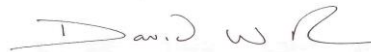


Public Document Pack



Development Control Committee

Monday, 16 January 2017 6.30 p.m.
Select Security Stadium, Widnes



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 for further information.
The next meeting of the Committee is on Monday, 6 February 2017*

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

Part I

Item No.	Page No.
1. MINUTES	1 - 4
2. DECLARATIONS OF INTEREST 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.	
3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	5 - 103

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 Tuesday, 6 December 2016 at The Board Room - Municipal Building, Widnes

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

Apologies for Absence: Councillors Morley, J. Bradshaw and Thompson

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, T. Gibbs, M. Noone, A. Plant, J. Eaton and I. Dignall

Also in attendance: Two members of the public

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

Action

DEV26 MINUTES

The Minutes of the meeting held on 7 November 2016, having been circulated, were taken as read and signed as a correct record.

DEV27 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE

The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.

DEV28 - 16/00313/OUT - OUTLINE APPLICATION, WITH ALL MATTERS RESERVED, FOR THE DEVELOPMENT OF A RETAIL UNIT UP TO 200 SQ. METRES (USE CLASS A1) AT THE HEATH BUSINESS AND TECHNICAL PARK, HEATH ROAD SOUTH, RUNCORN, CHESHIRE, WA7 4QF

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

Officers reported that since the publication of the agenda a further representation had been received raising issues regarding impact on local businesses and the need

for such a development. In response Members were advised that there was no requirement for an impact test with a retail development of this scale or to request the applicant to demonstrate the need for the development as per the National Planning Policy Framework.

Councillor Charlotte Gerrard had made a representation objecting to the application and as she was unable to attend the meeting, she requested that her representation be considered by the Committee.

After considering the application, the Officer's updates and representations made, the Committee agreed to approve the application, subject to the conditions listed below.

RESOLVED: That the application be approved subject to the following conditions:

- 1) Time limit – outline permission;
- 2) Submission of reserved matters;
- 3) Development parameters;
- 4) Site levels (BE1);
- 5) Facing materials to be agreed (BE1 and BE2);
- 6) Breeding birds protection (G21);
- 7) Tree protection (BE);
- 8) Construction management plan (Highways) (BE1);
- 9) Electric vehicle charging point (CS19);
- 10) Travel plan – (TP16);
- 11) Site waste management plan (WM8);
- 12) Sustainable waste management design (WM9);
- 13) Foul water (PR16); and
- 14) Surface water regulatory scheme (PR16).

DEV29 - 16/00338/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 ON LAND TO THE SOUTH OF DENNIS ROAD, VENTUREFIELDS TRADE PARK, WIDNES

It was noted that this proposal was being returned before Members following an objector error with his request to speak, at the November 2016 Committee meeting.

Officers reported that the objector had since withdrawn his objections and request to speak, after discussions with the applicant since the last meeting. It was noted therefore that the item was now withdrawn and the

resolution made at the last Committee meeting would still stand.

RESOLVED: That the withdrawal of the item from the agenda be noted.

DEV30 MISCELLANEOUS ITEMS

The following applications had been withdrawn:

16/00330/FUL Proposed construction of office building (Use Class B1) with associated access, boundary treatments and hard and soft landscaping on land off MacDermott Road, adjacent to Tesco Distribution and Recycling Centre, Widnes, Cheshire.

16/00208/COU Proposed Change of Use of redundant building to 3 no. dwellings including partial demolition and external alterations at Windmill Farm, Windmill Lane, Preston Brook, Cheshire, WA4 4AZ.

16/00370/TPO Application to fell trees preserved by Tree Preservation Order: Fell Sycamore T1, Fell Sycamore T4, Crown reduction of Beech T6 to rear of 83 Weston Road, Runcorn, Cheshire, WA7 4LB.

16/00254/FUL Proposed erection of 1 no. single storey detached dwelling with new vehicular access at 149 Main Street, Runcorn, Cheshire, WA7 2PP.

The following applications had gone to appeal:

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.

The following Appeal Decisions had been made:

Dismissed

- 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.
- 15/00108/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.

Meeting ended at 6.40 p.m.

REPORT TO: Development Control Committee

DATE: 9 January 2017

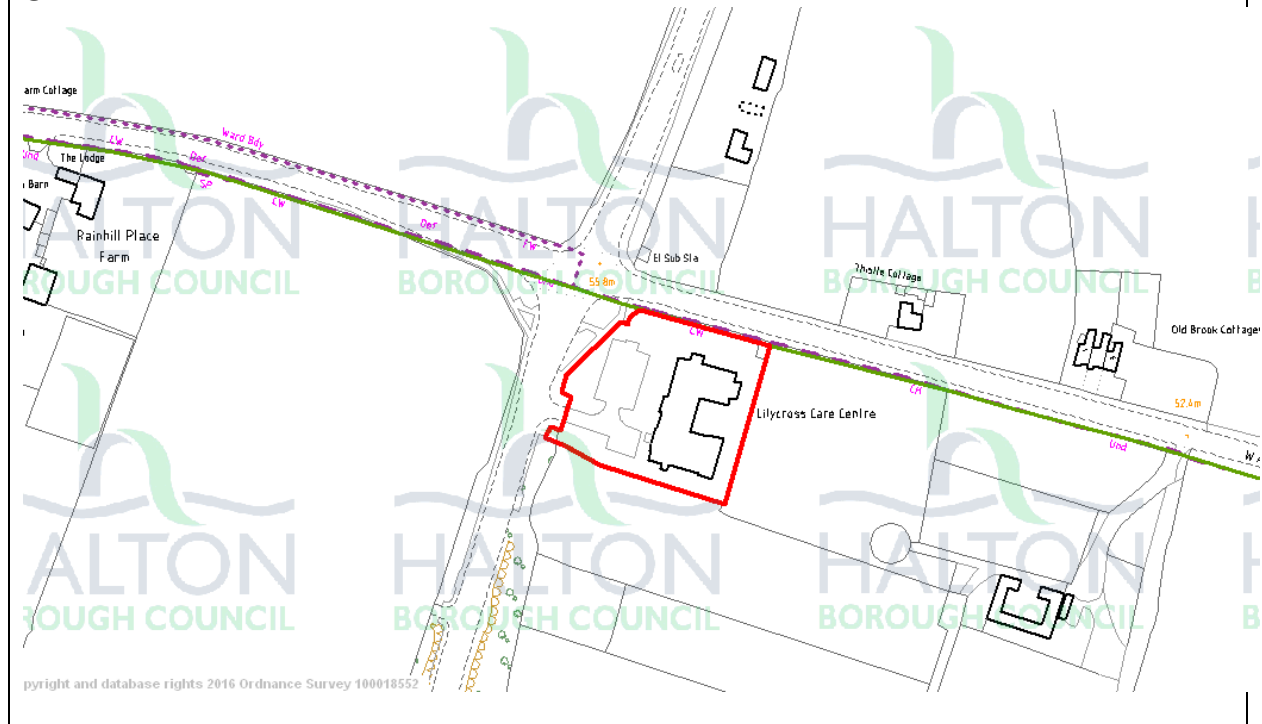
REPORTING OFFICER: Strategic Director – Enterprise, Community & Resources

SUBJECT: Planning Applications to be Determined by the Committee

WARD(S): Boroughwide

Application No	Proposal	Location
16/00333/COU	Proposed Change of Use from Care Home (Use Class C2) to Asylum Seeker Hostel (Sui Generis) to accommodate a maximum of 120 persons	Lilycross Care Centre, Wilmere Lane, Widnes
16/00272/FUL	Full application for conversion of existing barn buildings from offices to 5 no. dwellings and garages, demolition of existing industrial sheds and redevelopment to provide 14 no. new cottages and garages with associated external works and landscaping.	Ramsbrook Farm, Ramsbrook Lane, Hale

APPLICATION NO:	16/00333/COU
LOCATION:	Lilycross Care Centre, Wilmere Lane, Widnes
PROPOSAL:	Proposed Change of Use from Care Home (Use Class C2) to Asylum Seeker Hostel (Sui Generis) to accommodate a maximum of 120 persons
WARD:	Farnworth
PARISH:	N/A
AGENT(S) / APPLICANT(S):	Mr Choudary, Lilycross Homes Limited
DEVELOPMENT PLAN ALLOCATION:	Halton Unitary Development Plan (2005) Green Belt Halton Core Strategy Local Plan (2013)
DEPARTURE	No
REPRESENTATIONS:	774 objectors, 11 supporters, 2 petitions
KEY ISSUES:	Green Belt, fear of crime, unsustainable location, traffic and highway safety
RECOMMENDATION:	Approve with conditions

SITE MAP**1. APPLICATION SITE****The Site and Surroundings**

Wilmere Care Centre is located at the junction of the A57 Warrington Road and B5419 Wilmere Lane. The site is approximately 0.8km east of Junction 7 of the M62, Rainhill Stoops is 1km to the north west, Sutton Manor is 1.2km to the north, and Widnes town centre 3.5 km to the south.

Planning History

Since the existing building was constructed there have been no other planning applications at the site.

Prior to the existing building being constructed the following planning applications were received and determined by the Local Planning Authority.

06/00783/FUL (Approved March 2007) - Proposed demolition of existing care home and erection of replacement 2.5 storey care home with car parking and associated landscaping.

05/00706/COU (Refused October 2005) - Proposed change of use from nursing home (class C2) to children's day nursery (class D1).

05/00190/COU (Approved April 2005) - Proposed change of use of ex-residential home to 9 No. flats.

04/01103/FUL (Approved January 2005) - Proposed subdivision of existing residential home into 5 No. flats.

04/00571/FUL (Refused August 2004) - Proposed ground floor and first floor extensions.

2. THE APPLICATION

Application Documentation

The application has been submitted with the requisite planning application form, ownership certificate, agricultural holding certificate, plans and a planning statement. Post application documents have been placed on to the register.

The Proposed Development

Halton Borough Council, as the local planning authority, has received a planning application for change of use from Care Home (Use Class C2) to Asylum Seeker Hostel (Sui Generis) to accommodate a maximum of 120 persons.

The description of development in the application did not include the word 'Seeker'. The word has been added to improve the clarity of the description of development.

If the application is granted Lilycross would be used for Initial Accommodation. The Council understands that this would mean:

- It is temporary accommodation for asylum seekers (NOT Syrian refugees – this is part of a separate programme)
- It is run by SERCO (or other operator) on behalf of the Home Office, NOT by councils (or indeed by the applicant)

- It is funded by Government not the Council
- Maintenance is a matter for the owner and SERCO
- Placements are organised by SERCO on behalf of the Home Office
- Asylum seekers are accommodated there for about 1-4 weeks while they make their application for asylum and are allocated dispersed accommodation.
- It can accommodate up to 120 asylum seekers at any given time, all ages, families and single people
- It is not a long-stay facility so clientele will be constantly changing
- It is not a secure facility
- Food and health requirements are provided on site and funded by Government
- Buses would be provided to move asylum seekers around (to interviews)

At the end of their period in Initial Accommodation, asylum seekers leave, either to return home or be placed in 'dispersed' accommodation elsewhere in the UK whilst their asylum applications are determined.

Asylum seekers in the Initial Accommodation centre would not be allowed to access:

- The local health system (other than in emergencies)
- Local schools/colleges
- Local employment
- Benefits.

Definitions

It may be helpful to set out some definitions in order that members better understand the use proposed.

Asylum Seeker - The Refugee Council defines an asylum seeker as:

“someone who has fled persecution in their homeland, has arrived in another country, made themselves known to the authorities and exercised the legal right to apply for asylum.”

This means that:

- Asylum seekers have applied to live in the UK because they fear persecution in their home country
- The Home Office will consider their case, during which time they can stay in the country
- An asylum seekers' application may be refused or accepted

Asylum seekers can stay in the country whilst their application for asylum is being assessed. This may take several months. During this time they can't work, nor receive government benefits.

An asylum seeker may have their application for asylum refused, in this case they must leave the UK.

If their application for asylum is accepted, they become a refugee and may stay in the UK for 5 years. They will be able to seek work.

Refugee - Under 1951 United Nations convention, a refugee is defined as:

“a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fears, is unwilling to avail himself of the protection of that country.”

This means that:

- A refugee has proven to the UK authorities that they would be at risk if returned to their home country or they are unable to seek protection in their home country
- A refugee's fear of persecution has to be well-founded, e.g. they have to have experienced the persecution personally or be likely to experience it personally if they return to their home country
- A refugee has had their claim for asylum accepted by the Government

A refugee is granted the right to remain in the UK for five years before their case is reassessed.

Syrian Refugees – These are part of a separate programme. These individuals have already been granted refugee status and have Humanitarian Protection for 5 years. Syrian refugees will NOT be accommodated in Initial Accommodation.

Initial Accommodation – Means accommodation provided under section 98 of the Immigration and Asylum Act 1999 for Asylum Seekers, for Initial assessment for a period of about 1 to 4 weeks prior to provision / placement in dispersed accommodation. The Council's general understanding of Initial Accommodation is set out above.

Dispersed Accommodation – provided to asylum seekers, who do not have friends or family within the UK, until asylum claim is determined.

COMPASS – In March 2012 the Home Office signed six contracts for the provision of accommodation and transportation of asylum seekers. Collectively, the provision of these services is known as 'Commercial and Operating Managers Procuring Asylum Support' or 'COMPASS'. In the north west the contract was awarded to SERCO.

3. CONSULTATION

The proposal has been advertised by way of site notice, and 22 neighbouring properties have been consulted by way of letter. A number of statutory bodies have also been consulted, namely;

- Environment Agency
- Cheshire Fire Service
- Cheshire Police Service
- Highway Authority
- St Helens Metropolitan Borough Council

Consultee Responses

The Environment Agency – *“We have no objection in principle to the proposed development but would make the following comments;*

A permit to discharge secondary treated sewage and trade effluent from the sewage treatment plant at Wilmere House, Wilmere Lane, Widnes is currently issued to Lilycross Homes Ltd.

The proposed new use will result in an increase of flows to the package treatment plant. The applicant must ensure the current package treatment plant has sufficient capacity to treat the increased flows to a suitable standard which will comply with the current permit conditions. If increased, flows could result in the current permit conditions being breached a permit variation may be required”.

Cheshire Fire Service – *“With reference to the recent Lilycross Homes Limited application for a proposed Asylum Hostel, Cheshire Fire & Rescue Service wish to highlight the positive benefits of sprinkler systems. The provision of effective sprinkler systems would reduce the impact of a fire with benefits to:*

- *business continuity*
- *sustainability*
- *the environmental impact*
- *the risk to fire fighters*
- *the risk to occupants*
- *the impact on the wider community*

In view of the significant losses incurred as a result of a fire, it is strongly recommended that sprinkler systems are installed as part of any plans to redevelop this site. The inclusion of sprinklers in the design may open up opportunities such as;

- *the potential for reduced insurance premiums*
- *greater freedom of design at the planning stage*
- *larger compartment sizes*
- *reduced fire resistance requirements*
- *Reduced constraints with regard to boundary distances*

Please contact the Fire Protection Inspector for further advice should you consider installing sprinklers.

Cheshire Fire & Rescue Service also wishes to stress the importance of fire safety, during the proposed construction works, at the development site.

All those with a role for developing and managing construction sites should make early consideration of any fire safety requirements in order to minimise risk and ensure legal compliance.

Any higher risk areas, such as multi-storey buildings and high risk building such as timber frame, should be given particular consideration.

If Cheshire Fire & Rescue Service are notified of a site of this nature, they will be aware of the 'temporary risk'. They can then decide on whether the site requires initial or on going inspection through the life of the construction project in order to manage any emergency response.

Cheshire Fire & Rescue Service is available to consult regarding matters relating to the project and would appreciate being kept abreast of progress. If you should require any further information or assistance please contact the Fire Protection Officer”.

Cheshire Police: Raise no objections to the application. Their detailed response is set out in Appendix 1.

Following a meeting with objectors Cheshire Police submitted a revised response. This is set out in Appendix 2. Clarification was sought on the differences between Appendix 1 and Appendix 2. Cheshire Police confirmed that the essential difference was that the Appendix 2 response included an acknowledgement of concerns raised by a small group of residents and a small business community. It also referenced the desire to seek a service level agreement with the Service Provider on a similar basis to the way that the Initial Accommodation scheme in Liverpool is operated. Cheshire Police confirmed that they would not be objecting to the proposed development even if the proposed Service Level Agreement did not come about or did not come about within the terms expressed.

Highway Authority:

“Layout/Highway Safety

The application site is located on Wilmere Lane in the north of Widnes. As a previous care home it has an existing access and 24 space car park. The access functions safely and Police and HBC Transportation accident data support this.

The applicant has indicated that there will be a staff parking requirement of approximately 15 vehicles. In addition there will be two eight seater mini-buses operating a daily shuttle service to Liverpool for appointments the will consist of 2 pick-ups and 2 drop offs per day each (2 in the morning and 2 in the afternoon). There would also be an additional mini-bus for local journeys into Widnes 4 times a

day. This would not create a significant impact to traffic movements on Wilmere Lane and would not provide a road safety concern. The access provides good visibility to both the north and south of the access.

Parking

The application proposes to retain the 24 parking spaces that currently exist. Given the use class (*sui generis*,) it is necessary to take a site and use specific approach to the parking standard. The applicant has advised that staff parking of 15 vehicles will be required. It has also been advised that none of the occupants of the facility will have access to a vehicle. Given that there will be two mini-buses serving the site this still leaves an adequate number of parking for visitors to the site and enough space to ensure that mini-buses can move safely around the site without the need for on-road parking. Therefore, the 24 number parking spaces would be considered acceptable.

Access by sustainable modes

The site is not well positioned for easy pedestrian access to local facilities, however, there are a number of bus stops within easy reach. However, should residents choose to walk to local facilities these are 0.8km away.

There are 3 buses (17, 61 & 61A) which serve Wilmere Lane and provide access to both Widnes and St. Helens town centres as well as the (140) bus serving Warrington Road (north of the site) which allows transport to both Warrington and Rainhill. Given the short time that residents are proposed to be accommodated at the facility it is not likely that these services will be used as there will be a mini bus service to local facilities provided.

Transport Assessment/Traffic Impact

In this instance neither a Transport Assessment nor a Transport Statement was necessary. There are a number of requirements outlined in 'Guidance for Transport Assessment' where development would require a Transport Assessment. As this application would not generate 30 or more traffic movements an hour or 100 per day, nor would it be deemed that the local transport infrastructure is inadequate then, it would not be necessary for the applicant to provide a Transport Assessment. There have recently been road improvements carried out at the junction of Wilmere Lane and Warrington Road to improve the capacity at the junction and the movements in and out of the site are expected to be lower than the previous use at the site".

St Helens Metropolitan Borough Council:

"Planning Application Number 16/00333/COU

Proposed Change of Use from Care Home (Use Class C2) to Asylum Hostel (Sui Generis) to accommodate a maximum of 120 persons at Former Lilycross Care Centre, Wilmere Lane, Widnes

I refer to the above. I can confirm that I have inspected the documents submitted with the proposals and can comment as follows.

The application proposes to change the use of a former care home, now vacant, to an asylum hostel. The accommodation is to be provided on a temporary basis whilst formal checks of the individuals concerned take place.

With regard to local planning policies, policy CS12 Housing Mix in the adopted Halton Local Plan Core Strategy 2013 states that proposals for new specialist housing will be encouraged in suitable locations, particularly those providing easy access to local services and community facilities. In this case, the applicant has failed to recognise the need to provide the accommodation with in this context. Individuals to be accommodated at the site will have minimal resources such that it is unlikely to be a suitable environment to meet their needs.

Policy CS15 of the Halton Local Plan Core Strategy concerns sustainable transport. In particular, development should be well connected and achieve high levels of accessibility including satisfactory bus, rail, walking and cycling facilities. In this case, the applicant has failed to consider this aspect of the scheme making reference only to proximity to the motorway and thus private car. The location of the proposed development means that it is inaccessible, such that to allow it would be contrary to the provisions of this policy.

On the basis of the above, the Council considers that the development does not meet the provisions of the Halton Local Plan Core Strategy 2013 and does not constitute sustainable development. The Council is therefore objecting to the proposals and requests that the matters raised, as well as material planning considerations raised directly by St Helens residents, be taken into consideration when the application is considered."

Representations in Objection

Two petitions and representations from 774 individuals have been received objecting to the application, together with an objection from one ward Councillor.

The first petition (online) in objection to the application was headed "Reject plans to turn Lilycross care home into an asylum seeker hostel in Widnes Cheshire". It contained 2,706 signatories. The petition was based on the following grounds:

"Proposed change of use from care home to Asylum Hostel to accommodate a maximum of 120 persons at the former Lilycross Care Centre, Wilmere Lane, Widnes, Cheshire WA8 5UY.

Planning application no. 16/00333/COU Halton Borough Council We the signed oppose this planning application and recommend refusal on the following points.

That the site is unsustainable in terms of:-

The concept of a hostel for asylum seekers is not unacceptable in principle, although it is quite clear that the personal, social and physical needs of the proposed residents would be best served within a sustainably located town or edge of centre location.

The unsustainable location of the site will mean that there must be an increase in unregulated traffic movements, which will adversely impact on highway safety/pedestrian safety;

The isolated position of the site that will result in the occupiers having no access to any other facilities than those in the Hostel. This will undoubtedly result in people leaving the site, trying to find their way around Widnes, Rainhill, St Helens & Bold.

The over intensification of the site, resulting in an adverse impact on the sites green belt location;

** The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence. This proposal conflicts with this vision.*

** The Green Belt serves five purposes. This proposal conflicts with 2 of those purposes. Those are....*

- to check the unrestricted sprawl of large built-up areas and*
- to assist in safeguarding the countryside from encroachment.*

** When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

** This proposals will harm this green belt location through its intensification. No very special circumstances have been presented by the applicant that would clearly outweigh the harm caused;*

This proposal will significantly undermine the Council plan making process for this part of the Borough and will severely limit its ability to provide a continuous and up to date 5 year supply of housing in this part of the Borough.

Halton Council have spent many years regenerating the Borough, and in particular north Widnes in terms of its housing allocations. There are further housing allocations to be built out in the area, with further allocations planned through the development plan process.

The proposal will effect visitors and tourism to the area & will adversely affect the current level of local employment with the development itself being situated in a prominent position on the main thoroughfare to The Dream & Bold Forest Park."

A second (paper) petition has been received. This also objected to the application and contained 897 signatories. This stated that the application should be refused on the same grounds as the e-petition set out above.

Cllr McManus (Farnworth Ward) – Objects on the following grounds:-

"I wish to record my comments on this planning application.

I believe it does not meet the planning requirements of the NPPF or the UDP.

National Planning Policy Framework

NPPF Sect. 3 Supporting a Prosperous Rural Economy

Requires the Council to support economic growth in rural areas. Its objective is to create prosperity and jobs. This includes tourism and leisure developments. Currently there are a number of businesses trading on Warrington Road that may be affected by the change of use.

St Helens Borough Council has developed the Bold Forest Action Plan. This area adjacent to the councils' boundary and Warrington Road is considered by the Plan as a main route to Bold Forest. The existence of an 'asylum hostel' would create negative perceptions in the minds of potential visitors to the area and hence the businesses in the locale would suffer loss and employment may be affected.

NPPF Sect. 8 Promoting Healthy Communities

Para 69. States that having communities where crime and disorder, and the fear of crime do not undermine the quality of life is an objective.

I have received enough comments from residents to know that fear of crime is a major concern.

The site is not a secure one and asylum seekers are free to come and go. Given the number of residents at the site and their turnover there is a risk that some crime may take place.

Para.70 States the established shops, facilities and services should be able to develop in a way that is sustainable.

My comments at Sect.3 above also relate to this.

NPPF Sect. 9 Protecting Green Belt Land

Para.87. States that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in special circumstances.

The building on the site was constructed after receiving permission 06/00783.

The conclusion of the officer's report to the Development Committee stated 'The proposal is in principle 'inappropriate development' in the Green Belt and is therefore contrary to local and national policy'.

However they considered there were exceptional circumstances that outweighed any harm the building would do.

The new building being an improvement on the existing one.

The proposal is inappropriate as the original approval was for accommodation of 60 older people. The application is for the building to house up to 120 people in the same number of bedrooms.

Unitary Development Plan

GE1, para. 3 – the proposal does not match any of the criteria that are appropriate.

LTC8, the proposal would affect functioning of existing tourism facilities”.

Derek Twigg M.P. – Has made the following comments:-

"I have been contacted by a large number of constituents regarding the above application who have expressed concerns about the former Lilycross nursing home becoming an Asylum hostel. I believe there are a number of issues that the Council needs to address in determining the planning application.

Many constituents believe it is questionable whether this is an appropriate location for an Asylum hostel given it is some distance from any amenities.

Lilycross was built to house 60 elderly persons and the intention is now to house 120 people. How can that building house 120 persons some of whom will be families and will, I assume, need to be housed in a separate area from single men for obvious reasons, including safe guarding of children? We cannot have people packed into this building, that would be unacceptable and no way to treat human beings. It begs the questions whether Serco have a financial incentive to have a certain number of asylum seeker in any one building.

I also have a concern about the staffing ratio at the hostel in that I understand there will be three on duty at any one time? I fail to see how this will be adequate for 120 people with a mix of families and single people, many of whom will be traumatised and vulnerable. Will the Council be pursuing this with Serco/the Home Office? What criteria will Serco use to make placements at this proposed asylum facility? The property is located on a wide and very busy intersection of the road and I am told that the road has been subject to a number of collisions in the past. Has any risk assessment been completed by highways engineers to assess the suitability of the location for the many hundreds of asylum seekers who will pass through the facilities, unfamiliar with the area and UK traffic.

If the application is approved Halton Council will have safeguarding responsibilities for children and adults at the facility. The children's and adult safeguarding teams are under a great deal of pressure and the Council has severe funding challenges; has the Home Office offered to provide additional funding to cover this potential new responsibility.

I would be grateful for a response to these important questions".

Bold Parish Council

I am Clerk to Bold Parish Council and am conveying members' objection to the above proposal. The text below, which exceeds your portal's word limit, has been compiled by council members to represent their views:

Some of the local residents of the 30 plus properties surrounding the application site and owners of the 9 businesses in the direct locality have descended upon us this weekend raising concerns over the proposed change of use. The major concern is that the proposal is in an inappropriate location in which to site a hostel for asylum seekers and that there just isn't the local infrastructure or local amenities to support the influx of 120 people, 80% will be mainly males aged 18 - 34 (source of information is from the eurostat statistics April 2016), who would greatly out-number the local residents. The size of the site (0.4 hectares) and lack of open space within it would be insufficient to house 120 people in a building that was purposefully

designed to accommodate only 60 and that there is a high likelihood that these individuals crammed into this building would have nothing better to do, due to the lack of local amenities, than to linger around the local area impacting and detracting from the rural setting.

The site lies on the preferred route into the Bold Forest Park and The Dream and all visitors following this well signposted route would have to pass this hostel.

Information regarding The Bold Forest Area Action Plan is readily available on the St Helens website, and as we are on the preferred route we have been included in this plan (page 10) <https://www.sthelens.gov.uk/planning-building-control/planning-policy/area-action-plans/>

All the local employers are concerned that as they rely heavily on tourism and visitors, this could affect the visitor numbers and hence the long term viability of their businesses and the loss of local jobs.

There is concern that only 3 people will manage a facility for 120 residents which seems a remarkably low number, this would mean that to cover a 24 hour period there would only be one member of staff present at any time. The local residents have also expressed concern over the design of the building intended for 60 occupants being used for double that amount. The design, by its very nature, must be deficient in bathing, catering, dining and recreation areas, for such a potentially high number of residents, notwithstanding the possible problems which may be encountered with the sewage treatment plant (we have no mains drainage in this area).

The application is deficient and makes incorrect assumptions; namely in the location and site description (item 2.2), which is blatantly incorrect - the proposal does lie within a nucleus of some 30 plus properties, rural businesses, farms, children's nursery and local playing fields. The application fails to mention its close proximity to the newly constructed & now occupied Redrow site at Lancaster Place with some 150 houses and the new Taylor Wimpey site which is under construction at Norlands Green, which are both just a short walk away. Indeed potential buyers and obviously potential rate payers have been to see us this weekend and are now looking elsewhere since this application was posted - news travels fast.

The map in figure 2 in the application statement is outdated and does not show the 2 sites mentioned above, which are clearly visible on Google Earth.

Item 7.2 in the planning statement under the heading "other material considerations" is therefore incorrect, and item 8.6 in the conclusion ignores the 30 plus houses, local businesses etc. and the 2 sites mentioned above and as such "fear of crime" (their words not ours) is a planning consideration and must constitute grounds for refusal.

In closing it has also been raised that we would be losing a valuable purpose designed local asset namely a residential nursing home and with bed blocking being such a hot topic at the moment it would suit the local needs more if it was reopened in its original format. This would create much more than the 3 jobs stated in the application. The home was closed due to bad management, not because the building or location was deficient in anyway.

Whilst the local residents have great sympathy for these unfortunate individuals, they feel that their needs and integration would be better met by a location that could offer them easier access to services and local amenities, i.e. post offices, transport links, medical facilities, shops, schools & interpreters.

The Parish Council would like its views to be taken into account in considering this planning application.

Rainhill Parish Council

Rainhill Parish Council have been contacted by many residents expressing concerns regarding the above application.

The main issues raised concern the suitability of the application site for the proposed use, in terms of accessibility, ability to accommodate the number of clients proposed, lack of services and impact on neighbouring community services.

We understand that these concerns have also been raised directly with yourselves and would like reassurance that such concerns will be taken into consideration in determination of the application.

Individual Objections

Objections have been received from 774 individual people in response to the application. A number of objectors included advice from David Manley Q.C. The objectors have raised the following concerns which are considered to be (or potentially to be) material planning considerations:-

- The scale of consultation on the planning application
- Insufficient amount of information and details of how the site would be run/operated
- An inappropriate Green Belt location
- The change of use would create an over population and intensification of the site detracting from the openness of the Green Belt
- Insufficient local infrastructure
- No shops or local services, entertainment facilities or amenities for residents
- Unsustainable location due to distance from town centres
- The remote location with very limited transport links
- Poor accessibility given the likely amount of traffic generated to access and service the site
- Increased traffic would have an impact on highway safety
- Insufficient parking provision
- Adverse and detrimental effect on tourism and patronage to local business in the area
- Negative impact on local businesses and a likely subsequent loss of employment

- Will detract from people wanting to move into the area and buy houses, or invest in businesses
- Poor availability of beds through “bed blocking” in our local hospitals as a result of insufficient care homes for the elderly and infirm
- Lesson to be learned from housing asylum seekers in other hotels
- Fear of crime
- Significant safety concerns over housing large numbers of individuals with no background security checks
- Proximity to children’s nurseries, schools and colleges
- Concerns in relation to mainly male occupants and fear of sexually motivated attacks on women and children
- People / men congregating would be intimidating to residents and passers by
- Antisocial behaviour, crime and begging reported from existing sites elsewhere
- Housing different cultures together would cause conflict between residents
- Not enough policing in the area
- Impact on health services doctors, dentists and other health services
- Impact on emergency services
- Impact of schools and education provision
- Safety and wellbeing of the residents and the hostel due to its location
- That the proposal does not accord with The House of Commons, Policy for the dispersal of Asylum Seekers dated 29th April 2016.
- Impact on Council’s 5 year Housing Supply
- Residents would only stay up to 3 weeks meaning throughput of 1000s of people a year
- If granted would bring negative publicity locally and probably nationally
- Wolverhampton stop notice case
- Inevitable detrimental effect on local house prices
- The building should be used for something else such as housing for the homeless, for ex-armed forces staff, halfway accommodation 16-18 year olds or converted into flats for first time buyers.
- Should be re-opened and used for a nursing home
- Will residents be health screened
- Insufficient staffing of the site
- I object as a tax payer as they would an impact on services
- Application is just to make profit
- The current owners not fit to run a care home so they should not run an asylum seeker hostel
- The Human Rights Act
- The Sustainable Community Safety Strategy
- Non-compliance with Policy GE4

Material considerations have been addressed in the assessment section of this report.

Representations in Support

The Council is aware of one online petition in support of the proposal on change.org. The petition was never submitted to the Council.

11 individual representations in support have been received, these have raised the following matters (it should be noted these matters include material and non-material considerations, but since they are in the main simply disagreeing with the objectors raising the same point, it should be obvious which are material and which are not):-

- We received an unsigned letter through the door which they stated was full of untruths. They consider the greenbelt to have too many houses in it, there are plenty of bus services running along Wilmere Lane, these objections should be challenged. Use of fear to create objections. Diversity needs and depends on compassion for others in these times.
- The traffic impact compared to the care home would be minimal
- Residents are likely to be transported in coaches which would have less traffic than the care home would generate with visitors.
- With regards to negative impact on business, the presence of asylum seekers will not force anybody to spend less money. The problem is peoples' prejudices.
- The current building is empty and therefore its change of use would not prevent people from accessing residential care, as it currently does not contribute to nursing bed provision.
- Does not agree that room sharing is a problem, the lack of shops and amenities is unlikely to be the highest concern to the residents.
- No new buildings are proposed so the proposal would have no greater impact on the green belt than the existing.
- Regardless of false assumptions, speculations and lack of basis in fact to many of their claims, if we accept the idea that they are genuinely held planning concerns, it does not reflect any better upon those who have these beliefs. To be more concerned about traffic than they are about real people who have fled their countries in danger is selfish. To prioritise baseless hypotheticals over the very real basic needs of other human beings because they are 'them' and not 'us' is discrimination and xenophobia.
- Many of these planning claims are so removed from reality that it would be reasonable to suggest that there is an alternative motive behind them.
- Concerns over well-meaning fears for the welfare of themselves are largely fuelled by exaggeration and misinformation regarding the dangers of asylum seekers and refugees. An overwhelming percentage of asylum seekers and refugees do not commit crimes and to deny real people help based on stereotypes of their race or religion is textbook racism.

- The case of Carespec Ltd v Wolverhampton City Council (2016) is not directly relevant, as that case was to decide on a technical point of whether or not what the hotel wished to do counted as hostel use something which requires a different planning permission to a hotel. It concluded that the use was different and therefore the council were justified in ordering a Temporary Stop Notice. Whatever motivations the council had for ordering such a notice are irrelevant to Halton's case, as a formal planning application has been filed for Lilycross.
- The reasons the council had for issuing the temporary stop notice were concerned with the already precarious state of the locality. The letter which you have been sent seeks to argue that Lilycross would be more unsuitable because of its relatively rural location, when the concerns of the council were about the overcrowding of the area already.
- The test that law cases apply for whether reasons are suitable for making a decision is whether or not they were 'so outrageous in its defiance of logic or accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it'. Clearly therefore, the case does not endorse these concerns but just acknowledges that they are not outrageously defiant of logic.
- The hotel was not rejected because it was unsuitable for use as hostel. Mr. Justice Coulson instead observed how the use differs from that of a hotel, citing factors such as strangers sharing a room as indicative of a hostel being different from a hotel. Differing of use does not mean that it is unsuitable – it just means that it falls under a different planning category.

4. PLANNING POLICY CONTEXT

Development Plan Policies

The Development Plan comprises the saved policies of the Halton Unitary Development Plan, the Halton Core Strategy Local Plan and the Joint Waste Local Plan.

The land is designated as being within the Green Belt, in the Halton Unitary Development Plan (UDP) and the key UDP policies, which relate to the development, are: -

- BE1 General Requirements for New Development
- BE2 Quality of Design
- GE1 Control of Development in the Green Belt
- GE4 Re-Use of Buildings in the Green Belt
- TP12 Car Parking
- LTC8 Protection of Tourism Attractions

The Halton Core Strategy Local Plan policies which are relevant are:-

- CS2 Presumption in Favour of Sustainable Development

CS12 Housing Mix
CS15 Sustainable Transport

Supplementary Planning Documents (SPD)

The only relevant SPD is Designing for Community Safety (2005)

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'*.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

The following NPPF paragraphs are particularly relevant to the consideration of this application (and other parts of the NPPF are mentioned elsewhere in this report):

Paragraph 87 states *"As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*.

Paragraph 88 states *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations"*.

Paragraph 89 states *"A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*

- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”.*

Paragraph 90 states “Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- *mineral extraction;*
- *engineering operations;*
- *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- *the re-use of buildings provided that the buildings are of permanent and substantial construction; and*
- *development brought forward under a Community Right to Build Order”.*

Paragraph 32 states “All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.*

5. GENERAL APPROACH TO MATERIAL CONSIDERATIONS

Members are reminded that local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. With regard to other material considerations:

"In principle...any consideration which relates to the use and development of land is capable of being a planning consideration.

Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances" (Stringer v MHLG 1971). Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned (R v Westminster CC ex parte Monahan 1989).

Material considerations are many and extraordinarily varied. They include all the fundamental factors involved in land-use planning.

What weight can be given to a material consideration?

The law makes a clear distinction between the question of whether something is a material consideration and the weight which is to be given to a material consideration. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided it has regard to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

The NPPF advises that the government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Also, that planning should operate to encourage and not act as an impediment to sustainable growth (Paragraph 19). This is an example of where "significant weight should be placed on the need to support economic growth through the planning system".

6. ASSESSMENT

Development Plan Policy and Principle of Development

The site is located within the Green Belt. Saved Green Belt policies GE1 and GE4 of the Unitary Development Plan are therefore of relevance.

UDP policy GE1 part 1 states:-

"Planning permission will not be given for inappropriate development within the Green Belt, as defined on the Proposals Map, except in very special circumstances".

This is compliant with NPPF. UDP policy GE1 part 3 seeks to describe types of development which would not be inappropriate in the Green Belt. Elements of policy GE1 part 3 do not comply with NPPF. The relevant part of policy GE1 part 3 is GE1 part 3c. This states that development in the Green Belt will be regarded as inappropriate unless it is for any of the following purposes: the re-use of buildings, in compliance with Policy GE4.

Policy GE1 part 3c recognises that the re-use of buildings in certain circumstances will not be regarded as inappropriate provided that they comply with policy GE4. The application complies with all of the criteria set out in Policy GE4. This should be clear from the table below. However, most of the criteria within policy GE4 go beyond paragraph 90 of NPPF.

NPPF paragraph 90 states that the listed forms of development are not inappropriate forms in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. Neither UDP policy GE1 nor GE4 reflect the wording of NPPF paragraph 90. The listed forms of development within paragraph 90 include “the re-use of buildings provided that the buildings are of permanent and substantial construction”.

Policies GE1 part 3c and GE4 should therefore be considered to be out of date other than in respect of elements of policy GE4 criterion a, and criterion b which echo the requirement in NPPF paragraph 90 that a building must be of permanent and substantial construction.

UDP policy GE4 states that the reuse of buildings in the Green Belt will be permitted providing that all the criteria in the policy can be satisfied.

GE4 Criteria	Comments
<p>a An up-to-date survey has been carried out by a qualified structural engineer certifying that the building is capable of use for the proposed purpose without major or complete reconstruction and can be expected to last for many years with normal repair and maintenance.</p>	<p>a. This has been complied with. One objection has alleged non-compliance with policy GE1 and GE4, because of the failure of the applicant to supply any confirmation from a structural engineer that the building is capable of use for the proposed purpose without major or complete reconstruction. Since the application was made a certificate has been received that complies with UDP policy GE4 part 1a.</p>
<p>b The existing building is considered by the local planning authority to be a substantial building and that its re-use would not harm the visual amenities of the Green Belt by inappropriate use of materials or design.</p>	<p>b. The Local Planning Authority does consider that the existing building is a substantial building. The Local Planning Authority does not consider that the re use of the building would harm the visual amenities of the Green Belt by inappropriate use of materials or design.</p>
<p>c The proposed use will not result in the subsequent erection of ancillary buildings, structures, fences or similar developments that would harm the openness and the visual amenities of the Green Belt.</p>	<p>c. The proposed development would not give rise to any extensions or external alterations in any event. Should extensions or alterations be proposed in the future they would be assessed against relevant policies applicable at the time. The only permitted development rights which might give rise to such development is Schedule 2, Part 2 ‘Minor Operations’, it is proposed to impose a condition removing these permitted</p>

<p>d The proposed use will not result in significant extensions or alterations to its appearance or character.</p> <p>e Any scheme of conversion should respect the original character of the building. The number of openings should be kept to a minimum and materials matching those of the original structure should be used. Careful attention should be paid to the treatment of any full height or large scale door openings.</p> <p>f The Local Planning Authority is satisfied that it can maintain effective future control over the appearance of the building within its curtilage. To this end, conditions withdrawing development rights (under the appropriate General Permitted Development Order and Use Classes Order) will normally be imposed should the proposal be approved.</p> <p>g An adequate curtilage is provided to accommodate parking, servicing and other ancillary requirements without causing harm to the visual amenities of the Green Belt.</p> <p>h Adequate access to a road of suitable standard is provided.</p> <p>i The building has suitable services, or that the provision of such services would not cause material detriment to the visual amenities of the Green Belt.</p>	<p>development rights.</p> <p>d. As stated above this has been complied with.</p> <p>e. Not applicable as the application does not include any alterations relevant to this criterion.</p> <p>f. The Local Planning Authority is so satisfied, see criterion c above.</p> <p>g. The Local Planning Authority is satisfied this has been complied with.</p> <p>h. This has been complied with.</p> <p>i. The Local Planning Authority are satisfied that the building has suitable services.</p>
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The proposed development is, therefore, considered to comply with green Belt policy as set out in saved policies GE1 and GE4 of the Halton Unitary Development Plan.

NPPF paragraph 215 states “In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree

of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)". Therefore, only limited weight can be given to the saved policies GE1 and GE4.

National Planning Policy Framework

The National Planning Policy Framework (NPPF), published in March 2012, sets out the Government's planning policies for England. It replaces all previous National Planning Policy Statement and Guidance. It is a material consideration in the determination of all planning applications.

NPPF Section 9, paragraphs 79-92 relate to the protection of Green Belt land. Paragraph 79 identifies that the Government attaches great importance to the Green Belt. Paragraph 80 identifies that the Green Belt serves five purposes which are set out below under the heading 'Does the proposal conflict the purposes of including land in the Green Belt?'.
Paragraph 81 identifies that the Green Belt serves five purposes which are set out below under the heading 'Does the proposal conflict the purposes of including land in the Green Belt?'.
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Paragraph 88 states "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

Paragraph 89 states that, "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt".

Paragraph 90 of the NPPF states:-

"Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order".

Does the proposal preserve the openness of the Green Belt?

The first proviso applying to development within paragraph 90 NPPF is that the proposal preserves the openness of the Green Belt. It is, therefore, necessary to determine whether this is the case.

The recent case of R. (on the application of Lee Valley Regional Park Authority) V Epping Forrest and Valley Grown Nurseries Ltd [2016] EWCA Civ 404, is of relevance to this application, as it is a material consideration to examine how Green

Belt policy should be interpreted. The following extracts are from the judgment of (Lindblom LJ).

“16. The interpretation of planning policy is ultimately the task of the court, not the decision-maker. Policies in a development plan must be construed “objectively in accordance with the language used, read as always in its proper context”, and “not ... as if they were statutory or contractual provisions” (see the judgment of Lord Reed in Tesco Stores Ltd. v Dundee City Council [2012] UKSC 13, with which the other members of the Supreme Court agreed, at paragraphs 18 and 19). The same principles apply also to the interpretation of national policy, including policies in the NPPF (see, for example, the judgment of Richards L.J. in Timmins, at paragraph 24)”.

“17. The first sentence of paragraph 88 of the NPPF must not be read in isolation from the policies that sit alongside it. The correct interpretation of it, I believe, is that a decision-maker dealing with an application for planning permission for development in the Green Belt must give “substantial weight” to “any harm to the Green Belt” properly regarded as such when the policies in paragraphs 79 to 92 are read as a whole (consistent with the approach taken, for example, in the judgment of Sullivan L.J., with whom Tomlinson and Lewison L.J.J. agreed, in Redhill Aerodrome Ltd. v Secretary of State for Communities and Local Government [2015] P.T.S.R. 274, at paragraph 18). Reading these policies together, I think it is quite clear that “buildings for agriculture and forestry”, and other development that is not “inappropriate” in the Green Belt, are not to be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. This understanding of the policy in the first sentence of paragraph 88 does not require one to read into it any additional words. It simply requires the policy to be construed objectively in its full context – the conventional approach to the interpretation of policy, as the Supreme Court confirmed in Tesco v Dundee City Council”.

“19.the five categories of development specified in paragraph 90 are all subject to the general proviso that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt”.

“20. As Dove J. said (in paragraph 61 of his judgment), the fact that an assessment of openness is “a gateway in some cases to identification of appropriateness” in NPPF policy indicates that “once a particular development is found to be, in principle, appropriate, the question of the impact of the building on openness is no longer an issue”. Implicit in the policy in paragraph 89 of the NPPF is a recognition that agriculture and forestry can only be carried on, and buildings for those activities will have to be constructed, in the countryside, including countryside in the Green Belt. Of course, as a matter of fact, the construction of such buildings in the Green Belt will reduce the amount of Green Belt land without built development upon it. But under NPPF policy, the physical presence of such buildings in the Green Belt is not, in itself, regarded as harmful to the openness of the Green Belt or to the purposes of including land in the Green Belt. This is not a matter of planning judgment. It is simply a matter of policy. Where the development proposed is an agricultural building, neither its status as appropriate development nor the deemed absence of harm to the openness of the Green Belt and to the purposes of including land in the

Green Belt depends on the judgment of the decision-maker. Both are inherent in the policy”.

In the case of *Timmins and Lymn v Gedling BC* [2014] EWHC 654 (Admin) the nature of “openness” was considered by Green J as follows:

“70. The issue [i.e. openness] was considered, albeit in a somewhat different context, in Heath & Hampsted Society v London Borough of Camden [2007] EWHC 977 (Admin) (3rd April 2007). There Sullivan J (as he then was) was concerned with a challenge to the grant of permission for the demolition of a 2 story building and with its replacement by a 3 story building in the Vale of Heath, Hampstead, London. Under the existing guidance (paragraph 3.6 of PPG2) a replacement dwelling was not necessarily inappropriate provided the new dwelling "is not materially larger than the dwelling it replaces". The dispute before the Court was whether the Officers' report correctly identified and applied the test of materiality and whether, if it did, the decision of the planning committee was one that was reasonably open to them to take: See Judgment paragraphs [9] and [10]. If the conclusion was that the new building was not materially larger than the original building then there was no need to consider the merits of the application (which included its visual impact); but if the conclusion was that the new building did materially outstrip the dimensions of the original building then the merits of the development would need to be considered. These considerations would include: "its visual impact and, in the circumstances of the present case, whether the new dwelling would preserve or enhance the character or appearance of the conservation area...".”

“71. In paragraph 21 the Judge explained the difference between openness and visual impact in the context of paragraph 3.6 PPG2:

"21. Paragraph 3.6 is concerned with the size of the replacement dwelling, not with its visual impact. There are good reasons why the relevant test for replacement dwellings in the Green Belt and Metropolitan Open Land is one of size rather than visual impact. The essential characteristic of Green Belts and Metropolitan Open Land is their openness (see paragraph 7 above). The extent to which that openness is, or is not, visible from public vantage points and the extent to which a new building in the Green Belt would be visually intrusive are a separate issue. Paragraph 3.15 of PPG 2 deals with "visual amenity" in the Green Belt in those terms:

"The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design".”

The fact that a materially larger (in terms in footprint, floor space or building volume) replacement dwelling is more concealed from public view than a smaller but more prominent existing dwelling does not mean that the replacement dwelling is appropriate development in the Green Belt or Metropolitan Open Land".

72. In paragraph 22 the Judge explained that openness was a concept which related to the absence of building; it is land that is not built upon. **Openness is hence epitomised by the lack of buildings but not by buildings that are unobtrusive or camouflaged or screened in some way:**

"22. The loss of openness (i.e. unbuilt on land) within the Green Belt or Metropolitan Open Land is of itself harmful to the underlying policy objective. If the replacement dwelling is more visually intrusive there will be further harm in addition to the harm by reason of inappropriateness, which will have to be outweighed by those special circumstances if planning permission is to be granted (paragraph 3.15 of PPG 2, above). If the materially larger replacement dwelling is less visually intrusive than the existing dwelling then that would be a factor which could be taken into consideration when deciding whether the harm by reason of inappropriateness was outweighed by very special circumstances".

73. It is clear from the (added) italicised part of this quote that measures taken to limit the intrusiveness of the development whilst not affecting the assessment of openness may nonetheless be relevant to the "very special circumstance" weighing exercising. Hence openness and visual impact are different concepts; yet they can nonetheless relate to each other. The distinction is subtle but important.

"74. Any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities. A beautiful building is still an affront to openness, simply because it exists. The same applies to a building this is camouflaged or rendered unobtrusive by felicitous landscaping".

Note that emphasis to the text in the judgment has been added to the text in this report.

The above principles need to be applied to the facts of this case.

Given that NPPF paragraph 90 provides that re-use of existing buildings can constitute appropriate development if they preserve openness it must be contemplated that openness can also be affected even though there is no new building. If it were to be decided that the proposed change of use would fail to preserve openness it could not constitute appropriate development in the Green Belt and would require very special circumstances to justify approval. No very special circumstances have been claimed or identified.

There are no changes proposed to the exterior of the building or to the external layout. The car parking layout remains unaltered. To this extent, the openness of the Green Belt would be preserved. The question arises, therefore, whether the proposed change of use itself can impact on openness. It has been alleged that the proposed use constitutes an intensification so as to have a material impact on openness such as to constitute inappropriate development.

The headline figures are that the previous use involved 60+ people at the site and the proposed use would be for 120+ people. The previous care home use would be

expected to have generated a significant number of people visiting residents. With the proposed use it would be expected that there would be fewer visitors. It is not considered that the vehicle movements and parking associated with the proposed use would materially affect the preservation of openness of the Green Belt.

It is not considered that the increased numbers of people within the building could represent an intensification which would materially affect the openness of the Green Belt. It is considered that the current openness of the Green Belt would be preserved.

The only other aspect of intensification could be the probable increase of individuals moving about within the grounds and walking about on the highway network. It is not considered that people present outside the building would impact on the openness of the Green Belt. This view is consistent with NPPF paragraph 81 which states:

“Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land”.

This paragraph encourages access to Green Belt.

It follows that using the headline figure of numbers of people does not translate into any necessary intensification such as to materially impact on openness.

Does the proposal conflict with the purposes of including land in Green Belt?

Paragraph 80 NPPF states that Green Belt serves five purposes. These are:

1. to check the unrestricted sprawl of large built-up areas;
2. to prevent neighbouring towns merging into one another;
3. to assist in safeguarding the countryside from encroachment;
4. to preserve the setting and special character of historic towns; and
5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

For development to be considered as not inappropriate for the purposes of NPPF paragraph 90 it must not conflict with the purposes of including land in the Green Belt.

It is clear that the proposed development does not conflict with any of these purposes.

General Conclusion on Paragraph 90 NPPF

The proposed development is not inappropriate development in the Green Belt.

Halton Sustainable Community Strategy

The LPA may treat other policy as material to planning decisions. This can include policy contained in the Community Strategy or other non-development plan policies. However, the weight to be given to other policy will depend on the circumstances of the case and it will not be given much weight against the Development Plan, Supplementary Planning Documents or Government policy.

An objection has been received suggesting that the application conflicts with the Council's Sustainable Community Strategy, specifically relating to Halton's Vision which is:

"Halton will be a thriving and vibrant Borough where people can:

- Learn and develop their skills*
- Enjoy a good quality of life with good health*
- Benefit from a high quality, modern urban environment*
- Have the opportunity for all to fulfil their potential*
- Develop greater wealth and equality, sustained by a thriving business community*
- Live in safer, stronger and more attractive neighbourhoods".*

Objectors have not put forward any arguments to substantiate alleged conflict with the Council's Sustainable Community Strategy, there is no obvious connection between this objection and the application. Some of the related themes have been dealt with elsewhere in this report. Very little weight can be given to this objection.

Sustainability

Policy CS2 of the Halton Core Strategy Local Plan States *"When considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in NPPF"*.

As stated above, paragraph 14 of the NPPF states *that "at the heart of NPPF there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision making"*. Sustainable development is principally defined in paragraph 7 of the NPPF. Paragraph 7 states *"There are three dimensions to sustainable development: economic, social and environmental"*.

Conclusions in relation to sustainable development are dealt with elsewhere in this report.

Access to Shops and Services

Objections received to the application raise concerns over there being insufficient local infrastructure for the proposed number of residents, that there are no shops, local services or amenities for residents, it is a remote location with limited transport links, and there is poor accessibility to the site. These issues can essentially be described as objections on the ground of the site being in an unsustainable location.

Residents would be at the site for a relatively short period, and during that time meals would be provided onsite, and transport provided when necessary (for example to go to Home Office meetings, health checks, to places of worship, or to town centres). Residents are unlikely to have their own car or other means of transport due to the nature of their circumstances, and will be reliant on the transport provided for them. So, in theory, all of their essential needs would be provided for.

Initial Accommodation for asylum seekers is not secure accommodation and residents are free to come and go as they please. They will have time to themselves, so it is only natural that they may wish to access other services, shops, or recreational facilities in their own free time. They may also wish to explore the local area, understandably this would be a new country, culture and environment for them, and it is only human nature to be inquisitive and to want to do this.

The application site is 1.4km from at the Black Horse Round-a-bout, and approximately 1.5km from the shopping centre at Four Acre Lane, Clock Face, and either one would take approximately 30 minutes to walk to. The nearest park or recreational open space would be Sutton Manor Woodland and the Dream, to the north of the site which falls within St Helens MBC, this would be approximately a 15 minute walk.

If residents have their own means to access public transport then the nearest bus stop is just outside the entrance gates to the site on Wilmere Lane. Currently, this is served by the following bus services 17, 17b, 61 and 61A, the routes and frequency of these are set out below. The services could also provide for staff or visitors. It is not considered that the proposed development would give rise to a significant number of trips.

17	Widnes – St Helens via Peelhouse Lane, Lockett Rd, Birchfield Rd, Sutton Manor, Clock Face	Hourly
17A	Widnes - St Helens via Farnworth	Hourly
61	Widnes Prescott – Huyton – Liverpool via Farnworth, Rainhill, Whiston, Wavertree	Every 20 minutes
61A	Murdishaw – Runcorn – Widnes – Prescott – Huyton via Runcorn Shopping Centre, Farnworth, Rainhill and Whiston.	Every 20 Minutes

The concerns must also be put in the context that this is an existing site, and an existing building. Planning permission was granted for the 60 bed residential care home in 2008. Understandably, this is a change of use application, and the nature of the use still has to be considered on its own merits. Whilst the site might be considered to be relatively isolated compared to a town centre location, it is relatively close to a local centre and has good public transport links.

The wider strategic requirement by SERCO to provide Initial Accommodation for the northwest region also needs to be considered. When asylum seekers leave their initial accommodation they are then housed in dispersed accommodation across the region. Taking this into account, the site's location in close proximity to junction 7 of the M62, provides the applicant with excellent access to the M57, the M6 and the wider North West where asylum seekers can be transported to their dispersed accommodation after their very short stay in initial accommodation.

Based on the information above, the application could not be justifiably refused on grounds of sustainability as it applies to its social dimension. The proposal is considered to comply with Policy CS2 and CS15 of the Halton Core Strategy Local Plan and Paragraphs 7, 14 and 70 of the National Planning Policy Framework in terms of accessibility.

Housing Land Supply

Representations have been received alleging that the proposal would significantly undermine the Council's plan making process for this part of the Borough and would severely limit the Council's ability to provide a continuous and up-to-date 5 year supply of housing land in this part of the Borough.

The 5 year housing land supply is for the Borough as a whole rather than any particular part of the Borough, the proposal would have no impact on the 5 year land supply.

The application site and surrounding area is in the Green Belt and would not be expected to contribute to the 5 year land supply whilst this area remains within the Green Belt. Furthermore, there is no evidence that the use of the site as proposed would deter investment in other housing sites in the general area and thus harm the housing land supply. It is not considered that there is any merit in this objection.

Fear of Crime, Anti-Social Behaviour and Public Safety

Objections have been received from local residents in Halton and St Helens in relation to: fears based on significant safety concerns over housing large numbers of individuals with no background security checks; the proximity of the site to vulnerable people in nurseries, schools and colleges; concerns that the hostel will house mainly male occupants raising fears of sexually motivated attacks on women and children; concerns that men congregating in groups would be intimidating to local residents and passers-by; and concerns that there is not enough policing in the area.

Such fears relate to crime, anti-social behaviours and concerns over public safety. Two aspects of public safety have been raised. These relate to Health Screening and Security Checks. As stated above, residents of the facility are health screened during their stay. Security and other checks are carried out as far as reasonably possible. It should be pointed out that the experience of an initial asylum hostel in Liverpool, which was established in 2000, is that these have not been issues of concern.

To the extent that the objection that the previous history of the applicant and his ability to run an initial asylum seekers hostel might be taken as an expression of public fear, it can be repeated that the applicant would not be running the hostel and has no contract with the Home Office to do so.

These fears, emanating from a proposed development, are capable of being a material planning consideration to a planning decision. Three Court of Appeal cases can illustrate this point. Two were reported in 1998 and the third in 2005.

Newport BC v The Secretary of State for Wales and Browning Ferris Environmental Services Ltd [1998] Env RL 174 concerned a proposed chemical waste treatment plant. This case was considered a few months later in West Midlands Probation Committee v Secretary of State for the Environment (1998) P&CR 589 which concerned a proposed extension to a bail and probation hostel. Smith v First Secretary of State [2005] EWCA Civ 859 concerned a gypsy caravan site.

In the Smith case Buxton LJ distinguished earlier cases. He stated that “ .. a caravan site is not like a polluting factory or bail hostel, likely of its very nature to produce difficulties for its neighbours.” The court held that fear and concern had to be real. This required that the fear and concern had to have some reasonable basis, though falling short of requiring that the fear outcome to be proved as inevitable or highly likely and that the object of that fear and concern had to be the use, in planning terms, of the land. It was held that it could not be right to view land use for the purpose of a gypsy caravan site as inherently creating the real concern that attached to an institution as a bail hostel. In the absence of this inherent condition of the land the evidence had to be considered very carefully. In the Smith case it was held that if the concern for the future rested not wholly on extrapolation from past events, but at least partly on assumptions not supported by evidence as to the characteristics of future occupiers, it could not be taken into account.

The important relevant findings in the Smith case were that (i) fear and concern must have some reasonable basis though falling short of requiring the feared outcome to be proved as inevitable or highly likely, and (ii) the object of the fear and concern must be the use in planning terms of the land. Whilst the court suggested that some uses (such as a bail hostel) were likely of their very nature to produce difficulties, it is not necessary for the use to fall within this category – all that the court held was that if the use did not fall within this category the evidence would require very careful exploration.

The advice given to objectors by David Manley QC has also been taken into account.

The Council should address this issue by asking the following questions;

- i) May the proposal give rise to problems with respect to crime, anti-social behaviour and public safety?
- ii) Is there public concern about the proposal giving rise to such problems?
- iii) If so, are there reasonable grounds for these concerns?

- iv) What weight should be given to this issue?

In response to these questions it is considered that the answers should be as follows:

- i) There is no evidence that the proposal is likely to give rise to these problems. This is based on the representations provided by Cheshire Police, as set out in Appendices 1 and 2. The assertions given by objectors are not substantiated. For example the press reports of incidents in Germany cannot be used to justify a claim that similar issues would arise out of this proposal. The representations given by Cheshire Police are to be preferred. The London School of Economics report, which is referred to below, (which focused on crime) is also relevant.
- ii) It is patently obvious that there is public concern about the proposal giving rise to such problems.
- iii) There are no reasonable grounds for such concern. This is based on the same reasons as in i) above. This in no way denies that the feelings are real.
- iv) The issue of weight

The issue of weight was addressed by Aldous LJ in the Newport case in which he stated: "... he [the inspector] should have accepted that the perceived fears, even though they were not soundly based upon scientific or logical fact, were a relevant planning consideration and then gone on to decide whether, upon the facts of the particular case, they were of so little weight as to result in the conclusion that refusal by the council was unreasonable."

NPPF Paragraph 58 states *inter alia* that planning decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. It follows from the above that little or no weight should be given to these fears in the present case. It is not considered that the proposed development would undermine quality of life or community cohesion.

The proposal could not therefore be rejected on the grounds of NPPF Sect. 8 'Promoting Healthy Communities' and Para 69 which states fear of crime should not undermine the quality of life.

Crime and Immigration: Evidence from large scale immigrant waves.

One objector to the proposed development has cited a paper prepared by the London School of Economics as providing evidence linking immigration and crime. This was a 2013 paper entitled "Crime and Immigration: Evidence from large scale immigrant waves" by Bell, Fasani and Machin.

The paper analysed data from two large flows of immigrants. The first immigration flow was a wave of asylum seekers in the late 1990s and early 2000s. The second wave was an inflow of workers from EU accession countries (referred to as the A8 wave) that occurred from 2004 onward.

We are concerned here with conclusions relating to asylum seekers. The paper concluded that there was no increase in violent crime associated with the wave of asylum seekers but that there appeared to be a significant positive effect from the asylum wave on property crime.

Care needs to be taken with the word “significant” when used in a statistical report. In principle, a statistically significant result simply means that it is a result that is not attributed to chance.

Nevertheless, the paper concluded that though “we find consistently positive effects from the asylum wave on property crime, the average size of the effect is not substantial. The size of the effect did vary in areas which received substantial inflows of asylum seekers. The effect, such as it was, of property crime was associated with low labour force participation rates, high unemployment and low wage levels.

The relevance of the paper needs to be considered in the context of the current application.

The most obvious issue is that the paper did not address asylum seekers in initial accommodation hostels: it addressed asylum seekers who were dispersed in the community over the country as a whole. There is no logical basis for extrapolating the data in the paper and using it to justify an argument about a different cohort of people. Even if this were not the case, the paper concluded that the impact on property crime was not substantial.

Two of the authors of the paper (Dr. B. Bell and Professor S. Machin) produced a further briefing paper in November 2013 for the Migration Observatory at the University of Oxford. Two points should be made about the briefing note. First, there is a section which points out that there has been a continuous reduction in property crimes since 2002 whilst at the same time there has been an increase in the foreign-born share of the population. Secondly, the briefing paper states that estimates suggest that a one percent increase in the asylum seeker share of the local population is associated with a 1.1% rise in property crime. Since asylum seekers accounted for only around 0.1% of the population, the macro effects were small.

Furthermore, the paper is based purely on statistics and does not present the full details of the crimes. For example, it is not known whether these property crimes were carried out by asylum seekers against local residents, or whether it was the asylum seekers themselves who had been the victims. Or possibly that the crimes were isolated to within the hostels where the crimes had been carried out by residents against fellow residents. This research paper, whilst considered to be a material consideration should be given little weight.

Increased Traffic, Parking and Highway Safety

Objections have been received on the grounds that: the proposed development would generate more traffic and that would have a detrimental impact on the already busy junction of Wilmere Lane and the A57 Warrington Road; the proximity of the existing vehicle access to the junction; and parking provision. Concerns have also been raised over pedestrian safety, the safety of the asylum seekers at a busy junction, and proximity of junction 7 on the M62.

The Highway Authority has been consulted and raises no objections to the proposed use of the site as an asylum seeker hostel.

The proposed development is not considered to be more intensive than the existing permitted use, and there is considered to be sufficient capacity in the junction.

With regards to the proximity of the access to the junction, this is an existing access and there are no proposals to alter it. As explained above, the proposed development is not expected to be more intensive, and a significant impact on highways safety grounds could not be substantiated.

With regards to parking, there are currently 24 car parking spaces onsite including two disabled spaces. Given that the residents are unlikely to have access to their own cars due to their circumstances, the 24 spaces are considered to be sufficient for staff and visitors.

With regards to the pedestrian safety of the asylum seekers, the existing junction provides for acceptable crossing points, and sufficient footways to access the site. Furthermore, it is understood that the operator SERCO would brief residents upon their arrival regarding access to the local area. Objections on the grounds of pedestrian safety could not be sustained.

Impact on Tourism

Objections have been received in relation to the perceived adverse and detrimental effect the development would have on tourism and patronage to local businesses in the area. Particular reference has been made by objectors to Harefield Water Gardens, Alpaca Farm, Coffee Barn and Farm Shop, reference has also been made to the impact on visitors to 'The Dream' and Sutton Manor and St Helens MBC adopted Bold Forest Park Area Action Plan.

The Bold Forest Park Area Action Plan does not form part of the Development Plan for Halton Borough Council, however, it is a material consideration.

Objectors are concerned that the existence of an 'asylum hostel' would create negative perceptions in the minds of potential visitors to the area and hence the businesses in the locale would suffer loss and employment may be affected.

It should be noted that whilst St Helens MBC has objected to the proposal on the grounds of location, transport and sustainability, it has not objected on the grounds of impact on Tourism or the delivery of the Bold Forest Action Plan.

Reference has been made by objectors to policy LTC8 'Protection of Tourism Attractions' of the Unitary Development Plan and section 3 of the NPPF which relates to 'Supporting a Prosperous Rural Economy', and requires local planning authorities to support economic growth in rural areas, outlining objectives so as to create prosperity and jobs, including tourism and leisure developments. Policy LTC8 states:

‘Development that would affect an existing tourist attraction will not be permitted if it would be likely to detract from the function, appearance or setting of the attraction.’

The reasoned justification for this policy states:-

“Although Halton is not a major tourism destination, tourism does have a role to play in the Borough’s economy. It is, therefore, important that development that would have a negative effect on the tourism potential of its existing attractions is resisted”.

“This would include proposals that would reduce public access to a site or building, reduce the attractiveness of the surrounding environment, destroy buildings or features of interest, or result in noise, smells or disturbance which would detract from the visitor experience”.

The proposal is to utilise an existing building, there is no new built development proposed that would diminish the attractiveness of the surrounding environment. Activities would be contained within the building and existing grounds, these would not result in noises, smells or disturbances that would detract from the visitor experience to local attractions.

Whilst impact on tourism and the above policies are material planning considerations there is insufficient evidence to justify use of these policies as grounds for refusal, and there is insufficient evidence to conclude that the proposal is contrary to policy LTC8 or section 3 of the NPPF. Nor can it be demonstrated that the proposed development is contrary to the Bold Forest Park Area Action Plan. The proposal should be considered to be sustainable in the meanings of NPPF paragraphs 14 and 7 in terms of its economic dimension.

Impact on Local Businesses and Employment

Objections have been received from local residents concerned that the proposed development would have a negative impact on local businesses and a likely subsequent loss of employment. Specific reference has been made to paragraph 19 of NPPF which states:-

“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system”.

Similarly to the tourism section above, there is insufficient evidence to support claims that the use of this building as initial accommodation for asylum seekers would impact on local businesses or cause the loss of employment. These cannot be substantiated as grounds for refusal, and the proposal cannot be considered contrary to NPPF in this respect. This is not to downgrade fears which have been expressed about possible impact on local businesses.

On the other hand, it should also be noted that the site is currently vacant and therefore does not employ anyone. If planning permission is granted the application

states that at any one time there would be two support staff on site and a site manager. On top of this, there would be a requirement for catering staff, cleaners, a requirement for transportation and the general maintenance and upkeep of the premises, all of which require staff and provide potential employment opportunities.

Bringing the building back into use would obviously bring more people to the area, not only the residents seeking asylum, but the staff and visitors to the site who will potentially spend money in the area.

It could, therefore, be argued that bringing this building back into use would have positive impacts on the local economy and employment. The proposal should be considered to be sustainable in the meanings of paragraphs 14 and 7 of the NPPF in terms of its economic dimension.

Retention of Existing Use

Representations have been received that the premises should be reopened and used for a nursing home. This should be corrected to care home as the site was granted planning permission for use as a care home. Alternatively, the building should be used for something else such as housing for the homeless, for ex armed forces staff, halfway accommodation for 16 - 18 year olds or converted into flats for first time buyers. The desirability of preserving an existing use of land can be a material consideration if there is a reasonable probability that such use will be preserved if permission for a new use is refused.

The site is not currently used. Furthermore, there are no proposals for alternative uses other than the current application. The use of the site as a care home could be resumed without any further need for planning permission. However, there is no evidence that this is likely to happen as the premises have remained vacant since October 2015.

Little weight can be given to this representation.

Over-development of the site

The proposed development does not involve new building or extension to the car parking provision at the site. Other factors such as traffic movements have been taken into account. Notwithstanding that there would be an intensification of use, the increase in numbers of persons using the site for the proposed use is not considered to amount to over-development.

Residential and Visual Amenity

There are a number of residential properties within the vicinity of the site, the nearest of them being on Jubitts Lane and Harefield Farm. Other than reoccupying an existing residential building the proposal would, on balance, not have a detrimental impact upon the residential amenity and the character of the area. Indeed, bringing the building back into use would, on balance, have a positive impact on the character of the area, if left vacant overtime the property could become dilapidated and a target of vandalism and anti-social behaviour.

As explained in the section above, the proposal is to utilise an existing building, there is no new built development proposed that would diminish the attractiveness of the surrounding environment. Activities would be contained within the building and existing grounds, these would not result in noises, smells or disturbances that would detract from the amenity of the area.

There is another aspect of residential amenity in relation to the impact of crime and disorder, this is dealt with in a separate section of this report.

The proposed development is not considered to have a detrimental impact on the visual amenities of the area and is considered to comply with policy BE1 of the Halton Unitary Development Plan.

Scale of Consultation

Objections have been received on the grounds that the scale of consultation on the application has not been sufficient. For this type of planning application Article 15 (5) of the 'The Development Management Procedure Order 2015' requires the following publicity to be carried out:-

- '(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (b) by serving the notice on any adjoining owner or occupier'.

The Local Planning Authority posted two site notices outside of the application site, one on the 50 mph sign directly at the entrance to the site, and a second at the traffic signal controlled junction on the corner of Wilmere Lane and Warrington Road. Furthermore, 22 letters were sent out to properties within the vicinity of the site. In this respect, the Local Planning Authority has not only fulfilled its statutory requirements, it has actually exceeded them.

The level of consultation is perfectly acceptable for the scale and type of development and any further or more extensive consultation by the Local Planning Authority could not be justified.

In conclusion, there are therefore no grounds to refuse or defer the application based on the consultation process which has taken place in accordance with the statutory requirements. The scale of responses to the application demonstrates that the scale of consultation was more than sufficient.

Level of Information Submitted with the Application

Objections have been received raising concerns that an insufficient amount of information has been submitted with the application, and that there should be more information in relation to how the site would be operated.

When applicants submit a planning application, paragraph 022 National Planning Practice Guidance sets out the national information requirements outlining what

should be submitted with a planning application. These requirements are as follows:-

- Plans and drawings.
- Ownership Certificate and Agricultural Land Declaration.
- Design and Access Statement (for some planning applications).

With regards to a design and access statement this is only required in the following instances:

- Applications for major development, as defined in article 2 of the Town and Country Planning (Development Management Procedure (England) Order 2015
- Applications for development in a designated area, where the proposed development consists of:
 - o one or more dwellings; or
 - o a building or buildings with a floor space of 100 square metres or more.
- Applications for listed building consent.

The proposed change of use does not fall under any of these categories above, and therefore a design and access statement is not required.

Therefore, in accordance with the National Information Requirements, the applicant has submitted a completed application form with the completed ownership and agricultural holdings certificates, and the following plans:-

1:1250 site location plan
Existing site layout plan (scale 1:100),
Existing elevations (Scale 1:100),
Existing floor plans for all three floors (scale 1:100).

This is a change of use application, no internal or external physical alterations are proposed, and therefore, proposed plans are not required as there are no changes.

Local planning authorities can set local validation requirements. However, Halton Borough Council has not set any specific validation requirements for this type of application. Therefore, the submitted information above met the requirements to validate the application.

However, as well as the above information, the applicant has submitted a planning statement. The planning statement provides written details of the site's location and context, a description of the existing building and site, its planning history, a description of the development proposal and a review of relevant planning policy and material considerations.

The nature of this application has produced many representations that: make assumptions about asylum seekers; ask questions about their origins; specific details of their circumstances; and raise queries in relation to the detailed operation of such an establishment.

Much of this requested information goes above and beyond what can reasonably be expected to be found within a planning application. That said, the local planning authority has a duty to consider all material planning considerations that have been raised in these representations. This has required research by the local planning authority and the identification of other information that is already out in the public domain to understand the nature of the proposed use and to inform Development Control Committee members.

It should also be noted that as well as the information submitted with the planning application, Halton Borough Council's website provides background information about Asylum Seekers and Refugees: It also provides a briefing note produced by SERCO (the company intending to operate the Lilycross site).

Whilst this information has not been submitted by the applicant, it does provide background information and is a material consideration.

Furthermore, during the course of processing the planning application, clarification has been sought on matters in relation to drainage, staffing, vehicle movements and a structural survey. This information has been addressed in the relevant sections of this report.

Based on the above, there is sufficient information for the local planning authority to determine the planning application.

Standards of Accommodation

The Local Planning Authority does not currently have any adopted standards for room sizes within its Development Plan Policies.

However, it should be noted that central government has published the 'Technical housing standards – nationally described space standard (DCLG March 2015).' It is up to the local planning authority to decide whether to adopt such standards in emerging Local Plans if they so wish.

Paragraph 10 of this document outlines the technical requirements: sub-paragraph 'd' states "in order to provide two bed spaces, a double (or twin bedroom) should have a floor area of at least 11.5 m²".

All of the bedrooms within the Lilycross building are a minimum of 12 m². So whilst the local planning authority has no current adopted standards, the room sizes do meet those set out in the national standard above.

The amenity of residents, both in terms of indoor space/ facilities and outdoor space, is covered by Home Office requirements and the Local Planning Authority has no evidence that standards are defective.

The Council understands that a full catering service would be employed at the site and residents would not need to provide or cook their own food, and would not need to share kitchen facilities. This issue has been raised as to whether the building

would require licensing by the local authority as House in Multiple occupation under the Housing Act 2004. This will be determined by the local authority in due course.

Drainage

The site's foul drainage is currently provided by way of an onsite package sewage treatment plant. A package sewage treatment plant uses micro-organisms to break down the organic matter in the sewage. The discharge of the treated liquid from the site into Bowers Brook is controlled by the Environment Agency. The discharge consent granted by the Environment Agency has lapsed. A new discharge consent would be required prior to occupation of the premises. The response from the Environment Agency, which is quoted in the consultation section of this report, mistakenly stated that the current consent was still in force. However, the Environment Agency confirmed that it had no objection in principle to the proposed development, subject to certain comments, as stated above. All of the drainage information received following receipt of the application has been forwarded to the Environment Agency.

The package sewage treatment plant must be adequately sized to work properly. Representations have been received alleging that the proposed use could not be accommodated using the existing drainage system. Specifically, the allegation is that an additional package sewage treatment plant would be required. The Council requested further evidence on this point and the applicant commissioned a drainage engineers report on this topic. The conclusion of the report was that the existing sewage system could accommodate the proposed development. The further evidence included details of actual metered water use from an existing SERCO site which has a maximum occupancy of 156 people. This has been verified by the Council's own consultant.

The objectors who made representations in relation to drainage have been provided the further information from the applicant, and the reports commissioned by the Council. In response the objectors have submitted further representations upholding their objections in relation to drainage.

Impact on Local Services and Health and Wellbeing of Aylum Seekers

Objections have been received raising concerns that the proposed development would impact on already stressed local services such as doctors, dentists and other health services, emergency services, schools and education provision.

As explained above, during their short stay in initial accommodation, asylum seekers do not have access to local healthcare, G.P.s, or dentists. The Home Office and SERCO provide health care and work in partnership with Urgent Care 24 (UC24) which is based in Liverpool. Residents would only access local services in emergencies.

Further concerns have been raised in relation to the safety and wellbeing of the asylum seekers whilst residing in a hostel in this location. As explained above, the site would be staffed 24/7. There will be at least 2 Support Workers on site 24 hours a day. During the day this will increase significantly due to a manager; Maintenance;

cleaning; catering and transport staff coming and going. Health care provision would be provided by SERCO. Health checks and screening would be carried out by UC24, and if any physical or mental issues are identified then it would provide the necessary care provision.

During their stay in Initial Accommodation asylum seekers would not attend school and, therefore, the proposal does not have an impact on school and education provision.

Policy CS12

Representations have been received, including an objection from St Helens Metropolitan Borough Council, on the grounds that the change of use would be contrary to policy CS12 'Housing Mix' of the Halton Core Strategy Local Plan.

The first part of the policy states:

'On sites of 10 or more dwellings, the mix of new property types delivered should contribute to addressing identified needs as quantified in the most up-to-date Strategic Housing Market Assessment, unless precluded by site specific constraints, economic viability or prevailing neighbourhood characteristics'.

The proposed development is not for a scheme of 10 or more dwelling houses, and therefore the first part of the policy is not relevant to this application.

The second part of the policy states:

'Proposals for new specialist housing for the elderly, including extra-care and supported accommodation, will be encouraged in suitable locations (and sites allocated in the Delivery and Allocations Local Plan, as appropriate), particularly those providing easy access to local services and community facilities'.

The letter of objection from St Helens MBC states that Policy CS12 says 'proposals for new specialist housing will be encouraged in suitable locations, particularly those providing easy access to local services and community facilities'.

The representation from St Helens clearly misquotes the policy and misinterprets the purpose of policy CS12, as it has neglected the fact that the second part of the policy specifically refers to 'housing for the elderly'. As this proposal is not for the housing of the elderly the second part of the policy does not apply to this case.

The third part of the policy states:-

'There will be a presumption against further Residential Care Accommodation resulting in or exacerbating an oversupply'.

Residential Care Accommodation in the policy relates to facilities for the elderly where a number of people live, often in single rooms and have access to on-site care facilities. The purpose of this part of the policy is to prevent the provision of more Residential Care Accommodation that would exacerbate an oversupply.

The proposal is to provide Initial Accommodation for asylum seekers, and not any new Residential Care Accommodation for the elderly. The very nature of the application, which is to change the use of a vacant care home, means that it could not possibly be contrary to this policy. In fact, this part of the policy is not relevant to this case.

The fourth and final part of policy CS12 states:-

‘To reduce reliance on specialist housing in the future and to allow residents to live within their own homes for as long as they are able, the Council will encourage the delivery of homes which meet Lifetime Homes standards’.

This final part of the policy relates to encouraging the construction of new dwellings to meet Lifetime Homes standards. The application is not for the construction of new dwellings, but for the change of use of an existing building to Initial Accommodation for asylum seekers. This part of the policy, therefore, does not apply to this case.

In summary, policy CS12 is not relevant to this planning application and does not provide any grounds to refuse the application.

The House of Commons, Policy for the dispersal of Asylum Seekers

Objections have raised the issue that the proposal does not accord with The House of Commons, Policy for the dispersal of Asylum Seekers dated 29th April 2016. For clarity, the proposed development is not for dispersed accommodation, but for an Initial Assessment accommodation. Initial Accommodation is provided to asylum seekers for the period before being provided dispersed accommodation. Currently, Halton Borough Council does not have any dispersed accommodation. This objection is therefore misconceived.

Carespec Ltd v Wolverhampton City Council [2016] EWHC 521 (Admin)

Some objectors have alleged that the above case can be used to justify a refusal of the application.

The Wolverhampton case is about a judicial review of a decision to serve a temporary stop notice. The application was rejected by the judge in robust terms. This was not a case about determining an application for planning permission.

The Wolverhampton case demonstrates that the actions of a local authority must be rational and based on the facts of the particular case. The facts in the Wolverhampton case are quite different from the facts in the Lilycross application (paragraphs 8 to 13 of the judgement make this clear).

The most useful aspect of the Wolverhampton case is its excellent description of the difference between a hotel and a hostel.

The judgment cannot be used as a justification of a refusal of the application.

Human Rights

Many of the objectors have raised, in general terms, the issue of their human rights as a primary consideration. In relation to impacts upon occupants of residential properties and businesses regard has been given to the qualified rights under Article 8 and Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) as incorporated by the Human Rights Act 1998, when reaching conclusions on the various topics considered in this report. The fundamental rights of these individuals must be balanced against the legitimate interests of asylum seekers, the wider community and the public interest.

Consideration has been given to the extent to which any interference with human rights would be proportional. The interference anticipated would be in accordance with the law. As regards Article 8, the grant of permission would not result in the loss of any individual's home. The interference with the human rights of individuals would be proportionate.

Public Sector Equality Duty

Objections have been received asserting that approval of the application would be inconsistent with the public sector equality duty as defined in section 149 Equality Act 2010.

Section 149(1) of the 2010 Act provides:

"A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

Section 149(3) provides:

"Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low."

Section 149(4) provides that the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Section 149(5) provides:

"Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –
(a) tackle prejudice, and
(b) promote understanding."

Section 149(7) provides that the relevant protected characteristics are—

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

There are six principles which apply to the discharge of the public sector equality duty. The first two are that the local planning authority must be aware of its duty to have due regard to the identified goals before and at the time of the exercise of its function. The further principles are that the duty must be exercised in substance with rigour and an open mind (it is not a matter of “ticking boxes”), it is not delegable, it is a continuing duty, and it is good practice to keep a record.

A formal impact assessment has not been considered to be required.

Of the three matters within section 149(1) of the 2010 Act which an authority must have due regard to the only matter which could potentially have relevance to the application is the duty to have due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. However, persons who might share relevant protected characteristics have not been identified. The premises were last occupied by elderly people resident at the care home but the premises have been empty for some time and there is no evidence of a likely resumption of that use. Many of the previous residents would doubtless have had the relevant protected characteristic of disability.

With regards to the proposed use, race is a relevant protected characteristic. The local planning authority has had due regard (in accordance with section 149(5)) to the need to tackle prejudice and promote understanding.

The application has been considered in the light of any potential equality impacts. It is concluded that the impact of the application upon those with protected characteristics within the community would be proportionate and the requirements of the Public Sector Equality Duty have been met.

5. SUMMARY AND CONCLUSIONS

It is often necessary to make a determination after balancing a number of competing issues and making a judgement as to which should carry most weight. Only material considerations may be taken into account.

The first question is whether the proposed development is in accord with the development plan. If it is, then the proposed development should be approved unless there are material considerations which outweigh the statutory “presumption in favour of the development plan”.

It should also be noted that the NPPF introduced another presumption, a policy presumption – the “presumption in favour of sustainable development”. This presumption is to be applied (except in cases which do not apply here) in assessing and determining development proposals.

So, the following questions need to be addressed:

1. Is the proposal in accord with the development plan?
2. Does the proposal represent sustainable development?
3. What are the material considerations both for and against the proposed development?
4. What weight should be given to these material considerations in carrying out the balancing exercise?

The principle of the development is considered to be acceptable and complies with Policy GE1 and GE4 of the Halton Unitary Development Plan insofar as they are still relevant, and policy CS2 of the Halton Core Strategy Local Plan. The proposed development is consistent with all other relevant local plan policies.

The proposed development is sustainable.

A number of material considerations have been identified in this report.

The proposed development does not conflict with the five purposes of including land within the Green Belt as identified in paragraph 80 of the NPPF. The proposed development would preserve the openness of the Green Belt. The re-use of the building is not inappropriate development in the Green Belt by virtue of paragraph 90 of the NPPF. Nevertheless, to ensure that openness is preserved into the future, it is necessary to impose a condition restricting permitted development rights, this is dealt within the next section.

Planning is concerned with land use in the public interest. There are no health and wellbeing impacts of any substance associated with consideration of this application. The protection of private interests, such as house prices, are factors toward which no weight should be attributed.

There is insufficient evidence to support objections that the proposed use would have a detrimental impact on tourism, local businesses, employment and the local economy and the proposal is not considered to be contrary to UDP policy LTC8 or

section 3 of the NPPF. Furthermore, the bringing back into use of a vacant building is more likely to have a positive impact on the economy by way of providing jobs and spending in the local area.

The existing car park is considered to provide sufficient car parking. Significant highways safety impacts cannot be demonstrated, and the proximity of the site to a bus stop and the provision of transport by the operator SERCO is considered to be acceptable. The application cannot be refused on highway safety or transportation grounds, or sustainability grounds. The proposal is considered to comply with Policy CS2 of the Halton Core Strategy Local Plan and Paragraph 197 of the National Planning Policy Framework.

Fear of crime, anti-social behaviour and public safety can be material planning considerations and needs to be taken into account in the determination of this planning application. However, the evidence provided in this particular case does not provide sufficient grounds to refuse the application based on the fear of crime, anti-social behaviour or public safety perceived by residents. The proposal cannot, therefore, be rejected on the grounds of NPPF Sect. 8 'Promoting Healthy Communities' and paragraph 69 which states fear of crime should not undermine the quality of life.

The conclusions on the remaining matters have been dealt with elsewhere in this report.

Considerable weight must be given to compliance with the development plan and compliance with NPPF.

NPPF paragraph 215 requires that due weight be given to relevant policies in the existing plans according to their degree of consistency with the Framework – the closer the policies in the plan to the policies in the framework the greater the weight that may be given. As stated above only limited weight can be given to the saved UDP policies GE1 and GE4.

Section 38 (6) Planning and Compulsory Purchase Act 2004 require the application to be determined in accordance with the development plan unless material considerations indicate otherwise. The weight to be given to representations made against the proposed development (individually and collectively) do not outweigh the presumption in favour of development which is in accordance with the development plan or in accordance with NPPF.

The application is, therefore, recommended for approval subject to conditions the reasons for which are set out in the next section.

Conditions

The imposition of conditions on planning permissions must comply with legislation and the NPPF (and where applicable, the development plan).

NPPF paragraphs 203 to 206 relate to planning conditions and obligations. Planning authorities should consider whether otherwise unacceptable development could be

made acceptable through the use of conditions or planning obligations. No planning obligations are considered appropriate in this case.

NPPF paragraph 206 can be highlighted in particular. This states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

The proposed standard time limits condition is in accordance with section 91 of the 1990 Act. The plans condition, listing relevant drawings, complies with NPPF and sections 70 and 72 of the 1990 Act. It is important to be clear as to the physical layout within which the proposed use is to operate.

The proposed use restriction to 'Initial Accommodation for Asylum Seekers' complies with NPPF and sections 70 and 72 of the 1990 Act. Issues relating to anything other than Initial Accommodation have not been analysed. Any change of use outside of the meaning of (the sui generis use of) Initial Accommodation must be the subject of a formal application for planning permission.

The proposed condition restricting permitted development rights is designed to prevent future development which could have an impact on openness.

6. RECOMMENDATIONS

That the application be approved subject to conditions:-

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

Reason:- In order to comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the following plans and drawings received on 10th August 2016:-

1:1250 Site Plan

Reason: - To ensure that the work is carried out in accordance with the approved plans and within the parameters of the grant of planning permission, and to comply with Policies BE1 and BE2 of the Halton Unitary Development Plan, the Core Strategy and the National Planning Policy Framework.

3. The use hereby approved shall be limited to a hostel for Initial Accommodation of Asylum Seekers and for no other use.

In this condition 'Initial Accommodation' means accommodation provided under section 98 of the Immigration and Asylum Act 1999 for Asylum Seekers, for Initial assessment prior to provision / placement in dispersed accommodation.

Reason:- The proposed use restriction to 'Initial Accommodation for Asylum Seekers' complies with NPPF and sections 70 and 72 of the 1990 Act. Issues relating to anything other than Initial accommodation have not been analysed. Any change of use outside of the meaning of (the sui generis use of) Initial accommodation must be the subject of a formal application for planning permission.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the 2015 Order") (or any order revoking and re-enacting that Order with or without modification), no development within classes A, B, C, D and F of Schedule 2, Part 2 (Minor Operations) of the 2015 Order shall be permitted.

Reason:- To preserve the openness of the Green Belt and to comply with NPPF.

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 development that improves the economic, social and environmental conditions of Halton.

Appendix 1

SERCO Planning Application (16/00333/COU) for Initial Accommodation for Asylum Seekers

Proposal

A planning application has been made by SERCO and the Home Office for Lilycross Care Home to be used as an "Initial/Interim Accommodation" for approximately 120 Asylum Seekers in Widnes. Initial Accommodation will be provided for approximately 28 days at Lilycross whilst the persons are being assessed, health checked and their application is being processed. After 28 days the Asylum Seekers will be relocated at "Dispersed Accommodation" out of the Borough for longer term accommodation whilst awaiting Refugee status.

The planning application (16/00333/COU) has attracted a great deal of attention in the Borough of Halton and St Helens.

Therefore, Widnes Police and the Halton Community Safety Team have been asked by Halton Borough Council Development Control to comment upon the application from a crime and disorder and the relevance of fear.

Information

Cheshire Police have no "Asylum Seekers Initial Accommodation" premises in Cheshire East, Cheshire West and Chester or Warrington in order to compare or evaluate the crime impact.

Despite, Cheshire Police not having an "Initial Accommodation" site, the Widnes Police Command team and the Halton Community Safety Team have visited the the "Initial Accommodation" scheme in Liverpool and Merseyside Police have provided information and figures (400m radius) of crime and disorder in their premises and within the local community.

We have also visited the Lilycross Care Home premises to review the suitability of the premises.

Additionally, we have also sought some background information from Greater Manchester Police regarding their large "Dispersed Accommodation's" project in Wigan and we have had discussions with St Helens Community Engagement Officer regarding their community concerns and tensions.

Objective

The aim of this consultation feedback is to:-

1. Make certain no planning decisions result in a detriment to the safety of Halton residents and visitors.
2. Ensure places are designed to reduce crime, the fear of crime and Anti-Social Behaviour.
3. To understand the scale and impact of planned growth both from a community safety and demand/response (blue light) perspective.

Design for Safety and Security

Cheshire Police recognise that safety and security are essential to successful and sustainable communities. To ensure safe and secure neighbourhoods are designed and built in Runcorn and Widnes, Cheshire Police Crime Prevention professionals (Police Architectural Liaison officers) work with Planning Officers, developers and architects to ensure crime prevention through environmental design and physical security measures are included at the design and feasibility stages of new developments.

“Safer Places – the Planning System and Crime Prevention”, the national police award scheme called “Secured By Design” and the Halton Borough Council Supplementary Planning Document called “Designing For Community Safety” all set out principles and attributes to ensure places and neighbourhoods are developed with security in mind.

The Home Office policy illustrates and explains the seven attributes that are essential for safety and security, they include:-

1. Access and movement – Well defined routes
2. Structure – Different Users do not cause conflict
3. Surveillance – Places where all accessible places are overlooked.
4. Ownership – Promote a sense of ownership, territorial ownership and community
5. Physical protection – Doors and windows to Part Q Building regulation standards
6. Activity – level of activity is appropriate to the location
7. Management and maintenance – To discourage crime in the present and in the future.

Also, a key principle is that there is no universal solution to every problem. Each location is unique and has to be assessed on its own merits.

In this circumstance, we are commenting upon the suitability, the location of the facility and the design of the building, however we do recognise that relationships, procedures and information sharing between SERCO, the Home Office, Halton Borough Council and Cheshire Police (Widnes Policing Unit) needs to be robust and secure so that occupants are safeguarded and offenders are brought to justice.

Additionally, we have taken into account the local crime and ASB figures (ward profile), the community impact and concerns and we have contacted other police forces so that comparisons can be made with similar schemes or projects, in this case Asylum Seekers Initial Accommodation schemes.

Assessment

- 1) Access and Movement - The location of the premises is easily and quickly accessible from the A57 and the B5419 from a blue light police response point of view. Therefore, we are able to access our Grade 1 calls quickly and effectively. The residents are also



safe to walk to the local amenities in Rainhill, Widnes. Provision is also made for residents to use shuttle buses to Liverpool.

- 2) It is not adjoining or in close direct proximity to any surrounding homes therefore we are unlikely to receive numerous calls or significant demands in respect of Anti-Social Behaviour (noise etc) and there is no evidence from other similar sites that there is increased levels of ASB.
- 3) The Council Community Safety Ward profile for Farnworth shows Burglary, ASB, Criminal damage and Arson as one of the safest wards in the Borough.
- 4) The existing care home is a self-contained premise with good existing security measures. Due to it previously being a care home it has all the necessary security features that are required to protect its residents, assets and information.
- 5) The building has metal railings around the entire site and a gated entrance to demarcate defensible space, it also has on site car parking and clearly defined elevations with no recesses thus allowing for good natural and formal surveillance (CCTV).
- 6) The design of the premises and it's security features are comparable to the Initial Accommodation scheme in Liverpool.
- 7) Merseyside Police have provided statistics and figures in respect of Crime and Anti-Social Behaviour Disorder data over a 6 month period for their "Initial Accommodation" schemes. The figures indicate very low incidences of ASB, Crime and Hate Crime.
- 8) There is an Islamic Community Centre (The Iman Trust) located approximately 3 miles away in St Helens. This facility will help provide faith support to the residents.

Conclusion

The location and design of the Lilycross Care Centre lends itself to being a safe and secure premises for new residents that is unlikely to impact on local residents.

Diverse communities bring many benefits to society but they also present new challenges to police forces, requiring them to develop tailor made approaches according to the individual policing needs of their communities. They can also place additional demands on policing, however looking at figures relating to the "Initial Accommodation" scheme in Liverpool, we do not anticipate or foresee any concerns with managing demands at this new location and this change of use application.

Whilst it is not a planning matter, we are reassured and encouraged from the visit to the Initial Accommodation Scheme in Liverpool that it is managed and maintained with the following staff, procedures and technology:-

1. The building is inspected weekly by the Home Office.
2. The building does not visually detract from the local community (Aesthetics).
3. Asylum Seekers will be given a regular shuttle bus to attend Liverpool Offices where Migrant help, Urgent Care (Health Screen) and substantive Interviews will take place.
4. There are 3 staff at the premises at all times.
5. All staff has security lone working alarms that are linked to a remote security monitoring location.
6. There are clear procedures should occupants go missing.
7. Automated Access Control (fob entry recording).
8. Effective CCTV on communal entrance and exit doors and staff areas.
9. Local PCSO to attend once a week for a staff meeting and a residents meeting.

Policing Asylum seekers, refugee and migrant communities presents particular challenges, especially in terms of the reporting, recording and investigation of hate crime targeted against them. We will work with SERCO to ensure all incidents are fully investigated and any hostility towards them will constitute a hate crime.

In conclusion, we support the application and we will work closely with all agencies to ensure Halton remains a safer place to live or visit.

Appendix 2

Planning Application (16/00333/COU) for Asylum Seekers Hostel

Proposal

A planning application has been made for Lilycross Care Home to be used as an Asylum Hostel. It is believed that the premises will be used for "Initial/Interim Accommodation" for approximately 120 Asylum Seekers in Widnes. If that is the case initial accommodation will be provided for up to three weeks (as per planning statement – prepared by Edward Landor Associates May 2016) at Lilycross whilst the persons are being assessed, health checked and their application is processed. After 21 days the Asylum Seekers will be relocated at "Dispersed Accommodation" out of the Borough for longer term accommodation whilst awaiting Refugee status. The planning application (16/00333/COU) has attracted a great deal of attention in the Borough of Halton and St.Helens.

Widnes Police and the Halton Community Safety Team have been asked by Halton Borough Council Development Control to comment upon the application from a crime and disorder perspective and the relevance of fear.

It is recognized that SERCO are the current Home Office accredited body assigned with managing Asylum seekers within the North West. It is understood that in the future this could change to another management company. Our understanding is even if this were to change the premises would still remain as an asylum seeker hostel and be subjected to Home Office checks. If the premises were to move away from an Asylum Hostel then another planning application for a change of use would need to be made.

Information

Cheshire Police have no "Asylum Seekers Initial Accommodation" premises in Cheshire East, Cheshire West and Chester or Warrington in order to compare or evaluate the crime impact.

Despite, Cheshire Police not having an "Initial Accommodation" site, the Widnes Police Command team and the Halton Community Safety Team have visited the "Initial Accommodation" scheme in Sefton, Liverpool and Merseyside Police have provided information and figures (400m radius) of crime and disorder in their premises and within the local community.

Whilst these checks have provided some context to the proposed planning application it is recognized that due to different locations, community demographics and associated infrastructure any direct comparison is difficult and often subjective.

We have also visited the Lilycross Care Home premises to review the suitability of the premises.

Additionally, we have also sought some background information from Greater Manchester Police regarding their large "Dispersed Accommodation's" project in Wigan and we have had discussions with St Helens Community Engagement Officer regarding their community concerns and tensions.

In addition to the above we have also met with representatives of the local community to discuss their concerns.

There is no doubt a wealth of information in the media and on the internet around different asylum seeker projects, offering a range of services, in different locations in this and other countries. Reports on such projects provide a range of feedback some of which could provide very emotive reading and on its own may influence peoples perceptions and indeed their fear of crime.

Objective

The aim of this consultation feedback is to:-

1. Ensure places are designed to reduce crime, the fear of crime and Anti-Social Behaviour.
2. To understand the scale and impact of planned growth both from a community safety and demand/response (blue light) perspective.

Design for Safety and Security

Cheshire Police recognise that safety and security are essential to successful and sustainable communities. To ensure safe and secure neighbourhoods are designed and built in Runcorn and Widnes, Cheshire Police Crime Prevention professionals (Police Architectural Liaison officers) work with Planning Officers, developers and architects to ensure crime prevention through environmental design and physical security measures are included at the design and feasibility stages of new developments.

"Safer Places – the Planning System and Crime Prevention", the national police award scheme called "Secured By Design" and the Halton Borough Council Supplementary Planning Document called "Designing For Community Safety" all set out principles and attributes to ensure places and neighbourhoods are developed with security in mind.

The Home Office policy illustrates and explains the seven attributes that are essential for safety and security, they include:-

1. Access and movement – Well defined routes
2. Structure – Different Users do not cause conflict
3. Surveillance – Places where all accessible places are overlooked.
4. Ownership – Promote a sense of ownership, territorial ownership and community
5. Physical protection – Doors and windows to Part Q Building regulation standards
6. Activity – level of activity is appropriate to the location
7. Management and maintenance – To discourage crime in the present and in the future.

Also, a key principle is that there is no universal solution to every problem. Each location is unique and has to be assessed on it's own merits.

Chief Inspector Richard Rees, Widnes Local Policing Unit
Mark Antrobus, Police Community Safety Supervisor

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In this circumstance, we are commenting upon the suitability, the location of the facility and the design of the building, however we do recognise that relationships, procedures and information sharing between SERCO, the Home Office, Halton Borough Council and Cheshire Police (Widnes Policing Unit) and the community needs to be appropriate and robust. In addition we will ensure that the communities voice is heard and all who live within the community are safeguarded and any offenders are brought to justice.

Additionally, we have taken into account the local crime and ASB figures (ward profile), the community impact and the fear of crime. We have also contacted other police forces so that comparisons (as much as possible) can be made with similar schemes or projects, in this case Asylum Seekers Initial Accommodation schemes.

Assessment

- 1) Access and Movement - The location of the premises is easily and quickly accessible from the A57 and the B5419 from a blue light police response point of view. Therefore, we are able to access our Grade 1 calls quickly and effectively.
- 2) The residents are also safe to walk to the local amenities in Rainhill and Widnes. Provision is also made for residents to use shuttle buses to Liverpool.



- 3) The site is set in a rural location. There are no directly adjoining premises there is a small thriving residential and business community in the immediate area. Based on our research we do not anticipate we will have a significant demand in respect of Anti-Social Behaviour (noise etc) and there is no evidence from other similar sites that there is increased levels of ASB.
- 4) Merseyside Police have provided statistics and figures in respect of Crime and Anti-Social Behaviour Disorder data over a 6 month period for their "Initial Accommodation"

schemes. Whilst it is recognized that there are incidents that can be attributed to such schemes the figures indicate very low incidences of ASB, Crime and Hate Crime.

- 5) The Council Community Safety Ward profile for Farnworth shows Burglary, ASB, Criminal damage and Arson as one of the safest wards in the Borough.
- 6) The existing care home is a self-contained premise with good existing security measures. Due to it previously being a care home it has all the necessary security features that are required to protect its residents, assets and information.
- 7) The building has metal railings around the entire site and a gated entrance to demarcate defensible space, it also has on site car parking and clearly defined elevations with no recesses thus allowing for good natural and formal surveillance.
- 8) The design of the premises and its security features are comparable to the Initial Accommodation scheme in Liverpool.
- 9) There is an Islamic Community Centre (The Iman Trust) located approximately 3 miles away in St Helens. This facility will help provide faith support to many of the residents.

Conclusion

Whilst the below recommendations will support a safe and secure Asylum Seeker hostel we recognize that you can never guarantee complete safety to the proposed residents, the staff or indeed the local and wider community.

We do believe that the location and design of the Lilycross Care Centre lends itself to being a safe and secure premises for Asylum seekers. We do recognize that after speaking to a small group of residents representing other locals and other local business communities, that there are concerns and fears in relation to the buildings change of use. The concerns were not focused on prejudice or discriminatory views but instead focused on the majority of the new residents being young males and the fact that so little would be known about the background of these individuals.

There is no doubt that diverse communities bring many benefits to society but they also present new challenges to police forces, requiring them to develop tailor made approaches according to the individual policing needs of their communities. They can also place additional demands on policing, however looking at figures relating to the "Initial Accommodation" scheme in Sefton Park, Liverpool, we do not anticipate or foresee any significant change in demand from the change in use of the building.

Whilst it is not a planning matter, we are reassured and encouraged from the visit to the Initial Accommodation Scheme in Sefton Park, Liverpool that it is managed and maintained with the following:

1. The building is inspected weekly by the Home Office.
2. The building does not visually detract from the local community (Aesthetics).
3. Asylum Seekers will be given a regular shuttle bus to attend Liverpool Offices where Migrant help, Urgent Care (Health Screen) and substantive Interviews will take place.

4. All staff has security lone working alarms that are linked to a remote security monitoring location.

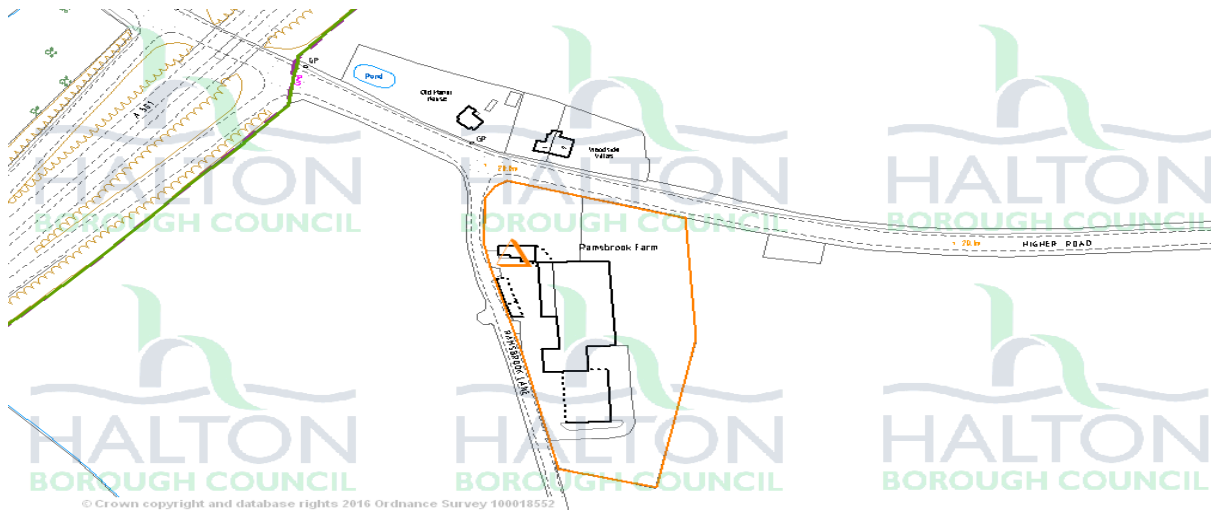
We will be seeking a similar service level agreement with the Home Office provider and would make the following further observations/recommendations in respect of Lilycross:

1. Further information is required around the staffing numbers and roles and responsibilities of the site manager and support staff. The report mentions three staff will be on site. Is this three staff 24/7?
2. It would be extremely useful to have access to a translation service on site in case of an emergency response.
3. Should any persons go missing I would expect persons to be reported as such in line with Cheshire Police Standards.
4. Automated Access Control (fob entry recording).
5. Effective internal and external CCTV to Cheshire Police standards, particularly on communal entrance and exit doors.
6. Local PCSO will attend regular meetings with staff, residents and members of the community.

Policing Asylum seekers, refugee and migrant communities presents particular challenges, especially in terms of the reporting, recording and investigation of hate crime targeted against them. If granted we will work with the Home Office provider (currently SERCO) to ensure all incidents are fully investigated and any hostility towards residents will constitute a hate crime. We will also work closely with the community to listen to their concerns and address any issues as they arise. In addition we will be seeking agreement from the Home Office and SERCO that the above recommendations are implemented to enhance the safe and secure design of the building.

In conclusion, we support the application and we will work closely with all agencies and the community to ensure Halton remains a safer place to live or visit.

APPLICATION NO:	16/00272/FUL
LOCATION:	Ramsbrook Farm, Ramsbrook Lane, Hale
PROPOSAL:	Full application for conversion of existing barn buildings from offices to 5 No. dwellings and garages, demolition of existing industrial sheds and redevelopment to provide 14 No. new cottages and garages with associated external works and landscaping
WARD:	Ditton
PARISH:	Halebank
APPLICANT(S):	SIAE Microelectronica Ltd, Ramsbrook Farm, Ramsbrook Lane, Hale WA8 8NZ
DEVELOPMENT PLAN ALLOCATION: National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)	Green Belt Area of Special Landscape Value
DEPARTURE	Yes
REPRESENTATIONS:	2 representations received from the publicity given to the application.
KEY ISSUES:	Development on a designated Greenspace, Development in Area of Special Landscape Value, Employment Loss, Highway Safety
RECOMMENDATION:	Approve planning permission subject to conditions and S.106 for off-site public open space
SITE MAP	



1. APPLICATION SITE

1.1 The Site

The site known as Ramsbrook Farm, is located on Ramsbrook Lane, Hale at its junction with Higher Road. The site is currently in use for employment and this has been the case since 2001. The site extends to approximately 1.4 hectares.

The site has two designations in the UDP identified as being within the Green Belt and an Area of Special Landscape Value. The surrounding land is also in this designation.

Although the site is currently devoted entirely to offices, and associated storage for the resident company and is in an employment use, it is not designated as employment within either the UDP or Core Strategy.

The closest affected properties are those of Old Manor House and 1 & 2 Higher Road which, at their nearest, over 22m from the site boundary and across Higher Road to the north. The nearest properties to the west on Burnt Mill Lane, are over 270m from the site boundary. There are no residential properties directly affected to the south and east of the site.

2. THE APPLICATION

2.1 The Proposal

This planning application seeks permission for a residential development of up to 19 dwellings with associated parking and landscaping and access from Ramsbrook Lane. The development proposed consists of the conversion of the existing office building into 5 dwellings and garages, and the redevelopment of the remainder of the site to provide 14 dwellings with garages.

2.2 Documentation

The outline planning application is supported by a Planning Statement, Preliminary Ecological Appraisal, Phase 1 Desk Study Report, Flood Risk Assessment, Landscape Assessment, Viability Appraisal, suite of existing and proposed drawings.

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 Green Belt and in an Area of Special Landscape Value 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;
- GE1 Green Belt;
- GE4 Re-Use of Buildings in the Green Belt;
- GE21 Species Protection;
- GE23 Protection of Areas of Special Landscape Value;
- GE27 Protection of Trees and Woodlands;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- TP6 Cycle Provision as Part of New Development;
- TP12 Car Parking;
- H3 Provision of Recreational Greenspace.

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;
- CS3 Housing Supply and Locational Priorities;
- CS6 Green Belt;
- CS12 Housing Mix;

- CS13 Affordable Housing;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS21 Green Infrastructure;
- CS23 Managing Pollution and Risk;
- CS24 Waste.

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. SITE HISTORY

4.1 The following planning applications are relevant to the site and this proposal:-

01/00303/COU - Proposed change of use of farmhouse and brick barns to commercial use including link extension – Approved.

02/00296/FUL - Proposed demolition of former farmhouse and rebuild to same footprint for use as an office building – Approved.

02/00369/FUL - Proposed extension to existing barn to provide conference facilities – Approved.

02/00370/COU – Proposed change of use of small barn to offices – Approved.

05/00990/FUL - Retrospective application for retention of hard surfaced car park including lighting and access through to landscaped area with water feature and palisade/ razor wire fencing – Refused.

5. CONSULTATIONS

5.1 Highways and Transportation Development Control

Recommend for Approval - With conditions.

Layout/Highway Safety

The swept path indicate that the larger Mercedes Econic refuse vehicle and emergency fire vehicle can enter and exit the site in forward gear and can manoeuvre within the development. However, it is not certain that the development would meet the criteria required for adoption and, therefore, the developer would need to enter into a private agreement in order to facilitate the collection of refuse.

As per the previous pre-application advice it will be necessary to include details of the refuse stores and collection points, given that there is no certainty of the refuse vehicle entering the site.

We would require a footway constructing which links the existing access off Higher Road to the bus service. This will require a dropped tactile crossing point.

The visibility on exiting at the central point (the current site exit) is compromised to the south. It appears that appropriate visibility standards for the derestricted rural road can be achieved but this will require alteration to the existing hedge line. The minimum visibility splay, which needs to be demonstrated here, is 2m by 160m to a point one metre out from the nearside kerb. We will require details of how this will be achieved and maintained to secure the necessary sightlines.

Parking

The application indicates that there are 38 car parking spaces which meets the UDP requirements for a development of this size (2 spaces per dwelling). However, the plan does not make it clear how this is achieved. It will be necessary to see them identified and laid out on a plan in order that the spaces can be easily defined. We would also require the spaces to be formally marked out as part of the development.

Given the size and density of the site, and the difficulties of parking on Ramsbrook Lane and Higher Road, the developer is recommended to look to make some provision for a number of non-allocated parking spaces within the site. This could be used by service vehicles and visitors to the site.

Access by sustainable modes

Public transport service is within 400m on Higher Lane.

Construction Phase Considerations

All construction traffic must be kept off the highway and a parking area for construction staff created within the site to prevent obstructions on Ramsbrook Lane.

A wheel wash facility should be provided throughout the construction phase.

A construction management plan will need to be submitted and approved by the Highways Authority prior to commencement of work on site.

5.2 Lead Local Flood Authority

It is noted that the flood risk report concludes that there is a low risk of flooding from the usual sources, therefore the main consideration is the likely discharge from the new proposal and how it will be dealt with.

There is some consideration of surface water drainage hierarchy by the applicant, with regard to infiltration and SUDS. It is stated that there should be infiltration testing carried out on site, to check the feasibility of drainage by this method. It is recommended that this is subject to a pre commencement condition. Whilst SUDS systems are then considered by the report, the recommended drainage strategy does not include any attenuation or, it is

assumed, filtration. It is recommended that a standard condition is attached for submission of drainage details covering both of the above.

Surface Water Regulatory Scheme

The development hereby permitted shall not be commenced until such time as a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall also include details of how the scheme shall be maintained and managed after completion. The scheme shall be fully implemented and subsequently maintained as agreed, in writing, by the Local Planning Authority.

Reason

To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to comply with the National Planning Policy Framework

Note: The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SUDS). SUDS, in form of soakaways (infiltration testing should be carried out), grassy swales, attenuation ponds, for example, can help to remove harmful contaminants and can help to reduce the run-off rate.

It is noted that there is no proposal to restrict surface water discharge from the current 1 in 100 year rate of 70l/s (plus pervious runoff) as the new development results in a 33% reduction in impermeable area, and therefore an effective reduction in the brownfield discharge rate. The Council's Strategic Flood Risk Assessment requires a reduction of 50% in critical drainage areas but there is no such requirement on this site. DEFRA Sustainable Drainage standards S3/S5 recommend a reduction as close as possible to greenfield run-off rates, it is disappointing that this has not been considered further. (However as this is non statutory, should United Utilities (UU) accept the proposed discharge rate, then it is not considered that the LLFA could insist on further attenuation.)

It appears that the existing development outfalls to a surface water sewer adjacent to Ramsbrook Lane. However, there is also a highway drain within Ramsbrook Lane which is referred to in the report, particularly in the section on correspondence with HBC as LLFA, and it states that the LLFA would not allow connection to this drain. In particular, it is unclear from paragraph 5.7.2 whether this is the pipe referred to for outfall. This needs to be clarified by the applicant. Other parts of the report state that the proposal will drain via the existing UU sewer connection. The LLFA would be content with this in principle, but the principle and discharge rate would need to be agreed by the applicant with UU.

5.3 Environmental Health – Contaminated Land

□ Desk Study Report for Ramsbrook Farm, Betts Associates Geo Environmental, June 2016, Ref. 14MSA001/DS Submitted in support of the application

Having reviewed the report the Council's contaminated land officer made the following comments;

- The review of the current site conditions lacks detail. There is no discussion of the current/ recent use of the barns i.e. what were/ are they used for? The buildings appear to contain corrugated asbestos cement panels although there is no discussion of this. The barns don't appear to have been accessed and inspected as part of the site walkover survey.
- Is there any knowledge or evidence of previous fuel or pesticide storage at the site?
- From a review of the site photographs the southern area appears to be artificially raised from the surrounding land however there is no discussion of this within the report. Any areas of raised/ potentially made ground should be targeted during the phase 2 investigation.
- The site walkover survey and risk assessment was completed almost two years ago in August 2014, with the report having recently been revised to include an updated site layout. As such, a further assessment of the current conditions should be undertaken prior to any phase 2 works to confirm that the conceptual site model reflects current site conditions.
- Possible asbestos containing materials appear to be present on the photograph on page 44, however, there is no comment on this within the report. Can some clarification be provided i.e. are these materials considered likely to contain asbestos? Are they still present? What are they associated with? What is their condition? Is there any knowledge as to how long they have been present?
- The photographs show what appears to be Japanese Knotweed growing in the suspected former rail line in the south of the site. Whilst an assessment of invasive vegetation will presumably have been outside the scope of the report and is not a contaminated land issue this should be flagged to the developer and appropriate surveys and if necessary treatment undertaken.
- The presence of the short stretch of rail track in the south of the site as indicated on the 2005 aerial photograph warrants specific investigation during the phase 2 assessment.
- The review of the site history does not mention the apparent presence of an orchard on site on the 1849 map. This is potentially of relevance if historical pesticides such as lead arsenate were used.
- The conceptual site model makes reference to leaking petrol tanks however there is no mention of these elsewhere in the report – is this a carry-over error?
- Presumably a pre-demolition asbestos survey of the buildings will be required and I would request that once available, a copy of this is forwarded to the Authority along with any documents verifying the removal of ACM's from site.
- The proposals for further investigation involve 1 days trial pitting and the drilling of four window sample holes. It is unclear how many trial pits would be excavated and there is a need to understand this and the level of coverage relative to the overall size of the site. It has been

proposed that 12 samples (including both made and natural ground) are taken. Again, this is considered unlikely to be sufficient, particularly with respect to the guidance contained in BS10175. As well as providing general site coverage the investigation should aim to target particular features identified during the historical review e.g. disused rail track, location of historically demolished buildings, any areas of apparently artificially raised ground etc.

I feel that prior to the application being determined a revised phase 1 report should be submitted that addresses the above points and provides more detailed recommendations for phase 2 investigation. Once this has been received and assuming it addresses these points I would then be happy for the application to be determined subject to the following condition;
No part of the development hereby permitted shall commence until;

a) Prior to the commencement of development an appropriate investigation and assessment of all potential pollutant linkages is submitted to, and approved by, the Planning Authority. The investigation and assessment should be carried out by suitably qualified personnel and carried out in accordance with current Government, Environment Agency and British Standard guidance, and;

b) Should any significant risks be identified by such an investigation a remediation plan, including suitable monitoring and verification methodologies, should also be agreed in writing by the Planning Authority. A completion statement shall be issued upon completion of any remediation.

I consider these conditions necessary to ensure there is no significant risk to human health or the wider environment.

In response to applicants further submission:-

The applicant's consultant has submitted a revised Phase 1 study (August 2016) in light of comments from Land Contamination (above). I've reviewed this document and I am satisfied that it has dealt with and/or included the points raised. It is therefore suitable to support the application and I would recommend that the condition previously suggested be attached to any permission to require the completion of the Phase 2 works as set out in the Phase 1 report.

5.4 Open Spaces

There are no trees afforded Statutory Protection at this location and the site is not situated within a Conservation Area.

There are no ecological constraints associated with the proposal. The buildings have been surveyed in 2014 for bats and were deemed unsuitable, offering no roosting potential due to their high level of renovation. The 2014 survey also states that no further surveys are required for this development which I would agree with.

The 2014 Preliminary Ecological Appraisal (section 6.2) states that at the time of inspection, swifts were nesting in the roof spaces of the large agricultural buildings.

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

¹Wildlife and Countryside Act 1981 Part 1 Section 1 (1)

¹ Consult W&C Act 1981 (with amendments) for full details of protection afforded to wild birds.

The proposed layout does include significant hedgerow planting alongside a number of new trees so ecologically the site will be enhanced.

5.5 Merseyside Environmental Advisory Service

1. Having reviewed the application and supporting documentation, our advice is set out below in two parts.
 - Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes.
 - Part Two sets out informative notes on other matters which the case officer may wish to consider and which may assist the Council and applicant to achieve wider environmental objectives should they choose to do so.
 - In this case Part One comprises paragraphs 3 to 13, while Part Two comprises paragraphs 14 and 15.

Part One

2. The applicant has submitted an ecological survey report in accordance with Local Plan policy CS20 (Preliminary Ecological Appraisal, Ascerta, August 2014). The report has the following limitations:
 - The survey was carried out in 2014. This is often considered out of date with regards to protected species;
 - The desktop study includes data obtained from the NBN Gateway, this may have breached the Terms and Conditions of use of this data; and
 - The Report concludes that the on-site pond does not provide habitat for Great crested newt, this conclusion is accepted. However, the report does not consider an additional two ponds within 500 metres of the site with regards to Great crested newt.

3. Notwithstanding these limitations the survey and report are acceptable for the following reasons and will be forwarded to Cheshire rECORd via Mersyside BioBank:
 - It is unlikely the buildings on-site have deteriorated sufficiently within two years to now provide roosting opportunities for bats; and
 - The location of the additional ponds beyond roads and ditches makes it unlikely Great crested newt would have dispersed to the site from these ponds. In addition, the habitat within the site is suboptimal for Great crested newt.

4. The report states that no evidence of bat use or presence was found. 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. However, due to the survey being two years old, demolition of the single building should be carried out using the following reasonable avoidance measures which can be secured by a suitably worded planning condition:
 - All contractors are to be made aware of the legal implications and the procedure to be followed if a bat is found.

5. The site provides habitat for Swifts. This species has declined by over 25% during the last ten years due to a loss of nest site as older buildings are renovated or demolished (BTO 2016) and Local Plan policy CS20 applies. Mitigation for the loss of nest sites is required and should be incorporated within the new development. Lost nest sites should be replaced on a 1:1 basis using purpose built Swift boxes and their locations are to be shown on an appropriately scaled plan (see paragraph 10 below) which can be secured by a suitably worded planning condition.

6. The site may provide nesting habitat for other 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.

7. Japanese knotweed is present within the site boundary. The applicant is required to submit a method statement for approval that includes the following:
 - A plan showing the extent of the plant;
 - What method will be used to prevent the plant spreading further, including demarcation; and
 - What method of control will be used, including details of monitoring.

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

8. 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 separate suitably worded planning condition.
9. The Planning Statement (Planning Statement, Emery Planning, 6 July 2016, Ref: 14-062) states that pre-application discussions recommend alteration of the hedgerows to achieve appropriate visibility splays. Mitigation for the loss of hedgerow is required. The Landscape Assessment (Landscape Assessment, Ascerta, September 2015) makes a number of landscaping recommendations which include the planting of additional native trees and hedgerows. The recommendations are sufficient to mitigate for the loss of habitat as a result of development. The recommendations should be incorporated within a landscape scheme which can include the provision of Swift nest boxes as described in paragraph 6. Implementation of the landscape scheme can be secured by a suitably worded planning condition.
10. As the proposed development falls within the qualifying category 'Any residential development of 10 or more houses outside existing settlements/urban areas' 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.

Construction Environmental Management Plan - CEMP

11. The applicant should prepare a Construction Environmental Management Plan (CEMP) to manage and mitigate the main environmental effects arising from the demolition and construction phases of the proposed development. The CEMP should include relevant details of ecological mitigation (as described in paragraphs 5, 7, 8 and 9), construction and demolition waste management (see paragraph 13 below), pollution prevention and soil resource management. The CEMP should be subject to agreement by the Council prior to the commencement of works and implementation of the CEMP can be secured through a suitably worded planning condition.

Waste

12. The proposal involves demolition and 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. The details required within the waste audit or similar mechanism is provided in Part Two.

13. The applicant, their advisers and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.

14. A waste audit or similar mechanism (e.g. site waste management plan) provides a mechanism for managing and monitoring construction, demolition and excavation waste. This is a requirement of WLP policy WM8, and may also deliver cost savings and efficiencies for the applicant. The following information should be included within the waste audit or similar mechanism:

- Details of persons responsible;
- Process for update;
- Forecast waste types (European Waste Codes recommended); and
- Forecast waste arisings (tonnages), facilities/carriers and proposed waste management option chosen; and Actual waste arisings (tonnages), facilities/carriers and waste management option chosen;
- Waste prevention, reduction and recycling actions; and
- Process to ensure contractors/staff are aware of requirements (e.g. toolbox talks).

5.6 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 Mersey Estuary SPA 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(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as

the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework.

Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of 'conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

5.7 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.

5.8 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. Its other observations should be attached as an informative.

6. REPRESENTATIONS

- 6.1 The application has been advertised by a press advert in the Widnes & Runcorn World on 21/07/2016, site notices posted on Ramsbrook Lane on 15/07/2016 and 10 neighbour notification letters sent on 14/07/2016.

6.2 Three representations and one from Hale Parish Council have been received from the publicity given to the application. The observations received are summarised below:

- Availability of paper plans;
- Further creep of building on farm areas which will make local authority areas indistinguishable;
- Will be in close proximity – 150yards – from sewage works which causes smells and will create a problem for future residents;
- Infringement of green belt principle.

Hale PC has commented as follows:-

Hale Parish Council have objections in particular about highway safety, given the entrances are close to a busy junction.
There are also concerns about potential further development.

7. ASSESSMENT

7.1 Development Plan Policy and Principle of Development

The site is located within the Green Belt. Saved Green Belt policies GE1, GE4 of the Unitary Development Plan are therefore of relevance.

UDP policy GE1 Part 1) states:-

“Planning permission will not be given for inappropriate development within the Green Belt, as defined on the Proposals Map, except in very special circumstances”.

This is compliant with NPPF.

UDP policy GE1 part 3) seeks to describe types of development which would not be inappropriate in the Green Belt. Elements of policy GE1 part 3) do not comply with NPPF. The relevant part of policy GE1 part 3) states that the re-use of buildings, in compliance with Policy GE4 will not be considered inappropriate development in the Green Belt.

The application complies with all of the criteria set out in Policy GE4 with the exception of the provision of an up to date survey (this is dealt with below). However, most of the criteria within policy GE4 go beyond paragraph 90 of NPPF. This should be clear from the table below.

NPPF paragraph 90 states that the listed forms of development are not inappropriate forms in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. Neither UDP policy GE1 nor GE4 reflect the wording of NPPF paragraph 90. The listed forms of development within paragraph 90 include “the re-use of buildings provided that the buildings are of permanent and substantial construction”.

Policies GE1 part 3)c) and GE4 should therefore be considered to be out of date.

UDP policy GE4 states that the reuse of buildings in the Green Belt will be permitted providing that all the criteria in the policy can be satisfied.

GE4 Criteria	Comments
<p>a. An up-to-date survey has been carried out by a qualified structural engineer certifying that the building is capable of use for the proposed purpose without major or complete reconstruction and can be expected to last for many years with normal repair and maintenance.</p>	<p>a. This has not been complied with. It is clear from their continued use and marketability for commercial purposes, that the office buildings that are the subject of the conversion in this proposal and which have already been converted, and are therefore capable of being converted.</p>
<p>b. The existing building is considered by the local planning authority to be a substantial building and that its re-use would not harm the visual amenities of the Green Belt by inappropriate use of materials or design.</p>	<p>b. This has been complied with.</p>
<p>c. The proposed use will not result in the subsequent erection of ancillary buildings, structures, fences or similar developments that would</p>	<p>c. The proposed development would not give rise to any extensions or external alterations in any event. Should extensions or alterations be proposed in the future they would be assessed against relevant policies applicable at the time. Permitted development rights relating to householders and minor operations will be</p>

harm the openness and the visual amenities of the Green Belt.

d. The proposed use will not result in significant extensions or alterations to its appearance or character.

e. Any scheme of conversion should respect the original character of the building. The number of openings should be kept to a minimum and materials matching those of the original structure should be used. Careful attention should be paid to the treatment of any full height or large scale door openings.

f. The Local Planning Authority is satisfied that it can maintain effective future control over the appearance of the building within its curtilage. To this end conditions withdrawing development rights (under the appropriate General Permitted Development Order and Use Classes Order) will normally

removed by condition to enable the LPA to make further considerations over time.

d. As stated above this has been complied with.

e. Additional windows and doors on the existing office buildings are minimal and this in criteria has been dealt with through the previous permission for conversion to offices.

f. The Local Planning Authority is so satisfied, see criterion c above.

<p>be imposed should the proposal be approved.</p> <p>g. An adequate curtilage is provided to accommodate parking, servicing and other ancillary requirements without causing harm to the visual amenities of the Green Belt.</p> <p>h. Adequate access to a road of suitable standard is provided.</p> <p>i. The building has suitable services, or that the provision of such services would not cause material detriment to the visual amenities of the Green Belt.</p>	<p>g. This has been complied with.</p> <p>h. This has been complied with.</p> <p>i. This has been complied with.</p>
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NPPF paragraph 215 states “In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”. Therefore, only limited weight can be given to the saved policies GE1 and GE4.

The proposed development is, therefore, considered to comply with Green Belt policy as set out in saved policy GE1 and GE4 of the Halton Unitary Development Plan, with the exception that an up-to-date structural survey has not been provided.

7.2 National Planning Policy Framework

The National Planning Policy Framework (NPPF), published in March 2012, sets out the Government’s planning policies for England. It replaces all

previous National Planning Policy Statements and Guidance. It is a material consideration in the determination of all planning applications.

The proposed development is for the change of use of existing buildings and the redevelopment of the remainder of the site (which consists of storage buildings and car parking).

NPPF Section 9, paragraphs 79-92 relate to the protection of Green Belt land. Paragraph 79 identifies that the Government attaches great importance to the Green Belt. Paragraph 80 identifies that the Green Belt serves five purposes which are set out below in paragraph 7.3 under the heading 'Does the proposal conflict the purposes of including land in the Green Belt?'.

Paragraph 88 states "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

Paragraph 89 states that, "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt", with exceptions to this being:-

- Buildings for agriculture and forestry;
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building, provided that new building is in the same use and not materially larger than the one it replaces;
- Limited infilling in villages, and limited affordable housing for local community needs under policies wet out in the Local Plan; or
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in a continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 of the NPPF states:-

"Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;

- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order”.

7.3 Does the proposal preserve the openness of the Green Belt?

With regard to the new built form on the site, essentially 14 dwellings and associated garages and car parking, gardens, boundary treatment and landscaping, paragraph 89 applies and the exception within that relating to the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in a continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

It is considered that as the site, offices and storage buildings, are in current use for commercial purposes and have been so since 2001, it is therefore classed as previously developed land under the terms of paragraph 89 NPPF. In terms of paragraph 90 NPPF, the issue of relevance is whether the proposal to re-use the existing buildings preserves the openness of the Greenbelt. It is, therefore, necessary to determine whether this is the case here.

The site has previously consisted of a conversion of the original farm buildings which were residential and large open sided agricultural storage buildings. The earlier planning permissions have dealt with the conversion of these to commercial purposes. For this current proposal, the applicant has provided the following breakdown of how the site it to be re-developed to express the reduced level of development proposed on this application, by way of comparison to what exists on site as previously approved;-

	Footprint	Volume
Existing buildings	3,299.0 sq m	17,584 m ³
Proposed and retained buildings	2,108 sq m	11,920 m ³
Difference (actual)	-1,191 sq m	-5,664 m ³
Difference (percentage)	-36%	-32%

The applicant has, therefore, demonstrated that the proposed development will have no greater volume and area impact on the Green Belt in terms of its

physical form and layout and in that regard complies with the requirements of the NPPF.

A planning condition is recommended to identify the residential boundaries of the site and to restrict future development, that could otherwise be undertaken were future occupiers to exercise planning permitted development rights.

In addition to this, it is also necessary to consider the impact on openness through the important visual dimension of the Green Belt.

The applicant's submitted drawing, 1345 PL106, expresses the scale of the existing development and its visual impact. In assessing the impact of the use on openness, it is worth considering the scale of the current commercial unit and what potential that could offer under the terms of its existing commercial permission: offices; storage buildings; and conference facilities. The only restriction on the four approved planning permissions relating to the current use and conversions was placed on the original 01/00303/COU for use from 7:00 – 20:00. The other planning permissions had no restrictions, including the conference facilities.

Given the virtually unrestricted commercial use across most of the site, and the storage capacity, the potential for comings and goings associated with this use are significant. The servicing of any future occupier, depending on the nature of their operation, could have a much greater impact on the use of the site and the setting than is currently the case.

The redevelopment of previously developed land identified as an exception in paragraph 89 of the NPPF and the five categories of development specified in paragraph 90 are all subject to the general proviso that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

If it were to be decided that the proposed change of use and built development would fail to preserve openness, it could not constitute appropriate development in the Green Belt and would require very special circumstances to justify approval. No very special circumstances have been claimed or identified.

By comparison to what the current use of the site offers and its potential, it is not considered that the increased numbers of people within the dwellings could represent an intensification which would materially affect the openness of the Green Belt. It is considered that the current openness of the Green Belt would be preserved in this assessment.

Even if population numbers on the site were greater in a development of 19 dwellings, it is not considered that people present outside the buildings would impact on the openness of the Green Belt. This view is consistent with NPPF paragraph 81 which states:

“Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land”.

This paragraph encourages access to Green Belt. It follows that using the headline figure of numbers of people does not translate into any necessary intensification such as to materially impact on openness.

7.4 Does the proposal conflict with the purposes of including land in Green Belt?

Paragraph 80 NPPF states that Green Belt serves five purposes. These are:

1. to check the unrestricted sprawl of large built-up areas;
2. to prevent neighbouring towns merging into one another;
3. to assist in safeguarding the countryside from encroachment;
4. to preserve the setting and special character of historic towns; and
5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

For development to be considered as not inappropriate for the purposes of NPPF paragraph 90, it must not conflict with the purposes of including land in the Green Belt.

It is clear that the proposed development does not conflict with any of these purposes.

7.5 General Conclusion on Paragraph 90 NPPF

The proposed development is not inappropriate development in the Green Belt.

8.1 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 application seeks permission for 19 dwellings on the site and the above policy is relevant. The applicant has provided a viability assessment of the site to justify its preference to not provide affordable dwellings.

The Council’s Property Services Division has reviewed this assessment and have commented that the information provided by the applicant inappropriately uses the 2006 historic purchase price. It provided an amended calculation based upon current market value and shows the point that the site has more viability than the original report concluded. However, no

abnormal costs have been included within the applicant's submitted appraisal which whilst not unheard of, is rare within this Borough.

Given the known value, the likelihood of unforeseen variables and the site of the scheme, it is concluded that it would not be viable for affordable housing to be included within the scheme and as such the applicant has provided the justification need to comply with Policy CS13 of the Halton Core Strategy.

8.2 Open Space

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

This application seeks permission for 19 dwellings on the site and policy H3 is relevant. The Local Planning Authority seeks recreational greenspace onsite or a commuted sum in lieu of onsite provision. Other than amenity landscaped areas, there is, no significant onsite open space to be considered to contribute to this provision. As such the applicant has agreed to provide this in lieu by way of a financial contribution towards the provision off-site open space.

This has been calculated for this proposal as £29,325.48 (£1543.45 per unit) and will be provided through a S.106 agreement. In this way, the proposal complies with Policy H3 of the Halton UDP.

8.3 Access

Access is provided at the existing entrance and exits to the commercial site. The Local Highway Authority has commented as follows:-

Layout/Highway Safety

The swept path indicates that the larger Mercedes Econic refuse vehicle and emergency fire vehicle can enter and exit the site in forward gear and can manoeuvre within the development. However, it is not certain that the development would meet the criteria required for adoption and therefore the developer would need to enter into a private agreement in order to facilitate the collection of refuse.

As per the previous pre-application advice it will be necessary to include details of the refuse stores and collection points. Given there is no certainty of the refuse vehicle entering the site.

We would require a footway constructing which links the existing access off Higher Road to the bus service. This will require a dropped tactile crossing point.

The visibility on exiting at the central point (the current site exit) is compromised to the south. It appears that appropriate visibility standards for the derestricted rural road can be achieved but this will require alteration to the existing hedge line. The minimum visibility splay, which needs to be

demonstrated here, is 2m by 160m to a point one metre out from the nearside kerb. We will require details of how this will be achieved and maintained to secure the necessary sightlines.

Parking

The application indicates that there are 38 car parking spaces which meets the UDP requirements for a development of this size (2 spaces per dwelling). However, the plan does not make it clear how this is achieved. It will be necessary to see them identified and laid out on a plan in order that the spaces can be easily defined. We would also require the spaces to be formally marked out as part of the development.

Given the size and density of the site, and the difficulties of parking on Ramsbrook Lane and Higher Road, I would recommend the developer look to make some provision for a number of non-allocated parking spaces within the site. This could be used by service vehicles and visitors to the site.

Flood Risk Assessment/drainage

Any new or extended hardstanding (flags, block paving, tarmac, concrete) within the property boundary shall be constructed in such a way as to prevent surface water runoff from the hardstanding onto the highway.

Access by sustainable modes

Public transport service is within 400m on Higher Lane. This stop is served by the Huyton/Halewood circular – No.163 west bound and No. 263 eastbound, which currently operates every half hour from early morning until 6pm.

Construction Phase Considerations

All construction traffic must be kept off the highway and a parking area for construction staff created within the site to prevent obstructions on Ramsbrook Lane.

A wheel wash facility should be provided throughout the construction phase. A construction management plan will need to be submitted and approved by the Highways Authority prior to commencement on site.

Recommended conditions

Parking arrangement - drawing required to identify spaces. Spaces to be formally marked out during construction also.

Footway connection on Higher Road connecting to the bus stop.

A construction management plan will need to be submitted and approved by the Highways Authority prior to commencement on site.

Details of achieving sightlines to the south of the site.

Recommended S106 contributions/Items.

8.4 Loss of Employment Site

The site is currently used commercially and as such is an employment site, however, it is not allocated as such in the Halton UDP Proposals Map.

The applicant has provided an assessment of 'redevelopment of an employment site' in its submitted planning statement. The statement provides commentary about how the site is currently used:-

"..since their conversion the buildings have been under-occupied. The existing tenants at the site are currently in the process of relocating elsewhere. This is due to cheaper rents being available elsewhere and concerns over the suitability of the sheds on the site for storage, mainly for security reason."

"The farmhouse has been marketed for let for a significant period of time (since March 2009), with very little interest."

This is an economic factor which is material in assessing the sustainability of the proposal. Whilst an employment provision would be lost, there are clearly difficulties in using the site for this purpose.

The Council's Planning Policy Team has been consulted and has responded as follows:-

In relation to the loss of employment land from this proposal, the information provided with the application is considered appropriate. Although it is considered that any loss of employment land will have an impact on the supply, the marketing information and the assessment of the site by the consultants in relation to market attractiveness has been taken into consideration, therefore I have no policy concerns on this matter.

It is considered, therefore, that the proposal does not conflict with policies CS2 and CS4 of the Core Strategy and the NPPF.

8.5 Layout

The proposed design of the layout utilises the existing office buildings to the north east of the site for 5 dwellings and their associated garages, the latter utilising the frontage single storey office building. The design also utilises the existing built areas of the site for a wrap-around row of detached, semi-detached and terraced dwellings with their associated garages and car ports positioned in front (4) and along the front boundary, mirroring the converted single storey office building on the south side of the southern access. The design draws from a courtyard configuration with access via two arms of road leading from the main access serving the properties. Landscaping is used to soften the internal built form and to provide an appropriate hedgerow boundary with a rural character.

The highway layout is based around the current access arrangement with an entrance to the north and an exit to the south. The applicant has provided additional visitor parking in the south courtyard to ease any potential congestion in this area.

There is a courtyard character to the development and efforts have been made to reduce the impact on the surrounding Green Belt by comparison to

the existing commercial development. As such there are areas where the Council's guidance in relation to interface distances is not fully met but considered justified given the delivery of new dwellings on a scheme that delivers high quality built form and reduces the impact on the surrounding Green Belt in terms of footprint, volume and visual appearance.

This is apparent on plots B3 – B5 and their relationship with A1 – A3. Plot B3 is 6m from the side elevation of the garage serving A1 (the garage is 5.5m to the ridge) the distance to the side elevation of A1 is 12 metres and although this is below what guidance suggests (13m), given that this plot has an open aspect to the north east it is considered that this is acceptable and is a consideration for future potential occupiers. On plots B4 and B5 the dwellings have ground floor dining and living room windows and 1st floor bedroom windows are situated 15m from plots A2 and A3 to the rear. Although this is below what guidance suggests (21m), given that the affected windows at 1st floor are off-set and do not offer direct views between bedroom windows this is considered acceptable and is a consideration for future potential occupiers. At ground floor the reduction in the interface distance is somewhat negated by the intervening boundary walls; access and car parking.

Plots A5 – A8 have some outlook onto the side of the single storey garages/car ports, but the affected windows are off-set and any remaining impact is not considered as significant or harmful.

All plots have appropriate levels of private amenity space.

It is considered that on balance, given the wider enhancements that the proposal will bring, that the proposed interface distances are acceptable, will not result in severe harm to the amenity of future occupiers.

8.6 Scale

The dwellings are in the main two-storey with some with roof space utilised on four plots (A6 and A7; A13 and A14). Where this occurs, there is only a marginal increase in ridge height. The building heights are similar to those already on site in the areas used as storage facilities.

The site area is almost identical to the existing but the building footprints reduced by approximately 1,191 sqm (36%).

The scale of the proposal is considered acceptable with a reduced impact on the openness and visual appearance of the surrounding Green Belt and proportionate to a residential courtyard development.

8.7 Appearance

The proposed appearance of the property elevations conform to the wider semi-rural area character with detailing such as decorative brick lintels; sills; chimney stacks; feature timbers trusses and a mix of window styles.

The main facing materials are proposed to be red brick with some sandstone elements in sills and lintels and grey slate roofs.

Boundary treatments will reflect the main elevation materials but can be agreed in detail through the addition of a planning condition.

On the basis of points 7.6-7.8 above, it is considered that the overall design; layout; and physical appearance of the scheme is appropriate to its setting and provides a high quality built environment with a strong sense of place. As such, the proposal is acceptable in terms of its visual amenity and complies with Policies BE1, BE2 of the Halton UDP, CS18 of the Core Strategy and the NPPF.

8.8 Landscaping

An indicative landscaping proposal has been submitted and provides appropriate levels of softening internal to the site. The proposed 'native hedge' to the rear garden boundaries provides an appropriate buffer between the built form and the remainder of the surrounding Green Belt. Given the importance of the function of this boundary for Green Belt protection, a planning condition is recommended for its retention and enclosure to prevent future occupiers creating gaps to infiltrate the surrounding open area unnecessarily.

The scheme is compliant with the current designation of an Area of Special Landscape Value given the landscaping around the edges of the site boundary and residential curtilages and the open space provision to the north. Given that the proposed use is not greater in footprint or volume than currently on the site, it is considered that the proposal does not conflict with the wider designation and due to the alteration in built form, is considered to improve the visual appearance of the site.

A condition to restrict encroachment beyond the defined residential curtilages will ensure that the Area of Special Landscape Value does not suffer from domestic 'creep' in the future.

The proposed landscaping scheme is appropriate to the site and subject to relevant conditions relating to visibility splays and the Green Belt protection and, as such, is acceptable and complies with Policy BE1 and GS23 of the Halton UDP.

8.9 Ground Contamination

The Contaminated Land Officer has raised issues in relation to the submitted Phase 1 Survey which the applicant has been asked to deal with appropriately to ensure compliance with Policy PR14 of the Halton Unitary Development Plan. Further information has been submitted to address these initial concerns and the Council's Contaminated Land Officer has agreed that the site can be successfully dealt with through the attachment of a planning condition requiring a Phase 2 study and remediation measures where required. As such

the proposal satisfied the policy requirements of PR14 and is acceptable in this regard.

8.10 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 for the site.

The LLFO has raised no objections but has advised a pre-commencement condition in relation to the provision of details of a surface water regulation system.

8.11 Biodiversity

The application is accompanied by an Ecological Phase 1 appraisal. The Council's ecological consultants have reviewed this and have agreed that the measures required to comply with Policy CS20 of the Core Strategy can be achieved through planning conditions. Their detailed comments can be viewed above.

Natural England has been consulted and has raised no objections to the proposal.

Based on the above, it is considered that the proposal is compliant with Policy GE21 of the Halton Unitary Development Plan and CS20 of the Halton Core Strategy.

8.12 Sustainable Development and Climate Change

Policy CS2 of the Halton Core Strategy Local Plan States "When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in NPPF".

As stated above, paragraph 14 of the NPPF states that "at the heart of NPPF there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision making". Sustainable development is principally defined in paragraph 7 of the NPPF. Paragraph 7 states "There are three dimensions to sustainable development: economic, social and environmental".

Conclusions in relation to sustainable development are dealt with elsewhere in this report.

Policy CS19 of the Halton Core Strategy Local Plan outlines some principles which will be used to guide future development, including Code for Sustainable Homes.

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 charging points for ultra-low emission vehicles is considered reasonable and the applicant is in agreement.

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.

8.13 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.

9 CONCLUSIONS

In conclusion, the principle of the development in this Green Belt location is considered to be acceptable, it reduces the amount and effect of built form on the site and complies with the other material considerations relating to the impact on openness contained in the NPPF and Policies GE1 and of the Halton UDP and CS6 of the Core Strategy, where they do not conflict with national policy. The only non-compliance is in relation to an up to date survey not being provided. However, members can see that the building has already been converted and is capable of conversion and is of permanent and substantial construction. Conditions are recommended to restrict future occupiers so that future encroachment is avoided.

The applicant has demonstrated that the proposal achieves a good standard of development in terms of appearance, scale and on-site provision of car parking and private amenity space. Where the proposal does not fully meet the Council's guidance on interface distances, the impact is not considered as severe and as a consideration that potential purchasers will have the opportunity to judge.

The proposal meets sustainability objectives, with good connections to public transport and the provision of electric car charging points. With the use of planning conditions the scheme will meet the ecological requirements of the Local Plan and NPPF.

10 RECOMMENDATIONS

Grant planning permission subject to conditions and Section 106 for provision of off-site public open space.

11 CONDITIONS

1. Time Limit.
2. Drawing Numbers - (Policy BE1, BE2 and GE1)
3. Site Levels - (Policy BE1)
4. Surface Water Regulation System (PR16 and CS23)
5. Requirement for outfall to be agreed with United Utilities (PR16 and CS23)
6. Phase 2 Ground Contamination Report required (PR14 and CS23)
7. Visibility Splay retention - (Policy TP17)
8. Facing Materials to be Agreed - (Policies BE1 and BE2)
9. Breeding Birds Protection – (Policy GE21)
10. Tree Protection – (Policy BE1)
11. Hours of Construction – (Policy BE1)
12. Construction Management Plan (Highways) – (Policy BE1)
13. CEMP inclusive of details of ecological mitigation – (Policy GE21)
14. Landscape Scheme and implementation – (Policy BE1 and GE21)
15. Swift Boxes - (Policy GE21)
16. Reasonable Avoidance Measures – Bats – (Policy GE21)
17. Japanese Knotweed method statement – (Policy GE21)
18. Japanese Knotweed validation report – (Policy GE21)
19. Site Waste Management Plan – (Policy WM8)
20. Bat Friendly Lighting Scheme – (Policy GE21)
21. Ground Contamination (Phase 2 Site Investigation, Remediation Strategy, Validation Report) - (Policy PR14)
22. Bin Storage details - (BE2)
23. Electric Vehicle Charging Points – (Policy CS19)
24. Removal of Class A and E permitted development - (GE1)
25. Any new or extended hardstanding (flags, block paving, tarmac, concrete) within the property boundary shall be constructed in such a way as to prevent surface water runoff from the hardstanding onto the highway – (Policy TP17)
26. Definitive Drawing of residential curtilage - (GE1)
27. Retention of rear boundary hedging throughout the lifetime of the development – (Policy GE1 and NPPF)

28.No access created from rear of properties onto surrounding Green Belt land throughout lifetime of the development – (Policy GE1 and NPPF)

29.Provision of pedestrian link including offsite highway works (BE1)

Informatives

1. Highway Informatives
2. Building Regs
3. Coal Authority standing advice

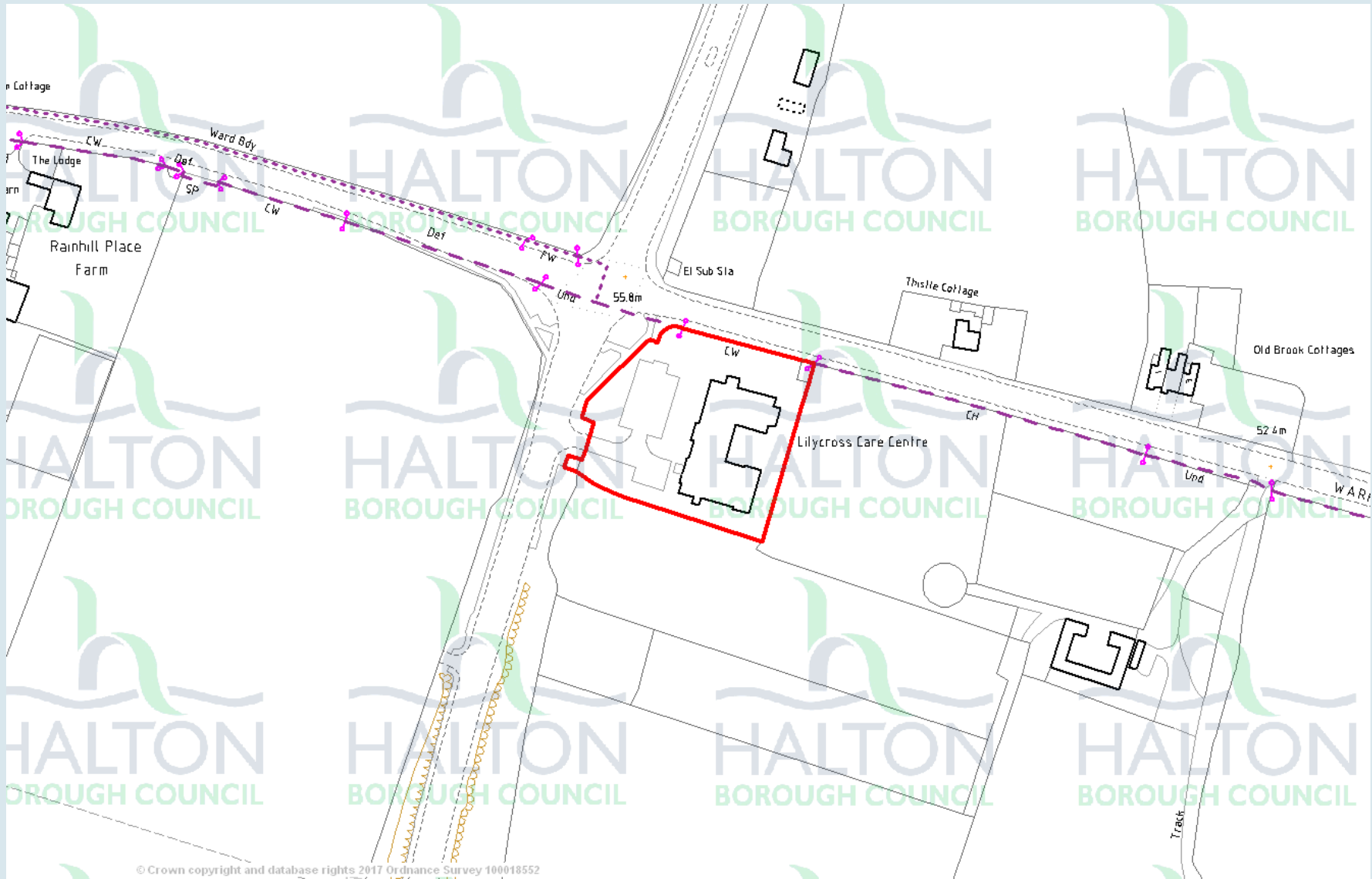
12 SUSTAINABILITY STATEMENT

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.

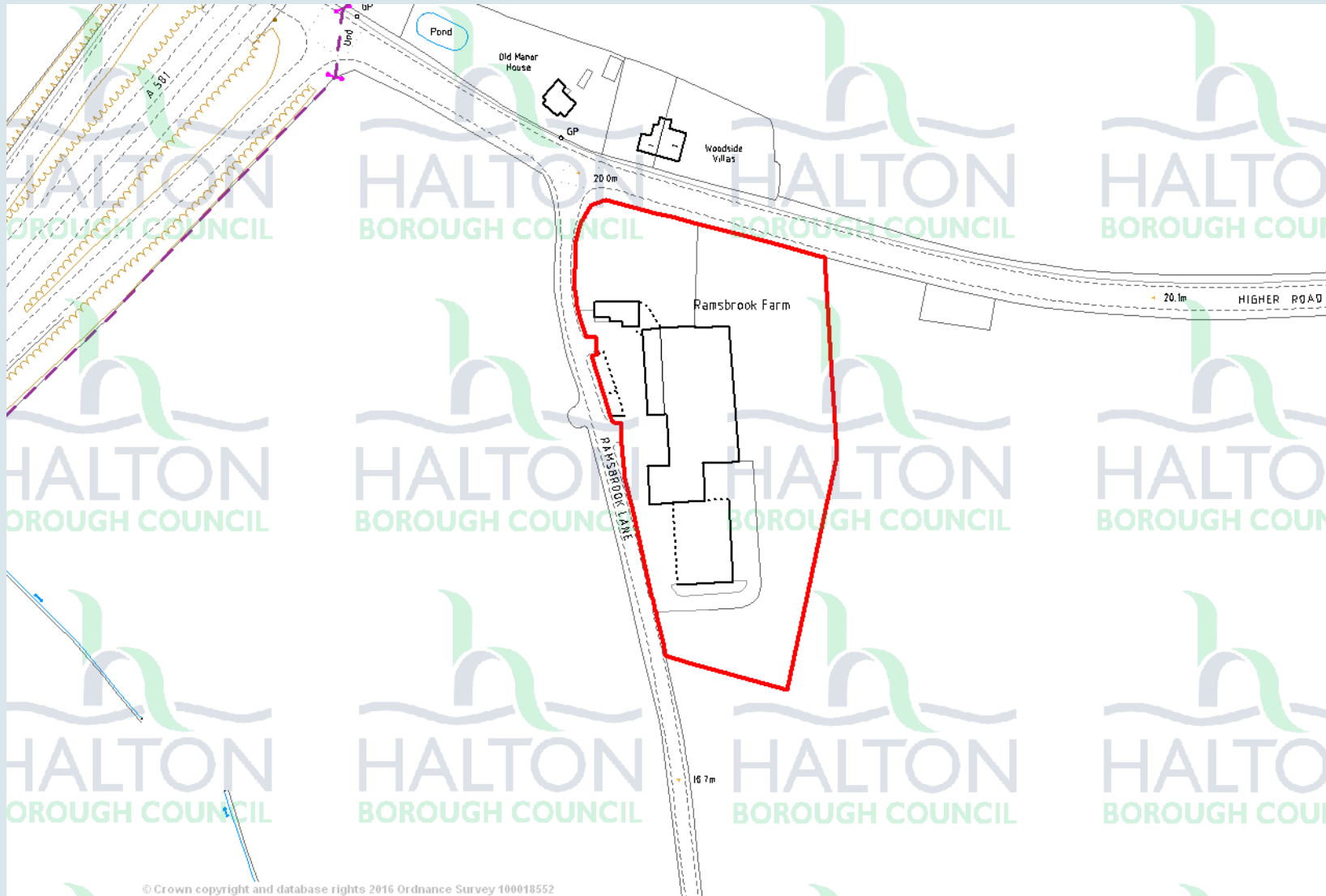
This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.





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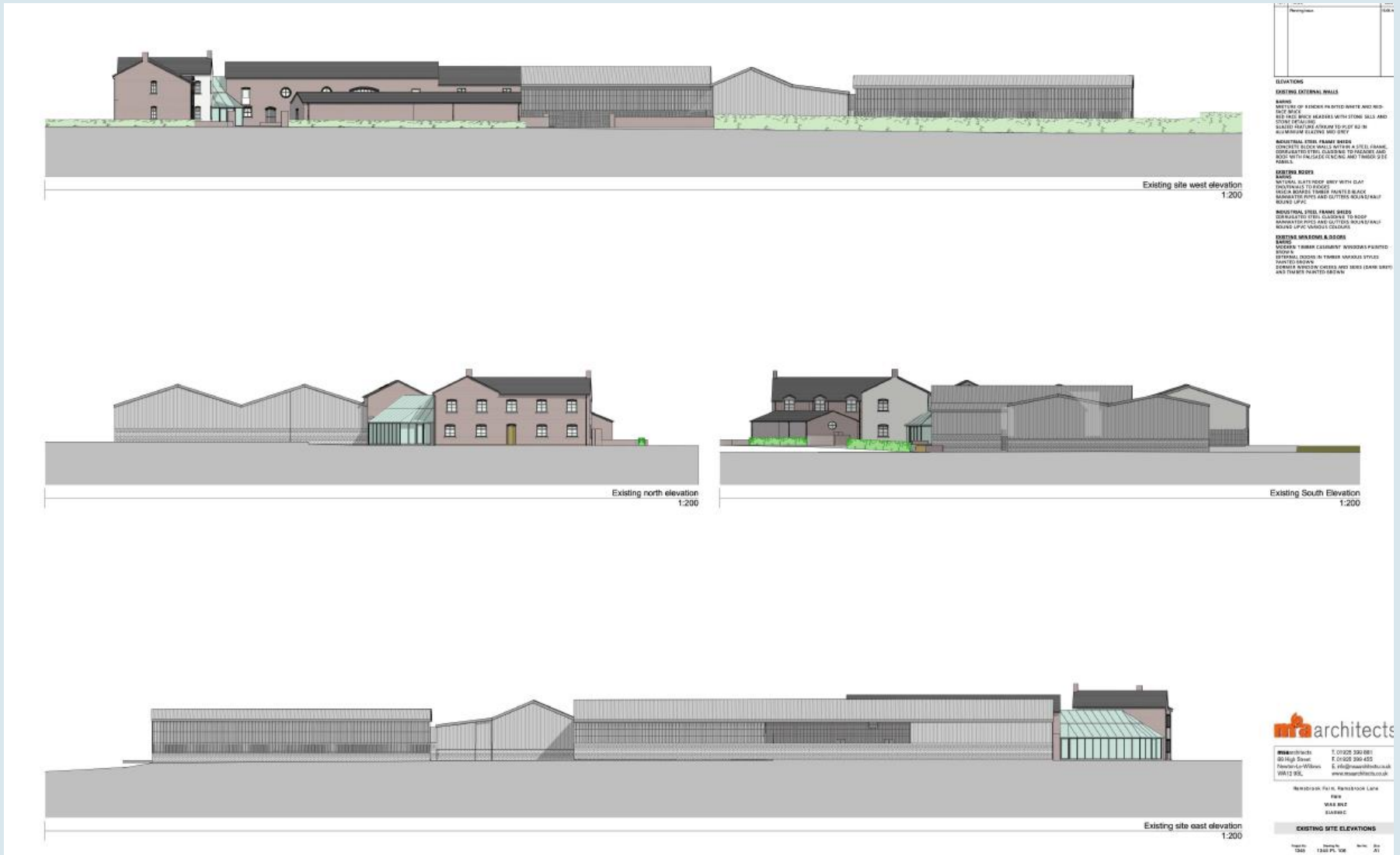




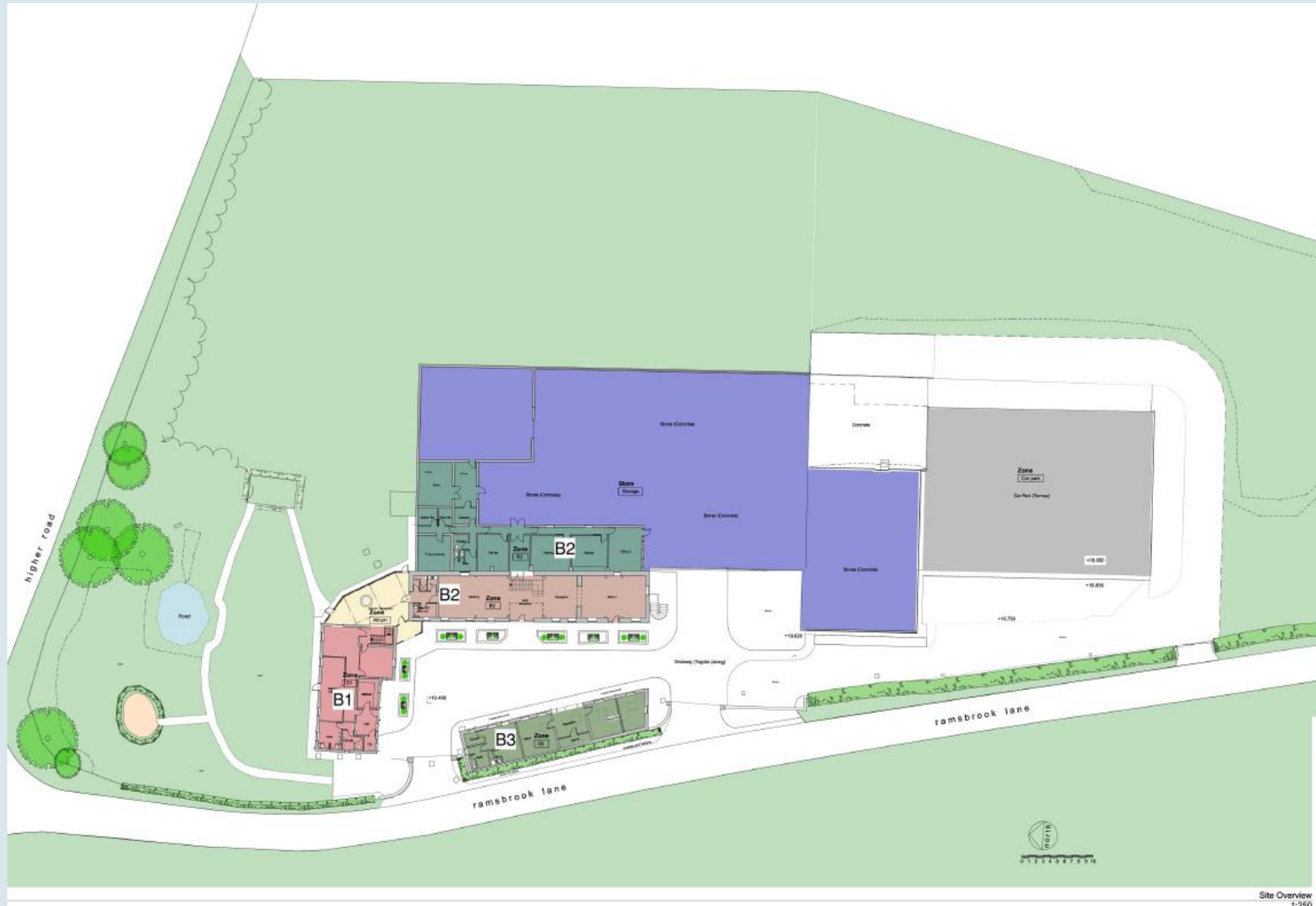
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Front Elevation
1:100



Front Elevation
1:100



Elevation
1:100



Barn Courtyard Elevation
1:100

