee on Monday, 3 October 2016 at The Board Room - Municipal Building, Widnes*

Present: Councillors Nolan (Chair), Cole, Gilligan, R. Hignett, C. Plumpton Walsh, June Roberts, Thompson, Woolfall and Zygadlo

Apologies for Absence: Councillors Morley and J. Bradshaw

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, M. Noone, A. Plant, J. Eaton and A. Moyers

Also in attendance: None

**ITEMS DEALT WITH  
UNDER DUTIES  
EXERCISABLE BY THE COMMITTEE**

	<i>Action</i>
DEV16 MINUTES	
<p>The Minutes of the meeting held on 1 August 2016, having been circulated, were taken as read and signed as a correct record.</p>	
DEV17 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
<p>The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.</p>	
DEV18 - 16/00369/P3JPA - PROPOSED CHANGE OF USE FROM B1 OFFICES TO 34 RESIDENTIAL STUDIO FLATS AT MIDWOOD HOUSE, TRAVIS STREET, WIDNES	
<p>The consultation procedure undertaken was outlined in the report together with background information in respect of the site.</p> <p>The Committee was reminded that the application was not a full planning application, and that a change of use from Class B1(a) offices to Class C3 (dwellinghouses) was permitted development under Part 3, Class O, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended).</p>	

The report set out a number of instances where this change of use was not permitted development and it was noted that none of the instances outlined in the report applied to this proposal. It was therefore permitted by Class O, subject to the condition that before beginning the development, the developer shall apply to the Local Planning Authority (LPA) for a determination as to whether the prior approval of the LPA would be required with regards to the following four considerations:

1. Transport and highways impacts of the development;
2. Contamination risks on the site;
3. Flooding risks on the site; and
4. Impact of noise from commercial premises on the intended occupiers of the development.

Taking into account the responses set out in the Officer's report the Committee agreed that the proposal was acceptable and prior approval was not required. It was noted that development under Class O was permitted subject to the condition that it must be completed within a period of 3 years, starting with the prior approval date.

RESOLVED: That prior approval for the change of use from Class B1(a) offices to Class C3 (dwellinghouses) was not required.

#### DEV19 - REVIEW OF NEW LOCAL WILDLIFE SITES IN THE BOROUGH

The Committee received a report from the Strategic Director – Enterprise, Community and Resources, requesting them to approve the addition of two newly identified Local Wildlife Sites (LWS) at Gigg Lane and Keckwick Brook Corridor; approve the removal of one LWS at Runcorn East Railway Station; and approve boundary amendments to two LWS's (Haystack Lodge and Haddocks Wood Pasture), on the Local Wildlife Sites List. Members noted that such approval would be for development control purposes only since formal adoption was for the development plan procedure. However, this approval would assist the Committee in determining applications pending formal adoption of the LWS.

It was reported that the LWS List formed part of the evidence base that informed Development Management decisions, and supported the production of the Delivery and Allocations Local Plan that would replace the remaining policies from the Unitary Development Plan.

The report provided supporting and background information around the *Natural Environment and Rural Communities Act 2006*, which placed a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. It also explained the procedures for Local Wildlife Site selection; and for the adoption and removal of Local Wildlife Sites. The Committee was also provided with maps, descriptions and survey information on the areas, attached at Appendix 1 to the report.

Officers advised Members of the addition of one sentence to paragraph 3.12 as follows, *“However formal approval for forward planning proposals is not affected and will continue to be applied”*.

RESOLVED: That for Development Control purposes the Committee approves:

- 1) the addition of new Local Wildlife Sites at:
  - Gigg Lane; and
  - Keckwick Brook Corridor;
- 2) the deletion of a Local Wildlife Site at Runcorn East Railway Station; and
- 3) boundary changes to:
  - Haystack Lodge; and
  - Haddocks Wood Pasture Local Wildlife Site.

*Meeting ended at 6.45 p.m.*

**REPORT TO:** Development Control Committee

**DATE:** 7 November 2016

**REPORTING OFFICER:** Strategic Director – Enterprise, Community and Resources

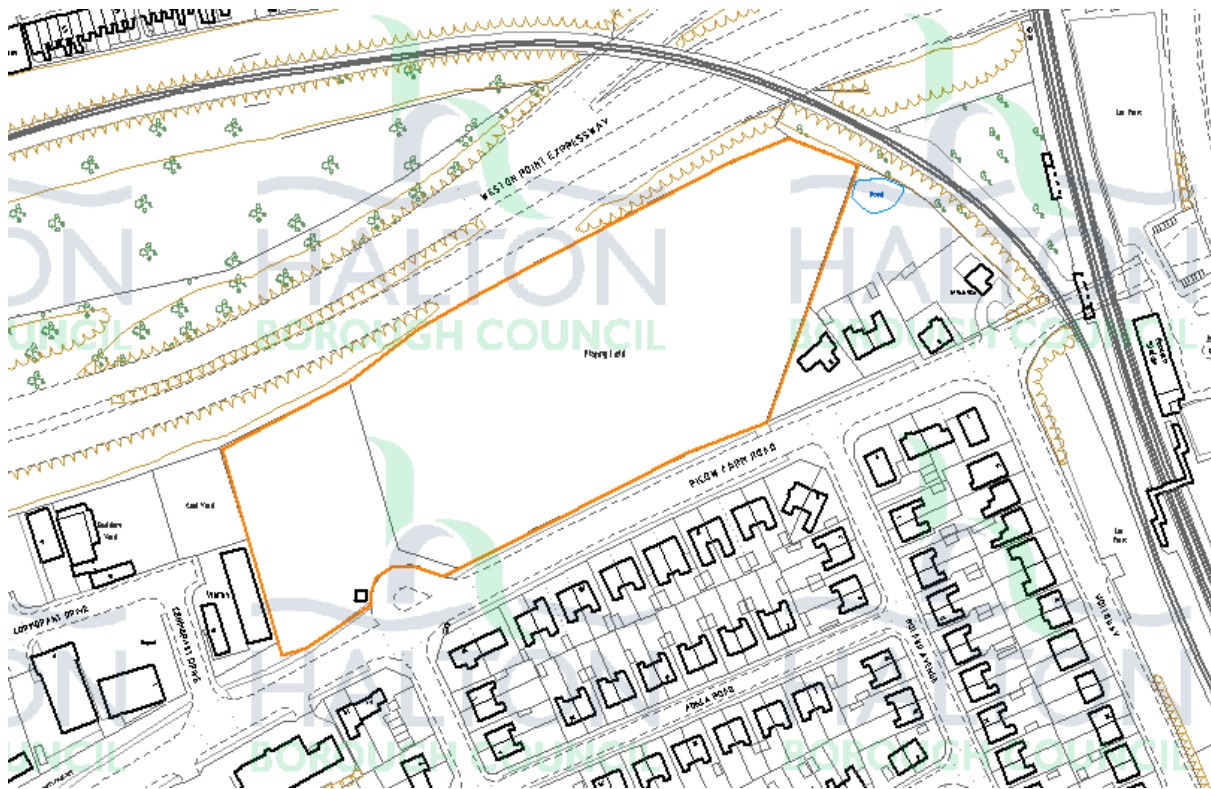
**SUBJECT:** Planning Applications to be Determined by the Committee

**WARD(S):** Boroughwide

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<b>Application No</b>	<b>Proposal</b>	<b>Location</b>
16/00317/OUT	Outline application, with all matters reserved, for residential development of up to 62 dwellings with landscaping, car parking and ecology area.	Former Playing Fields and Car Park at Picow Farm Road, Runcorn
16/00038/FUL	Proposed development, constructed in two phases, of warehouse including internal three storey office and laboratory element (Use Classes B2/B8) with associated access, infrastructure and landscaping	Land to South of Dennis Road, Venturefields Trade Park, Widnes
16/00462/P3PPA	Proposed change of use from B8 warehouse to 13 residential apartments.	89 High Street, Runcorn

<b>APPLICATION NO:</b>	16/00317/OUT
<b>LOCATION:</b>	Former Playing Fields and Car Park, Picow Farm Road, Runcorn, Cheshire.
<b>PROPOSAL:</b>	Outline application, with all matters reserved, for residential development of up to 62 dwellings with landscaping, car parking and ecology area
<b>WARD:</b>	Mersey
<b>PARISH:</b>	None
<b>AGENT(S) / APPLICANT(S):</b>	Neptune Developments Ltd and Halton Borough Council.
<b>DEVELOPMENT PLAN ALLOCATION:</b>  National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)	Greenspace – School Playing Fields. Primarily Employment Area.
<b>DEPARTURE</b>	Yes
<b>REPRESENTATIONS:</b>	17 representations received from the publicity given to the application.
<b>KEY ISSUES:</b>	Development on a designated Greenspace, Protection of Outdoor Playing Space for Formal Sport and Recreation, Affordable Housing, Open Space, Access, Ground Contamination, Flood Risk, Biodiversity.
<b>RECOMMENDATION:</b>	Grant outline planning permission subject to conditions.
<b>SITE MAP</b>	



## 1. APPLICATION SITE

### 1.1 The Site

The site is located on the north western side of Picow Farm Road in Runcorn. The site is vacant and this has been the case for the last 8 years.

The site has two designations in the UDP with the larger element to the east being a Greenspace and the smaller element to the west being identified as part of a much larger area identified as a Primarily Employment Area.

The Greenspace was previously used as school playing fields hence the designation, however due to a lack of a tenant since 2008, the site has not been actively maintained as playing fields in recent years.

The smaller element of the site is identified as a Primarily Employment Area and is an area of unkempt open land. Based on the use of this element of the application site, the land to the east being playing fields and the commercial uses to the west, including the site within the Primarily Employment Area would have appeared logical at the time. This designation gives support to B1, B2 & B8 uses, however does not preclude other uses. These would have to be considered on their merits.

Located to the south west of the site is a much wider Primarily Employment Area as referred to above.



Located to both the south east and the north east of the site is the Primarily Residential Area.

Located to the north west of the site is the Weston Point Expressway.

## **2. THE APPLICATION**

### **2.1 The Proposal**

This outline planning application seeks to establish the principle of a residential development of up to 62 dwellings with access from Picow Farm Road. All matters are reserved for future consideration.

### **2.2 Documentation**

The outline planning application is supported by a Planning Statement, Design and Access Statement, Transport Statement, Travel Plan Framework, Extended Phase 1 Habitat Survey Report, Amphibian Survey Report, Tree Survey Report, Phase 1 Desk Study Report, Noise Assessment, Flood Risk Assessment and Drainage Strategy.

## **3. POLICY CONTEXT**

### **3.1 National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

### **3.2 Halton Unitary Development Plan (UDP) (2005)**

The site is partly designated as a Greenspace – School Playing Fields and as a Primarily Employment Area in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- GE6 Protection of Designated Greenspace;
- GE8 Development within Designated Greenspace;
- GE12 Protection of Outdoor Playing Space for Formal Sport and Recreation;
- GE21 Species Protection;

- GE27 Protection of Trees and Woodlands;
- PR2 Noise Nuisance;
- PR4 Light Pollution and Nuisance;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- TP6 Cycle Provision as Part of New Development;
- TP12 Car Parking;
- TP14 Transport Assessments;
- H3 Provision of Recreational Greenspace;
- E3 Primarily Employment Areas.

### 3.3 Halton Core Strategy (2013)

The following policies, contained within the Core Strategy are of particular relevance:

- CS2 Presumption in Favour of Sustainable Development;
- CS10 West Runcorn;
- CS12 Housing Mix;
- CS13 Affordable Housing;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS23 Managing Pollution and Risk.

### 3.4 Joint Merseyside and Halton Waste Local Plan (2013)

The following policies, contained within the Joint Merseyside and Halton Waste Local Plan are of relevance:

- WM8 Waste Prevention and Resource Management;
- WM9 Sustainable Waste Management Design and Layout for New Development.

## 4. CONSULTATIONS

### 4.1 Highways and Transportation Development Control

*Recommend for Approval - With conditions and reserved matters information to be provided on unsuitability of indicative layout in terms of parking provision and internal layout of site.*

#### Layout/Highway Safety

*The submitted Transport Statement shows that a refuse collection vehicle 7.9m long has been used to test turning heads. It should be noted that HBC utilise 10m long Eonic 3 axle units which would require more space to perform the tracked turns. More space would need to be found within the site to accommodate this.*

*The use of a 5.5m carriageway through the site could lead to issues with on street parking. More space would need to be found on site to allow for a wider access road (particularly North/ South spine) which could impact on the feasibility of 62 dwellings.*

*Informative:*

*The driveway to the East of the site on the indicative layout is within the wildlife corridor which could have an impact on movement of wildlife.*

### Parking

#### **Parking within the development**

*Although the maximum number of parking spaces for 2 and 3 bedroom dwellings of 2 spaces per dwelling is given in the UDP, in this case it would also be the desired number given the nature of the development. It is noted that 5 properties on plan are only served by one parking space and therefore one additional space per dwelling is required. In view of the comments above with regards highway layout space may be difficult to achieve the correct allocation for 62 dwellings.*

*It is also noted that location of driveways to some plots cannot be considered as convenient for the dwelling they serve.*

*Side by side driveways should have a minimum width of 3m*

*As above there is no formal provision within the site for visitor parking and a carriageway width of 5.5m is not conducive to on street parking. Wider carriageways should be considered to alleviate this issue.*

#### **Parking on Picow Farm Road**

*Observations of the frontage to the site by HBC officers (12th and 13th Sept 2016) highlighted differences between the figures shown in the Transport Assessment submitted with the application and the actual availability.*

*Between Holloway and Roland Avenue there are a total of 29 spaces (6m in length) at the time of the surveys. On average 21 of these were utilised leaving a total of 8 empty spaces, it should be noted that all of the vacant spaces were on the South side of Picow Farm road between existing driveways.*

*The proposed scheme introduces 5 access crossings, each 6m wide between Holloway and Roland Ave, one of which can be discounted as it is located in the position of the existing entrance. The 4 remaining ones equate to a loss of 1.5 spaces per crossing. In addition to proposed driveways, the new access to the site should be considered to lose a further 5 spaces. This results in a loss of 11 on-street parking spaces on the north side of Picow Farm Road.*

*Given that the observed availability along the whole length had 8 empty spaces on average there would be a net loss of 3 spaces.*

*These displaced vehicles would ideally utilise the station car park, however it's recognised that should users choose to continue to park on street this may cause loss of amenity for existing and proposed residents.*

*It is felt there is enough space within the site to introduce some on street parking to alleviate some of the displacement issues.*

*Parking within the visibility splay of the new junction would have a bearing on highway safety and therefore wherever the access is constructed, the risk should be mitigated by the introduction of suitable Traffic Regulation Orders (TRO's). It would also be of benefit to residents fronting Picow Farm Road (both new and existing) to be provided with 'H' Bar markings at driveways.*

#### Levels/Highway sections/retaining walls

*No proposed levels or long sections have been provided, it should be noted that the site slopes considerably South/ North which would need to be overcome during detailed highway and drainage design.*

#### Access by sustainable modes

*The site is on a bus route with stops immediately fronting the proposed development, and Runcorn Railway station is in the immediate vicinity of the site. There are, however, no North/ South pedestrian crossings points linking the development to either Westbound bus services or the train station.*

#### Construction Phase Considerations

*A construction management plan should be submitted prior to commencement. All construction related vehicle parking should be accommodated on site and deliveries to site should be suitably managed. Wheelwash facilities and a road sweeper regime should be provided as appropriate, with winter management/gritting plan. Details of how underground services will be dealt with should also be included.*

#### 4.2 Lead Local Flood Authority

*The outstanding information may be dealt with by the 4 No. (pre commencement) condition elements described. I would note that the final drainage strategy resulting from this further information is still likely to have a bearing on the proportion of the site which remains available for development – particularly if soakaways are proven feasible, which it is suggested will be unlikely. However it is understood from the consultants response that the soakaways are attractive to developers where possible and there may be some resulting offset against commercial viability issues of building less dwellings.*

#### 4.3 Environmental Health – Contaminated Land

*I have reviewed the following document submitted in support of the application.*

- *Picow Farm Road, Desk Study Report, GEA Ltd, Ref J16065, May 2016.*

*The listed document presents an acceptable review of the site setting, environmental constraints, conceptual site model and overall assessment of the risk posed by land contamination.*

*The report documents some potential land contamination issues, largely associated with the infilling of some small ponds. The site in general has not been subject to any significant development since being converted from agricultural land, part of Picow Farm, to playing fields and associated parking. The report makes a recommendation for a Phase 2 assessment, i.e. intrusive investigation with associated risk assessment to determine the significance or otherwise of the possible pollutant linkages.*

*I agree with the site assessment and that a phase 2 investigation will be required, this should be the subject of a condition if planning permission is granted.*

#### 4.4 Environmental Health - Noise

*Having looked at the noise report it appears that that the noise levels specified in BS8233 in the proposed properties, particularly along the boundary with the Expressway, cannot be met with open windows. Therefore to achieve these levels future residents would have to keep their windows closed at night in the bedrooms.*

*It is accepted that in certain circumstances it may be appropriate to permit residential development where the levels in BS8233 can only be met with closed windows and ventilation in bedrooms at night in order to meet housing need. However it does appear that there is space and land available to construct a bund/acoustic fence along the boundary with the Expressway. Indeed the applicant has acknowledged the visible impact of the Expressway by suggesting that space should be made for trees to be planted to improve the visible amenity of the Expressway, but has negated to address the acoustic impact satisfactorily.*

*Environmental Health does not formally object to the application; however the above should be fully explored by the applicant.*

The acoustic consultant acting on behalf of the applicant has considered the possibility of a bund / acoustic fence and has advised that a 7m high acoustic barrier would be required which would seem inappropriate for a residential development and that the previously suggested barrier height of 3m is more applicable. He also notes that the recommended acoustic glazing and trickle ventilation will achieve the required internal noise levels and allow for ventilation via the acoustic trickle vent.

#### 4.5 Open Spaces

*There are no Tree Preservation Orders in force on this site and the area is not a designated Conservation Area. The proposed tree removal is acceptable however it is not clear from the submitted documentation if a programme of tree planting is scheduled.*

*There are no specific ecological constraints associated with the site however a 'large' population of smooth newt has been identified in a nearby pond.*

*There are no records of Great Crested Newts on or adjacent to the proposed development site.*

*Recommendations within the submitted Amphibian Survey Report and Extended Phase 1 Habitat Survey Report are acceptable. Section 4.53 of the phase 1 survey states that the trees at target note 7 (TN7) have the potential to support roosting bats, so recommendations 5.35 and 5.36 of the same document should particularly be adhered to.*

*We would recommend that all works comply with current bird nesting legislation.*

#### 4.6 Merseyside Environmental Advisory Service

*The applicant has submitted the following survey reports in accordance with Local Plan policy CS20:*

- *Extended Phase 1 Habitat Survey Report, Ecology Services Ltd, May 2016;*
- *Amphibian Survey Report, Ecology Services Ltd, July 2016; and*
- *Tree Constraints Appraisal, Bowland Tree Consultancy Ltd, July 2016.*

*The reports are acceptable and will be forwarded to Cheshire rECOrd via Merseyside BioBank.*

##### *Protected sites*

*The development is approximately 600 metres from the Mersey Estuary SPA and Mersey Estuary Ramsar European sites. These sites are protected under the Habitats Regulations 2010 as amended. I have reviewed the proposal submitted by the applicant and considered the possibility of likely significant effects under the Habitats Regulations using the source-pathway-receptor model. There is no pathway that could give rise to likely significant effects on the European sites and it does not warrant a detailed Habitats Regulations Assessment report for the following reasons:*

- *The site does not provide supporting habitat for the designation features of the European sites; and*
- *An additional 62 dwellings in the local area is not likely to significantly increase recreational pressure.*

*As the proposed development falls within the qualifying category 'All planning applications outside or extending outside existing settlements/urban areas affecting greenspace, farmland, semi natural habitats or landscape features such as trees, hedges, streams, rural buildings/structures' Natural England must be consulted on the planning application **prior to determination**. However, in my view there would be no impact on the Mersey Estuary SSSI as a result of the proposed development.*

*Protected species*

*The ecology report states that no evidence of a bat roost was found and the structures on-site do not provide opportunities for roosting bats. Bats are protected and Local Plan policy CS20 applies. The Council **does not** need to consider the proposals against the three tests (Habitats Regulations) or consult Natural England with regards to bats.*

*The trees on the boundary of the site provide opportunities for roosting bats. It is understood that these trees are to be retained. Retention of these trees should be included within a Habitat Management Plan (see paragraph 15).*

*Built features or vegetation on site may provide nesting opportunities for breeding birds, which are protected and Local Plan policy CS20 applies. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building work is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected would be required. This can be secured by a suitably worded planning condition.*

*The amphibian report states that no evidence of Great crested newt was found. Great crested newt is protected and Local Plan policy CS20 applies. The Council **does not** need to consider the proposals against the three tests (Habitats Regulations) or consult Natural England with regards to Great crested newt.*

*The amphibian survey recorded a large (Natural England's population size class assessment) population of smooth newt. The habitats within the site are likely to provide terrestrial habitat for this species. A large population of smooth newt is likely to be locally important and Local Plan policy CS20 applies. Section 4.7 of the amphibian report sets out a number of recommendations to ensure smooth newt is not harmed by development. The recommendations are appropriate. The mitigation (Point 1, Section 4.7) can be secured by a suitably worded planning condition and the habitat creation can be incorporated within a Habitat Management Plan (see paragraph 15 below).*

*The site provides habitat for hedgehog which is a Priority Species and Local Plan policy CS20 applies. Section 5.43 of the ecology report provides Reasonable Avoidance Measures (RAMs) to ensure the development will not harm the local hedgehog population. The RAMs are appropriate and can be secured by a suitably worded planning condition.*

### *Invasive Species*

*Japanese knotweed is present within the site boundary and Local Plan CS20 applies. The applicant is required to submit a method statement for approval that includes the following:*

- *A plan showing the extent of the plant;*
- *What methods will be used to prevent the plant spreading further, including demarcation; and*
- *What methods of control will be used, including details of monitoring.*

*This statement can be secured by a suitably worded planning condition.*

*A validation report is then required confirming the remediation treatment carried out and that the site has been free of the invasive species for 12 consecutive months for approval in writing by the Local Planning Authority. This can be secured by a suitably worded planning condition.*

### *Ecological Mitigation*

*The proposals will result in the loss of a mosaic of habitats that primarily provide habitat for invertebrates, breeding birds and foraging bats and birds. As stated in the ecology and amphibian reports mitigation for the loss of this habitat is required. A Habitat Management Plan (HMP) is required to ensure no net loss of biodiversity. The HMP should be informed by the recommendations made in sections 5.42 and 5.48 of the ecology report and section 4.7 of the amphibian report. Implementation of the Habitat Management Plan can be secured by a suitably worded planning condition.*

### *Waste*

*The proposal involves construction activities and policy WM8 of the Joint Merseyside and Halton Waste Local Plan (WLP) applies. This policy requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.*

## 4.7 Natural England

*Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Mersey Estuary SPA and Ramsar has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.*

*In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as*



*submitted, will not damage or destroy the interest features for which the Mersey Estuary SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.*

#### 4.8 Network Rail

As the proposed red line is within 10m of a railway, Network Rail has provided some comments which should be attached as an informative on any subsequent planning permission.

#### 4.9 Health & Safety Executive

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of major Hazard sites / pipelines. The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

#### 4.10 United Utilities

United Utilities will have no objection to the proposed development provided that conditions relating to foul water, surface water and sustainable drainage systems are attached to any permission. Their other observations should be attached as an informative.

### **5. REPRESENTATIONS**

5.1 The application has been advertised by a press advert in the Widnes & Runcorn World on 11/08/2016, site notices posted on Picow Farm Road on 05/08/2016 and 48 neighbour notification letters sent on 04/08/2016.

5.2 Seventeen representations have been received from the publicity given to the application. The observations received are summarised below:

- This is a Council playing field and should not be built on;
- Parking problems in the area would be exacerbated;
- A residents parking scheme is required in the locality;
- A further access point on Picow Farm Road would be detrimental to highway safety;
- There are drainage problems in the area;
- Loss of light and privacy;
- Views from existing properties would be compromised;
- Increase in noise and nuisance;
- Increased pressure on local services;
- How will the wildlife corridor work?
- How will the current problems with Japanese Knotweed be dealt with?
- What type of fencing will be installed?

- Reduction in property values;
- Council tax bands should be reduced if this development goes ahead;
- Don't want to look at a Council Estate;
- Social housing and buildings above 2 storeys would not fit into local surroundings.
- Concerns over who may live in the properties;
- Give the community back its Greenspace;
- Could the site not be turned into a nature reserve?
- The land has not been used in part due to discouragement by HBC;
- This proposal has been in the pipeline for a considerable time;
- There would be an unacceptable risk to occupants due to proximity to COMAH sites nearby;
- The adjacent coal yard is both noisy and dusty;
- This is not sustainable development.

## **6. ASSESSMENT**

### **6.1 Development on a designated Greenspace**

Paragraph 74 of the National Planning Policy Framework (NPPF) sets out the national planning policy in relation to open spaces and sports and recreational buildings and is set out below.

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

In terms of local policy, within Policy GE6 of the Halton Unitary Development Plan, there is a presumption against development within a designated greenspace unless it is ancillary to the enjoyment of the greenspace. There are exceptions set out in the policy where the loss of amenity land is adequately compensated for.

As set out in the site description, the site has been vacant for 8 years and assessing the current amenity value of the site as a Greenspace is key when considering the exceptions set out in Policy GE6.

- Its value in providing an important link in the greenspace systems;

The site is surrounded on all four sides by urban development and is not considered to be an important link in the greenspace systems.

- Its value in providing an important link in the strategic network of greenways;

The site is not considered to be an important link in the strategic network of greenways.

- Its value for organised sport and recreation;

As stated above, the site has not been used as a playing pitch for 8 years and in order to prevent the site's misuse, the site is enclosed by fencing.

- Its value for informal or unorganised recreation;

In order to prevent the site's misuse, the site is enclosed by fencing and offers no value for informal or unorganised recreation.

- Its value for children's play, either as an equipped playing space or more casual or informal playing space;

The site is enclosed by fencing and offers no value for children's play.

- Its value as an allotment;

The site is not used as an allotment.

- Its wildlife and landscape interest;

The ecological reports conclude that the site does not make a significant ecological contribution and appropriate mitigation measures can be secured to offset any harm.

- Its value for an existing or potential role as part of the Mersey Forest;

The site offers little in this regard with tree cover limited to the boundaries of the site. Any development proposal would need to retain trees / mitigate for any loss.

- Its value for environmental education;

The site offers nothing in this regard.

- Its visual amenity value (such as providing a visual break or visual variety in an otherwise built-up area);

The site does appear as a green open space in the urban area and therefore does provide a visual break.

- Its structural value, such as defining local communities or providing a buffer between incompatible uses (such as noise attenuation zones);

The site offers little in this regard.

- Its value in enhancing the overall attractiveness of the area;

Based on the site being enclosed with industrial type fencing to prevent the misuse of the site and its condition as a result of a lack of usage over the past 8 years, it does not enhance the overall attractiveness of the area in its current form.

- Its contribution to the health and sense of well-being of the community.

The site offers nothing in this regard.

After considering the amenity value of this designated Greenspace, the only value that it currently offers is a visual break in the urban area.

The lack of use of the land over the past 8 years demonstrates that this site is now surplus to requirements thus demonstrating compliance with Paragraph 74 of the NPPF.

The site subject of the application is within the ownership of Halton Borough Council and it is noted that the funds arising from the subsequent sale of this parcel of land would cross subsidise the development of Council-driven priority regeneration schemes in Runcorn Old Town.

Based on the limited amenity value of the Greenspace coupled with the regeneration schemes in which funds arising from the sales would be invested in, it is considered that exception (d) in Policy GE6 applies and that this represents a clear and convincing case as to why development on this designated Greenspace is acceptable.

## 6.2 Protection of Outdoor Playing Space for Formal Sport and Recreation

Policy GE12 of the Halton Unitary Development Plan outlines the presumption against the loss of outdoor playing space for formal sport and recreation.

As previously noted, this site does not provide any outdoor playing space for formal sport and recreation and has not done for 8 years due to a lack of a tenant.

The extract below is from Schedule 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO 2015). This sets out when Sport England is a statutory consultee on a planning application relating to playing field land.

A playing field is defined as 'the whole of a site which encompasses at least one playing pitch'. A playing pitch is defined as 'a delineated area which, together with any run off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse,

rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo’.

(z) Development which—	Sport England(c)
<ul style="list-style-type: none"> <li>(i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or</li> <li>(ii) is on land which has been—                             <ul style="list-style-type: none"> <li>(aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or</li> </ul> </li> </ul>	
<p>(a) 1953 c. 49; section 8C was inserted by paragraph 10 of Schedule 4 to the National Heritage Act 1983 (c. 47).</p> <p>(b) See Natural England publication for the agricultural land classification system. TIN049 edition 2 – Agricultural Land Classification: protecting the best and most versatile agricultural land available from <a href="http://publications.naturalengland.org.uk/publication/35012?category=9001">http://publications.naturalengland.org.uk/publication/35012?category=9001</a>.</p> <p>(c) Sport England is also known as the English Sports Council.</p>	
<ul style="list-style-type: none"> <li>(bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or</li> <li>(iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface</li> </ul>	

Based on the above, (z)(i) would not apply as the proposal would not prejudice the use of, or lead to the loss of use of land being used as a playing field.

The land has not been used as a playing field at any time in the last 5 years, therefore (z)(ii)(aa) does not apply.

In terms of the site being allocated for use as a playing field in the development plan as per (z)(ii)(bb), it is acknowledged that the site is washed over with a greenspace designation with the note on the UDP proposals map linking this to school playing fields. The question, therefore, is whether the term “playing field” as used in the UDP has the same meaning as used in category (z). In most cases, the UDP focusses on the global term “greenspace”. However, policy GE12 uses the term “playing space”. This term is used for “formal sport and recreation, such as pitches, courts, greens and athletics tracks”.

The site under consideration is dedicated greenspace and the primary UDP policy for its protection is GE6. It is not clear whether the proposals map

categories a to f are merely descriptive of the position on the ground or are integral parts of the definition of designated greenspace.

Greenspace categories a, b and c all refer to “playing fields”. The proposals map washes over these areas and includes buildings and other areas which do not come within the definition of playing pitches. In the case of category c, the expression clearly includes informal as well as formal playing fields.

It follows that the use of the term “playing fields” in the UDP does not equate with the use of the term in the DMPO 2015. It is, therefore, considered that (z)(ii)(bb) does not apply in this case.

(z)(iii) is also not applicable. Based on this, it is apparent that Sport England is **not** a statutory consultee on this application.

Historically, the site may have been used as an outdoor playing space for formal sport and recreation, however based on the amount of time that has elapsed since it was last used and Sport England not being a statutory consultee on the application, Policy GE12 of the UDP is no longer considered to apply.

### 6.3 Key Area of Change – West Runcorn

Policy CS10 of the Halton Core Strategy Local Plan sets out how the development and regeneration of West Runcorn over the Core Strategy period will be achieved through a number of different things including the delivery of 1,500 dwellings across West Runcorn with a particular emphasis on the Runcorn Waterfront site to accommodate 1,360 dwellings, with the potential for additional residential development, subject to appropriate access.

This development proposal would not only allow for up to 62 dwellings to be delivered but would also cross subsidise the development of Council-driven priority regeneration schemes in Runcorn Old Town. This proposal is considered to accord with Policy CS10.

### 6.4 Primarily Employment Area

The western part of the site is designated as being within a Primarily Employment Area and is an area of unkempt open land. Based on the use of the land to the east being playing fields and the commercial uses to the west, including the site within the Primarily Employment Area would have appeared logical at the time at which the UDP proposal map was adopted. This designation gives support to B1, B2 & B8 uses, however does not preclude other uses. The suitability of a residential use on this parcel of land needs to be considered on its merits.

### 6.5 Principle of Residential Development

Based on the considerations set out in Paragraph 6.1, the proposed development would result in the loss of a designated greenspace of limited amenity value. However it would allow the funds from the sale of the land to

be invested in Council-driven priority regeneration schemes in Runcorn Old Town which is considered to meet exception (d) in Policy GE6. This also accords with the regeneration requirements of Policy CS10 and the delivery of up to 62 dwellings would also help meet the regeneration requirements.

Historically, the site may have been used as an outdoor playing space for formal sport and recreation, however based on the amount of time that has elapsed since it was last used and Sport England not being a statutory consultee on the application, Policy GE12 of the UDP is no longer considered to apply.

The site is located in a sustainable location within the urban area in close proximity to Runcorn Old Town District Centre. The site is also close to excellent bus and rail links.

In terms of relationships between land uses in the locality, the area is mixed in nature with both residential and commercial uses. Located on the opposite side of Picow Farm Road to the application site, are residential properties. Residential properties are also located on the same side of Picow Farm Road as the application site (to the north east).

Commercial uses are located to the south west of the application site. In order to demonstrate the suitability of a residential development on the application site, a noise assessment has been undertaken to accompany the application. This concludes that noise should not be a determining factor on this planning application and the securing of mitigation measures would ensure reasonable internal and external noise levels in the proposed accommodation. It is therefore considered that the proposed residential land use would be sympathetic to surrounding land uses.

The principle of developing the site for residential purposes is considered to be acceptable.

### 6.6 Affordable Housing

Policy CS13 of the Halton Core Strategy Local Plan states that affordable housing units will be provided , in perpetuity, on schemes including 10 or more dwellings (net gain) or 0.33 hectares or greater for residential purposes. There is an exception within this policy where it can be demonstrated that the affordable housing contribution would make the development unviable.

This is an outline application which seeks permission for locating up to 62 dwellings on the site and the above policy is relevant. As explained earlier in this report, the funds arising from the subsequent sale of this parcel of land would cross subsidise the development of Council-driven priority regeneration schemes in Runcorn Old Town.

If the Local Planning Authority were to seek affordable housing on this site, this would have an impact on the funds which this site would generate for regeneration purposes. The regeneration of Runcorn Old Town and the wider Key Area of Change – West Runcorn is important to the borough and for this reason, an affordable housing contribution is not being sought in this instance.

### 6.7 Open Space

The requirements for provision of recreational greenspace within new residential developments is set out in Policy H3 of the Halton Unitary Development Plan.

This is an outline application which seeks permission for locating up to 62 dwellings on the site and the above policy is relevant. As explained earlier in this report, the funds arising from the subsequent sale of this parcel of land would cross subsidise the development of Council-driven priority regeneration schemes in Runcorn Old Town.

If the Local Planning Authority were to seek recreational greenspace on site or a commuted sum in lieu of on site provision, this would have an impact on the funds which this site would generate for regeneration purposes. The regeneration of Runcorn Old Town and the wider Key Area of Change – West Runcorn is important to the borough and for this reason, on site recreational greenspace or a commuted sum in lieu of on-site provision is not being sought in this instance.

### 6.8 Access

Access is reserved for future consideration.

A Transport Statement accompanies the application. This makes the following points. The development would be accessed from Picow Farm Road. The site is well located for access by private car and bus. It is particularly well situated for rail travel, with Runcorn station approximately 200m from the site. Bus services to numerous destinations including Liverpool, Widnes, Warrington and Daresbury are available within a short walk of the site. There are good active travel mode links to the surrounding area, including to Runcorn town centre, which is 800m from the site. The Transport Statement concludes from the analysis of the potential traffic generated that the impact would be relatively low.

Although an assessment of the existing parking capacity in the vicinity of the proposed development site was included within the Transport Statement, on site checks by the Highway Officer found some discrepancies. The submitted report stated that there is sufficient capacity in the immediate area to accommodate the existing on-street parking demand with the proposed development in place (based on the indicative layout). The subsequent



survey carried out by the Highway Officer showed that with all available spaces taken, on average there would be up to 3 vehicles displaced. The Highway Officer, however, feels that there would likely be sufficient space within the site to accommodate some on-street parking.

Some of the representations received make reference to parking problems in the area being exacerbated. Although the indicative layout does not accommodate parking provision which accords with the Council's guidelines, it is felt that with minor changes to the internal layout, a residential development of 62 dwellings could be achieved and a reserved matters application which provides such detail would need to demonstrate that sufficient parking can be provided. Space within the site would also need to be found to accommodate the turning movements of a larger refuse vehicle than the one shown within the submitted Transport Statement.

The decision regarding the implementation of a residents parking scheme in the locality is for the Council as Local Highway Authority to consider. The Council's current policy on residential parking schemes is that they will not be supported.

The Highway Officer is satisfied that a suitable junction can be formed off Picow Farm Road to serve a residential development of up to 62 dwellings without any impact on road safety. This would, however, require offsite works including TRO's to protect the junction and a road marking scheme to ensure residents, both existing and new, are not subject to loss of amenity due to on-street parking. The existing eastbound bus stop fronting the site may also need to be relocated/ upgraded to suit the frontage of the proposed development and a new North/ South uncontrolled tactile pedestrian crossing to ensure accessible links to areas South of Picow Farm Road including the railway station are accessible should be provided. All of the above offsite works would need to be conditioned.

Access which covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site would be considered as part of a reserved matters application.

## 6.9 Layout

Layout is reserved for future consideration. There is no longer a requirement to provide an indicative layout to accompany an outline planning application; however the applicant has chosen to provide one to demonstrate the suitability of the amount of development being sought. The layout would not be restricted to that shown on the indicative layout. The application seeks to gain permission for a residential development of up to 62 dwellings which would equate to the site being developed at a density of up to 34.5 dwellings per hectare which is considered achievable. A suitable layout for the site is something which would need to be demonstrated through a reserved matters application.

Representations received make reference to a loss of light and privacy for existing residents. The layout provided with the application is purely indicative, however does demonstrate that a layout showing 62 dwellings can be achieved which has regard for the Council's guidelines. The layout detail would be considered as part of a reserved matters application.

6.10 Scale

Scale is reserved for future consideration. There is no longer a requirement to provide scale parameters with an outline planning application; however the design and access statement does indicate that the site would be suitable for two storey dwellings based on the existing houses in the area. Scale is something which would be considered as part of a reserved matters application.

6.11 Appearance

Appearance is reserved for future consideration. This is something which would be considered as part of a reserved matters application.

6.12 Landscaping

Landscaping is reserved for future consideration. Landscaping would be considered as part of a reserved matters application.

A query regarding the type of fencing which will be used has been raised. This detail would likely form part of a reserved matters application, however it is noted that the noise impact assessment suggests that acoustic barriers would be required around garden perimeters.

6.13 Ground Contamination

The Contaminated Land Officer has not raised an objection to the proposed development subject to the attachment of a full contaminated land condition to ensure that any ground contamination is dealt with appropriately to ensure compliance with Policy PR14 of the Halton Unitary Development Plan.

6.14 Flood Risk

The application site is located in Flood Zone 1 and is at low risk from flooding, however based on the site area exceeding 1ha, the application is accompanied by a Flood Risk Assessment along with a Drainage Strategy for the site. These documents have been reviewed by the Lead Local Flood Authority and the strategy is considered to be acceptable in principle. Some clarification on a number of points has been sought. The requirement for the submission of an appropriate drainage strategy and its subsequent implementation can be secured by condition.

This would ensure compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

#### 6.15 Biodiversity

The application is accompanied by an Extended Phase 1 Habitat Survey Report, Amphibian Survey Report & Tree Constraints Appraisal. It is recommended that these documents are accepted as an accurate assessment of the current ecological content and value of the future housing site. Our Ecological Advisor raises no objection to the proposed development subject to the attachment of conditions which secure breeding bird protection, ecological mitigation, implementation of reasonable avoidance measures and a method statement for dealing with Japanese Knotweed.

One representation asks how the wildlife corridor would work. This is shown on the indicative layout which has regard for the site constraints and the surveys which have been undertaken. As suggested above, appropriate ecological mitigation should be secured and the detail of this would likely be shown on a reserved matters / condition discharge application.

Based on the above, it is considered that the proposal is compliant with Policy GE21 of the Halton Unitary Development Plan.

#### 6.16 Noise

The application is accompanied by a Noise Impact Assessment. This considers the impact of noise on the proposed development.

The report identifies that mitigation measures are required due to road traffic and potential industrial estate activity.

In order to achieve acceptable internal noise levels in rooms within the development scheme, the noise assessment suggests that mitigation measures would be required. Outline mitigation measures relate to standard glazing and acoustic trickle vents.

The noise assessment concludes that appropriate planning conditions can be applied to the proposed development if required to ensure reasonable internal noise levels in the proposed accommodation. The Council's Environmental Health Officer raises no objection to the proposed development.

The proposal is considered to be compliant with Policy PR 8 of the Halton Unitary Development Plan.

#### 6.17 Sustainable Development and Climate Change

Policy CS19 of the Halton Core Strategy Local Plan outlines some principles which will be used to guide future development.

NPPF paragraph 35 which states that to further enhance the opportunities for sustainable development any future developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

The incorporation of facilities for charging plug-in and other ultra-low emission vehicles could be realistically achieved for residential development and a condition requiring the provision of future charging points for ultra-low emission vehicles is considered reasonable.

One of the principles referred to in the policy is Code for Sustainable Homes. Whilst it is desirable to meet such a standard, given links with Sustainable Development and Climate Change, following the Government's Written Ministerial Statement in March 2015, it is no longer for Local Authorities to secure the implementation of a particular level of Code for Sustainable Homes by planning condition.

The proposal is compliant with Policy CS19 of the Halton Core Strategy Local Plan.

#### 6.18 Waste Prevention/Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. In terms of waste prevention, a construction management plan will deal with issues of this nature and based on the development cost, the developer would be required to produce a Site Waste Management Plan. In terms of waste management based on the amount of development proposed, there is likely to be sufficient space for the storage of waste including separated recyclable materials for each property as well as access to enable collection.

#### 6.19 Issues raised in representations not addressed above

In planning terms, you do not have a right to a view over land which you do not own or control.

It is inevitable that some noise and disturbance would result from the development of the application site. The implementation of a construction management plan would endeavour to keep this to a minimum. This is not something which would warrant the refusal of the application.

In terms of increased pressure on local services, there is a requirement for more housing to be delivered in the borough and again this is not a reason which would warrant the refusal of the application.

With regard to the proposal having an adverse effect on property values and affecting saleability, the planning system does not exist to protect the private rights of one individual against another and this issue is not material to the determination of this application.

Council Tax banding is not material to the determination of this planning application.

Who would reside in the proposed dwellings and tenure are not issues which are material to the determination of the application.

This planning application has to be considered on its merits and only proposals which are before the Council as Local Planning Authority can be considered.

How long the plan has been in the pipeline is not material to the determination of the application nor is the issue regarding the usage of the land being discouraged by Halton Borough Council. The application must be determined on the facts before members in that the site has been vacant for 8 years and the current amenity value of the Greenspace.

## **7. CONCLUSIONS**

In conclusion, development on this designated Greenspace is considered to be acceptable as it is of limited amenity value and the funds arising from the sale would be invested in Council-driven priority regeneration schemes in Runcorn Old Town.

Historically, the site may have been used as an outdoor playing space for formal sport and recreation, however based on the amount of time that has elapsed since it was last used and Sport England not being a statutory consultee on the application, Policy GE12 of the UDP which relates to the protection of outdoor playing space for formal sport and recreation is no longer considered to apply.

The granting of this application would not only allow for up to 62 dwellings to be delivered in the West Runcorn Key Area of Change but would also cross subsidise the development of Council-driven priority regeneration schemes in Runcorn Old Town in compliance with Policy CS10 of the Core Strategy.

The site is located in a sustainable location within the urban area in close proximity to Runcorn Old Town District Centre. The site is also close to excellent bus and rail links.

The proposal demonstrates that a residential land use on the application site would be sympathetic to surrounding land uses.

The Highway Officer concurs with the findings of the Transport Statement and is satisfied that a suitable means of access to serve a residential development of up to 62 dwellings could be achieved.

A reserved matters application which provides detail relating to access, layout, scale, appearance and landscaping would be required.

The principle of locating up to 62 dwellings on this site is considered to be acceptable.

## **8. RECOMMENDATIONS**

Grant outline planning permission subject to conditions.

## **9. CONDITIONS**

1. Time Limit – Outline Permission.
2. Submission of Reserved Matters.
3. Development Parameters.
4. Site Levels (Policy BE1)
5. Facing Materials to be Agreed (Policies BE1 and BE2)
6. Breeding Birds Protection – (Policy GE21)
7. Tree Protection – (Policy BE1)
8. Hours of Construction – (Policy BE1)
9. Construction Management Plan (Highways) – (Policy BE1)
10. Off Site Highway Works – (Policy BE1)
11. Implementation of Mitigation (Section 4.7 of the Amphibian Survey) – (Policy GE21)
12. Reasonable Avoidance Measures – Hedgehogs – (Policy GE21)
13. Habitat Management Plan – (Policy GE21)
14. Site Waste Management Plan – (Policy WM8)
15. Japanese Knotweed Method Statement
16. Invasive Species Validation Report
17. Bat Friendly Lighting Scheme – (Policy GE21)
18. Foul Water – (Policy PR16)
19. Surface Water Regulatory Scheme – (Policy PR16)
20. Investigation of Suitability of Infiltration – (Policy PR16)
21. Final Discharge Rates – (Policy PR16)
22. Models Showing Overland Flow Routes – (Policy PR16)
23. Ground Contamination (Phase 2 Site Investigation, Remediation Strategy, Validation Report) - (Policy PR14)
24. Noise Mitigation Measures – (Policy PR2)
25. Electric Vehicle Charging Points – (Policy CS19)

### Informatives

1. Highway Informatives
2. Network Rail Informative

## **10. SUSTAINABILITY STATEMENT**

As required by:

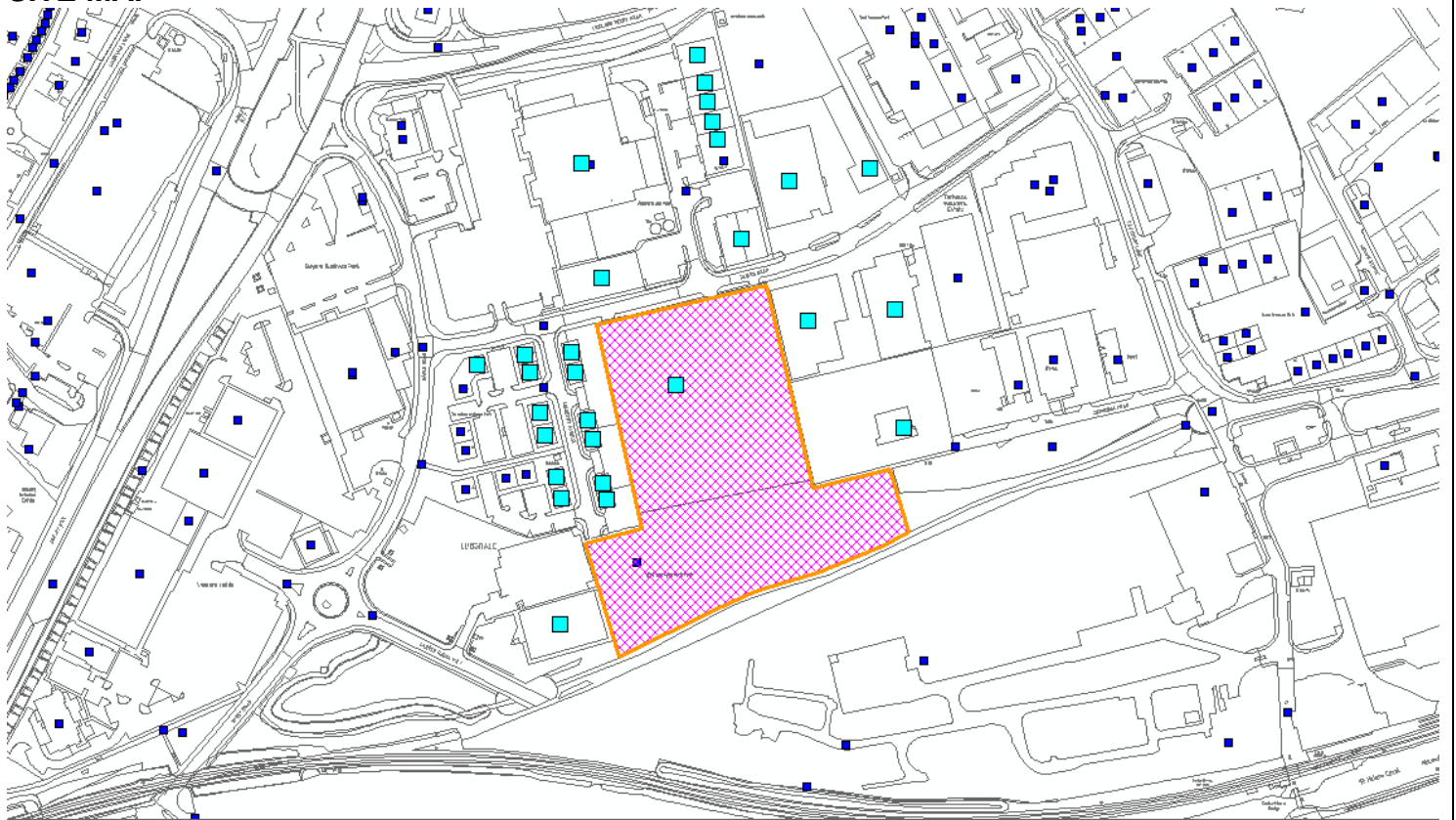
- Paragraph 186 – 187 of the National Planning Policy Framework;

- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.

<b>APPLICATION NO:</b>	16/00338/FUL
<b>LOCATION:</b>	Land To The South Of Dennis Road, Venturefields Trade Park, Widnes
<b>PROPOSAL:</b>	Proposed development, constructed in two phases, of warehouse including internal three storey office and laboratory element (Use Classes B2/B8) with associated access, infrastructure and landscaping
<b>WARD:</b>	Riverside
<b>PARISH:</b>	None
<b>AGENT(S) APPLICANT(S):</b>	Mr Brendan O'Donovan AEW Architects The Zenith Building Spring Gardens Manchester M2 1AB
<b>DEVELOPMENT PLAN ALLOCATION:</b>	Halton Unitary Development Plan (2005) RG3 Action Area 3 Widnes Waterfront  Halton Core Strategy (2013) CS9 South Widnes Key Area of Change
<b>DEPARTURE REPRESENTATIONS:</b>	No
<b>KEY ISSUES:</b>	37 neighbours consultations – one objection Design Contaminated Land Parking, Access and Highway Safety
<b>RECOMMENDATION:</b>	Approve

**SITE MAP**





## **1. APPLICATION SITE**

### **1.1 The Site**

The 2.79 hectare application site relates to former British Gypsum site, within the Widnes Waterfront Regeneration Area on Dennis Road in South Widnes. The proposed new access will be off Dennis Road. The property was purchased by Halton Borough Council in March 2010.

## **2. THE APPLICATION**

### **2.1 The Proposal**

Proposed development, constructed in two phases, of warehouse including internal three storey office and laboratory element (Use Classes B2/B8) with associated access, infrastructure and landscaping. The development consists of a ground floor warehouse with a three storey office/laboratory element to the Primary B2/B8 industrial. The development is proposed within two stages. There will be 200 full time employees at the end of both development phases.

### **2.2 Documentation**

The application has been submitted with the requisite planning application form and location plan, including associated plans, design and access statement, a ground investigation report and transport statement.

### **2.3 History**

**14/00650/FUL-** -Proposed development of builder's yard incorporating warehouse and trade counter. This was granted approval in March 2015.

**14/00651/FUL-** -Proposed development of new vehicular access road. This was granted approval in March 2015.

## **3. POLICY CONTEXT**

### **3.1 National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

### 3.2 Halton Core Strategy (2013)

The following policies, contained within the Core Strategy are of particular relevance:

- CS2 Presumption in Favour of Sustainable Development
- CS9 South Widnes Key Area of Change
- CS15 Sustainable Transport
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS23 Managing Pollution and Risk

### 3.3 Halton Unitary Development Plan (UDP) (2005)

The site is designated as the Widnes Waterfront Regeneration Area in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- BE22 Boundary Walls and Fences
- Policy E3 – Primarily Employment Areas
- Policy E5 – New Industrial and Commercial Development
- RG3 Action Area 3 Widnes Waterfront
- PR5 Water Quality
- PR14 Contaminated Land
- TP6 Cycle Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP15 Accessibility to New Development
- TP16 Green Travel Plans
- TP17 Safe Travel for All
- PR14 Contaminated Land

The primary planning policy for the determination of this planning application is policy E3 and BE1 'General Principles of Development' of the Halton UDP.

### 3.4 Joint Waste Local Plan 2013

WM8 Waste Prevention and Resource Management

WM9 Sustainable Waste Management Design and Layout for New Development

### 3.5 The Design of New Industrial and Commercial Development Supplementary Planning Document

## **4. CONSULTATIONS AND REPRESENTATIONS**

The application has been advertised by means of a site notice, press notice and neighbouring properties have been consulted via letter.

Consultation has been undertaken internally with the Council's highways engineer, the Local Lead Flood Authority and the contaminated land officer.

Externally, Network Rail and United Utilities have been consulted. The comments have been summarised below:

#### 4.1 Highways

The Council's Highways Engineer was consulted as part of the application's consultation process. The proposed new access is to be provided off Dennis Road, with associated parking to the north and south of the site. The access differs from that previously approved under 14/00651/FUL in that it has been slightly further to the west of the site.

The site will potentially generate 112 two-way trips in the AM peak hour (0845-0945) and 87 two-way trips in PM peak hour (1730-1830). Approximately 5% of peak hour trips would be HGV's. The current highway provision is sufficient to accommodate this proposed B8 development, as this has not changed from its previous use. As such, this development will have no detrimental impact on the surrounding highway network.

The development is proposed in two phases. With regards to parking, each phase provides sufficient space, with the first phase providing parking at the front, and the second phase providing parking to the rear of the site. Once both phases have been completed the development will not exceed the maximum parking standard set out in the UDP. Accessible spaces for the complete scheme will be provided to the phase 1 car park with the correct number being marked for disabled bays. The Council's Highway Engineer has not raised any objections to the application. Subsequently there have been slight amendments to the Transport Statement, along with revisions to the initial layout plans including increasing the junction radii to improve HGV egress from the site, articulated vehicles will be able to exit the site Westbound onto Dennis Road without crossing the centreline road markings. The revised plans also demonstrate that there is scope along Dennis Road to relocate bus stops affected by the proposed access.

Conditions are recommended in relation to the need for: a construction management plan; a travel plan; secure cycle storage; and to comply with Policies TP6 and TP16.

#### 4.2 Local Lead Flood Authority

The Officer acting on behalf of the Council as The Local Lead Flood Authority has been consulted and there are no issues regarding surface water drainage and an informative will be attached to the permission to state all works should be constructed in a way to prevent run-off to the adopted highway.

The proposal is considered to be compliant with Policy PR16 of the Halton Unitary Development Plan and Policies and CS23 of the Halton Core Strategy Local Plan.

#### 4.3 Contaminated Land

The application has been submitted with a site investigation report with associated mitigation measures. The Contaminated Land Officer has been consulted and has advised that if the application were to be supported that any further site investigation work could be controlled by condition.

#### 4.4 Network Rail

Network Rail's objection stated that the proposal could result in an increase in traffic (including HGVs) and potential bridge strikes at the entrance to Thermphos. Any vehicles attempting to get to the application site would have to make two separate navigation errors to reach the bridge in question. The second one of these would be at a large roundabout where a HGV could turn back. As the bridge is over a road that serves a self-contained industrial facility, the number of HGV's using that route will not be affected by this development.

#### 4.5 United Utilities

United Utilities submitted a response stating that they had no objection to the application, subject to conditions. The conditions are designed to link the development into the existing sewer and drainage provision and to manage localised flooding. Several sewers cross the site and information will be placed as an informative to relay to the applicant for consideration.

#### 4.6 Neighbouring properties

One representation has been received from a neighbouring occupier on Mulbery Avenue. Instrument Design Technology (IDT) is located on Units 2 and 11 of Mulbery Avenue and have been based there since 2008. The objection stated that the increased HGV traffic vibration would be detrimental to the unit's instrument testing measurements to a level where they can no longer function effectively, reducing accuracy and subsequently impacting the business function of IDT. The objector requested the relocation of the access road to alleviate concerns over testing operations.

### 5. **ASSESSMENT**

#### Planning Policy

The site is located within the Widnes Waterfront Regeneration Area, the policies RG3 'Action Area 3 Widnes Waterfront' and CS9 'South Widnes Key Area of Change' allow for a variety of use classes within the area, including B2/B8 employment uses which this application proposes. In this respect, the proposed use is considered to comply with policy E3, which encourages development for B1, B2 and B8 planning use classes, and is

considered to be acceptable in principle. The proposal is considered to comply with RG3 and CS9.

### Design and Appearance

The three storey building would total 16 metres in height, and is a similar height to surrounding buildings, and the general approach to design replicates that of the area. The attention paid to the materials will provide a good quality of design, one that is an improvement to what is now a vacant site on Dennis Road.

In terms of the design and appearance, the proposed new industrial building, would consist of a mixture of grey metal cladding and tinted glazing on all elevations and roof. These are considered to be of a high quality of design that would comply with saved Policies BE2 of the Halton Unitary Development Plan and CS18 of the Halton Core Strategy Local Plan.

### Highways

The Highways Engineer has been consulted and has raised no objections to the proposed development. The proposed development will not have a detrimental impact on the existing highway or parking provision. The scheme provides adequate parking to meet the requirements within the site. The proposed development is considered to comply with policy TP12 of the Unitary Development Plan.

It is recommended, should this application be approved, that two pre-commencement conditions be attached for construction management plan details and site levels.

A condition for a travel plan, which includes details of secure cycle storage should be submitted and to be agreed prior to the occupation. As should a scheme of off-site highway works including formation of the new site access onto Dennis Road, works to existing bus stops and closure of redundant vehicle access points to the site.

### Drainage

The Lead Local Flood Authority (LLFA) has raised some technical questions and a response has been provided by the applicant and is currently being reviewed and members will be updated accordingly. United Utilities and the LLFA raise no objection, in principle, subject to detailed drainage design which can be secured by appropriately worded planning conditions.

### Amenity and Impact on Surrounding Area

By virtue of its location within an existing industrial area, there would be no significant loss of amenity to neighbouring properties as a result of the proposed development.

Any potential disturbance created by the development, such as noise, is deemed to be acceptable due to the nature of the use and the location within an established industrial estate. This is also the view taken with regard to HGV vibration levels, which is a characteristic of the surrounding area. A refusal based on amenity loss or impact on specific business operations from vibration caused by HGV movement could not be justified in this instance. A measure to alleviate vibrations through placing trenches at the western boundary was explored, but again it wasn't deemed necessary to impose such a request on the applicant due to the nature of the area. A condition could not be worded to meet the necessary test for a legal condition as set out in NPPF. As such, the issue is deemed to be civil, between two users, and as such no further information will be required from the applicant. The proposed development would not have a significant enough impact on amenity of surrounding users and is considered to comply with policy BE1 of the Unitary Development Plan.

### Summary and Conclusion

The principle of the development is considered to be acceptable and complies with Policies E3 and RG3 of the Unitary Development Plan and CS9 of the Halton Core Strategy Local Plan, The design and appearance is acceptable and complies with Unitary Development Plan Policy BE2 and the Design of New Industrial and Commercial Development Supplementary Planning Document. The proposal is deemed compliant with BE1, as there is no significant detriment to the amenity of neighbouring users. The proposed development would not have a detrimental impact on highway safety and sufficient car parking is provided, so in that respect complies with TP12 and TP15 of the Unitary Development Plan. The proposal is considered to be sustainable development and complies with the National Planning Policy Framework and is recommended for approval.

## **6. RECOMMENDATIONS**

Grant planning permission subject to conditions

## **7. CONDITIONS**

1. Standard 3 year expiry.
2. Materials condition.
3. Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.
4. Prior to the occupation of the premises hereby approved a scheme detailing all off-site highway works shall be laid out and surfaced to the satisfaction of the Local Planning Authority.
5. Travel Plan, including secure cycle storage, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation.

6. Submission and approval of contaminated land report.
7. Construction Management Plan.
8. Drainage Condition.
9. Existing and proposed levels condition.

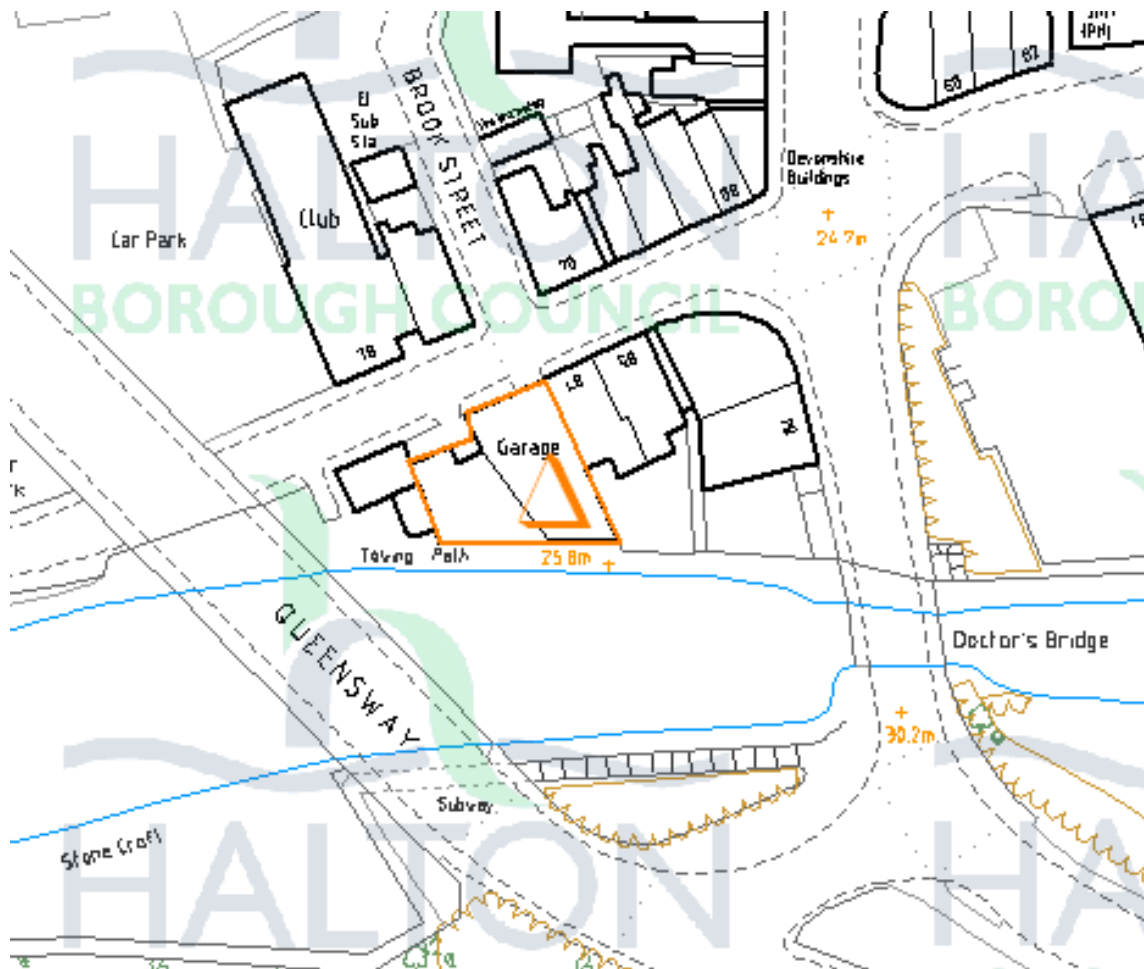
**8. SUSTAINABILITY STATEMENT**

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.3) Order 2015; and

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.

<b>APPLICATION NO:</b>	16/00462/P3PPA
<b>LOCATION:</b>	89 High Street, Runcorn.
<b>PROPOSAL:</b>	Proposed change of use from B8 warehouse to 13 residential apartments.
<b>WARD:</b>	Mersey
<b>PARISH:</b>	None
<b>AGENT(S) / APPLICANT(S):</b>	Trophy Homes



The above application is **NOT** a full planning application. A change of use from Class B8 (storage or distribution centre) to Class C3 (dwellinghouses) is permitted development under Part 3, Class P of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended).



There are a number of instances set out below where this change of use is not permitted development.

Development is not permitted by Class P where—

- the building was not used solely for a storage or distribution centre use on 19th March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use; **DOES NOT APPLY.**
- the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins; **DOES NOT APPLY.**
- the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 15th April 2018; **DOES NOT APPLY.**
- the gross floor space of the existing building exceeds 500 square metres; **DOES NOT APPLY.**
- the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; **DOES NOT APPLY.**
- less than 1 year before the date the development begins, an agricultural tenancy over the site has been terminated, and the termination was for the purpose of carrying out development under this Class, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes; **DOES NOT APPLY.**
- the building is within an area of outstanding natural beauty; an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; the Broads; a National Park; or a World Heritage Site; **DOES NOT APPLY.**
- the site is or forms part of a site of special scientific interest; **DOES NOT APPLY.**
- the site is or forms part of a safety hazard area; THIS LAND IS NOT WITHIN THE CONSULTATION ZONE OF A MAJOR HAZARD SITE OR PIPELINE. **DOES NOT APPLY.**
- the site is or forms part of a military explosives storage area; **DOES NOT APPLY.**
- the building is a listed building or a scheduled monument. **DOES NOT APPLY.**

None of the above instances apply to this proposal.

This proposal is therefore permitted by Class P subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) impacts of air quality on the intended occupiers of the development;

- (b) transport and highways impacts of the development,
- (c) contamination risks in relation to the building,
- (d) flooding risks in relation to the building,
- (e) noise impacts of the development, and
- (f) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services, and the provisions of paragraph W shall apply in relation to any such application.

As the proposal is permitted development, the principle of development is accepted and the only considerations relevant to the determination of this prior approval application are the **six considerations** set out above.

#### **Impacts of air quality on the intended occupiers of the development**

The principle of converting this building to a residential use has previously been established through the granting of a change of use application in 2015. Air quality was not considered to be an issue at that time. In respect of air quality, the proposal is considered to be acceptable.

#### **Transport and highway impacts of the development**

The procedure for dealing with prior approval applications makes clear that the National Planning Policy Framework is relevant to the subject matter of the prior approval. In respect of transport impacts, it states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.

It is noted that the site is located in a sustainable location in Runcorn Old Town which provides a range of amenities and is also well located for bus and rail services.

There would be no off-street parking spaces available for the proposed 13 residential apartments. Given the site’s sustainable location and the likely parking demand in this location, it is not considered that the proposal would have a severe transport and highway impact.

The proposal is therefore considered acceptable in this regard.

#### **Contamination risks on the site**

Whilst the development is for new residential units, the nature of the conversion with no new construction or external space and a lack of historical potentially contaminative land uses mean that there is no requirement for detailed land contamination assessment for the site.

Based on the above, it is not considered that as a result of the proposed change of use, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990 and the proposal is acceptable in this regard.

### **Flooding risks on the site**

The site subject of the application is located within Flood Zone 1 and has a low probability of river or sea flooding (less than 1 in 1000 annual probability). The proposal is therefore considered acceptable in this regard.

### **Impacts of noise from commercial premises on the intended occupiers of the development**

The site is located in Runcorn Old Town in a mixed use area as defined by the Halton Unitary Development Plan Proposals Map. The relevant policy to this designation is Policy TC10. This policy indicates that residential land uses will be permitted in this area. The proposed residential use is considered to be compatible with the adjacent land uses and it is not considered that the impacts of noise from commercial premises would have a significantly detrimental impact on residential amenity.

### **Location within an area important for providing storage or distribution services and/or industrial services**

As stated above, the site is located in a mixed use area within Runcorn Old Town rather than being within one of the borough's key industrial / warehousing locations. It is therefore considered that this proposal would not have an adverse impact on the sustainability of such provision within the borough.

### **Conclusion**

Based on the six considerations with this prior approval application, the proposal is acceptable and prior approval is not required.

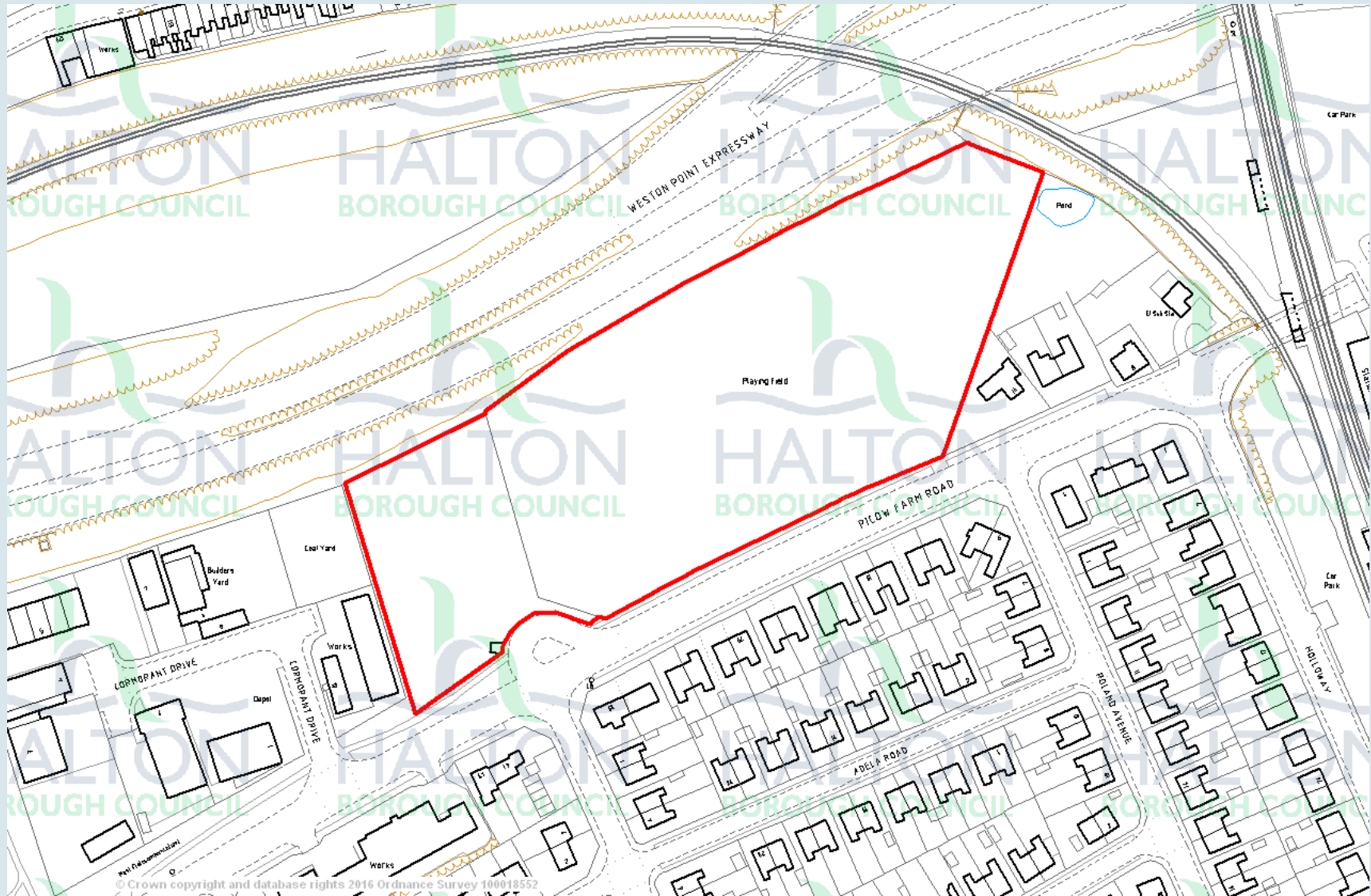
### **Recommendation**

It is recommended that prior approval for the change of use from Class B8 (storage or distribution centre) to Class C3 (dwellinghouses) is not required.

Condition:

Development under Class P is permitted subject to the condition that the use of the building falling within Class C3 (dwellinghouses) is begun before 15th April 2018.



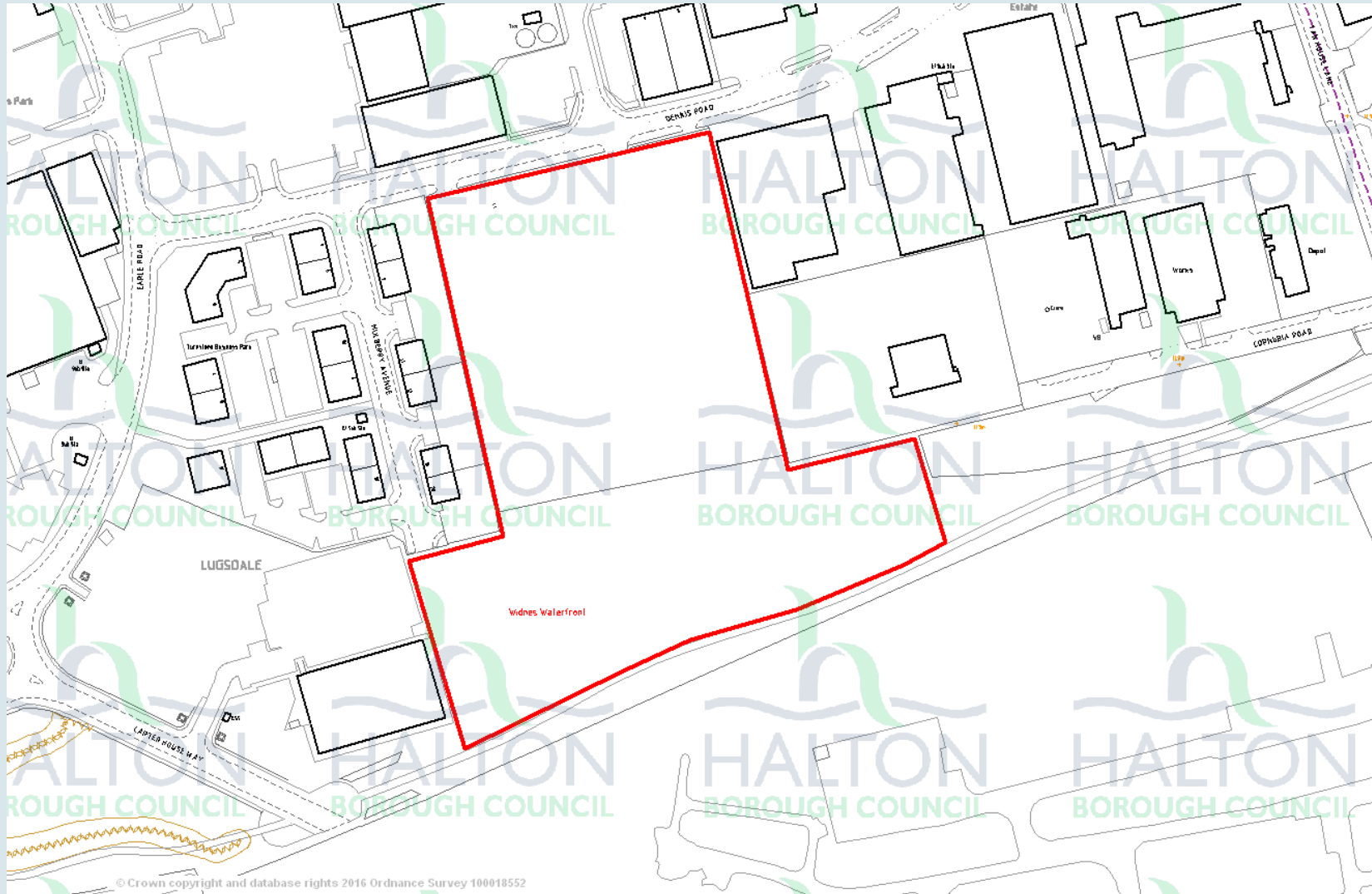


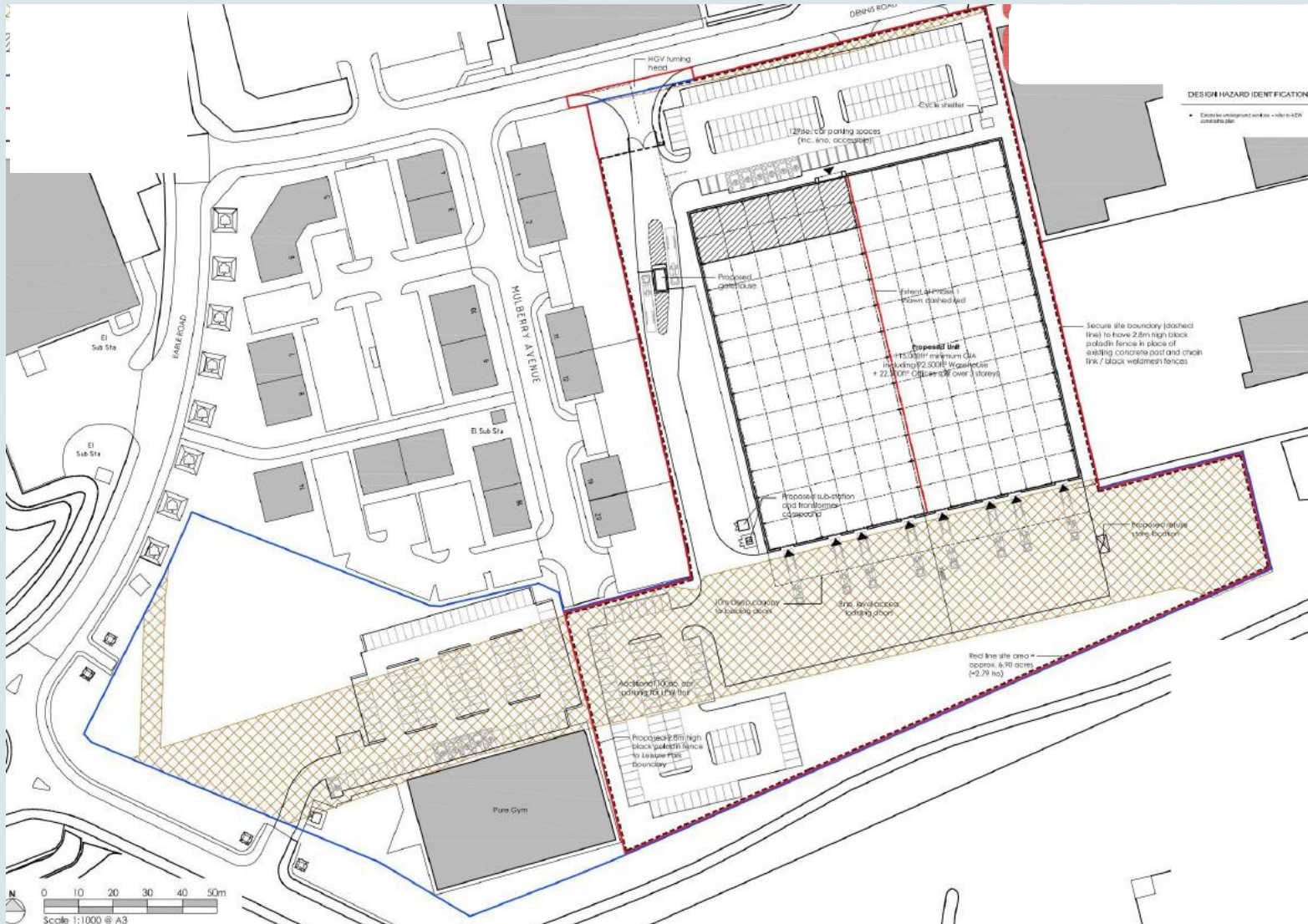


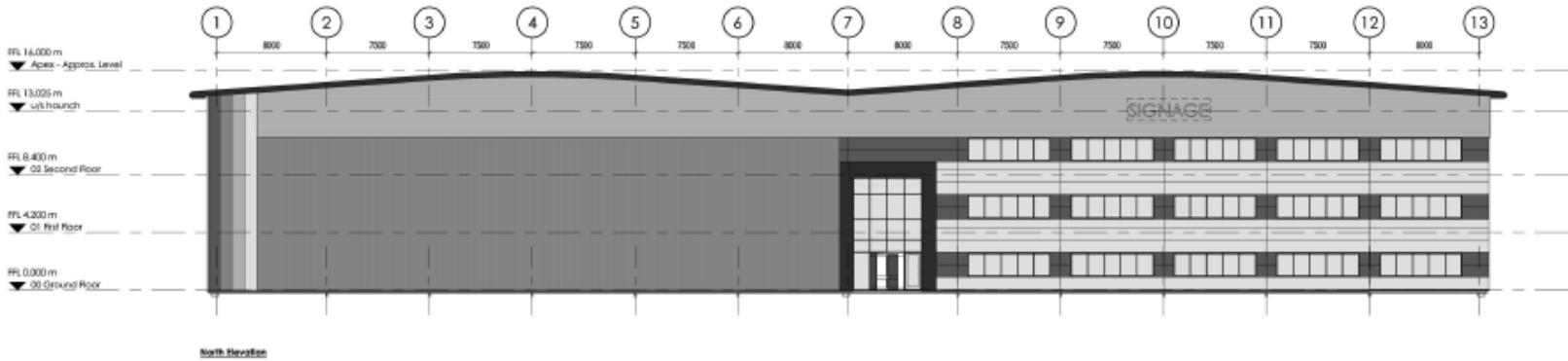


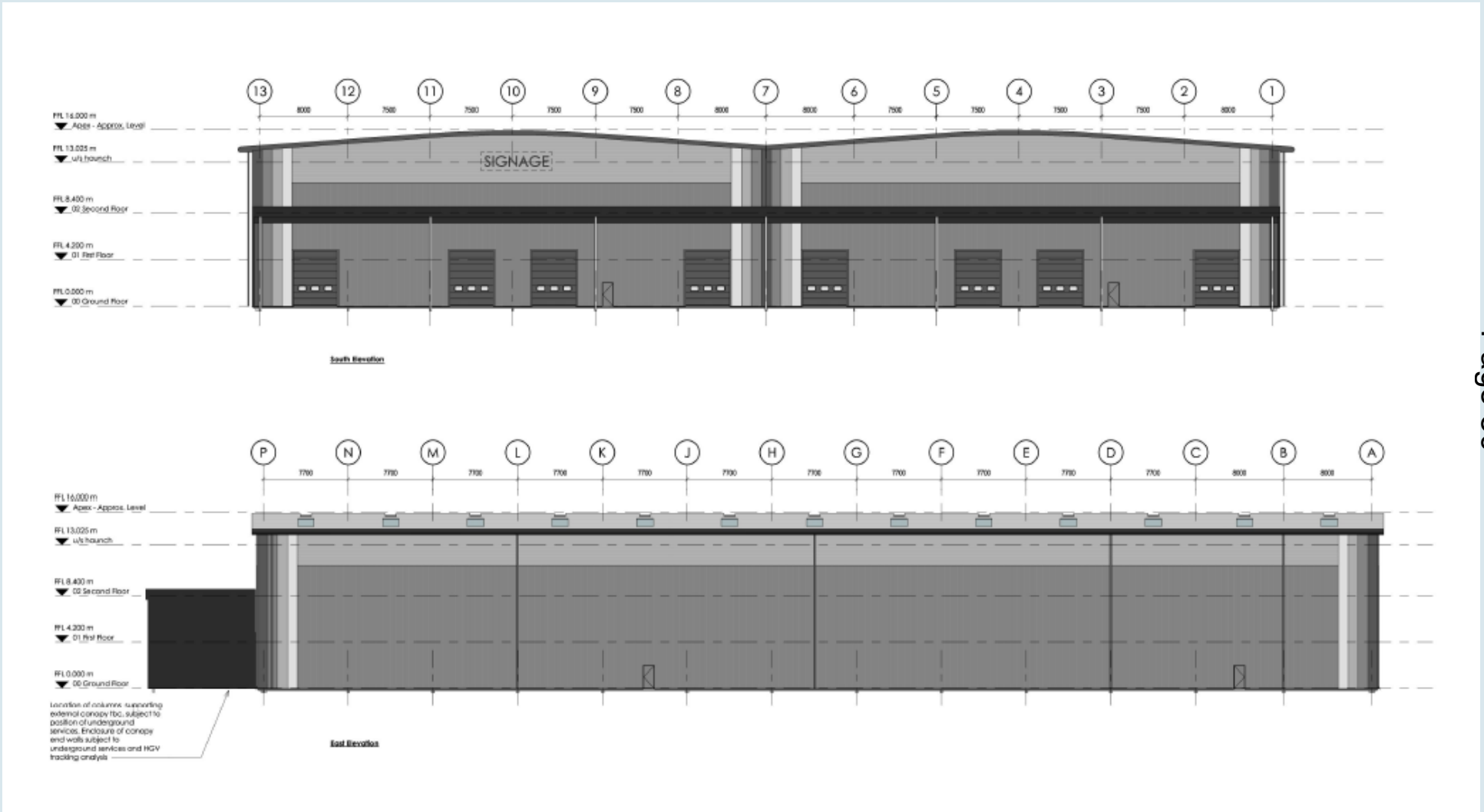
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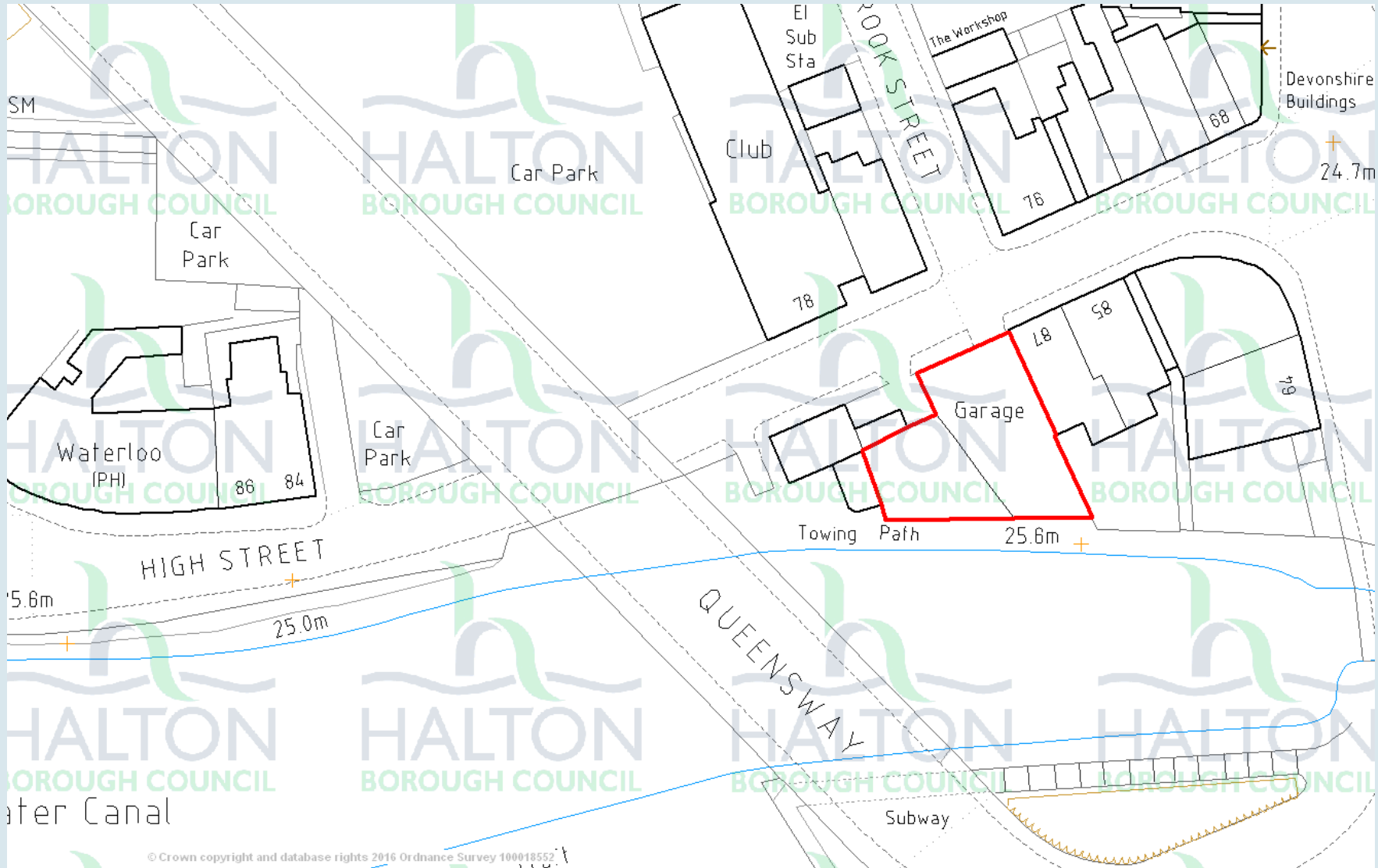


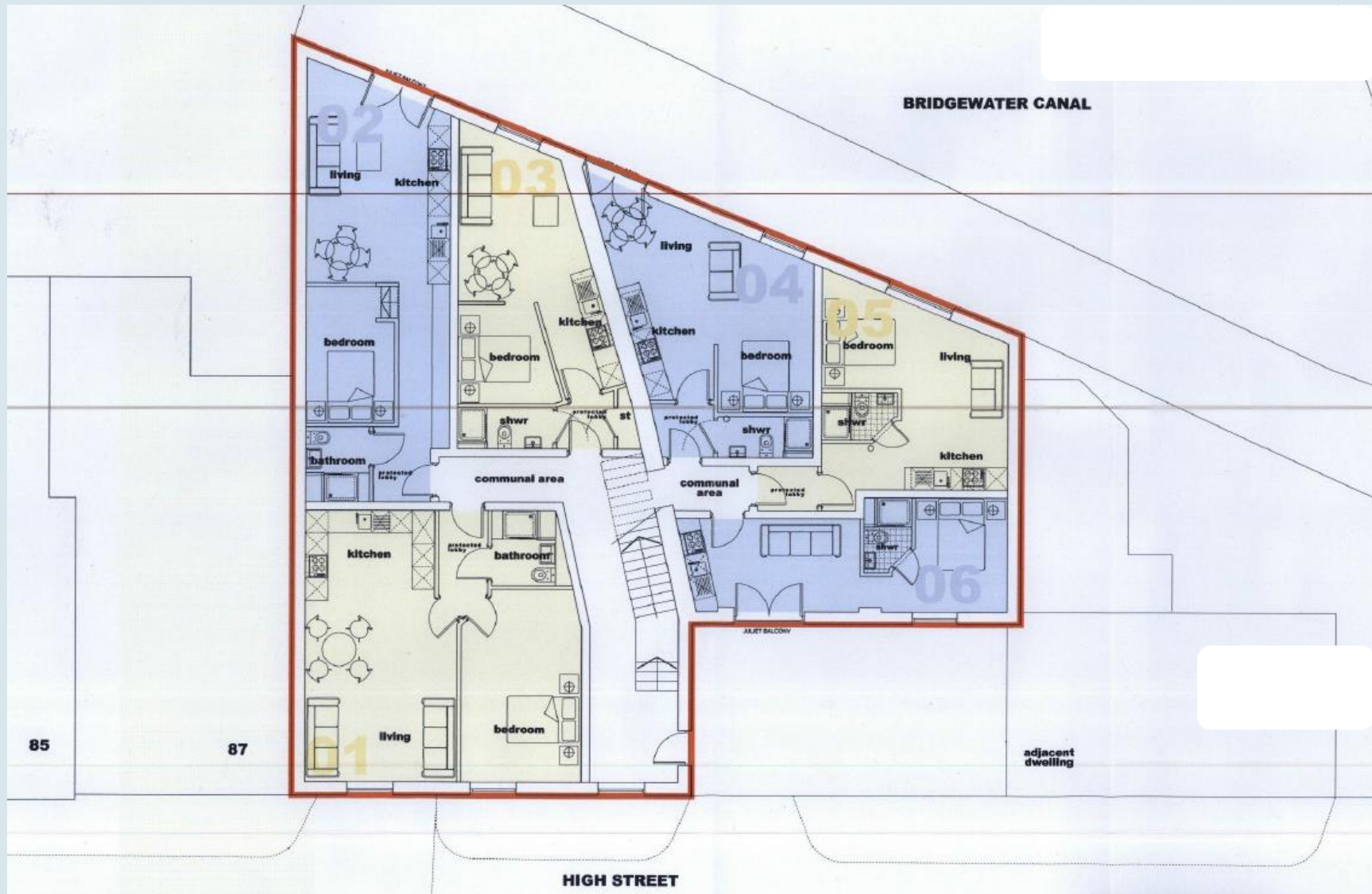


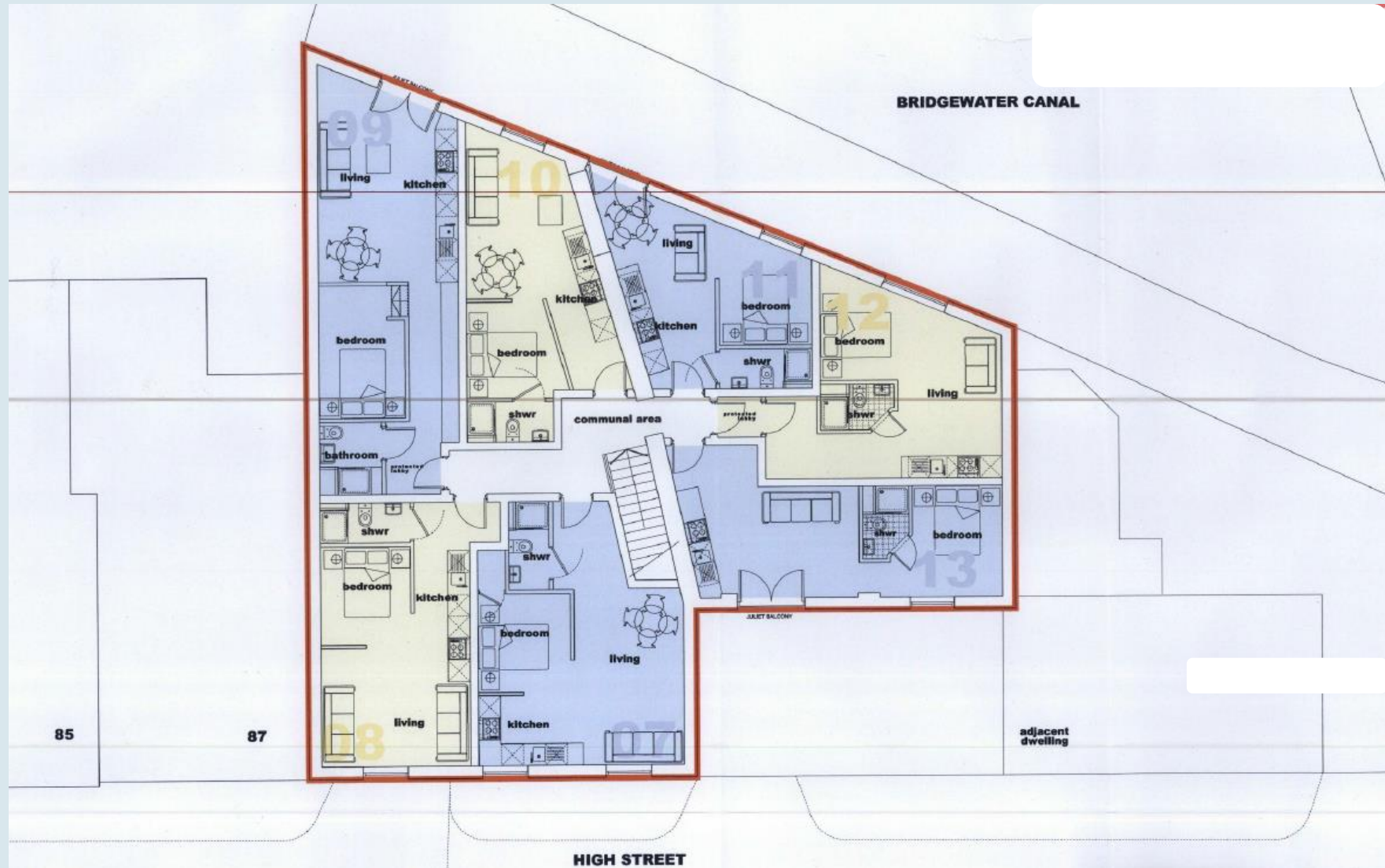
















**REPORT TO:** Development Control Committee

**DATE:** 7 November 2016

**REPORTING OFFICER:** Strategic Director, Enterprise, Community & Resources

**SUBJECT:** Miscellaneous Items

**WARD(S):** Boroughwide

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**The following applications have been withdrawn:**

- 15/00569/COU** Proposed conversion of existing sandstone barn/storage building attached to existing dwelling, including extension of the barn, to form 1 no. residential dwelling at 5 Weston Road, Runcorn, Cheshire, WA7 4JU
- 15/00570/LBC** Application for Listed Building Consent for proposed conversion of existing sand stone barn / storage building, attached to existing dwelling, including extension of the barn, to form 1 no. residential dwelling at 5 Weston Road, Runcorn, Cheshire, WA7 4JU
- 16/00245/PLD** Application for a certificate of proposed Lawful Development for creation of single storey extension to replace existing single storey extension on the same footprint at 14 Bentinck Street, Runcorn, Cheshire, WA7 1EH
- 08/00042/FUL** Proposed rear conservatory at 9 Nicholas Road, Widnes, Cheshire, WA8 8ST
- 16/00290/NMA** Proposed Non Material Amendment to Planning Permission 08/00310/FUL to amend single storey rear extension roof from single slope to centre pitch and amend positioning of window and door openings to rear extension at 14 Burnsall Drive, Widnes, Cheshire, WA8 4SE
- 16/00239/FUL** Proposed two storey side extension (addition of first floor extension to north east elevation) at 22 New Barnet, Widnes, Cheshire, WA8 9GR
- 16/00335/PLD** Application for a Certificate of Proposed Lawful Development for single storey side extension at 30 Aston Green, Runcorn, Cheshire, WA7 3BP

**The following applications have gone to appeal:**

- 15/00108/S73** Proposed removal of condition 1 from Planning Permission APP/D0650/C/10/2126943 to allow the permanent retention of a mixed use for the keeping of horses and a residential gypsy caravan site and the variation of condition 5 to allow the stationing of 12 caravans at any time (of which no more than one shall be a static caravan or mobile home) at Land To The South West Of Junction Between Newton Lane And Chester Road, Daresbury, Cheshire.
- 15/00300/FUL** Proposed erection of 1 no. two storey dwelling with associated car parking and landscaping at Land Adjacent To 2 Chelsea Cottages, Chester Road, Preston Brook, Runcorn, Cheshire, WA7 3AT
- 16/00035/FUL** Proposed single storey front extension at 119 Cradley, Widnes, Cheshire, WA8 7PN
- 16/00163/FUL** Proposed construction of 1 no. detached bungalow suitable for occupation by disabled person(s) (DDA Compliant) with associated landscaping and access on part of rear garden at 117 Birchfield Road, Widnes, Cheshire, WA8 7TG
- 16/00121/FUL** Proposed two storey front extension at 24 Seaton Park, Runcorn, Cheshire, WA7 1XA
- 15/00115/COU** Proposed Change of Use to residential caravan site for up to 8 caravans including the laying of hardstanding and erection of three amenity blocks at Former Ivy House, Marsh Lane, Off Brindley Road, Runcorn, Cheshire, WA7 1NS
- 15/00005/FUL** Proposed construction of a single storey side extension and single storey rear extension at 117 Birchfield Road, Widnes, Cheshire, WA8 7TG

**The following Appeal Decisions have been made:**

**Dismissed**

- 15/00300/FUL** Proposed erection of 1 no. two storey dwelling with associated car parking and landscaping at Land Adjacent To 2 Chelsea Cottages, Chester Road, Preston Brook, Runcorn, Cheshire, WA7 3AT
- 16/00035/FUL** Proposed single storey front extension at 119 Cradley, Widnes, Cheshire, WA8 7PN
- 12/00428/S73** Proposed removal of condition 1 from Planning Permission APP/D0650/C/10/2126943 to allow the permanent retention of a

mixed use for the keeping of horses and a residential gypsy caravan site at Land To The South West Of Junction Between Newton Lane And Chester Road, Daresbury, Warrington, Cheshire