

Public Document Pack



Development Control Committee

**Monday, 7 August 2017 6.30 p.m.
The Board Room - Municipal Building,
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, 4 September 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 - 39

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

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 5 June 2017 at The Board Room - Municipal Building, Widnes

Present: Councillors Nolan (Chair), Morley (Vice-Chair), J. Bradshaw, Gilligan, R. Hignett, June Roberts, Thompson, Woolfall and Zygadlo

Apologies for Absence: Councillors Cole and C. Plumpton Walsh

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, T. Gibbs, A. Plant, J. Eaton and P. Peak

Also in attendance: Councillor Wainwright and 10 members of the public

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

Action

DEV1 MINUTES

The Minutes of the meeting held on 8 May 2017, having been circulated, were taken as read and signed as a correct record.

DEV2 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.

DEV3 - 17/00193/FUL - PROPOSED SINGLE STOREY SIDE EXTENSION, SINGLE STOREY REAR INFILL EXTENSION, INCLUDING THE RAISING OF THE ROOF TO FACILITATE A LOFT CONVERSION INCLUDING DORMER WINDOWS TO THE FRONT AND REAR ELEVATIONS AT JAMAR, HALTON STATION ROAD, RUNCORN, CHESHIRE, WA7 3EL

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

Officers presented the item and referred Members to the update list which advised that since the report was

written, an additional 47 representations had been received objecting to the proposal and two received in support. It was noted that the majority of the issues raised had already been addressed in the Officer's report. Additional points were made and addressed by Officers as stated in the update list.

The Committee was addressed by Mr Wainwright, a neighbouring resident, who objected to the proposal for the following reasons:

- The falsification of land ownership certificate by the applicant;
- There was no mention of his name on the land ownership certificate;
- The application should have been invalid as the land ownership was incorrect;
- He did not receive a statutory Notice One form from the applicant;
- His annexed land was included in the application which Officers were aware of;
- It did not comply with the Town and Country Planning Act 1990, Section 65;
- The development had commenced without the benefit of planning permission.

The objector also tabled an extract from the Town and Country Planning Act 1990 (Notice of applications for planning permission) which was highlighted on numbers 5 and 6 of Section 65.

Ms Jo Pickstock then addressed the Committee on behalf of the applicants. She stated that she was asked to speak by her brother and sister-in-law as they had suffered harassment from the objector, which left them feeling too intimidated to represent themselves.

She advised the Committee that they were surprised that the application had been called in by Councillor Rowe as he was not a Beechwood Ward Councillor. Further they had not had the opportunity to meet with Councillor Rowe to discuss his concerns and although the applicant was willing to work with neighbours, in particular Mr Wainwright as the adjacent property owner, they had chosen not to engage with them.

She made the following points with regards to the application:

- There was a mixture of bungalows and houses on Halton Station Road of varying build types. She

handed out a booklet that presented photographs of some of the existing properties to demonstrate their different styles and characteristics;

- The allegation that an annexe of land existed was unfounded;
- The boundaries and hedgerows were the same as they had been for 17 years;
- The argument that the extension would overlook, block views and cause traffic issues were unfounded;
- All neighbours were consulted by Officers as per the procedure.

She also stated that the family just wanted to convert their house to a family home and looked forward to doing this and living in Halton Station Road, close to other family members who lived in Runcorn.

Officers read out a letter from a solicitor which had been sent to the Council on behalf of an objector. Reference was also made to the Title Deeds and Plan which had been submitted by an objector and that they reflected the boundary shown on the location plan by the applicant.

The Council's Legal Advisor confirmed that the issue around the annexation of land, if it existed, would not be material to the consideration of a planning application. He also confirmed that the allegation of falsification of documents was defamatory.

After taking the Officer's recommendations and representations made today into consideration and the feedback from a site visit made by one Member, the Committee agreed that the application be approved, subject to the conditions listed below.

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

- 1) Time limit – full permission;
- 2) Approved plans; and
- 3) External facing material (BE1);

In order to avoid any allegation of bias, Councillor Thompson did not take part in discussions or vote on the following item, as he had previously made public disclosures concerning the development and made representation to the Secretary of State.

DEV4 - 17/00209/P3JPA - PROPOSED CHANGE OF USE FROM OFFICE BUILDING TO 241 NO. RESIDENTIAL UNITS (12 NO. STUDIOS, 184 NO. 1 BED UNITS AND 45 NO. 2 BED UNITS) AT CASTLE VIEW HOUSE, EAST LANE, RUNCORN, CHESHIRE

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

Members were advised that this was not a full planning application and that a change of use from Class B1 (a) offices to Class C3 (dwellinghouses) was permitted development under Part 3, Class O, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended).

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

- a) Transportation and highways impacts of the development;
- b) Contamination risks on the site;
- c) Flooding risks on the site; and
- d) Impacts of noise from commercial premises on the intended occupiers of the development.

The report provided commentary on the above areas of consideration and the proposal was recommended to be acceptable; so prior approval was not required. The Committee agreed with the Officer's recommendation and that prior approval for the change of use from Class B1 (a) to Class C3 was not required. It was noted that development under Class O was permitted subject to the condition that it must be completed within a period of 3 years starting from the prior approval date.

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

Meeting ended at 7.00 p.m.

REPORT TO: Development Control Committee

DATE: 7 August 2017

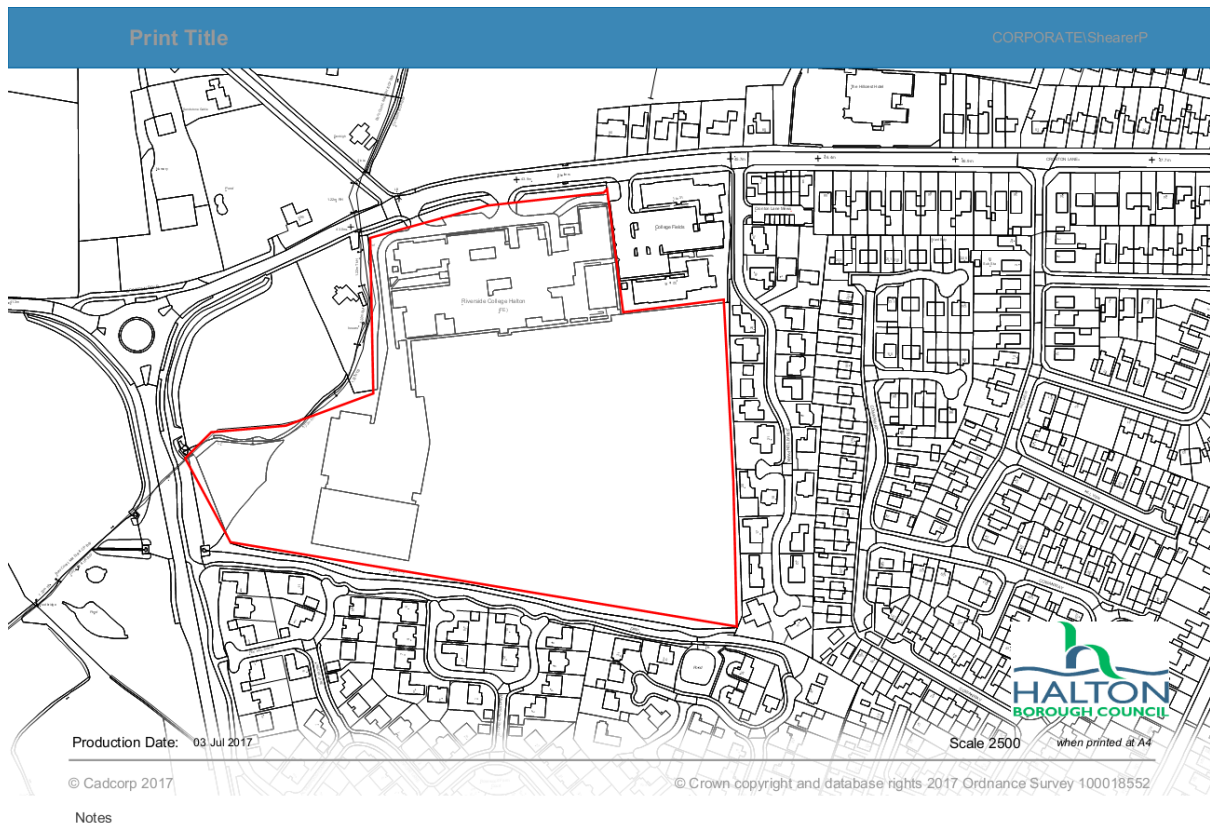
REPORTING OFFICER: Strategic Director – Enterprise, Community and Resources

SUBJECT: Planning Applications to be Determined by the Committee

WARD(S): Boroughwide

Application No	Proposal	Location
17/00291/FUL	Proposed partial demolition and development of a two storey theatre building, with extension to existing brasserie, situated in the rear elevation.	Widnes Sixth Form College, Cronton Lane, Widnes
17/00194/FUL	Full planning permission for 9200sq. metre industrial unit for B1, B2 and B8 use including new access off A533.	Land Between Aston Fields Road and Northwich Road, Runcorn

APPLICATION NO:	17/00291/FUL
LOCATION:	Widnes Sixth Form College, Cronton Lane, Widnes
PROPOSAL:	Proposed partial demolition and development of a two storey theatre building, with extension to existing brasserie, situated in the rear elevation
WARD:	Farnworth
PARISH:	
APPLICANT(S):	Widnes Sixth Form College
DEVELOPMENT PLAN ALLOCATION:	Greenspace
National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE	No
REPRESENTATIONS:	1 representation received from the publicity given to the application.
KEY ISSUES:	Highway Safety Design
RECOMMENDATION:	Approval, subject to conditions
SITE MAP	



1. APPLICATION SITE

1.1 The Site

The site known as Widnes Sixth Form College is located on Cronton Lane, Widnes. The site is currently in use for further education and has been since the early Seventies. The entire college site extends to approximately 5.9 hectares. The area subject to this planning application is 868 sqm, which consists of the existing brasserie and a classroom building. The total additional floor space applied for is 960 sqm (due to the two storey theatre replacing a single storey building).

The proposal seeks improvements to the existing developed part of the college buildings and the playing fields are not affected.

The entire campus is designated green space on the UDP, as it comprises primarily playing field provision for educational use. The land surrounding the campus within the Borough's boundary is residential. To the west is the Knowsley Greenbelt

The closest affected properties are those of 15-25 Stratton Park to the east, whose occupiers can see the existing rear of the college and will therefore see the proposal. The closest of these is a minimum of 67m from the proposed theatre. There are properties to the south on the Upton Rocks development however, these are in excess of 190m from the proposal and are

not considered to be directly affected by it. The single property No.658 Cronton Lane lies adjacent to the college site, this property is not directly affected by the resulting built form of the development.

2. THE APPLICATION

2.1 The Proposal

This planning application seeks permission to extend the brasserie area of the college and replace an existing building, currently used as classrooms, with a theatre for college use. The brasserie is a single storey construction, the theatre consists of a 2-storey building; lower ground stage area; ground floor with seating; and first floor upper seating area.

Breakdown of areas are as follows:

Brasserie:

Existing floor area = 150m²

Proposed area inclusive of existing = 340m²

Theatre:

Existing floor area = 325m² (to be demolished).

Proposed ground floor = 510m²

Proposed first floor = 250m³.

Total new build = 960m²

Total Demolition = 325m².

2.2 Documentation

The planning application is supported by a Design and Access Statement and 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 designated as Greenspace in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- GE6 Protection of Designated Greenspace;
- GE8 Development within Designated Greenspace;
- GE21 Species Protection;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- TP6 Cycle Provision as Part of New Development;
- TP12 Car Parking;
- TP16 Green Travel Plans;
- TP17 Safe Travel for All.

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;
- 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:-

- | | |
|---------------------------|---|
| 2/13596/F- (PER) - | New twin mobile and renewal for twin single mobile |
| 2/15534/P- (PER) - | Twin mobile |
| 2/16577/P- (PER) - | Extension inc. sports hall |
| 2/20331/P- (PER) - | Two single mobile classrooms |
| 2/21311/P- (PER) - | Twin class mobiles |
| 2/22334/P- (PER) - | Renewal application for i twin and 3 single mobile classrooms |
| 2/23756/P- (PER) - | Renewal of planning clearance for twin mobile |

2/2684/P- (PER) -	Single class mobile
2/27483/P- (PER) -	Proposed twin mobile classroom
2/373/P/- (PER) -	Twin mobile classroom unit
2/4853/P- (PER) -	Laboratory
2/9883/P- (PER) -	Mini bus garage
91/00530/CPO- (PER) -	Single storey rear extension and internal alterations for private study and classroom use and new car park 30 No places
92/00195/CPO- (PER) -	Proposed first floor extension located over existing single storey area on the south side of the college and staircase to the ground floor
94/00207/FUL- (PER) -	Two storey "Portacabin" type additional class rooms and toilet facilities
94/00302/FUL- (PER) -	Retention of external lighting columns
97/00566/OUT- (PER) -	Outline application for 8 No. dwellings
99/00326/OUT- (PER) -	Outline application for proposed Tennis Club
00/00189/FUL- (PER) -	Proposed two storey classroom block and extension to refectory
01/00060/OUT- (PER) -	Outline application for 8 No. detached dwellings
01/00452/REM- (PER) -	Reserved matters application for two storey tennis club, club house
01/00485/FUL- (PER) -	Proposed single storey extensions to form music room and staff room annexe, and brick wall enclosure to form bins store
03/00497/FUL- (PER) -	Proposed construction of new car park, tennis courts and erection of fencing
04/00303/FUL- (PER) -	Proposed three storey building to front and single storey rear extension
05/00272/FUL- (PER) -	Proposed single storey store building/garage
13/00258/FUL- (PER) -	Proposed installation of two storey modular building to replace existing two storey modular building used for teaching space
15/00231/FUL- (PER) -	Proposed science laboratory extension
15/00583/FUL – (PER) –	Proposed STEM development of a 1300 square metre laboratory building and additional car parking facilities within the existing college

5. **CONSULTATIONS**

5.1 **Highways and Transportation Development Control**

Recommend for approval with a condition recommended for construction management plan. The Local Highway Authority comments are included in the assessment of the report below.

5.2 **Lead Local Flood Authority**

No objections have been raised in relation to flooding and a condition for further information has been recommended as set out in the assessment below.

5.3 Environmental Health – Contaminated Land

No objections have been received from the Council's Land Contamination Officer and given the known ground conditions, no conditions have been recommended.

5.4 Open Spaces

Trees

There are no trees afforded statutory protection at this location and the site is not situated within a Conservation Area. It appears from the submitted plans that one tree/shrub (visible on GIS aerial photo immediately to the north of current theatre building) will be lost through this proposal however, the loss appears insignificant.

Ecology

There are no ecological constraints associated with the proposal however, we would advise that any buildings proposed for demolition are checked for bats. From the documentation submitted, the building proposed for demolition appears to offer poor potential for bats but should nevertheless be checked. We would also recommend that all works comply with current bird nesting legislation.

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

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

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 Cronton Lane on 15/06/2017 and neighbour notification letters sent on 15/06/2017.

6.2 At the time of writing this report, one representation has been received from the publicity given to the application. The observations received are summarised below:

- Will it increase numbers at the College;
(Response - College pupil numbers do not increase as a direct result of the proposal, but the facilities that the College has is improved. The improvements are a part of a phased improvement and switch around of existing classrooms and facilities within the campus).
- Congestion arising during College start and finish times;
(Response - See Local Highway Authority assessment below).
- Causes blockage to the Stratton Park access;
(Response - See Local Highway Authority assessment below).

- This application should be use to alleviate current congestion.
(Response - See Local Highway Authority assessment below).

7. **ASSESSMENT**

7.1 Development Plan Policy and Principle of Development

Although the college campus is designated greenspace within the Halton UDP proposals map, this designation essentially relates to the provision of the sports pitches and related facilities within the site. The proposed development area which is the subject of this application is contained within the already built form of the college and it does not rely on use of any of the playing pitches or related facilities for the development.

As such, in terms of the protectionist greenspace policies within the UDP, as the proposal is for replacements and extensions for educational use within the existing built up area of the college, with no impact or loss of greenspace, the proposal is fully compliant with Policies GE6 and GE8 of the UDP and is acceptable on this basis.

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.

NPPF paragraph 14 states clearly that there should be a presumption in favour of sustainable development in decision making and Local Planning Authorities should approve development proposals which accord with an up to date development plan without delay.

The Halton local plan policies that relate to this proposal are up to date.

7.3 Highway Matters

Access is provided at the existing entrance and car parking provided at the rear of the college as existing. The Local Highway Authority has commented as follows:-

“Layout/Highway Safety

The development is accessed from Cronton Lane close to the borough boundary with Knowsley. The existing access exit arrangement appears to be appropriate for its usage and we would not recommend any changes to this.

Parking

The college currently has a total of 165 spaces including 6 disabled. The existing car park was extended earlier this year address the potential increase in student numbers as a result of the new build STEM Centre. The 190m² extension to the brasserie and the 300 seat Theatre would have a UDP requirement of 60 parking spaces. It is agreed that the Theatre facility would be most commonly used, and encourage visitors for performance, outside of regular college hours. For this usage the existing car parking facilities provide more than adequate numbers. The applicant has indicated that a tennis court located at the back of the car park can be used in exceptional circumstances where numbers would be deemed to be in excess of what would normally be expected (for example a performance or event during tuition hours). This has the capacity for 100 vehicles. As such, the Highways Authority would have no objection to the application.

Access by sustainable modes

The college is served locally by the 26, 26a buses connecting to Hough Green and Ditton and the number 7 bus which provides a service connecting Warrington in one direction and Liverpool in the other. The number 13 service is in easy walking distance and this connects to Widnes town centre.

Construction Phase Considerations

Given the sensitivity to traffic issues of Cronton Lane, and parking restrictions, a construction management plan is required, should approval be given. This should include clearly indicated contractor parking areas and HGV access/turning areas.

Comments have been raised by a local resident concerned that there is existing highway congestion and that the proposal will make this situation worse. It is clear from the assessment and advice from the Local Highway Authority that the principle of the proposal is acceptable without further highway improvement and that there is sufficient car parking within the scheme to prevent use of the local road being used as such.

It is on this basis that the proposal meets the requirements of Policy BE1, TP12 and TP17 of the Halton UDP and Core Strategy objectives and NPPF.

7.4 Design and Appearance

The existing brasserie and classroom buildings are single storey buildings, with the classroom element having a central 'lantern' feature. Both buildings have been part of the college for some time. The proposed building to replace and enlarge the existing brasserie consists of a single storey building of modern construction and including fully glazed windowed elevation to the south facing onto the existing sports pitches. The overall height of this building is approximately 3.4m. The proposed theatre building is modern in design and complements the brasserie and the rest of the college campus, its overall

height of the main elevations, excluding additional plant of 1.6m, is 6.6m and will include lettering on the south facing elevation indicating its use. The colour finish of the theatre will be a light cream/beige and will complement the existing college build.

Given the urban backdrop against which this building will be viewed, the new building will not visual amenity in the locality.

The design and material finishes are appropriate to the proposed use within its setting and comply with Policy BE2 of the Halton UDP.

7.5 Flood Risk

The application site is located in Flood Zone 1 and is at low risk from flooding and a flood risk assessment was not required. The site is affected by surface water flooding risk.

The Lead Local Flood Authority has raised no objections but due to a small increase in impermeable area in the new development, has advised a pre-commencement condition in relation to the provision of details of a surface water regulation system.

The proposal complies with Policy BE1 and PR16 of the Halton UDP, Core Strategy and the NPPF.

7.6 Biodiversity

The Council's Open Spaces officer has identified the buildings affected by the proposal as being unlikely habitat for bats. As such a pre-decision bat survey is not considered appropriate. A condition will be added to require a watching brief by the developer for further action to be taken if bats are found during the course of demolition and information provided for the developer to comply with the requirements of the Wildlife Act 1988 in relation to habitat.

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.

7.7 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".

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

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

7.8 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, existing provision of waste storage at the site will be utilised for this proposal.

8 **CONCLUSIONS**

In conclusion, the principle of the development within the existing Widnes Sixth Form College is considered to be acceptable and enables the controlled growth whilst adding valuable facilities to a further educational facility within Halton Borough.

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.

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, as set out above, will meet the requirements of the Halton Local Plan and NPPF.

9 **RECOMMENDATIONS**

Grant planning permission subject to conditions summarised below.

10 **CONDITIONS**

1. Time Limit.
2. Drawing Numbers - (Policy BE1 and BE2)
3. Site Levels - (Policy BE1)
4. Surface water drainage details required – (Policies BE1 and PR16)
5. Phase 2 Ground Contamination Report required (PR14 and CS23)
6. Facing Materials to be Agreed - (Policies BE1 and BE2)
7. Breeding Birds Protection – (Policy GE21)

8. Hours of Construction – (Policy BE1)
9. Construction Management Plan (Highways) – (Policy BE1)
10. Reasonable Avoidance Measures – Bats – (Policy GE21)
11. Site Waste Management Plan – (Policy WM8)
12. Electric Vehicle Charging Points – (Policy CS19)

Informatives

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

11 SUSTAINABILITY STATEMENT

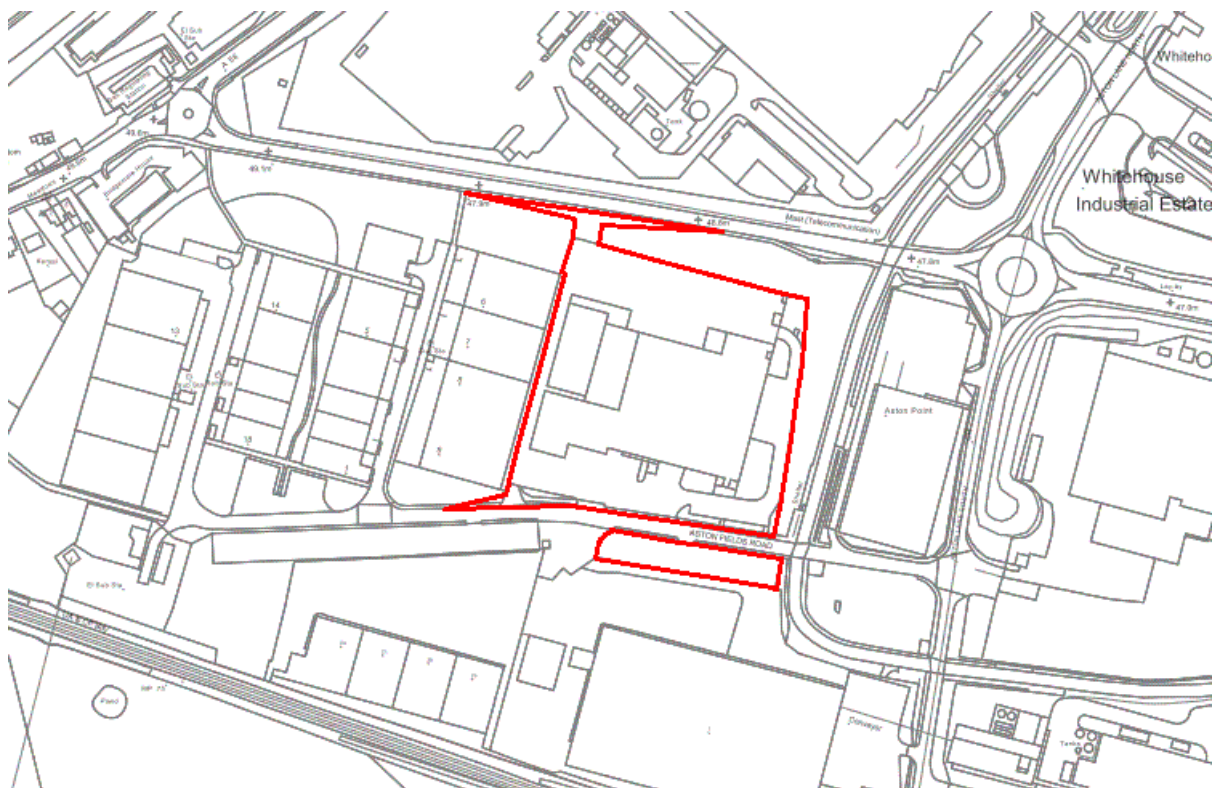
As required by:

- 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.

APPLICATION NO:	17/00194/FUL
LOCATION:	Land Between Aston Fields Road and Northwich Road, Runcorn
PROPOSAL:	Full planning permission for 9200sq. metre industrial unit for B1, B2 and B8 use including new access off A533
WARD:	Daresbury
PARISH:	None
AGENT(S) / APPLICANT(S):	Commercial Development Projects Ltd
DEVELOPMENT PLAN ALLOCATION: National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)	Primarily Employment Area
DEPARTURE REPRESENTATIONS:	No 2
KEY ISSUES:	Principle of development; loss of trees, impact on character of the A533 Northwich Road, regeneration and employment; drainage; contaminated land and highway issues
RECOMMENDATION:	Approval, subject to conditions

SITE MAP



THE APPLICATION SITE

The Site

Site is approximately 1.88 hectares, being the site of the former Brakes food production facility located within the Whitehouse Industrial Estate. The site is currently accessed via 3 access points from Aston Fields Road. The site also includes land required for a proposed new access from the A533 Northwich Road. This land is owned by Halton Borough Council and currently occupied by structure planting, including numerous trees which substantially screened the former Brake complex from view.

Planning History

Application ref. 16/00048/DEM was previously submitted relating to the prior approval for demolition of the former Brakes building which has remained vacant since 2015. It was determined that prior approval was not required and that demolition has now taken place. The site is now vacant.

THE APPLICATION

The proposal

Permission is sought for the construction of a 9200sq. metre industrial unit for B1, B2 and B8 use including new access off A533. The application states that “an occupier is already interested in taking the unit subject to planning” but no further details are provided.

Documentation

The applicant has submitted a planning application, drawings and the following reports:

- Design and Access Statement
- Planning Statement
- Geo-Environmental Desk Study
- Preliminary Tree Survey
- Transport Statement

POLICY CONTEXT

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 government has published its finalised Planning Practice Guidance (PPG) to compliment the National Planning Policy Framework (NPPF).

Halton Unitary Development Plan (UDP) (2005)

The following Unitary Development Plan policies and policy documents are relevant to this application: -

- BE1 General Requirements for Development
- BE2 Quality of Design
- PR14 Contaminated Land
- PR6 Development and Flood Risk
- TP6 Cycling Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP14 Transport Assessments
- TP16 Green Travel Plans
- E3 Primarily Employment Areas
- E5 New Industrial and Commercial Development

Halton Core Strategy Local Plan (2013)

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

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS4 Employment Land Supply and Locational Priorities

CS15 Sustainable Transport

CS18 High Quality Design

CS19 Sustainable Development and Climate Change

CS23 Managing Pollution and Risk

Joint Waste Local Plan 2013

WM8 Waste Prevention and Resource Management

WM9 Sustainable Waste Management Design and Layout for New Development

Supplementary Planning Documents (SPD)

Designing for Community Safety Supplementary Planning Document

Design of New Industrial and Commercial Development SPD

CONSULTATIONS

The application has been advertised via the following methods: site notices posted near to the site, press notice, and Council website. Surrounding residents and landowners have been notified by letter.

The following organisations have been consulted and any comments received have been summarised below in the assessment section of the report:

Environment Agency – No Objection
United Utilities – No Objection
British Pipeline Agency - No Objection

Council Services:

HBC Open Spaces – No Objection
HBC Contaminated Land – No objection
HBC Highways – No Objection

REPRESENTATIONS

Two letters of representation have been received from surrounding businesses. These state as follows:

- No objection to the new units but believe an additional access to the A533 would make what is already a very busy road ridiculous. Access should only be from Aston Fields Road.
- The A533 is already very busy and in poor condition. I am concerned about further loading of a road that can cause us considerable delays already, and

with the new M56 junction, this can only add to the problems our business faces.

ASSESSMENT

Background

The application seeks permission to construct a 9200sq. metre industrial unit for B1, B2 and B8 use including new access off A533 Northwich Road. The application submission claims to provide for up to 100 full-time jobs and states that “an occupier is already interested in taking the unit subject to planning”. No further details are however provided.

The site was formerly home to Brakes food production facility which has been vacant since 2015. That building which had been extended over the years is reported to have provided approximately 8,300sq.m.

Principle of Development

The site is designated as a Primarily Employment Area in the Halton Unitary Development Plan (UDP). UDP Policy E3 provides that development falling within Use Classes B1 (Business), B2 (General Industry) and B8 (Storage and Distribution) will be permitted in such areas. As such the proposals are considered to accord with this policy and can be considered appropriate in principle.

The site also includes land required for a proposed new access from the A533 Northwich Road. This land is owned by Halton Borough Council and currently occupied by structure planting including numerous trees which substantially screened the former Brake complex from view. For the avoidance of doubt this land is also designated as a Primarily Employment Area in the Halton Unitary Development Plan and this associated development is also considered acceptable in principle. Wider issues relating to such as highway safety, loss of trees and visual impact are considered later as part of the wider planning balance.

Design and Character

The proposal is for a modern industrial building for B1, B2 and B8 uses. The proposed building will measure approximately 13.9m to eaves and 15.7m to ridge. The ground floor industrial unit will provide a gross internal area of approximately 8,500sq.m plus approximately 1000sq.m of offices over 2 floors.

The building will be constructed from a palette of modern horizontal and vertical cladding panels in a mix of silver and greys with contrasting black flashings. The office frontage will be constructed of blue brick with aluminium framed glazing. The building and wider development is considered to be of a quality appropriate to the site and wider area.

The building, offices and primary car park for staff and visitors will front the A533 Northwich Road. HGV access, loading doors and servicing together with overflow parking will be to the rear accessed from Aston Fields Road and the existing

industrial estate. The frontage of the building will now become much more visible from the A533 which is a principle route in and out of the Borough.

The creation of the new entrance feature and increased visibility of the buildings will clearly have an impact on the character of the road and area. The orientation of the office elements, the quality of the building and attention to providing variety through the various cladding elements all contribute to the quality of the development. The break in the existing structure planting has been minimised and the loss of trees is obviously regrettable, however these are not subject to protections (more detail is provided below under the sub-heading 'Trees'). It is considered that the proposed development will provide a quality frontage such that the impact on the quality of the A533 frontage can be considered a positive one.

Highway Considerations

The existing site is currently accessed via Aston Fields Road and operates with 3 points of vehicle access/ egress. The site links to the surrounding highway network via the roundabout at the junction of the A553 Northwich Road/ Aston Lane South. The application also includes provision for a proposed new access from the A533 Northwich Road.

Whilst the road has a 30mph limit, the road actually operates with the majority of vehicles travelling at higher speeds. Speed cameras and variable speed check signage are regular features on this stretch of the A533. The A553 is part of the Key Route Network.

The application as submitted raised a number of concerns with respect to conflict arising from the originally proposed all movement junction onto the A533 Northwich Road. Detailed discussion with the Council's Highway Officer has resulted in a revised plan being submitted with a Left in / Left out access for the proposed new car park. Those plans have also been revised to show an agreed visibility splay of 4.5m x 90m. Further minor amendments have since been provided including to car park layout, provision for disabled drivers and pedestrian links.

Parking provision of 158 spaces is below the standard set out in the Halton UDP. The Council's Highways Officer has confirmed that a relaxation can be applied in this case to reflect the scale of the proposal and that the proposed number is therefore acceptable. This is reliant on the overflow car park to the rear of the site off Aston Fields Road being available for use for the life of the development. It is considered that this can be secured by planning condition. The site is considered to be adequately served with regards accessibility to bus routes and is served by suitable pedestrian links.

The revised transport statement submitted as part of the application states that the proposed development will not cause a severe impact on the surrounding wider highway network. There is predicted to be a small impact in AM queuing traffic for Northbound traffic at the mini roundabout junction with the A56. The AM peak Ratio to Flow Capacity (RFC) in 2022 is predicted with development increasing from 0.93 to 0.96. However the junction currently has an RFC of 0.87 that would rise to 0.93 with natural growth without development. It is therefore considered that the 0.03

increase does not result in a severe impact and that refusal of planning permission cannot be justified on this basis. It should be noted that there are proposals for significant works in the area to form the new Junction 11A on the M56 and there is likely to be a change in movements following its completion. The impact of this scheme has not been assessed as part of the report.

On that basis the Council's Highways Engineer has confirmed that no objections are raised to the scheme subject to conditions included within the recommendation section of this report. It is therefore considered that no significant transport or highway safety issues are raised capable of sustaining a refusal of planning permission and it is therefore considered acceptable based on NPPF, UDP and Core Strategy Policy.

Trees

The proposals include provision for a proposed new access from the A533 Northwich Road. This land is owned by Halton Borough Council and is currently occupied by structure planting including numerous trees which substantially screened the former Brake complex from view.

The application is supported by a Preliminary Tree Survey. This identifies that a number of trees within the group fronting the A533 will inevitably be lost as a result of the new highway construction. The group of trees within this area are categorised as being category B but it has been identified that the group would benefit from selective clearance and management.

The Council's Open Spaces Officer has confirmed that there are no trees afforded statutory protection and the site is not situated within the Conservation Area. He has confirmed his opinion that a significant number of trees may be required to be felled from the frontage with the A533 and that number may rise to in excess of 100 as the area required for construction and visibility has been increased.

Now that the entrance has been redesigned to the satisfaction of the Council's Highways Engineer a revised tree survey has been undertaken and the final report is awaited to establish the revised extent of tree felling required. It is however considered that the loss of trees, whilst regrettable, must be balanced against the benefits of the scheme in terms of regeneration and job creation. It is also considered that additional benefit can be gained through the clearance of trees, replanting post construction and also through a scheme of selective thinning and replanting within the retained tree group. The applicant has agreed to carry out this work by way of mitigation and compensation. It is considered that the submission and agreement of details and implementation of such a scheme can be secured by planning conditions. Members will be updated as required with respect to the updated tree survey and any further resultant comments from the Council's Open Spaces Officer.

Ecology

No ecological information has been submitted with the application. Whilst the site of the demolished building is considered to be of limited potential with respect to

ecology the Council's Open Spaces Officer has confirmed that before any trees are removed they should be checked for bats and that all works comply with current bird nesting legislation. This issue has been raised with the applicant and a response is awaited. Members will be updated as is necessary.

Flood Risk and Drainage

The application site is identified as lying within Flood Risk Zone 1. In accordance with national and local policy the proposed development is therefore considered to be located within an area of low flood risk.

The Lead Local Flood Authority (LLFA) has confirmed that the southern end of the site is shown to be at risk of surface water flooding according to the Council's Surface Water Management Plan mapping. As a result it is recommended that finished floor levels be set at 300mm above estimated flood levels. It is considered that details of site and finished floor levels can be secured by condition attached to any planning permission.

United Utilities has confirmed that they raise no objections however have recommended that conditions relating to submission and agreement of a plan for drainage management and maintenance. They have however stated that they are not in a position to comment on any future submission in this regard.

Due in part to existing underlying ground contamination issues it is unlikely that any form of filtration or SuDS scheme are likely to be appropriate. The application therefore states that it is intended that the site will be drained to existing foul and surface water systems with attenuation to restrict discharge to a rate of 70 per cent of the previous discharge rate to account for climate change. A drainage scheme based on those principles can be secured by planning condition. United Utilities are the authorising body with regards to such discharge. It is not considered that such a recommended condition relating to drainage maintenance and management plan can be justified with respect to the application of the 6 tests contained within the NPPF.

The LLFA has confirmed that it raises no objection

Contaminated Land

The application is supported by a Geoenvironmental Desk Study Report. The Council's Contaminated Land Officer has confirmed that the report presents a detailed review of the available information for the site and formulates an initial conceptual site model based on that review. The site is assessed as low to moderate risk as a consequence of the previous industrial development and the potential for contaminated made ground.

The report recommends that further site investigation is required to fully characterise the site and assess the actual level of risk and to determine whether any remedial measures are required.

The Environment Agency has confirmed that they raise no objection in principle to the proposed development as they consider the controlled waters at the site to be of low sensitivity. The Council's Contaminated Land Officer has also confirmed that he raises no objection to the application, but recommends that, if the application is to be approved, it is conditioned to require site investigation, risk assessment and if necessary a remediation strategy with supporting verification reporting. It is considered that this can be secured by suitably wording planning condition.

Waste

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

The applicant has not provided information with respect to provision of on-site waste storage and management to demonstrate compliance with policy WM9 of the Joint Merseyside and Halton Waste Local Plan. It is considered that this can be secured by a suitably worded condition.

Conclusions

The application seeks permission to construct a 9200sq. metre industrial unit for B1, B2 and B8 use including new access off A533 Northwich Road. Core Strategy Policy CS2 and NPPF paragraphs 14-16 set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay.

The use of the site for B1, B2 and B8 development in accordance with UDP Policy E3 securing valuable employment opportunities is therefore considered to be an appropriate use for the site.

It is considered that the redevelopment of such a vacant site for a good quality industrial building and offering potential employment opportunities should be welcomed. The proposals are considered to be of a quality suited to the site in keeping with the area and adjoining developments. It is considered that highway and other issues raised as a result of the original submission have been adequately addressed and that any outstanding issues in can be resolved by way of oral update and appropriately worded planning conditions.

RECOMMENDATION

Approval subject to conditions relating to the following aspects:

1. Standard 3 year timescale for commencement of development
2. Specifying approved and amended plans

3. Requiring submission and agreement of a Construction Environmental Management Plan
4. Materials condition(s), requiring the submission and approval of the materials to be used with the exception of external cladding and brick which shall be carried out as approved (BE2)
5. Landscaping condition, requiring submission and approval both hard and soft landscaping. (BE1/2)
6. Submission and agreement of boundary treatment including retaining walls. (BE2)
7. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
8. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
9. Grampian style planning condition relating to off-site tree management to include selective felling/ pruning and replanting (BE1)
10. Requiring submission and agreement of cycle parking details (TP6)
11. Requiring submission and agreement of electric vehicle parking and charging point(s) details (NPPF)
12. Requiring retention of the approved overflow car park for the life of the use (TP12)
13. Conditions relating to further detailed site investigation/ mitigation/ verification (PR14/15)
14. Conditions relating to/ requiring submission and agreement of detailed foul surface water/ highway drainage scheme including attenuation (BE1/ PR5)
15. Requiring submission and agreement of a green travel plan. (TP16)
16. Requiring submission and agreement of site and finished floor levels with finished floor levels to be a minimum of 300mm above estimated flood levels. (BE1)
17. Submission and agreement of Site Waste Management Plan (WM8)
18. Submission and agreement of a sustainable waste management plan (WM9)
19. Requiring submission and agreement of a car park management plan (TP12)
20. Requiring submission and agreement of entrance feature detail (BE2)

SUSTAINABILITY STATEMENT

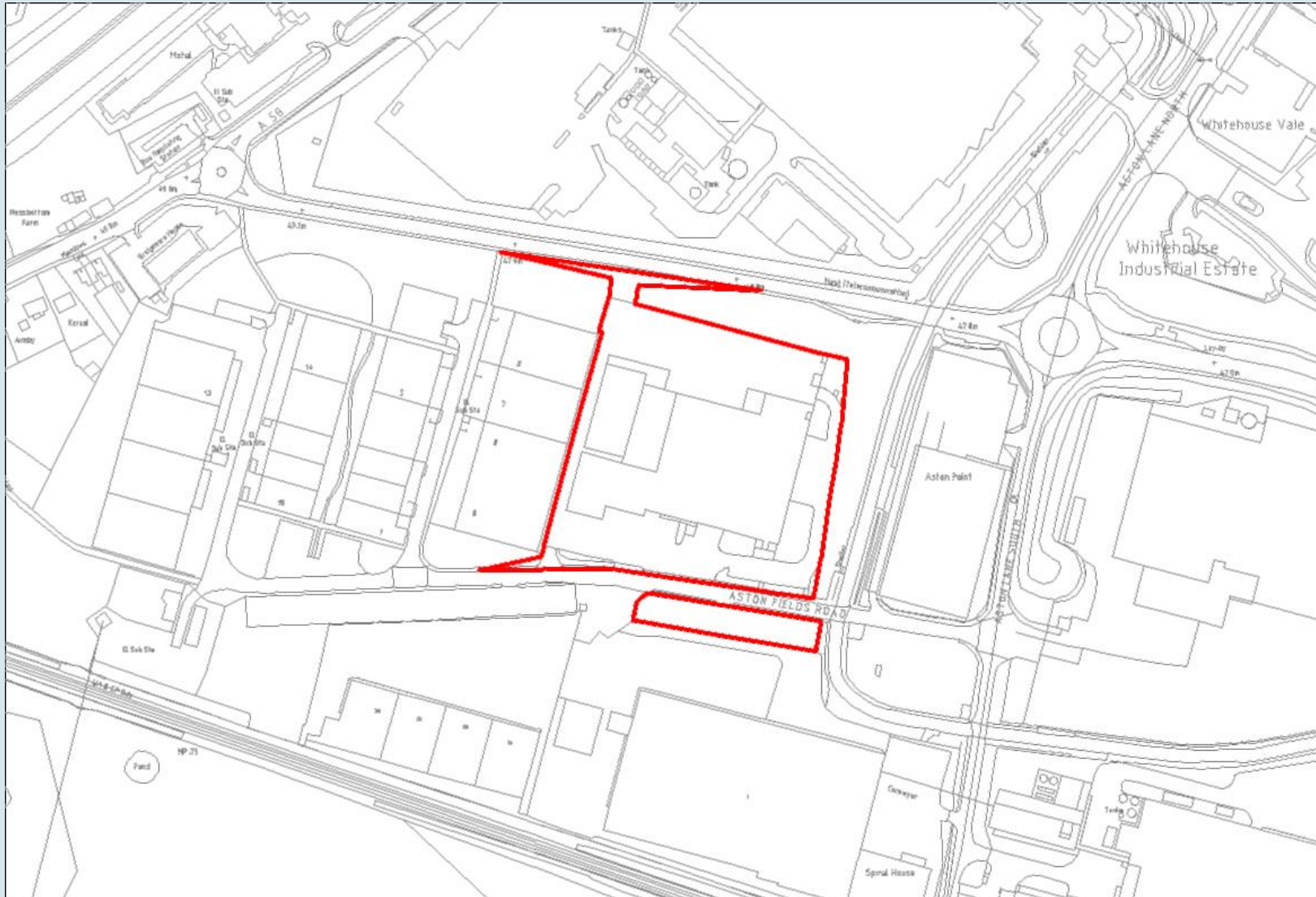
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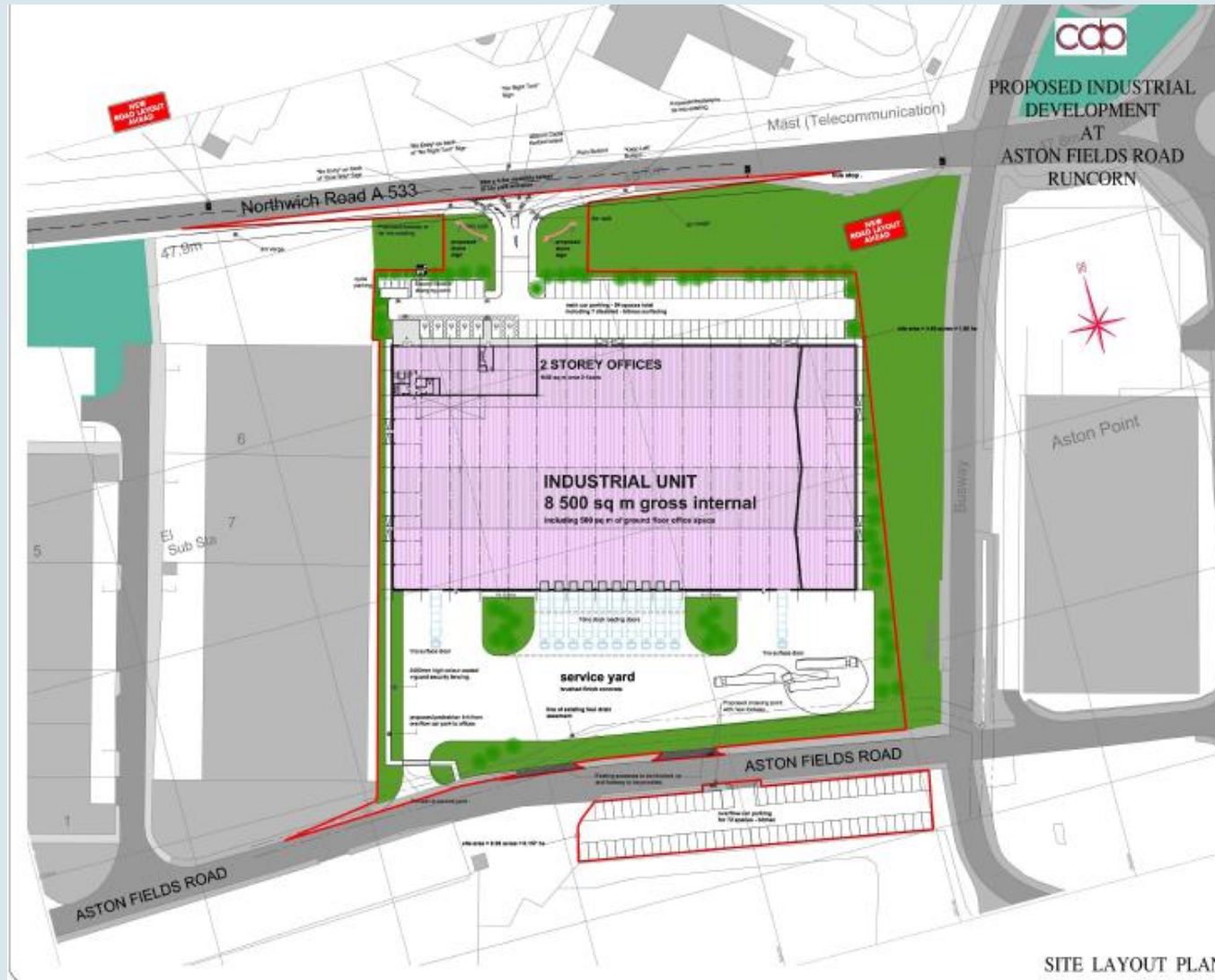
Paragraph 186 – 187 of the National Planning Policy Framework;

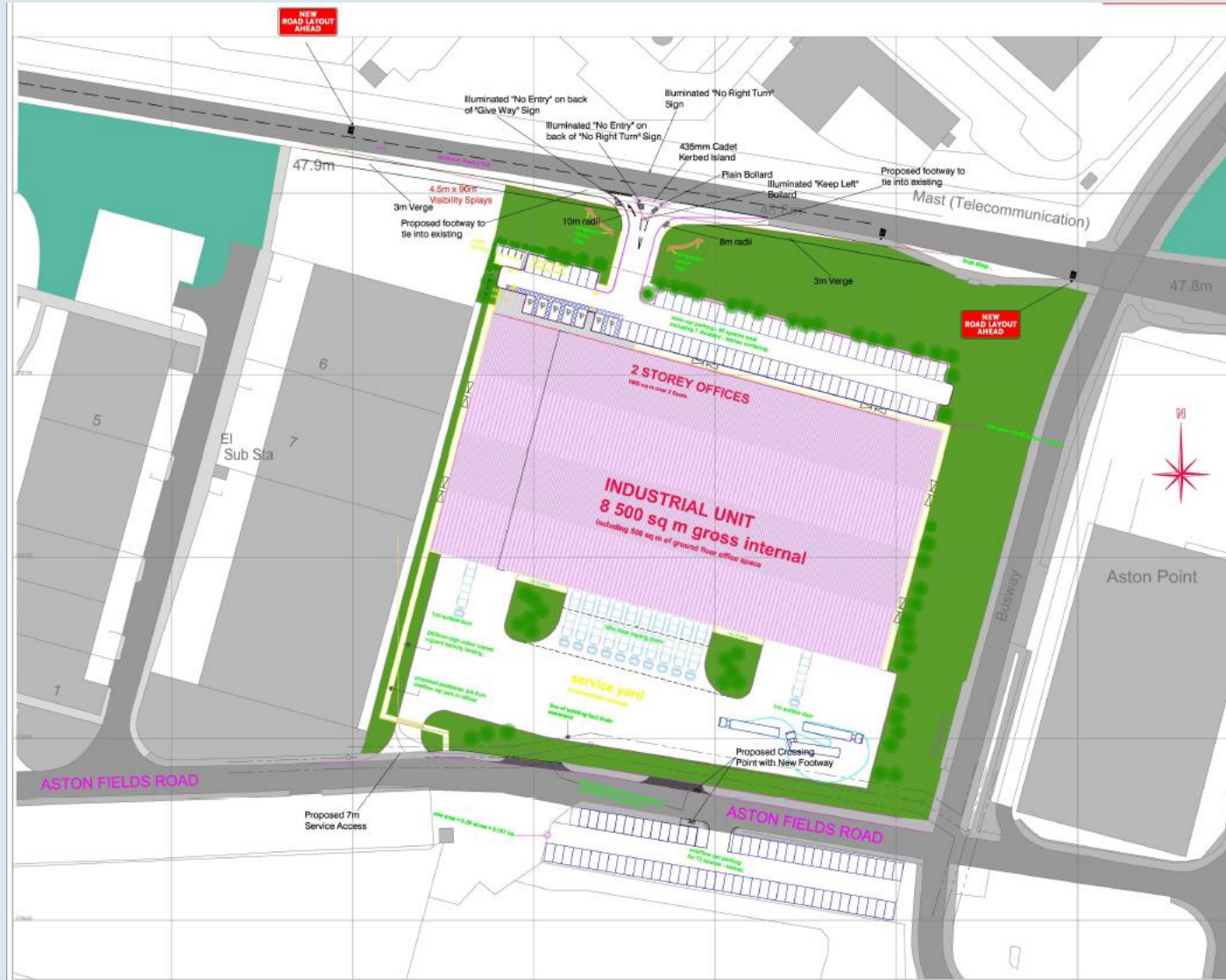
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and

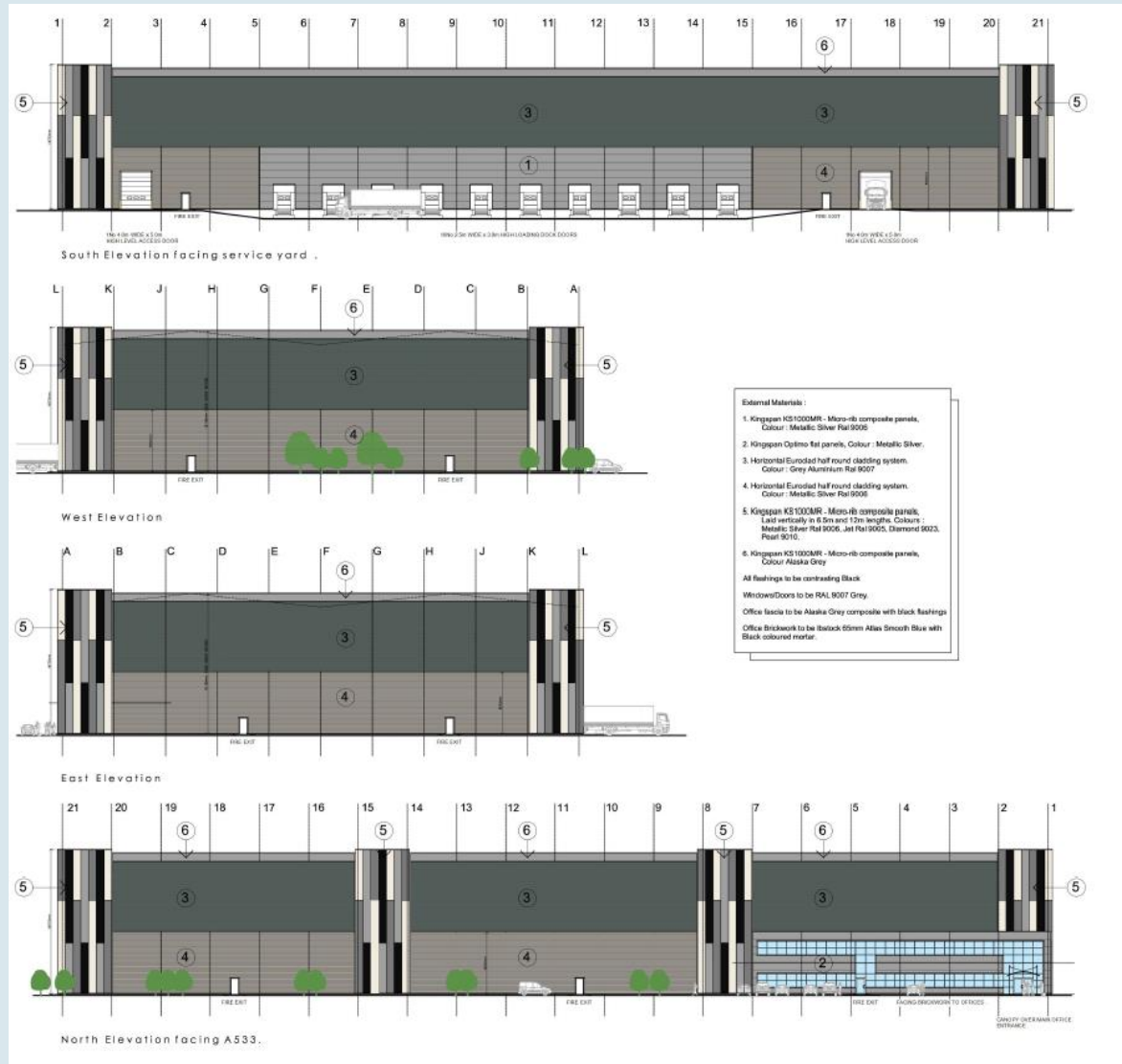
This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.

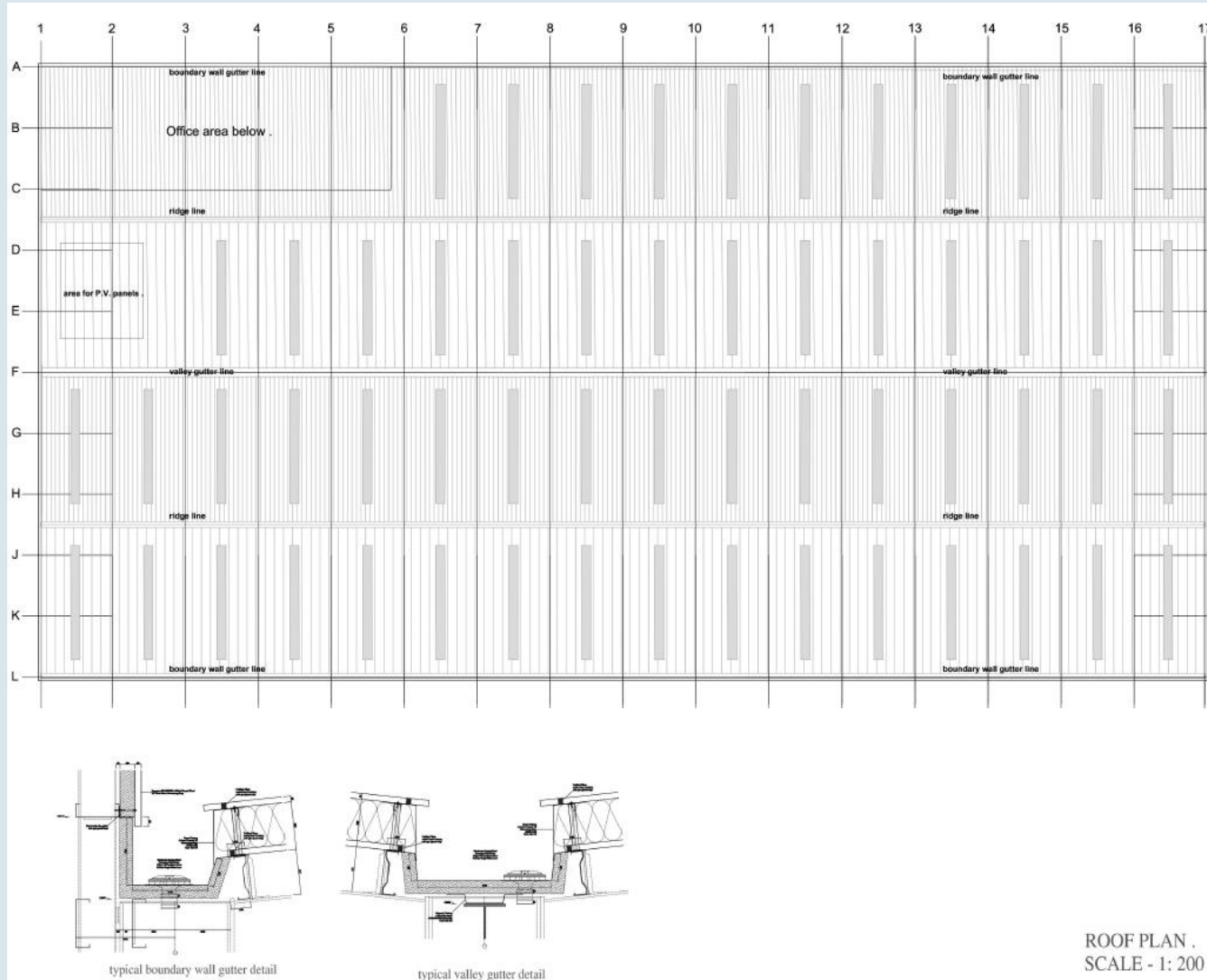




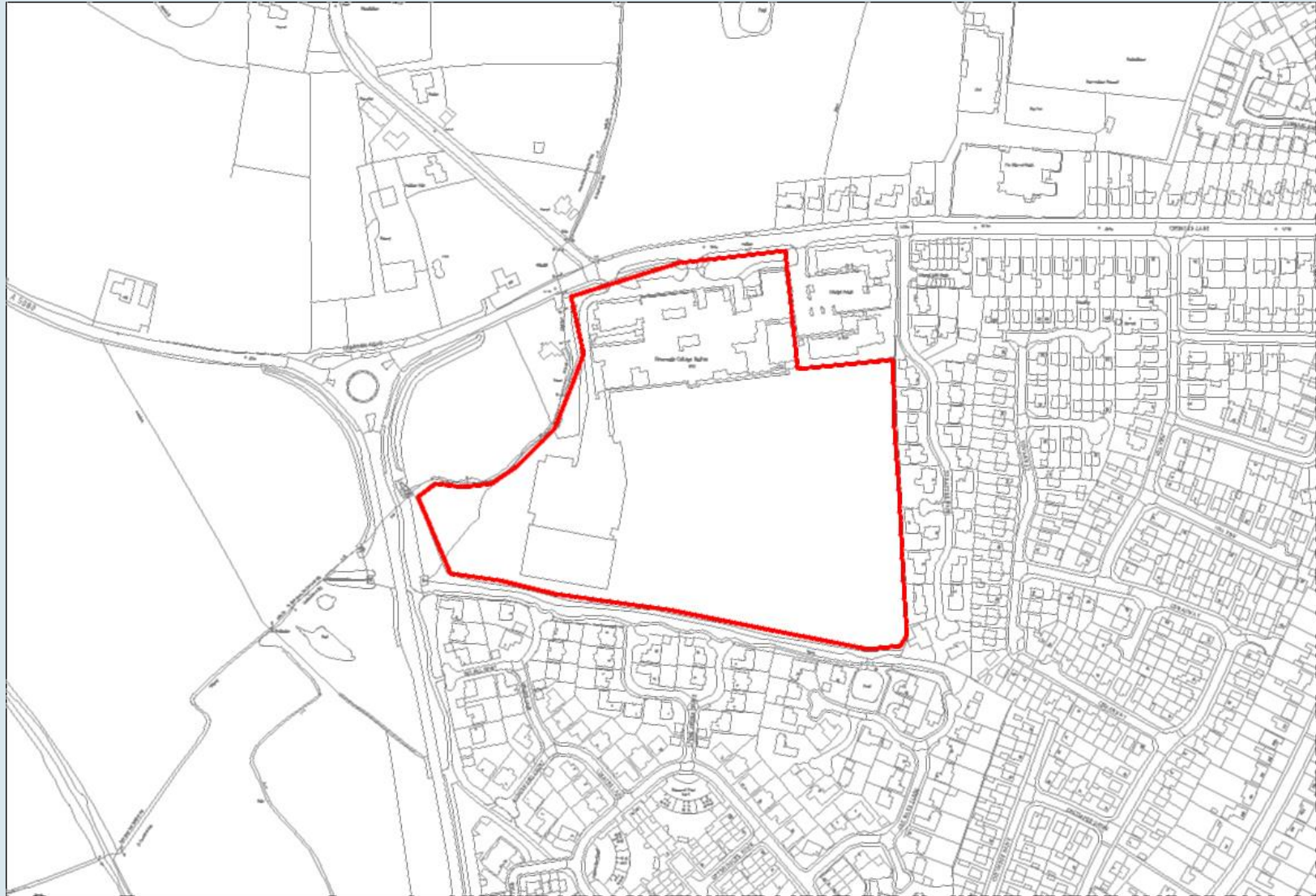


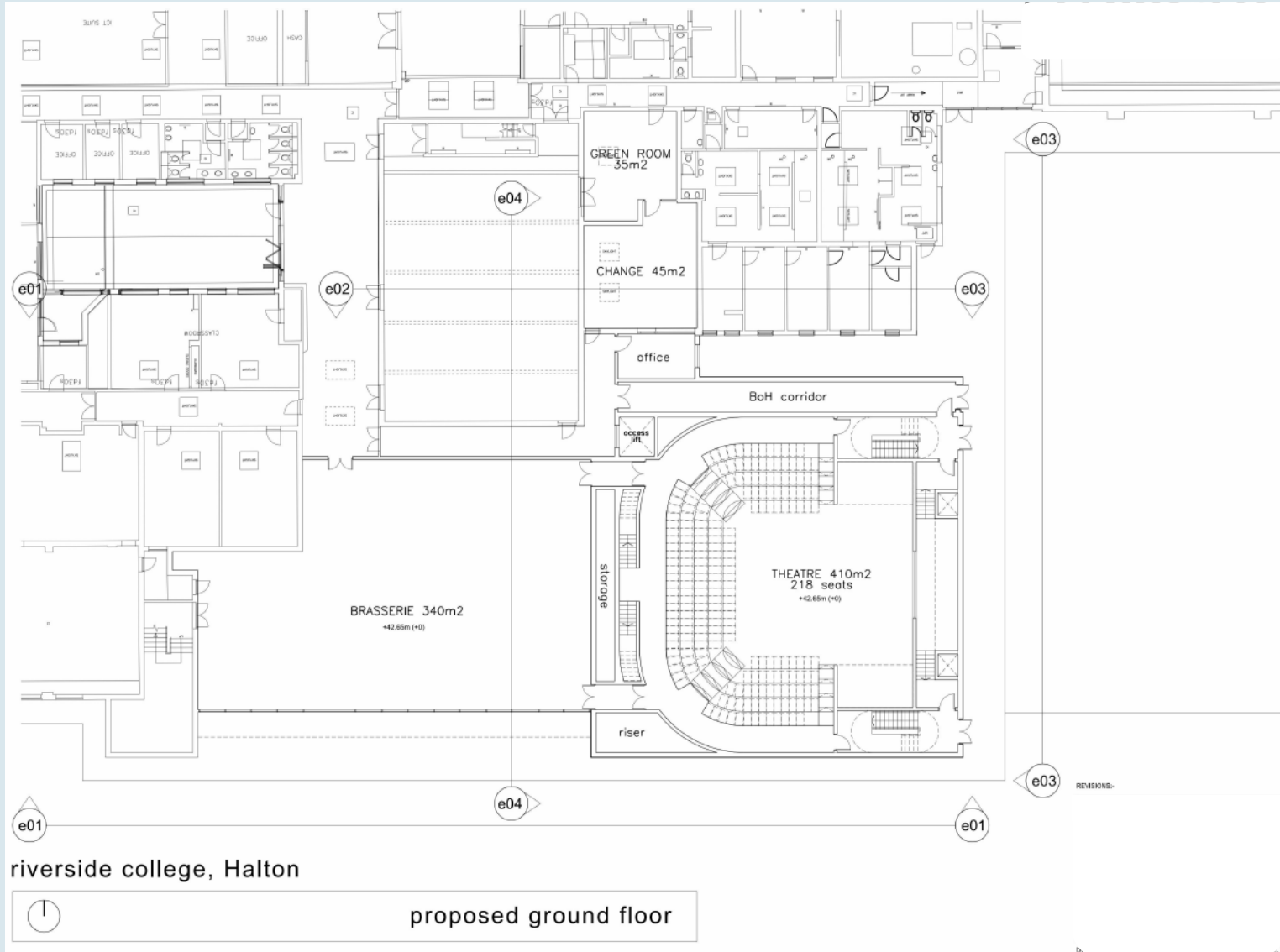














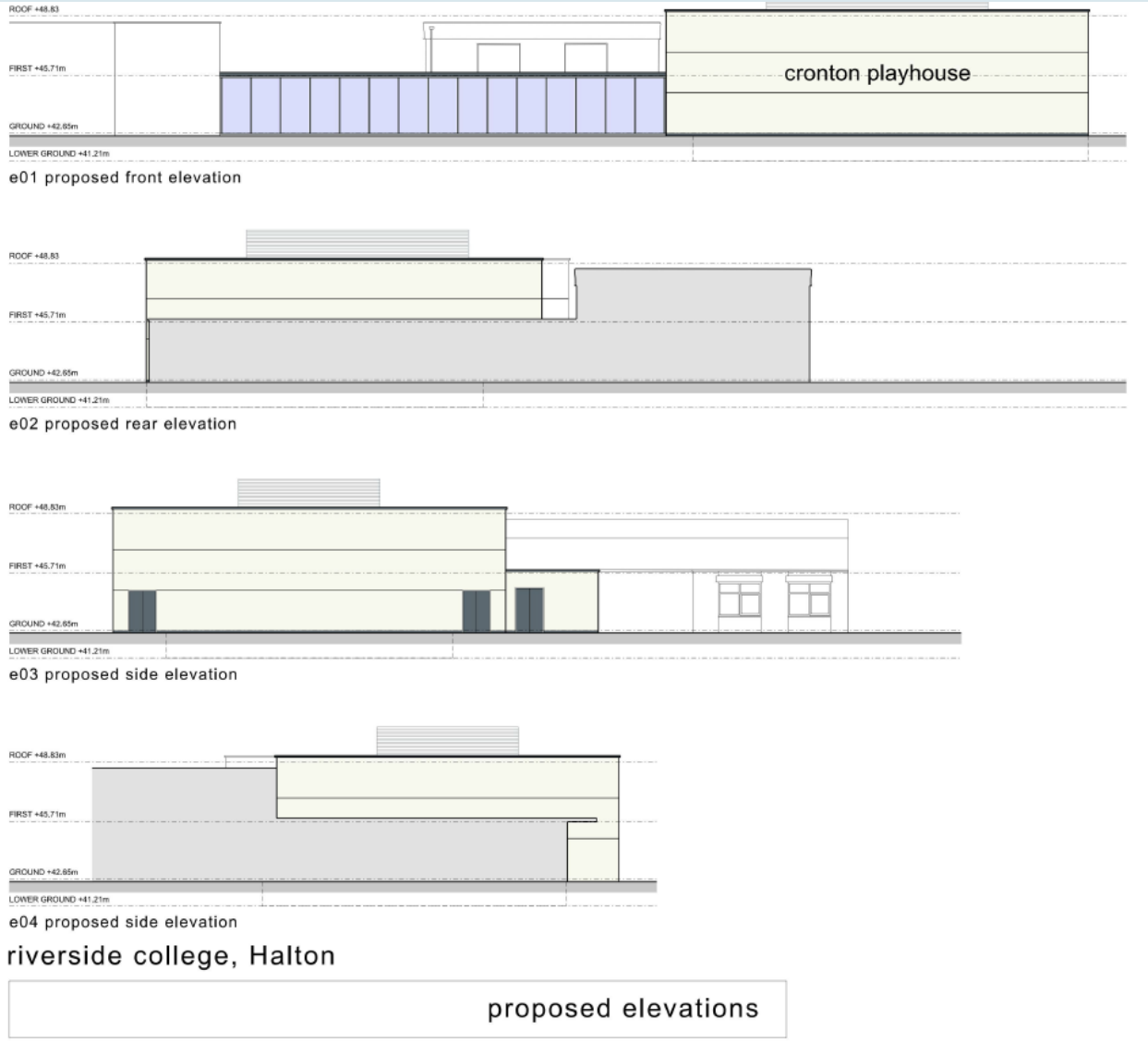
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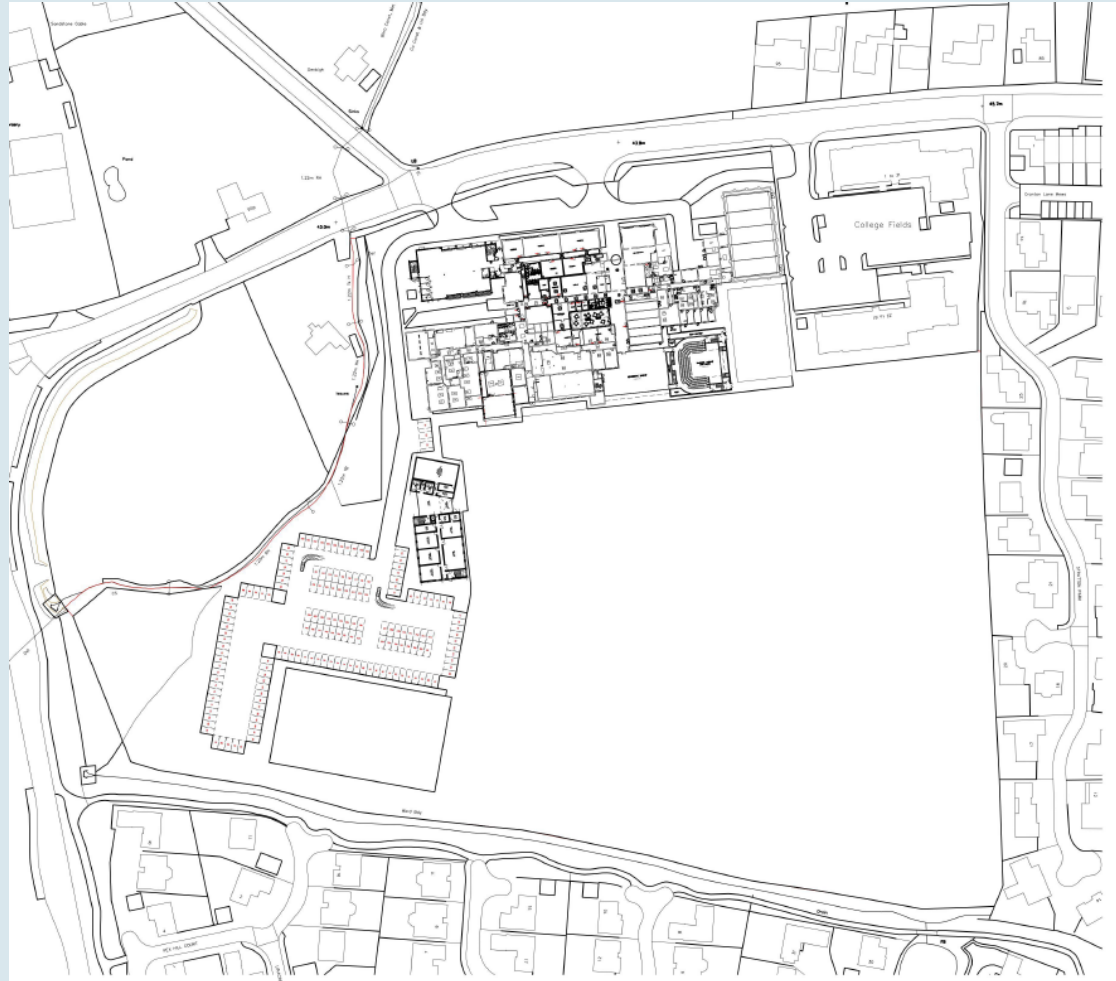


e02 existing side elevation

riverside college, Halton







riverside college, Halton



